

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Four Rivers Field Office**

**DECISION RECORD  
Columbian Sharp-tailed Grouse Habitat Acquisition; IDI-37895  
Environmental Assessment  
DOI-BLM-ID-B000-2016-0003-EA**

**Introduction and Background**

The once very abundant Columbian sharp-tailed grouse (CSTG) was all but gone from western Idaho by the 1970s. They are currently classified as a BLM Sensitive Species and an Idaho Fish and Game (IDFG) Species of Highest Conservation Need. Acquisition of private lands containing important habitat within the larger Habitat Management Area is one of the methods identified in the 1988 Cascade Resource Management Plan to help ensure long-term CSTG population viability in western Idaho.

The Four Rivers Field Office (FRFO) of the Boise District, Bureau of Land Management (BLM) is working with willing sellers to protect part of America's pristine natural environment. The current private land-owners and their forbearers have labored for generations to preserve the outstanding condition of the natural resources on the approximately 1,018 acres (more or less) within the vicinity of the Columbian Sharp-tailed Grouse Habitat Area of Critical Environmental Concern (ACEC). The BLM recognizes the current owner's strong interest to see these lands protected and enjoyed by future generations. It is BLM's intent to acquire the 1,018 acres, in order to preserve and protect these as public land through Land and Water Conservation Fund (LWCF) funding specifically appropriated to purchase this private property. Through this acquisition effort and through developing local partnerships, BLM can facilitate long-lasting protection of the natural environment for this important area while honoring valid existing rights.

**Decision**

It is my decision to use Land and Water Conservation Fund (LWCF) funding to acquire Parcel 3 (1,018.51 acres) identified in Environmental Assessment (EA) No. DOI-BLM-ID-B000-2016-0003-EA (Map 1, Exhibit A). The parcel will be acquired subject to valid existing rights including prescriptive easements. All mineral rights will be acquired without reservation. Consistent with policy pertaining to lands acquired with Land Water and Conservation funding, these lands will not be open to locatable mineral entry under the 1872 Mining Law and will remain in public ownership in perpetuity. The parcel will become part of the Columbian Sharp-tailed Grouse Habitat ACEC and management of the parcel will remain consistent with the Hixon CSTG Habitat Management Plan, the BLM land use plan, and applicable federal laws and regulations. The BLM's intent is to preserve the outstanding natural resource conditions of the parcel. The BLM will work in close cooperation with local communities, local government, and other interested individuals or entities to manage the ACEC.

## **Rationale**

The acquisition will add 1,018.51 acres of CSTG habitat to the ACEC. The property has important habitat values consistent with ACEC management emphases stated in the 1988 Cascade RMP as amended. Acquisition of the non-Federal parcel will consolidate Federal ownership within and adjacent to the ACEC and will enhance BLM's ability to protect prime sharp-tailed grouse habitat by precluding direct and indirect impacts that development would cause (EA Section 3.1.2.2).

The acquisition will help reduce or eliminate adverse habitat conversions or alterations over the long term (EA Section 3.1.2.2). Properly managed grazing will maintain or increase cover and forage diversity and abundance which, in turn, will benefit nesting and brood-rearing habitats and help increase annual chick productivity and survival. Acquisition of the parcel, that has an active lek, will help maintain or increase lek attendance and thereby increase the population over the long term. Removing unneeded fences or marking fences in nesting and brood rearing habitat will reduce collision mortality over the long term. Wildfires could have short-term adverse effects on habitat structure. Minor (properly grazed at moderate utilization level) increases in fire intensity (energy released during the fire) and severity (organic matter loss) could occur over the short term (Davies et al. 2010); however, post-fire native grass and forb recovery would provide suitable habitat over the short and long term (Bates et al. 2009, Beschta et al. 2014).

Recreation opportunities will be improved by acquiring parcels that ensure long-term access to public lands. The parcels will provide areas for recreational uses such as camping, hunting, and wildlife viewing. The acquisition will help meet Washington County Comprehensive Plan objectives to preserve and protect natural resources, provide recreational and other multiple use opportunities, and promote good stewardship. The acquisition will increase county revenue by more than \$2,600 annually through payment in lieu of taxes (EA Section 3.2.2.1).

This acquisition is consistent with current Bureau policy, as well as the land tenure adjustment provisions in the 1988 Cascade Resource Management Plan (EA Section 1.4).

## **Finding of No Significant Impact**

A finding of no significant impact (FONSI) was signed on July 11, 2016, and concluded that the decision to implement Alternative 1 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.97. Therefore, an environmental impact statement is not required. A copy of the FONSI for DOI-BLM-ID-B000-2016-0003-EA is available on the web at: [bit.ly/29B7LHO](http://bit.ly/29B7LHO)

## Protest and Appeals Information

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in accordance with 43 CFR 4.470. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

Tate Fischer  
Four Rivers Field Manager  
3948 S. Development Avenue  
Boise, Idaho 83705-5339

In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other persons named in the *copies sent to* section of this decision in accordance with 43 CFR § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

Boise Field Solicitor's Office  
University Plaza  
960 S. Broadway Avenue Suite 400  
Boise, Idaho 83706-6240

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification 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, and
4. Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471. Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either Jeremy Bluma Realty Specialist at (208) 384-3348 or jbluma@blm.gov, or myself at 208-384-3430 or tfischer@blm.gov.

Sincerely,

/s/ *Tate Fischer* July 11, 2016

Tate Fischer  
Field Manager  
Four Rivers Field Office

Copies sent by certified mail to:

## Exhibit A

### **Non-Federal parcel to be acquired:**

That part of the S½NW¼ of Section 13 and that part of the N½SW¼ of Section 13 lying South of the Black Canyon Canal in T. 6 N., R. 3 W., Boise Meridian, Gem County, Idaho (Map 1).  
Containing 78 acres, more or less.

**Subject to the following exceptions** noted in Schedule B of the Alliance Title & Escrow Corp. Title Commitment No. 288066, dated August 31, 2015.

1. Rights or claims of parties in possession not shown by the public record. **Note: Subject to Solicitor concurrence, this exception is acceptable, since the landowner has stated that no parties reside on or possess the parcel. Inspections by BLM staff have corroborated that fact.**
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
3. Easements, or claims of easements, not shown by the public records. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
4. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency, which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records. **Note: This exception will not appear on the title policy.**
7. General taxes for the year 2015 (or subsequent years), which are a lien not yet due and payable. **Note: This exception will not appear on the title policy.**

Right-of-way for the Black Canyon Canal, and the rights of access thereto for maintenance of said canal. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**

8. Ditch, road, and public utility easements as the same may exist over said premises. **Note: No known easements exist on the parcel; therefore, this exception is acceptable, subject to Solicitor concurrence, as it will not interfere with management of the parcel.**
  
9. Rights, interests, or claims, which may exist or arise by reason of fact(s) shown on a survey plat entitled Record of Survey of Don Dewey Property.  
Dated: January 26, 2006.  
Prepared by: J.J. Howard Engineering/Surveying.  
Recorded: March 8, 2006.  
Instrument No. 249900.  
**Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
  
10. Notwithstanding paragraph 4 of the covered risks of this policy, this policy does not insure against loss arising by reason of any lack of access to and from the land. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**