



Bureau of Land Management

Boise District Office
Four Rivers Field Office
3948 Development Ave
Boise, ID 83705
<http://www.id.blm.gov>

Worksheet Determination of NEPA Adequacy (DNA)

**U.S. Department of the Interior
Bureau of Land Management**

OFFICE: Four Rivers Field Office

TRACKING NUMBER: DOI-BLM-ID-B010-2011-0001-DNA

CASEFILE/PROJECT NUMBER: IDI-36164, IDI-36165, IDI-36166, IDI-36167, IDI-36168

PROPOSED ACTION TITLE/TYPE: Payette County Geothermal Lease Nominations

LOCATION/LEGAL DESCRIPTION:

IDI-36164 – 5,117.8 acres, Payette County

T. 5 N., R. 4 W., Boise Meridian

Sec. 3 – Lots 2-4;

Sec. 4 – Lots 1-4, SWNW;

Sec. 5 – Lots 1-4, S2N2.

T. 6 N., R. 4 W., Boise Meridian

Sec. 22 – W2;

Sec. 23 – NENE, SESW, SWSE;

Sec. 25 – NWNENW, S2N2NW, S2NW, SW;

Sec. 26 – W2NE, S2SENE, W2, SE;

Sec. 27 – N2, SE;

Sec. 28 – N2N2, SWNW, W2SW, SESE;

Sec. 29 – All;

Sec. 32 – All;

Sec. 33 – All;

Sec. 34 – N2NE, SENE, E2SW, SWSE;

Sec. 35 – NW, NWSW.

IDI-36165 – 4,799.03 acres, Canyon & Payette Counties

T. 5 N., R. 4 W., Boise Meridian

Sec. 6 – Lots 1-2, S2NE, SE.

T. 6 N., R. 4 W., Boise Meridian

Sec. 30 – Lots 1-4, E2, E2W2;

Sec. 31 – Lots 1-4, E2, E2W2.

T. 6 N., R. 5 W., Boise Meridian

Sec. 1 – SWSE;
Sec. 11 – NE, SW;
Sec. 12 – E2, S2NW, S2SW;
Sec. 13 – E2, E2NW;
Sec. 15 – E2NE, SWNE, E2SW, N2SE, SWSE;
Sec. 23 – SWSW, S2SESW, S2SWSE, SESE;
Sec. 24 – E2NE, S2;
Sec. 25 – N2, N2SE;
Sec. 26 – N2N2, SWNW, NWSW;
Sec. 27 – Lots 1-2 & 4, NE, E2NW, NESE.

IDI-36166 – 4,737.41 acres, Payette County

T. 6 N., R. 4 W., Boise Meridian

Sec. 1 – Lots 2-4, SWNE, S2NW, S2;
Sec. 2 – Lots 1-4, S2N2, S2.

T. 7 N., R. 4 W., Boise Meridian

Sec. 19 – Lots 1-2, E2NE, NWNE, NENW, NESW, S2SE;
Sec. 28 – W2NW, SW;
Sec. 29 – All;
Sec. 30 – Lots 1-2 & 4, NENE, SENW, E2SW, W2SE, SESE;
Sec. 31 – Lots 1-4, E2, E2W2;
Sec. 32 – All;
Sec. 33 – NW, W2SW, N2SE;
Sec. 34 – SE;
Sec. 35 – S2SW.

IDI-36167 – 5,095.01 acres, Payette County

T. 6 N., R. 4 W., Boise Meridian

Sec. 3 – Lots 1-2, S2N2, S2;
Sec. 4 – Lots 3-4, SWNW, SW, NESE, S2SE;
Sec. 9 – All;
Sec. 10 – All;
Sec. 11 – N2, SW, N2SE;
Sec. 12 – N2, NESW, N2NWSW, E2SESW, SE;
Sec. 14 – W2, W2SE, SESE;
Sec. 15 – All;
Sec. 21 – All.

IDI-36168 – 5,129.31 acres, Payette County

T. 6 N., R. 4 W., Boise Meridian

Sec. 5 – Lots 1-4, S2N2, S2;
Sec. 6 – Lots 1-7, S2NE, SENW, E2SW, SE;
Sec. 7 – Lots 1-4, E2, E2W2;

Sec. 8 – All;
Sec. 17 – NE, S2;
Sec. 18 – Lots 1-4, E2, E2W2;
Sec. 19 – Lots 1-4, E2, E2W2;
Sec. 20 – All.

Total acres: 24,878.56, in Payette and Canyon Counties, Idaho. See Attachments 1 and 2, Project Location and Topographic Maps.

APPLICANT (if any): Nominations were received in 2008 by the Idaho State Office of the Bureau of Land Management (BLM) to have these lands made available for competitive lease. The BLM does not release the name(s) of the nominator(s). Successful lessee's names would be made available at the time of lease sale.

BACKGROUND:

The leasing of geothermal resources is authorized under the Minerals Leasing Act of 1920 as amended by the Geothermal Steam Act of 1970, and the Energy Policy Act of 2005. It is the policy of the BLM as derived from these laws, and from the Federal Land Policy Management Act of 1976, to make geothermal resources available for leasing and to encourage development of geothermal resources to meet national, regional, and local needs. The Cascade Proposed Resource Management Plan and Final Environmental Impact Statement (RMP-FEIS, August 1987) and Record of Decision (RMP-ROD, July 1988), as amended by the Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States Programmatic Environmental Impact Statement (Geothermal PEIS, December 2008), analyzed and allows geothermal leasing on these parcels. The Geothermal PEIS amended 114 land use plans in the Western United States, including the Cascade RMP, to: designate about 111 million acres of BLM public land and mineral estate as available for nominations and applications for geothermal leasing; adopt stipulations, Best Management Practices, and procedures for future geothermal leasing and development where plans did not adequately address geothermal resource leasing; and develop the reasonably foreseeable development (RFD) scenario for geothermal development for lands, including those covered by the Cascade RMP-ROD.

The Geothermal Steam Act defines geothermal resources as heat or other associated energy found in geothermal formations and any byproduct derived from them. A geothermal lease gives a lessee the right to appropriate the heat produced from geothermal formations. The water in which the heat is transported is managed by the State of Idaho Department of Water Resources. Once a lease is issued, the lessee is responsible for compliance with the lease terms and conditions, stipulations, geothermal resource orders, and all applicable state and federal regulations. Federal regulations pertaining to geothermal resource leasing are found at 43 CFR 3200. In addition, prior to development of a geothermal resource, the lessee would have to comply with applicable provisions of the Idaho Geothermal Resources Act, (Section 42-4001 Idaho Code and in Idaho Administrative Code 37.03.04.001); rules and regulations now in existence or as may be modified in the future, consistent with lease rights. BLM requires a performance bond prior to any surface disturbance.

If leased, the primary lease term would be 10 years. The primary lease term may be extended for two 5-year periods if the lessee has met diligent development requirements, with extensions up to 35 years and a renewal period of up to 55 years for a producing lease. For other than direct use, the maximum allowable acreage per lease is 5,120 acres, unless the area to be leased includes an irregular subdivision (43 CFR §3206.12); this is the case for parcel IDI-36168.

The four stages of geothermal resource development after lease issuance are exploration, drilling operations, utilization, and reclamation and abandonment. Lease issuance alone does not authorize any ground-disturbing activities to explore for or develop geothermal resources without site-specific approval for the intended operation. Each stage after lease issuance requires a permit or other authorization from the BLM. Such approval would include additional environmental review that is specific to the action being proposed, and specific to its proposed location. For each proposed activity, the BLM can issue site-specific conditions-of-approval to protect resource values, require the action to be modified, and/or require the activity to be relocated to a different location of the lease where the impacts can be better mitigated.

No published studies could be found on the geothermal potential of the subject lands, however several shallow wells and one deep well have been drilled. Bowen and Blackwell (1975) reported a wildcat oil and gas well was drilled in 1973 on the subject lands to a depth of nearly 12,000 feet. They calculated a heat flow of 1.2 heat flow units, which is below the average for the western Snake River Plain (BLM, 2011). It is anticipated that the level of geothermal exploration and development activity that might occur on the leases would be typical of that occurring in other areas of moderate potential in the western United States; that level of activity is described in the Reasonably Foreseeable Development Scenario in the Geothermal PEIS (Section 2.5).

To review these lease nominations, the BLM Four Rivers Field Office selected an interdisciplinary team of specialists from the BLM Boise District Office and BLM Idaho State Office with training and experience in land and mineral law, geology and mineral resources, wildlife biology, rangeland resources, botany, cultural and historic resources, Native American concerns, recreation resources, riparian resources, ecology, weed control, hazardous materials, fire and fuels control, and a specialist in the planning and environmental review process. The interdisciplinary team followed the BLM environmental review guidelines (BLM Manual Handbook H-1790-1, 2008) to determine the level of environmental review. The interdisciplinary team reviewed the proposed action to assess what level of environmental review and public involvement would meet the requirements of the National Environmental Policy Act (NEPA) of 1969, and provide the basis for development of any necessary stipulations to be attached to the lease, in addition to the standard lease terms and conditions.

Based upon their knowledge of issues in the area and review of the Cascade RMP-FEIS and RMP-ROD (USDOI BLM 1987, 1988) and the Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States Programmatic Environmental Impact Statement (Geothermal PEIS, December 2008), the team determined that lease nomination review and stipulation development could proceed under a Determination of NEPA Adequacy (DNA). A DNA confirms that an action is adequately analyzed in existing NEPA documents and is in conformance with the Land Use Plan. However, the team determined that this lease nomination action would benefit by inviting public input from

residents and interested parties in the vicinity of the lease nominations, in case new issues or changed circumstances surfaced that were unknown to the team.

On October 29, 2010, Federal, State, County, City and Tribal governmental agencies, privately held companies, interested groups, more than 500 affected or adjacent land users or owners and the general public were invited to provide input for these lease nominations. The notice of review and a project information package was posted on the BLM environmental planning (ePlanning) Web site. A news release was issued on November 8, 2010, on the BLM web site and to local news services in Boise, Kuna, and Weiser, Idaho. Boise Public Radio broadcast news information about the proposed action. Upon request, a field tour was conducted on December 15, 2010 for a representative of the Western Watersheds Project nongovernmental organization and on January 5, 2011 the Field Manager met with a representative of the Idaho Conservation League to listen to questions and concerns about the process for development of lease stipulations and other issues.

Of the more than 500 invitations for public input sent out during public scoping, the BLM received fourteen responses. Four respondents expressed concerns about for long-billed curlew and slickspot peppergrass (two nongovernmental organizations; the U.S. Fish and Wildlife Service; and the Idaho Department of Fish and Game). One comment was received about the status of isolated wildlife tract enclosures in the area. In addition, comments were received from four adjacent land owners, who had concerns about protection of adjacent water wells, protection of viewshed and recreation experience, and split estate rights. These issues are addressed in Section D of this DNA.

Comments from one nongovernmental organization expressed concern that these lands should never have been open to leasing. In response to the Energy Act of 2005, the RMP currently in effect for these lands was amended in 2008 through the preparation of the Geothermal PEIS. The Geothermal PEIS identifies these lands as open to geothermal leasing and identifies stipulations that can be applied as appropriate, to new leases for public lands that are available for leasing so that likely impacts could be reduced or avoided. Therefore, geothermal leasing of these lands is not considered to be a new issue or circumstance that wasn't addressed in the existing Land Use Plan or NEPA documents.

The remaining six comments were received: one nongovernmental organization requested information on how to find the scoping package in the BLM website; three State agencies responded that they had no comments at the leasing stage; one geothermal industry company and one adjacent landowner expressed support for leasing with appropriate lease stipulations.

A. Description of the Proposed Action and any applicable mitigation measures.

The Proposed Action is to offer five parcels for geothermal leasing. The parcels are located near Parma, Idaho (Attachment 2). The lands were analyzed and found suitable for leasing in the Cascade RMP-ROD as amended by the Geothermal PEIS. The parcels would be offered at a future competitive lease sale in a single block, so that one lessee, the successful bidder in the lease sale, would hold all five leases (43 CFR 3203). If no parties bid on the block, the parcels would then be offered individually. If no parties bid on a parcel, the lands would be available for noncompetitive leasing for a 2-year period beginning the first business day following the

competitive lease sale (43 CFR § 3204.5(a)).

