



Castle Rock Ranch – Hagerman Horse Quarry Land Exchange

Environmental Assessment

December 20, 2002

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Purpose and Need

Purpose

The purpose of the proposal is for the National Park Service (NPS) to convey to the State of Idaho the 1,240-acre Castle Rock Ranch, currently under federal ownership, near Almo, Idaho. This would be accomplished by a land exchange in which the State of Idaho Park and Recreation Board acquires ownership of the Castle Rock Ranch and the National Park Service acquires ownership of approximately 493 acres of land, currently owned by the State of Idaho, within Hagerman Fossil Beds National Monument. The goal of this exchange is to consolidate federal and state ownership while protecting and managing the associated natural and cultural resources as required by the laws and regulations applicable to each property and agency.

Need

The primary need for the proposed action is to implement the legislative provisions of Public Law 106-421, the “Castle Rock Ranch Acquisition Act of 2000,” which authorizes the land exchange between the National Park Service (acting on behalf of the Secretary of the Interior) and the State of Idaho (Appendix A). As required by this law, the National Park Service acquired the Castle Rock Ranch specifically to be conveyed to the State of Idaho (Department of Parks and Recreation) in exchange for the state land located wholly within the Hagerman Fossil Beds National Monument.

Background

City of Rocks National Reserve and Hagerman Fossil Beds National Monument were both established by Congress on November 18, 1988. The enabling legislation, Public Law 100-696, included a separate authorization for each of these park areas, located in southern Idaho (See Figure 1). The legislation that established Hagerman Fossil Beds specifically identified the state land within the boundaries of the monument. This land, approximately 493 acres comprised of that part of Section 16 (T. 7 S., R. 13 E.) that is on the west side of the Snake River, contains the Hagerman horse quarry (See Figure 2). This is the site from which Smithsonian Institution paleontologists excavated 120 skulls and 20 complete skeletons of the fossilized Hagerman Horse. The monument’s enabling legislation also specifically limited the ability of the National Park Service to acquire the state land only by exchange or donation. This legislation means that the state must either donate the horse quarry land or agree to a suitable exchange parcel, satisfying the state’s requirements for disposing of the land to the Federal Government.

In approximately 1996, a private landowner expressed willingness to sell some land near City of Rocks to the National Park Service. Mr. Robert Harmish was the landowner of the Castle Rock Ranch, an approximately 1,240-acre ranch located about 1.5 miles northeast of the City of Rocks National Reserve (See Figure 3). This land had always been prominent for its natural features – principally the rock outcrops – and potentially valuable for its cultural resources – historic and prehistoric archaeological sites. In addition, some of this ranch was located within the National Historic Landmark of the area. Concerns about the possible development of this pristine and historic property initiated the current process to acquire and protect Castle Rock Ranch as a public trust. The general opinion among land management agencies, residents of the area, and visitors to the area is that the Castle Rock Ranch should be protected from development and made available to public use for present and future generations. Although Castle Rock Ranch represented an excellent property for park status, the National Park Service could not acquire it as part of the City of Rocks, because the land is outside the Reserve boundary established by Congress.

When the landowner offered to sell the property, the National Park Service discussed with the Idaho Department of Parks and Recreation (IDPR) the possibility that Castle Rock Ranch could be a suitable trade property for the Hagerman horse quarry. To be considered, such a trade must satisfy the state's requirements for managing the real estate at Hagerman Fossil Beds. The IDPR was also interested in Castle Rock Ranch as a potential new state park. In addition to protecting the natural, cultural, and scenic resources of the Castle Rock Ranch, a new state park would offer the public additional recreational opportunities. Such a land exchange was pursued and was ultimately initiated with the help of The Conservation Fund, with some additional financial help from the Access Fund. The Conservation Fund purchased the Castle Rock Ranch and held it until legislation and an appropriation from Congress was authorized to acquire the property. The National Park Service took ownership of the property on March 15, 2001.

IDPR held an informal public meeting on March 1, 2001 in Almo. The purpose of the meeting was to inform the public of the property acquisition that was underway, the land exchange that was authorized by Congress, and how the process would be carried out. Concerns raised at the meeting included the land exchange, conservation easements to prevent future development on irrigated pasture if traded into private ownership, motorized vehicle and other types of access, roads, water rights, camping, trails, grazing, cultural and biological surveys, and trespass onto adjacent private lands. Local residents were also assured there would be opportunity for their input throughout the IDPR park planning process, which would begin in earnest following the transfer of the Castle Rock Ranch ownership to the State of Idaho Park and Recreation Board.

