

APPENDIX I - CONSULTATION LETTERS

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

SHOSHONE OFFICE

October 16, 2003

OCT 20 2003

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

EASTERN IDAHO FIELD OFFICE - ES
4425 BURLEY DR., SUITE A
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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

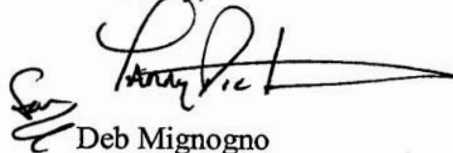


be adversely affected by modification of riparian and wetland habitats associated with livestock grazing, vegetation removal, excavation, construction for residential or commercial purposes, stream channelization, hydroelectric development and operation, and actions that alter hydrology.

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 unpounded 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 stylized 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
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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





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To

Attn Of: ECO-088

JUL 19 2002

02-030-NPS

Rick VanderVoet, Monument Manager
Bureau of Land Management, (BLM)
Shoshone Field Office
PO Box 2-B
Shoshone, ID 83352

SHOSHONE OFFICE

JUL 25 2002

James Morris, CRMO Superintendent
National Park Service (NPS)
PO Box 29
Arco, ID 83213

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Dear Mr. VanderVoet and Mr. Morris:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the proposed **Craters of the Moon National Monument (CRMO), Land Use Plan**. Our review of the NOI was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Although our Section 309 and NEPA reviews are independent, we conduct both at the same time. Our review considers not only the impact to the environment, but also the adequacy of the document to meet the requirements of NEPA. To avoid major revisions after the draft EIS is issued, we offer these comments early in the NEPA process to help improve the proposed project and ensure that a good NEPA document is developed. A good EIS should adequately address purpose and need for the proposed activity, set forth the environmental impacts of the proposed project and all its alternatives, and discuss significant issues. Please refer to the attached information, *EPA's Section 309 Review: The Clean Air Act and NEPA*, for further explanation on our EIS review responsibility.

Through the Presidential Proclamation 7373, the CRMO was greatly expanded "to assure protection of the entire Great Rift volcanic zone and associated lava features." The CRMO's basaltic volcanism features are nationally significant. In addition, the CRMO contains undisturbed sage-brush steppe communities within isolated vegetation islands surrounded by lava. These relic vegetation stands, called kipukas, form essential habitat for sensitive species that is often found lacking within the surrounding Snake River Plain.

Bureau of Land Management and the National Park Service are in a unique situation, as co-managers, to manage and protect this national treasure. Our major concerns related to the proposed CRMO, Land Use Plan are:

- The direct, indirect, and cumulative impacts to streams and riparian areas – For example, the proposed project has the potential to alter stream discharge, and degrade riparian areas and water quality.
- Impacts to soil quality – The proposed project has the potential to impact long-term soil productivity (soil quality) through disturbances and changes in organic matter levels.
- Threatened or endangered species – The proposed project may impact federally listed or candidate species and including their habitats.
- Wildlife habitat and habitat connectivity – The proposed project should disclose if or how wildlife habitat or migration corridors might be impacted.
- Recreation and accessibility – The DEIS should disclose management of recreational and accessibility opportunities in the project area.
- Prescribed wildfires – The proposed management plan should disclose potential impacts from prescribed fires in the project area.
- Air Quality – The DEIS should disclose the elements of a smoke management plan for the project area.
- Livestock grazing – Since grazing will continue within the CRMO, the DEIS should elements of sustainable rangeland management and disclose impacts associated with existing and proposed livestock grazing activities within project areas.
- Invasive and noxious weeds – Proposed project should disclose efforts towards restoration of native habitat disrupted by the colonization and establishment of noxious weeds within project area.
- Hunting activities – Since hunting privileges will continue in the Monument, the DEIS should disclose long-term management of target species and their habitat.
- Historic resources, treaty rights, and privileges – Proposed project development may affect historical or traditional cultural places of importance to the area's tribal community.
- Effective public participation – The DEIS should disclose what efforts were initiated to ensure effective public participation.

