

APPENDIX I - CONSULTATION LETTERS

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
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FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

SHOSHONE OFFICE

October 16, 2003

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RECEIVED

Craters of the Moon National Monument Planning Team
Bureau of Land Management
Shoshone Field Office
PO BOX 2-B
400 West F Street
Shoshone, ID 83352-1522

Jim Morris, Superintendent
Craters of the Moon National Monument
PO BOX 29
Arco, ID 83213

RE: SHOSHONE-BANNOCK TRIBES COMMENTS TO THE CRATERS OF THE MOON NATIONAL MONUMENT & PRESERVE - RESOURCE MANAGEMENT PLAN

The Shoshone-Bannock Tribes would like to thank the National Park Service and the Bureau of Land Management for seeking Tribal participation in the development of this Management Plan. The Shoshone-Bannock Tribes (Tribes) technical staff has reviewed the available information and submits the following comments.

The BLM and NPS staff came to Fort Hall to meet on August 27, 2003 with the Fort Hall Business Council, and that may be considered as a part of the consultation process, as an information meeting. Prior to that, the BLM and NPS staff coordinated with the Tribal resource staff, and the Tribes urge the agencies to continue to coordinate with the staff, throughout the planning process.

The Craters of the Moon area is of particular importance to the Tribes, as it has important historical usage and continues to retain cultural values, as legends and other Tribal histories have included the Craters area. Any potentially adverse impacts that this management plan would have upon those traditional values needs to be prevented.

Out of the four alternatives presented, the technical staff supports the DRAFT Alternative C, which emphasizes retention and enhancement of the Monuments primitive character with minimal visitor facilities or services and less management action to influence resource conditions,



with minor changes. These suggestions are to ensure adequate roads, (two tracks) to allow Tribal member access for exercise of treaty rights.

The Tribes request to be actively involved and participate in the development of the implementation plan for individual projects that will result from this management plan.

General Comments: The Shoshone-Bannock Tribes are not members of the general public; the Tribes are a sovereign nation, with its own governing system and cannot be equated with local state, municipalities or county governments. The 1868 Fort Bridger Treaty reserves the right to continue traditional activities on all unoccupied federal lands.

Understanding that the BLM is under a Multi-use Mandate, the Tribes remind and emphasize that the BLM first has a federal trust responsibility to the Tribes to manage lands under their jurisdiction in a manner to preserve and protect those trust resources, on behalf of the Tribes.

Please include in your list of required laws and statutes the federal agencies must follow, the 1868 Fort Bridger Treaty, as well as the official government-to-government consultation requirements to the Shoshone-Bannock Tribes. Also include in the document, a statement stating the federal agencies federal trust responsibility to the Tribes to manage and protect Indian Trust Assets/Treaty Resources, and that these federal agencies will work to ensure all proposed projects will be developed and analyzed with this responsibility paramount.

Specific Comments: Please analyze the impacts that this proposed management plan would have upon the Tribes reserved treaty rights. Please review and revise this NEPA document to address the concerns raised in these comments. Again, the Tribes need to be involved to review and ensure that the EIS adequately addresses the Tribal comments.

Specific treaty resources include the following resources, cultural resources, wildlife, plants and vegetation, water resources and the traditional cultural activities.

The Tribal staff agrees with the overall recommendation and goal to retain the character and preserve the unique qualities of this area, but another goal/objective would be to ensure that Tribal interests and rights are protected, enhanced and managed to the benefit of the Tribes.

Tribal hunting and gathering rights needs to be addressed to ensure access for Tribal members on public lands. To exercise treaty rights reserved by the 1868 Treaty, no state regulations or permits are necessary by Tribal members. The Tribes Fish & Game Department regulate and enforce the 1975 Tribal Fish & Game Code, for all off reservation hunting and fishing activities. Please expressly state that the federal agencies recognize that the Tribes regulate their own Tribal members for hunting, and do not require Tribal members to secure state hunting permits to hunting within the National Preserve lands or within the jurisdiction of the BLM.

Big game wildlife that is important for Tribal hunting include elk, deer, antelope and an occasional moose. Small game includes the sharp tailed grouse, sage hens, rabbits, rockchucks, squirrels, partridges, and other associated small game. Access to hunting areas is also vital to the Tribal members to allow them exercise their treaty rights, but also without opening up additional roads to tourists.

Due to the additional concerns to protect the delicate and fragile environment, it is the recommendation of the Tribal staff to discourage the development of new roads.

