agencies would provide the public a "window" into the otherwise arcane process of travel planning.

3. Key principles of travel planning should guide preparation of a comprehensive TMP for the Snake River Birds of Prey NCA.

In light of the many concerns outlined above with use of the ARS Tree, we recommend BLM use the principles outlined below and follow the approach set out in the Travel Management Planning Template (**attached** to this letter) when developing a comprehensive travel management plan:

(1) Travel management is part of land use planning and should address both recreation and transportation needs from a landscape perspective.

(2) Prior to conducting an inventory or designation of routes, BLM should assess the present resources, requirements for protection, and which uses for recreation and development are compatible with these resources, requirements and other users.

(3) BLM should use a legal definition of "road" when designating routes.

(4) BLM's consideration of ORV use should take into account its potential damage to resources and other uses, including exclusion of other users.

(5) Where BLM presents a baseline travel system, it must present route maps in a responsible manner that does not legitimize illegally-created routes.

(6) BLM should include a detailed closure and restoration schedule in the plan.

(7) BLM should include and implement a monitoring plan.

(8) BLM should include and implement education and outreach in the plan.

Recommendations: BLM should follow the eight travel planning principles and use an approach similar to that set out in the enclosed Travel Management Planning Template to ensure that only routes which comply with the NCA legislation and BLM's ORV regulations, and which truly serve a valid purpose for the public, remain open. Further, the involvement of ORV groups in the travel planning process should be limited in practice to obtain input from all users of the public lands and make informed, responsible designations of areas and routes suitable for ORV use.

VIII. VRM Classifications

The preferred alternative's proposal to classify 298,600 acres as VRM class III, and all of the land in the OTA as VRM class IV, with only 54,100 acres as VRM Class II (Draft RMP, pp. 3-39 – 3-40) is inconsistent with the mandate of the NCA legislation to manage these lands to protect the habitat of raptors and their prey. Classifying a significant majority of the NCA as VRM class III, and only 54,100 acres as VRM class II is inconsistent with the NCA legislation as it does not emphasize maintaining raptor habitat.

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The objective of VRM class III is "to partially retain the existing character of the landscape. Management is so that "the level of change to the characteristic landscape should be moderate." *See*, BLM official Visual Resource Management information website at: http://www.blm.gov/nstc/VRM/vrmsys.html. By designating key raptor habitat as VRM class III, the BLM is proposing management that only requires raptor habitat to be "partially retained." This approach does not meet the requirements of the NCA legislation, which obligates the BLM to develop a management plan that "emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area." 16 U.S.C. § 460iii(5)(a). By proposing management that allows further deterioration of raptor habitat in the NCA, the BLM is not fulfilling its responsibility to rehabilitate and protect habitat for raptors and their prey. The majority of the NCA should be classified as VRM class II, which strives to "maintain the existing character of the landscape." Maintaining the existing character of the landscape will ensure that raptor habitat is not further degraded.

Of particular concern is the fact that none of the area in the slickspot management area is classified as VRM Class II. Since slickspot peppergrass is considered a type 1 species by the BLM and is to be managed as though it were an endangered species, classifying the slickspot peppergrass management areas as VRM class III and allowing the landscape to only be "partially retained," is inconsistent with not only the NCA legislation but also with BLM Manual 6840, which states that the BLM is required "to ensure that BLM actions will not reduce the likelihood of survival and recovery of any listed species or destroy or adversely modify their designated critical habitat." Manual 6840.06A2. As shown above, the slickspot peppergrass occurrences in the OTA and in the Kuna Butte area are critical habitat for this species. Accordingly, by failing to impose appropriate management requirements, the BLM is allowing further deterioration of this habitat and violating its own directive not to adversely modify critical habitat.

Further, in addressing Desired Future Conditions (DFCs), the RMP states that for Visual Resources there is "No Specific DFC" and readers are referred to the DFCs for "Recreation." Draft RMP, p. 1-16. However, there is not a DFC for Recreation that pertains to visual resources and the only Standard for Recreation simply refers to designing recreational facilities to be compatible with protecting scenic landscape values. Draft RMP, p. 1-17. It is important that the RMP acknowledge the role that VRM classifications will play in determining the activities that may be permitted in sensitive areas and specify appropriate DFCs and management classifications.

Recommendations: Consistent with the reasons for which the NCA was established and the guiding management principles, the majority of the NCA should be classified as VRM class II, which strives to "maintain the existing character of the landscape." Specifically, areas of key raptor habitat, important raptor prey species habitat, and slickspot peppergrass populations and habitat should be classified as VRM Class II. In addition, a Desired Future Condition and Standard for visual resources should be set out, identifying conditions and standards to ensure that habitat areas are managed to be consistent with needs of raptors and prey species.

