

**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

Appeal 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:

Arthur Talsma, 10400 Duck Lane, Nampa, ID 83686
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720
Confederated Tribes of the Umatilla Indian Reservation, 46411 Timine Way, Pendleton, OR 97801-9467
David Maddox, 1021 Lower Crane Rd, Weiser, ID 83672
Gene Gray, 2393 Watts Lane, Payette, ID 83661
Golden Eagle Audubon, PO Box 8261, Boise, ID 83707
Grazing Board Resource Area Representative, Stan Boyd, PO Box 2596, Boise, ID 83701
Honorable C.L. "Butch" Otter, PO Box 83720, Boise, ID 83720-0003
Honorable Jim Risch, 350 North 9th Street, Suite 302, Boise, ID 83702-5470
Honorable Mike Crapo, 251 East Front Street, Suite 205, Boise, ID 83702-7312
Honorable Mike Simpson, 802 W. Bannock St, Suite 600, Boise, ID 83702-5843
Honorable Raul Labrador, 33 E. Broadway Ave, Suite 251, Meridian, ID 83642-2619
Howard Sutton, 2660 Farm to Market Rd, Midvale, ID 83645
Idaho Cattle Association, PO Box 15397, Boise, ID 83715-5397
Idaho Conservation League, PO Box 844, Boise, ID 83701
Idaho Department of Fish & Game, 3101 South Powerline Rd, Nampa, ID 83686-8520
Idaho Department of Lands, 8355 State St, Boise, ID 83703
Idaho Farm Bureau Federation, 500 West Washington, Boise, ID 83702-5965
Idaho Transportation Department, PO Box 7129, Boise, ID 83707-1129
Idaho Wildlife Federation, PO Box 6426, Boise, ID 83707-6426
Karen Steenhof, 18109 Briar Creek Rd, Murphy, ID 83605
Land Trust of Treasure Valley, PO Box 106, Boise, ID 83701
Lorraine Carr Co., Greg Smith, 818 Sitka St, Fort Collins, CO 80524
Neil Rimby, University of Idaho, 1904 E. Chicago, Suite A-B, Caldwell, ID 83605
The Nature Conservancy, 950 West Bannock, Suite 210, Boise, ID 83702-6093
Payette National Forest, 500 N Mission St, Building 2, McCall, ID 83638
Richard Raymondi, 5670 Collister Dr., Boise, ID 83703
Ronald Pound, 889 Mann Creek Rd, Weiser, ID 83672
Ronnie Lynn Carter, Trustee, 1955 US Hwy 95, Weiser, ID 83762
Shoshone-Bannock Tribes, Tribal Chairman, PO Box 306, Fort Hall, ID 83203-03-6
Shoshone-Paiute Tribes, Tribal Chairman, PO Box 219, Owyhee, NV 89832-0219
Sierra Club, Middle Snake Group, PO Box 552, Boise, ID 83701-0052
The Wilderness Society, 950 West Bannock, Suite 605, Boise, ID 83702-6106

Decision Record

Columbian Sharp-tailed Grouse Habitat Acquisition IDI-37895

Thousand Springs Ranch, 1860 US Hwy 95, Weiser, ID 83672
Tree Top Ranches, LP, PO Box 8126, Boise, ID 83707
US Fish and Wildlife Service, 1387 South Vinnell Way, Boise, ID 83709-1657
Washington County Commissioners, 256 East Court, Weiser, ID 83672
Weiser Grazing, LLC, 928 Rumsey Ln., Mountain Home, ID 83647
Western Lands Project, Chris Krupp, PO Box 95545, Seattle, WA 98145-2545
Western Watersheds Project, PO Box 2863, Boise, ID 83701-2863
Wildlands Defense, Attn: Katie Fite, PO Box 125, Boise, ID 83701-0125

Exhibit A

Non-Federal parcel to be acquired:

Township¹	Range	Section	Quarter
13 N	04 W	07	Lot 4 SE ¹ / ₄ SW ¹ / ₄
		18	E ¹ / ₂ NW ¹ / ₄ W ¹ / ₂ NE ¹ / ₄ Lot 4 E ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄
		19	Lot 1 Lot 2 NE ¹ / ₄ NW ¹ / ₄ W ¹ / ₂ NE ¹ / ₄
13 N	05 W	24	NE ¹ / ₄ E ¹ / ₂ SE ¹ / ₄

¹ Boise Meridian, Washington County, Idaho

Subject to the following exceptions:

1. Taxes or assessments which are not shown as existing liens by the 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.**
2. Any facts, rights, interests, or claims which are not shown by the public records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
3. Easements, liens or encumbrances, or claims thereof, which are, 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. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are 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. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
6. 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**

concurrency, this exception is acceptable, as it will not interfere with management of the parcel.

7. Taxes, including any assessments collected therewith, for the year 2015 which are a lien not yet due and payable. **Note: This exception will not appear on the title policy.**
8. Liens, Levies, and Assessments of any and all irrigation districts or laterals, and the rights, powers and easements of said district as by law provided. **Note: This exception will not appear on the title policy.**
9. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: May 24, 1915.
Book: 24 of Deeds at Page: 515
Official Records: Washington County.
Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.
10. Reservation of coal and other minerals, including the terms and provisions contained therein, in Patent from United States of America.
Recorded: June 27, 1921
Book: 36 of Deeds, Page 380
Instrument No.: 38428
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.
11. Reservation of coal and other minerals, including the terms and provisions contained therein, in Patent from the United States of America. **Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.**
12. Recorded: August 14, 1928
Book: 49 of Deeds at page 393
Instrument No. 49581
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.
13. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: June 27, 1921.
Book: 36 of Deeds at Page: 381
Official Records: Washington County.

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.

14. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: February 14, 1973.

Book: 96 of Deeds at Page: 68

Official Records: Washington County.

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.

15. Unpatented mining claims, and all rights relating thereto.

Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

Water rights, claims or title to water.

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.

16. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.

17. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:

Granted To: United States of America

Purpose: Sage Creek fence

Recorded: September 20, 1993

Instrument No.: 158002

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.

18. Notwithstanding Paragraph 4 of the covered risks of this policy, this policy does not insure against loss arising by reason of any lack of a right 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.

19. Terms and conditions in Mineral Deed to Oroco Oil and Gas Co. recorded May 23, 1955 in Book 75 of Deeds at page 231, Official Records.

Note: Subject to Solicitor concurrence, this exception is acceptable, as it will not interfere with management of the parcel.