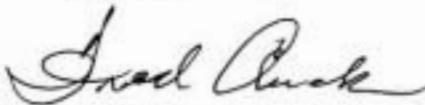
The federal agencies are requesting specific site information to help identify constraints in specific locations of resources important to the Tribes, etc., however, it is the Tribes position that the *entire area* contains cultural significance to the Tribes. Site-specific recommendations are difficult to make without extensive visits to these areas by our Tribal members and Tribal resource staff. If the BLM can offer financial assistance, via Assistance Agreements, to provide the funding to the Tribes, then more detailed participation can be possible from the Tribes side. The Tribes expect the agencies to manage to protect, and when possible enhance *all* of these resources.

Additional information and educational signs and displays to educate the public about the historical use of this area by the Tribes are necessary. Please develop these informational displays in conjunction with the Tribes. The documented archeological sites are very important to the Tribes, with expectation that they will be respected, preserved, protected from excessive public recreational use.

Additionally, as a part of the management plan, please encourage Tribal member permanent and temporary employment, such as for fire management activities, seasonal employment and summer youth employment.

The Tribes look forward to continuing to work with your staff to develop these Management Plans for the Craters of the Moon National Monument and Preserve. If you have any further technical questions, please call Yvette Tuell at 208-238-3290 or email her at ytuell@shoshonebannocktribes.com.

Sincerely,



Fred Auck, Chairman
Fort Hall Business Council
Shoshone-Bannock Tribes

CC: Chad Colter, Shoshone-Bannock Tribes
Louise Dixey, Shoshone-Bannock Tribes
Yvette Tuell, Shoshone-Bannock Tribes
LaRae Buckskin, Shoshone-Bannock Tribes
Land Use Policy Commission (3)
File





United States Department of the Interior

FISH AND WILDLIFE SERVICE

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SHOSHONE OFFICE

MAY 28 2002

RECEIVED

May 24, 2002

James A. Morris
Superintendent,
Craters of the Moon National Monument
National Park Service
P.O. Box 29
Arco, Idaho 83213

Rick Vander Voet
Monument Manager,
Craters of the Moon National Monument
Bureau Of Land Management
P.O. Box 2-B
Shoshone, Idaho 83352

Subject: Craters of the Moon National Monument Land Use Management Plan and
Environmental Impact Statement Scoping Document
File # 1035.0150 FWS # 1-4-02-SP-0126

Dear Mr. Morris and Mr. Vander Voet:

The U.S. Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species which may be present in the area of Craters of the Moon National Monument (Monument) located in Blaine, Butte, Lincoln, Minidoka, and Power Counties, Idaho. The list fulfills requirements for a Species List under Section 7(c) of the Endangered Species Act of 1973 (Act), as amended. If the project decision is not made within 180 days of this letter, regulations require that you request an updated list. Please refer to the FWS number above in all correspondence and reports.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. Federal funding, permitting, or land use management decisions are considered to be Federal actions subject to Section 7. If the proposed action may affect a listed species, consultation with the Service is required. Formal consultation must be initiated for any project that is likely to adversely affect a threatened or endangered species. If a project involves a major construction activity and may affect listed species, Federal agencies are required to prepare a Biological Assessment (BA). If a proposed species is likely to be jeopardized by a Federal action, regulations require a conference between the Federal agency and the Service.

The Service understands that the National Park Service and Bureau of Land Management has proposed to develop a Management Plan for the Monument. This plan is intended to (1) provide general direction and basic management philosophy; (2) identify resource, management, and visitor use strategies and actions; (3) identify Monument infrastructure requirements, functions, and locations; (4) satisfy statutory and policy requirements; and (5) identify funding and staffing requirements.

Threatened and Endangered Species

Threatened and endangered species that may occur in the proposed project area (enclosure) include: Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), bald eagle (*Haliaeetus leucocephalus*), Ute ladies'-tresses (*Spiranthes diluvialis*), bull trout (*Salvelinus confluentus*), Bliss Rapids snail (*Taylorconcha serpenticola*), Utah valvata snail (*Valvata utahensis*), and Snake River physa snail (*Physa natricina*). However, for your information, we also have provided you with a list of Species of Special Concern and ask that you consider them, and their habitats, during project planning and review; although they do not have legal status under the Act.

Based on our knowledge of the Monument area, sufficient habitat for Canada lynx or bull trout is not available. The proposed project area does not occur in lynx habitat (i.e., not in a Lynx Analysis Unit) and there are no linkage areas in the project area. Furthermore, there is not adequate surface water present in the Monument area for bull trout survival. However, any available information documenting Canada lynx or bull trout presence in the project area should be noted in the project BA.

The gray wolf is listed as nonessential experimental within the central Idaho area. However, if gray wolf denning sites or rendezvous areas are found near or within the project area, the Service asks that project activities be planned to minimize disturbance to wolf activities.

