

Decision Notice and Finding of No Significant Impact
DANSKIN-CAMAS LAND EXCHANGE

USDA Forest Service, Intermountain Region
Mountain Home Ranger District, Boise National Forest
Elmore County, Idaho

May 2008



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Cover Photo: View of Devil’s Hole Acquisition Parcel (Acquisition Parcel 2).

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1. DECISION

Based on my review of the information documented in the Danskin-Camas Land Exchange Environmental Assessment (EA) (May 2008), the Finding of No Significant Impact documented below, public comments, and other documents contained in the project file, I have decided to implement Alternative B, the Proposed Action, as modified to reflect the balancing of market values and other factors¹, for the Danskin-Camas Land Exchange.

This decision will acquire 1,057.64 acres on five of the six private parcels which were considered available for acquisition, and convey a total of 1,281.34² acres of National Forest System (NFS) land from the five Federal parcels considered available for conveyance (Figures 1 and 2). This decision will not acquire Acquisition Parcel 1 (the Fiddler Flat parcel) (shown on Figure 2-1 of the EA). This parcel was withdrawn from consideration by the non-Federal party because it was assigned a lower appraised value than the non-Federal party desired.

This is a "land-for-land exchange" involving the acquisition of non-Federal land by the United States in exchange for NFS lands. Land is being exchanged on a value-for-value basis, based on current market value appraisals, with a goal of creating reasonable, locatable, and manageable boundaries. The non-Federal acquisition parcels are located in Elmore County, Idaho, are owned by Casa Del Norte, LP, and are about 17 air miles southeast of Boise, Idaho. The Federal conveyance parcels are also in Elmore County, near the Little Camas Reservoir-Bennett Mountain area, about 45 air miles southeast of Boise, 25 air miles from Glens Ferry and 20 air miles from Mountain Home.

¹ As noted in Section 2.2 of the EA, each action alternative included a "pool" of federal estate parcels to be considered for conveyance. The Forest Service intentionally carried forward for detailed study action alternatives – including the Proposed Action – that contain a "pool" of federal estate parcels that could be considered in the final exchange decision. Providing me with this "pool" of Federal estate parcels to draw from during the balancing of market values process allowed flexibility to include, or not include, all of or portions of Federal estate parcels as needed to most effectively address the multitude of factors that I must weigh. These factors included each party's minimum interest and objectives for proceeding with a land-for-land exchange, significant NEPA issues, and policy, regulation, and law requirements such as those concerning the Weeks Law (see EA Section 1.5.2 and page 8 of this Decision Notice). This decision on which lands to include in the exchange is consistent with the NEPA requirement that the alternatives I consider be encompassed by the range of alternatives discussed in the EA (40 CFR §1508.1(e)).

² This figure is anticipated to change slightly following a survey to establish the boundary of Acquisition Parcel 4a along the centerline of U.S. Highway 20 in T. 1 S., R. 9 E., sections 20 and 21, Boise Meridian. This survey is scheduled to be completed as soon as possible in the spring of 2008, weather permitting. Because the changes in acreage are anticipated to be so slight, with no measurable differences in resource values relative to the rest of the parcel, no changes in the appraised values, or in the environmental effects disclosed in the EA and summarized in this DN/FONSI, are anticipated.