The Idaho Park and Recreation Board has been kept abreast of the chain of events that are now leading up to the proposed land exchange. They are prepared to formally approve the land transfer and acquisition.

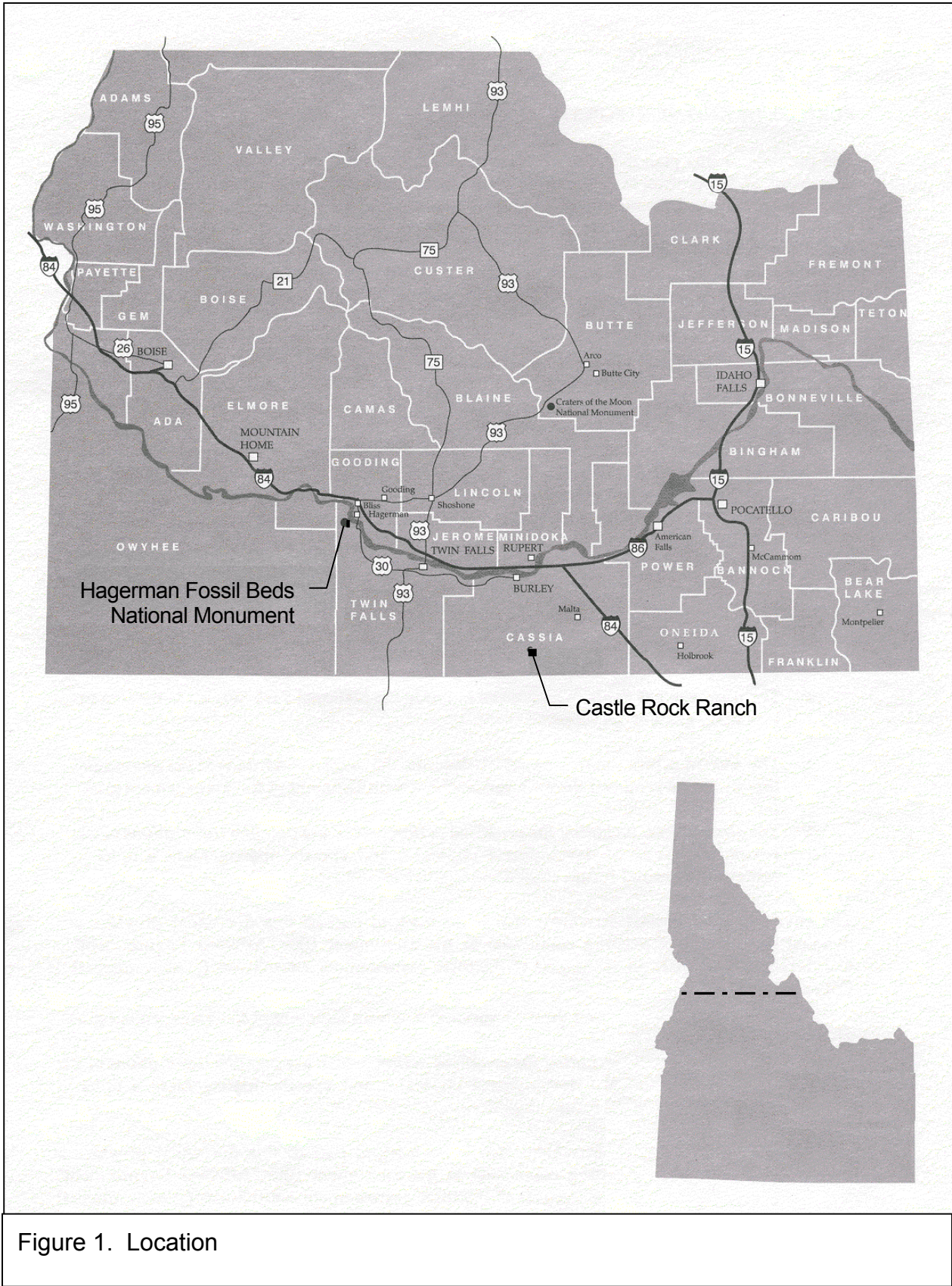


Figure 1. Location

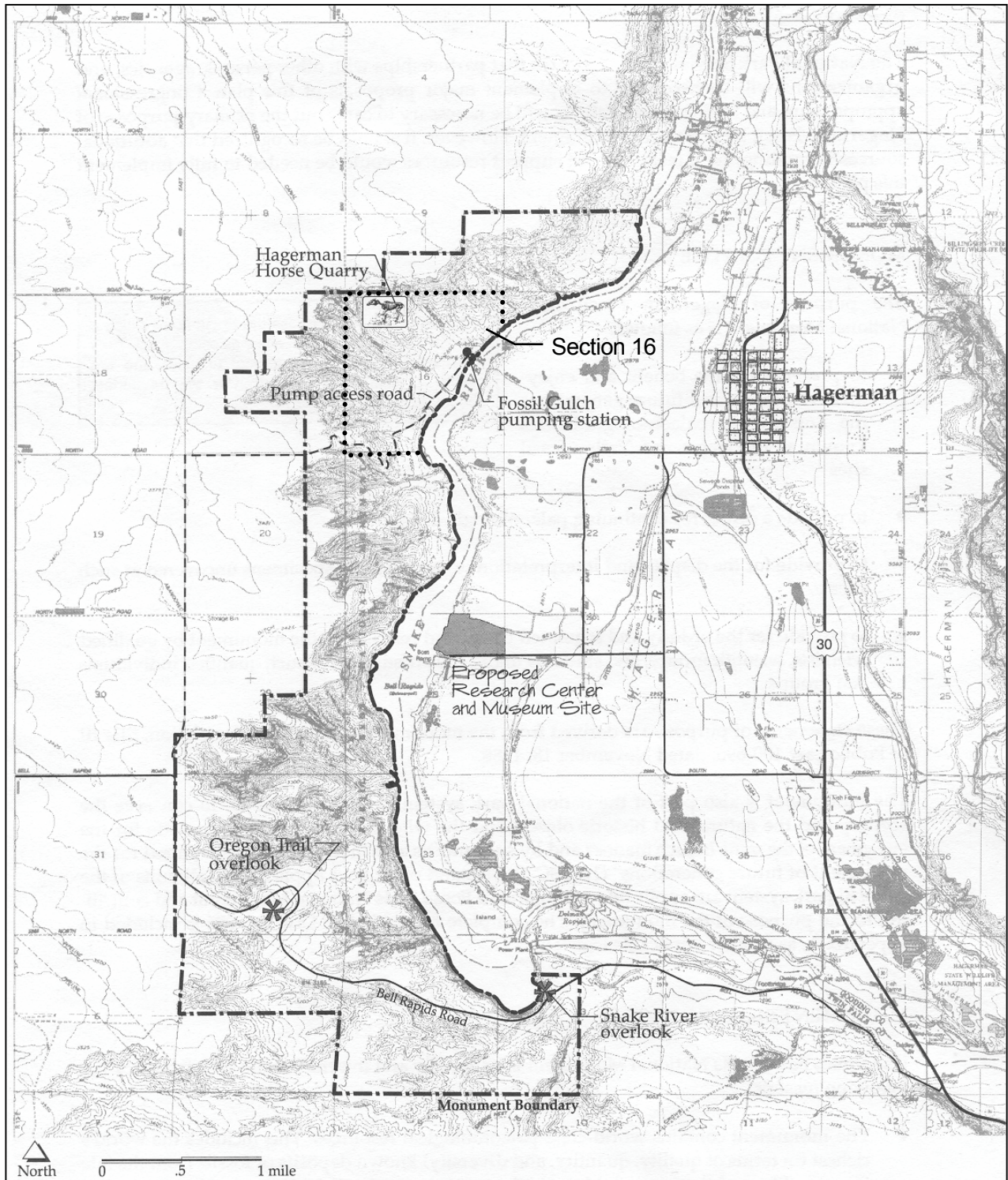


Figure 2. Hagerman Fossil Beds National Monument

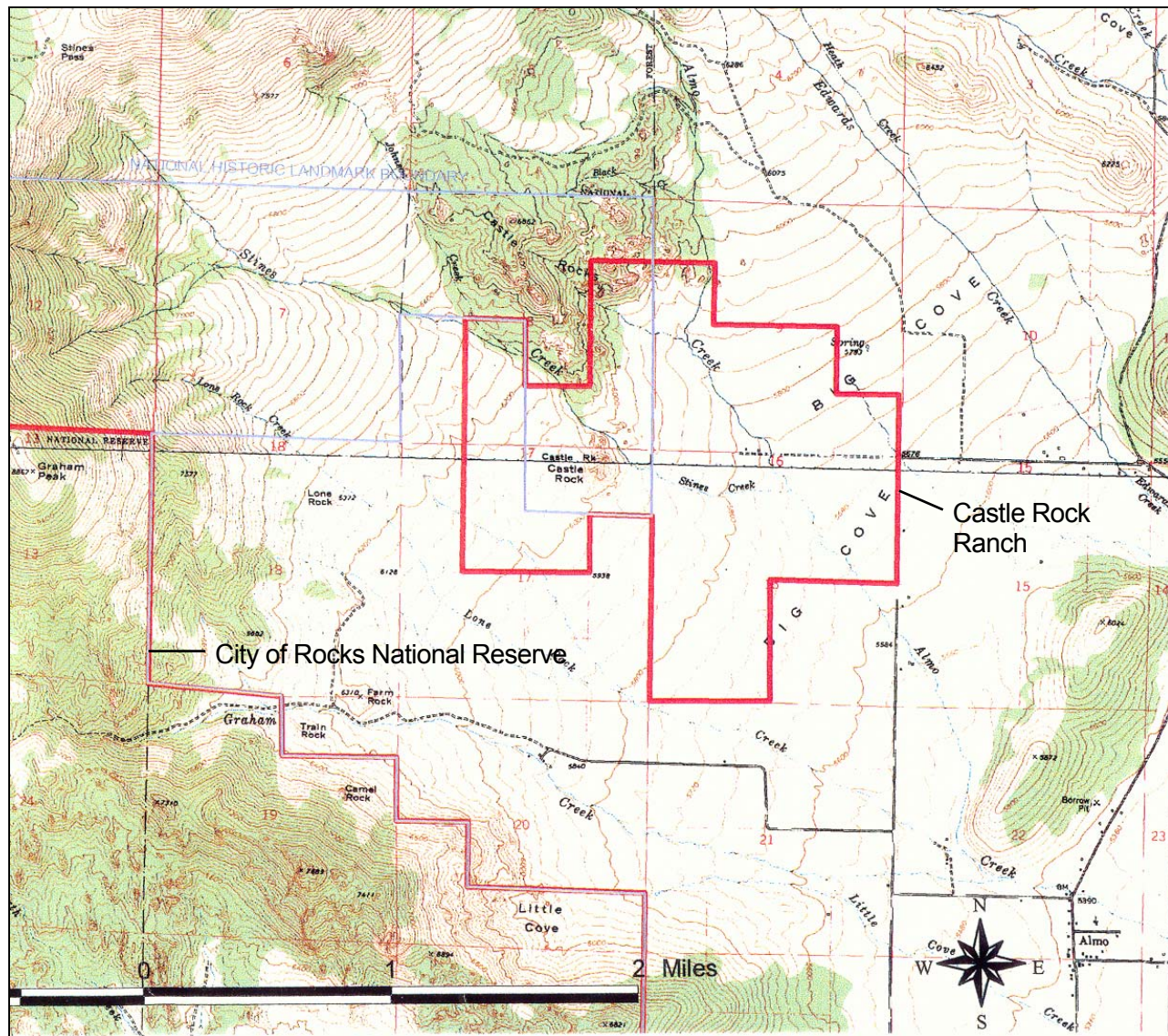


Figure 3. Castle Rock Ranch

Alternatives

Preferred Alternative

The Preferred Alternative is based on the requirements of Public Law 106-421, the “Castle Rock Ranch Acquisition Act of 2000.” As specified by the law, the National Park Service would transfer ownership of the 1,240-acre Castle Rock Ranch (Figure 3) to the State of Idaho in exchange for the 493 acres of state land within Hagerman Fossil Beds