

Snake River Birds of Prey National Conservation Area

Appendices, Maps and Glossary



Volume 2 – Supporting Documents for the
Proposed Resource Management Plan and
Final Environmental Impact Statement
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APPENDIX 1. NCA ENABLING LEGISLATION

PUBLIC LAW 103-64 – AUG. 4, 1993

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREAPUBLIC LAW 103-64
103d Congress**An Act**

To establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled,

Section 1. Findings.

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 460iii-3(e) of this title, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that:

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

(B) provides for continued military use, consistent with the requirements of section 460iii-3(e) of this title, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;



(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 1712 and 1732 of title 43, the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this subchapter.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decision making concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 460iii-3(f) of this title, it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

Section 2. Definitions.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID-237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.



(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b) of this title, and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b) of this title.

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

Section 3. Establishment of National Conservation Area.

(a) Establishment and Purposes – (1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on August 4, 1993, shall be allowed to continue.

(b) Area Included – The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) Map and Legal Description – As soon as is practicable after August 4, 1993, the map referred to in subsection (b) of this section and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) Withdrawals – Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 *et seq.*; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on August 4, 1993, without further action. Subject to valid existing rights, as of August 4, 1993, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the



mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

Section 4. Management and Use.

- (a) In General – (1)(A) Within 1 year after August 4, 1993, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.
- (B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.
- (C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.
- (2) Except as otherwise specifically provided in section 3(d) of this title and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.
- (b) Management Guidance – After each review pursuant to subsection (a) of this section, the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for –
- (1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;
 - (2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;
 - (3) public use of the conservation area consistent with the purposes of this Act;
 - (4) interpretive and educational opportunities for the public;
 - (5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;
 - (6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;
 - (7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and
 - (8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.
- (c) Visitors Center – The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.
- (d) Visitors Use of Area – In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the



- Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.
- (e) National Guard Use of Area – (1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after August 4, 1993, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.
- (2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.
- (3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.
- (4) Nothing in this subchapter shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.
- (5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after August 4, 1993, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.
- (6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.
- (7) Nothing in this subchapter shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.
- (f) Livestock Grazing – (1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by subsection 4(a)(1)(B).
- (2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 *et seq.*; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.
- (g) Cooperative Agreements – The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.
- (h) Agricultural Practices – Nothing in this subchapter shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.



- (i) Hydroelectric Facilities – Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a *et seq.*), located within the boundaries of the conservation area.

Section 5. Additions.

- (a) Acquisitions – (1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.
(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after August 4, 1993, shall become a part of the conservation area and shall be subject to this Act.
- (b) Purchase of Lands – In addition to the authority in section 318(d) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4061-9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.
- (c) Land Exchanges – The Secretary shall, within 4 years after August 4, 1993, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

Section 6. Other Laws and Administrative Provisions.

- (a) Other Laws – (1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or to limit the applicability of the National Trails System Act (16 U.S.C. 1241 *et seq.*) to any lands within the conservation area.
(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa *et seq.*), or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*).
(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.
(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.
- (b) Release – The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby released from further management pursuant to section 603(c) of Such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.



- (c) Existing Administrative Withdrawal Terminated – Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).
- (d) Water – (1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.
- (2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.
- (3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.
- (4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the “McCarran Amendment”).

Section 7. Authorization of Appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 4, 1993.



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APPENDIX 2. PLANNING CRITERIA

Planning criteria primarily identify the legal, regulatory, and policy authorities and requirements that direct or limit BLM's ability to resolve issues. A BLM manager can also identify additional factors to guide decision making, analysis and data collection during planning. Overall, the planning criteria help to:

- Describe the general and resource-specific standards, rules and measures that constrain or shape decisions;
- Ensure an RMP is tailored to the issues; and
- Identify factors to be considered for data gathering, analysis, and making decisions.

Planning criteria serve as a tool to help identify where the different legal, regulatory, and policy requirements will apply relative to specific issues and concerns. To serve this purpose, the BLM is developing general and specific program planning criteria for the LSRD RMPs. The general criteria will be used to guide the preparation of both RMPs and to guide future land use decisions. The specific program planning criteria will apply to individual Resource Management Plan decisions. Both the general and specific criteria identify existing laws, regulations, and BLM policies. A comprehensive list of other Federal, State and local planning documents is being developed and the documents will be used to determine consistency with other plans as required by FLPMA.

Together, these legal, regulatory, and policy requirements create the framework for the RMP process, including public involvement. The way in which these different layers interact with one another, however, is complex. For example, the guidance contained in the BLM Land Use Planning Handbook is subservient to the legal and regulatory mandates contained in NEPA, FLPMA, and 43-CFR 1600. Thus, for the agency, distinguishing between the different requirements and communicating about their affect on decision-making is a significant challenge.