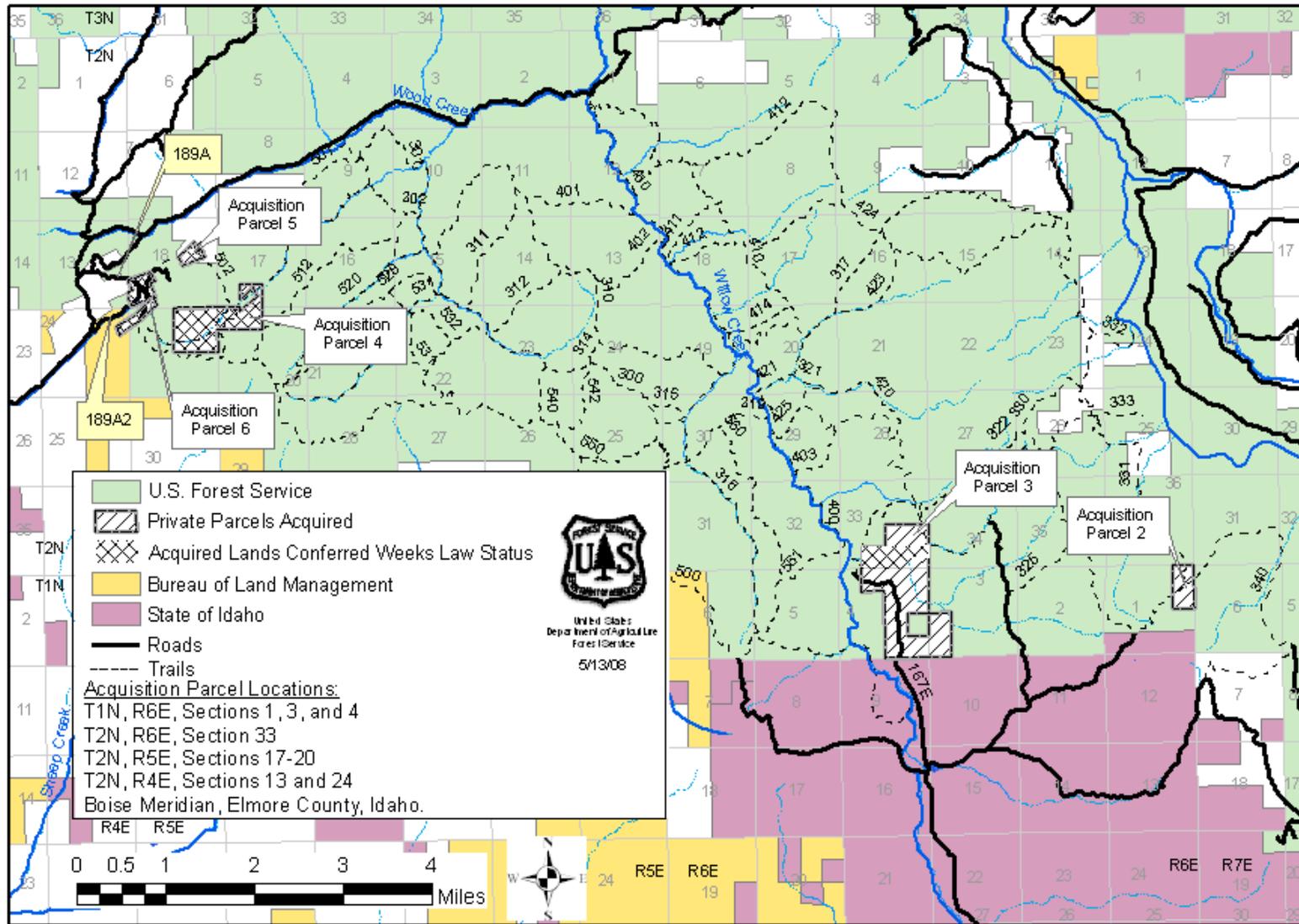


Figure 1. Map of parcels to be acquired in the Danskin-Camas Land Exchange

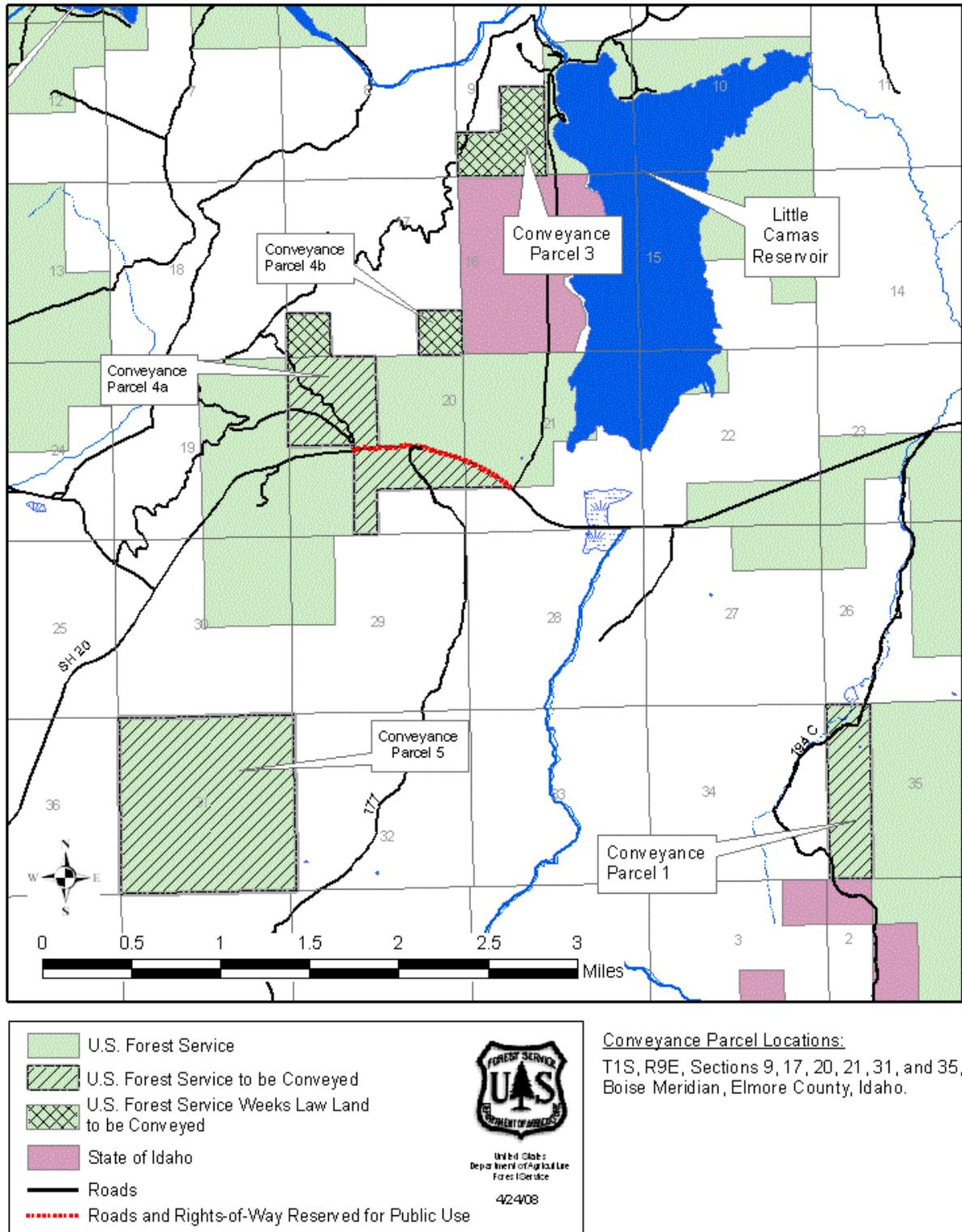


Figure 2. Map of parcels to be conveyed in the Danskin-Camas Land Exchange

The appraisal was originally completed and approved on December 7, 2006, with an expiration date of December 6, 2007. The appraisal has been updated and supplemented to account for the final configuration and value changes, and is summarized in the Appraisal Review Report Supplement/Update dated February 7, 2008. The appraisal and update were completed in accordance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions by State certified contract appraisers Bradford Knipe and Mike Wright, and reviewed and approved by Forest Service Senior Review Appraiser John H. Moore on March 25, 2008. As of February 7, 2008, the market value of the Federal parcels is \$556,000 while the market value of the non-Federal parcels is \$550,000.

In accordance with the Code of Federal Regulations (CFR) (36 CFR §254.12), there is a need to balance the exchange based on the market values of the Federal and non-Federal lands involved by adjustment of the relative values. This exchange will be balanced by a cash equalization payment of \$6,000 (approximately one percent of the market value of the Federal lands conveyed) from the non-Federal party to the United States. The amount of cash used to equalize the market values between the Federal and non-Federal lands in this land exchange may not exceed 25 percent of the value of the Federal lands to be conveyed (36 CFR §254.12(2)(b)).

Details of my decision are included in Section 3 of this Decision Notice, "Decisions to be Made" (page 5). Appendix A of this Decision Notice contains detailed legal descriptions of all parcels to be included in the exchange (page 23).

Immediately following my decision, the U.S. Forest Service and the non-Federal party will enter into a formal Land Exchange Agreement³. This Agreement will document the terms under which the land exchange will be executed. Once this Agreement is executed, the project file will be forwarded to the Secretary of Agriculture for approval and to the U.S. Congress for the required 30-day Congressional oversight (16 USC §521b (1976) and 36 CFR §254.3(k)) of land acquisitions of \$150,000 or more in value made under the authority of the Weeks Act of March 1, 1911, as amended (16 USC §516).

The EA for the Danskin-Camas Land Exchange was prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR §§1500-1508), the National Forest Management Act of October 22, 1976 (16 USC §521b), other relevant Federal and State laws and regulations, and the 2003 Boise National Forest (NF) Land and Resource Management Plan (Forest Plan). The EA documents the analysis of a "No Action Alternative" and two action alternatives designed to meet the purpose and need for the project.

2. PURPOSE AND NEED

There are two purposes of the Proposed Action:

- To improve land management efficiency.
- To improve trail management in the Danskin Mountains Off-Highway Vehicle (OHV) Area.

³ In the Land Exchange Agreement, both parties will agree to amend the legal descriptions in the Agreement to conform to the results of the Federal survey along U.S. Highway 20, in T1S., R9E., sections 20 and 21, Boise Meridian, scheduled to be completed in the spring of 2008.

The needs for action at this time to address each purpose are described in detail, below. Sections 2.5 and 3.2 of the EA disclose the effectiveness of the Proposed Action and alternatives in addressing these needs.

Land Management Efficiencies

To address the purpose of improving land management efficiencies, there is a need to consolidate ownership patterns to improve management efficiencies by eliminating the need to survey and maintain boundary lines; and a need to convey scattered and isolated Federal parcels in the Little Camas-Bennett Mountain area that are difficult to manage and have been identified by the Forest Service as a priority for conveyance.

National Forest landownership patterns vary greatly across the Boise NF. Fragmentation created as a result of historic public land conveyance, and recent increases in "parcelization" and conveyance of large tracts of private lands, continues to challenge the Forest Service's ability to efficiently and effectively manage the public's lands and resources. Consolidation remains a critical role of land exchange and acquisition to help reduce management costs related to boundary management and land management activities such as fire suppression. Land exchange continues to be a valuable land adjustment tool due to the benefits afforded to both Federal and non-Federal parties, especially in the arena of manageability that results from consolidating ownership.

Danskin Mountains OHV Area Trail Management

To address the purpose of improving trail management, there is a need to improve public access to public lands by perfecting trail rights-of-way through acquisition of private in-holdings within the Danskin Mountains OHV Area.

The Danskin Mountains OHV Area is comprised of about 139 miles of all-terrain vehicle (ATV) and motorcycle trails located on over 60,000 acres of predominately NFS land located on the Mountain Home Ranger District (RD). The area has a long history of motorized recreation use. In 1995, the Forest Service, in cooperation with the Bureau of Land Management (BLM), the Idaho Department of Lands, and the Idaho Department of Fish and Game (IDFG), completed a motorized trail system plan for the area (1995 Danskin Trail Management Plan). Today, the area provides a premier, regional OHV trail system with opportunities for a wide variety of trail enthusiasts, including off-highway motorcyclists, ATV enthusiasts, equestrian riders, and mountain bikers.

As part of the 1995 Danskin Trail Management Plan, approximately 6.8 miles of existing trails were designated within portions of the six private parcels originally proposed for acquisition in this exchange. These trail segments are an integral part of the trail loop system established in the Danskin Mountains OHV Area. In 1995, cooperators involved in developing the Danskin Trail Management Plan believed that it would be possible to secure easements from private landowners. However, efforts to date have proven unsuccessful, placing future public access in jeopardy.

3. DECISIONS TO BE MADE

As discussed in Section 1.4 of the EA, I am making the following decisions for the Danskin-Camas Land Exchange:

Which non-Federal lands should be acquired and Federal parcels conveyed to meet purpose and need?

