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Note: Page reference in specific responses refers to the bound version of the Draft Amendments to Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern dated June 2002.

**PUBLIC PARTICIPATION/COMMENTS  
DRAFT SHOSHONE LAND USE PLAN AMENDMENTS  
June 28 to August 27, 2002**

**PUBLIC MEETINGS**

July 23, 2002 in Shoshone, Idaho - 12 people  
July 24, 2002 in Hailey, Idaho - 10 people

**COMMENTS/LETTERS/E-MAILS**

1 14	U.S. Fish and Wildlife Service Eastern Idaho Field Office - ES 4425 Burley Dr., Suite A Chubbuck ID 83202	10	Lawrence L. Huck 215 4 <sup>th</sup> Ave. South P.O. Box 3969 Hailey ID 83333
2	Fred Beguin E-Mail	11	Kathy Killen E-Mail for Patrick A. Takasugi Director Idaho Dept of Agriculture
3	LeaVell Cattle P.O. Box 54 Gooding ID 83330		
4	Idaho Department of Lands 954 W. Jefferson St P.O. Box 83720 Boise ID 83720-0050	12	Christopher Krupp E-Mail for Western Land Exchange Project P.O. Box 95545 Seattle WA 98145-2545
5	Lawrence L. Huck E-Mail	13	Katie Fite E-Mail for (+ a letter) Committee for Idaho's High Desert P.O. Box 2863 Boise ID 83701 & Jon Marvel Western Watersheds Project P.O. Box 1770 Boise ID 83333
6	Blaine Co. Board of Commissioners 206 First Avenue South, Suite 300 Hailey ID 83333		
7	Barrett Molter E-Mail		
8	Richard Graves 2082 S. 200 E. Gooding ID 83330	15	Wood River Land Trust P.O. Box 6376 Ketchum ID 83340
9	Kenneth E. Ruby 1884 East 2800 South Wendell ID 83355-3037	16	J.D. Baldwin 2016 Whipkey Dr. Gooding ID 83330

- |    |   |    |   |
|----|---|----|---|
| 17 | Jerome County Commissioners<br>E-Mail   | 27 | Hogue & Dunlap, L.L.P.<br>Attorneys at Law<br>16 West Croy Street, Suite K<br>P.O. Box 460<br>Hailey ID 83333         |
| 18 | City of Twin Falls<br>P.O. Box 1907<br>321 Second Ave East<br>Twin Falls ID 83303-1907<br>E-Mail (+ a letter)   | 28 | King Hill Ranch<br>George L. & Sharron N. Presley<br>6688 East Montgomery Road<br>King Hill ID 83633-3368             |
| 19 | Idaho Dept Parks & Recreation<br>P.O. Box 83720<br>Boise ID 83720-0065<br>E-Mail                                | 29 | Idaho Dept of Water Resources<br>1301 North Orchard Street<br>Boise ID 83706<br>P.O. Box 83720<br>Boise ID 93720-0098 |
| 20 | Idaho Transportation Department<br>Scott Malone<br>Assistant District 4 Engineer<br>E-Mail                      | 30 | County of Jerome<br>Planning & Zoning<br>121 3 <sup>rd</sup> Avenue East<br>Jerome ID 83338<br>FAX + Letter           |
| 21 | Idaho Dept of Fish & Game<br>Magic Valley Region<br>868 East Main Street<br>P.O. Box 428<br>Jerome ID 833800428 | 31 | The Shoshone-Bannock Tribes<br>Cultural Resources<br>Heritage Tribal Office<br>P.O. Box 306<br>Fort Hall ID 83203     |
| 22 | Carl Pennington<br>50 W. 620 N.<br>Shoshone ID 83352  | 32 | Jerome County Commissioners<br>300 North Lincoln<br>Room 300<br>Jerome ID 83338                                       |
| 23 | Del Kohtz<br>1135 Valley Rd South<br>Eden ID 83325  | 33 | SHPO<br>E-Mail  |
| 24 | Jerome City P&Z<br>121 3rd Avenue East<br>Jerome ID 83338   |    |   |
| 25 | Western Watersheds Project<br>P.O. Box 1770<br>Hailey ID 83333<br>+ Fax   |    |   |
| 26 | Rick Moeller<br>P.O. Box 6112<br>Ketchum ID 83340   |    |   |

## GENERAL COMMENTS/RESPONSES

2c. I would like to congratulate you on an extremely comprehensive Land use Plan...

Response: Comment noted.

6b. Thank you once again for your dedication and great work, and for allowing us the opportunity to comment.

Response: Comment noted.

7. I was unable to make the meeting in Hailey and was wondering what transpired and if there is any new news I should be aware of...more specifically have you decided on what option (1 or 2) BLM is deciding to go with.

Response: In our 8/19/02 reply to you we explained that we would have to evaluate the comments prior to sending out the proposed decision.

10b. We are both in favor of the proposed Draft Amendments and would like to see implementation of these amendments as soon as possible.

Response: Comment noted.

11e. Moreover, BLM has failed to consider agriculture's vital role in Idaho society; for example, in the paragraph *Consistency with Related Plans, Programs and Policy* (page 4), the State of Idaho's interests are correctly mentioned in the document, with one exception glaringly absent...the interests of Idaho's agricultural community. Yet, later in the paragraph, *Local Economy and Society* (page 7), BLM correctly notes that private landowners rely upon BLM to support farming practice. Then, in contrast to both above paragraphs, BLM points toward agricultural uses as being **detrimental to the vegetation** (see page 8). This is a broad statement not supported by data or fact and one which ISDA takes exception.

Certain vegetative areas around communities have been altered with purpose. Fire suppression is considered to be a vital need to all Idaho's citizens and their private property. As to excessive grazing in the past, this statement is not supported by fact. BLM should provide supporting documentation or remove those non-supported statements about excessive grazing and fire suppression vegetation removal.

Response: The statement on page 7 where "In some cases, private landowners rely on the BLM to support these farming practices by authorizing agricultural uses of public lands" is true and will continue into the future. However, the BLM is attempting to alleviate one issue with land tenure adjustments, through primarily land exchanges. The statement on page 8 describes the fact that the Bennett Hills area retains the original character as productive, native shrub lands, whereas the vegetation in some areas nearer communities has been altered. In both cases, we are describing to the reader the current situation we have and some of the major reasons how we got to this point. BLM did not say "agricultural uses as

being **detrimental to the vegetation**” as you suggested. In addition, the last paragraph on page 8 describes the relationship of demographic changes to the economy of the planning area.

It is well known that not all of the public lands are in the desired future condition as documented in numerous BLM documents, such as Standards and Guide Determinations and NEPA documents supporting various decisions. Evidence also exists in fire suppression and rehabilitation files that reoccurring fires have dramatically changed some areas from perennial native species to a complete dominance of exotic annual species. These can be reviewed at the Shoshone Field Office. However, BLM recognizes your concern over the words “excessive grazing in the past” on page 8. BLM agrees that when the word excessive was used in this situation, it was from looking back from today’s standards and philosophies. When the grazing actually occurred the use and practices were considered proper for the times. Therefore, the wording on page 8 was changed to “past grazing practices and changes in fire...”.

12a. In general, this document was extremely confusing. It was difficult to understand how the proposed land tenure adjustments were related to the proposed ACECs. Separate EAs would have better addressed these two distinct concepts.

Response: When these amendments were proposed, we knew they were going to be difficult to follow through the document. However, we made the attempt to always start a section with land tenure and followed with ACEC. The relationship between the two are only in the fact that any new designations would be added to Zone 1 retention lands.

12d. An additional problem with the EA is that the discussion of the need to improve public land management neglects to mention that scattered inaccessible parcels are often oases of native habitat in what are otherwise degraded areas. The final amendment should include a criterion that considers this.

Response: Please refer to the impacts to those management alternatives on pages 82-85; the cumulative impacts on pages 88 & 89; and the irreversible or irretrievable commitment of resources on page 89. In addition, Appendix 1 indicates parcels if important habitat for fish or wildlife may be exchanged for parcels with higher resource values. Until an actual proposal is made, that evaluation can not be determined. Once the proposal is brought to the public, the values will have to be weighed and determined if the irreversible or irretrievable commitment of resources is in the public interest.

13bb. Environmental Impacts Analyses: These analyses are greatly flawed, and fail to consider A wide range of direct, indirect and cumulative impacts of the various alternatives to all elements of the human environment.

Response: We feel we adequately addressed the cumulative impacts, irreversible and irretrievable commitment of resources for land tenure on pages 86-89 and the cumulative impacts, irreversible and irretrievable commitment of resources for the proposed ACECs on pages 112-114. In addition, Appendix 2 Part A lists the critical elements of the human environment on page 125 and Part B is a summary analysis of “No Impact” or “Minimal Impact” for the select elements of the human environment on pages 126 and 127. Also, we addressed the consistency efforts on page 115.

13uu. You have erred in including a signed FONSI with this EA. How in the world can you claim that you are open to legitimate public input and comment, when you have already etched your paltry and grossly deficient ACEC designation in stone, as well as your decision to dispose of large acreages of public lands in zones?

Response: Upon reviewing the draft amendments, the EA, and considering context and intensity, BLM determined the actions analyzed were not a major federal action and that implementation would not significantly affect the quality of the human environment as described in the FONSI. The ACECs are not etched into stone as you suggest until a final decision is made on the amendments.

13vv. BLM has failed to prepare an EIS for these major land use changes (and DENIAL of land use changes, as in ACECs). It is necessary that BLM do so in order to fully assess the special values of the Bennett Hills, to correct the serious flaws/deficiencies/biases/shortcomings in the current EA, to assess the impacts of “zone” disposal of public lands, and to provide current information on the affected lands, as they are all managed under woefully out-dated land use plans.

Response: Appendix 3, the actual evaluations of each ACEC would not change whether this was in an EA or EIS level effort. Therefore, the special values of Bennett Hills have been addressed and evaluated in this planning document. In addition, as outlined on page 2, these amendments will establish a new direction for land tenure adjustment and as outlined on page 25, each individual action would be required to comply with the direction in FLPMA, be within the amendments’ guidelines for land tenure adjustment, meet the project area’s zone definition and the Criteria for Land Ownership Adjustment (*Appendix 1*), and stand on its own merit through public input and review. Regarding current information pertinent to the Purpose and Need of the analysis, see the Affected Environment section of the EA on pages 5-21. Also see Response 13uu above.

15c. WRLT supports Alternative 3, as long as no net loss of BLM land occurs in zone 5.

Response: The description of Zone 5 on page 29 supports your concern by “Maintaining the total amount of public land in Zone 5...”.

23a. I would like to make comment on your new plan because I think what you are planning is a very good idea if you will do what you say and make the plan responsive to the local units of government and the citizens.

Response: Comment noted.

23b. The BLM was originally created to dispose of the federal lands the citizens wanted to turn into private lands. This plan speaks of deciding the status of 1.4 million acres of Federal lands in the Magic Valley. In my view some of these lands have scenic and recreational value but others of them have more value if they can be made into economic engines of production.

These non-scenic lands should be either disposed of as private lands or let the counties decide on an ongoing basis what the disposition of these lands should be, Local control has always benefited the citizenry. Private property ownership is what made the U.S. the wealthiest nation in the world. One mechanism that should satisfy almost everyone is for the state to trade remote state lands for Federal lands with economic possibility. The state can then sell or lease these lands

to individuals. **These lands are not now earning much money for the School Endowment Fund.**

BLM is currently trying to buy some scenic lands close to the Snake River for scenic set aside. Why can't they on the other hand sell lands that have no scenic value to willing buyers? There are 100,000 acres in Jerome County that are within 10 miles of an interstate highway and also have a railroad running through them. These lands have the opportunity to be a taxpaying asset and a job-producing asset. Meridian schools are overflowing and ours are at best static.. Some industry may use these lands to bring good jobs to the Magic Valley. Last year the payment in lieu of taxes to the county of Jerome was 85 cents per acre and the worst part is there was very little production for the economy and no jobs were created.

Response: In 1976, the Federal Land Policy and Management Act (FLPMA) was passed. In Section 102(a)(1) it states "the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;" Also, in Sec.102(a)(7) states "goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;". The values you speak of go beyond just scenic and recreational that the public lands offer to the residents of Magic Valley and visitors from all over the world. Many of those values are listed in Appendix 1 and the role public of lands is also discussed in the Affected Environment section (pages 5-22). The presence of public lands, especially with these values do provide economic stimulation to the local communities beyond the PILT monies. BLM understands they play a role in Magic Valley in providing these resources and they play a role in meeting the needs of local communities, counties and the State. In this document BLM has attempted to describe a proposed zone concept and a new management direction to provide those public lands and those public resources in a manner that will provide not only the resources for the public, but also the properties for land tenure adjustment to meet the needs you described. BLM has also been working with Idaho Department of Lands to design a plan for the State and BLM to become more efficient with limited resources, which should make the State's land more profitable. The BLM is attempting to purchase the the Devil's Corral, the lands to which you refer with Land and Water Conservation Funds. Again, BLM has attempted to describe and evaluate a system to deal with these lands. Those lands available for disposal will be identified through this process.

23c. The Valley has problems with conflicts of land use. More acres could be a solution. I am asking BLM to extend the comment period on this issue because of its importance to the Magic Valley. I am including some articles from the Times News that may help to highlight our problem in Jerome County in respect to land use.

Response: More public land going into private ownership may alleviate land use conflicts in the short-term. However, land use conflicts cannot be solved solely by land disposed by BLM. BLM received your letter the day after the official comment period closed. We indicated in the cover letter that for full consideration of your comments they should be received by the close of the comment period. Comments received after the closing date will be considered until the Proposed Amendments are sent to the printer. Thank you for the news clippings.

24. THE JEROME COUNTY PLANNING AND ZONING COMMISSION LISTED BELOW WANTS TO BE INVOLVED IN THE ULTIMATE DETERMINATION OF THE LAND USE OF THE NON-SCENIC FEDERAL LANDS IN JEROME COUNTY.

Response: On September 12, 2002 we contacted Mr. Kohtz to obtain clarification of their comment. He indicated, the County of Jerome Planning and Zoning want to be on the mailing list for all proposed land tenure actions within Jerome County. BLM added the County of Jerome Planning & Zoning to the appropriate mailing list.

- 31b. Through the course of this environment assessment, tribal interests were addressed and recognized. It's a nice change to see a federal agency address tribal interests/concerns throughout an E.A.

Response: Comment noted.

33. Your cultural resources are appropriately described in the plan and the management strategy outline is right on the mark.

Response: Comment noted.

#### **LAND TENURE COMMENTS/RESPONSES**

- 2a. I would like to reiterate our desire to acquire the small piece of BLM land that rest between our land.

Response: Comment noted.

- 2b. As per our discussion we would be interested in joining others, who have a similar situation involving slivers of BLM land, to jointly purchase a substantial piece of land, interesting to BLM, then swap BLM this land in exchange for deeds to our perspective slivers of BLM land.

Response: Comment noted. In addition, our intention is to attempt to combine whenever possible similar actions to improve efficiencies in time in completing the transactions and reduce the costs to all parties involved.

- 3a. We presently have before the BLM a proposed exchange involving approximately 1,900 acres, which we believe will meet...six listed Criteria for Land Ownership Criteria.

Response: Comment noted. We will consider your proposal at the project level after the completion of the Amendment process.

- 3b. Part of the property is indicated for disposal, however the East boundary needs to be extended to the Gooding-Lincoln county line.

Response: We considered the impacts of realigning the Zone 2 and 4 boundaries to meet your needs. BLM adjusted the boundary of Zone 2 eastward to the Gooding-Lincoln County line in T5S, between R15E and R16E. However, the proposal you offered would leave an isolated tract, a situation we are

attempting to alleviate with this planning effort. Therefore, all of the lands west of the Gooding-Lincoln County line would have to be disposed of to meet the needs of the BLM in this planning effort.

