

**Record of Decision**  
**Natural Resources Conservation Service**  
**Bruneau-Owyhee Sage-grouse Habitat Project**

**Decision Summary**

The Natural Resources Conservation Service (NRCS) in Idaho will provide technical and financial assistance, as appropriate and available, to improve and maintain sagebrush steppe habitat by removing encroaching juniper to benefit the greater sage-grouse (hereafter sage-grouse) and other wildlife to benefit privately owned lands within the Bureau of Land Management's Bruneau and Owyhee field office boundaries in southwest Idaho. This action was analyzed and described previously in the Bureau of Land Management's (BLM) Final Environmental Impact Statement (EIS) and Record of Decision (ROD), dated February 5, 2019, for its Bruneau-Owyhee Sage-grouse Habitat Project (BOSH). Therefore, under provisions provided for in Council on Environmental Quality (CEQ) regulations at 40 CFR §1506.3, the NRCS adopted the BLM Final EIS (FEIS) entitled: "Bruneau-Owyhee Sage-grouse Habitat Project". These documents can be found on the BLM website at:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=56816>

In its Notice of Intent (NOI) to adopt the BLM FEIS (84 FR 61007), NRCS detailed its review of the FEIS, concurrence with the analysis and findings therein, and found that its proposed action would not result in additional significant impacts to the environment such that a Supplemental or stand-alone EIS would be required. Accordingly, NRCS adopted the FEIS in compliance with the National Environmental Policy Act (NEPA). This Record of Decision documents the selection by NRCS of the alternative for implementation.

Consistent with NEPA regulations (40 CFR §1506.3) and as detailed in the NOI, NRCS accepted comments on its NOI to adopt the BLM FEIS and re-filed it with the U.S. Environmental Protection Agency (EPA), which provided its associated Notice of Availability on January 24, 2020 (85 FR 4320). EPA considered NRCS a cooperating agency in preparation of the FEIS and determined recirculation for additional public comment was not necessary. The comments received, and responses provided are discussed below under Public Involvement.

**Introduction**

Sage-grouse inhabit sagebrush ecosystems that are at risk from juniper encroachment in areas including southwest Idaho and the BOSH project area. The BOSH project will improve and maintain suitable sage-grouse habitat by removing early stage encroaching western juniper on BLM-managed lands within the Bruneau and Owyhee field office boundaries in southwest Idaho. As described in the FEIS the project area is 1.67 million acres with up to 726,000 acres proposed for vegetative treatments to remove juniper. The area proposed for vegetative treatment was reduced from the FEIS due to concerns over lands with wilderness characteristics, therefore the treatment area was reduced from 726,000 to 617,000 acres in the BLM record of decision. NRCS offers voluntary conservation programs to eligible landowners and agricultural producers to provide financial and technical assistance to help manage natural resources in a sustainable manner. Through these programs NRCS approves contracts with private landowners that provide a portion of the money needed to implement conservation practices that improve soil, water, plant, air, animal and related resources on agricultural lands and non-industrial private forest land. These programs are available to landowners and producers in the BOSH project area.

NRCS will help implement the BOSH project by providing technical and financial assistance to improve sagebrush habitat that will benefit small private parcels totaling 241,820 acres within the project area. A portion of the project area, with the exact acreage dependent on each private landowner's objectives, will also participate in vegetative treatment of encroaching juniper.

The project area was delineated based on sage-grouse distribution and proximity to leks. The focal treatment area was delineated based on canopy cover of juniper ( $\leq 20\%$ , meaning that juniper canopy cover comprises less than 20% of all the vegetation cover) and sagebrush ( $\geq 15\%$ , meaning that sagebrush cover comprises greater than 15% of all the vegetation cover) to target treatments in sagebrush steppe habitat in the early stages of juniper encroachment. Methods of juniper removal will include the following: cutting trees with handsaws and chainsaws and leaving cut materials in situ or scattering them ( $\leq 10\%$  canopy cover of juniper); piling and burning or jackpot burning of cut material to address hazardous fuel loading (10-20% canopy cover of juniper); and mastication of juniper along roadsides spreading the mulch on the ground ( $\leq 20\%$  canopy cover of juniper).