We appreciate the opportunity to participate early in the scoping process. We are available to discuss issues or answer questions that arise while you develop the draft EIS. Should you have any questions regarding our comments, please contact me at (206) 553-4423 or at connor.tom@epa.gov.

Sincerely,



Tom Connor, Environmental Specialist



ADDITIONAL ENVIRONMENTAL PROTECTION AGENCY (EPA) DETAILED SCOPING COMMENTS ON THE FIRE, FUELS, AND VEGETATION MANAGEMENT PLAN

Purpose and Need

We suggest writing a short, yet direct, Purpose and Need statement that clearly states what the driving factor is for the project. The Council on Environmental Quality (CEQ), through its regulation (§ 1502.13), provides assistance in proposing that the Purpose and Need statement should disclose the underlying purpose of this management plan (MP). Make it about one to two sentences long. Then follow it with more in-depth discussion. Avoid putting in the Purpose and Need Statement other objectives you want to accomplish. Instead, discuss these other objectives later in the Purpose and Need section. For example, the Purpose and Need for this cooperative project between BLM and NPS may be to manage and restore public lands within the Craters of the Moon National Monument (CRMO). If both federal project leads intend to also improve livestock forage and habitat, improve recreational opportunities, and preserve relic sage-brush steppe habitat in the CRMO, then it would be more accurate to characterize these as other proposed activities and not include them in the Purpose and Need statement.

Description of Impacts

We strongly encourage that the Draft Environmental Impact Statement (DEIS) quantify values where possible when predicting impacts to the environment and discuss the significance of those values in terms of how the environment will be affected. Describing impacts as low, medium, or high, for example, is not very meaningful. Ideally impacts should be quantified and compared against a standard or threshold. For example, water quality of an affected stream could be compared to the water quality standards.

Water Quality

303(d) Listed Waters

One of EPA's primary concerns is to prevent the degradation of water quality. Section 303(d) of the Clean Water Act (CWA) requires the state of Idaho identify those waterbodies which are not meeting or not likely to meet State water quality standards. The EIS must disclose which waterbodies may be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters. It should also report those water bodies potentially affected by the project that are listed on the State's current 303(d) list and whether Idaho Department of Environmental Quality (DEQ) has developed a TMDL for the waterbodies and the pollutants of concern. If a water restoration plan (Total Maximum Daily Load) has not been established which applies to a stream on the 303(d) list, then in the interim until one is established, it must be demonstrated that there will be

no net degradation of water quality. This should be demonstrated by doing a watershed analysis. Also, the DEIS must identify other waterbodies [not just those that are listed under Section 303(d)] likely to be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters.

Best Management Practices (BMPs)

Predicting water quality impacts from nonpoint source activities and the efficacy of BMPs in preventing those impacts is an imprecise science. Challenges include predicting water quality degradation from a proposed activity, designing appropriate BMPs, and making the BMPs work in the field. Therefore, the effectiveness of the BMP should be verified. One way is to use monitoring information on BMPs employed elsewhere under similar circumstances. Finally, water quality should be monitored to determine the adequacy of BMPs and for future remediation work if BMPs are found later to be inadequate.

Source Water Assessment and Protection (SWAP)

Public drinking water supplies and/or their source areas are often found on lands under federal management. Activities such as timber harvesting, road building, weed/insect control, grazing, and recreation may impact the water quality of waters that serve as the sources of drinking water for downstream communities. The SWAP provisions of the 1996 amendments to the Safe Drinking Water Act (SDWA) impose certain obligations on federal land management agencies. Under the SWAP requirements, federal land management agencies that manage land that serves as source water areas will need to participate with the states and local communities in the delineation of the source water area, the inventory of all potential sources of contamination, and in the protection of these source water areas.

If you should discover that there are public drinking water supplies in the project area, then you should disclose this information and how you intend to protect those source waters under each alternative. In any case, you should discuss the SWAP provisions of the SDWA as outlined above, what you are doing to meet your obligations under SWAP, and whether there are any issues with SWAP from this project.

Vegetation Management

Unfortunately, noxious weeds have established themselves nationally across thousands of acres of BLM land. Currently, BLM is participating with state and local governments in establishing Cooperative Weed Management Areas. These Areas will utilize local, state and federal resources to inventory and treat weed infestations on public and private lands. While the briefing package for the proposed project does mention mechanical and chemical methods towards weed management, EPA strongly encourages that the DEIS incorporates proven strategies of an integrated weed management program.