The decision includes acquisition and conveyance of the following parcels, displayed in Figures 1 and 2. Legal descriptions are included in Appendix A:

| <u>Acquired Non-Federal Parcels</u> | |
|--|---------------------|
| <u>Parcel</u> | <u>Area (acres)</u> |
| Acquisition Parcel 2 – Devil's Hole | 79.98 |
| Acquisition Parcel 3 – Packsaddle Creek | 601.95 |
| Acquisition Parcel 4 – Bender Creek | 265.23 |
| Acquisition Parcel 5 -- Wood Creek | 25.37 |
| Acquisition Parcel 6 -- Three Point Mountain | 85.11 |
| Total Area Acquired | 1,057.64 |
| <u>Conveyed Federal Parcels</u> | |
| Conveyance Parcel 1 – Bennett Mountain | 160.00 |
| Conveyance Parcel 3 – Little Camas | 120.00 |
| Conveyance Parcel 4a – Un-named | 325.00 ⁴ |
| Conveyance Parcel 4b – Un-named | 40.00 |
| Conveyance Parcel 5 – Un-named | 636.34 |
| Total Area Conveyed | 1,281.34 |

A discussion of how acquisition and conveyance of these parcels meets the project's purpose and need is provided below under "Rationale for the Decision" (page 10).

What reservations, easements, special use permits, or water rights need to be addressed in the exchange to fully or partially resolve significant environmental issues or facilitate future land management activities?

- **Acquired (non-Federal) Parcels:**

A third party claim to water right 63-9942 issued January 15, 2002, amended May 6, 2002, is located on MS 2002 (Acquisition Parcel 5). This third party right will not affect Forest Service management of this parcel.

- **Conveyance (Federal) Parcels:**

- Reservations to the United States:

- Reserving to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 USC §845) on the Public Domain Status lands.

- Federal Easements and Special Use Permits to Private Entities on Conveyed Parcels:

⁴ As noted earlier, this figure is anticipated to change slightly following a survey to establish the boundary of Acquisition Parcel 4a along the centerline of U.S. Highway 20 in T1S., R9E., sections 20 and 21, Boise Meridian. This survey is scheduled to be completed as soon as possible in the spring of 2008, weather permitting. Because the changes in acreage are anticipated to be so slight, with no measurable differences in resource values relative to the rest of the parcel, no change in the appraised values, or in the environmental effects disclosed in the EA and summarized in this DN/FONSI, is anticipated.

- A Highway Easement Deed by and between the Department of Transportation, Federal Highway Administration, and the State of Idaho, dated October 20, 1993, for a right-of-way for U.S. Highway 20 in Elmore County. Recorded April 22, 1994, as Instrument No. 280122, Elmore County Records, Idaho (Affects Parcel 4a).
- A ditch right-of-way to the Mountain Home Irrigation Company listed on that certain Warranty Deed dated April 30, 1941, recorded May 12, 1941, in Book 47 of Warranty Deeds, page 204, as Instrument No. 64462, in Elmore County Records, Idaho (Affects Parcel 3).
- A right-of-way for a ditch to the Mountain Home Irrigation District and a road as listed in that certain Warranty Deed dated June 22, 1940, recorded July 26, 1940, in Book 47 of Warranty Deeds, page 159, as Instrument No. 63183, in Elmore County Records, Idaho (Affects Parcel 3).
- All existing rights-of-way for roads, ditches, trails, canals, telephone lines, telegraph lines, and power lines, together with all rights-of-way and mineral and mining rights outstanding in third parties as listed in that certain Warranty Deed dated March 13, 1939, recorded March 30, 1939, as Instrument No. 60617, in Book 47 of Warranty Deeds, page 87, in Elmore County Records, Idaho (Affects Parcels 4a and 4b).
- A ditch right-of-way to the Great Western Beet Sugar Company. Approved by the Department of Interior on September 14, 1906, under the Acts of March 3, 1891, and May 11, 1898, and as indicated by BLM Serial No. IDI-237 (Affects Parcel 3).
- Road 177: Forest Land Policy Management Act Forest Road Easement (66 feet wide) from the United States of America to Joseph Richard Cornell, Jr., and Dixie Lee Cornell, dated May 6, 1997 (Special Use Holder No. 5631-01) for existing Road No. 177, recorded June 17, 1997, as Instrument No. 301129, in Elmore County Records. At closing, this easement would be terminated, changed to a right-of-way easement granted by the non-Federal party to the private user, and recorded at the time of closing (Affects Parcel 4a).⁵
- Buried Telephone Line: Special Use Permit issued to Qwest Corporation for buried telephone line that follows U.S. Highway 20, Special Use Holder No. MTH400203; expired 2005. This Special Use Permit would be re-issued to remove these portions of Qwest's lines on lands that will be conveyed and a right-of-way easement to Qwest Corporation from the non-Federal Party would be recorded at the time of closing. Affects sections 20 and 21, T. 1 S., R. 9 E., Boise Meridian (Affects Parcel 4a).
- Water Rights on Conveyed Parcels:
 - Water Right 63-10825 would be conveyed to the non-Federal party. The point of diversion for this right is located in Conveyance Parcel 3, T. 1 S., R. 9E., Section 9, NW¼SW¼SW¼. The place of use for this right is also within Conveyance Parcel 3, T. 1 S., R. 9 E., Section 9, SW¼SW¼; Boise Meridian.

⁵ This easement for the Cornell's use of Road 177 was originally recorded in Elmore County Records on the same document as an easement to the Cornells for use of Forest Road 134C. Although the Road 134C easement is not affected by this land exchange, it will also be terminated with the Road 177 easement, but re-issued by the Forest Service and recorded as a separate document at the time of closing.

Which non-Federal Parcels will have Weeks Law status applied to them?

Dual authorities must be used when a land exchange involves Federal lands with both reserved public domain and acquired status. The General Exchange Act of 1922 (16 USC §§485 and 486) applies to reserved lands, and the Weeks Act of 1911 (16 USC §§516 *et seq.*) applies to lands with acquired status. The exchange can be documented in one decision document, one exchange agreement, and one appraisal, with the value and acres allocated to the applicable authority (FSH 5409.13, sec. 31.25).

- A total of 200 acres of NFS lands, which includes all of Conveyance Parcel 3, a portion of Conveyance Parcel 4a, and all of Conveyance Parcel 4b was acquired under the Weeks Law in 1934 (refer to Figure 2). These lands have acquired status and would be exchanged under the authority of the Weeks Law. Such land is not subject to the General Mining Law of 1872, as amended, and therefore is not open to entry and exploration for valuable "hard rock" minerals. Lands later acquired in exchange for Weeks Law lands are likewise withdrawn from the effects of the General Mining Law of 1872, as amended. The remaining federal conveyance lands have reserved public domain status and would be exchanged under the authority of the General Exchange Act.
- This decision would allocate, based on value, Weeks Law status to a portion (100 acres)⁶ of Acquisition Parcel 3 along Cottonwood Creek, and all of acquisition parcels 4, 5, and 6, for a total of 475.71 acres, more or less, so these areas would not be open to mineral entry, exploration, and potential patent under the 1872 Mining Law, as amended, once acquired by the Federal government (EA, Section 1.5.2). The remaining acquired non-Federal lands will have reserved public domain status and be subject to the General Mining Law of 1872, as amended.

Will the resulting action result in significant impacts necessitating preparation of an environmental impact statement?

As detailed below in the "Finding of No Significant Impact" (page 14), the resulting action will not result in significant impacts necessitating preparation of an environmental impact statement.

Will the exchange be in the public interest? (Public Interest Determination)

36 CFR §254.3 lists factors that must be considered in a public interest determination for a land exchange:

"To determine that an exchange well serves the public interest, the authorized officer must find that -

(i) The resource values and the public objectives served by the non-Federal lands or interests to be acquired must equal or exceed the resource values and the public objectives served by the Federal land to be conveyed, and

(ii) The intended use of the conveyed Federal land will not substantially conflict with established management objectives on adjacent Federal lands, including Indian Trust lands." (36 CFR §254.3(b)(2)).

Based on the criteria in Section 206 of Federal Land Policy and Management Act of 1976 (FLPMA) (P.L. 94-579) and in accordance with 36 CFR §254.3(b)(2), I have determined that the Danskin-Camas

⁶ That portion of Acquisition Parcel 3 in T. 2 N., R. 6 E., Section 33, SE¼SW¼, SW¼SE¼, and the N½SE¼ SE¼.

Land Exchange will be in the public interest. Although the resource values and the public objectives served by the non-Federal parcels are not identical to those of the Federal parcels, the resource values and the public objectives served by the non-Federal lands to be acquired are equal to or exceed the resource values and the public objectives served by the Federal lands to be conveyed (36 CFR §254.3(b)(2)(i)) (see Section 3.2 of the EA).