- 4a. Page 9, the paragraph on “Land Exchanges with the BLM” discusses areas to be acquired by the Idaho Department of Lands (IDL) through exchanges as Wendell Phase II and a “second acquisition priority area, near Sid Butte, is an estimated 4,500-acre area of public land mostly surrounded by private land.” The 4,500 acres can not be accurate. We believe that this figure should be closer to 45,000 acres, therefore, it is recommended that this acreage be more reflective of what the state may acquire through exchange.

Response: We recalculated the approximate public land acreage in and around Sid Butte. The corrected approximate public land acreage is 45,000, not the 4,500 as indicated on page 9.

- 4b. Previous file correspondence indicates the Wendell Phase II and Sid Butte Exchanges could comprise approximately 6,358 acres and 41,700 acres of federal land respectively. The Sid Butte Exchange would likely include the communication sites on Kimama Butte. The plan should be revised to reflect these acreages. These acreages were noted in a 1991 conceptual plan signed by BLM and the state.

Response: We have added the acreage figure of approximately 10,200 acres (the area generally below the township line between T6S and T7S) to the description of Wendell Phase II on page 9.

- 4c. Page 9 also indicates that IDL would like to divest of some parcels in the Wood River Valley. It may be necessary to identify additional federal disposal areas for state acquisition in that area i.e. the planning unit lying north of State Highway 20. Federal lands desired for exchange may not lie within those areas shown on Map 2, page 120 described as “Public lands currently identified for disposal.”

Response: The public lands identified on Map 2 indicate the current situation. If an amendment to the current land tenure management is approved, the current situation would be replaced with a new direction for land tenure adjustment and Map 2 would no longer be valid. The description of Zone 3 and 5 indicates BLM intends to maintain the total acres of public land but consolidate the ownership. No specific parcels are identified because we foresee as proposals are brought forward, many will require the State, private landowners and BLM to work together to develop proposals that meet the needs of the State, the private landowner, and the public. Once a specific proposal is formulated, then we all go to the public together so they can evaluate and comment on the proposed actions.

- 4d. Map 3 should probably be revised to show the additional property that IDL proposes to acquire as part of Wendell Phase II. Zone 4 would need to be expanded to the north a couple of miles just east of Highway 46.

Response: The intent was to have those areas generally identified by the State to remain in the retention area and management priority of Zone 2 if the State or BLM decides to not complete the identified action. In addition, the intent was to formulate the exchange with the State and then present the actual proposal to the public for their input and review. Also see Response 4b above.

- 4e. Page 11, the third paragraph indicates that approximately 49,000 acres are shown on Map 2 and listed in *Appendix 6* on pages 177-187 are available and identified for potential disposal. Of those acres it appears as though approximately 10,500 lie within the property identified by IDL for the Sid Butte Exchange. After looking at the legal descriptions, it appears that this property lies along the west and southeast fringes of the federal land. Disposal of all of this property to private parties may make the remaining federal property less desirable for state acquisition since the remaining boundary could potentially end up being very irregular and require major fencing. Are these acres identified to go to specific private parties or are they just being considered for possible disposal? Some of the areas seem to lie in areas where Desert Land Entry and Carey Act applications may have been submitted. What is the likelihood that these applications will be processed or patent? We would like to have copies of the applications or the legal descriptions of those parcels that may impact the Sid Butte Block?

Response: Appendix 6 has confused many individuals over the comment period. Appendix 6 is not a list of lands being proposed for disposal in these amendments. The last paragraph on page 11 describes the intent of Appendix 6. Basically it is an accounting system for BLM to track those lands identified for disposal as of July 25, 2000. Once this amendment is complete, lands identified for disposal, based on the proposed zone management direction, will be checked against the list on Appendix 6 and then the list will be amended. Then all future land tenure adjustments of the lands identified in Appendix 6 will be reviewed to find if they fall under the requirements of the Federal Land Transaction Facilitation Act.

- 4f. ...IDL is interested in exchanging out of those sections within and immediately adjacent to the Craters of the Moon National Monument. There is a good chance that IDL may want to acquire property within the Shoshone Land Use Planning area for those lands. Hopefully, this plan will not preclude a selection of federal lands for such an exchange if desired by both parties.

Response: The Shoshone Land Use Plan Amendments do not preclude the State from offering lands from within Craters of the Moon National Monument for such an exchange and selection of public lands within the Shoshone Amendments planning area.

- 4g. The Idaho Department of Water Resources (IDWR) is considering the opportunity for acquisition of federal land at several aquifer recharge sites within the planning unit. IDL is discussing cooperating with IDWR and BLM to acquire, through land exchange, some federally owned property to facilitate operation of the recharge sites since IDWR does not own property currently that could be exchanged to BLM. This could also affect the total acres IDL would acquire through exchange.

Response: IDWR should be aware that BLM may be interested in State lands managed by other agencies besides IDL within the planning area, if any is available to meet the particular zone description and Appendix 1, Criteria for Land Ownership Adjustment (see Response 29 below). In addition, after discussions with IDWR, the description on page 38 has been changed to include the options of sales directly to the Idaho Water Resource Board, as well as exchanges with IDL. Future recharge sites may still be authorized by right-of-way grants, but the preferred method would be disposal. Also see Responses 11g and 11h and 29 below.

- 6a. Based on the tremendous growth pressures that we all experience, and the resultant infrastructure deficiencies, we think it prudent to allow *government entities to purchase or trade up to 100*

*acres of BLM-administered public lands, provided such land disposal does not conflict with local, state, or federal areas designated for protection of resources, habitat, or overlay areas. This provision would apply only to government entities, and not to private or even non-profit entities. Obviously, a requirement would be justification of the community and public benefit and need as well as the other criteria outlined in this document and through compliance with the National Environmental Policy Act (NEPA).*

Response: BLM considered the affects of your comment and determined they change the intent as described on page 31. The intent was for sales for small (generally less than 10 acres), isolated parcels left from mining patents or a resurvey by the USDI Cadastral Survey. The concerns of some of your constituents was selling parcels adjacent to their homes or property. Therefore, the ten acres was an acceptable size to dispose of those parcels in question, many of which come from mining patents or a resurvey by the USDI Cadastral Survey. BLM also realizes those parcels do not come solely from mining patents or a resurvey by the USDI Cadastral Survey. Therefore, that wording was changed to “Disposal through land sales would only be for small (generally less than 10 acres) to private individuals, isolated parcels left generally from mining patents or a resurvey by the USDI Cadastral Survey.”

As described on page 37, “The BLM’s first priority will always be to use land exchanges rather than land sales. Lands considered for disposal through sale must meet the intent of FLPMA, Section 203(a)(1) (i.e., be difficult and uneconomical to manage) or FLPMA, Section 203(a)(3) (i.e., meet the objectives such as community expansion and economic development). Therefore, this planning document as written does not limit the opportunity for the local government’s to purchase parcels of up to or exceeding 100 acres.

11a. **Acquisition Priorities (pages 30 & 36).** Under Alternative 3 (BLM Preferred Alternative) BLM is proposing to “reconnect” habitats within priority watershed, and to acquire other lands with high resource values. Even though BLM provides criteria for selection of high priority lands (p.123), BLM does not provide a list of “priority watersheds,” nor “other lands of high resource value.”

ISDA would like to review the list of priority watersheds that BLM is identifying to ascertain whether or not the list is consistent with state, and other programs and policy. Additionally, ISDA would like to review the list of “other high resource value” lands.

Response: BLM has not identified priority watersheds for acquisition at this time. BLM expects to determine the priorities of watersheds in the terms of willing land owners and 1) do the land owners want to acquire or dispose of their properties in a particular watershed, 2) does the State want to acquire or dispose of their properties in a particular watershed and 3) would there be public interest in acquiring or disposing of public lands in a particular watershed. The values and objectives we all hold are different. We all have to weigh those values and objectives for the lands we would acquire and dispose of. Until all the players come to the table, especially in Zone 3, we are not able to identify priority watersheds. However, on the positive side of this question, once we do propose to either acquire or dispose of properties in a particular watershed, the public will be asked to support the direction in the long-term since it may very well require multiple actions to complete the agency final goals and objectives. As far as identifying high priority resource values, we have left that undetermined at this time so that as exchanges are proposed over the life of these amendments and with changing priorities, this document would provide the direction to include current resource values and not resource values set some time in

the past. Again, as proposals are brought forward to the public, those high resource values will have to be identified and evaluated for each action.

12b. A related problem is that within the land tenure adjustment portion of the EA, the alternatives seem rather randomly constructed. For example, Alternative 2 would give State land exchanges priority over private land exchanges and establish five tenure adjustment zones, while Alternative 4 would favor private trades over State trades and establish four adjustment zones. The EA, however, does not provide a rationale for linking five zones with a preference for State trades or four zones with a private trade preference.

Response: Based on the Purpose and Need, the issues and the current management situation, four alternatives were developed for reasons best described on page 68. Initially all three action alternatives were characterized by four zones. A fifth zone was added to alternative 2 and 3 to address the land adjustment needs specific to Wood River Valley in Blaine County. Also see page 29 and the Zone 5 description.

12c. Further, the issue of whether the non-federal party to an exchange is the State or a private party is irrelevant when evaluating a potential exchange and therefore should not be a land tenure adjustment criterion. According to the EA, a need for the proposed amendment is to improve the management of public lands. The lands that would be acquired, the lands that would be conveyed, and the future uses of those lands are the relevant factors in determining whether a particular trade would result in better land management.

Response: Page 68 describes the impacts between the alternatives. Emphasizing exchanges primarily with the State would maximize the opportunities to consolidate large parcels in a consistent manner. In addition, this would be the most economical and efficient process as a minimum number of actions would result in large exchanges of property. On the other hand, emphasizing private land exchanges would likely result in numerous exchange applications for small parcels and a less efficient exchange program. The preferred alternative attempted to do both and attempt to pool resources of all parties to complete these actions in a timely, acceptable manner.

12e. Another flaw with the proposed amendments is that the draft amendments' land ownership adjustment criteria are sufficiently equivocal as to effectively permit the BLM to dispose of any land under the Shoshone Field Office's management, regardless of zone designation. BLM consideration of "to what extent the individual action will help achieve overall land ownership management objectives at the watershed level, in cooperation with State and private landowners," EA 124, could be used to justify disposal of lands that would otherwise be of the highest priority for retention. Similarly, under the draft criteria a public parcel could simultaneously be of the highest priority for retention (e.g., because it is part of a riparian area) and of high priority for disposal (e.g., because it is difficult or costly to administer). The final amendment should clearly state that retention would trump disposal in situations where a parcel would fit within both high priority retention and disposal criteria.

Response: In the case of lands that fit within high priority for retention and disposal the decision will be made based on the greatest net public benefit through the use of Appendix 1. Individual proposals will be decided at the project level based on site specific information and with consideration of the context within which the proposal is situated.

- 12f. The EA does not identify the approximate acreage of each zone under the three action alternatives. Zone acreage estimates would help the public understand the amount of land that the BLM foresees disposing under the different alternatives.

Response: Reviewing pages 26-31; Zone 1 is a retention area and already has 180,000 acres of public land. Zone 2 is a retention area and it already has 956,000 acres. Acquiring in-holdings would increase the total blocked acres. Adjusting the boundaries primarily through exchanges should mean the total acres should remain similar to the present acreages, however, since the actions are by values and not straight acres, the number of acres could be up or down slightly. Zone 3 is an adjustment zone and it indicates the total amount of public land will remain at 127,000 acres. Zone 4 is an adjustment area and the 56,000 acres will be evaluated for disposal. We anticipate once the criteria is in place many of the parcels, especially along the Snake River that have values identified in Appendix 1 will be retained. Therefore, not all of the lands in Zone 4 will be disposed of. Zone 5 is an adjustment zone and it directs the total amount of public land to remain at 121,000 acres.

- 12g. The EA mentions BLM's intent to use outside support or partnering to increase the number of land exchanges it processes. EA 58. We strongly oppose such federal-state and federal-private partnerships because the partner often unduly influences the terms and environmental analyses of proposed trades. In fact, because of concerns about undue influence the press and members of Congress recently pilloried the BLM's Nevada State office for relying on a trade proponent's employee to expedite an exchange.

Response: Agencies always need to be wary of undue proponent influences and insure an even-handed approach. That said, there are a number of advantages to working with others. Three examples of how we plan to pool exchanges for improved time lines and efficiencies are 1) where the local counties have expressed an interest in helping the BLM meet their constituents' expectations (see page 58). An example here is to do a centerline survey down the canal where public land and private land fall back and forth continuously. The Counties have indicated they would help by bringing all the landowners together for let's say ten miles and do one effort and clean up a management nightmare for both BLM and the private landowners. The general conclusion would be public land would be on one side and private land on the other side of the canal (see Response 11a above). 2) in Zone 3 when you look at the map, it does not make sense to consider a single exchange with one land owner when the private, state and public land is so intermingled. What needs to happen is all the landowners need to work together to meet all of our needs simultaneously. 3) is dealing with all of our present proposals that total nearly 200, BLM can not complete all of these exchanges alone within the life of these amendments. Again, as described on page 58, the only way to complete these in a timely manner is to pool these in like areas and issues if possible and maximize our opportunities to meet the public's expectations and BLM's limited resources..

- 13q. EA "Alternatives" 36-54: BLM fails to develop legitimate alternatives. For example, ALL alternatives include continuing to identify 45,379 acres for disposal. BLM fails to identify "priority watersheds".

Response: In response to legitimate alternatives, see Responses 12b and 12c above. In addition, BLM assumed the 45,379 acre figure is referring to the 45,739.09 acres identified in Appendix 6, please see Response 12b above. In response to priority watersheds, see Response 11a above.

13r. EA at 37 and 38 show that BLM plans big, complicated exchanges, in discussion of “pooling” in watersheds.

Response: Comment noted. Also see Response 12g above.

13aa. BLM errs in its comparison of alternatives by lumping the tiny changes that would occur in Alt. 3 with the much more major changes that would occur in Alt. 2. There is no relative comparison provided.

Response: Comment noted. Also see Responses 11a and 12b-g above.

13pp. We oppose the use of the “zone” concept for identifying land management and retention areas. This gives BLM far too much latitude to put together complicated land exchanges that rob the public of the true value of the lands to be traded or disposed.

Response: As indicated on page 25, all disposals, whether by sale, exchange, or other authority, are subject to a decision by the authorized officer which would be based on detailed site specific NEPA analysis and documentation as prescribed by law or regulation. As always, BLM will complete land tenure adjustments with the input and involvement of the public. We believe pooling land exchanges makes it easier for the public and the agency to evaluate the impacts and irreversible and/or irretrievable commitment of resources as compared to a piece-meal approach of doing one exchange at a time.

13qq. BLM’s existing system, where it identifies specific parcels as part of a Land Use Plan is a better way of doing land tenure adjustment planning.

Response: Comment noted. Also see Response 12e above.

13rr. BLM has not considered any alternative that would result in NO NET LOSS of public land acreages. We request that you prepare a new alternative that does so.

Response: Comment noted. Also see Response 12f above.

13ss. BLM has focused primarily on patterns of land ownership in deciding which “zone” a land parcel occurs in. It has failed to conduct any analysis whatsoever that would review the habitat and other values of the lands within the zones where lands are slated for disposal. This should be the first step in any land tenure NEPA alternatives analysis.

Response: You are correct, in the zone concept we have focused primarily on present and desired future patterns of land ownership in deciding which “zone” a land parcel occurs in and the direction we want to move forward in between retention (Zones 1 and 2) and adjustment (Zones 3-5). Habitat and other values have been considered and analyzed in the Tables 4 and 5 in the EA. The habitat and other values important to BLM are also described in Appendix 1 and we realized as public values change, these are not all-inclusive and more are expected to be added later. All proposals will have to be first analyzed using these criteria prior to the agency and the proponent bringing the proposal to the public for their input.