EPA endorses the concept of an integrated weed management program for several reasons. Important among these reasons are:

- 1) Uncertainties. Despite the substantial amount of scientific information that EPA reviews prior to registering a pesticide, it is virtually impossible to identify all conceivable risks and to address all the uncertainties of pesticide use. Therefore, pesticide use should be approached cautiously.
- 2) Overuse of pesticide can cause problems. Aside from the potential for toxic effects to people, overuse of pesticides may cause problems such as: a) lethal effects to beneficial organisms; b) resurgence of pest populations, and c) contamination of the environment.
- 3) Economics. An integrated weed management program can result in lower costs than conventional pest management. Some of these poorly accounted for costs are: potential long term health effects, effects of pesticides on non-target animals and plants, and the health effects to someone who may be particularly sensitive to a pesticide or pesticides, and any other effects that are not now understood, but will be uncovered over time. Even though these costs are not traditionally considered in economics, they are costs, and should not be ignored.

We recommend that the DEIS disclose if BLM is pursuing management strategies beyond chemical and mechanical; and if they are, then what these strategies might be. We also recommend that the approach of an integrated weed management program be adaptive. This means that as new information becomes available, it can be incorporated into corrective decisions to revise vegetation management plans.

Herbicides

Herbicide use affects ecosystem processes and, specifically, biological processes. Unintended environmental impacts do occur. The EIS should address the sublethal effects of herbicides, surfactant and emulsifiers on ESA-listed species. The EIS should explore the impacts from non-specific or broad-based herbicides that kill many species of plants and can devastate ecological chains, adversely affecting both terrestrial and aquatic species directly (plant) and indirectly (animal). While the focus is generally on water pathways and drift during chemical application, wind erosion of soils can transport herbicides offsite and have unintended effects, especially on dry, highly erosive BLM lands in the West. In Idaho, a recent application of the herbicide OUST® on BLM lands was unintentionally carried via windblown sediment to nearby agricultural lands, and ended up damaging literally tens of millions of dollars worth of crops. Similarly, the EIS should consider that dust can also be deposited in streams, lakes, and wetlands.

Livestock Management

The EIS should evaluate and disclose historic rangeland conditions on a broad, landscape scale and identify avenues to incorporate flexibility in grazing plans and allotments that permit both BLM managers and public-lands ranchers to account for special circumstances such as drought and reduce grazing use when necessary.

43 CFR 4110.3-3, "When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use."

The EIS should evaluate whether riparian protection, habitat conservation for ESA-listed species and habitat management plans for sensitive species are being implemented as committed to in the MP and other planning and/or decision documents. More specifically, the EIS should evaluate ecological restoration needs and develop strategies to achieve restoration goals. It should also consider including roadless and wilderness designations as part of the overall restoration strategy.

The DEIS should examine the tradeoffs associated with various management options for livestock grazing regarding wildlife habitat. This information should be considered when developing the MP or other NEPA decisions. It should include information and guidance which informs BLM managers and other stakeholders about the effects of livestock forage removal and competition with native wildlife. The DEIS should evaluate the extent and risks associated with continued grazing on listed, threatened, endangered or sensitive species and on rare and sensitive species and ecosystems found on BLM lands.

The DEIS should consider an appropriate range of alternatives to achieve multiple-use goals for lands that are desired for other economic and human uses. For example, the EIS should consider a No Grazing Alternative on allotments to evaluate the social, economic, and environmental impacts that may occur if grazing ceases on a given allotment or other land holdings that are desirable for other uses or that are seriously degraded.

The DEIS should consider all impacts in the decision criteria, including land health, riparian protection, wildlife habitat and recreation, with equal consideration to grazing. The decision criteria should be based on sound science and economics rather than solely on sustaining a single-use objective.