In the case of this exchange, trail management in the Danskin Mountains OHV Area will be enhanced because there will be legal and perpetual recreational access on trails on acquired parcels where access was not assured in the past (EA, Section 3.2.2). Land management efficiency will be enhanced because there will be fewer NF property corners and fewer miles of exterior NF boundaries to maintain (EA, Section 3.2.1). The boundaries for the Danskin Inventoried Roadless Area (IRA) will become more manageable with the acquisition of non-Federal parcels on its boundaries (EA, Section 3.4.2).

Additionally, the intended use of the Federal property after conveyance is likely to remain unchanged and thus will not substantially conflict with established management objectives on adjacent NFS lands, as per 36 CFR §254.3(b)(2)(ii) (see Section 2.4.2.2.2 of the EA). About 79 percent of Elmore County's population lives in two percent of its land area – the cities of Mountain Home and Glens Ferry, and the Mountain Home Air Force Base. The population density in the remaining 98 percent of the County, which includes the conveyed parcels, is about five people per square mile (EA Section 2.4.2.2.2).

Lands to be conveyed to the non-Federal party would be subject to the zoning and development ordinance and regulations of Elmore County, Idaho. All conveyance parcels included in the exchange would be zoned by Elmore County as Ag B – General Agriculture/Grazing/Forest, once privatized (EA Section 2.4.2.2.2).

"The purpose of the Ag B District is to preserve and protect this land for multiple land uses that are compatible with farming, ranching, grazing, forest products, and limited mining. Residential land use is allowed in the Ag B zone subject to site development standards and compatibility with agricultural operations." (Elmore County Zoning and Development Ordinance, Amended 1995, page 22)⁷.

⁷ A revised zoning ordinance has been proposed for Elmore County. Under this proposed ordinance, the Ag A and Ag B designation would be combined into a single Ag (General Agriculture) designation. Consequently, the land included in the land exchange would be zoned Ag – General Agriculture. The revised ordinance states:

"The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The 'Ag' land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value" (Proposed Section 6-8-5-A, Title 6, Elmore County, Idaho Code, Zoning and Development Regulations).

Base residential density in the Ag district would be one dwelling unit per 40 acres (Proposed Section 6-8-7). A density bonus of up to two dwelling units per 40 acres would be allowed for cluster developments in the Ag district, subject to conditions (Proposed Section 6-8-8-E).

4. RATIONALE FOR DECISION

This decision best meets the purpose and need for the project while providing the optimum mix of acquisition of private land and conveyance of NFS land in light of the balancing of land market values reflected in the appraisal and the preferences of the Federal government and non-Federal party.

My reasons for proceeding with this action are as follows:

1. Completing the land exchange will address goals and objectives in the Boise National Forest Land and Resource Management Plan (see Section 8 of this Decision Notice and Section 1.5.1 of the EA).
2. Acquiring the non-Federal parcels will enhance the Forest Service's ability to manage the Danskin Mountains OHV Trail System by securing access to 4.3 miles of recreational trail located within the five acquired parcels. In addition, access through these parcels to several more miles of recreational trail will be secured. As disclosed in Section 3.2.2.2.2 of the EA, acquisition of Parcel 2 will maintain access to 0.6 mile of trail within the parcel and allow continued access through the parcel to an additional 9.6 miles of trail. Acquisition of Parcel 3 will maintain access to 1.4 miles of trail within the parcel and allow continued access through the parcel to an additional 4.7 miles of trail. Acquisition of Parcel 4 will maintain access to 1.4 miles of trail within the parcel and allow continued access through the parcel to an additional 5.4 miles of trail. Acquisition of Parcel 5 will maintain access to 0.4 mile of trail within the parcel and allow continued access through the parcel to an additional 4.8 miles of trail. Acquisition of Parcel 6 will maintain access to 0.5 mile of trail within the parcel and allow continued access through the parcel to an additional 3.4 miles of trail.
3. Acquiring five of the six non-Federal parcels proposed for acquisition will reduce the miles of unsurveyed NFS boundary by 9.72 miles, and reduce by 27 the number of unsurveyed corners within the Danskin Mountains OHV Area. This will improve management efficiency within that area (EA, Section 3.2.1).
4. Conveying the Federal parcels to the non-Federal party will reduce the number of miles of unsurveyed exterior NFS boundary by 5.77 miles. This will also decrease the number of unsurveyed corners by 11. This will improve management efficiency by reducing the number of miles of surveyed and unsurveyed exterior NFS boundary and corners in areas that are largely surrounded by private land and irregular in shape (refer to EA Section 3.2.1.2.1). Additionally, about 0.6 mile of boundary along the centerline of U.S. Highway 20 in Conveyance Parcel 4a will be surveyed in the implementation of this exchange to determine a metes and bounds location of the boundary. Establishing a boundary that follows this highway will result in a more manageable boundary for both the non-Federal and Federal parties than if it were established along nearby section lines. This survey will be funded by the non-Federal party.
5. The total number of unsurveyed corners on the acquisition and conveyance parcels will be reduced by 38 corners. The total mileage of unsurveyed exterior boundary will be reduced by about 15.5 miles. At a cost of \$8,000 per mile, this exchange will result in a savings of about \$124,000 in future boundary survey expenses (refer to EA Section 3.2.1.2.1).

6. This decision adequately addresses the issues.
 - a. **Public Hunting Opportunities in High Interest Areas:** Public access will only be slightly reduced by the conveyance of Federal parcels. Public access to public lands adjacent to the conveyed Federal parcels will also only be slightly reduced. There will be very little change in access to the 950,000-acre Big Game Management Unit 45 that includes the Bennett Mountain Parcel (Conveyance Parcel 1). Although the exchange will convey about 160 acres in Conveyance Parcel 1, 120 acres in Conveyance Parcel 3, 325 acres in Conveyance Parcel 4a, and 40 acres in Conveyance Parcel 4b, existing public roads and reserved rights-of-way will maintain public access to all the other public lands near the conveyed parcels. Both County Road 194 and Forest Road 194C will continue to provide public access to the public lands around Conveyance Parcel 1. County Road 160 is not within an exchange parcel and will remain usable to provide public access to all public lands around conveyance parcels 3 and 4b, including Little Camas Reservoir. U.S. Highway 20 provides public access to all public lands around Conveyance Parcel 4a. Although Conveyance Parcel 5 conveys about 636 acres to the non-Federal party, this parcel is already surrounded by private land, has no public roads into the parcel, and has been inaccessible to the public for several decades (see Figure 2 on page 3 of this Decision Notice).
 - b. **Term Grazing Permits:** Because the five non-Federal acquisition parcels are currently being grazed as parts of the Willow Creek and Grouse Creek grazing allotments, and these non-Federal parcels occupy a relatively small part of the total area of these allotments, no change in allotment management in terms of season and numbers would likely occur on these allotments. Effects to viability and management of grazing allotments on the Federal conveyance parcels will only be slightly affected and no grazing allotments or privileges will be terminated by this decision. The conveyance of Federal land in this decision will have no effect on the South Little Camas or North Little Camas allotments. It will reduce the amount of NFS land in the Cat Creek Allotment by about 160 acres, leaving 4,370 acres for utilization in that allotment. On the Cat Creek Allotment, utilization on NFS land will change from the existing use of 473 head months to 438 head months; a reduction of 35 head months. It will reduce the amount of NFS land in the Lockman Gulch Allotment by 190 acres, leaving 5,980 acres for utilization in that allotment. On the Lockman Gulch Allotment, utilization on NFS land will change from the existing use of 141 head months to 104 head months; a reduction of 37 head months. It will reduce the amount of NFS land in the Windy Gap Allotment by 390 acres, leaving 2,290 acres for utilization in that allotment. On the Windy Gap Allotment, utilization on NFS land will change from the existing use of 312 head months to 128 head months; a reduction of 184 head months. It will remove 530 acres of NFS land from the currently un-used Bennett Mountain Allotment, leaving 6,550 acres for utilization. However, there are no plans to open the Bennett Mountain Allotment for grazing in the foreseeable future (EA Section 3.3.2.2). Total utilization over all of the federal land within three affected grazing allotments will be reduced from 926 head months to 670 head months, a reduction of 256 head

months (EA Section 3.3.2.3 and Project Record, Livestock Grazing Effects Analysis and Supplement to the Livestock Grazing Effects Analysis).