Several nominated parcels contain split estate lands, in which the surface estate was patented with a reservation of the mineral estate to the Federal Government. Activities and use of private land are not generally subject to the Federal Land Policy and Management Act (FLPMA) planning requirements, and the BLM does not have authority under FLPMA over use of the surface by the surface owner. However, when a Federal action such as mineral leasing is proposed on split estate lands, the BLM is required to analyze in land-use planning and NEPA documents the impacts to surface resources, uses, and users. Therefore, the NEPA responsibilities on split estate lands are basically the same as for Federal surface.

STIPULATIONS:

Lease stipulations, identified in Attachment 7, would be attached to each lease and are an enforceable part of the lease. These lease stipulations were developed consistent with the Cascade RMP-ROD as amended by the Geothermal PEIS and Conservation Agreements between the BLM and the U.S. Fish and Wildlife Service. Lease stipulations would apply to all nominated parcels, except as noted for Stipulations 6, 7, 8 and 9. Exceptions, modifications, and waivers to the lease stipulations may be granted to accommodate resource issues identified during onsite visits. Stipulations developed for surface protection on federal lands would be applied to split estate lands where standard lease terms and conditions are not adequate to protect those resources.

COMPLIANCE PLAN (optional): Not Applicable at this stage of the process.

B. Land Use Plan (LUP) Conformance

LUP Name: Cascade Resource Management Plan Record of Decision. (RMP-ROD).
Completed: July 1, 1988.

Proposed Cascade Resource Management Plan and Final Environmental Impact Statement (RMP-FEIS), August 1987.

LUP Amendment: Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States and associated Programmatic Environmental Impact Statement (Geothermal PEIS).
Date Approved: December 17, 2008.

Availability of these lands for leasing is addressed in the RMP-ROD and in the RMP-ROD amendment (Geothermal PEIS, December 2008). Resource issues requiring use constraints identified during review of the RMP-ROD and of the slickspot peppergrass (*Lepidium papilliferum*, LEPA) Candidate Conservation and Conservation agreements include:

- overlap of the lease nominations with the western portion of the Long-billed Curlew Habitat Area of Environmental Concern (ACEC) (refer to Attachment 3),
- occupied and potential habitat for slickspot peppergrass (refer to Attachment 4), and
- protection of water and soil resources (refer to Attachment 5).

The BLM is maintaining seven isolated wildlife tract exclosures along the north and west perimeter of the lease nomination area primarily for the benefit of upland game birds. The wildlife tracts within the lease nomination area are identified on Attachment 6 – Isolated Wildlife Tract Exclosures.

The proposed action is in conformance with the RMP-FEIS and RMP-ROD, as amended, because geothermal leasing is specifically provided for in the following RMP-FEIS and RMP-ROD management direction and guidelines:

RMP-FEIS:

Page 16- “Minerals Management, Leasables: Oil, gas and geothermal mineral exploration and development is open on 456,289 acres (94%) of the resource area”, including the area of these nominations.

Page 56- “BLM will manage geological, energy and minerals resources on public lands. Geological resources will be managed so that significant scientific, recreational and educational values will be maintained or enhanced. Generally, the public lands are available for exploration and development subject to applicable regulations and Federal and State laws.”

Page 56- “Energy and mineral leasing are discretionary actions. Approval of an application for lease is subject to an environmental analysis and may include stipulations to protect other resources. Generally, the public lands may be considered for energy and mineral leasing.”

The RMP-FEIS analyzed resource conditions and provided management guidelines for numerous resources, including livestock forage (pp. 9, 24, 45), wildlife and riparian habitat (pp. 11, 26, 27, 48, and 49, Table 1), sage-grouse (p. 51), vegetative resources, including threatened, endangered, candidate, sensitive, or uncommon plants (pp. 12, 25), soil and water resources, including identification of soil erosion hazard areas (pp. 12, 25, 44, 45, map 3-3), lands and realty (pp. 13, 28, 39), recreation (pp. 13, 28, 58), off road vehicle use (ORV) (p. 14, map 5), visual resources (pp. 14, 59), minerals management (pp. 16, 31, 56, 57), cultural and paleontological resources with respect to mineral leasing (pp. 17, 30, 55, 58, 59), fire control management (pp. 17, 53), ACECs including the Long-billed Curlew Habitat ACEC (pp. 31, 36, 37, 38, 59, 60, maps 4 & 9), wilderness (not open to leasing) (pp. 15, 57), and weed control (p. 60).

Under the RMP-ROD, as amended, the potential for geothermal resources within this lease nomination area is recognized, and the public lands within these nominations are identified as being open to geothermal leasing subject to prescribed leasing stipulations to protect other resources. For lands within these lease nominations, the RMP implemented management guidelines and use restrictions for the following affected resources:

- Protection and management of federal threatened, endangered, candidate, sensitive or uncommon plant species (RMP-FEIS pp. 12, 25 and 26). Management guidance is provided in the RMP-FEIS on page 2-44 for vegetative resources, directing BLM to include no surface occupancy stipulations in all mineral leases in areas known to contain

candidate or sensitive plants. The guidance also directs BLM to monitor suspected areas that may contain the plants.

- Wildlife habitat for long-billed curlew (RMP-FEIS pp. 36, 37, 38, and 49, Table 1). The RMP-FEIS provides a management guideline that states “Seasonal occupancy stipulation will apply on all oil and gas and geothermal leases.” (p. 2-57).
- Soil and water resources (RMP-FEIS pp. 44-45). Map 3-3 identifies areas within the lands nominated that have high erosion potential.
- Water quality and riparian areas (RMP-FEIS pp. 45, 49, and 52).

Recommended lease stipulations for these resources, based on management direction in the RMP-ROD and other NEPA documents and agreements that amend the RMP are included in Attachment 7.

C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

LUP Amendment: Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States and associated Programmatic Environmental Impact Statement (Geothermal PEIS).

Date Approved: December 17, 2008.

Environmental Assessment: USDOI BLM. 2010. Langley Gulch Power Plant Rights-of-Way, Environmental Assessment. Four Rivers Field Office, Boise District BLM. 164 pp.

Date Approved: March 19, 2010.

Conservation Agreement: Conservation Agreement, U.S. Bureau of Land Management – Idaho Office; U.S. Fish and Wildlife Service – Snake River Fish and Wildlife Office, Idaho Bureau of Land Management Existing Land Use Plans and On-going Actions Affecting Slickspot Peppergrass.

Date: August 27, 2009.

Conservation Agreement: Candidate Conservation Agreement for Slickspot Peppergrass (*Lepidium papilliferum*), between the Bureau of Land Management, the State of Idaho, Idaho National Guard and Nongovernmental Cooperators.

Date: December 5, 2003.

The Record of Decision for the Geothermal PEIS specifically amended 114 BLM land use plans, including the Cascade RMP-ROD, to allow for leasing on public lands identified as open to geothermal leasing. The Geothermal PEIS identified areas with high potential for commercially valuable geothermal resources. The PEIS developed the reasonably foreseeable development scenario, identifying 450 to 900 megawatts (MW) likely to be developed between 2008 and 2025 among the Four Rivers, Burley, Jarbidge, and Shoshone BLM Field Offices (PEIS, Table 2-7, p. 2-39). Specific stipulations and Best Management Practices were developed in the PEIS to protect and conserve resources related to threatened and endangered species, cultural resources, sensitive species, areas of sensitive and erodible soils, wildlife habitat, protection of important

habitat and migration corridors, springs, wet meadow areas, water bodies, and compatibility with urban interface (PEIS, ROD, pp. 2-4 through 2-8).

The public lands and minerals in these nominations are open to geothermal leasing, subject to stipulations identified in the Cascade RMP-ROD, the Geothermal PEIS, and the slickspot peppergrass Conservation Agreements between the BLM and the U. S. Fish and Wildlife Service. The Conservation and Candidate Conservation agreements provide management guidelines to promote conservation of slickspot peppergrass. The conservation measures describe desired recovery and conservation objectives with corresponding implementation actions. The measures are consistent with the management guidelines for vegetative resources in the Cascade RMP-ROD. The applicable conservation measures are included in lease stipulations 1, 5, CU-A., and 6 listed in Attachment 7.

Other related documents include the following BLM directives which provide required stipulation language for specific resources that have been included in the stipulations in Attachment 7, consistent with the Cascade RMP-ROD, as amended:

- *Seasonal wildlife restrictions and procedures for processing requests for exceptions on public lands in Idaho* (BLM Information Bulletin No. ID-2010-039),
- *Bald and Golden Eagle Protection Act – Golden Eagle National Environmental Policy Act and Avian Protection Plan Guidance for Renewable Energy*. (BLM Instruction Memorandum WO-2010-156),
- *Oil and Gas Leasing Stipulations* (BLM Instruction Memorandum WO-2002-174),
- *Cultural Resources and Tribal Consultation for Fluid Minerals Leasing* (BLM Instruction Memorandum WO-2005-003), and
- *Courtesy Notification of Surface Owners When Split Estate Lands are Included in an Oil and Gas Notice of Competitive Lease Sale* (BLM Instruction Memorandum WO-2009-184).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, geothermal leasing was considered in the RMP-FEIS. The nominated lands were identified as available for geothermal leasing in the selected Alternative E of the RMP-FEIS (p. 2-50). Geothermal mineral exploration and development is available on 456,289 acres (94%) of the field office. For the lands in these nominations management guidelines include use constraints for the Long-billed Curlew Habitat ACEC (p. 2-57) and for known occurrences of candidate or sensitive plant species such as slickspot peppergrass (p. 2-44), as well as use constraints to protect highly erosive soils (p. 2-4). These lease nominations are in areas where use constraints are identified, but still may be considered for energy and minerals leasing (pp. 16 and 56, Map 3-9).

The lands involved in this lease offering were among those analyzed in the Geothermal PEIS and a decision was made to make such lands available for leasing consideration (PEIS ROD, p.A-3, Table A-1). The Geothermal PEIS decision was to make Federal geothermal resources available for geothermal leasing, subject to existing laws, regulations, formal orders, stipulations attached to the lease form, and the terms and conditions of the standard lease form (PEIS ROD p. 1.6, PEIS Chapter 2, p. 2-9, Table 2-1, Appendix C, C-7).

Based on the Geothermal PEIS, the BLM can make decisions whether or not to issue geothermal leases in conformance with the amended land use plan. The BLM intended that the RMP amendment process allow the BLM to conduct a DNA evaluation to make lease sale decisions without further plan amendments or NEPA analysis when lease nominations or requests for direct use were submitted (PEIS, pp. 1-6, 12). Under the Geothermal PEIS Record of Decision (p. 2-1), the BLM may issue stipulations that impose moderate to major constraints on use of the surface of any lease in order to mitigate the impacts to other land uses or resource objectives, as defined in the RMP-FEIS. Specific stipulations were developed in the Geothermal PEIS to protect and conserve resources related to erodible and sensitive soils (PEIS pp. 2-18, 19), habitat for special status species plants (PEIS p. 2-20), wildlife habitat (PEIS, 2-17, 18, 19, 20), and ACECs (PEIS, Appendix C, C-7). No new closures were proposed in the Geothermal PEIS (PEIS, p. 2-7).

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, these alternatives remain valid given current concerns, interests, resource values, and Conservation Agreements. The RMP-FEIS analyzed five alternatives, all of which allowed for from 93 percent to 94 percent (454,389 to 456,289 acres) to be open to leasable mineral exploration and development. Alternative E, the approved alternative, allows for 456,289 acres open, subject to seasonal closures for wildlife habitat occupancy restrictions (p. 2-50), 3,549 acres of no occupancy restriction for 13 special management areas and 21 recreation management areas, and implementation of management actions for candidate or sensitive species, exclusion of surface and subsurface Rights-of-way and no surface occupancy stipulations in all mineral leases in those areas known to contain candidate or sensitive plants (p. 25).

The Candidate Conservation and Conservation agreements for slickspot peppergrass (USDOI BLM et al. 2003, USDOI BLM and U.S. Fish and Wildlife Service 2009) follow the management guidelines of the Cascade RMP-ROD developed for special management areas and provide clear management direction for mineral leasing.