- 13tt. The lands BLM has proposed for disposal are the current and future “open space” lands for the SFO region. You have failed to provide adequate analysis of this important attribute of the affected lands (in zones 3-5).

Response: On page 28 “Zone 3 lands are potentially suitable for disposal primarily by exchange; however, disposal of lands through sales and R&PP patents would also be allowed in this zone. Specific parcels within the zone may contain potentially high values for resources and land uses such as minerals, recreation, range, riparian, cultural resources, and wildlife habitat. These high-value parcels may not be suitable for disposal individually, except through exchange for equal resource value lands that are adjacent to existing public lands or that improve efficiencies in public land management.” On page 29 “Public lands in Zone 4 are potentially suitable for disposal primarily for exchange, if land exchanges are not feasible, then land tenure adjustment via sale or R&PP patent would be considered. The land tenure adjustment emphasis in Zone 4 should result in a net decrease in public land acreage within the zone. However, there may be specific parcels within Zone 4 that contain potentially high values for resources and land uses such as minerals, recreation, range, riparian, cultural resources, and wildlife habitat. These parcels may not be suitable for disposal individually, except through exchange for equal resource value lands that are not fragmented or isolated from existing public lands.” On page 30 “Zone 5 lands are potentially suitable for disposal primarily by exchange; however, disposal of lands through sales and R&PP patents would also be allowed in this zone. Specific parcels within the zone may contain potentially high values for resources and land uses such as minerals, recreation, range, riparian, cultural resources, and wildlife habitat. These high-value parcels may not be suitable for disposal individually, except through exchange for equal resource value lands that are adjacent to existing public lands or that improve efficiencies in public land management.” The various resources and issues are addressed throughout the document. The “Open Space” concept is specifically addressed on page 30, in the Zone 5 description; the relevant management alternatives on page 44; and the impacts to those management alternatives on page 65; and generally included in the cumulative impacts on pages 86-89; and the irreversible or irretrievable commitment of resources on page 89.

- 15d. Zoning Delineation's: WRLT supports land delineations, particularly zone 1 which includes Wilderness Areas, Wilderness Study Areas, National Monuments, National trails, and eligible Wild and Scenic Rivers and zone 5 which includes managing BLM lands in the Wood River Valley as "open space."

Response: Comment noted.

- 15e. Lands Not Appropriate for Trade: WRLT supports the trade of lands that do not contain important resource values such as wildlife habitat, recreation areas; scenic areas, and isolated wildlife tracts. WRLT also supports the trade of lands that are not contiguous with large tracts of BLM lands, would decrease the efficiency of managing large tracts of land, and do not allow for full public access.

Response: Comment noted.

- 15f. Trade of Internal and Adjacent State Properties and Private Land Exchanges: WRLT supports interagency and private lands trade, particularly with the Idaho Department of Lands (IDL), as long as lands are considered appropriate for trade and facilitate a watershed approach, which increases management efficiency.

Response: Comment noted.

- 18c. Our second major issue in the plan relates to ground water quality as a function of land use impacts. In appendix 6, page 177, you list a number of parcels which have been identified for potential disposal. A number of those parcels are immediately up gradient of our largest single drinking water source, The Blue Lakes Wells. The well field itself is a permitted use on BLM property. We object to any property transfer that could even potentially compromise the safety of our water supply. The pending state sponsored Drinking Water Protection Plans will attempt to address this issue by imposing land use evaluations and safeguards up gradient from all public water supplies, but the highest level of safety is in maintaining land use patterns that are inherently less hazardous to ground water quality.

Specifically, we are concerned about the properties in sections 14, 15, 21, 22, and 28 in T. 9S. R.17E., Boise Meridian. Maintenance of low hazard land uses on these properties. Is of paramount importance to the long-term security of our drinking water supply. We have gone to the extent of buying and holding state grazing leases on other properties in this area. We request immediate notification of any planned land disposal planned for these properties.

Response: Again Appendix 6 has confused the reader, please see Response 4e above. The lands you are concerned with lie immediately adjacent to and west of Highway 93, between the Snake River and the Interstate Highway 84. The present land use plan and the draft amendments identify those parcels for disposal. Continuing to have those lands identified for disposal, allows the Jerome County the opportunity to have those lands attached to the proposed park or transferred to private ownership for development. In fact, if the lands are attached to the R&PP Lease and left as open space, they can later be removed and made available for disposal. At the time a project level analysis is completed, your concerns should be addressed.

- 19a. I request you include a brief statement about our agency, perhaps on page 4 of your plan. Suggested language is as follows:

The Idaho Department of Parks and Recreation owns or manages about 1,459 acres within the planning area. Those properties include Malad Gorge State Park, Niagara Springs State Park and properties commonly referred to as Box Canyon, Bear Track Williams and Billingsley Creek. The agency may be interested in trading for, leasing, purchasing or otherwise managing lands under BLM ownership in the future, as public recreation needs change.

Response: BLM included your agencies interest along with IDL on pages 4 and 9. Furthermore, the proposed amendments do not include opportunities for exchange with Idaho Department of Parks and Recreation.

20. Idaho Transportation Department (ITD) has periodic need to acquire BLM lands for construction of transportation systems and support facilities. ITD frequently uses materials from BLM lands for construction accessed through Free Use Permits, Materials Site Rights-of-Way, and Community Sources. It is vital that materials sources continue to be available for ITD to fulfill it's mission and goals. ITD occasionally disposes of property holdings determined to be surplus.

In certain circumstances, it may be desirable for ITD and BLM to complete land exchanges that mutually meet both agencies needs.

Response: BLM included your agencies interest along with IDL on pages 4 and 9. BLM knows addressing the needs of ITD will also address the needs of the public. The possibility of bringing areas like reclaimed pits along riparian areas into public ownership and multiple use that no longer meet your needs may very well meet other needs of the general public and should be evaluated. In addition, IDT acquiring areas that would fulfill your needs. BLM feels the greatest goods to the citizens of the State in terms of land tenure adjustments, is with consolidation of all of our properties whenever possible. Also see Response 13pp and 19a above and 21d below.

21a. In general, the Department supports the BLM's proposed strategies for addressing land tenure issues in the Shoshone Field Office as outlined in Alternative 3. Evaluating potential land tenure adjustments using a watershed level approach will help ensure important fish and wildlife related resource issues are addressed in the decision making process. However, the Department has reservations regarding proposed strategies for several land tenure issues as outlined in Alternative 3.

Response: Comment noted.

21d. *Land Sales and Exchanges* – A number of state agencies, including the Idaho Fish and Game Department, currently have lands deemed surplus or expendable that could be traded or exchanged with BLM. In the case of the Department, we would be especially interested in lands adjacent to existing Wildlife Management Area's, properties owned by the Department for access, lands we've acquired because they possess important wildlife habitat values, lands that could be developed for shooting ranges or lands that could be developed for public fishing opportunities.

We would like to suggest that sale or exchanges of land between BLM and Idaho State agencies be given priority to protect or enhance access, important fish and wildlife habitat, unique recreational opportunities, or to protect other resources valuable to the public.

Response: BLM included your agencies interest along with IDL on pages 4 and 9. BLM feels the greatest goods to the citizens of the State in terms of land tenure adjustments, is with consolidation of all of our properties whenever possible. Also see Responses 13pp, 19a and 20 above.

21e. *Priorities for Consolidating Land Ownership* -Alternative 3 indicates high value, resource lands will be retained unless equal or higher resource value land are available, while considering opportunities to consolidate lands (Table 4, page 42). We recommend the Strategy in Alternative 3 place priority on retention of **all** high resource value lands and the acquisition of additional high resource value lands as they become available.

Response: The intent in the language was to provide the proponent, BLM and the public an opportunity in the future to consider those decisions about individual high resource values and not to arbitrarily decide at one point at this time what they might be. At this time, on any given specific parcel, how can we now decide what is and what isn't the highest resource values, knowing this document is to provide direction for twenty years? Is it the plant and animal habitat, the minerals, the utility corridors, the new resource

wind energy, or another resource that no one considered 15-20 years ago when the original plans were written or that we know of today? Therefore, the word “all” was not appropriate here.

22b. In reviewing the proposed land use plan, I would support any alternative which would allow the BLM to negotiate sale or long-term lease of parcels to remove trespass issues.

Response: Comment noted.

26. When I began talking with you a few years ago, you had mentioned that my situation is a perfect example of the directional development of the Land Tenure Plan. After reading the document, I truly believe that my request, or desire, parallels the intentions of the BLM land use plans. A quick summary of my situation- I own ten acres in Croy Canyon (Zone 5). Because a large segment of the property is on a hillside, and a stream runs through it as well, there is no room for a septic/drain field. The south and east of the property is adjacent to BLM land. On the northwest corner of the property is a useless, isolated small parcel of BLM land that would work for my drain field. It is surrounded by my property and that of my 3 neighbors. It has the county road running through it, has no wild life refuge and is basically dry scrubland. It is shaped like a triangle and consists of approximately 23,800 square feet (about 1/2 acre).

I would like to trade a portion of my land to the south for this piece of property. It would help me, but would also benefit the BLM for the following reasons:

1. The BLM parcel is landlocked between

- a. Myself- Rick Moeller (Protection #3 mining claim)
- b. Bob Dix (Protection #2 mining claim)
- c. Tom Perry (48 Croesus Creek Road)
- d. Ivar Lovaas (59 Croesus Creek Road)

The parcel consists of scrub vegetation and the county road runs through it. It has no value to anyone (except mice). The trade would accomplish one of the main objectives of the land use plan -to consolidate small, useless parcels with larger BLM holdings.

2. Protection of wildlife

This land trade would definitely accomplish this goal. The property I desire is covered with scrub vegetation; has the county road passing through, is not conducive to wild life habitat and is a nuisance due to the growth of Knab weed, and is also a fire hazard. The land the BLM would receive in exchange is plentiful with wildlife. I have observed many bird species including cranes, hummingbirds, hawks, seagulls, woodpeckers, blackbirds, meadowlarks, quail, chuckar, hawks and songbirds. On several occasions, deer, elk, moose, fox and coyote have roamed the parcel.

I would like to trade the southeast corner portion of my property for the BLM parcel (see Plat Map #1 included). Another possibility to establish square lines in the trade and eliminate zigzagged property lines due to mining claims would be as shown in Plat Map #2 (included).

I hope you will consider this property trade. As stated, it would certainly help me realize my objectives and definitely be in line with BLM land use goals.

Response: Comment noted. We will consider this proposal at the project level after completion of the Amendment process.

27. Mr. Fayed currently has an easement granted by the Bureau of Land Management for access and utilities from Highway 75 across land owned by the Bureau of Land Management to his property.

Mr. Fayed and I have viewed the Draft Amendments to the Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern. It is our understanding these Amendments will be completed and accepted by December of this year. Mr. Fayed would like to apply at this time for the exchange of the BLM land lying west of and adjoining Big Wood Subdivision Large Block 9 Amended and east of and adjoining Idaho State Highway 75. We are not certain of the exact size of this property at this time. If the exchange is acceptable, Mr. Fayed will pay for and secure a survey of this property.

Mr. Fayed is agreeable to purchasing an exchange parcel of equal value designated by the Bureau of Land Management as having the higher or highest priority for acquisition by the Bureau of Land Management. Mr. Fayed understands his purchase of exchange property might be in conjunction with other individuals who also desire to enter into an exchange with the Bureau of Land Management.

The Bureau of Land Management property located adjacent to Mr. Fayed's property is in Zone 5. At this juncture, the public is not using in any manner the land between Highway 75 and Mr. Fayed's property. We are unaware of any city or county interest in acquiring this property. It is not being used by wildlife as a habitat. If this property passes to private ownership, Mr. Fayed could then irrigate which would reduce hazardous fuels and risk of wildfire. Mr. Fayed has no intention of constructing any structures on this property or interfering with the scenic corridor along Highway 75. There are no non-motorized trails on this property. This property does not provide public access to other public land. This property is not located in a flood plain.

This proposed exchange would result in no net loss of public lands within Zone 5 since Mr. Fayed would purchase equivalent property designated by the Bureau of Land Management.

We understand land reports and an environment analysis for specific land tenure adjustment proposals will not be considered until the adoption of the Plan Amendments. If the Bureau of Land Management is interested in this prospective exchange, Mr. Fayed is agreeable to paying any costs associated with such land reports and environmental analysis.

Please accept this Application proposing the exchange with the Bureau of Land Management. Please also inform me if there is additional information or documentation you require before this Application can be considered. Thank you for your assistance.

Response: Comment noted. We will consider this proposal at the project level after completion of the Amendment process.

30a. Jerome County Planning & Zoning Office requests that you make the following land available for disposal. All property that is designated as Bennett Hills that is West of U S Highway 93 and South of Interstate 84 and all property that is East of U S Highway 93 and North of Interstate 84.

All property East of U S Highway 93 and South of Interstate 84 would be used for recreational purposes. Jerome County should have the ability in the future to preserve this area as a community park for a recreational area. This area should be preserve and should never be sold or traded to private ownership, because of its natural scenic beauty, historical, geological, recreational, archeological and wildlife habitat that currently exists in this area.

Response: On September 6, 2002 we contacted Art Brown to future clarify their comment.

30b. Jerome County Planning & Zoning Office strongly supports the preferred alternative #3. Jerome County feels that the disposal of certain property would enhance its tax base and the retention of the recreation area east of US 93 and south of Interstate 84 would benefit and preserve the land for our future generations and children.

Response: Comment noted.

30c. HOWEVER, I HAVE VERY STRONG FEELINGS REGARDING THE PROTECTION OF A NUMBER OF HISTORICAL POINTS OF INTEREST. I DO AGREE THAT THERE MAY BE POCKETS OF LAND HAVING NO HISTORICAL INTEREST OR OF ANY PRODUCTIVE USE AND THEREFORE COULD EASILY BE SOLD OR SWAPPED.

THE PARTICULAR AREAS OF MY INTEREST ARE THE BENNETT HILLS, CLOVER CREEK (THE CEMETERY) THE INDIAN "RING" NEAR THE MALAD GORGE BY TDHE OLD KELTON STAGE AREA AND LOG BRIDGE. AND THE CAVES SHOULD REMAIN UNDER BLM CONTROL. THE OREGON TRAIL SHOULD BE PROTECTED. AND THE CROSS ON THE NORTH SIDE OF THE CANYON TOP SHOULD NOT BE TAKEN DOWN, EVEN IF OFFENDS THE MUSLIMS OR ANYBODY ELSE.

THE PETROGLYPHS AND PICTOGRAPHS IN THE BENNETT HILLS SHOULD ALWAYS BE PRESERVED.

THERE ARE PROBABLY MANY OTHER AREAS THAT I'M NOT PERSONALLY AWARE OF THAT HAVE HISTORICAL INTERESTS. THEY SHOULD BE IDENTIFIED BEFORE ANY CHANGES ARE MADE IN THE STATUS OF THAT LAND. PLEASE DON'T GIVE OR TRADE OR SELL THOSE PLACES.

Response: We agree. Please refer to Appendix 1, page 123.

30d. I first of all would like for the ultimate determination of the land uses of the federal lands in Jerome County to lie with the people and the county Government of Jerome County. On page 2 under Land Tenure Adjustments the plan states this goal, but I would like to see this on an ongoing basis so that if the counties need to convert some lands to private ownership for such projects as a new industrial or commercial zones or whatever need the county may have in the future, it can be done. One way this could be accomplished is through land trades with the state for school sections out in the Craters of the Moon for lands in Jerome County. These lands could become valuable taxpaying lands and also add to the economic viability of the county. state and nation The BLM plan also states on page 4 that they would like to manage more efficiently and work with the local planning and zoning ordinances. I assume this is not just lip service to the wishes of the people.

Response: We agree in principle, within the scope of the Purpose and Need. Nothing in this document precludes actions like you describe to address Jerome County needs. However, lands in Craters are outside the scope of this analysis and will be addressed in Monument RMP/GMP planning process currently underway.