5. PUBLIC INVOLVEMENT

As required by Section 402(g) of the FLPMA and 36 CFR §222.4(a)(1), affected grazing permittees were sent written notification to inform them of the proposed land exchange in January 2004. An additional grazing permittee was sent written notification of the proposed land exchange in October 2004. However, the allotment affected by this later notification was included in lands that were removed from the "pool" of available conveyance parcels when the Proposed Action was revised in 2006.

The Forest Service initiated public scoping on this project with a letter to elected officials, agencies, organizations, and known interested individuals on July 5, 2005. The letter included a detailed description of the proposal, It also served as the Notice of Proposed Action (36 CFR §215.5) and provided the opportunity to comment on the Proposed Action within a 30-day notice and comment period (36 CFR §215.6(a)(2)(i)). A legal notice of the opportunity to comment on the Proposed Action was published on July 7, 2005, in *The Idaho Statesman*, the newspaper of record for the District and for regional-level decisions affecting National Forests in Idaho. The 30-day comment period ended on August 8, 2005. The proposal was listed in each quarterly Boise NF Schedule of Proposed Actions, beginning on July 1, 2005.

On December 12, 2005, the District Ranger met with officials of the IDF&G, Magic Valley Region, to discuss the proposal.

In the period following the original proposed action letter, an exchange of ownership of three of the proposed acquisition parcels occurred. Additionally, Forest Service Appraiser consultation concluded there was more NFS land considered than was needed to balance market values. This consultation resulted in an overall reduction in the NFS land considered. In response to these events, the Forest Service developed a Revised Proposed Action in July 2006.

The Forest Service and the non-Federal party then finalized an Agreement to Initiate (ATI) the exchange based on this new information. Once the ATI was finalized, the Forest Service published the Legal Notice of Exchange Proposal (NOEP) (16 USC §516 (2006) and 36 CFR §254.8) on four consecutive Wednesdays, beginning on July 12, 2006. These notices were published in the *Mountain Home News*, the newspaper of general circulation in the area in which the Federal and non-Federal lands are located. As a public courtesy, the NOEP was also published once in *The Idaho Statesman*, on July 12, 2006. About the same time, letters containing the NOEP were sent to all landowners adjacent to the exchange parcels.

A Legal Notice of Proposed Action (36 CFR §215.5) was published in the applicable newspaper of record, *The Idaho Statesman*, on July 27, 2006. As a public courtesy, the Notice of Proposed Action was also published in the *Mountain Home News* on July 26, 2006. However the notice in the *Mountain Home News* specifically stated that the date of publication in *The Idaho Statesman* was the exclusive means for calculating the time to submit comments on the proposal. The 45-day NOEP comment period and the 30-day notice and comment period (36 CFR §215.6(a)(2)(i)) both ended on August 28, 2006.

The Forest Service mailed notices about the Revised Proposed Action to 90 addressees, including Indian tribes, elected officials, agencies, organizations, and known interested individuals on July 26,

2006. All members of the public who submitted comments in 2005 resubmitted timely comments in 2006. As the information about the revised proposal was disseminated, more interested individuals who requested copies of the notice were promptly mailed copies of the Revised Proposed Action. By the end of the 2006 30-day notice and comment period, 120 interested parties were listed on the project's mailing list.

Sections 4.5 and 4.6 of the EA contains a list of agencies, organizations, businesses, and individuals who commented on this proposal. The planning record contains all written comments received relative to this proposal. Appendix B of the EA discloses how the Interdisciplinary Team addressed those concerns.

6. ALTERNATIVES CONSIDERED

Alternatives Considered in Detail

I considered the No-Action Alternative (Alternative 1), the Proposed Action (Alternative 2), as revised in 2006, and one additional action alternative that addressed the significant NEPA issues (Alternative 3) in my decision.

Under the No-Action Alternative, the land exchange would not occur. Ownership and management of the Federal and non-Federal parcels would remain as they are. Six privately-owned parcels in the Danskin Mountains OHV Area would remain private, and all five Federal parcels considered available for conveyance would remain in the NFS. This alternative was not selected because it did not address the project's purpose and need; namely to improve land management efficiency or to acquire parcels in the Danskin Mountains OHV Area.

Under the Proposed Action, the Forest Service would have acquired fee title to private land parcels comprising up to 1,542 acres in exchange for fee title to an equal value portion of NFS land to be selected from about 3,188 acres considered available for conveyance (conveyance parcels) (36 CFR §254.3(b)(1)).

Under Alternative 3, the Forest Service would have acquired fee title to private land parcels comprising up to 1,542 acres in exchange for fee title to an equal value portion of NFS land to be selected from about 1,673 acres considered available for conveyance. This alternative addressed the two significant issues which involved conveyance of lands in Conveyance Parcel 1.

Alternative 3 would have maintained Federal ownership to about 1,514 acres of the 2,042 acres of Federal Conveyance Parcel 1 identified under Alternative 2 (Proposed Action). It would also have maintained the public land habitat block size in the northern section of Conveyance Parcel 1, where large blocks of State Trust land and smaller blocks of BLM-administered lands are adjacent to Conveyance Parcel 1. Maintaining overall block size is believed by some commenters to be important to the overall hunting experience (e.g. solitude, fewer public access restrictions, etc.).

Alternative 3 would also have removed the portion of Conveyance Parcel 1 that included the North Little Camas Allotment and areas north of this allotment and thus would have addressed the term grazing permit issue. Essentially, removing these portions of Conveyance Parcel 1 from the "pool" to be considered for conveyance would have eliminated the likelihood that the term grazing permit associated with the North Little Camas Allotment would be terminated due to allotment manageability and head month number reductions. This alternative was eliminated from consideration in final exchange

configuration negotiations with the non-Federal party. Although this alternative would have addressed the purpose and need for the exchange, the preferences of the non-Federal party in deciding which lands to acquire did not include Conveyance Parcel 1 as it was configured in this alternative.

As noted earlier in this Decision Notice, each action alternative analyzed in detail included for conveyance a surplus of parcels from the Federal estate. In other words, each action alternative included a "pool" of Federal estate parcels to be considered for conveyance that in total had a higher market value than the proposed non-Federal acquisition parcels; in this case nearly a 2:1 ratio under the Proposed Action (Appraisal Review, March 16, 2007).

Providing me with this "pool" of Federal estate parcels to draw from during the balancing of market values process allowed flexibility to include, or not include, all of or portions of Federal estate parcels as needed to most effectively address the multitude of factors that I must weigh. These factors included each party's minimum interest and objectives for proceeding with a land-for-land exchange, significant NEPA issues, and policy, regulation and law requirements such as those concerning the Weeks Law (see Section 1.5.2 of the EA). This decision on which lands to include in the exchange is consistent with the NEPA requirement that the alternatives I consider be encompassed by the range of alternatives discussed in the EA (40 CFR §1508.1(e)).

Other Alternatives Considered but Not Analyzed in Detail

Section 2.3 of the EA describes several other alternatives considered but eliminated from detailed study, including the use of direct purchase and deed restrictions, as required by FSH 5409.13, 34.1.

7. FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council on Environmental Quality (CEQ) regulations for significance (40 CFR §1508.27) and have determined that this decision is not a major Federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(2)(c) of the NEPA is not required. This determination is based on the following factors, as outlined in 40 CFR §1508.27:

a. The land exchange will be limited in geographic application (40 CFR §1508.27(a)).

The amount of land affected by the exchange is a small subset of the public and private land on the Mountain Home Ranger District in Elmore County, Idaho. The change in Federal ownership would be a net reduction of 223.7 acres of public land on a Ranger District of about 540,000 acres and in a county of about 1.9 million acres.

b. The land exchange does not cause significant beneficial or adverse impacts (40 CFR §1508.27(b)(1)).

