

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Twin Falls

Activity

Watershed

Overlay Reference

Step WS-5.1 Step 3

Recommendation: WS-5.1

Whenever springs which qualify as public water are identified, notify the State Director of their location so that the records can be noted of the land withdrawal (Public Water Reserve 107) where the spring is located.

Rationale:

All springs with a flow of .145 gal/minute or greater existing in 1926 or coming in existence before 1977 are interpreted as being reserved by Executive Order of April 17, 1926. There are many public water reserves that have not been noted.

Noting these springs withdraws the 40 acres where they are located to prevent disruption of the spring for public use. Idaho Instruction Memo ID-80-50 instructs the District to inform the State Director (943) of these springs locations.

Support:

Watershed: To systematically measure spring flow to see if the springs qualify as Public Waters.

Lands: To notify State Director (943) of spring locations.

Multiple Use Analysis

Reference to Idaho IM ID-80-50 and Executive Order of April, 1926, give the direction for completing the action recommended in WS-5.1. An inventory of all public waters has been completed showing the current use of each spring examined. A water rights - water use inventory has been done and water claims and water rights applications have been filed on all waters with developments.

*(Decision)*

Multiple Use Recommendation:

Allocate all waters that qualify as Public Water Reserves for public use. Use water rights filings with the State for all developed sources and Public Water Reserves on all other qualified sources.

Reasons:

Most waters on public lands are valuable for public uses such as fish and wildlife, stockwater, people water, wetland, riparian, or a combination of use. These waters should be allocated to the public needs and uses.

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

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Overlay Reference  
Step 1 WS-5.2 Step 3

Recommendation: WS-5.2 (*Decision*)

Reserve water for instream uses, especially fisheries, by using the State of Idaho filing system.

Support:

Wildlife and Watershed: To make In-stream flow need determinations and to file with Idaho Water Resources Board.

Rationale:

By filing for instream flows on streams with fisheries value the minimum flow needed for fisheries can be assured. New diversions on private land above BLM land and change in diversions that would impact the minimum flow will not be allowed by the State of Idaho Water Resources Board and the fisheries will be protected.

McMullen Creek, Shoshone Creek, and Salmon Falls Creek are listed on the State Office's contract with Idaho Department of Fish and Game for instream flow determinations. As the minimum flow needed is determined, we must file with the Water Resources Board.

Fifth Fork of Rock Creek will have to have instream flow needs determined by our staff. Idaho law allows filing for instream flows for wildlife and other beneficial uses beyond the needs of fisheries. Filings should be made for these uses as needed.

Multiple Use Analysis

The filing of a minimum instream flow water right is the only method of protecting a stream and its wild dependents from stream depletion. As water and power demands increase it is possible that stream diversions could move up the channels to gain the advantage of gravity to avert the need for power thus the existing stream flow would be eliminated. There are no present draw down problems at area streams but as the demand for water increases over the years, the need for stream protection will also grow. By establishing minimum flows with the State Department of Water Resources we can protect the important waterways from future diversions, thereby preserving these natural resources.

This recommendation is supported by Wildlife and Recreation.

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

UNITED STATES  
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MANAGEMENT FRAMEWORK PLAN - STEP 1  
ACTIVITY OBJECTIVES

|                  |            |
|------------------|------------|
| Name (MFP)       | Twin Falls |
| Activity         | Watershed  |
| Objective Number | WS-6       |

OBJECTIVE:

Conserve plants officially listed by Federal Government as being in potential danger of extinction and prevent sensitive species needing special consideration in land-use planning and decisionmaking processes from becoming threatened or endangered.

RATIONALE:

On December 28, 1973, the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) (see Appendix 1) became law and superseded similar acts passed in 1966 and 1969.

It was declared in Section 2 of the ESA that all Federal departments and agencies shall utilize their authorities to conserve species (plants and animals) officially listed pursuant to Section 4 of the ESA. This national policy is repeated and expanded in Section 7 (16 U.S.C. 1536) of the ESA, which sets forth procedures to be used and requirement to be met by Federal departments and agencies in order to comply with the Act. Section 7 mandates have three objectives: conserving listed species; ensuring that the continued existence of listed species is not jeopardized; and ensuring that Critical Habitats of listed species are not destroyed or adversely modified. These mandates are non-discretionary and are supported by civil and criminal penalties. Citizen lawsuits are authorized and could result in penalties being assessed against responsible officials of Federal agencies. It is also implied by Section 7 of the ESA that adequate cooperation, consultation, and assistance will occur in the endangered species conservation effort. The current legal procedures for this cooperation and consultation can be found in 50 CFR 402 or in the Federal Register, Volume 43, pages 869-876, January 4, 1978 (see Appendix 2, Interagency Cooperation Regulations). However, amendments to the ESA in 1976, 1977, 1978, and 1979 have substantially changed Section 7 requirements.