Noxious weeds

The short and long-term impact of noxious weeds on public lands is affecting both the quality of native habitat and the breadth of management activities. Due to the growth of noxious weeds' impacts, the DEIS needs to disclose if and how the Integrated Vegetation Management program will control and manage noxious weed infestations due to a variety of vectors (i.e., livestock grazing, off-road vehicle activities, and road construction and maintenance) within the Planning Area. For example, studies have shown that livestock contribute to noxious weed invasion (Belsky et al., 1999; and Belsky and Gelgard, 2000) by a variety of avenues.

Accessibility and Recreation

Roads

Roads are the major source of sediment to streams and interrupt the subsurface flow of water, particularly where roads cut into steep slopes. In addition, roads and their use contribute to other environmental problems such as habitat fragmentation, wildlife disturbance, the introduction or exacerbation of noxious weeds, and increased fire danger from recreational activities. Please describe the road and culvert situation in the project area in terms of impacts on resources.

Off Road Vehicles (ORV)

Unauthorized ORV use is becoming a concern to many BLM areas since unregulated and unsanctioned ORV disturbance is inconsistent with two Executive Orders (11644 and 11989). Even the CEQ has written a report (1979) stating the environmental damage that ORV's have caused on stream reaches across numerous ecosystems throughout the United States. In general, unregulated and unsanctioned motorized vehicle use on public lands is incompatible with soil and aquatic resource management. Therefore within the Planning Area, how will the BLM prevent both short and long-term access of unauthorized motorized traffic, especially by 4-wheel drive vehicles (or ATVs), prevent unrestrained access across fragile rangelands and other sensitive areas, and effectively enforce access to restricted areas?

Biodiversity

A significant issue in the Pacific Northwest is decreasing biodiversity. To preserve native faunal numbers and abundance, and in recognition of the importance of viable habitat, the Affected Environment section of the DEIS should rate the current quality and potential capacity of habitat, its use by wildlife on and near the project area, and identify known wildlife corridors, migration routes, and areas of seasonal wildlife congregation. The Environmental Consequences sections should evaluate effects on wildlife from habitat removal and alteration; habitat fragmentation caused by roads, land use, and management activities; and increased human access. As a proactive

management plan, maintenance of biodiversity can minimize the need for listing species as threatened or endangered under the Endangered Species Act.

Furthermore, the importance of maintaining project area's biodiversity extends equally to native plant species. Therefore, efforts of disclosure within the DEIS should proceed at the same level of detail as for wildlife habitat. Preservation of floral biodiversity includes active and long-term preservation of the native genetic stock throughout the project area. Preservation of the number and abundance of the indigenous floristic community should extend from the herbaceous layer and shrub species to the tree species.

Prescribed Wildfires and Regional Haze Regulations

Pursuant to the Clean Air Act for the protection of public health and welfare and to preserve, protect, and enhance air quality, we recommend that the DEIS describe the Interim Air Quality Policy on Wildland and Prescribed Fires in relation to the alternatives. The DEIS needs to disclose the smoke management program to be used for this proposed project with pertinent discussion on visibility and haze management. In addition, we recommend that the project leaders work closely with the Western Regional Air Partnership.

The State of Idaho has a smoke management plan (or program) (SMP) that is applicable in Idaho. Federal agencies are required to abide by applicable State rules and as such this project should likewise comply with the provisions of the Idaho SMP. In addition, the State is developing a SIP revision addressing the requirements of the Regional Haze Rule (64 FR 35714, July 1, 1999) in a cooperative effort with the WRAP of which the National Park Service (DOI) and Department of Agriculture are members. We recommend that impacts from any prescribed fire be considered in light of potential provisions of an Enhanced Smoke Management Plan as developed by the WRAP.