A bald eagle breeding territory is located approximately 15 air miles east of Monument at Carey Lake. The project BA should document the most recent bald eagle survey information regarding the above breeding territory and address effects of proposed project activities on these and any newly established breeding territories that may occur in the project area. The Guidelines for Management of Breeding Areas (Bald Eagle Management Plan for Greater Yellowstone, 1996 Final Draft) should guide the timing of any project activities with regard to potential disturbance of Nest Site Management Zones (NSMZ) from human activity, and to bald eagle foraging habitat outside NSMZs. It also should be noted that transient, wintering bald eagles may occur anywhere throughout Blaine, Butte, Minidoka, and Power counties, including the project area.

Ute ladies'-tresses have the potential to occur in wetland and riparian areas including springs, wet meadows, and river meanders. The plant is known to occur at sites ranging from 1,500 to 7,000 feet in elevation. This species generally flowers from mid-July through September, and can be identified definitively only at that time. The orchid can remain dormant for several years; therefore, we suggest surveys for the orchid be scheduled for sequential years. The species may

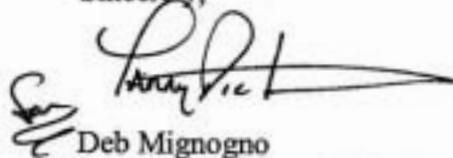


be adversely affected by modification of riparian and wetland habitats associated with livestock grazing, vegetation removal, excavation, construction for residential or commercial purposes, stream channelization, hydroelectric development and operation, and actions that alter hydrology.

The Bliss Rapids snail, Utah valvata snail, and Snake River physa snail are part of the native mollusc fauna of the middle Snake River which characteristically require cold, fastwater or lotic habitats. The Bliss Rapids snail occurs on stable, cobble-boulder substratum only in flowing waters in unimpounded stream reaches. This species does not burrow in sediments and normally avoids surfaces with attached plants. Populations (or colonies) of the Bliss Rapids snail occur in areas associated with spring influences or rapids edge environments and tend to flank shorelines. They are found at varying depths if dissolved oxygen and temperature requirements persist. The Utah valvata snail lives in deep pools adjacent to rapids or in perennial flowing waters associated with large spring complexes. This species avoids areas with heavy currents or rapids, and prefers well-oxygenated areas of non-reducing calcareous mud or mud-sand substrate among beds of submergent aquatic vegetation. The Snake River physa snail occurs on the undersides of gravel to boulder substratum in swift current. Living specimens have been found on boulders in the deepest accessible part of Snake River at the margins of rapids. Currently, the occurrence of snails at the Monument is unknown; therefore the project BA should document any available survey information addressing the presence or absence of snails or snail habitat in or near the project area. If survey information is not available, we recommend surveys be conducted prior to submission of the BA.

Our office would welcome the opportunity to assist in developing a consultation agreement and to work as part of your planning team. If you need any further information, please contact Sandi Arena of this office at (208) 237-6975 x 34. Thank you for your continued interest in endangered species conservation.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Mignogno", with a long horizontal flourish extending to the right.

Deb Mignogno
Supervisor, Eastern Idaho Sub-Office

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Southeast Idaho Refuge Complex

4425 Burley Drive, Suite A

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Telephone: 208/237-6615 Fax: 208/237-8213

12 March 2003

Craters of the Moon National Monument Planning Team
Bureau Of Land Management
PO BOX 2-B
400 West F Street
Shoshone, ID 83352-1522

Dear Planning Team,

We appreciate the opportunity to comment on the National Monument alternatives. We do not wish to endorse any particular alternative, but would like to voice a couple of concerns.

If you are considering land trades to even up boundaries or to take care of inholdings The U. S. Fish and Wildlife Service would be interested in partnering in those transactions. There are three parcels of State lands on the north shore of Lake Walcott that Minidoka National Wildlife Refuge would like to acquire to give the refuge control of the entire north shore. This would allow better wildlife management and opportunities to improve recreational access in the Gifford Springs Area. Since we do not have excess lands to trade we will require the assistance of other Federal agencies. The Department of Lands has expressed interest in disposing of these three tracts to consolidate their holding elsewhere.

Secondly, if the decision is made to add a visitor center at the south end of the National Monument, the U. S. Fish and Wildlife Service would like to investigate the possibility of joint location for visitor and education facilities as well as an office complex in the vicinity of Lake Walcott State Park. The Idaho Department of Parks and Recreation would also likely be interested in collocation.

Our final concern is with weed invasion. Since weed control is a major effort at Minidoka NWR we are sensitive to the potential problems that may occur on the National Monument. We suggest that potential for weed introductions be considered before opening access routes, either by foot or by vehicle into new areas, particularly in Kipukas with pristine natural vegetation.

Sincerely,

Richard Munoz, Project Leader
Southeast Idaho National Wildlife Refuge Complex