General Guidance

Several of the Federal laws, regulations, and guidance documents that govern the RMP process also define BLM public involvement responsibilities. These requirements exist in the following places.

- ✓ Federal Land Policy and Management Act (FLPMA)
- ✓ National Environmental Policy Act (NEPA) and Council of Environmental Quality (CEQ) regulations.
- ✓ BLM Planning Regulations: 43 CFR1600 (including RMP process 43CFR1610)
- ✓ BLM Land Use Manual (1600 planning series)
- ✓ BLM Land Use Planning Handbook (Appendix C includes program-specific and resource-specific decision guidance.

The Federal Land Policy and Management Act of 1976 (FLPMA) provides the authority for BLM land use planning. The following summary of FLPMA requirements is addressed in BLM Manual 1601.

Sec. 201 requires the Secretary of the Interior to prepare and maintain an inventory of the public lands and their resources and other values, giving priority to Areas of Critical Environmental Concern (ACEC).



Sec. 202(c)(1-9) requires that, in developing land use plans, the BLM shall:

- Use and observe the principles of multiple use and sustained yield;
- Use a systematic interdisciplinary approach;
- Give priority to the designation and protection of Areas of Critical Environmental Concern;
- Rely, to the extent it is available, on the inventory of the public lands;
- Consider present and potential uses of the public lands;
- Consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values;
- Provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans;
- Consider the policies of approved Native American Indian Tribes and Federal, State and local plans to the maximum extent possible consistent with Federal law and the purposes of this Act; and
- Assure public involvement and develop procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public adequate notice and opportunity to comment on and participate in the formulation of plans.

Sec. 202(d) provides that all public lands, regardless of classification, are subject to inclusion in land use plans, and that the Secretary may modify or terminate classifications consistent with land use plans.

Sec. 202(f) and Sec. 309(e) provide that Federal, State, and local governments and the public be given adequate notice and an opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of public lands.

Sec 302(a) requires the Secretary to manage BLM lands under the principles of multiple use and sustained yield, in accordance with available land use plans developed under Sec. 202 of FLPMA.

The National Environmental Policy Act of 1969 (NEPA), requires the consideration of public availability of information regarding the environmental impacts of major Federal actions significantly affecting the quality of human environment. This includes the consideration of alternatives and mitigation of impacts.

BLM Planning Handbook H-1601-1, states that BLM will rely on available inventories (with updates) of the public lands, their resources, and other values to reach sound management decisions.

The Clean Air Act of 1990 requires Federal agencies to comply with all Federal, State and local requirements regarding the control and abatement of air pollution. This includes abiding by the requirements of State Implementation Plans.

The Clean Water Act of 1987 establishes objectives to restore and maintain the chemical, physical, and biological integrity of the Nation's water.

The Federal Water Pollution Control Act, requires Federal land managers to comply with all Federal, State and local requirements, administrative authorities, process, and sanctions regarding the



control and abatement of water pollution in the same manner and to the same extent as any non-governmental entity.

The Endangered Species Act (ESA) of 1973, requires:

Sec. 1531(b), provides a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and provides a program for the conservation of such endangered and threatened species.

Sec. 1531(c)(1), requires all Federal agencies to seek and conserve endangered and threatened species and utilize applicable authorities in furtherance of the purposes of the Endangered Species Act.

Sec. 1536(1), requires all Federal agencies to avoid jeopardizing the continued existence of any species that is listed or proposed for listing as threatened or endangered or destroying or adversely modifying its designated or proposed critical habitat.

The Wild and Scenic Rivers Act, requires Federal land management agencies to identify potential river systems and then study them for potential designation as wild, scenic, or recreational rivers.

The Wilderness Act, authorizes the President to make recommendations to the Congress for Federal lands to be set aside for preservation as wilderness.

The Antiquities Act of 1906, protects cultural resources on Federal lands.

The National Historic Preservation Act (NHPA) of 1966 as amended through 1992, expands protection of historic and archaeological properties to include those of national, State, or local significance and directs Federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

The American Indian Religious Freedom Act of 1978, establishes a national policy to protect and preserve the right of American Indians to exercise traditional Indian religious beliefs and practices.

The Taylor Grazing Act of 1934, authorizes the Secretary of the Interior to regulate occupancy and use; provide for the orderly use, improvement, and development of public rangelands; and stabilize the livestock industry dependent on the public lands.

The Public Rangelands Improvement Act of 1978, provides that the public rangelands be managed so that they become as productive as feasible in accordance with management objectives and the land use planning process.

Executive Orders 11644 and 11989, establish policies and procedures to ensure that off-road vehicle use is controlled in a manner that protects public lands.

Executive Order 13007, requires Federal agencies, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions to:

- Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners;
- Avoid adversely affecting the physical integrity of such sacred sites.