Four alternatives were considered in the Geothermal PEIS, the no action alternative, two action alternatives, and a no lease alternative (PEIS, pp. 2-31 through 2-34). Alternative A considered the continuation of current management under existing land use plans. Alternative A was not selected because taking no action would not facilitate leasing and does not meet the stated purpose and need (PEIS ROD Section 1.3.1, p. 1-8). Alternative B, the preferred alternative, originally proposed to designate approximately 118 million acres of public lands and mineral estate open to geothermal leasing, subject to existing laws, regulations, and formal orders,

stipulations attached to the lease form, and the terms and conditions of the standard lease form, and to amend 122 BLM land use plans. Based on public comment and internal review of the Final PEIS, Alternative B was slightly modified. Under the PEIS ROD, 114 land use plans (PEIS ROD Appendix A) were amended to retain or allocate 111 million acres of BLM land and minerals open to geothermal leasing under the same legal conditions listed above (PEIS ROD p.1-8). The PEIS ROD also adopts the PEIS stipulations and Best Management Practices that may be applied to subsequent permits for all phases of exploration and development (PEIS ROD pp. 1-8 and 1-9). Alternative C was developed in response to public scoping. Alternative C considered leasing lands within a 20-mile corridor of transmission lines and lines currently under development at 60kV to 500kV. Although Alternative C was not selected since it would significantly reduce the BLM's ability to facilitate geothermal leasing and alternative energy development on public lands (PEIS ROD pp. 1-9 and 1-10), the current lease nominations fall within its consideration zone, as these lease nominations lie within a 10-mile corridor of an existing 230 kilovolt electrical transmission line that was constructed in 1976 (IDI-05963).

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The resources and uses of the lands considered in this proposal have not substantially changed since the RMP-ROD decision was implemented. Although a number of terrestrial animal species have been designated endangered, threatened, or a candidate for listing since the RMP-ROD was signed, none of them are known to exist or have habitat in the project area. This includes, but is not limited to the gray wolf, greater sage-grouse, Southern Idaho ground squirrel, and yellow-billed cuckoo. However, it is necessary to consider whether the continually declining status of the long-billed curlew population and whether the potential loss of some occupied and potential habitat for slickspot peppergrass on these lands, from recurring wildland fires in the years since 2002, would change any management guidance in the RMP-ROD, as amended, or change the leasing management direction in the RMP-ROD.

The following issues were identified through the interdisciplinary team review and public scoping efforts:

National Environmental Policy Act (NEPA) compliance analysis

Some individuals and organizations expressed the concern that the issuance of leases would authorize construction of a large industrial power plant within the Long-billed Curlew Habitat ACEC, or within occupied habitat of slickspot peppergrass. However, a geothermal lease does not authorize any ground disturbing activity.

This analysis, the DNA, is the documentation and review of the RMP-FEIS and other pertinent NEPA documents demonstrating that geothermal leasing is allowed for in the land use plan. Subsequent ground-disturbing activities on individual lease parcels, such as exploration, drilling and testing, or the construction of a geothermal power plant would require site-specific approval for the intended activities or operations. Such approval would include additional environmental reviews and permits, as appropriate (Geothermal PEIS ROD Section 1.3). All activity on a

geothermal lease would be reviewed for compliance with Federal and State regulations, including the Geothermal Resources Operational Orders 1-7 (issued under the Geothermal Steam Act of 1970), and the State of Idaho Geothermal Rules for permitting the development and appropriation of geothermal resources through the use of wells (Idaho Code Title 42, Chapter 40, Idaho Code Title 47, Chapter 16, and Idaho Code 37 Title 03 Chapter 04 [IDAPA 37.03.04]). Proposals that are determined, through the NEPA process, to cause undue or unnecessary degradation, or are not consistent with the terms and conditions of the lease, including stipulations, would not be approved.

A reasonably foreseeable development scenario (RFDS) was included in the Geothermal PEIS to help land managers analyze impacts to other resources that may be anticipated after leasing. The RFDS shows that typical phases in geothermal development are (1) exploration, (2) drilling, (3) development and utilization (power plant), and (4) reclamation and abandonment (PEIS Section 2.5, pp.2-31 through 2-52). Each phase is dependent upon success or failure of the previous phase and, therefore, not all phases would necessarily occur. For example, if the exploration operations do not identify a geothermal reservoir with sufficient heat for energy production, geothermal development would not occur. Prior to exploration operations, the BLM must approve a Notice of Intent to conduct Geothermal Resource Exploration Operations (NOI). An approved NOI would include any necessary conditions of approval derived from an environmental review of the proposal (43 CFR §3251). Prior to drilling, the BLM must approve a drilling permit based on the environmental review of an operations plan and drilling program that must be submitted to the BLM prior to any surface disturbing activities on the lease (43 CFR §3261). Prior to construction of a geothermal power plant on federal lands, the lessee or operator would be required to have a BLM approved utilization plan and facility construction permit that would address any pipelines or facilities (43 CFR §3271).

Management and regulation of water resources

Several nearby landowners expressed concerns about possible impacts to water quality and flow in existing water wells on adjacent private lands. In the Geothermal PEIS, impacts to water resources and water quality are discussed Section 4.7 (Water Resources and Quality). On pages 4-46 to 4-47, the impacts to water resources expected to occur as a result of implementing the selected alternative are described. Under this alternative, the BLM would apply necessary stipulations to minimize impacts to water resources. There are no springs or perennial streams on the nominated lands, and it is anticipated that any geothermal development would be typical of that described in the PEIS. A stipulation (CU-C, entitled Protection of Water Quality and Existing Wells) would be attached to any nominated parcels with nearby wells (see Stipulations, Attachment 7). This stipulation notifies the lessee that a hydrologic monitoring program may be required to protect water quality and quantity of existing wells. This stipulation is consistent with the PEIS (pg 4-47).

The Idaho State Board of Land Commissioners oversees and governs geothermal development and the conduct of any geothermal operations in Idaho to protect ground water and low temperature geothermal resources. The Idaho Department of Water Resource regulates geothermal drilling under Idaho Code Title 42, Chapter 40, and specific regulations at Idaho Code 37 Title 03 Chapter 04 (IDAPA 37.03.04) to protect both the geothermal resource and any overlying cold water resources.

Protection of water quality, valid existing water rights, and management of water resources are adequately addressed in the existing analyses.

Private surface use and split-estate concerns

The surface estate in the following nomination areas is privately owned, with all minerals reserved to the United States.

T. 6 N., R. 4 W.,
Sec. 7, Lots 1-3, E2W2.
(306.15 acres, Payette County).

T. 6 N., R. 5 W.,
Sec. 24, W2NWSW
Sec. 25, NW
(180.00 acres, Payette County).
Sec. 27, Lot 4.
(41.89 acres, Canyon County).

While the lessee has a right to explore for and develop the geothermal resources on split estate lands, (s)he is required to make a good faith effort to obtain a surface use agreement with the surface owner (43 CFR §3250.10(a)(2), USDO IBLM WO 2009-184). If good faith efforts to obtain a surface use agreement fail, the lessee must submit a Damages Bond to the BLM for the benefit of the surface owner. The surface owner is entitled to seek compensation from the lessee for damages to crops or tangible improvements, and if not satisfied, can file a claim in court for payment under the Damages Bond.

Use of private surface areas overlying federal mineral reservations would be controlled by the Payette County Comprehensive Plan published in 2006, and the zoning and subdivision ordinances adopted in 1997. Split estate lands in these nominations are designated Agricultural 2 (Ag2) in the Payette Comprehensive Plan and zoned Agriculture (Z1). The applicable zoning may be construed to allow geothermal development as a conditional use. County personnel, with the support of the Planning and Zoning Commission, administer the plan and facilitate development applications in accordance with city ordinances and guidelines. Proposed uses outside the scope of the current Ag2 zoning would be considered by the Payette County Planning and Zoning Commission (Payette County Comprehensive Plan, p. 81).

Lot 4, in Section 27, is in Canyon County and is designated Agriculture on the Canyon County zoning map. The applicable zoning may be construed to allow geothermal development as a “non-farm” conditional use (Canyon County 2010 Comprehensive Plan, pp. 40 and 41).

Bureau of Reclamation land

The following lands within the Bureau of Reclamation reservations are subject to a special lease stipulation and coordination with the Bureau of Reclamation for use of the surface, consistent with RMP-ROD and PEIS:

T. 6 N., R. 4 W.,
Sec. 2, Lot 1,
Sec. 12, E2NE
Sec. 25, SENENW.

Isolated Wildlife Tract Exclosures

The BLM manages isolated wildlife tracts along the north and west perimeter of the nominated lease parcels primarily for the benefit of upland game birds. To protect these parcels a no surface occupancy stipulation would be applied (see Stipulation 7, Attachment 7).

Long-billed Curlew Habitat ACEC

The Long-billed Curlew Habitat ACEC was designated in 1988 to protect the curlew, a shore bird that migrates to the area and nests in annual grasslands. Population estimates for long-billed curlew within the Long-billed Curlew Habitat ACEC show a decline (Carlisle and Moulton 2009) since population numbers measured in the 1970's and 1980s. Range-wide population estimates were very low (20,000 – 62,000) by the year 2000 and great alarm was sounded by shorebird biologists. More recent breeding population estimates of long-billed curlew have revealed higher numbers than the 2000 estimates primarily due to increased and refined sampling efforts (Stanley and Skagen, 2007; Fellows and Jones, 2009). However, there has been a major breeding-range contraction for the curlew in North America. Potential causes of decline, impacts from alternatives considered in the RMP-FEIS, and management guidelines to address rangeland condition and pressure from recreation use, and changes in grazing patterns are identified in the RMP-FEIS (pp. 4-12, 14, 15, 30, 41, 48, 59, 68, 79, 87, and 5-24).

The RMP-FEIS (pg 2-57) provided several management guidelines for fluid mineral leasing, including applying a seasonal occupancy stipulation and limiting motor vehicle use. These guidelines have been converted into a lease stipulation for this proposed action (see Stipulation 4, Attachment 7).

Slickspot Peppergrass

Slickspot peppergrass is a threatened plant species that occurs in the area. Although neither the RMP-FEIS nor the Geothermal PEIS specifically address the status of slickspot peppergrass, the RMP-FEIS and Geothermal PEIS provide management guidelines for threatened, endangered, candidate, sensitive and uncommon plant species (RMP-FEIS, pp. 12, 25, 2-44; PEIS, pp. 2-17 and 2-20). The specific RMP objective is to “Protect candidate and sensitive plants.” To comply with the RMP, the BLM and USFWS developed the slickspot peppergrass Conservation Agreement. Prior to notice of listing, the 2009 BLM Biological Assessment sought concurrence from the U.S. Fish and Wildlife Service for continued implementation of land use plan programs, including geothermal leasing. After notice of listing, BLM received a Biological Opinion concluding that implementation of the RMP programs, including geothermal leasing, would not jeopardize the continued existence of slickspot peppergrass (USDOI BLM and U.S. Fish and Wildlife Service 2009).

Distribution

The 9,154 acre slickspot peppergrass Management Area (MA) (New Plymouth/Canyon County) is included in three of the proposed Payette lease parcels (IDI-36166-68). This MA contains four (066, 068, 069, 070) known slickspot peppergrass element occurrences (EO). Additionally, slickspot surveys were conducted in 2009 in conjunction with rights-of-way (ROW) applications associated with the Langley Gulch power plant (USDOI BLM 2010). Approximately 775 acres were surveyed in three ROWs which traverse four of the nominated parcels (IDI-36164, 66-68). The number of slickspots per acre in the survey areas ranged from 0.77/acre to 2.0/acre.

Current Protections/Requirements

The 1988 Cascade Resource Management Plan first objective for vegetative resources states (p. 2-44), “Protect candidate or sensitive plants”, and lists the following management actions:

- Develop and implement management actions for areas found containing candidate or sensitive plants.
- Exclude surface and subsurface ROWs in those areas known to contain candidate or sensitive plants.
- Include no surface occupancy stipulations in all mineral leases in those areas known to contain candidate or sensitive plants.

The slickspot peppergrass management area, occupied and potential slickspot peppergrass habitat is shown on Attachment 4.