Draft Manual 6840 establishes BLM policy and guidance for complying with the Endangered Species Act. It is Bureau policy to conserve federally and State-listed endangered or threatened plants and animals and to utilize its authorities in furtherance of the purposes of the ESA and similar State laws. The objectives of all Bureau activities and programs will include the means to improve the habitat and prove justification for delisting such species. State laws protecting plants and animals faced with local extirpation or premature extinction apply to BLM activities and programs to the extent that they are consistent with the Federal Land Policy and Management Act (P.L. 94-579) and other Federal laws. It is also Bureau policy to ensure that the crucial habitats of sensitive plants and animals will be managed and/or conserved to minimize the need for listing such plants and animals by either Federal or State Governments in the future.

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Activity

Watershed

Overlay Reference

WS-6.1 Step 3

Recommendation: (*Decision*)

Protect playas that support Lepidium davisii by allowing no developments or improvements and no ORV use in the playas or surrounding area (Section 29, 30, 31, and 32, T.14 S., R. 15 E.).

Rationale:

As discussed in URA 3 (.45A9) Lepidium davisii can withstand a moderate amount of disturbance. Since the populations on both playas are currently stable, present uses do not appear to jeopardize the population.

ORV use and trampling by large grazing animals has adversely impacted Davis' playa mustard in other areas. Severe disturbance such as plowing or spraying with herbicide destroys playa mustard and may be the reason the mustard was not located on other playas in the planning unit.

As identified in URA 4 (.45B3) the present road and fence do not appear to have affected the population. However, improving the road would increase traffic and the risk of ORV use of the playas. Other improvements such as water troughs could result in increase grazing animal use.

Maintenance of status quo in the above named sections appear to be the best protection.

Multiple Use Analysis

This recommendation is to protect the potentially threatened plant Lepidium davisii. It has no conflicts and is supported by Cultural Resources CRM-1.5 and 1.9, by recommending no road improvements in the area. There is an existing road which runs very close to the playas, but as long as it remains unimproved there should be no added pressure on the habitat of these plants.

Multiple Use Recommendation:

Accept WS-6.1 -  
Allow no future improvements near the playas in T. 14 S., R. 15 E., sections 29, 30, 31, 32 that would endanger Davis' Playa Mustard.

Reasons:

Davis Playa Mustard is a threatened species and requires protection.

Note: Attach additional sheets, if needed

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Watershed

Overlay Reference

Step 1 WS-6.2<sup>St</sup>(cont.)

Multiple Use Recommendation:

Reject WS-6.2

*(Decision)*

Do not designate an ACEC or withdraw the area from mining. The surface will be managed according to the 3809 regulations.

Reasons:

An ACEC designation is not needed to provide protection for this potentially endangered species. It has been found on most of the playas along Salmon Falls Creek under existing management.

The current political leaders have issued directions that guide land managing agencies to use management rather than withdrawals so a withdrawal from mining is out.

Alternatives Considered:

1. Accept WS-2.6.

Note: Attach additional sheets, if needed

*(Instructions on reverse)*

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Activity  
Watershed

Overlay Reference  
WS+6.3 Step 3

Recommendation: (Decision)

Protect Idaho Sensitive Species by prohibiting range improvements and other activities which could adversely affect the natural plant community in the area.

Restrictions should be observed in the following locations:

For Allium anceps - T. 12 S., R. 18 E., Sections 10, 11, 14, and 15 and T. 15 S., R. 15 E., Sections 8 and 5; and

For Astragalus tetrapterus - T. 16 S., R. 15 E., Sections 8 and 9.

Rationale:

Bureau policy is discussed in Objective 6 Rationale. Instruction Memo ID-81-144 March 3, 1981, reiterates Bureau policy, "That sensitive species will be conserve and managed to minimize the need for State or Federal listing."

The "Inventory of Threatened and Endange Plants Located in the Twin Falls Plannin Unit" recommends that "Protection of threatened and endangered plant sites from heavy use and impact should be encouraged until such time as data becomes available which indicates that the plants can sustain other kinds of treatment."

The 1979 inventory supplied the first report of Allium anceps and the only known location of Astragalus tetrapterus Both of which are listed as Sensitive on the current Idaho list.

Multiple Use Analysis

This recommendation is mandated by existing law and policy IM-ID-81-144 and does not require a land use allocation decision for all identified areas. It is required in every development action implemented.

Multiple Use Recommendation:

Accept the recommendation.

Decision:

Accept the multiple use recommendation.

Restrict activities that threaten sensitive species wherever they exist within the planning area. Consideration will be given through the EA process.

Reasons:

Bureau policy mandates protection of sensitive species.

Rationale:

Bureau policy is to conserve sensitive species to minimize the need to list them on the Federal and State T & E list.

Note: Attach additional sheets, if needed

(Instructions on reverse)