30e. I would like to remind the BLM planners that the BLM was created to dispose of the federal lands in the west and they did that for many years. This forward-looking policy created an economic engine that has benefited all the people since the westward migration started. There are new priorities that we have such as scenic preservation and recreation areas, but this should not preclude the continued disposal of nonscenic lands. The Federal Government should get out of the land management business as much as possible. Jerome County is a place to start. If a mechanism can be found for the federal Government to buy private scenic lands such as Devils Corral a mechanism can be found to sell or otherwise dispose of federal nonscenic lands.

Response: Comment noted. Also see Response 23b above.

32a. The Board of County Commissioners for Jerome County ("Board") encourages the BLM to work with the Idaho Department of Lands to consolidate State lands. Particularly, the State lands identified for exchange along the I.B. Perrine Bridge should be transferred to BLM ownership, given the proposed park. Also, there are a number of scattered sections of State land interspersed among BLM lands in the northeast portion of the County. These isolated sections could most certainly be exchanged/consolidated for more productive lands to benefit the State.

Response: Comment noted.

32c. The "lands available for potential disposal" is probably the biggest issue to Jerome County. There is a segment of land west of highway 93 and south of I-84 that is currently identified for potential disposal. The Board encourages the BLM to leave that designation in place. There is the possibility that development of those lands will be necessary for funding of the development and maintenance of the proposed northrim park directly east of that land. Additionally, the BLM land north and east of I-84 and south and west of Highway 25 should be considered for potential disposal. This "strip" of land is designated "Zone 2" on Map 3, pg. 121. Most recreation occurs at the proposed park area, southwest of the freeway. The lands north of the freeway are not as accessible, and therefore, minimal recreation occurs in this area. However, there is railroad traveling through this area as well as Highway 25. Thus, there is the potential for development in this area in the future. The Board would like to see more land on the tax rolls rather than less.

Response: We agree, under Alternative 1, the No Action Alternative, those lands west of Highway 93 and south of I-84 are currently identified for disposal. The map on page 121 shows those lands in Zone 4, therefore, potentially available for disposal. Reviewing response 18c indicates a concern over water quality for the City of Twin Falls. Therefore, any potential land tenure adjustment will have to address that issue for those parcels. The lands north of I-84 and south and west of Highway 25 offer more public values than recreation and for those reasons BLM has made the edges available for disposal as defined in Zone 2, which should provide more income for the County.

32d. In review of "Table 4: Shoshone Land Use Plans Draft Amendments -Alternatives" and "Table 5: Environmental Impacts of Proposed Land Tenure Adjustment and Lands Management Actions" the Board makes the following comments.

The Board agrees that Alternative 3 is the preferred course of action except that land sales and exchanges should not necessarily favor state or private but should simply allow for the best solution in the given location and surrounding circumstances. Perhaps that is what is intended with Alternative 3, but the Board is unsure of the effects of the term "balance" as utilized in Alternative 3.

Response: Comment noted. BLM proposed that the needs of the State, the local landowners and the general public can be achieved through the balanced approach as described on page 68 of the EA.

34. I am clarifying my comments that Jerome County Planning & Zoning Office submitted to you after our discussion approximately two weeks ago. I had mentioned Bennett Hills in my previous comment letter. Many years ago the area in Jerome County was called the Bennett Hills area. The current draft amendment (EA#:ID-076-2002-0004) calls another area Bennett Hills. Jerome County Planning & Zoning comments only relate to Jerome County and not to any other area. I will be referring to Map 3 zone 2 & 4 along Interstate 84 and US Highway 93 on page 121. Jerome County Planning and Zoning Commission is requesting the following:

1. Jerome County would have the first right of refusal or the ability to negotiate a lease agreement before disposing any public lands to private ownership South of Interstate 84 and north adjoining the I-Farms at the interchange at US 93 and Interstate 84.

2. Jerome County is participating in a process of establishing a North Rim Project east and west of US 93 and South of Interstate 84. I have included a copy of that map with our submitted comments.

3. The Jerome County Planning & Zoning Commission agrees that all land north of Interstate 84 with the exception of I-Farms and land its adjoining land in Jerome County should be put up for disposal to the public for an increase in Jerome County's tax base. There is no indication that the public at large uses the area north of Interstate 84 with the exception of I-Farms. Jerome County is trying to preserve the canyon rim from over development and there are a various historical, archeological, geological and pristine sites that need to be protected south of Interstate 84.

Response: With exchange actions, Jerome County cannot officially have a "first right of refusal". With public land sales we would take your request for "first right of refusal" into consideration when determining the type of land sale to be pursued i.e. Competitive, Modified Competitive or Direct Sale methods. With all disposal actions within your County, we will request County Commissioner's input and support. Also see Responses 23b, 23c, 24, 32a, and 32c above.

#### **DESERT LAND ACT/CAREY ACT COMMENTS/RESPONSES**

8. I have reviewed the draft amendments and I would be in favor of Alternative#3 on page 38. I have a DLE on file with your office #29777. This has been on file for a considerable period of time with little progress and this appears to be the best alternative to move the process forward.

Response: Comment noted.

9. On page 38 I would favor alternative number 3. This appears to be a positive step toward approval of my DLE. It has taken a long time and your efforts are appreciated.

Response: Comment noted.

11b. **Desert Land Entry (DLE) Act/Carey Act Applications and Transfer (pages 31 & 38).** Under Alternatives 2, 3 and 4, BLM is proposing to NOT accept any new applications for desert land entry or Carey Act provisions. Only under Alternative 1 (the no action alternative) would new applications be accepted.

Response: That is correct.

11c. ISDA would note that if current DLE applications and current Carey Act applications are to be processed, that does not mean the lands cannot be applied for in another instance should the applications be denied for reasons beyond the applicant's control. In other words, if the lands are suitable for application now, they should remain as such until either satisfied or re-classified. ISDA has been under the assumption that applications for DLE, if cancelled or relinquished, are open to the public land laws via 43 CFR 2091.4-1 provisions. Likewise, Carey Act lands applications are subject to 43 CFR 2091.4-3 provisions (both relevant to Segregation). Unless

ISDA is misinformed, lands classified under Section 7 of the Taylor Grazing Act of June 28, 1934 as amended (43USC315f) are segregated to the extent described in the classification notice and remain in effect until terminated by publication in the Federal Register. Such notice is required to provide an opening order specifying the date and time of opening or upon issuance of a patent or document of conveyance.

Response: These applications have been on file for a number of years and those individuals have been waiting for a document such as this to make those lands identified for disposal (see page 66 - Alternative 1). The Shoshone Field Office has not received an application during the past 10 years, there has been no recent interest in the program and the stringent requirements make the probability of future applicants extremely unlikely (see page 66 - DLE/Carey Act Applications and Lands Transfer). In fact the majority of these lands fall into the disposal criteria of Zone 2, therefore, the land tenure portion of this document satisfies your concern.

11d. ISDA supports the ability of Idaho's citizens to make application for land use as provided for by Congress. Agriculture is considered to be of importance to the state's economy; therefore, any proposal that limits the long-term sustain-ability cannot be supported by ISDA. Desert Land Entry and Carey Act provisions, while not routinely exercised, should remain an option to Idaho's agricultural community.

Response: As noted on page 10, BLM is presently managing over 200 temporary land use permits supporting the agricultural industry. The efforts in this document to alter the edges of Zone 2 and dispose of some parcels in Zone 4 to adjust land ownership and allow farmers, etc. to own those parcels and manage them as part of their operation are expected to better serve agriculture than Desert Land Entry and Carey Act.

16. I wish to encourage the adoption of Alternative 2, 3, or 4 as it affects the disposal of land under the Desert Land Entry.

Response: Comment noted.

### **SPLIT ESTATE MINERALS**

5a. Would like to purchase the Federally owned mineral rights under his 20 acre private surface estate in Blaine County southwest of Bellevue.

Response: Comment noted. This proposal can be considered at the project level after the completion of this Amendment process.

10a. We have an application now pending with the BLM [ID 134193], to purchase sub surface minerals on twenty acres that we have been the surface owners of for almost twenty years. In reviewing the amendments we have reached the following conclusions:

1. Eliminating as many of the split estates as possible and feasible will surely eliminate the challenges to both the BLM and owners.
2. By acquiring federal mineral rights the owners could then proceed with certainty of how to best use the land.
3. Scattered parcels, which mine is one of, would allow the land to conform with surrounding land.
4. Moneys acquired by these sales would be retained by the BLM and other federal agencies with the possibility of obtaining more desirable parcels to benefit public use surely seems a win win situation.
5. By disposing of lower resource values and scattered parcels, after impact and study, could streamline and make more efficient the BLM management tasks.
6. Resolution of split management estates through sale or trade or other means just makes sense to both parties.
7. Land within a subdivision and or local zoning could more easily conform.
8. Environmental and water rights and various impacts have been addressed.

Response: Comment noted. This proposal can be considered at the project level after the completion of this Amendment process.

- 13v. EA at 43: We oppose the exchange or sale of BLM sub-surface minerals for private surface lands. This would allow BLM to allow harmful mining on lands, such as those in Zone 2, which it has identified as important.

Response: As identified on page 3 there is approximately 285,000 acres of land where the Federal government owns the mineral rights or a portion thereof, and where the surface estate is privately-owned. This has created an uncertainty regarding development of both the private surface and the Federal minerals. Management described on page 43 identifies current policy allowing such actions. Through this amendment, the process will be under a more directed approach. BLM would attempt to pool willing landowners who are interested in purchasing the Federally owned mineral estate within their private surface estate. The combined values involved would be used by BLM in exchange for private surface estate where it is in the best interest of the public, and in areas where the BLM would own the mineral estate also, thereby eliminating this issue in the future. BLM would acquire high resource value lands and eliminate split estates and the private landowners would have the opportunity to remove this uncertainty by acquiring complete title to their property. Sales would also be allowed.

- 15a. Split Mineral- Values: WRLT strongly supports requests from private surface landowners to purchase or transfer subsurface mineral rights to their ownership. By selling or trading mineral rights from the BLM, the threat to subsurface mining conflicts with surface conservation easements would be avoided. In turn, this will enable landowners to privately protect open space resources through conservation easements.

Response: Comment noted.

## ESA COMMENTS/RESPONSES

- 1a. The Service understands your determination of *may effect, not likely to adversely affect* regarding the threatened gray wolf. However, since this population of gray wolves was reintroduced in Idaho, they are officially treated as an “experimental, non-essential” population. Therefore, the correct determination for this species is *not likely to jeopardize the continual existence*.

Response: Comment noted.

- 1b. ...the Service concurs with the determination that the proposed land use plan amendment is *not likely to jeopardize the continued existence* of gray wolf, *may effect* but is *not likely to adversely effect* the Canada lynx, bald eagle, Bliss rapids snail, Idaho springsnail, Utah valvata snail, Snake River physa snail, Banbury springs limpet, and yellow-billed cuckoo, and will *not effect* bull trout, Ute ladies’-tresses, or slick-spot peppergrass.

Response: Comment noted.

- 1c. This concludes informal consultation under Section 7 of the Endangered Species Act, as amended. Please contact the Service to verify the above determination is still valid if: 1) the project is changed or new information reveals effects of the action to a listed species to an extent not considered in the letter; or 2) a new species is listed or critical habitat is designated that may be effected by the project.

Response: Comment noted. We will keep you informed of future changes in scope of the project and additional information.

- 14a. These comments are provided to assist the BLM in completing analysis pursuant to the National Environmental Policy Act (NEPA). While information presented in the EA on fish and wildlife was thorough, the Service would like to emphasize the occurrence of species of special concern that may be found in the Shoshone Field Office area. In particular, species of special concern identified by this office include: yellow-billed cuckoo (*Coccyzus americanus*) and sage grouse (*Centrocercus urophasianus*). Although these species have no legal status under the Endangered Species Act (ESA), we are concerned about their population status and/or threats to their long-term viability. In context with ecosystem-level management, we suggest that you consider these species and their habitats in project planning and review.

Response: Comment noted. BLM will consider this information in all future project planning and review.

- 14b. On July 25, 2001, the Service announced a 12-month finding for a petition to list the yellow-billed cuckoo (*Coccyzus americanus*) in the western continental United States under the ESA of 1973, as amended. The Service found that the petitioned action is warranted, (i.e., the status of the species is such that listing as endangered or threatened is warranted), but precluded by higher

priority listing actions. By publication of this finding, the species is now considered as a "candidate species" by the Service.

Yellow-billed cuckoos in the West are overwhelmingly associated with relatively expansive stands of mature cottonwood-willow forests. They appear to be dependent on the combination of a dense willow understory for nesting, a cottonwood overstory for foraging, and large patches of habitat in excess of 20 ha. The species will occupy a variety of marginal habitats, particularly at the edges of their range, but is not known to use non-native vegetation in the majority of its range. The species should be considered when actions involve habitat that is now, or was historically, suitable for yellow-billed cuckoos.

Response: Comment noted. BLM will consider this information in all future project planning and review.

- 14c. Current data for southern Idaho suggests that sage grouse (*Centrocercus urophasianus*) populations are in a general downward trend in mean maximum male lek attendance over the past 30 years. Additionally, recent trends of sage grouse populations throughout Idaho indicate a decline of about 40% from their long-term averages (Sage Grouse Population Trends and Current Habitat Conditions in the Greater Curlew Valley Assessment Area, Idaho, 1997). Sage grouse declines may be due to activities such as sagebrush removal, herbicide application, hunting, wildfire, livestock grazing, predation, and other factors, such as drought. The Service believes that sage grouse are a key indicator species of sagebrush condition and are directly affected by land management activities. Recommendations from "Guidelines for Management of Sage Grouse Populations and Habitats," states that, to provide sage grouse nesting habitat, a combination of 15- 25% canopy cover of sagebrush and 7 inches of herbaceous cover on the same tract of land are required.

Response: Comment noted.

- 14d. We are notifying you of this information about yellow-billed cuckoo and sage grouse for a number of reasons, including: 1) Identification of candidate species and species of special concern helps resource managers alleviate threats and thereby possibly remove the need to list species as endangered or threatened; 2) Conservation actions for candidate species and species of special concern are often the most effective and least expensive means for restoring species; and 3) The species may be listed in the near future and effects of project-related/management-related actions may need re-evaluation subject to section 7 of the ESA. For these reasons we ask that you consider the yellow-billed cuckoo and sage grouse, and their habitat, prior to selection of a land use plan amendment alternative.

Response: Comment noted. However, these concerns (Responses 14c and 14d) are best addressed on a site specific proposed action and not at the programmatic level. The BLM will consider this information in all future project level planning.

## R&PP COMMENTS/RESPONSES

- 11f. **Recreation and Public Purposes (R&PP) Act Leases and Patents (page 38).** It should be noted by BLM the importance of public landfills to the counties and municipalities. The proposed alternative is silent as to new proposals for landfill sites or expansion of existing sites when the need may arise. ISDA suggests BLM should make further provisions to allow for new landfill sites and, expansion of existing sites.

Response: BLM policy is to terminate all R&PP landfills in order to minimize the potential liability associated to that use. Future landfills needs can be accommodated through FLPMA Section 203 (Sales) and Section 206 (Exchanges). The land also needs to meet the disposal criteria in land use planning.

- 19b. I am pleased to see references to local, state and tribal use of the Recreation and Public Purposes Act in your planning., and urge your continued cooperation

Response: Comment noted.

## AQUIFER RECHARGE COMMENTS/RESPONSES

- 11g. **Aquifer Recharge Sites (page 38).** Under the preferred alternative, BLM proposes to keep the existing site in public ownership via the Cooperative Agreement; however, the site chosen in Zone 2 would be made available for **acquisition** through exchange. ISDA wonders if BLM meant to say the site in Zone 2 would be made available for **disposal** through exchange? ISDA asks that clarification be provided.

Response: Comment noted. The section has been re-written. Also see Responses 4g above and 11h and 29 below.