Based on surveys conducted for the Langley Gulch power plant (USDOI BLM 2010), it is reasonable to assume that the lands identified as potential habitat provide some level of habitat for slickspot peppergrass. Management strategies for slickspot peppergrass have been under discussion since 2002. Even though the status of slickspot peppergrass is not specifically addressed in the RMP-FEIS, or the Geothermal PEIS under management guidelines for threatened, endangered, candidate, sensitive and uncommon plant species, both documents discuss and provide mitigation. The RMP-FEIS provides management guidance for protection of threatened, endangered, candidate, sensitive and uncommon plants in the RMP-ROD on page 25, and in the RMP-FEIS on page 2-44. The RMP-FEIS actions state: protect candidate or sensitive plants; develop and implement management actions for areas found containing candidate or sensitive plants; fence selected areas where harmful disturbance is likely; monitor suspected areas; exclude surface and subsurface ROWs in those areas known to contain candidate or sensitive plants; include no surface occupancy stipulations in all mineral leases in those areas known to contain candidate or sensitive plants. This includes the element occurrences for slickspot peppergrass. Under the Conservation Agreement, habitat restoration would be focused in the management area defined in the 2003 Candidate Conservation Agreement and shown in Attachment 4 of this document. BLM Instruction Memorandum WO-2002-174 provides direction to BLM offices to include a standard stipulation for threatened, endangered and other special status species on all leases in areas known or strongly suspected to contain or provide critical habitat.

The Geothermal PEIS discusses threatened, endangered, candidate, sensitive and uncommon plant species on pages 2-20, 4-47 and 4-71. On page 2-5, the Geothermal PEIS ROD lists situations in which a No Surface Occupancy stipulation would be applied in a geothermal lease. One of these situations is in “Designated or proposed critical habitat for listed species under the Endangered Species Act of 1973 (as amended) if it would adversely modify the habitat. For

listed or proposed species without designated habitat, no surface occupancy would be implemented to the extent necessary to avoid jeopardy.”

Development and implementation of management guidance for slickspot peppergrass has been ongoing since 2002, when the U.S. Fish and Wildlife Service (Service) first proposed to list the plant as endangered. In 2003, representatives of state agencies, Idaho National Guard, nongovernmental cooperators and the BLM entered into a Candidate Conservation Agreement (CCA) to promote conservation of slickspot peppergrass and preclude listing under the Endangered Species Act of 1973 (ESA). The CCA identified conservation measures to be employed by the cooperators at three hierarchical levels: consideration zones, management areas, and element occurrences.

The Service’s decision to list the slickspot peppergrass as a Threatened species under the ESA became effective on December 7, 2009 (74 FR 52027-52048, October 8, 2009). The listing decision identified that the primary factors threatening slickspot peppergrass included changes in wildfire regimes (i.e., increased fire frequency) and invasive nonnative plants (especially cheatgrass). Additional factors identified include land conversion associated with urban and agricultural development, seed predation by harvester ants, habitat fragmentation and isolation, and climate change. No critical habitat was designated or proposed at the time of listing, nor has it been to date.

The ESA directs Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the existence of any listed species or destroy or adversely modify critical habitat (50 CFR 400). The ESA authorizes Federal agencies to enter into early consultation with the Service to make those determinations.

In order to address potential threats to the species prior to listing, the BLM entered into an agreement with the Service in 2006. The Conservation Agreement (CA) identified conservation measures that the BLM would implement in its administration of public lands within the range of the species. On August 27, 2009, the Service and BLM renewed this CA and began consultation on Land Use Plans and ongoing actions within known occupied slickspot peppergrass habitat. Since that time, the Service and the BLM have been engaged in data collection and management actions to ensure the implementation of the conservation measures and adherence to the ESA. Periodic meetings have taken place and are ongoing to assess activities and conservation measures.

The CA conservation measures replace or create guidance within the RMP area regarding programmatic management direction for slickspot peppergrass. The conservation measures reflect BLM’s commitment to support species conservation, as stated in the RMP (p. 25) and in the Geothermal PEIS (pp. 2-20, 4-47 and 4-71), and are incorporated in the ESA Section 7 Consultation lease stipulations in Attachment 7. Under the CA, habitat restoration would be focused in the management area defined in the 2003 CCA and shown in Attachment 4.

Specific BLM guidance, agreements with the Service and ESA compliance related to slickspot peppergrass include:

2008 BLM Manual 6840 – Special Status Species Management - .06 Policy. Actions authorized by the BLM shall further the conservation (i.e., to use, and the use of, all methods and procedures that are necessary to bring a listed species to the point at which the measures provided pursuant to the ESA are no longer necessary) and/or recovery of federally listed species.

2009 Conservation Agreement – VI. Part 2. B (page 5). Project-level inventories would be completed as appropriate during project planning if inventory information is not available or adequate to determine if impacts to the species or habitat may occur. If direct or indirect negative impacts to the species or its habitat are anticipated as a result of new BLM actions, the activity would be modified to avoid or minimize anticipated negative impacts. BLM would complete all necessary section 7 compliance for new activities that may affect this species and its habitat. This existing management language has been incorporated into lease stipulations compiled in Attachment 7.

The 2011 Critical Habitat Designation is expected to be published by the Service in the Federal Register during the first or second quarter of 2011. The designation would be expected to include some conservation measures or concerns for areas designated as critical habitat. The management guidelines in the CCA and CA are not expected to change. It is expected that the CA and CCA management guidelines and Controlled Use lease stipulation in Attachment 7 would apply to designated critical habitat.

As explained in Section 2.2.2 of the PEIS, the BLM would apply the ESA-related stipulation (PEIS, pp. 2-20 and 6-9) on any leases where threatened, endangered, or other special status species or critical habitat is known or strongly suspected. Additionally, the BLM would provide a separate notification through a lease notice to prospective lessees identifying the particular special status species that are present on the lease parcel offered. The stipulations in Attachment 7 are consistent with this direction.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the effects are the same as those previously analyzed. The issuance of a geothermal lease does not, in itself, provide any approval for actions that would impact public land resources; therefore, no direct, impacts would result from this action (PEIS Section 4.1.1).

The PEIS analyzes the broad impacts associated with allocating geothermal resources for leasing. Many factors vary across the 12-state project area and the PEIS does not evaluate site-specific issues associated with the geothermal development process. Should development applications be received on any parcel that is leased, additional site-specific and action-specific NEPA review must occur.

The analysis in the PEIS analyzes both direct and indirect impacts based on the foreseeable on-the-ground actions, including exploration, drilling, and utilization. These impacts could not be analyzed site-specifically, but they are analyzed for the planning area based on the RFD scenario.

Additional site-specific analysis would be conducted during the permitting review process for subsequent exploration, drilling, and utilization applications.

Cumulative impacts were analyzed according to CEQ's methodology using an appropriate geographic scope, time frame, and relevant reasonable foreseeable future actions associated with geothermal development (PEIS Section 5.2.1). The cumulative impacts remain substantially unchanged from those analyzed in the Geothermal PEIS.

The cumulative impacts of recent actions, including geothermal leasing, exploration, and development in the proposed lease area were addressed in a more site-specific manner in the Langley Gulch Power Plant Rights-of Way EA (EA) (USDI BLM 2010, p. 2-20). The analysis was based on the RFD scenario identified in the PEIS (pp. 2-34 through 2-53). While the EA focuses on how the proposed actions related to the rights-of-way could add to other activities such as geothermal leasing, it does take into account potential impacts from geothermal leasing and subsequent development for a variety of resources (EA Vegetation p. 3-36, Wildlife and Wildlife Habitat p. 3-44-45, Special Status Species p. 3-62). None of the cumulative impacts were found to have a significant adverse effect on the resources analyzed.

There are several stages of decision-making necessary to approve geothermal resource development as described in the Geothermal RFD scenario, each with its own environmental compliance requirements. The issuance of a lease does not give the lessee the right to proceed with exploration or development (i.e., any surface-disturbing activities beyond casual use). Subsequent site-specific permits and associated environmental review are required (PEIS ROD Section 1.5).

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, full public review occurred during the planning processes for the RMP-FEIS (Cascade RMP-ROD, p. 8) and the Geothermal PEIS process (PEIS Section 1.13.1, Chapter 6 and Appendix L).

Public Scoping for the Geothermal PEIS

During the public review process for the Geothermal PEIS, approximately 175 people attended the scoping meetings, 101 verbal comments were catalogued from these meetings, and 79 written comments were received. Public meetings were held in ten cities throughout the west in July 2007, including Boise, Idaho. Seventeen agencies, organizations, and industries, including the Idaho Conservation League, provided comments during the PEIS scoping process (p. 6-2).

On February 4, 2008, the BLM and Forest Service published a scoping report on the project web site that summarized and categorized the major themes, issues, concerns, and comments expressed during scoping. The BLM and Forest Service considered the comments in developing the alternatives and analytical issues that are contained in this PEIS.

Public Comments on the Draft PEIS

The United States Environmental Protection Agency (EPA) published a Notice of Availability (NOA) of the Draft PEIS on June 20, 2008. Copies of the document were sent to a mailing list of over 1,000 recipients. During the 90-day public comment period, 13 public meetings were held in July 2008, including one in Boise, Idaho.

Over 70 organizations, government agencies, industry representatives, and individuals responded during the comment period. Individuals affiliated with 46 agencies, organizations, and industries, including Western Watershed Project (Letters A-6 & A-9), and individuals without a particular affiliation provided comments (Appendix L, p.L-4). Most of the written submissions contained multiple comments on different topics, and over 500 unique comments were made. All information received through these comments was evaluated, verified, and incorporated into the Final PEIS, as appropriate. Copies of all accepted written submissions are provided in Appendix L of the PEIS, and the BLM and Forest Service response to each separate comment follows the comment letter.

Comments on the PEIS pertained to a number of issues, including, but not limited to, scope of the document, identification of public lands available for leasing, and incorporation of site-specific stipulations and Best Management Practices (BMPs). In addition, comments also related to the following resources and resource uses: air quality, cultural resources, fish and wildlife, geologic resources and seismic setting, livestock grazing, land use and special designations, minerals and energy, noise, national scenic and historic trails, recreation, socioeconomics and environmental justice, special status species, tribal interests, vegetation, visual resources, and water resources (PEIS, p. 6-4).

Government-to-Government Consultation

The BLM and the Forest Service worked on a government-to-government basis with Native American tribes to provide the tribal entities sufficient opportunities for productive participation in the PEIS planning and resource management decision making (PEIS, p. 6-5). Seven tribes, representing areas in Arizona, California, Oregon, and Washington states, provided a response letter. One letter noted that no lease applications were in their area of interest, four letters requested consultation if any lease applications would fall in their areas of interest, and two letters requested consultation and to help participate in the PEIS process. Follow-up contacts were made with the two tribes that had requested consultation on the PEIS, along with another tribe with interests in multiple states. Local BLM officials continue to coordinate ongoing government-to-government consultation for pending leases.

In November, 2010, the BLM Four Rivers Field Office Manager provided a briefing about these lease nominations for the Shoshone-Paiute Tribe during the Wings and Roots process. The briefing included the project description, location maps, resource issues already identified (coordination with FERC and Bureau of Reclamation), anticipated timeline, and a summary of seventeen existing geothermal leases in three other counties in Idaho. Information was also provided about the Energy Policy Act of 2005 and the 2008 PEIS that amends the Cascade RMP for geothermal leasing. Stipulations developed in the PEIS for protection of water resources and

the BLM directive for protection of cultural resources are included in Attachment 7. As a result of the consultation process, the Shoshone-Paiute Tribe indicated that it would reserve further comments for the development phases, if and when they occur. The BLM contacted other tribes, including the Nez Perce and the Shoshone-Bannock, who did not respond.

Endangered Species Act – Section 7 Consultation

The BLM is an action agency for purposes of allocating lands available for leasing, and future lease applications that may be submitted. In complying with our duties under Section 7 of the ESA, the BLM examined the effects on listed species and critical habitat, both of allocating land as available for leasing of geothermal resources through land use plan amendments, and of issuing leases for these resources. As a result of this examination, the BLM determined that neither of these actions (amending land use plans nor issuing geothermal leases) would cause any effect on a listed species or on critical habitat. This determination is based on the following factors; 1) Allocation Decisions Do Not Cause Effects on Species or Habitats; 2) Lease Issuance Does Not Cause Effects on Species or Habitats (PEIS, pp. 6-8, 9, 10, and 11).

As explained in Section 2.2.2 of the PEIS (pp. 2-20 and 6-9), the BLM would apply the ESA-related stipulation on any leases where threatened, endangered, or other special status species or critical habitat is known or strongly suspected. Additionally, the BLM would provide a separate notification through a lease notice to prospective lessees identifying the particular special status species that are present on the lease parcel offered.