### **Proposed Action**

The BOSH Project was developed in response to the threat of sagebrush steppe habitat loss posed by the encroachment of western juniper. The Boise District BLM, in collaboration with the Idaho Department of Fish and Game (IDFG), NRCS, U.S. Fish and Wildlife Service (FWS), Idaho Department of Lands (IDL), and Idaho Governor's Office of Species Conservation (IGOSC), proposed the BOSH Project to treat up to 726,000 acres in the early stages of juniper encroachment in southwestern Idaho. The BLM and its collaborators proposed this landscape-level project to maintain and improve sagebrush steppe habitat for the benefit of sage-grouse and other wildlife that rely on these habitats to survive and persist. The scope of the BOSH project area includes all of BLM's Bruneau and Owyhee field office boundaries in southwest Idaho. A full range of reasonable alternatives were considered for the BOSH Project.

The Council for Environmental Quality (CEQ) released guidance March 6, 2012, titled "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act". It states that the adoption of one Federal agency's EIS, or a portion of that EIS, by another Federal Agency is an efficiency that the CEQ Regulations provide under 40 CFR 1506.3. The guidance directs an agency to consider adopting another agency's EA or EIS when the EA or EIS, or a portion thereof, addresses the proposed action and meets the standards for an adequate analysis under NEPA, the CEQ's Regulations (40 CFR 1500-1508), and the adopting agency's NEPA implementing procedures. NRCS has determined that the BLM FEIS meets both criteria of addressing the proposed action and meeting the standards of an adequate analysis under NRCS requirements in 7 CFR 650.

While the scope of the BOSH Project is large, the NRCS action is limited to providing technical and financial assistance to private landowners and agricultural producers who voluntarily decide to improve and maintain suitable sage-grouse habitat by treating encroaching western juniper. All NRCS assistance must occur consistent with federal, state and local laws as defined in NRCS policy.

### **Description of Alternatives**

The BLM FEIS reviews in detail the environmental impacts of three (3) alternatives determined to meet the purpose and need for the project. Juniper encroachment has been identified as a major threat to sagebrush ecosystems and, consequently, to sage-grouse and its habitat in

southwestern Idaho. The presence of juniper, even at low levels, negatively impacts sage-grouse. Encroaching western juniper is currently degrading hundreds of thousands of acres of sage-grouse habitat within the BOSH project area. The purpose of the project is to improve and maintain suitable sage-grouse habitat within the Bruneau and Owyhee field office boundaries in southwestern Idaho by removing juniper in the early stages of encroachment.

The three action alternatives examined in detail in the FEIS include Alternative B – Treatment Including Wilderness, Alternative C – No Treatment in Wilderness, and Alternative C1 (Preferred Alternative). Additionally, a no treatment/continue current management Alternative A – No Action was also analyzed in detail to disclose effects of no treatment as a comparison. Five other alternatives were considered and briefly discussed but were not analyzed in detail because they did not meet the purpose and need for action. A summary of each alternative in the BLM ROD is provided below.

#### Alternative B (Treatment Including Wilderness)

Alternative B proposed juniper removal treatments on 684,000 acres, including 31,000 acres of wilderness. Juniper removal would have occurred using the methods described above (section IV. Decision, subsection ii. Treatment Methods) and following design features and standard operating procedures described in appendices 1 and 2, respectively. Roughly 598,000 acres (87% of the focal treatment area) of the treated area would have been cut and left, 79,000 acres (12% of the focal treatment area) would have been burned (jackpot or pile), and juniper on 7,000 acres within 200 feet of roads (1% of the focal treatment area) would have been masticated or felled and burned (Table 1). The focal treatment area included approximately 371,000 acres of sage-grouse Priority Habitat Management Area (PHMA), 201,000 acres of Important Habitat Management Area (IHMA), and 92,000 acres of General Habitat Management Area (GHMA). Treatments of later phase juniper (>20% canopy cover) would be identical for all action alternatives and as described above for the decision (IV. Decision, i. Annual Planning, Monitoring, and Reporting and ii. Treatment Methods).