Executive Order 13112, provides that no Federal agency shall authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.

BLM Manual 8160, states that BLM is responsible for identifying Native American concerns and issues for all potentially affected lands, through consultation. The BLM should implement its programs, as they relate to Native American concerns, as consistently as practical with State and local laws and ordinances. However, where Federal lands are concerned, Federal law has precedence over State and local law.

Public Law 103-64 (The Act) established the Snake River Birds of Prey National Conservation Area (NCA). The Act provides that the NCA will be managed under the principles of dominant use for the purpose of conserving, protecting, and enhancing raptor populations and habitats. The law specifically withdrew the Federal lands within the NCA from all forms of entry, appropriation, application, selection and disposal except for voluntary land exchanges to resolve ownership related land use conflicts. The Act allows existing uses to continue to the extent they are compatible with the purposes for which the NCA was established. Compatibility determinations will be made through the RMP process.

BLM Information Memo No. 2001-030 Change 1 dated January 23, 2002 states: BLM will allow the Federal military, including reserves, to use lands authorized for State National Guard use, when the authorization is by permit, lease, right-of-way or cooperative agreement if:

- Federal military use is the same or of less impact on the natural and cultural resources as the National Guard use, and
- Total impact of the Federal military use is only a small percentage (less than 10% of the cumulative natural and cultural resource impacts of all military training on the lands authorized for use. The planning analysis will only evaluate proposed military activities within the National Guard's Orchard Training Area. This guidance limits the range of possible military activities that will be considered in the RMP.

Specific Guidance

In addition to the general criteria listed above, the following program-specific criteria will apply to individual program decisions. Most of the program specific guidance comes from BLM's Land Use Planning Handbook (H-1601-1).

Air Quality: Under the Clean Air Act, BLM lands were given a Class II air quality classification. This classification allows moderate deterioration associated with moderate, well controlled industrial and population growth. All lands will be managed under Class II unless they are reclassified by the State as provided for in the Clean Air Act.

Water Quality: BLM will incorporate applicable best management practices, as identified in Idaho Water Quality Standards 16.01.02 subpart 350 rules governing nonpoint source activities, or other conservation measures into the RMP for specific programs and activities. Water quality will be maintained or improved in accordance with State and Federal standards.



Vegetation Management:

- Identify the desired future conditions for vegetative resources, including the desired mix of vegetative types, structural stages, and landscape and riparian functions. Provide for native plant, fish, and wildlife habitats. Idaho Standards for Rangeland Health establish the minimum standards that will be applied to the development of the desired future conditions. All resource uses must support those standards.
- Designate priority plant species and habitats, including BLM listed special status species and populations of plant species as significant for at least one factor such as density, diversity, size, public interest, remnant character or age.
- Identify the general actions needed to achieve desired vegetative conditions.
- Consider the guidance provided in the document “Management Considerations for Sagebrush (*Artemisia*) in the Western United States: a Selective Summary of Current Information about the Ecology and Biology of Woody North American Sagebrush Taxa.”

Noxious Weed Control: Noxious weed control will be conducted in accordance with the integrated weed management guidelines and design features identified in the Northwest Area Noxious Weed Control Program EIS of 1985, as well as the Vegetative Treatment on Public Land ROD, dated 1991 or the most current agency guidance.

Cultural Resources: Identify area-wide criteria and use restrictions that apply to special cultural resource issues that may affect the location, timing, or method of development or use of other resources. Every new, revised, and amended RMP will incorporate: (1) sufficient information to identify the nature and importance of all cultural resources known or expected to be present in the RMP area, (2) goals for their management, (3) land use allocation decisions in support of the goals, and (4) management actions and prescriptions that will contribute to achieving the decisions.

Visual Resources: Designate Visual Resource Management Classes.

Special Status Species: BLM sensitive species will be managed such that BLM actions do not contribute to the need to list any species as threatened or endangered. Populations of Federally listed or proposed species will be conserved and will not be jeopardized. The ecosystems on which they depend will also be conserved. Apply the guidance contained in “A Framework to Assist in Making Sensitive Species Habitat Assessment for BLM Administered Public Lands in Idaho.” In developing conservation programs for special status species, the BLM will apply criteria provided by the U.S. Fish and Wildlife Service for evaluating conservation efforts.

Fish and Wildlife: Work with State wildlife agencies to describe existing and desired population and habitat conditions for major habitat types that support a wide variety of game and non-game species. Identify actions and opportunities needed to achieve desired populations and habitat conditions while maintaining a thriving natural ecological balance and multiple-use relationships.

Fire Management: Fire, as a critical natural process, will be integrated on a landscape scale through the planning process. The response to wildland fire will be based on ecological, social, and legal consequences of fire. The RMP will set the objectives for the use of fire and the desired future conditions of the public lands. The following categories will be identified to achieve the desired future conditions.