- 11h. Additionally, BLM suggest ancillary support for existing and future sites would be issued a right-of-way, yet in the same statement, BLM states that **NO FUTURE RECHARGE SITES WOULD BE ALLOWED.** ISDA would like to have this clarified. Will there be future recharge sites allowed or not? Further, what provisions for right-of-way, or access will be allowed these sites?

Response: Comment noted. The section has been re-written. Also see Responses 4g and 11g above and 29 below.

- 18a. The City of Twin Falls commends and supports your recognizance of aquifer recharge as a use of public lands that is in the public interest. The Shoshone Field office's continued cooperation in these endeavors is appreciated. The City is a member of a coalition group known as the Idaho Water Alliance. (IWA) The IWA promotes aquifer recharge as a primary strategy for conjunctive management of surface and ground water resources in southern Idaho.

Response: Comment noted.

18b. Your commitment to honor the use of existing recharge sites is also appreciated. The recommendation that future sites be transferred to a state agency such as IDWR is understandable. We respectfully request that these sites not be transferred to the State Land Board. Their revenue driven mission is incompatible with the economical development of recharge projects.

Response: The question of which agency within the State would actually hold title would have to be answered later and would be addressed at the time of the proposal. That would be the appropriate time for you to present this concern.

29. The Idaho Department of Water Resources (IDWR) and the Idaho Water Resource Board are continuing their efforts to develop a managed recharge program on the Eastern Snake River Plain (ESRP). We appreciate the recognition by the BLM of the importance of aquifer recharge on the ESRP. Potential recharge sites have been identified through the completion of a feasibility study for large-scale managed recharge and through ongoing program activities. Those sites within the land use plan area identified to date are:

Name of Site	TOWNSHIP	RANGE	SEC
AFR#2 Mile 10.3	09S	21E	29
AFR#2 Mile 19.0	09S	20E	11
AFR#2 Mile 25.5	08S	20E	19
AFR#2 Mile 28.1	08S	20E	7
AFR#2 Mile 31	08S	19E	2
AFR#2 Mile 32 North	08S	19E	3
AFR#2 Mile 33 & 34	08S	19E	4
AFR#2 Mile 34.5 East	07S	19E	32
AFR#2 Mile 37.5	07S	19E	20
AFR#2 Star Lake	07S	19E	12
NCC K Canal	08S	18E	22
NCC Red Bridge	08S	18E	15
AFR#2 LSRARD	05S	17E	22
AFR#2 Big Drop	05S	17E	25
Big Wood Devil's Headgate	03S	18E	11
NCC X Canal 10	06S	15E	27
Aber Spring 31.0	04S	32E	2
Aber Spring 31.5	04S	32E	2
Aber Spring 32.5	04S	32E	4
AFR#2 Mile 12.2	09S	21E	20
AFR#2 Mile 12.7	09S	21E	17
AFR#2 Mile 22.6	08S	20E	32
AFR#2 Mile 26.5	08S	20E	19
AFR#2 Mile 32 South	08S	19E	9
AFR#2 Mile 34.5 West	08S	19E	5

ARF#2 Mile 38.0	07S	19E	20
AFR#2 Mile 39-41	07S	19E	8
AFR#2 Mile 41.5	07S	19E	5
AFR#2 Dahar Flume	05S	17E	15
NCC Wilson Canyon	09S	19E	23
NCC Near Wilson Lake	09S	19E	25
NCC J-3 Lateral Terminus	08S	16E	19
NCC X Canal 1	07S	16E	15
NCC X Canal 2	07S	16E	10
NCC X Canal 3	07S	16E	10
NCC X Canal 4	07S	16E	3
NCC X Canal 5	07S	16E	4
NCC X Canal 6	07S	16E	5
NCC X Canal 7	06S	16E	31
NCC X Canal 9	06S	15E	25
NCC X Canal 11	06S	15E	27

This information is provided as a courtesy to BLM to help lay the groundwork for potential land exchanges and/or recharge site development. IDWR will continue to review this list to evaluate and prioritize recharge sites for development. It is unlikely that IDWR would pursue the development of all sites on the list. However, IDWR would like all sites to be identified as potential sites for aquifer recharge in the future. IDWR would also like to note that sections contiguous to those identified in the table above may also be needed to facilitate recharge at a particular site.

IDWR agrees with the BLM's preferred alternative (Alternative 3) regarding the transfer of ownership of recharge sites to the State of Idaho through either exchange or purchase. IDWR has been involved in discussions with the Idaho Department of Lands (IDL) on the issue of potential land exchanges that would benefit the aquifer recharge program. IDWR would also like to see these identified parcels available for purchase either by the state or a private entity conducting aquifer recharge as part of an approved conjunctive management mitigation plan. IDWR would like to see some minor changes on pages 71 under the comparisons of alternatives 2, 3 and 4. IDWR recognizes that any land exchange will require some level of NEPA compliance. However given the range of actions that may be taken to achieve NEPA compliance on individual parcels or under one compliance document, we suggest the language on page 71 be changed from *"The State of Idaho may be required to complete a single EIS to address all of the issues and sites"* to ***"The State of Idaho will be required to satisfy NEPA requirements on all sites either collectively or individually."***

IDWR objects to the language on page 38 under the comparison of alternatives 2, 3 and 4 that states, *"no future recharge site authorization would be allowed."* We believe that this language should be removed to allow for future recharge site development on lands administered by the BLM. The preference of IDWR is to allow for land exchanges to facilitate the development of recharge sites, and would like to see the BLM remain flexible in its approach to aquifer recharge site development.

Rights of way or easements may also be required across BLM property for access to recharge sites and for pipelines, small canals or ditches to deliver water to the recharge sites. These needs will be identified as recharge sites are prioritized for development.

IDWR would like to see some language on pages 11 and 31 corrected to reflect Idaho law. On page 11 under water rights policy the statement should be changed from " *All future actions involving water rights shall adhere to the State of Idaho and ELM State-wide...* " to "*All future actions involving water rights shall adhere to the State of Idaho **water law** and ELM State-wide ...*" A similar change is needed on page 31 under *Water Rights Policy on Land Use Authorization*. The statement should be changed from "*Adherence to Idaho water rights policy will be a condition...* " to "*Adherence to Idaho water **law** will be a condition*"

Response: Thank you for providing the list of the specific 41 potential sites. We recognized your concern on page 4. We described the issue on page 9. We provided proposed management actions on page 38. However, we did not provide legal descriptions of the potential sites at this stage, because of uncertainties of the final proposal in the future. Therefore the sites you listed and those you add or take away in the future can all be included in the process at that time. As described in response 4g and 11h, BLM now proposes to transfer ownership through land exchanges to the IDL and/or sales to the Idaho Water Resource Board to meet our other management issues (see pages 38 and 70). Your request to change the language about an EIS may be required stems from the fact BLM feels a single document would require less time, less money and address cumulative impacts more efficiently. However, BLM does recognize your concern about the word "EIS" and changed it to appropriate NEPA analysis on page 70.

BLM does not want to be in the aquifer recharge business into the future. Wording the document as we have placed an emphasis on the State to complete land exchanges or sales and not apply for Rights-of-Ways. However, the investments for a large-scale program may not materialize; therefore, BLM changed the wording on page 38 to reflect the ability to continue right-of-way grants for recharge sites and ancillary support. Also see Responses 4g and 11h above.

Page 11 the words "Idaho water law and BLM...." replaced "Idaho and BLM ..." and page 31 "Idaho water law will..." replaced "Idaho water rights policy will...", both as noted.

32b. The Board encourages the BLM to work with the IDWR in acquiring recharge sites rather than simply granting long-term rights-of-way.

Response: Comment noted.

## COMMUNICATION SITE COMMENTS/RESPONSES

11i. **Communication Sites (page 39).** ISDA supports BLM's preferred alternative with one exception. Once the sites are transferred to state ownership, it may be necessary that ingress and egress, as well as utility right-of-way across, through, or over BLM lands be granted to the State.

Response: The text on page 39 refers to the fact if BLM completes a land exchange with the State, the exchange will include the entire communication site complexes and any other additional area needed for ancillary support. The intent was for the State to take everything, not just the rental footprint of the actual communication site and leave BLM to manage all of the ancillary support (see page 73 - *Communication Sites Impacts*). This has no effect to any existing communication sites.

13s. EA at 39: We strongly oppose your proposed action for communication sites.

Response: Comment noted.

### **ISOLATED WILDLIFE TRACT PROGRAM COMMENT/RESPONSES**

13t. EA at 39: We oppose your proposal to dispose of wildlife tracts.

Response: Comment noted.

15b. Isolated Wildlife Tract Program: We strongly support maintaining the Isolated Tract Program. Due to extensive agriculture development in Central Idaho, much of the native wildlife habitat has been lost. The remaining wildlife tracts are crucial to the survival of wildlife species providing migration corridors and breeding areas, as well as providing for recreational opportunities such as hunting.

Response: Comment noted.

21c. *Isolated Wildlife Tract Program* - The Department has concern regarding the future of the Wildlife Tracts Program under Alternative 3. The Shoshone Field Office and Department's Magic Valley Region have a long-standing relationship in the cooperative management of wildlife isolated tracts. The isolated wildlife tract program continues to be a high priority for the Department's Magic Valley Region. These tracts provide critical year-round habitat for a variety of upland game birds, seasonal habitat for mule deer and pronghorn antelope, and public access for hunters in areas where access is limited. The Department supports the concept of exploring opportunities to exchange properties for higher value resources and to reconnect fragmented habitats. In addition, we recognize certain tracts maintain minimal wildlife or public access "value" and that the BLM has a need to "streamline" management by consolidating properties. However, given the importance of isolated tracts for wildlife habitat and public access, we oppose any tract disposal and/or a net reduction in acreage unless thoroughly evaluated and mutually agreed upon by both agencies,

Response: We agree with your concerns. That was the entire intent in addressing this issue. Once the amendments are completed BLM foresees Appendix 1 turning into a form for documentation of each parcel in Zone 4 with input from the Tribes, IDFG and USFWS. If a BLM parcel slated for disposal is selected for acquisition, then based on Appendix 1 and input from the Tribes, IDFG and USFWS, the BLM would decide what action to take based on the highest resource values or net public benefit.

### **LAND USE PERMITS/RESOLUTION OF UNAUTHORIZED USE COMMENTS**

11j. **Management Direction for Future Land Use Permits and Resolution of Unauthorized Use (page 40).** ISDA may support the "pooled lands" approach for resolution of current unauthorized uses; however, due to BLM's proposal that no new land use permits, leases or agreements will be authorized to validate unauthorized use (page 41), ISDA has many concerns with this category. First, in regard to permits to allow pivot or water lines to cross BLM lands:

ISDA would prefer BLM to make allowances for easements in those instances when a pivot line or a main water transmission line needs to cross BLM lands, or has been crossing for some period of time. Easements are part of the business world and a recognized necessity in some instances. **It seems quite un-neighborly to simply state that “permits to cross BLM lands for the sole benefit of private farming practices will not be approved” (see page 40).** If the private farming community in Idaho took such a stand against BLM practices, the BLM could then be prohibited from access to public lands through private lands. This issue cuts in two directions (see comments on Acquisition of Access below). ISDA urges BLM to cooperatively grant permits or easements to cross lands to the private sector rather than to block them out entirely. Failure to cooperate with the private sector may alienate BLM and result in a situation where public access through private lands may also be denied, resulting in costly eminent domain litigation.

Response: There are two issues here. The first deals with authorizations and unauthorized use. An emphasis of Zone 2 is to deal with the management direction for future land use permits and incentives for resolution of unauthorized use as described on pages 10, 40 and 41 and the private/public land boundary adjustments within and adjacent to Zone 2 on page 42. BLM is attempting to make available those lands currently under permit and those that have been proposed, but have not been identified for disposal to be acquired to accommodate the uses to which you refer. Each proposal will have to meet the five step criteria outlined on page 25. Therefore, the proposed action should reduce the amount of public land with agricultural permits while increasing the tax base for the Counties and without impacting agricultural uses. In reference to the eighteen months, that is after the individual permit, lease, or agreement expires. The impact has been addressed on pages 71 and 72. If the disposal is allowed under the specified criteria, the tracts would be offered to the permit holder in the levels of priority indicated under the preferred alternative. If disposal is not allowed, the permits would be closed and the permittee would be required to rehabilitate the public lands for multiple use. The final outcome would be a larger tax base for the Counties and/or make the affected lands once again available for multiple use management and the BLM can concentrate their limited resources on other issues. In terms of easements, see Response 11k below.

The second issue deals with right-of-ways. A FLPMA right-of-way is granted for long-term authorizations for such things as water main lines and power lines and they will continue to be authorized. Short-term authorizations or permits are for things such as pivot crossings and the actions in this document on page 40 relate to those permitted actions.

11k. Second, under the preferred alternative, BLM proposes to retire existing leases, permits, and agreements that authorize agricultural trespass (and other trespass as well). It should be noted that through the Snake River Basin Adjudication (SRBA) process, many agricultural trespass issues have been identified. Those trespasses are currently either being addressed through the permit process or under any other separate agreement awaiting resolution by BLM in order to proceed in the SRBA. To place an 18-month retirement of those permits is not reasonable to the agricultural entity because resolution by BLM has NEVER been accomplished in less than a 5-year period of time. ISDA suggests BLM drop the proposal to place an 18-month retirement upon existing permits, unless BLM can assure in writing that the permits will become accomplished transfers within that 18-month period of time.

Response: Comment noted. Also see Response 11j above.

- 13u. EA at 40: We oppose the resolution of long-standing unauthorized uses by land tenure adjustment. You are basically rewarding people who have illegally used public lands. Again, we oppose the “pooled” land approach.

Response: Comment noted.

- 22a. Our family has attempted to resolve a long-standing grazing trespass on BLM lands since the late 1960s. The trespass parcel had been included in the ranch by the original owner some time after 1900 and no trespass was identified until the BLM made notice of the problem. After lengthy application and negotiation, my father, in 1979, was allowed to purchase 5 acres that resolved a cultivated agricultural trespass and set in motion annual grazing leases on the remaining 55.2 acres. Leases have been satisfactory to some extent, but have handicapped water development to facilitate spring grazing use and have been a minor inconvenience to myself and to BLM personnel. Our first desire is to purchase sufficient land to resolve the conflict, or secondly, to negotiate a long-term arrangement which recognizes the present uses and exchanges of use for public access. Please see the enclosed map of the Pendleton Ranch and the adjoining boundary issues.

Specifically, we desire the continued grazing use of the property as presently fenced. It encompasses 55.2 acres of BLM dry grazing, and leaves a total of 12.5 acres of private land for public use. Some of the private acreage is fenced out to better serve fencing opportunities-benefitting livestock on both sides of the fence. The western 3.0 acres would include continued public access via a bridge over the canal that is maintained by the Big Wood Canal Company, thus permitting the public to access public lands from the BLM corridor off the 150 W road in section 34, T4S, 17E.

A purchase might require the transfer of 75 acres in describable lots, specifically the transfer of the balance of the SE 1/4 NE 1/4 section 34 (35 acres) and the SW 1/4 NW 1/4 section 35 ( 40 acres) T 4S, 17E Boise Meridian. We would choose not to move the fence in the near future to include any additional land obtained by this purchase. The present fence is substantial, although dated, and would most likely remain in its present location through out its serviceable life. The present fencing allows natural flow of livestock on public lands, far enough removed from the canal to prevent cattle from pushing the fence and with no corners to trap livestock. Necessary and unobstructed access along the north side of the canal for canal maintenance personnel and repair soil borrow is also allowed. Moving the fence to its present legal location would obstruct mechanical canal moss- cleaning operations, bottle neck my cattle flows and create difficult fencing corners for BLM grazing livestock.

Response: BLM considered your proposal and found the parcel does not fit our needs as a sale at this time. In response to your concern about continued use of the parcel as currently authorized. BLM has no intention of changing your current authorization as per this document or the designation of the Tee Maze ACEC. Also see Response 22b above.