The acquisition of five private parcels in the Danskin Mountains OHV Area will ensure that recreational access across these parcels will be maintained. Meanwhile, public access to the public lands adjoining the conveyed Federal parcels will be maintained and enhanced. There will be a loss of public access to the conveyed parcels themselves. However, there will be very little change in access to the 950,000-acre Big Game Management Unit 45 that includes the Bennett Mountain Parcel (Conveyance Parcel 1). Although the exchange would convey about 160 acres in Conveyance Parcel 1, 120 acres in Conveyance Parcel 3, 325 acres in Conveyance Parcel 4a, and 40 acres in Conveyance Parcel 4b, existing roads and reserved rights of way will maintain public access to all the other public lands near

the conveyed parcels. Both County Road 194 and Forest Road 194C will continue to provide public access to the public lands in the vicinity of Conveyance Parcel 1. County Road 160 is not within an exchange parcel and will remain usable to provide public access to all public lands around Conveyance Parcels 3 and 4b, including Little Camas Reservoir. U.S. Highway 20 provides public access to all public lands around Conveyance Parcel 4a. Although Conveyance Parcel 5 conveys about 636 acres to the non-Federal party, this parcel is already surrounded by private land, has no public roads leading into it, and has been inaccessible to the public for several decades (see Figure 2 on page 3 of this Decision Notice).

Because the five non-Federal acquisition parcels are currently being grazed as parts of the Willow Creek and Grouse Creek grazing allotments, and these non-Federal parcels occupy a relatively small part of the total area of these allotments, no change in allotment management in terms of season and numbers would likely occur on these allotments. Effects to viability and management of grazing allotments on the Federal conveyance parcels will only be slightly affected and no grazing allotments or privileges will be terminated by this decision. The conveyance of Federal land in this decision will have no effect on the South Little Camas or North Little Camas allotments. It will reduce the amount of NFS land in the Cat Creek Allotment by about 160 acres, leaving 4,370 acres for utilization in that allotment. On the Cat Creek Allotment, utilization on NFS land will change from the existing use of 473 head months to 438 head months; a reduction of 35 head months. It will reduce the amount of NFS land in the Lockman Gulch Allotment by 190 acres, leaving 5,980 acres for utilization in that allotment. On the Lockman Gulch Allotment, utilization on NFS land will change from the existing use of 141 head months to 104 head months; a reduction of 37 head months. It will reduce the amount of NFS land in the Windy Gap Allotment by 390 acres, leaving 2,290 acres for utilization in that allotment. On the Windy Gap Allotment, utilization on NFS land will change from the existing use of 312 head months to 128 head months; a reduction of 184 head months. It will remove 530 acres of NFS land from the currently un-used Bennett Mountain Allotment, leaving 6,550 acres for utilization. However, there are no plans to open the Bennett Mountain Allotment for grazing in the foreseeable future (EA Section 3.3.2.2). Total utilization over all of the federal land within three affected grazing allotments will be reduced from 926 head months to 670 head months, a reduction of 256 head months (EA Section 3.3.2.3 and Project Record, Livestock Grazing Effects Analysis and Supplement to the Livestock Grazing Effects Analysis).

I do not expect this land exchange to result in any significant changes in the current use of any lands. All lands to be acquired are currently used for dispersed recreation and grazing, and are expected to continue to be used as such following acquisition. All lands conveyed to the non-Federal party will be subject to the zoning and development ordinance and regulations of Elmore County, Idaho. All Federal conveyance parcels included in the exchange will be zoned by Elmore County for agricultural uses, once privatized (EA, Section 2.4.2.2.2).

c. The land exchange will not significantly affect public health or safety (40 CFR §1508.27(b)(2)).

The public raised no concerns about the effect this land exchange might have on public health and safety. The land exchange does not, on its own, authorize any ground-disturbing activities or direct changes to the environmental status quo.

d. The land exchange will not significantly affect any unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR §1508.27(b)(3)), does not adversely affect anything

listed or eligible for listing in the National Register of Historic Places, nor does it cause loss or destruction of significant scientific, cultural, or historic resources (40 CFR §1508.27(b)(8)).

Although there is a high probability that historic sites exist on the acquisition parcels, the acquisition parcels contain no known historic sites. Under Forest Service management, the acquisition parcels would be subject to cultural resources inventory prior to any project work being conducted and significant cultural resources would receive protection (Section 3.4.1.2 of the EA).

The State Historic Preservation Officer (SHPO) concurred with the Forest Service's determination that the Danskin-Camas land exchange would have no adverse effect to historic properties, because areas containing historic properties eligible for listing on the National Register of Historic Places would not be conveyed in the exchange (EA, Section 3.4.1.2).

Conveyance of Parcel 3 would not affect public road access to the Little Camas Reservoir site of the Idaho Birding Trail. Although 120 acres of adjacent upland habitat would be conveyed into private ownership, opportunities for observing wildlife on this parcel from adjacent public roads and lands would not be affected because the primary use of the conveyed land is not anticipated to change. Conveyance of this parcel would restrict public walking access to the 120 acres of upland habitat on Parcel 3 to permissive access from the landowner (EA Section 3.4.7).

The acquisition of parcels 2 and 4 in the Danskin Mountains IRA will provide for more manageable boundaries for the IRA (EA Section 3.4.2). There will be no effects to the Eligible Wild and Scenic River Corridor of the South Fork Boise River because the relevant parcel (Acquisition Parcel 1) is not included in the exchange. There are no congressionally designated areas (EA Section 3.4.8), Research Natural Areas (EA Section 3.4.9), prime farmland, rangeland, or forest land (EA Section 3.5.3), or protected caves (EA Section 3.5.9) included in the land exchange. There are no parklands included in the exchange.

The exchange will have no impact on any Region 4 sensitive wildlife species (EA Section 3.4.4 and Biological Evaluations in the Project Record). The exchange may impact three Region 4 sensitive plant species, which are the slender moonwort (*Botrychium lineare*), least phacelia (*Phacelia minutissima*), and bugleg/wholeleaf goldenweed (*Pyrocoma insecticruris*), but would not likely contribute to a trend towards Federal Listing or cause a loss of viability to the populations or species.

e. There is no scientific controversy surrounding the effects this decision will produce.

As shown in Appendix B of the EA, there are differing opinions in the community on the importance of maintaining public land for recreational access, especially hunting access, and the exchange's effects on this issue. While some have disagreed with the proposal or its need, there has been little controversy about the *effects* disclosed in the analysis. In other words, although some may not support the exchange, the public comments did not materially question the effects analysis on scientific grounds.

f. The land exchange does not establish any highly uncertain, unique, or unknown risks (40 CFR §1508.28(b)(5)).

There are no unique, highly uncertain, or unknown environmental risks associated with the land exchange. The effects of the exchange will be similar to the effect of other land exchanges that have been completed, both on the Boise NF and at a broader scale. The foreseeable future uses of the non-Federal and Federal parcels involved in this exchange are disclosed in the EA (Section 2.4.2). The ac-

quired parcels will continue to be used for dispersed recreation and grazing. The conveyed parcels will continue to be used primarily for agricultural purposes.

g. The land exchange does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration (40 CFR §1508.27(b)(6), nor is it related to other actions with individually insignificant but cumulative significant impacts (40 CFR §1508.27(b)(7)).

This is a project-level decision. The nature of this decision is not precedent setting, nor does it represent a precedent for any future decisions, as land exchanges have and will continue to be carried out on the Boise NF and other National Forests to help achieve management efficiencies and other public interests and objectives. Any future land exchange proposals would be subject to the appropriate level of NEPA analysis and public involvement, and considered on their own merits.

The EA discloses the projected cumulative effects of the land exchange (EA, Chapter 3). The discussion considers the effects of other past, present, or reasonably foreseeable future actions on these lands that might accumulate with the likely direct and indirect effects of the land exchange. As documented in Chapter 3, few direct and indirect effects are likely to result from the exchange and none would combine with the effects of other past, present, or reasonably future actions to a significant extent.

h. The land exchange would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR §1508.27(b)(9)).

I have reviewed the analysis in Chapter 3 of the EA (Section 3.4.3) and a biological assessment evaluating impacts to threatened and endangered species that has been prepared for this exchange. The land exchange is expected to have “no effect” to any listed species.

i. The land exchange does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR §1508.27(b)(10)).

The land exchange would not significantly affect the following elements of the human environment, which are specified in statute, regulation, or executive order: air quality (EA Section 3.5.1), cultural resources (EA Section 3.4.4), prime farm lands (EA Section 3.5.3), floodplains (EA Section 3.5.1), wetlands (EA Section 3.5.2), Native American religious concerns (EA Section 3.4.4), environmental justice (EA Section 3.5.7), hazardous wastes (EA Section 3.5.4), water quality (EA Section 3.5.12), wild and scenic rivers (EA Section 3.4.5), and wilderness (EA Section 3.4.8). Because the land exchange will not change the physical environment, there will be no irretrievable or irreversible commitment of resources. Any subsequent site-specific Federal action that may change the environment on the acquired lands will be subject to the NEPA and other relevant planning regulations. Details describing consistency with relevant laws, regulations, and policy are disclosed in Section 8 of this Decision Notice.