National Monument (Figure 2). As a further requirement of the Act, the 493-acre parcel would continue to be managed by the National Park Service as part of the Hagerman Fossil Beds National Monument.

The state-owned land within Hagerman Fossil Beds National Monument is currently held in the Idaho Park Land Trust, under Idaho Code 67-4240 et seq., by the Idaho Department of Parks and Recreation. Among other things, these statutes state that “the Parks and Recreation Board may exchange property held in the Park Land Trust for property of equal or greater value which is owned publicly or privately and which has greater potential for parks and recreation purposes, property which could be more efficiently managed by the department, or property which could be traded for other lands with high park and recreation potential.” To ensure that these requirements are met, the IDPR has hired an appraiser to establish a comparative range of values for the lands to be exchanged.

To exchange the Castle Rock Ranch, the Park Service must follow a disposal process, dictated by federal law and, specifically, Department of Interior regulations. The federal funds to acquire the land were appropriated from the Land and Water Conservation Fund. Therefore, the exchange authority and procedures must conform to the Land and Water Conservation Act of 1964 (Public Law 88-578), as amended in 1968. The National Park Service has regulations (36 CFR Part 17 and 18) that specifically address disposal of acquired real estate and exchanges of property. The land exchange proposed under the Preferred Alternative must comply with those regulations.