- 22e. Under alternatives 2 and 3, I fear the 18 -month timeframe for lease retirement to be too short. Any necessary review and sale process, even in a pooled lands approach with outside assistance is unrealistic. Alternative 4 language is more appropriate, however, I support pooling lands for sale to minimize costs to all parties.

Response: Comment noted. Also see Response 11j above.

- 22f. I have enclosed a copy of my letter dated June 25, 1994 regarding the Bennett Hills RMF to further describe our concerns regarding our unresolved land trespass issue. I would be glad to meet with you regarding any questions you may have on this issue.

Response: Comment noted. We will consider your proposal at the project level after the Amendment process has been completed.

### WATER RIGHT COMMENTS/RESPONSES

- 11i. **Water Rights (pages 31 & 41).** BLM has adopted a policy that privately owned water rights with a Point of Diversion (POD) on privately-owned lands, but with one or more places of use (PLU) upon BLM lands, shall be split and transferred to the United States in a percentage according to the amount of acreage involved (page 31). This policy does not reconcile with the proposal to retire permits within 18-months of the date of permit (under alternatives 2-4, page 40). Further, this policy seems to advocate a prescriptive right approach.

Response: State water rights law and BLM water policy have nothing to do with the 18 month grace period. BLM's water right policy is not intended to establish prescriptive rights on private land. Rather, the policy is intended to prevent private water rights, which are property rights in the State of Idaho, thereby encumbering the public land.

- 11m. As discussed above, most of the agricultural trespasses have been found as a result of the SRBA process. In other water basins within the state, those POUs located upon BLM lands, which have been proposed for exchange, and permits have been issued to allow the trespass for the time period necessary to complete the exchange. Or, the water rights have been transferred to other lands under private ownership, but in no instance has BLM acquired prescriptive rights by virtue of another party's application of water to BLM lands. Some, but not in all cases, have accomplished the "split" of the water rights **in anticipation of the proposed exchange, but with provisions to transfer the water rights with the land.** This has been done to allow the SRBA to proceed with issuing partial decrees. ISDA strongly urges BLM to continue to cooperate in the land exchange process so as to allow property owners the ability to resolve the trespass issues without risking the loss of any of their water rights. In addition, ISDA strongly opposes any proposal to terminate permits issued during the exchange process (the 18-month proposal) or any policy which infers a federal prescriptive water right.

Response: Most of the agricultural trespasses in the Shoshone Field Office have been found as a result of other efforts like surveys for projects or land exchanges. The SRBA identified some but most were previously known. In terms of the water right question, as stated on page 31, Shoshone Field Office will continue to adhere to the State of Idaho water law and BLM's State-wide water policy, which is described on page 11. Also see Response 13u above.

### ACCESS COMMENTS/RESPONSES

- 11n. **Acquisition of Access (page 44).** Refer to the above-discussed unauthorized uses and access issues. BLM needs to consider its position against private easements across public lands, and then ask itself how it could be expected to gain access across the private lands. ISDA asks BLM

to clarify what the phrase “seek to balance acquisition of legal public and administrative access” means (page 45).

Response: The two issues are unrelated.

- 15g. Maintaining Access Agreements: WRLT supports the proposal to maintain public access agreements to other public lands, trails, riverways, etc., by working with willing landowners through private development - plans and BLM land exchange efforts.

Response: Comment noted.

- 21b. *Acquisition of Access* - The proposed strategy for access acquisition under Alternative 3 states: "*Pursuing a balance of public and BLM administrative access would improve access to more parcels ... ..since administrative access is less expensive to acquire than public access* (Table 5, page 59)," We acknowledge the need and demand for public access could eventually be addressed by the consolidation of public land through land exchanges. However, the proposed strategy ignores existing public demand for access throughout the planning area. Thousands of acres of Federal land in the Bennett Hills, the north side of the Camas Prairie, the Picabo Hills, and the Big Wood River are currently inaccessible to the general public. We strongly encourage Alternative 3 include specific immediate strategies (e.g. easements) to acquire public access to these large blocks of Federal land.

Response: As described on 37 as a specific issue “future access needs and priorities will be coordinated with the Shoshone-Bannock and Shoshone-Paiute Tribes, IDFG, and local governments to ensure resource values are evaluated along with public needs”. Therefore, BLM does not feel they ignored the existing demand for access. In fact, BLM has planned a strategy using acquisition and land tenure adjustment to meet the public demands given the limited resources we are faced with and the potential impacts that must be considered.

### **TIMBER BASE COMMENTS/RESPONSES**

- 13x. EA at 45: We oppose disposal of small, isolated parcels in the timber base. These are rare and unique areas in SFO managed lands.

Response: BLM addressed the timber base management issue on page 45. The impacts are addressed on page 67. BLM anticipates stands of deciduous trees are usually associated with riparian areas or wetlands in the planning area. Because these areas are a high priority for retention or acquisition (see Appendix 1), it is likely the acreage of deciduous forest stands in the planning area would be maintained or increase over time. It is unlikely that non-commercial conifer stands would be transferred from public ownership, since there has been little private interest in developing these lands, especially for home sites. Since they usually occur on steep, north-facing slopes and are difficult to develop in an economically-safe manner. Also, proposed management (Appendix 1) emphasizes acquisition of high value resources, which should result in a priority to acquire high value coniferous or deciduous forested habitat.

### **ACEC COMMENTS/RESPONSES**

- 11o. The BLM preferred alternative (alternative 3) proposes three new Areas of Critical Environmental Concern (ACEC)/ Research Natural Areas (RNA). While this alternative is more acceptable, ISDA questions the need for these designations.

Response: Once an area is nominated, BLM is required by regulation to evaluate the nomination in a planning document such as this. We then make a determination as whether the potential ACEC meets the relevance and importance criteria (see Appendix 3). On page 3 we identified three steps in the process. 1) Do the nominated areas meet the established criteria regarding relevance and importance criteria?, 2) Is designating an area as an ACEC the most appropriate avenue to provide special management for the identified resources?, and 3) How will the BLM manage any area designated as an ACEC? At the conclusion of the process, of the ten nominated three were not proposed because they didn't meet the basic criteria requirements. Seven met the criteria and three were proposed in the preferred alternative considering the three steps above.

11r. Additionally, ISDA has concerns with BLM's proposal to not allow any new rights-of-ways, R&PP leases, and land use permits. In essence, BLM will be creating a *de facto* wilderness. While such designation may be warranted, ISDA suggests that a greater degree of analysis should be required above and beyond the EA/FONSI accompanying this proposal. A complete ban on any new permits could be viewed as highly controversial and it may be viewed as setting a precedent for future BLM action. In that regard, the FONSI may be deficient.

Response: BLM has not found this issue to be controversial. The ACEC designations do not set precedence but rather focuses management on a site specific resource or value. Presently, there are 18,963 acres designated as ACEC within the planning area of 1.44 million public acres. This proposed decision would add an additional 17,026 acres for a total of 35,989 acres or 2.5% of the 1.44 million acres managed by the Shoshone Field Office. As stated on page 114 of the EA "...the affected areas are either remote and already restricted from new land use authorizations, have little current or foreseen use, and /or lie within areas where actions could be rerouted elsewhere". More specifically, on page 105, the King Hill Creek ACEC/RNA restrictions on new land use authorizations would have minimal or no effect since these lands are remote and already restricted from most forms of development because of WSA and/or eligible WSR status. On page 108, the McKinney Butte ACEC/RNA prohibiting new land use authorizations in the area could have some impact to utilities, but is not foreseen to be very much based on the current low use in the area. On page 110, the Tee-Maze ACEC/RNA prohibiting new land use authorizations in the area is not expected to have an impact, based on the current low use of the area and the opportunity to use the existing utility right-of-way corridor. In addition, we reviewed the Western Regional Corridor Study, Idaho prepared for the Western Utility Group in 1992 in the spring of 2002 and again in October, 2002 and found no conflict with the proposed and existing corridors in the study area.

13b. Your "preferred alternative" would recommend an incredibly paltry 17,406 acres of the total 1.44 million acres of Shoshone Field Office lands as ACECs. It would relegate all of the rest of these lands to continued degradation under run-of-the-mill multiple abuse management. Your alternative is 1/22 of the land area of the 385,235 acre Bennett Hills ACEC proposal, and 1/827th of the total Shoshone Field Office land area. You have reneged on commitments made to us that you would include at least 250,000 acres of the proposed Bennett Hills ACEC as part of your preferred alternative.

Response: The steps used in evaluating nominated ACECs is based on their values and not percentage of public land. The Shoshone Field Office currently has five ACECs totaling 18,963 acres (page 5) in the planning area and with the preferred alternative, that acreage would almost double. Zone 1 lands are public lands with special designation because of significant resource values and they currently total 180,000 acres (see pages 26 and 27) and represent 12.5% of the public lands within this planning area. Addition of the three new designated ACEC would be added to those lands in Zone 1 with special

designation for a total of 13.7% of the public lands within the planning area. Therefore, through various forms of evaluation, proposal and designation, the Shoshone Field Office has and will continue to have a significant portion under special management. As to your understanding of our commitment, at a meeting in our office on March 21, 2000 you were assured the nominated Bennett Hills ACEC would receive a thorough evaluation and this document demonstrates our response to that commitment. Also see Response 111 above.

13h. EA at 12: This states that “all of the BLM nominations were initially made during the Bennett Hills RMP planning effort. This shows that they are old, stale, out-dated and that BLM has truly failed to take a “fresh” look at ACEC values. During the Draft (and never finalized due to political pressure from livestock interests) RMP, the dire straits of western sage grouse populations were not understood.

Response: Through additional research, we found that the statement in the document was not correct. The nominated Big Wood/Warm Springs ACEC was not addressed in the Bennett Hills RMP because it is outside the Bennett Hills RMP planning area. The proposed Coyote Hills ACEC was nominated by BLM staff after the comment period on the draft Bennett Hills RMP. However, since the proposed RMP was never completed, Coyote Hills was never analyzed or received public input until now. The proposed Bennett Hills ACEC was nominated during the scoping for the Bennett Hills planning process. The BLM did take a fresh look at ACEC values. The analysis in the EA and Appendix 3 was completed over the last three years using current and historical data. In addition, we purposely met with you on March 21, 2000 to upgrade the information we had for Bennett Hills to complete a thorough evaluation. We also met with IDFG, to acquire current data on Redband Trout and Mountain Quail.

13i. EA at 12 shows that BLM ONLY included ACECs it had recommended as part of its Preferred Alternative, and ignored those nominated by the public.

Response: ACEC designation requires a thorough review of data to determine the relevance and importance of the nomination. A complete review of this document, especially Appendix 3 shows BLM did not ignore any nomination. In addition, the nominated Coyote Hills ACEC was nominated by BLM staff and it did not make the preferred alternative either after a review of the data.

13y. EA at 46 states that under its alternative, “management of the seven nominated, but not proposed, ACEC areas ... would continue as specified under the existing land use plans”. Again these land use plans are so horribly out-dated as to be laughable and in no way, shape, or form allow BLM to manage ORVs, livestock abuse, and other harmful and destructive uses of the affected lands. These lands are wide open to ORV use, subjected to grossly excessive upland and riparian utilization and other livestock impacts under management direction in the MFP, etc.

Response: The EA presents a comparison of management under existing plans with management as ACECs. The comparison of management under existing plans with management as ACECs showed no advantage or added protection to the relevance and importance values of the areas under management as ACECs. Also see Responses 13f, 13m and 21h below.

13nn. BLM has failed to analyze the difficulty of administering its scattered tiny ACEC recommendations. Please note that your analysis of Land Tenure Adjustment here repeatedly relies on BLM’s inability to managed small, scattered parcels of land. How will BLM be able to better manage tiny, scattered ACECs?

Response: The impacts were analyzed from pages 90-114. The small, scattered parcels of land discussed in the land tenure section refer to those public land parcels isolated from other public lands. As you can see from the maps of each nominated ACEC in Appendix 3, none of the nominated ACECs are small, scattered and isolated parcels.

130o. Please provide a detailed explanation of why managing a large cohesive land area with a host of recognized outstanding values is not in the public interest.

Response: We assume you are speaking of the proposed Bennett Hills ACEC. Please refer to the write-up in Appendix 3, pages 130-135; the relevant management alternatives on pages 46 and 47; and the impacts to those management alternatives on pages 90-94; the cumulative impacts on page 112; and the irreversible or irretrievable commitment of resources on pages 113 and 114.

21f. The Department fully supports the BLM's proposal to place King Hill Creek, McKinney Butte, and Tee-Maze under ACEC designation. Each site maintains important fish and wildlife resources worthy of special management consideration.

Response: Comment noted.

25a. The BLM has not adequately identified nor analyzed the impacts of current land management practices in relation to the proposed ACEC/RNA designations. This is exemplified by statements within the document such as: "current management, regulation, and law provide sufficient protection for the values identified, therefore, ACEC designation may not be necessary." This holds true in relation to the proposed Bennett Hills, Camas Creek, Coyote Hills, and Dry Creek areas. In particular, the Bennett Hills region suffers from ongoing severe levels of livestock degradation (sheep and cattle, to both upland and riparian habitats), noxious weed invasions, off-road and other motorized impacts- obviously not adequately dealt with by current management practices.

Response: See the management alternatives on pages 44-54; and the impacts to those management alternatives on pages 90-111; the cumulative impacts on page 112; and the irreversible or irretrievable commitment of resources on page 113 and 114 indicate the issues and impacts were adequately addressed. The pages cited above present a comparison of management under existing plans with management as ACECs. The comparison of management under existing plans with management as ACECs showed no advantage or added protection to the relevance and importance values of the areas under management as ACECs.

25e. In closing, please reconsider all of the ACEC/RNA proposals; re-evaluating and actually honestly identifying all of the human impacts (due to current land uses and management practices) present on the lands and these proposed sites that are administered by your field office.

Response: Comment noted. We believe we have done an honest and complete analysis of alternative management of the lands in question.

31a. Bennett Hills and Coyote Hills ACEC-The development of a Cultural Resource Management Plan is an excellent choice. Would the Shoshone-Bannock Tribe play an active role in the development of a Cultural Resource Management Plan?

Response: Yes. We encourage you to actively participate in the process.

## BENNETT HILLS ACEC COMMENTS/RESPONSES

- 12h. Finally, the EA's ACEC Evaluation was internally inconsistent in its relevance/importance discussions regarding the Bennett Hills. The Evaluation considered the area "a stronghold for sage grouse," which are a BLM sensitive species, with "125 active and historic leks and both summer and winter habitat," EA 132, but then determined that the Bennett Hills area is not an important fish/wildlife resource, EA 134. In a similar fashion, the Evaluation found that the Bennett Hills big sagebrush natural process/system was "increasingly difficult to find," "highly valuable," and "should always be a management priority." According to the Evaluation, the Bennett Hills also contain high concentrations of special status, highly endemic plant species that are restricted in distribution and "should be considered significant from a landscape perspective." EA 132. Still, the Evaluation found that the Bennett Hills were not an important natural process or system. EA 134. This does not make sense. The Evaluation's relevance discussion clearly shows that the Bennett Hills are regionally important for their wildlife and natural system values. The Shoshone Field Office LUP for ACECs must designate the Bennett Hills as an area of critical environmental concern.

Response: The evaluation found sage grouse habitat to be relevant. Regarding importance, as stated on page 133, "Sage grouse are found throughout the Bennett Hills, and the area provides source sage grouse habitat and probably contains one or more strongholds. The area's existing land use plan (Bennett Hills/Timmerman Hills MFP) recognized these habitat values and already provides for the management and protection of sage grouse habitat as a high priority; simply designating an ACEC (for sage grouse values) would not increase the level of concern for or management of this species." Therefore, BLM does and has recognized these values. In addition, BLM notes that these values are sustained without special designation at this time, under existing plan direction. In addition, the evaluation also states "Since the nominated ACEC area contains only a small portion of the entire sage grouse and mountain quail habitat in the West, the area is more of local importance than of regional or national importance". Also see Responses 13f above and 13m, 13y and 21h below.