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IX. Cultural Resources

The Federal Land Policy and Management Act (FLPMA) requires the BLM to develop and periodically revise land use plans guiding the management of public lands. 43 U.S.C. §1712(a). FLPMA mandates that "public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values." 43 U.S.C. §1701(a)(8). Agencies must also "consider the relative scarcity of the values involved." 43 U.S.C. §1711(c)(6). In addition, FLPMA mandates that the BLM continuously maintain "an inventory of all public lands and their resources and other values[…] This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values." 43 U.S.C. §1711(a).

In the context of historical and cultural resources, the National Historic Preservation Act of 1966 ("NHPA") (16 U.S.C. § 470 et seq.) affords heightened protection to these resources, establishing a cooperative federal-state program for the protection of historic and cultural resources. In particular, the "section 106" (16 U.S.C. § 470f) review process obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for inclusion under NHPA. Additionally, Section 106 requires the BLM to consider the effects of its management actions on all historic resources and to give the Advisory Council on Historic Preservation an opportunity to comment before the BLM takes action. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1)), and to manage and maintain those resources in a way that gives "special consideration" to preserving their historic, archaeological, and cultural values. Section 110 also requires the BLM to ensure that all historic properties within the National Monument are identified, evaluated, and nominated to the National Register of Historic Places. *Id.* § 470h-2(a)(2)(A).

The Standard Operating Procedures for cultural and tribal resources projects surveys would continue, but only for 80 to 240 acres per year. Draft RMP, p.. 3-8 – 3-9. While the preferred alternative (by referring to and taking the same approach as Alternative B) provides for "increased cultural resource surveys, cultural resource site monitoring, and cultural resource interpretation and outreach projects." Draft RMP, pp. 3-9 – 3-10. Without more specificity about the levels of the inventory and management of cultural resources, BLM is not giving sufficient weight to assessing and protecting these lands, which include lands of the Shoshone Paiute and Shoshone Bannock Tribes.

The proposed RMP will direct the implementation of various management activities for approximately the next 15 years. Projects conducted will range from restoration projects and species conservation to grazing and military training. Therefore, it is vital that the RMP commit to completing an inventory of cultural resources and developing sufficient management to protect them.

Recommendations: The RMP should establish a timeline for conducting a complete inventory of the cultural and historical resources present in the NCA and commitments to managing these resources when they are located. The BLM should also complete a Cultural Resource

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Management Plan providing for inventory and monitoring to ensure protection of cultural, historical, and tribal resources.

X. Lands and Realty

A. Wind energy development should not be permitted within the NCA.

The Desired Future Conditions (DFCs) for lands and realty include a provision that all wind energy sites would be located within an identified right-of-way use area (DRMP/EIS, p. 1-16). However, this approach is **not consistent with the NCA requirements to manage these lands to protect raptors and their prey or with the Record of Decision for Wind Energy Development on BLM Lands.**

Wind turbines can incur significant mortality for avian species including raptors. Raptor mortality may occur when raptors collide with turbine blades or towers. Similarly, raptor prey species or habitat may be directly or indirectly affected by the placement of wind turbines. Direct mortality of raptor prey species may occur as a result of collisions with turbine blades or towers. Direct mortality may also result during the construction of wind turbines. Indirect effects of wind turbines on raptor prey species and raptors can occur due to the fragmentation of habitats because of the placement of wind turbines.

Further, the December 2005 Record of Decision for Wind Energy Development on BLM Lands includes NCAs in the categories of lands "that will be excluded from wind energy site monitoring and testing and development." ROD, p. A-2, **attached** for your reference. Only one NCA (the California Desert Conservation Area) is exempted from this requirement, so wind energy development may not be permitted in the SRBOP NCA.

Recommendation: Wind energy development in the NCA would be inconsistent with the purpose of the enabling legislation to protect raptors , raptor prey species, and their habitat. 16 U.S.C. §406-iii(5)(D). In addition, wind energy development is prohibited by the Record of Decision governing wind energy development on BLM lands. The RMP should state that wind energy development is not permitted within the NCA.