The 31,000 acres of wilderness was included in this alternative because the wilderness areas support roughly 24,400 acres of PHMA and 6,000 acres of GHMA for sage-grouse. In other words, 79% of wilderness in the focal treatment area was PHMA and 19% is GHMA. Only areas with less than 10% juniper canopy cover and trees less than or equal to 8 inches in diameter at breast height (DBH) would have been treated. Juniper would have been cut using handsaws and branches would have been scattered. No mechanized equipment or burning would have been permitted in wilderness. All methods would have been implemented according to the design features outlined in section 2.2.5 of the FEIS.

#### Alternative C (No Treatment in Wilderness)

Alternative C proposed juniper treatments on 653,000 acres. Juniper removal treatments would have been identical to Alternative B, except there would have been no treatment in wilderness (i.e., 31,000 fewer acres of cut and leave treatments) (Table 1). Roughly 567,000 acres (87% of the focal treatment area) would have been cut and leave, 79,000 acres (12% of the focal treatment area) would have been burned (jackpot or piled), and juniper on 7,000 acres (1% of the focal treatment area) within 200 feet of roads would have been felled and masticated or felled and burned. Approximately 346,000 acres of PHMA, 201,000 acres of IHMA, and 86,000 acres of GHMA would be treated under this scenario (Table 2).

#### Alternative C1 (Preferred Alternative)

Alternative C1 proposed juniper treatments on 726,000 acres using the same methods as described above (Section IV subsection ii. Treatment Methods). No wilderness treatments were proposed. Treatment would have included 622,000 acres of cut and leave where juniper canopy cover is  $\leq 10\%$  (86% of the focal treatment area); 96,000 acres of jackpot burning and/or pile burning where juniper canopy cover is 10-20% (13% of the focal treatment area); and 8,000 acres where pile burning and/or mastication may be used within 200 feet of road corridors where juniper canopy cover is  $\leq 20\%$  (1% of the focal treatment area) (Table 1). Approximately 356,000 acres of PHMA, 231,000 of IHMA, and 113,000 acres of GHMA are included in the focal treatment area (Table 2).

#### Alternatives That Were Considered but Dismissed from Detailed Analysis

Five alternatives were suggested by the public during scoping:

- All juniper treatment – treat all juniper in the project area except old growth trees and trees growing in rock outcrops;
- Targeted treatment – target only very young and small trees;
- Restrict treatments to sage-grouse habitat outside of grazing allotments – hand cut young trees near important sage-grouse areas that are not part of grazing allotments;
- Livestock grazing management to restore habitat – end or reduce grazing in the project area to improve sage-grouse habitat; and
- Designate areas of critical environmental concern (ACEC) – create more ACECs to manage habitat through additional protections.

These alternatives do not meet the purpose and need for the project and/or are outside the scope of the EIS. Refer to section 2.7 of the FEIS for more detail.

#### Environmentally Preferable Alternative

CEQ implementing regulations, specifically 40 CFR 1505.2(b), require that the ROD specify which alternative(s) would be environmentally preferable. The environmentally preferable alternative is defined by CEQ as the alternative that will promote the national environmental policy as expressed in NEPA, Section 101. In general, this means the alternative that causes the least negative impact to the biological and physical environment, while still meeting the need for action.

NRCS concurs with the decision made by BLM in the FEIS and ROD that Alternative C1 is environmentally preferable. By removing juniper strategically over the greatest area, Alternative C1 would provide the most connectivity between sage-grouse habitats and would improve the most acres of upland sagebrush communities and riparian habitats over the long-term. While the No Action Alternative would eliminate potential negative impacts from project implementation as described in the FEIS, in the absence of project implementation, western juniper will continue to spread into sagebrush habitats over hundreds of thousands of acres and develop into closed-canopy juniper woodlands. This will ultimately reduce and fragment habitat for sage-grouse and other sagebrush obligate species. Because NRCS will assist private landowners and agricultural producers to treat early stage juniper, positive effects would be realized in the short and long-terms. Therefore, Alternative C1 best protects, preserves, and enhances the resources that are present in the long-term. Further, the robust project design features will minimize or eliminate adverse impacts as required by NRCS policy and NEPA implementing regulations. By selecting the environmentally preferable alternative described in the FEIS, NRCS is ensuring that its efforts within the BOSH Project area will continue to promote a technically, economically, and logistically feasible alternative that will also comply with regulatory mandates and authorities.

