



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705-5339



AUTHORIZATION OF SLIPSPOT PEPPERGRASS
ECOLOGICAL REFERENCE AREA EXCLOSURE

CX No: DOI-BLM-ID-B011-2015-0005-CX

Decision and Rationale: I have decided to authorize the construction of a 160 acre enclosure to protect slickspot peppergrass in the Morley Nelson Snake River Birds of Prey National Conservation Area that the following location Township 1 S Range 3 E sections 28, 29, 32-33.

I have reviewed CX DOI-BLM-ID-B011-2015-0005 and found no extraordinary circumstances apply to this proposal and there are no significant impacts from this temporary fencing project; therefore, an Environmental Impact Statement is not required.

The need of the proposed action is to comply with requirements of the 2006 (as amended in 2009) Slickspot Peppergrass Conservation Agreement (CA) between the U.S. Bureau of Land Management (BLM) and the Idaho State Office U.S. Fish and Wildlife Service-Snake River Fish and Wildlife Office (USFWS). Specifically, the Special Status Animal and Plant section for BLM Implementation Actions 1(c)(i) requires the BLM to: “Establish permanent ecological reference areas (ERAs) in selected EOs to evaluate land health conditions associated with slickspot peppergrass.” The objectives would be to:

- Protect portions of known slickspot peppergrass element occurrences and their associated habitat.
- Comply with section 1(c)(i) of the CA.
- Minimize impacts to other resources and permitted activities where possible.

The enclosure would be constructed of metal posts, with two strands of barbed wire (upper and middle strands) and one strand of smooth wire (bottom strand), in accordance with Boise District wildlife protection standards for fence construction. Cross-country vehicle travel would be minimized and would only occur when soils are dry. Vegetation removal along the fenceline would be minimized. The intention of the enclosure would be to eliminate grazing from within the enclosed area to protect known slickspot peppergrass element occurrences and their associated habitat. Because of the small size of the enclosure relative to the affected grazing allotments, no adjustments would be made to livestock permits.

Compliance with Applicable Land Use Plans: This decision is in compliance with the Snake River Birds of Prey Land Use Plan (LUP) approved in September 2008. Vegetation Management Action 1.6.5.2 states, “The population size and habitat quality of special status plants would be maintained and/or increased.” Additionally, within the RMP Appendix 7 contains slickspot peppergrass conservation measures from the 2003 CCA.

The proposed action would comply with the following laws and regulations:

- Taylor Grazing Act (TGA) of 1934
- Federal Land Policy and Management Act (FLPMA) of 1978
- Public Rangeland Improvement Act (PRIA) of 1978
- Endangered Species Act (ESA) of 1973 as amended
- Section 106 of the National Historic Preservation Act (NHPA), 1966, as amended
- Public Law 103-64 (16 USC 460iii-2;Stat. 304) Establishment of NCA
- Omnibus Public Land Management Act of 2009

Appeal

This decision may be appealed to the Interior Board of Land Appeals, in accordance with 43 CFR, Part 4. Your appeal must be filed with the Bureau of Land Management at the following address within thirty (30) days from receipt of this decision: *Jenifer Arnold, District Manager (Acting), Boise District Office, 3948 S Development Ave, Boise, ID 83702.*

The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition for a stay of the decision during the time that your appeal is being reviewed by the Board pursuant to 43 CFR 4.21 (as amended at 58 FR 4942, January 19, 1993) , a petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to: *Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA, 22203.*

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

A copy of the appeal documents and petition for stay must be sent to the Office of the Solicitor at the same time the original documents are filed with the above office. The address is *Office of the Solicitor, Boise Field Solicitor's Office, University Plaza, 960 Broadway Ave., Suite 400, Boise, ID, 83706.*

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

/s/ Tate Fischer

9/21/2015

Manager
Morley Nelson Snake River Birds of Prey NCA