8. CONSISTENCY WITH THE FOREST PLAN, LAWS, REGULATIONS, AND POLICY

I have reviewed this decision for compliance with laws, regulations, and policies. To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies.

National Forest Management Act

This decision is consistent with the National Forest Management Act (NFMA)(16 USC §§1600-1614). There are no project level determinations in the NFMA that need to be made as part of this decision. This decision does not involve the approval of any timber harvest. Since the Forest Plan was prepared under the NFMA, see also "Consistency with the Forest Plan" below.

Weeks Law Land Exchanges

Section 17(b) of the National Forest Management Act of 1976 (16 USC §521b (2006)) requires a 30-day oversight by the House Committee on Agriculture and Senate Committee on Agriculture, Nutrition, and Forestry for land exchange cases processed under the Act of March 1, 1911 (Weeks Law) (16 USC §516) when the value of the Federal lands is \$150,000 or more. In addition, the Secretary of Agriculture's approval is required for Weeks Law land exchanges when the value of the Federal land is \$250,000 or more. This review and request for approval will be completed after this Decision Document and the Exchange Agreement are signed and prior to implementation and completion of the exchange (FSH 5409.13, WO Amendment 5409.13-2004-1, p. 55).

Consistency with the Forest Plan

Management of the Boise NF, including the project area, is guided by the 2003 Forest Plan. Chapter III of the Forest Plan describes management direction to guide Forest personnel to achieve desired outcomes and conditions for both land stewardship and public service. This direction is presented in two sections: (1) Forest-wide Management Direction, and (2) Management Area Description and Direction. The Forest-wide management direction provides general direction for all Forest resources and the foundation for more specific direction at the management area level. The management area description and direction describes these areas in detail, highlights resource areas of importance or concern, and prescribes specific management direction to address these concerns. The project area lies within the Lower South Fork Boise River Management Area 1 (Forest Plan, pp. III-92 to III-105).

The acquisition of the non-Federal land is consistent with Forest Plan Objective 0161, which is to "*use land exchange opportunities to acquire scattered parcels of private in-holdings to improve Forest management efficiency*" (Forest Plan, p. III-104). Non-Federal land parcels 2 through 5 are all isolated in-holdings and their current private ownership greatly complicates existing recreational trail management with the overall area. Non-Federal Parcel 6, although not a true in-holding, is almost completely surrounded by NFS land and Forest management efficiency would improve with acquisition of the parcel. Acquisition of the non-Federal parcels would eliminate the problem of trail users trespassing on the private lands, avoid the need for costly and likely ineffective trail construction on adjacent NFS land, and greatly aid in overall management of the motorized recreation use in the area.

Acquisition of the non-Federal parcels is also consistent with the Forest-wide guideline LSGU01 for Priority 1 Land Acquisitions, item "*e) Lands that enhance recreation opportunities, public access, and protection of aesthetic values*" (Forest Plan, p. III-55). Acquisition, which is supported by the Idaho Department of Parks and Recreation and motorized enthusiast groups, would provide the opportunity to designate and effectively manage a critical loop trail and other key motorized trail segments.

With the completion of this exchange, the non-Federal lands would be managed under direction from the 2003 Forest Plan, including management direction for the Lower South Fork Boise River Management Area 1. The Management Prescription Categories surrounding the non-NFS lands in this area are 4.1C (*Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Ac-*

tivities) and 6.1 (*Restoration and Maintenance Emphasis within Shrubland and Grassland Landscapes*) (Forest Plan, pp III-87; III-89-90). Managing the acquired non-Federal parcels as integral parts of the Danskin Mountains OHV Area's motorized trail system would be consistent with either of these categories.

Conveyance of the Federal land conforms with Forest Plan Objective 0162, which is to convey "*scattered National Forest Lands south of Anderson Ranch Reservoir, except those lands around [Little] Camas Reservoir, to improve Forest management efficiency*" (Forest Plan, p. III-104). None of the Federal conveyance parcels include NFS land immediately adjacent to Little Camas Reservoir and therefore do not affect reservoir access and recreational uses. That is the intent of this Forest Plan objective. Conveyance Parcel 3 lies west of Little Camas Reservoir and west of County Road 160 (refer to EA, Appendix C, Figure C-15). Therefore, this parcel does not include the Little Camas Recreation Site, which is proposed for boat ramp replacement, restroom replacement, and parking area and campsite development. Consequently, conveyance of these lands would not affect use or future development of the Little Camas Recreation Site or public access to and use of the reservoir and its shoreline.

Findings Required by Other Laws and Regulations

The proposed exchange is a dual authority exchange, as per Forest Service Handbook 5409.13, Section 31.25, pursuant to the General Exchange Act of March 20, 1922 (P.L. 67-173, 42 Stat. 465; 16 USC §485); and the Weeks Law Act of March 1, 1911 (P.L. 61-435, Ch. 186, 36 Stat. 961, as amended; 16 USC §516). The exchange is also pursuant to the FLPMA Act of October 21, 1976 (P.L. 94-579, 90 Stat. 2743, as amended; 43 USC §1716); and the Federal Land Exchange Facilitation Act of August 20, 1988 (P.L. 100-409, 102 Stat. 1086; 43 USC §1716).

I find the Proposed Action, as modified, to be consistent with the other laws, regulations and policies governing the management of NFS lands, including:

- **National Historic Preservation Act of 1966 (refer to Section 3.4.1 of the EA)**

Although there is a high probability that historic sites exist on the acquisition parcels, I find that the acquisition parcels contain no known historic sites. Under Forest Service management, the acquisition parcels would be subject to cultural resources inventory prior to any project work being conducted and significant cultural resources would receive protection.

On September 24, 2007, the State Historic Preservation Officer (SHPO) concurred with the Forest Service's determination that the Danskin-Camas land exchange would have no adverse effect to historic properties, because areas containing historic properties eligible for listing on the National Register of Historic Places would not be conveyed in the exchange. This concurrence is included in the project record.

- **Endangered Species Act of 1973 (refer to Section 3.4.3 of the EA)**

Upon review of the EA, I find this land exchange is consistent with this Act. I have reviewed the biological assessment included in the Project Record and determined that the Proposed Action would have no effect to listed species.

- **Executive Order 11988, Floodplain Management (refer to Section 3.5.1 of the EA, and the Floodplain and Wetland Analysis Report and its supplement in the Project Record)**

Upon review of the Danskin-Camas Land Exchange EA and the specialist reports in the Project Record, I find that this decision will result in no net loss of floodplains. There will actually be an increase of about 18 acres in floodplains under Federal ownership as a result of this exchange (Supplement to the Floodplain and Wetland Analysis Report, Project Record).

- **Executive Order 11990, Protection of Wetlands (refer to Section 3.5.2 of the EA, and the Floodplain and Wetland Analysis Report and its supplement in the Project Record)**

Upon review of the Danskin-Camas Land Exchange EA and the specialist reports in the Project Record, I find that this decision will result in no net loss of wetlands. There will actually be an increase of about seven acres in wetlands under Federal ownership as a result of this exchange (Supplement to the Floodplain and Wetland Analysis Report, Project Record).

- **Prime Farmland, Rangeland & Forestland (USDA Regulation 9500-3) (refer to Section 3.5.3 of the EA)**

Upon review of the EA, I find that this decision will not have any impact on prime farmlands, rangelands, or forestlands because there are no prime farmlands, rangeland, or forest lands located within the parcels considered for exchange under the Proposed Action.

- **Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 120(h) (refer to Section 3.5.4 of the EA)**

A Phase 1 Environmental Site Assessment was completed in December 2005, with an update in May 2008. Upon review of the Phase 1 and the EA, I find there are no recognized environmental conditions or indications of the presence of hazardous substances on the proposed exchange lands.

- **Federal Land Policy and Management Act of 1976 (refer to Section 3.5.5 of the EA)**

Section 206

Based on the criteria in Section 206 of FLPMA (P.L. 94-579) and in accordance with 36 CFR §254.3(b)(2), I have determined that the Danskin-Camas Land Exchange will be in the public interest. The Public Interest Determination and the evidence supporting this determination are detailed on pages 8 and 9 of this Decision Notice.