### **Environmental Effects, Mitigation, and Monitoring**

The adopted FEIS includes consideration of and compliance with a number of applicable environmental laws and executive orders, including the National Environmental Policy Act (NEPA), The Migratory Bird Treaty Act of 1918, as amended, and Executive Order 13186 (2001), Bald and Golden Eagle Protection Act of 1940, Endangered Species Act, Wild and Scenic Rivers Act, National Historic Preservation Act and other cultural resource laws and executive orders, and the Clean Air Act. For its action, NRCS determined that the FEIS analyses of environmental impacts, mitigation, and monitoring were comprehensive and did not require supplementing.

Additionally, the FEIS, defined and clarified the anticipated impacts to the following resources, which are herein incorporated by reference: soils; vegetation, including special status plants and noxious weeds; wildlife, fisheries, and special status animals; hydrology and water quality; wilderness and visual resources (scenic beauty); recreation; cultural and paleontological resources; fire behavior; air quality; carbon sequestration; and social characteristics.

Regarding mitigation and monitoring efforts, BLM Project Design Features and Standard Operating Procedures were created to incorporate, now and as new technology provides alternatives, best practices to minimize impacts to resources. These include adhering to all applicable federal, state, and local laws that are in place for environmental protection, partnership efforts are defined and conducted as collaborative partnerships and take local issues and concerns into account, and strict policies on safety, training, certification, and specific use of BOSH juniper treatment methods. No additional mitigation was determined necessary in the FEIS and associated ROD. As such, due to the limited scope of the NRCS complementary action, no additional mitigation is necessary.

Nonetheless, NRCS undertakes additional environmental review during development of each site-specific conservation program plan and contract consistent with NEPA requirements, other requirements for protection of the environment, and NRCS regulations. This additional review includes conducting an onsite environmental evaluation (EE) and documenting the results on an EE worksheet before funding is provided to eligible recipients. The EE assesses the site-specific effects of conservation alternatives and provides information for the field-office level Responsible Federal Official (RFO) to determine the need for consultation or to develop additional EAs or EISs consistent with NEPA, other requirements for environmental protection, and NRCS regulations.

NRCS will work collaboratively with partners to identify opportunities for and situations that warrant specific monitoring related to the NRCS action to ensure NRCS is meeting the underlying intent of the BOSH Project.

### **Public Involvement**

For its action, BLM initiated scoping through internal meetings and meetings with cooperating agencies and other collaborators, including NRCS, in 2013. In January 2014, the Boise District BLM issued a scoping package commencing a 30-day scoping period to solicit public comments regarding this proposal and potential issues and effects to the environment. Due to the landscape scale of the project and comment from the public during scoping, the BLM decided an Environmental Impact Statement (EIS) was warranted. The BLM published a Notice of Intent (NOI) to complete an EIS in the Federal Register on January 20, 2015, which re-opened scoping

for a 30-day period. The BLM hosted public meetings in Boise and Murphy, Idaho on February 4 and 5, 2015, respectively. The BLM received 37 letters and emails, and two phone calls in response to its invitation to participate in scoping.

BLM published a Notice of Availability (NOA) for the Draft EIS in the Federal Register on November 23, 2016. During the 45-day comment period, the BLM received 56 letters and emails from the public. The BLM took these concerns into consideration before finalizing the EIS and made adjustments and additions to the EIS based on the comments. Appendix D (Response to Public Comments) in the FEIS documents the review of comments for the BOSH Draft EIS (DEIS). All correspondence was taken into account in the preparation of the FEIS, but only comments that required a response/explanation were included in the appendix. Issues and alternatives identified through this review were incorporated in the FEIS. All comment letters and emails are part of the project record. The Environmental Protection Agency published a Notice of Availability in the Federal Register and the FEIS was published to the BLM's ePlanning website on February 9, 2018 initiating a 30-day public availability period.

Additionally, as stated previously, NRCS published its NOI to adopt the FEIS and the EPA published its Notice of Availability of the recirculated FEIS. Three comments were received in response to the public notice. Two, one submitted by the Idaho Governor's Office of Species Conservation and another that was anonymous, were in support of the actions and methods defined in the FEIS. The third was submitted by a private citizen indicating they disagreed with this use of federal funding. NRCS' will use funding it administers under Title XII of The Agriculture Improvement Act of 2018 (2018 Farm Bill) and subsequent Farm Bills consistent with its statutory and regulatory authorities. These comments were evaluated, but it was determined that no supplemental EIS was required nor additional mitigation to be identified in this ROD based on the comments received. The NOI was available for more than 30 days prior to this ROD. All who commented on the NOI will be notified of the NRCS decision and the availability of this ROD.