Your reference to the values stated on page 132 - Relevance - Natural Process or System needs to be evaluated against the criteria on page 128. To be relevant the area must only contain the value, resource, process, system, or hazard; therefore, it is a yes or no question. Then an area must meet the criteria for importance as listed on page 128. BLM believes your confusion may lie in the fact that as stated on page 128, "Importance - The value, resource, system, process, or hazard must have substantial significance and values in order to satisfy the "importance" criteria."

BLM has reviewed the evaluation again and the impacts as identified on pages 91-94 and have determined it to be a realistic assessment.

- 13a. We are greatly disappointed in BLM's failure to include the Bennett Hills/Camas Trail ACEC in the preferred/recommended alternative.

Response: Comment noted.

13c. BLM provides no legitimate rationale for its failure to include the Bennett Hills ACEC as part of its Preferred Alternative.

Response: The relevant management alternatives on pages 46 and 47; and the impacts to those management alternatives on pages 90-94; the cumulative impacts on page 112; the irreversible or irretrievable commitment of resources on page 113 and 114; and the write-up in Appendix 3 pages 130-135 present the analysis of the Bennett Hills ACEC question in the document. The rationale for not selecting the Bennett Hills ACEC is based on that analysis. Also see Response 12h above.

13d. We prepared a comprehensive, science-based ACEC proposal with supporting literature and information obtained from a variety of agency specialists. We met with you and/or your staff on several occasions and discussed the great natural values associated with the “island” of intact sage-steppe vegetation in the Bennett Hills/Camas Trail ACEC.

Response: We agree, in fact CIHD sent in their first description on January 2, 1990 which described the area as Thorn Creek Reservoir to the western boundary of the RA along the Bennett escarpment. Then on July 25, 1991 it was described the area as “Bliss Road to Highway 46.” Then on June 30, 1994 it was described as Gooding to Fairfield Highway and Bliss-Hill City Road to King Hill Creek. All of your correspondence included resource information. Therefore, we purposely met with you on March 21, 2000 to upgrade the information we had for Bennett Hills to make a thorough evaluation and present description was decided at that meeting. You should note that on page 128 - Importance a “No “ means BLM recognizes the area contains the value, resource, system, process, or hazard, but the value, resource, system, process, or hazard is not substantially significant and does not meet the importance factors listed. In addition, BLM has never indicated the Bennett Hills is not an important retention management area of public land. Also see Response 13h above.

13e. We provided you with irrefutable evidence that these lands meet the established relevance and importance criteria. We discussed BLM’s current profound management shortcomings here and the need for special management at the landscape level, and you acknowledged these shortcomings.

Response: Comment noted. Also see Responses 111, 13d, 13y and 25a above.

13f. Two years have passed since our initial proposal, and the continued degradation, fragmentation, and loss of sage-steppe habitats in southern Idaho and Westwide have INCREASED the values, relevance and importance, of the Bennett Hills as a sage-steppe ACEC. These include:

- \* Sage grouse range-wide have now been petitioned for listing under the ESA. Sage-steppe migratory birds continue to decline, and more sage-steppe obligates are now on the Idaho BLM special status species list.

Response: The BLM recognizes the continued loss of sagebrush steppe habitat in recent years. Also see Responses 111, 12h, 13d, 13e, 13y and 25a above.

- \* Scientific concerns have increased over impacts of habitat loss to sage-steppe migratory birds.

Response: BLM agrees.

\* Recent studies in southern Idaho have shown that sage grouse move large areas over the course of a year, and thus that landscape-level management is necessary to protect their habitats.

Response: BLM agrees. The land tenure portion of these amendments, specifically the retention emphasis of Zone 2 (see page 27) and the watershed approach to improve efficiencies in public lands management address these concerns in long-term habitat management.

\* Fires have consumed more large areas of sage-steppe habitats.

Response: BLM agrees, currently the Bennett Hills area is a full suppression fire zone.

\* Exotic species have increased. Exotics such as white top are rapidly spreading in volcanic soils of sage-steppe habitats in southern Idaho. This species typically starts in zones of livestock concentration, as at the margins of wet areas, and then moves out into surrounding vegetation communities. As livestock readily consume this plant and its seeds, it then gets spread far and wide.

Response: Comment noted.

\* The woefully outdated Bennett Hills/Timmerman MFP is even MORE behind the times.

Response: BLM believes that the existing plan is still valid. For example the existing management as outlined on page 47 of the EA summarizes habitat needs for a number of wildlife including sage grouse. Continuing to implement those actions will continue to promote the needs for all wildlife. In addition, both you and IDFG have commented that the Bennett Hills currently support many values without designation. This suggests that the existing plan provides appropriate direction for the continued management of the Bennett Hills area. Also see Responses 13m, 13y above and 21h below.

\* You have proposed likely disposal of large acreages of lands in zones 3-5 (304,000 acres of BLM lands). This includes lands that provide habitats for sage-steppe species.

Response: See Response 13tt above.

All of these factors only accentuate the need for concerted special management of these lands as a whole unit with ACEC designation to provide BLM greater ability to change management to stop environmental harm and current degradation.

Response: Based on the analysis presented in the EA, the BLM believes the current land use plans and the proposed land tenure decisions hold the answers to these concerns.

13g. EA at 12: Bennett Hills – description of Bennett Hills ACEC must include sage grouse, sage-steppe habitats.

Response: The resource values listed on page 12 are summary of resource values. Sage grouse are listed or included throughout this document in both land tenure issues and ACEC issues. “Critical habitat” is intended to include sage grouse habitat. Specific to Bennett Hills ACEC see Appendix 3, Fish and Wildlife Resources and Natural Process or System on pages 132-134.

- 13j. EA at 12: Western Watersheds Project and American Lands Alliance also were parties to nominating this ACEC.

Response: After reviewing the files the original nominating group was the Committee for Idaho's High Desert in 1990. Western Watersheds Project, American Lands Alliance, Idaho Department of Fish and Game and others since recommended or commented on variations of the area through the Draft Bennett Hills RMP or the scoping of this document. Also see Response 13d above.

- 13k. EA at 16 – Identifies locatable and saleable mineral potential as high. The potential for these leases is a clear threat to these lands. Designation of an ACEC would enable BLM to take action to protect the Bennett Hills from reckless mineral activity.

Response: Page 16 also indicates “The likelihood that there is a significantly large deposit of locatable minerals in the proposed ACEC is very low because the rock types and geology are not conducive to the formation of typical locatable minerals such as gold or silver.” Also “The potential for saleable minerals within the ACEC is very high due to the numerous existing sites, favorable rock types and geology. Those impacts are also addressed on pages 93 and 94.

- 13l. EA at 19: Identifies increasing recreational uses and importance of Shoshone FO lands, with visitor days exceeding 900,000. This increased recreational use threatens the Bennett Hills, as it is the largest wild lands area positioned close to population centers on the Snake River Plain.

Response: Appendix 5 of the EA show that of the 900,000 visitor days, approximately 126,000 of those were in the Bennett Hills area. Most of this use is associated with Magic Reservoir and the remaining use is largely associated with hunting. The effects of OHV use in the Bennett Hills area are described on pages 92 and 94 of the EA. Also see Response 25a above.

- 13m. EA at 19 states: “the Bennett Hills supports a very large number of mule deer”, and notes the very large - and ever increasing - number of visitor days in this area (338,000 for the SNRA alone, a quarter million visitors to Craters of the Moon, etc.). As recreational uses escalate, these too pose new threats to sensitive species and habitats.

Response: In addition, the almost 338,000 visitor days are in Wood River Valley, not Bennett Hills and not the SNRA (see Appendix 5, page 176). Again, you agree that the Bennett Hills currently supports a very large number of mule deer without designation; therefore, the current plans must be valid in terms of the issue. Also see Response 13l above

- 13n. EA at 19-21, and Appendix 7 (188-192): Townsend's big-eared bat; ferruginous hawk; greater sage grouse; western burrowing owl; loggerhead shrike; willow flycatcher; sage thrasher; lazuli bunting; green-tailed towhee; Brewer's sparrow; grasshopper sparrow; black-throated sparrow; sage sparrow; Columbia spotted frog; common garter snake; Mojave black-collared lizard; interior redband trout; and several rare plants.

Response: Comment noted.

- 13o. EA at 21: Townsend's big-eared bats need extensive foraging areas of native vegetation. Thus, if BLM really wants to protect this species, it will designate an ACEC to protect native vegetation,

and not just roosts. We understand that Townsend's numbers have declined in roosts surrounded by extensive burned and disturbed areas.

Response: The proposed designation of the nominated McKinney Butte and Tee-Maze ACECs in the Bennett Hills area will provide protection of both native vegetation and roosts. Also see Responses 11n above and 22c below.

13p. EA at 32-33: We note that BLM's "screening" of ACECs found that the Bennett Hills ACEC met the Relevance and Importance Criteria, because of significant values, and that these values met the importance criteria of: More than locally significant qualities; has significant qualities which give it special worth, consequence, meaning or distinctiveness ... and/or that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened or vulnerable to adverse change.

Response: Bennett Hills met both relevance and importance criteria for Cultural Resources only.

13z. EA at 47: BLM provides no evidence of any kind that it has taken any steps in the past 26 years (since finalization of the Bennett Hills/Timmerman MFP) to do ANYTHING positive for mule deer, and sage grouse in the Bennett Hills. For example, how many acres (of the 283,000 acres of sage grouse brood rearing mentioned here) have been "improved"? Please provide maps and locations to show that you have taken any actions in the past, and data that supports that you have scientifically measured any "improvement". What is the current condition of these lands, compared to their condition in the 1970s?

Response: This comment is outside the scope of this document.

13cc. EA at 91-94: BLM admits that ACEC designation would reduce surface disturbance and risk of damage to cultural resources, reduce OHV access that may result in collection and vandalism, that completion of a CRMP would identify proactive protective measures, that mineral activity would require site-specific NEPA, etc.

Response: Assuming this comment concerns the nominated Bennett Hills ACEC, the text on pages 91-94 present a comparison of the effects of managing Bennett Hills under an existing plan or managing the area as an ACEC. Based on this comparison of effects of alternative management, the BLM concluded that there was no advantage or added protection to relevant and importance values under management of the area as an ACEC. Also, see the rationale for not proposing the ACEC for designation on page 135.

13dd. BLM errs in stating that "OHV use is light". It provides no data to support this. We have seen OHVs blasting through closed roads and carving new trails in Bennett Hills WSAs.

Response: The statement is accurate. "Light" is a relative, qualitative term. OHV use is light relative to the Forest Service to the north, a concentrated OHV use area like the Snake River Rim (North Rim) and the closer you get to Boise going West. We do not have quantitative data, but we do have years of reports from field going staff, as well as the professional opinion of staff looking at the OHV impacts on the ground. We can also state with confidence that OHV use is increasing, but remains relatively light. We have also seen OHV tracks behind closed signs in the Bennett Hills, although not very many. The BLM ranger wrote approximately a dozen OHV related citations in the general Bennett Hills area last year. We agree that more quantitative OHV data, both on use numbers and impacts would be desirable, as would increased on the ground presence in high use and sensitive areas.

13ee. EA at 93 shows the extreme level of short-sightedness lack of any real reason except political pressures for BLM to reject inclusion of the Bennett Hills ACEC, as it uses access to gravel as a primary part of its analysis for rejection of the Bennett Hills lands.

Response: The effects of alternative management of the area on minerals was analyzed and considered as a part of analyzing tradeoffs associated with possible designation. More importantly, the effects of managing the area as an ACEC showed no advantage or added protection to the relevant and important values of the area over management under the existing plan.

13ff. We note that there is absolutely NO analysis of “resource/program impacts” for biological, ecological, watersheds, and other values.

Response: The Bennett Hills ACEC analysis focuses on alternative management of the relevant and important values of the area as described on pages 131-135 of Appendix 3 of the EA. Also, see the relevant management alternatives on pages 46-54; and the impacts to those management alternatives on pages 90-111; the cumulative impacts on page 112; the irreversible or irretrievable commitment of resources on page 113 and 114; and all of the write-ups in Appendix 3 pages 128-172.

13gg. Appendix 3 “Evaluation of Nominated ACECs” admits that rockshelters and overhangs have been extensively looted, yet BLM’s preferred alternative that rejects the Bennett Hills ACEC takes no steps whatsoever to stop this damage. BLM is simply content to let looting and destruction continue, in violation of FLPMA. You know full well you have done just about nothing to protect these lands under your old MFP.

Response: See the Coyote Hills evaluation on pages 144-146. Note that highlighting the location of these cultural values through designation may draw increased attention to the resources, thereby increasing the risk of further vandalism and illegal excavation. In addition, BLM monitors sites and investigates all known violations.

13hh. BLM fails to include much information and data on sage grouse and migratory birds (including shrub-steppe songbirds) that we provided as part of our alternative. BLM’s analysis fails adequately to address this information.

Response: Comment noted. Also see Response 12h above.

13ii. Under its analysis of “natural process or system”, BLM admits that protection of high quality sagebrush communities should be important, but then fails to assess the impacts of its failure to take action to protect these sites in the Bennett Hills.

Response: Comment noted. Also see Response 12h above.

13jj. EA at 133 admits that the Bennett Hills ACEC contain irreplaceable cultural resources “that are extremely fragile and subject to vandalism and illegal looting”, and an unusual concentration of sites.

Response: Comment noted. Also see Responses 13p and 13gg above.

13kk. EA at 133: BLM's analysis of "Scenery" is deeply flawed, and shows the extreme blinders and bias typical of BLM's analyses, as it states: "the scenery ... is not unique or of more than local significance". For example, BLM's own 1991 Idaho Wilderness Report (p. 563, p. 576) describes for Gooding City of Rocks East WSA, Gooding City of Rocks West WSA and other WSAs in the Bennett Hills: canyons and hoodoos, unusual rock formations that resemble stacks of coins, mushroom caps, arches, fins, and states that these : "rival those found in Utah's Arches National Park". What new revelations has Shoshone BLM suddenly had that supplant/contradict its own previous analysis of these lands within the Bennett Hills ACEC proposal?

Response: The rock formations within the Wilderness Study Areas do have a high scenic quality and value. The formations are also unique from a geologic perspective. However, the rhyolite formations do not extend throughout the entire nominated ACEC, but only are present in a small portion of the proposal, mostly within designated WSA's. Therefore, the ACEC proposal contains significant scenic values (relevance), but do meet the Importance Criteria for Scenic. While visual Resource Management Designations are not addressed in this planning effort, the Wilderness Study Areas you mentioned within the proposed Bennett Hills ACEC was changed from Visual Resource Inventory Class II to Class I as a result of a recent national BLM policy change. A scenic or visual ACEC would also carry a class I designation.

13ll. EA at 133: The analysis of wildlife resources is extraordinarily skimpy, and ignores much information that we and others (such Idaho Department of Fish and Game) provided to you. BLM knows full well the importance of the Bennett Hills to mule deer – as wintering habitat for one of the most important mule deer herds in Idaho, yet completely ignores this here. BLM admits that the Bennett Hills lands likely contain sage grouse strongholds, yet the agency apparently cares so little about sage grouse that it is unwilling to take any actions of any kind to protect these areas (or even speculate on their locations, so that analysis of the their values can rationally be conducted). BLM's statement that "the area is more of local than regional or national importance" for wildlife values is biased and in error. It must be changed in the Final EA/EIS.

Response: Bennett Hills was not nominated as an ACEC specifically based on mule deer. Therefore, it was not directly analyzed. Also see Responses 12h, 13f, 13m above and 21h below.