Section 402(g)

I find that conveyance of Federal lands into private ownership will not conflict with the requirements of Section 402(g) of FLPMA and 36 CFR §222.4(a)(1). Affected grazing permittees were sent written notification to inform them of the proposed land exchange, and the effects such an exchange might have on their grazing privileges, in January 2004.

- **Functions Transfer Act of 1960 (refer to Section 3.5.6 of the EA)**

I find that none of the land parcels being considered for conveyance in this land exchange are mineral in character.

- **Executive Order 12898, Environmental Justice (refer to Section 3.5.7 of the EA)**

I find that consumers, civil rights, minority groups, or women will be neither significantly impacted nor disproportionately impacted by the proposed land exchange.

- **Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation (refer to Section 3.5.8 of the EA)**

I find that the acquisition of five private parcels in the Danskin Mountains OHV Area will ensure that recreational access across these parcels will be maintained and enhanced. Meanwhile, public access to the public lands adjoining the conveyed Federal parcels will also be maintained. There will be a loss of public access to the conveyed parcels, themselves. However, there will be very little change in access to the 950,000-acre Big Game Unit 45 that includes the Bennett Mountain Parcel (Conveyance Parcel 1).

- **Federal Cave Resources Protection Act of 1988 (refer to Section 3.5.9 of the EA)**

No federally protected caves are known to exist on any of the parcels considered for exchange, and therefore, none would be affected by this land exchange.

- **Migratory Bird Treaty Act of 1918 (refer to Section 3.5.10 of the EA)**

There would be no effects to migratory birds because no change in land use is anticipated as a result of this land exchange.

- **Clean Air Act (refer to Section 3.5.11 of the EA)**

There would be no effects to air quality because no change in land use is anticipated as a result of this land exchange.

- **Clean Water Act (refer to Section 3.5.12 of the EA)**

There would be no effects to water quality because no change in land use is anticipated as a result of this land exchange.

- **Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999**

This Act requires a 30-day review of the formal notice(s) for pending exchange cases involving Federal land with value in excess of \$500,000 by House and Senate Appropriations Committees. This review will be completed after the Decision Document and the Exchange Agreement are signed and prior to implementation and completion of the exchange.

9. IMPLEMENTATION DATE

If no appeals are received, this decision may be implemented no sooner than five days following the close of the 45-day appeal period. If an appeal is received, implementation may begin 15 days following the disposition of all appeals.

10. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. Appeals must meet the content requirements of 36 CFR §215.14. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal under this regulation.

Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of a "Legal Notice of Decision" in *The Idaho Statesman*. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on.

The Appeal Deciding Officer is Chief, USDA Forest Service, ATTN: Appeals Office/EMC Staff. USPS Mailing address is: 1400 Independence Ave., SW, Mail Stop #1104, Washington, DC 20250-1104. Overnight mailing address is: EMC, 3-Central, 201 14th Street SW, Washington, D.C. 20250. Appeals submitted by fax should go to 202-205-1012 and by email to appeals-chief@fs.fed.us. E-mailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line.

A copy of the notice of appeal must be filed simultaneously with the Regional Forester, Intermountain Region, USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

11. SECRETARY APPROVAL AND CONGRESSIONAL OVERSIGHT

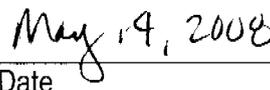
Pursuant to 36 CFR §254.14, this decision is subject to the Secretary of Agriculture's approval, and the required 30-day Congressional oversight.

12. CONTACT PERSON

For further information concerning this decision, or for a copy of the Danskin-Camas Land Exchange EA, and this Decision Notice/Finding of No Significant Impact, contact Bart Lander, Planning, Lands, and Minerals Staff, Mountain Home Ranger District, 2180 American Legion Blvd., Mountain Home, ID 83647 (208) 587-7961.



JEANNE A. EVENDEN *JB*
Director of Lands
Intermountain Region
USDA Forest Service



Date

Appendix A – Legal Descriptions of Exchange Parcels

Private Land to be Acquired

The following is a list of property that will be acquired by the Forest Service. These parcels include both the surface and mineral estate, except for the minerals in T. 2 N., R. 5 E., Sec. 17, Lot 1; and Sec. 20, Lot 1 of Acquisition Parcel 4, which the United States already owns. All legal descriptions are with reference to the Boise Meridian.

| <u>Acquisition Parcel</u> | <u>Acres</u> |
|--|-----------------|
| Acquisition Parcel 2 – Devil’s Hole | 79.98 |
| T. 1 N., R. 6 E. | |
| ▪ Sec. 1, Lot 1, SE ¼ of the NE ¼ | 79.98 |
| Acquisition Parcel 3 – Packsaddle Creek | 601.95 |
| T. 1 N., R. 6 E. | |
| ▪ Sec. 3, W½ of the SW¼ | 80.00 |
| ▪ Sec. 4, lots 1, 2, and 3, S½ of the NE¼, W½ of the SE¼, SE¼ of the SE¼ | 321.95 |
| T. 2 N., R. 6 E. | |
| ▪ Sec. 33, SE¼ of the SW¼, SE¼ | 200.00 |
| Acquisition Parcel 4* – Bender Creek | 265.23 |
| T. 2 N., R. 5 E. | |
| ▪ Sec 17, Lot 1 | 25.84 |
| ▪ Sec. 19, NE¼ | 160.00 |
| ▪ Sec. 20, Lot 1, NW¼ of the NW¼ | 79.39 |
| Acquisition Parcel 5* -- Wood Creek | 25.37 |
| T. 2 N., R. 5 E. | |
| ▪ Mineral Survey 2002 (Patent No. 44189) within Sec. 18 | 25.37 |
| Acquisition Parcel 6* -- Three Point Mountain | 85.11 |
| T. 2 N., Rs. 4 and 5 E. | |
| ▪ Mineral Survey 2001 (Patent No. 44188), within Sec. 18 and 19 of Range 5 E, and within Secs. 13 and 24 of Range 4 E. | 85.11 |
| Total Area (Acres) | 1,057.64 |

*Parcels 4, 5 and 6 will be acquired by using conveyance parcels originally acquired by the Forest Service under the Weeks Law.

Federal Land to be Conveyed

The legal descriptions of the land that will be conveyed are shown below. All legal descriptions are with reference to the Boise Meridian.

| <u>Parcel Considered for Conveyance</u> | <u>Acres</u> |
|--|-----------------------|
| Conveyance Parcel 1 – Bennett Mountain | 160.00 |
| T. 1 S., R. 9 E. | |
| ▪ Sec. 35, W½ of the W½ | 160.00 |
| Conveyance Parcel 3 – Little Camas | 120.00 |
| T. 1 S., R. 9 E. | |
| ▪ Sec. 9, NE¼ of the SW¼, S½ of the SW¼ (Weeks Law) ¹ | 120.00 |
| Conveyance Parcel 4a – Un-named | 325.00 |
| T. 1 S., R. 9 E. | |
| ▪ Sec. 17, SW¼ of the SW¼ (Weeks Law) ¹ | 40.00 |
| ▪ Sec. 20, Lots 3 and 4, NW¼, E½ of the E½ of the SW¼ | ± 270.00 ² |
| ▪ Sec. 21, Lot 3 | ± 15.00 ² |
| Conveyance Parcel 4b – Un-named | 40.00 |
| T. 1 S., R. 9 E. | |
| ▪ Sec. 17, SE¼ of the SE¼ (Weeks Law) ¹ | 40.00 |
| Conveyance Parcel 5 – Un-named | 636.34 |
| T. 1 S., R. 9 E. | |
| ▪ Sec. 31, Lots 1, 2, 3, and 4, E½, E½ of the W½ | 636.34 |
| Total Area (Acres) | 1,281.34 |

¹ Conveyance Parcel 3, a portion of Conveyance Parcel 4a, and all of Conveyance Parcel 4b were acquired and added to the NFS under Weeks Law Authority.

² For the purposes of the exchange agreement, estimates of the size of the government Lots in sections 20 and 21 have been used. Actual sizes of Lots 3 and 4 in sec. 20, and Lot 3 in sec. 21 will be determined by a BLM-conducted survey to be completed and recorded during the summer of 2008. Survey information will be recorded on Master Title Plat filed in the Idaho State Office of the BLM.