### **Decision Factors**

The NRCS' decision to adopt the BLM FEIS and to provide funding for portions of the selected alternative, as appropriate and available, are based on several factors.

- 1) NRCS reviewed the FEIS to determine if it adequately analyzed impacts to the environment per NEPA and NRCS requirements, if there was sufficient public involvement that was appropriately incorporated, if any changes within the NRCS project warranted the preparation of a supplement to the FEIS, and if there had been "significant new circumstances or information relevant to the environmental concerns and bearing on the proposed actions or its impacts" since the preparation of the EIS that would warrant the preparation of a supplement. It has been determined that the BLM FEIS meets NRCS criteria for NEPA compliance and no supplement to the FEIS is needed.
- 2) NRCS completed an internal checklist, *NEPA Supplementation Review and Documentation Checklist*, as required by the National Environmental Compliance Handbook (7 CFR 610.134).
- 3) This action is consistent with NRCS' existing authorities.
- 4) NRCS has focused technical and financial assistance through its Sage Grouse Initiative (SGI) since 2010 to proactively conserve sage-grouse and sustain the working rangelands that support western ranching economies at landscape scales. The BOSH Project represents a complementary way to continue NRCS' sage grouse efforts.

### **NRCS Decision**

The NRCS decision is to adopt Alternative C1, the preferred alternative in the BLM FEIS, to implement its complementary program. However, as specified, NRCS will only implement part of the BOSH Project as described by providing technical and financial assistance to improve sagebrush habitat that will benefit small private parcels totaling 241,820 acres within the project area. A portion of the project area, with the exact acreage dependent on each private landowner's objectives, will also participate in vegetative treatment of encroaching juniper. This decision is based on conformance with NRCS' existing authorities, as well as a thorough review of the alternatives set forth in the FEIS, the ability of each alternative to meet established objectives, and the environmental consequences of implementation.

Based on analysis in the FEIS and review of public comments, I have determined that providing technical and financial assistance to private landowners and agricultural producers who want to voluntarily improve sagebrush habitat within the project area, including vegetative treatments of encroaching juniper, is suitable for implementation by NRCS as part of the BOSH Project. These actions will support and complement the larger BOSH Project administered by BLM and described in the FEIS. Beyond this narrowed scope, additional actions described in the FEIS will not be included in the NRCS action without additional review in accordance with the NEPA, CEQ regulations, and USDA and NRCS NEPA implementing regulations. While NRCS is implementing only a subset of the BOSH Project actions, NRCS acknowledges that their complementary actions are connected to, and in some cases make possible, the larger scope of the BOSH Project. Those complementary actions will assist both agencies to collaborate toward meeting the purpose and need for the BOSH Project.

### **Conclusions**

NRCS has reviewed the information and analyses contained in the BLM FEIS regarding the potential environmental effects of the Bruneau-Owyhee Sage-grouse Habitat Project. All applicable laws, Executive Orders, regulations, and local government plans were considered in the evaluation of the alternatives. Based on that review and evaluation of public comments received then and since, I conclude there have been no significant new circumstances or information identified since completion of the FEIS that are relevant to environmental concerns and bearing on the proposed action or its impacts. Alternative C1 of the BLM FEIS was determined to be the environmentally preferable and preferred alternative. The NRCS action incorporates all practicable means of avoiding or minimizing adverse environmental effects and adequately compensates for unavoidable impacts to significant resources. Based on my consideration of this information, I agree with the conclusions presented in the FEIS and find that this project is environmentally acceptable. NRCS adopts the findings and conclusions of the Final Environmental Impact Statement for the Bruneau-Owyhee Sage-grouse Habitat Project and will assist, as defined in the NRCS NOI, this ROD, and to the extent NRCS-authorized funds and other resources allow, with complementary implementation of the BOSH Project.

This Record of Decision was prepared in accordance with (1) NEPA, (2) CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508) and (3) NRCS Regulations Implementing NEPA (7 CFR 650).

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Date