The effects of any future development-stage activities that might occur subsequent to the issuance of a lease would only be allowed following additional site-specific compliance with ESA and other applicable laws. The regulations governing geothermal leasing and development provide for several decision stages prior to commencement of any ground-disturbing activities, and contemplate further compliance with applicable authorities during these decision stages. Until BLM receives an application for a permit to drill, or other authorization, which includes specific information about particular projects (i.e., location, scale, technology), and adjudicates, it is impossible to determine what effects on listed species or critical habitat might be “reasonably certain to occur” (see 50 CFR Part 402). Consultation with the National Oceanographic Atmospheric Administration (NOAA) or the U.S. Fish and Wildlife Service under Section 7 would occur when needed at the appropriate geothermal decision stage (PEIS, p. 6-10).

The lease nomination area contains identified habitat for slickspot peppergrass. Stipulations for protection and mitigation of potential impacts to slickspot peppergrass are included in Attachment 7 (stipulations 1, 5. CU-A, and 6). Any effects to this listed species or critical habitat that might occur in any of the areas allocated through lease issuance are potential future events. Any grant for exploration, drilling, utilization, or other site-specific authorization, would only follow policy and legal review, including compliance (and consultation if appropriate) under Section 7 of the ESA (PEIS, p. 6-12).

Site-Specific Consultation and Coordination

In addition to the extensive public scoping conducted in the fall of 2010 for this project, a notice of competitive lease sale would be posted in the BLM Idaho State Office and on the BLM website at least 45 days prior to the lease sale, in accordance with 43 CFR § 3203.14. The lease sale notice is also made available through the mail for a fee to those that request it. BLM anticipates offering these parcels in 2011.

E. Persons/Agencies/Government-to-Government/BLM Staff Consulted

BLM Four Rivers Field Office	Idaho Native Plant Society
BLM Idaho State Office	Idaho Wildlife Council
Payette County Commissioners	Idaho Wildlife Federation
Payette County Planning & Zoning	Idaho Conservation League
Canyon County Commissioners	Sierra Club
Canyon County Planning & Zoning	The Nature Conservancy
Boise District Grazing Board	Idaho Cattle Association
Grazing Board Resource Area	Idaho Farm Bureau Federation
Representatives	High Desert Coalition
Resource Advisory Council	Idaho Rivers United
US Fish & Wildlife Service	Trout Unlimited
US Army Corps of Engineers	West Central Sage-grouse Local Working
US Bureau of Reclamation	Group
US Federal Energy Regulatory Commission	Idaho Power Company
Idaho Dept Fish & Game, Southwest	Fort Hall Business Council
Regional Office	Fort McDermitt Paiute and Shoshone Tribe
Idaho Dept of Agriculture	Shoshone-Bannock Tribes
Idaho Department of Fish and Game	Shoshone-Paiute Tribes
Idaho Department of Lands	Burns Paiute Tribe
Idaho Dept of Environmental Quality	Nez Perce Tribe
Idaho Department of Lands	Confederated Tribes of the Umatilla Indian
Idaho Department of	Reservation
Transportation	Parma Rod and Gun Club
Idaho Department of Water Resources	Weiser Valley Highway District
Idaho State Historic Preservation Office	City of Parma
US House of Representatives, Honorable	Treasure Valley Aeromodelers
Michael Simpson	Intermountain Gas Co
US Senate, Honorable Michael Crapo	American Towers Land LS Account
US Senate, Honorable Jim Risch	Citizens Telecomm
US House of Representatives, Honorable	ALLTEL Communications Inc
Walt Minnick	WWC Holding Co Inc
Executive Office of the Governor	FTV Communications LLC ROW Dept
Golden Eagle Audubon Society	Basin and Range Resource Co LLC
Natural Resources Defense Council	Black Canyon Irrigation District
Rocky Mountain PEER	Northwest Pipeline
Advocates for the West	QWEST - C BIDSTRUP (BILLINGS)
Land & Water Fund	Syringa Networks LLC
Western Watershed Projects	Payette County Sheriff's Office
Committee for Idaho's High Desert	Forrest Griggs, Geologist, Four Rivers Field

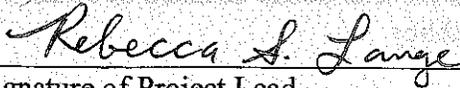
Office
Valerie Lenhartzen, Geologist, Four Rivers
Field Office
Mark Steiger, Botanist, Four Rivers Field
Office
Jill Holderman, Wildlife Biologist, Four
Rivers Field Office
Tim Carrigan, Wildlife Biologist, BLM
Renewable Energy Coordination Office,
BLM Idaho State Office
Martin Espil, Rangeland Management
Specialist, Four Rivers Field Office
Dean Shaw, Archaeologist/Paleontology,
Four Rivers Field Office
Larry Ridenhour, Outdoor Recreation
Planner, Visual Resources Management,
Four Rivers Field Office
Allen Tarter, Riparian Specialist, Four
Rivers Field Office
Lara Hannon, Ecologist, Four Rivers Field
Office
Lonnie Huter, Weeds Specialist, Four Rivers
Field Office

Effie Schultsmeier, Realty Specialist, Four
Rivers Field Office
Kelly Moore, Realty Specialist, Boise
District Office
Carrie Wontorcik, HazMat, Four Rivers
Field Office
Allen Tarter, Water Quality, Four Rivers
Field Office
Andy Delmas, Fire and Fuels, Four Rivers
Field Office
Lance Okeson (Fuels lead), Four Rivers
Field Office
Jon Beck, Planning and Environmental
Coordinator, Four Rivers Field Office
Brandon Knapton, Resource Coordinator,
Boise District
Rebecca Lange, Geologist, Fluid Minerals,
Project Lead, Idaho State Office
Terry Humphrey, Manager, Four Rivers
Field Office
Matt McCoy, Assistant Field Manager, Four
Rivers Field Office

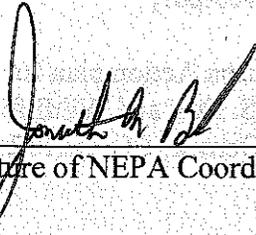
Note: Refer to the PEIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

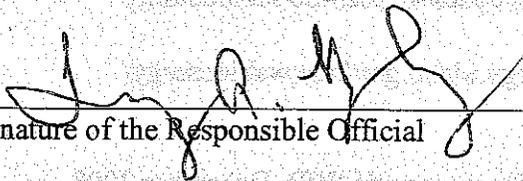
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.



Signature of Project Lead



Signature of NEPA Coordinator



Signature of the Responsible Official

2/15/2011
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

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Attachments

Attachment 1 – Project Location Map

Attachment 2 – Topographic Map

Attachment 3 – West Portion Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC)

Attachment 4 – Slickspot Peppergrass Management Area, Occupied and Potential Habitat Map