B. No additional utility corridors should be designated within the NCA.

BLM (along with the U.S. Forest Service and Department of Energy) is part of an effort to identify and designate energy corridors on a West-wide, programmatic scale (known as the West-wide Energy Corridor Programmatic EIS), pursuant to Section 368 of the Energy Policy Act of 2005. The proposed corridors are 3,500 feet wide and open to use for oil, gas and hydrogen pipelines, and electricity transmission and distribution facilities. The preliminary map of proposed corridors, released in Spring 2006, appears to show a corridor running along the southern edge of the NCA, similar to that shown for Alternative C[10] on Lands Map 2. Draft RMP, p. A-101. We support BLM's preferred alternative in the Draft RMP (Alternative D),

[10] This corridor does impact less sensitive areas than that shown for Alternative B.

which uses the existing .75 mile wide corridor north of the NCA and does not provide for expanded placement of corridors within the NCA. BLM should actively encourage the West-wide Energy Corridor PEIS team to utilize this existing corridor as opposed to designating a new corridor near or through the NCA.

As discussed in TWS's scoping comments for the West-wide Energy Corridor PEIS and TWS's comments on the Preliminary Maps, certain areas should be presumptively avoided in placing transmission corridors under the PEIS process or any other process (such as the NCA RMP process). These places include all formally designated or other areas identified because of their special natural values. These values have potential to be damaged or destroyed by the surface disturbance, alteration of viewsheds and features, impact to air and water quality, erosion, direct mortality of wildlife (such as raptors in the NCA), fragmentation of habitat, and increased human access likely to occur in connection with the construction and use of energy corridors. NCAs and critical wildlife habitat are two such areas; both factors are present in this situation to guide against permitting any additional corridors to be designated in the SRBOP NCA.

Recommendations: BLM should adopt the preferred alternative and not identify additional utility corridors beyond the existing .75 mile wide corridor north of the NCA. Further, NCA staff should encourage BLM and the other federal agencies working on the West-wide Energy Corridor PEIS planning effort to designate the existing corridor only and should strongly oppose the designation of additional corridors in or near the NCA.

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Thank you for your consideration of these comments. We look forward to seeing these issues addressed as the Snake River Birds of Prey National Conservation Area RMP is developed. In addition, we are available to meet with you to discuss our proposed changes to the RMP at your convenience.

Sincerely,

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Attachments:

1. Meyer, Susan E., D. Quinney, and J. Weaver. 2006. "A Stochastic Population Model for *Lepidium Papilliferum* (Brassicaceae), a Rare Desert Ephemeral With a Persistent Seed Bank." *American Journal of Botany* 93(6): 891-902.
2. Orchard Training Area Slickspot Peppergrass Concentrations ACEC map. The Wilderness Society, 2006.
3. Kuna Butte Slickspot Peppergrass Concentrations ACEC map. The Wilderness Society, 2006.
4. CD containing shapefiles of the Orchard Training Area Slickspot Peppergrass Concentrations ACEC and Kuna Butte Slickspot Peppergrass Concentrations ACEC proposals. Shapefiles were created by The Wilderness Society from data received from the Idaho Conservation Data Center (IDCDC) containing known *Lepidium Papilliferum* occurrences.
5. Rogers, D. Christopher, D. Quinney, J. Weaver and J. Olesen. 2006. "A New Giant Species of Predatory Fairy Shrimp from Idaho, USA (Branchipoda: Anostraca). *Journal of Crustacean Biology* 26(1): 1-12.
6. Appendix 1:
    a. *Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands*, The Wilderness Society, 2006.
    b. Weller, C., Thomson, J., Morton, P., Aplet, G. 2002. Fragmenting Our Lands: The Ecological Footprint from Oil and Gas Development. The Wilderness Society: Washington, DC. 24 p.
    c. Hartley, D. A., Thomson, J. L., Morton, P., Schlenker-Goodrich, E. 2003. Ecological Effects of a Transportation Network on Wildlife. The Wilderness Society: Washington, DC. 27 p.
    d. Thomson, J. L., Hartley, D. A., Ozarski, J., Murray, K., Culver, N. W. 2004. Protecting Northern Arizona's National Monuments: The Challenges of Transportation Management. The Wilderness Society: Washington, DC. 39 p.
    e. Thomson, J. L., Schaub, T. S., Culver, N. W. Aengst, P.C. 2005. Wildlife at a Crossroads: Energy Development in Western Wyoming. The Wilderness Society: Washington, DC. 40 p.
7. Excerpts from the Record of Decision (ROD) for the Dillon Resource Management Plan, BLM Dillon Field Office (Montana), February 2006.
8. Recommended Travel Management Planning Process. The Wilderness Society and Colorado Mountain Club, 2004.
9. Excerpts from the Record of Decision (ROD) for the Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments, December 2005.

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