Having two federal agencies (the Bureau of Land Management and the National Park Service) acting as co-managers, Craters of the Moon National Monument (CRMO) is in a unusual position nationally for both cooperating agencies to manage and preserve public resources. While the BLM will be implementing livestock grazing within the monument, the NPS will be working to preserve the nationally significant basaltic volcanism features and native vegetation communities located within the monument's unique kipuka habitats. To help preserve CRMO's significant basaltic volcanism features, the NPS created a portion of the CRMO as the Craters of the Moon Wilderness Area, designating it as a mandatory federal Class I Area according to the Clean Air Act. Furthermore, as stated within the NOI, fire and fuel management will continue within CRMO). Thus site management will be an active concern. Even when following a designed smoke management program (SMP), there is the potential for unwanted air quality impacts and these should be described. SMPs rely on the vagaries of the weather. Smoke generated from human activities, like prescribed fires, may not disperse as intended resulting in adverse impacts to nearby designated airsheds or communities. Contingencies for these situations should be considered, including a short-term air quality action level. Nonexceedance of the 24-hour particulate matter



(PM) under national air quality standards does not preclude the need to plan ahead given the potential adverse health impacts to individuals exposed to PM at high concentrations for shorter time periods.

Direct, Indirect, and Cumulative Effects

Please include the indirect and cumulative effects of the project in your analysis. We are as concerned with cumulative effects as we are with direct impacts posed by the individual project. To examine the impact of this project in isolation from other past, present, and reasonably foreseeable future projects in the vicinity would be to ignore what is really happening to the environment in the project area. Resources that could be examined for cumulative effects with this project are water quality, air quality (see previous discussion on Prescribed Fires), mines, old unmaintained or abandoned roads, noxious weeds, biodiversity, and visual (aesthetics) resources.

Agency guidance and information is now available. The handbook, *Considering Cumulative Effects under the National Environmental Policy Act*, issued by the Council on Environmental Quality in January 1997. In summary, the guidance states that in order to address cumulative effects, the EIS should:

- Identify resources that are being cumulatively impacted. If there are none then you need to state this.
- Determine the appropriate geographic (natural ecological boundaries) area and the time period over which the effects will occur
- Look at all past, present, and reasonably foreseeable future actions that contribute to cumulative effects on the resource of concern.
- Describe a benchmark or baseline.
- Include scientifically defensible threshold levels.

Related Regional Planning Actions

We recommend that the DEIS disclose and coordinate with other agency planning efforts that are proposing federal actions within the project area of the recently expanded CRMO. For example, the Natural Resources Conservation Service is currently proposing a project in Blaine County through the issuance of a Notice of Intent for the Little Wood River Irrigation District, Gravity Pressurized Irrigation Delivery System. Of interest, the Irrigation District is proposing returning water to the Little Wood River which could alter seasonal flows within the system. Then at a larger scale, BLM has issued an intent to prepare a Fire, Fuels, and Vegetation Management Plan within the Upper Snake River District of Idaho that includes the lands comprising CRMO.

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Monitoring

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The DEIS should establish environmental monitoring protocols that are appropriate and essential, and these same protocols should actively incorporate adaptive management principles. For example, the DEIS should identify additional mechanisms to enforce performance standards based on monitoring data when adverse impacts to rangelands from overstocking results in poor forage quality and ecological damage to fish and wildlife habitat, riparian areas, and fragile upland soils.

Regarding Tribal Consultation and Coordination

The DEIS should include ethnographic research and discuss any inter-governmental coordination on proposed activities within and adjacent to the proposed project area related to rights or historical utilization by the affected Tribe. The project co-leaders should work with the Tribe in a government-to-government relationship whereby the Tribe can work with BLM/NPS as co-managers of the natural resources. Below, we highlight specific concerns.

- 1) The DEIS should disclose how the lead federal agencies consulted and coordinated with the Tribe in development of the EIS as required by the Executive Order 13175.

Paraphrasing EPA Region 10's Tribal Consultation Process, "Consultation" means the process of seeking, discussing, and considering the views of federally recognized tribal governments at the earliest time in the decision-making process. Consultation generally means more than simply providing information about what the agency is planning to do and allowing comment. Rather, consultation means two-way communication that works toward a consensus reflecting the concerns of the affected federally recognized tribe(s).

- 2) The DEIS should disclose whether the Tribe considers lands within the project area to be "sacred sites" and provide a prescriptive accommodation plan to resolve concerns, yet not publically disclose actual site locations.

According to Executive Order 13007, federal land managers are to "accommodate access to and ceremonial use of Indian sacred sites." The SDEIS has not disclosed if the MNF has consulted with the Burns Paiute Tribe on this issue.