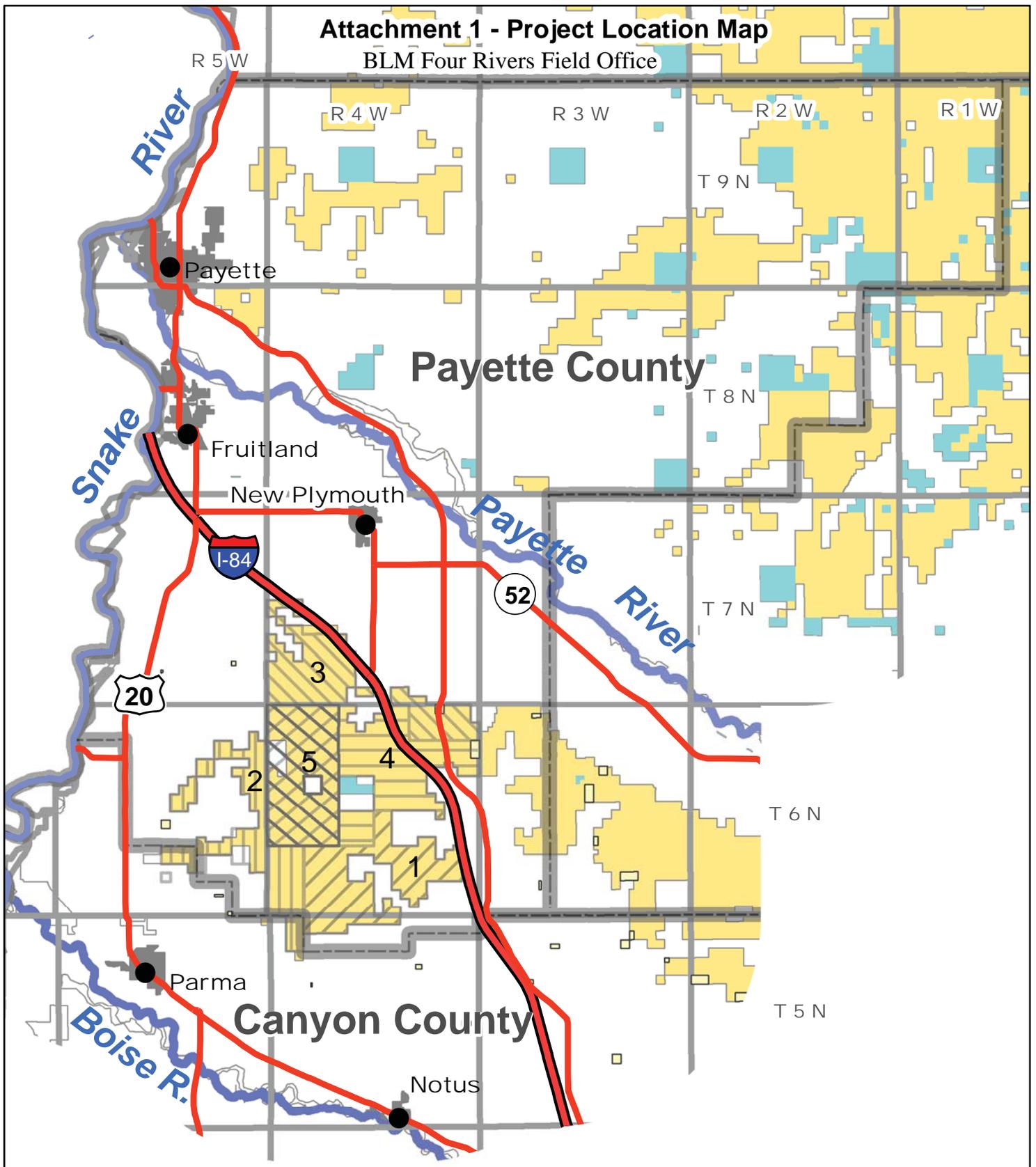
Attachment 5 – Erosion Hazard Soils Map

Attachment 6 – Isolated Wildlife Tract Exclosures

Attachment 7 – Lease Stipulations and Lease Notices

Attachment 1 - Project Location Map

BLM Four Rivers Field Office



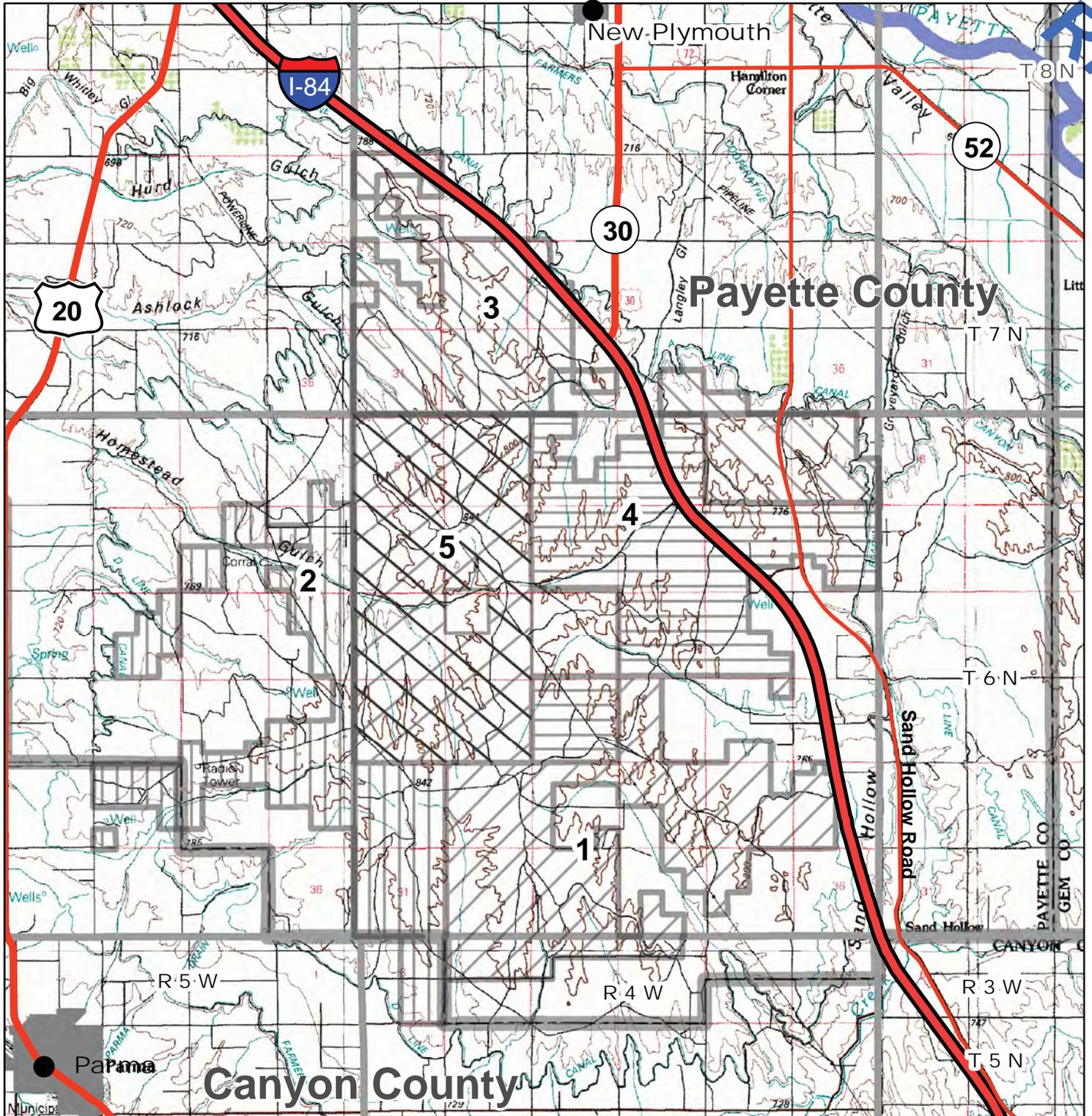
Map Legend	
	Interstate
	Highway
	River
	County Boundary
	Incorporated Area
	BLM
	Bureau of Reclamation
	STATE
	PRIVATE
	1 Parcel_IDI_36164 (5,117.8 acres)
	2 Parcel_IDI_36165 (4,799.03 acres)
	3 Parcel_IDI_36166 (4,737.41 acres)
	4 Parcel_IDI_36167 (5,095.01 acres)
	5 Parcel_IDI_36168 (5,129.3 acres)



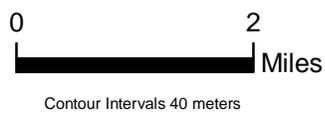
No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. October 18, 2010.

Attachment 2 - Topographic Map

BLM Four Rivers Field Office



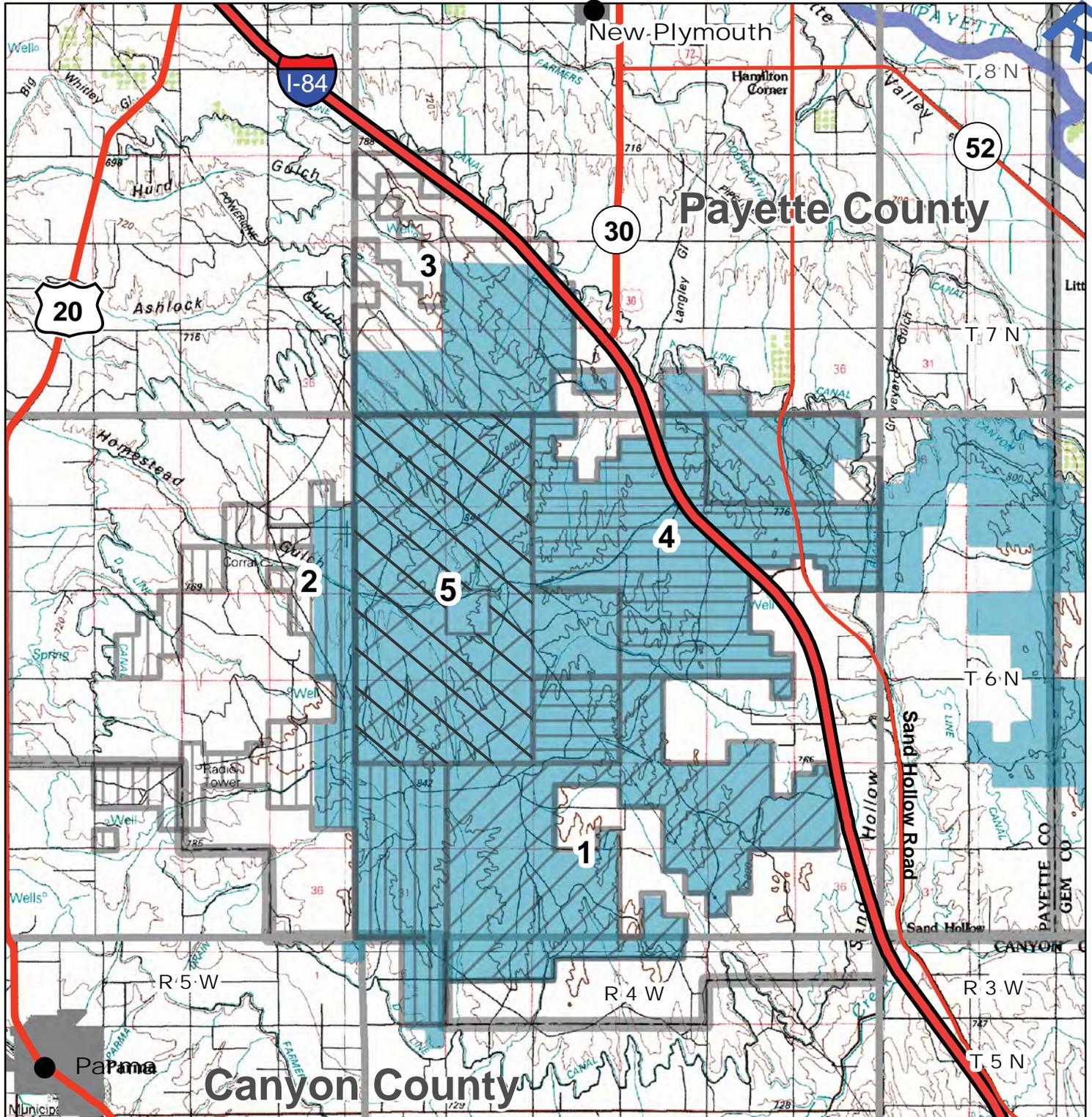
Map Legend	
	Interstate
	Highway
	River
	County Boundary
	Incorporated Area
	1 Parcel_IDL_36164 (5,117.8 acres)
	2 Parcel_IDL_36165 (4,799.03 acres)
	3 Parcel_IDL_36166 (4,737.41 acres)
	4 Parcel_IDL_36167 (5,095.01 acres)
	5 Parcel_IDL_36168 (5,129.3 acres)



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. October 18, 2010.

Attachment 3 - Western Portion Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC)

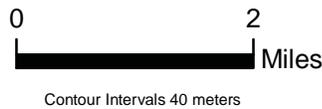
BLM Four Rivers Field Office



Map Legend

- Interstate
- Highway
- River
- County Boundary
- Incorporated Area
- Long-billed Curlew ACEC Timing Limitation

- 1 Parcel_ID_36164 (5,117.8 acres)
- 2 Parcel_ID_36165 (4,799.03 acres)
- 3 Parcel_ID_36166 (4,737.41 acres)
- 4 Parcel_ID_36167 (5,095.01 acres)
- 5 Parcel_ID_36168 (5,129.3 acres)



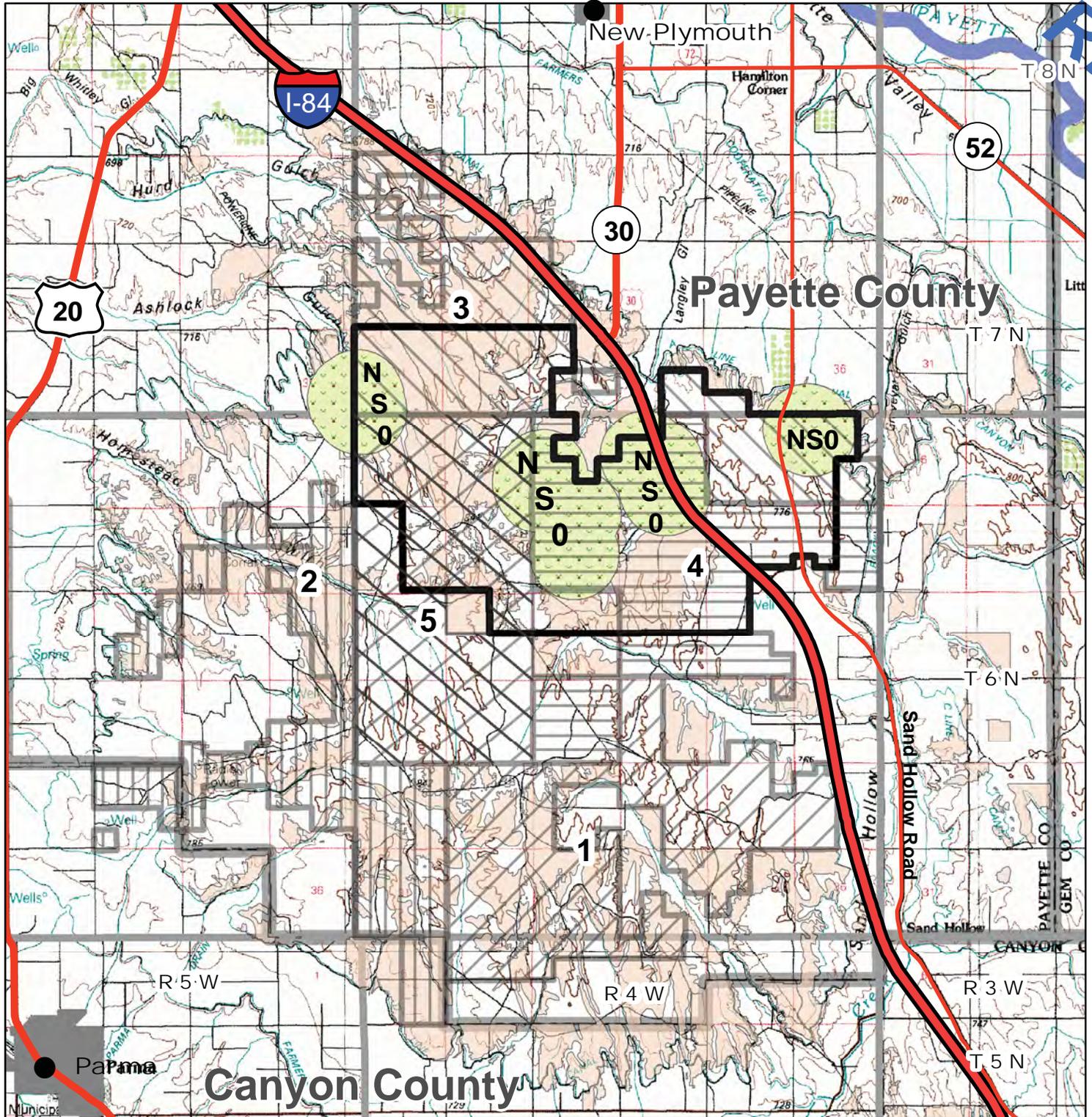
No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. October 18, 2010.