13mm BLM cannot simply cast the Bennett Hills aside as part of the preferred alternative, by lamely and with no valid rationale, stating: "however, it is uncertain that ACEC designation is needed to provide special management ...". Please provide a detailed explanation and clear rationale WHY you have failed to include the Bennett Hills ACEC as part of the preferred alternative. Is it because during the Bush administration, the political winds have changed, and BLM is now backpedaling on commitments made to include at least 250,000 acres of this land as part of its preferred alternative? You specifically told us you would do so, and now have proposed as your preferred alternative that is incredibly meager and will do little if anything to protect these important lands.

Response: We did not simply cast the Bennett Hills aside, in fact smaller portions have been proposed in the preferred alternative. Also, refer to the Bennett Hills relevant management alternatives on pages 46 and 47; and the impacts to those management alternatives on pages 90-94; the cumulative impacts on page 112; the irreversible or irretrievable commitment of resources on page 113 and 114; and all of the write-ups in Appendix 3 pages 130-135. Specifically note the "Rationale for not Proposing the ACEC for designation under the Preferred Alternative" on page 135. You wrote a letter on December 18, 2001 indicating you thought and received assurances that your nomination would be in the preferred

alternative. We discussed many things during this planning process, and a letter to you on December 21, 2001 was in response to your letter. We made no assurance about any nominated ACEC other than they would all receive a thorough evaluation and this document demonstrates our response to that commitment. In fact we had the meeting with you on March 21, 2000 because we didn't have enough information from your proposal to complete the evaluation. See other specific Bennett Hills ACEC responses.

21g. We strongly recommend BLM reconsider ACEC designation of the Bennett Hills. In January 2000 the Department proposed ACEC designation for a portion of the Bennett Hills to protect vital wildlife resources in an area roughly bounded by Calf Creek west to the King Hill Creek drainage and from 5,000 ft elevation south to the agriculture interface. While the Department's nomination did not receive consideration, the Committee for Idaho's High Desert's nomination for a Bennett Hills ACEC, which includes the area proposed by the Department, was analyzed in the EA.

Response: The BLM understood the Department's January 31, 2000 letter to support the Bennett Hills ACEC nomination by providing additional resource information about the values found within the Bennett Hills area. Your letter was considered in the preparation of the EA, as we discussed at our October 7, 2002 meeting. Also see Response 13j above.

21h. The Bennett Hills provide habitat for the **highest** concentration of wintering mule deer in Idaho. Mule deer from five distinct game management units annually migrate to the Bennett Hills winter range. Further loss and/or degradation of critical winter habitat will have serious management consequences for mule deer populations in southern Idaho.

Response: See Response 13ll above.

The Bennett Hills area maintains large, contiguous blocks of native sagebrush habitat that provide important breeding, brood-rearing, arid winter habitat for sage grouse and other sagebrush dependent wildlife. In addition, the area maintains potentially suitable habitat for mountain quail reestablishment, is the site of the last confirmed observation of mountain quail in the Department's Magic Valley Region; and contains at least two watersheds where Interior redband trout have been documented.

Response: See Appendix 3, Fish or Wildlife Resources and Natural Process or Systems on pages 132-134. For more on redband trout and mountain quail, Also see the analysis for the nominated Dry Creek ACEC on pages 149-152 and King Hill Creek ACEC 159-161. In addition, for just redband trout, see the analysis for the nominated Camas Creek ACEC on pages 141-143.

We disagree with the rationale used to justify the BLM's conclusion that fish and wildlife resources within the Bennett Hills do not meet the criteria for ACEC designation. *"Since the nominated ACEC area contains only a small portion of the entire sage grouse and mountain quail habitat in the West, the area is more of local importance than of regional or national importance (Appendix 3, page 133)."* This statement fails to recognize the importance of "small" habitat areas to overall populations of sage grouse in southern - Idaho and contradicts the EA's acknowledgement that *"Sage grouse are found throughout the Bennett Hills, and the area provides source sage grouse habitat and probably contains one or more strongholds (Appendix 3, page 133)."* Given the current status of sage grouse throughout its range, the Department contends that "source habitats" and population "strongholds" warrant special protection and

management. This type of short-sighted management leads to listings under the Endangered Species Act.

Response: See Response 13cc above.

We disagree with the conclusion that present management programs are sufficient to safeguard sage grouse populations and habitat (Appendix 3, page 133). Habitat fragmentation as a result of livestock grazing, agricultural development, roads, fire, and the spread of noxious weeds and invasive exotic grasses are continuing threats to sage grouse habitat in the Bennett Hills. Present management, as observed by the continued downward trend in sage grouse populations, has been ineffective. Further, we are confused by the statement "*simply designating an ACEC (for sage grouse values) would not increase the level of concern for or management of this species*" (Appendix 3, page 133)." We maintain that implementing management actions such as permanent and/or seasonal road closures, aggressive fire suppression, native plant rehabilitation plans, new, livestock grazing strategies, and treatment programs for the control of noxious and invasive plants would greatly benefit mule deer, sage grouse, and other sagebrush dependent wildlife.

Response: BLM agrees with your concerns, but designation is not required to implement management actions such as permanent and/or seasonal road closures, aggressive fire suppression, native plant rehabilitation plans, new, livestock grazing strategies, and treatment programs for the control of noxious and invasive plants. In addition, as you indicate in your letter all those values are currently exist without designation, thereby suggesting that current management and the land use plan decisions are sufficient (see Responses 13f, 13m and 13y above). As you know based on our October 7, 2002 meeting and through review of our numerous planning documents and past coordination meetings we are currently doing these and other management actions that are benefiting mule deer, sage grouse, and other sagebrush dependent wildlife. Permanent and/or seasonal road closures across the entire Bennett Hills area is not being proposed at this time. Also see Response 13l above.

22d. In reference to the proposed Bennett Hills nominated ACEC, I fail to see the rationale of overlaying the area with any further designation. The document's 'rationale for not proposing the area' is the most logical statement in this section. The BLM has plenty of tools presently to deal with management of this wide area.

Response: Comment noted.

25d. The presence of Douglas fir in the Bennett Hills is indeed unique; this small resource should be reconsidered for ACEC protection. If lost- there may will be no replacement. RNA/ACEC designations cover a variety of issues; the original TNC proposal should be reconsidered. Current management is not likely to be adequate- based on the impacts and issues facing adjacent habitats.

Response: We assume you are referring to Fir Grove ACEC nomination. As noted on page 33, the area didn't meet relevance or importance. Fire appears to be the only threat and designation will not stop fire.

#### **CAMAS CREEK ACEC COMMENTS/RESPONSES**

25b. Camas Creek is one of the few locations within the Shoshone BLM District that still provides habitat for species such as *Spiranthes diluvialis* (CDC 2002). While livestock may not readily

access the proposed ACEC portion; management as an ACEC would provide more protection for this remnant resource.

Response: BLM does not consider the system to be in jeopardy under the existing management at the present time. Existing management tools are sufficient to maintain and improve riparian conditions as described in the EA on pages 95-98. In addition, Camas Creek was surveyed by the Idaho CDC for *Sprianthes* in 2000. A small amount of suitable habitat was found that extended from the mouth of Willow Creek downstream for about 0.7 miles. However, the orchid was not found.

### **KINGS CROWN ACEC COMMENTS/RESPONSES**

25c. While it is recognized that King's Crown is a small isolated site; the Shoshone BLM region does not have adequate reference sites due to long-term region-wide impacts from domestic livestock. WWP recommends reconsideration of the site as an RNA/ACEC if it does indeed signify an intact native plant community- regardless of access issues. RNA representativeness is not precluded simply because access is limited or fire is supposedly being actively suppressed. If this site is lost- it may well represent loss of one of the only remaining sites not significantly altered by domestic livestock or other human activities within the Shoshone Field Office area. RNA/ACEC designations cover a variety of issues; the original TNC proposal should be reconsidered.

Response: King's Crown did not meet the importance criteria as described on page 33 of the EA and pages 156 and 157 of Appendix 3 of the EA. Therefore, no further consideration of the area as an ACEC is warranted.

### **KING HILL CREEK ACEC COMMENTS/RESPONSES**

11p. **King Hill Creek** has been nominated due to the presence of Interior redband trout. Conditions of this ACEC/RNA include closure of the area to livestock grazing, while the BLM acknowledges that King Hill Creek represents a low elevation riparian system, 97 percent of which is properly functioning and is approaching its potential natural community (page 159).

ISDA believes that it is inappropriate to close this area to currently permitted activities, including grazing, when the current management has produced conditions that result in such good rangeland and riparian area conditions. The BLM's Standards for Rangeland Health and Guidelines for Livestock Grazing Management provide sufficient protection to the resources in this area. The area is currently designated as a Wilderness Study Area (WSA) and has been proposed for study as a Wild and Scenic River (Wild). Both of these designations carry restrictions of use that are equal to, if not exceeding, that of the ACEC designation. These designations, while not permanent, require study and evaluation to make a designation. If in the future, the WSA is released by Congress and the creek is found unsuitable for WSR designation, extensive study would have taken place with the result being that the area is not sufficient to warrant such protection. This is an additional designation with the associated restrictions as indicated would usurp the authority of Congress by effecting the restrictions that are at least as stringent as those imposed by wilderness designation.

ISDA also believes that the protection of the Interior redband trout is the responsibility of the Idaho Department of Fish and Game. While this fish is physically isolated, there is no indication

of protection in the fishing regulations for the state of Idaho; therefore, we question the need for additional protection as indicated by the BLM.

Response: As indicated on page 105 - Livestock Grazing, closing the area to grazing would have no effect, since little to no grazing use is presently occurring in the ACEC area. Current management and area generally being unsuitable for grazing due to steepness and poor accessibility for livestock, and the absence of other normal uses is the reason for the current condition. Please refer to the riparian discussion on page 107 and the note on page 160. The area is managed currently under the Interim Management Plan for Wilderness Study Areas, however, there is no permanent management until Congress acts on the proposal. As far as the creek's eligibility for further study as a Wild and Scenic River, until the suitability is complete there is no permanent management. If both the WSA is released from Congress from wilderness review and the WSR is found unsuitable, there would be no added protection for the genetically pure native Interior redband trout. As for the responsibility of the fish, they are under the jurisdiction of the Idaho Department of Fish And Game. However, as pointed out in Appendix 7, the Interior redband trout is a species of concern to the USFWS but without formal federal status and is a species of concern to BLM. BLM has a role in improving, maintaining and protecting habitats for species of concern. The major effort is to insure that protection would help reduce the need to list as a threatened or endangered species. BLM has determined that designating the King Hill Creek ACEC/RNA would provide the long-term management of the habitat and help insure the Idaho Department of Fish and Game can manage and maintain the genetically pure Interior redband trout (see page 105 - Fisheries). In a meeting on 9/27/02 you had concerns over permittees input. See Responses 28a and b below for concerns from a permittee.

28a. First: I want to suggest that you change the boundary to the area of the red line I have put on the enclosed map. The rationale for this change is that your existing line comes down a big bald open ridge that encompasses quite a large area that adds no significance to the canyon. The redline is on the canyon rim as is most of your other boundary line. The bench area between my proposed line and your existing line has a two-track road that provides access for hunters and fishermen. Ideally the southern boundary of your ACEC should stop at the existing power line, the boundary of the WSA.

Response: The BLM re-examined the boundaries to evaluate your comment. BLM adjusted the line to the lower rim in the Four Rivers Field Office and subsequently reduced the size of the proposed King Hill Creek ACEC/RNA from 2880 acres to 2500 acres. The map and text have been adjusted.

28b. Second: I find it ridiculous that your first recommendation is to close the area to livestock grazing. Almost all of the area is virtually inaccessible to livestock. The few places that livestock can get to the creek are a case of get in and get out. They do not graze up or down the stream. Where is the biological information that says a closure is necessary?

Response: As described on page 105, the impacts of closure to livestock grazing would have no effect, since little to no grazing use is presently occurring in the ACEC area. However, the designation, the specific closure to livestock grazing and the other proposed management actions would help insure positive impacts to redband trout habitat into the future. Please refer to the write-up in Appendix 3, pages 158-161; the relevant management alternatives on pages 46 and 52; and the impacts to those management alternatives on pages 90, 105-107; the cumulative impacts on page 112; and the irreversible or irretrievable commitment of resources on pages 113 and 114.

## MCKINNEY BUTTE AND TEE-MAZE ACEC COMMENTS/RESPONSES

- 11q. **McKinney Butte and Tee-Maze** have been nominated due to the abundance of caves in the areas and the use of the cave networks by populations of Western small-footed myotis and Townsend's Western big-eared bats. These ACEC/RNAs mainly focuses on the control of human activity to protect and preserve the integrity of the resources found within the caves. ISDA maintains that while the protection of subsurface resources is critical, this can be accomplished within the existing land use plan and does not warrant further restrictions that can and do accompany ACEC designation. These areas cover vast acreages potentially restricting other non-subsurface disturbing activities that the local communities depend on to maintain viability. The existing Upper Snake River District Cave Management Plan provides for the protection.

Response: The current land use plans have not provided adequate protection for these fragile and sometimes non-renewable resources. To date in response to the issues, BLM has developed the Upper Snake River District Cave Management Plan, implemented seasonal closures, conducted patrols and partnered with special interest groups to assist in the efforts, but all on a cave-by-cave basis. Still the situation has not been improved. Therefore, BLM has determined through this process that designation is the appropriate mechanism to warrant protection. Please refer to the write-up in Appendix 3, pages 162-172; the relevant management alternatives on pages 46, 53, 54; and the impacts to those management alternatives on pages 90, 108-111; the cumulative impacts on page 112; and the irreversible or irretrievable commitment of resources on pages 113 and 114. In addition, the only real impacts of the proposed designation is the elimination of cross country travel. There is only limited cross country travel in the area today.

- 22c. I am concerned that the proposed Tee-Maze ACEC would not allow any consideration of acquisition or mutual resolution of the above land trespass issue. Generally I question the need to establish such a large land area to protect underground features with definitive entrances. As a youth I visited most of the caves within the outlined area of the ACEC and know that activities above ground are not noted below ground, except near a cave entrance. If it is necessary to control access to 12 caves, then deal with the 12 sites and do not impose additional, unnecessary regulations on such a large area.

All of the area outlined in the Tee Maze ACEC is locally known as part of the "senior citizens hunt" (Unit 52) which is an excellent area for older and disabled individuals to continue using the area via off-road vehicles. I feel the BLM, in cooperation with the Idaho Fish and Game Department, presently have sufficient latitude to deal with inappropriate and negligent use of the area without further restriction of the area. At a minimum, perhaps the southern boundary could be moved to the north boundary of sections 22,23,and 24 T4S, R17E, which is over a quarter mile south of any known cave. This change in boundary would allow my trespass and that of a known trespass at the neighboring Ring Neck Ranch (Frank L. Arensberg) to be addressed appropriately and further allow more unrestricted normal use of the lower area by local A TV and snow machine users. Please see a copy of the Tee-Maze Map # 14, where I have proposed the southern boundary change.

Response: The protection of the caves and the associated resources go beyond the actual cave entrance. For example, providing bat habitat includes not only their roosting or hibernation habitat in the caves themselves, but also habitat to meet their other requirements outside of the cave. As we discussed at the public meeting in Shoshone, the southern boundary was drawn along the private/public boundary to not

have a parcel of multiple use public land between a proposed ACEC and the private land. The reasons were for multiple use management issues for that parcels. BLM considered your comment and determined the boundary is appropriate as displayed in the document for the reasons described above. Travel within the area will be limited to designated and signed roads and trails and will continue to provide access for the “senior citizens hunt” and older or disabled individuals. In response to your concern about your continued use of the parcel as currently authorized, the BLM has no intention of changing your current authorization as per this document or the designation of the Tee Maze ACEC. In addition, uses will be authorized in the future if they meet the needs of the designated Tee Maze ACEC. See the Management Alternatives on pages 46 and 54 the Environmental Impacts on pages 90 and 110-114. Also see Response 22a above.