- A. Areas where wildland fire is not desired at all. In these areas, emphasis should be placed on prevention, detection, rapid response, and non-fire fuels treatments. Fire suppression



- may be required to prevent unacceptable resource damage or to prevent loss of life and property.
- B. Areas where unplanned fire is likely to cause negative effects, but these effects can be mitigated or avoided through fuels management, prevention of human-caused fire, or other strategies.
 - C. Areas where fire is desired to manage ecosystems but where there are constraints because of the existing vegetation conditions due to fire exclusion (more substantial non-fire fuels treatments may be necessary prior to the use of prescribed fire).
 - D. Areas where fire is desired, and where there are no constraints associated with resource conditions, or social, economic, or political considerations.
 - E. Broad treatment levels in areas B through D above.

Livestock Grazing: Identify lands available or not available for livestock grazing considering the following factors: other uses for the land; terrain characteristics; soil, vegetation, and watershed characteristics; the presence of undesirable vegetation, including significant invasive weed infestations; the presence of other resources that may require special management or protection, such as special status species, or ACECs. Information related to these factors is obtained through the resource assessment process. For lands available, decisions on forage allocations, grazing systems, and rangeland developments for administering livestock grazing will be made in subsequent implementation-level plans, in accordance with BLM's national policies for conducting allotment assessments and issuing and renewing grazing permits. The plan will identify priorities for completing assessments based on specific natural resource objectives and conditions. For lands available for livestock grazing identify on an area wide basis both the existing permitted use and the anticipated future permitted use with full implementation of the RMP while maintaining a thriving ecological balance and multiple-use relationship. In addition, identify guidelines and criteria for future allotment-specific adjustments in permitted use, season of use, and grazing management practices.

Recreation:

- The public lands will be managed to enhance recreational opportunities and protect visual resources. Identify allowable kinds and levels of recreation to sustain the goals, standards and objectives that balance the public's recreation demands with the natural resource capabilities.
- Identify the general management strategies, including major actions and limitations required to maintain recreation values. Identify Special Recreation Management Areas (SRMA). Anything not designated as SRMA will, by default, become an Extensive Recreation Management Area (ERMA) for those areas open to recreation.
- All lands will be designated as open, limited, or closed to Off-Highway Vehicle (OHV) use. Specific route designations will be established in subsequent implementation-level travel management plans. The RMP will prepare a base map of existing routes and establish priorities and a schedule for developing travel management plans.

Special Designations: Recommend areas for congressional designation such as National Wild and Scenic Rivers and National Historic or Scenic Trails. Make the following determinations:

- Consistent with Sec. 202 of FLPMA analyze nominations from the public for special designations, in particular WSAs to be managed under the interim management policy and incorporate appropriate special designations in the RMP. Identify management direction for the WSAs, both identified under Sec. 603 of FLPMA and in the subsequent Land Use planning process, should they be released from wilderness consideration by Congress.



- Determine which eligible river segments are suitable for inclusion in the National Wild and Scenic River System. The evaluation will be done in accordance with the guidelines published by the Secretaries of the Interior and Agriculture on September 7, 1983 and other current applicable guidance.
- Designate ACECs and identify goals, standards, and objectives for each, as well as general management practices and uses, including constraints and mitigation measures. ACECs must meet the relevance and importance criteria in 43 CFR 1610.7-2(b) and must require special management to protect the area and prevent irreparable damage to resources or natural systems.
- Designate Back-County Byways, Watchable Wildlife Viewing Sites or other BLM administrative designations.

Riparian Areas, Flood-Plains and Wetlands: Generally riparian areas, flood-plains and wetlands will be managed to protect, improve and restore their natural functions to benefit water storage, ground-water recharge, water quality, and fish and wildlife values. The Clean Water Act and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management will be used to guide management actions.

Energy and Minerals: The NCA enabling legislation specifically withdrew the affected public lands from the operation of the mining and mineral leasing laws, except that salable minerals could continue to be made from existing mineral material sites.

Lands and Realty: Identify lands available for disposal by land exchange; criteria under which proposed Section 205 acquisitions or interest in lands would occur; proposed withdrawal areas; where and under what circumstances land use authorizations such as major leases and land use permits may be granted; potential right-of-way corridors, avoidance areas, and exclusion areas. All public lands will be retained in Federal ownership unless it is determined that disposal will serve the public interest, as well as the purposes for which the NCA was established. Criteria developed to identify lands for acquisition will be based on public benefits, management considerations, and public access needs. Specific actions to implement the land tenure decisions will include full public participation. Public lands will generally be available for consideration as transportation and utility rights-of-way except where specifically prohibited by law or regulation (such as WSAs), or in areas specifically identified for avoidance or exclusion to protect resource values.



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