U.S. Department of the Interior
Bureau of Land Management

...frfo/gis_data/maps/Scoping/080418_PayetteCounty.mxd

Attachment 4- Slickspot Peppergrass Management Area, Occupied and Potential Habitat

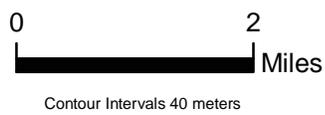
BLM Four Rivers Field Office



Map Legend

- Interstate
- Highway
- River
- County Boundary
- Incorporated Area
- Management Area
- Occupied Habitat
- Potential Habitat
- Controlled Use

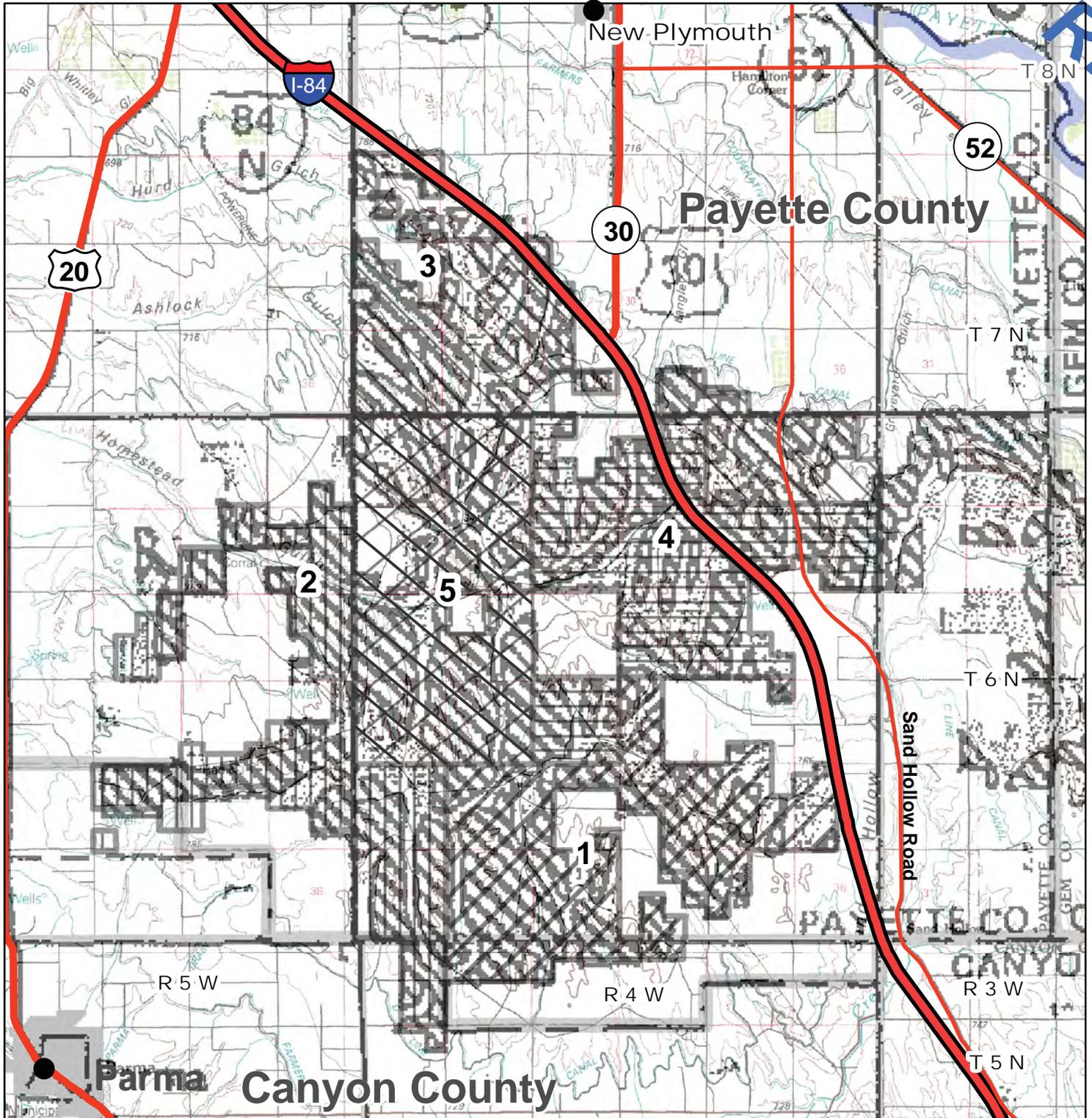
1		Parcel_IDI_36164 (5,117.8 acres)
2		Parcel_IDI_36165 (4,799.03 acres)
3		Parcel_IDI_36166 (4,737.41 acres)
4		Parcel_IDI_36167 (5,095.01 acres)
5		Parcel_IDI_36168 (5,129.3 acres)



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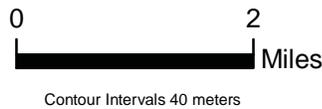
Attachment 5 - Erosion Hazard Soils

BLM Four Rivers Field Office



Map Legend

	Interstate		1 Parcel_IDI_36164 (5,117.8 acres)
	Highway		2 Parcel_IDI_36165 (4,799.03 acres)
	River		3 Parcel_IDI_36166 (4,737.41 acres)
	County Boundary		4 Parcel_IDI_36167 (5,095.01 acres)
	Incorporated Area		5 Parcel_IDI_36168 (5,129.3 acres)
	Erosion Hazard Soils Controlled Use		

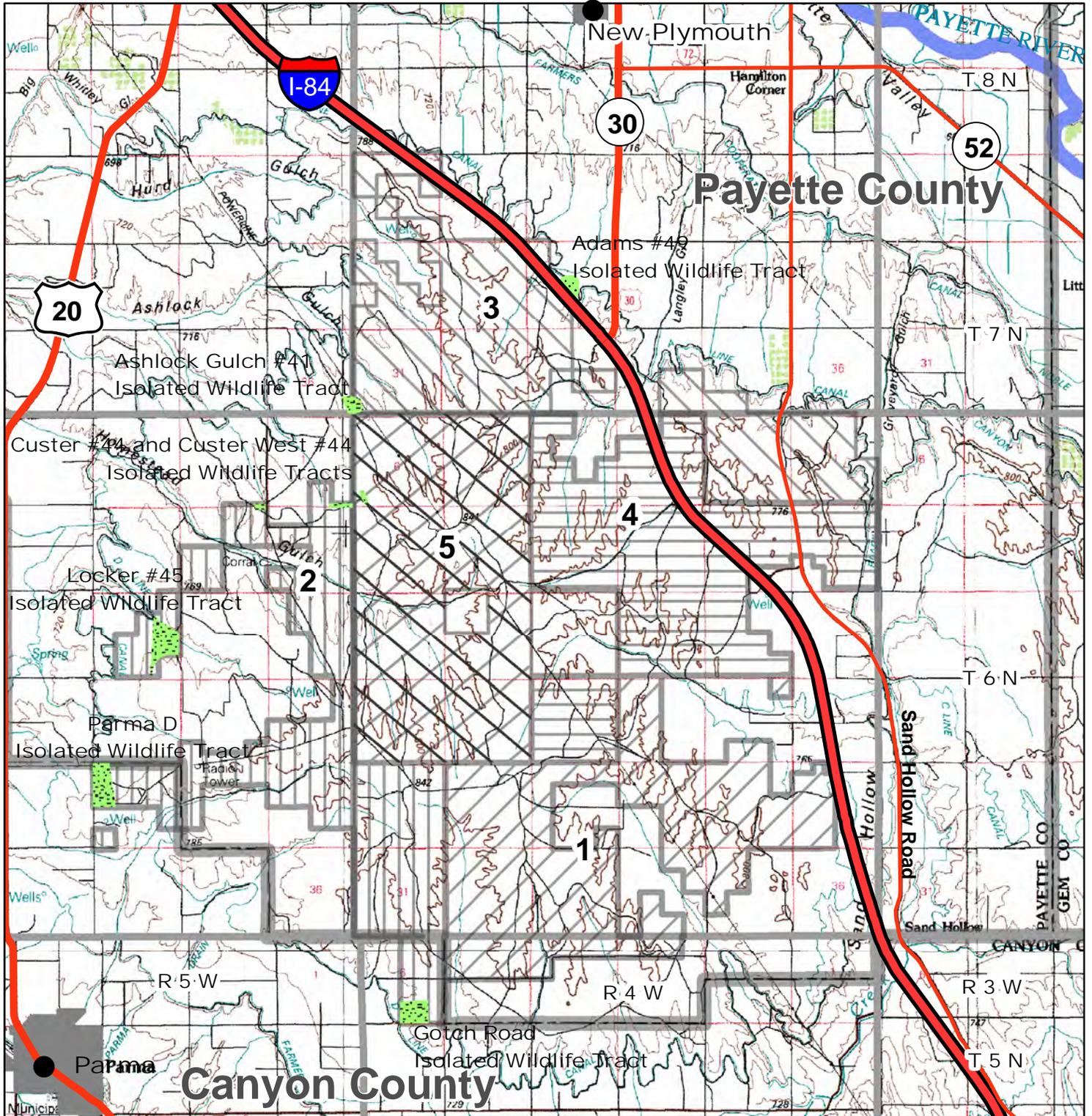


No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. October 18, 2010.



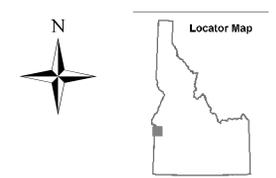
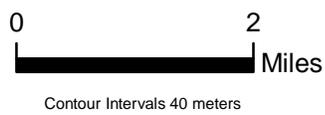
Attachment 6 - Isolated Wildlife Tract Enclosures

BLM Four Rivers Field Office



Map Legend

	Interstate	1	Parcel_IDI_36164 (5,117.8 acres)
	Highway	2	Parcel_IDI_36165 (4,799.03 acres)
	River	3	Parcel_IDI_36166 (4,737.41 acres)
	County Boundary	4	Parcel_IDI_36167 (5,095.01 acres)
	Incorporated Area	5	Parcel_IDI_36168 (5,129.3 acres)
	Isolated Wildlife Tract		
	No Surface Occupancy		



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. October 18, 2010.

Attachment 7 - Lease stipulations and lease notices

The following stipulations would apply to all leases:

1. ENDANGERED SPECIES ACT SECTION 7 CONSULTATION STIPULATION

The lease area may now or hereafter contain slickspot peppergrass (*Lepidium papilliferum*), Long-billed curlew, or other plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 USC 1531 et seq., including completion of any required procedure for conference or consultation.

2. BALD AND GOLDEN EAGLE PROTECTION ACT (EAGLE ACT) COMPLIANCE STIPULATION

Bald and/or golden eagles may now or hereafter be found to utilize the project area. The BLM will not issue a notice to proceed for any project that is likely to result in take of bald eagles and/or golden eagles until the applicant completes its obligation under applicable requirements of the Eagle Act, including completion of any required procedure for coordination with the U.S. Fish and Wildlife Service (Service) or any required permit. The BLM hereby notifies the applicant that compliance with the Eagle Act is a dynamic and adaptable process which may require the applicant to conduct further analysis and mitigation following assessment of operational impacts. Any additional analysis or mitigation required to comply with the Eagle Act will be developed with the Service and coordinated with the BLM.

3. CULTURAL RESOURCES PROTECTION STIPULATION

This lease may be found to contain previously unknown historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

4. CONTROLLED USE AND TIMING LIMITATION – ACEC

Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC)

The lease area contains high value habitat for the long-billed curlew (Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC)). Within the ACEC, motorized vehicle use will be limited to designated roads and trails. Rights-of-way construction activities for transmission lines, pipelines and other major projects will not be allowed during the nesting and brood-rearing periods from March 15 to June 30. Road construction will be limited and evaluated on a site-specific basis. All lands within the ACEC will be retained in Federal ownership. Preconstruction surveys and reports may be required to be submitted to BLM (Four Rivers Field Office). See Attachment 3 – Western Portion Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC) map.

5. CONTROLLED USE STIPULATIONS

CU-A. Endangered Species Plant – Slickspot peppergrass potential habitat

Prior to any surface disturbing activities, lands currently identified as potential slickspot peppergrass habitat or that are within the slickspot peppergrass management area will need a minimum of three years of field surveys to determine the presence/absence of slickspot peppergrass. All surveys must be conducted in years in which the spring precipitation is at or above a minimum of 60% of the long term average (normal). If slickspot peppergrass and/or its habitat are located, then consultation with the United States Fish and Wildlife Service (USFWS) will be required prior to the implementation of any surface disturbing activities. All surveys must be conducted by a qualified professional botanist familiar with slickspot peppergrass and its habitat. The project proponent may be required to fund these surveys. Proposed ground disturbing activities would likely require a Biological Assessment (Manual 6840, .1.F.5.a(2)) to be completed by the proponent or qualified consultant. Potential slickspot peppergrass habitat and the slickspot peppergrass management area are identified on Attachment 4 - Slickspot Peppergrass Management Area, Occupied, and Potential Habitat map.

CU-B. Erosion Hazard Soils

The lease area contains soils classified as erosion hazard. Protection of erosion hazard soils and soils on slopes greater than 30 percent is required. Soils will be managed to maintain productivity and to minimize erosion. Project level planning will consider the sensitivity of soil, water, and air resources in the affected area on a site-specific basis. Project level activity will require project design and land treatments designed to minimize adverse impacts to the soil, water, and air resources. Areas disturbed during project construction will be reseeded with a mixture of grasses, forbs, and shrubs when necessary. Lessee would also be required to adhere to a plan of development to effectively avoid and/or minimize impacts on soil resources by protecting the most sensitive areas, minimizing erosion, maintaining soil productivity, and minimizing surface disturbance from authorized activities.

Best management practices would be required on a site-by-site basis to protect erosive soils defined as severe or very severe erosion classes based on Natural Resources Conservation Service mapping or on slopes greater than 30 percent. The best management practices would include, but not be limited to, topsoil stockpiling, mulching, seeding with BLM approved seed and monitoring the seeding for successful germination and seedling establishment. See Attachment 5 – Erosion Hazard Soils map.

CU-C. Protection of Water Quality and Existing Wells

Lands adjacent to this lease contain existing water wells. As exploration and development activities commence, the lessee may be required to institute a hydrologic monitoring program commensurate with the level of activity to protect water quality and quantity.

The following stipulations would apply to the parcels as listed.

6. NO SURFACE OCCUPANCY - Endangered Species Plant PARCELS IDI-36166, IDI-36167, AND IDI-36168

The lease area contains element occurrences for slickspot peppergrass, a listed species under the Endangered Species Act of 1973 (as amended). No surface occupancy is allowed within slickspot peppergrass element occurrences 66, 68, 69, or 70 identified in Attachment 4 - Slickspot Peppergrass Management Area, Occupied and Potential Habitat. In the event that new element occurrences of slickspot peppergrass are identified during compliance with Stipulation 5 CU-A, then the new element occurrence and a 0.5 mile buffer around them could be subject to no surface occupancy pending consultation with the Service.

7. NO SURFACE OCCUPANCY – Isolated Wildlife Tract Enclosures PARCELS IDI-36165, IDI-36166, IDI-36168

The lease area contains isolated wildlife tract enclosures. No surface occupancy is allowed within the enclosures shown in Attachment 6 – Isolated Wildlife Tract Enclosures.

8. BUREAU OF RECLAMATION LANDS STIPULATION PARCELS IDI-36164, -36166, AND -36167

All lands covered by this lease within the area of any Government Reclamation project, or in proximity thereto, the lessee shall take such precautions as required by the Secretary of the Interior (Secretary) to prevent any injury to the lands susceptible to irrigation under such project or to the water supply thereof, PROVIDED, that drilling is prohibited on any constructed works or rights-of-way of the Bureau of Reclamation, and PROVIDED FURTHER, that there is reserved to the lessor, its successors and assigns, the superior and prior right at all times to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, and Reclamation works, in which construction, operation, and maintenance, the lessor, its successors and assigns, shall have the right to use any and all of the lands herein described without making compensation therefore, and shall not be responsible for any damage

from the presence of water thereon or on account of ordinary, extraordinary, unexpected, or unprecedented floods. That nothing shall be done under this lease to increase the cost of, or interfere in any manner with the construction, operation, and maintenance of such works. It is agreed by the lessee that, if the construction of any or all of said dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone or telegraph lines, electrical transmission lines, roadways, appurtenant irrigation structures or Reclamation works across, over, or upon said land should be made more expensive by reason of the existence of the improvements and workings of the lessee thereon, said additional expense is to be estimated by the Secretary, whose estimate is to be final and binding upon the parties hereto, and that within thirty (30) days after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States, or its successors, constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electrical transmission lines, roadways, appurtenant irrigation structures, or Reclamation works, across, over, or upon said lands; PROVIDED, HOWEVER, that subject to advance written approval by the United States, the location and course of any improvements or works and appurtenances may be changed by the lessee; PROVIDED, FURTHER, that the reservations, agreements, and conditions contained in the within lease shall be and remain applicable notwithstanding any change in the location or course of said improvements or works of the lessee. The lessee further agrees that the United States, its officers, agents, and employees, and its successors and assigns shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works hereinafter enumerated. Nothing in this paragraph shall be construed as in any manner limiting other reservations in favor of the United States contained in this lease.

THE LESSEE FURTHER AGREES that there is reserved to the lessor, its successors and assigns, the prior right to use any of the lands herein leased, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures, and also the right to remove construction material there from, without any payment made by the lessor or its successors for such right, with the agreement on the part of the lessee that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines; electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials there from, would be made more expensive by reason of the existence of improvements or workings of the lessee thereon, such additional expense is to be estimated by the Secretary, whose estimate is to be final and binding upon the parties hereto, and that with thirty (30) days after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials there from. The lessee further agrees that the lessor, its officers, agents, shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works herein above enumerated. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the lessor contained in this lease.

9. SPLIT ESTATE STIPULATION PARCELS IDI-36165 AND IDI-36168

On split estate lands (T. 6 N., R. 4 W., Sec. 7, Lots 1-3, E2W2, and T. 6 N., R. 5 W., Sec. 24, W2NWSW, Sec. 25 NW, Sec. 27 Lot 4) the lessee is responsible for making a good faith effort to reach access/use arrangements with the surface owner of such lands prior to entry upon the lands. Lessee must certify to the BLM that a good faith effort was made to reach a surface access/use agreement with the surface owner. If good faith efforts to obtain a surface access/use agreement fail, the lessee must submit a Damages Bond (minimum \$1,000; amount to be determined by BLM) to the BLM for the benefit of the surface owner to cover loss or damages to tangible improvements.

PROCESS FOR LEASE STIPULATION EXCEPTIONS, WAIVERS, AND MODIFICATIONS

To ensure leasing decisions remain appropriate in light of continually changing circumstances and new information, the BLM develops and applies lease stipulation exception, waiver, and modification criteria. The process for lease exceptions, waivers, and modifications is described in the Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States Programmatic Environmental Impact Statement (PEIS) (PEIS, pp. 2-14 and 15). An exception, waiver, or modification may not be approved unless, (1) the authorized officer determines that the factors leading to the stipulation's inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified; or (2) the proposed operations would not cause unacceptable impacts (43 CFR 3101.1-4).

- An exception is a one-time exemption for a particular site within the leasehold; exceptions are determined on a case-by-case basis; the stipulation continues to apply to all other sites within the leasehold. An exception is a limited type of waiver.
- A waiver is a permanent exemption from a lease stipulation. The stipulation no longer applies anywhere within the leasehold.
- A modification is a change to the provisions of a lease stipulation, either temporarily or for the term of the lease. Depending on the specific modification, the stipulation may or may not apply to all sites within the leasehold to which the restrictive criteria are applied.

An exception, waiver, or modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts and that less restrictive requirements would meet resource management objectives. The authorized officer may require the operator to submit a written request for an exception, waiver, or modification and information demonstrating that (1) the factors leading to the inclusion of the stipulation in the lease have changed sufficiently to make the protection provided by the lease stipulation no longer justified or (2) that the proposed operation would not cause unacceptable impacts. Requests from the operator

should contain, at a minimum, a plan including related on-site or off-site mitigation efforts, to adequately protect affected resources; data collection and monitoring efforts; and timeframes for initiation and completion of construction, drilling, and completion operations. The operator's request may be included in a permit application (e.g., application for permit to drill), Notice of Staking, Sundry Notice, or letter. The BLM may also initiate the process. During the review process, coordination with other state or Federal agencies would be undertaken, as appropriate, and documented. For example, it may be appropriate to coordinate the review of wildlife exceptions, waivers, and modifications with the local office of the State wildlife agency. Staff review and recommendations would be documented along with any necessary mitigation and provided to the authorized officer for approval or disapproval. The applicant would then be provided with a written notification of the decision.

LEASE NOTICES

1. Best Management Practices (PEIS, 2-21)

In addition to lease stipulations, during any subsequent exploration, drilling, utilization, or reclamation and abandonment of geothermal resources, the BLM would require project-specific mitigation measures to permits (PEIS, Appendix D). The agency's first priority is to mitigate impacts on-site. When the agency determines that impacts cannot be mitigated to an acceptable level on-site, it may be necessary to deny the permit, ask the applicant to modify the proposal, or mitigate remaining impacts off-site. Best Management Practices are state-of-the-art mitigation measures and may be incorporated into the permit application by the lessee or may be included in the approved use authorization by the BLM as conditions of approval. Conditions of approval are not lease stipulations, but they are site-specific and enforceable requirements to minimize, mitigate, or prevent impacts to resource values from an intended operation. Conditions of approval can limit or amend the specific actions proposed by the operator.

2. Monitoring

Mitigation measures, including lease stipulations and conditions of approval as well as the general operation of geothermal developments, would be monitored by the lessee or the appropriate Federal agency to ensure their continued effectiveness through all phases of development. Using adaptive management strategies, where mitigation measures are determined to be ineffective at meeting the desired resource conditions, the BLM would take steps to determine the cause and require the operator to take corrective action. This information would also be used to inform future geothermal leasing and development.

3. Slickspot Peppergrass Critical Habitat – All Parcels

The 2011 Critical Habitat Designation is expected to be published by the U.S. Fish and Wildlife Service in the Federal Register during the first or second quarter of 2011. The designation would be expected to include some conservation measures or concerns for areas designated as critical habitat. The management guidelines in the 2009 Conservation Agreement (CA) and the 2003 Candidate Conservation Agreement (CCA) are not expected to change. It is expected that the CA and CCA management guidelines and the Controlled Use lease stipulation would apply to

designated critical habitat. No surface occupancy may be implemented on this lease to the extent necessary to avoid jeopardy, if occupancy would adversely modify critical habitat.

**4. Material Site Right-of-Way IDI-10090
Parcel IDI-36166**

This lease contains a Federal Material Site Right-of-Way issued to the Idaho Department of Transportation. The Material Site Right-of-Way contains two separate, irregularly shaped parcels (each approximately 1,100 by 660 feet) totaling 35.8 acres. One parcel is in T. 7 N., R. 4 W., Section 19 NWNE. The other parcel is in T. 7 N., R. 4 W., Section 28 NWNW. Any use of the surface requires coordination with the Idaho Department of Transportation. Mineral materials from the two sites are not available for nonfederal purposes.

5. Raptors – All Parcels

A. Raptor nest disturbance: Nest management guidelines are currently under revision by the U.S. Fish and Wildlife Service (Service). Pending finalization of these Service guidelines, protective buffers described in the February 2008 draft version of the Service “*Guidelines for Raptor Conservation in the Western United States*” (Whittington and Allen 2008) will be used on Idaho BLM-administered public lands unless more restrictive buffers are identified in existing RMPs or MFPs. While the draft Service guidelines provide recommended disturbance buffers for a comprehensive list of raptor species, several species of interest to Idaho BLM are summarized below for convenience.

Species	Spatial Buffer in Non-Urban Areas
Bald eagle ^a	0.5 to 1.0 mile
Northern goshawk	0.5 mile
Ferruginous hawk	1.0 mile
Golden eagle	0.5 mile
Peregrine falcon	1.0 mile
Red-tailed hawk	0.33 mile
Prairie falcon	0.5 mile
Swainson’s hawk	0.25 mile
Burrowing owl	0.25 mile

^a For winter roosts, a 0.25 to 1 mile buffer is recommended, depending on the degree of screening provided by vegetation or topographic features.

Seasonal restrictions for potentially disruptive construction or other human activities, will generally apply for raptors from February 1 through July 31 unless an exception is granted by the BLM authorized officer.

B. Golden eagle- additional considerations: During project planning, the BLM and project proponents should work closely with the Service in incorporating appropriate provisions and protocols found in *Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and other Recommendations in Support of Golden Eagle Management and Permit Issuance* (Pagel et al. 2010) or more recent supplemental guidance.

6. Migratory Birds – All Parcels

Surface disturbing activities during the migratory bird nesting and brooding season (March 20 to July 15) may be restricted in order to avoid potential violation of the Migratory Bird Treaty Act. Appropriate inventories of migratory birds shall be conducted during analysis of actual site development. If active nests are located, the lessee shall coordinate with BLM to establish appropriate protection measures for the nesting sites which may include avoidance, restricting, or excluding development in certain areas to times when nests and nesting birds will not be disturbed. During development and production phases, if artificial ponds potentially detrimental to migratory birds are created these shall be fitted with exclusion devices such as netting or floating balls.