Specifically, the federal regulations require a determination by the Secretary of the Interior that the cultural and natural resources on the ranch property would continue to be protected or managed in a way that is “consistent with the purposes of the National Park Service.” Specifically, the transfer is a federal undertaking, requiring consultation with the Advisory Council on Historic Preservation and other interested parties under the provisions of the National Historic Preservation Act of 1966, as amended, and the Council’s regulations (36 CFR 800). The transfer also constitutes an action requiring analysis (this Environmental Assessment) and public comment under the National Environmental Policy Act of 1969 (NEPA), as amended. Given the protections put in place by these laws, the Preferred Alternative is also the environmentally preferred alternative.

The Idaho Department of Parks and Recreation proposes to create a new state park on the Castle Rock Ranch, upon successful completion of the land exchange. The intent of IDPR is to designate and manage the new park under its *Natural Park* classification. The *State Park Classification and Resource Area Designation System* (Idaho Department of Parks and

Recreation 1999) defines the purpose, qualifications, and management of a *Natural Park* as follows:

Purpose of Establishment

Natural Parks are established to maintain the ecological integrity of areas of Idaho possessing exceptional resource values which illustrate Idaho's natural history. *Natural Parks* provide for the use and enjoyment of these resources in a manner that will enhance the understanding, appreciation and stewardship of these resources for the enjoyment of present and future generations.

Resource and Site Qualifications

A *Natural Park* must contain natural resources of statewide significance. Statewide significance means that the unit contains unique, natural values of sufficient extent and importance to meaningfully contribute to the broad illustration of the state's natural history. These include natural (botanical, zoological, and geological) and scenic qualities, which are both beautiful and representative of the state.

Resource Management

Management will be directed at maintaining the ecological integrity and interpreting the natural values of the unit. Management will seek to maintain balance in the ecological community and reestablish missing elements of that community, such as indigenous plant and animal life to the extent practical.

Compatible Uses

Visitor use includes both interpretation and outdoor recreation in a natural setting. In addition to being an outdoor classroom, a *Natural Park* is a place for participating in those outdoor recreational activities which can be accommodated without detriment to the natural character and features of the park and do not detract in any way from the natural scene.

Designation of Castle Rock Ranch as a state park would enable IDPR to provide active protection and management of the land and its associated cultural, natural, and scenic resources in perpetuity. IDPR is in an excellent position to provide efficient management of the property as a state park from its City of Rocks National Reserve headquarters in the nearby community of Almo, Idaho.

The Castle Rock Ranch Acquisition Act of 2000 also provided that upon completion of the federal and state land exchange, the State of Idaho may exchange certain suitable portions of the Castle Rock Ranch for private land within the boundaries of the City of Rocks National Reserve. This would help consolidate public ownership inside the Reserve, and it would help protect and perpetuate the historical land use, livestock grazing, on the irrigated pastures within the eastern portion of the Castle Rock Ranch.

However, IDPR may choose to retain ownership of the irrigated pastures at Castle Rock Ranch, opting instead to lease them for grazing. All Castle Rock Ranch land retained by IDPR will be protected under its *Natural Park* classification. Revenue generated from any grazing leases would be used by IDPR to help offset park operating expenses.

No-Action Alternative

Under the No-action Alternative, the federally owned Castle Rock Ranch and the state-owned land within the Hagerman Fossil Beds National Monument would not be exchanged. These lands would remain under their current ownership and management.

Under this alternative, the NPS would not have the legislated responsibility to address the day-to-day management and protection of the Castle Rock Ranch. Lacking this designation, the NPS would have limited capability to provide on-site management. Currently, the NPS relies on the Idaho Department of Parks and Recreation, to provide the ongoing stewardship and protection of the site. Without a clear mandate for management of the Castle Rock Ranch, these activities are constrained by limited available budgets and staff. This situation would be expected to continue under the No-action Alternative.

Under this alternative, the National Park Service and the Idaho Department of Parks and Recreation would jointly prepare an interim management plan for the Castle Rock Ranch, amending the written agreement that exists between the two agencies. The interim management plan would address acceptable uses and management requirements of the property. The NPS would look to IDPR to continue management responsibility for the site under the terms of the agreement.

Although NEPA requires the analysis of the No-action Alternative, implementation of this alternative would be in direct violation of Public Law 106–421, authorizing the above described land exchange.

Affected Environment

Castle Rock Ranch

Geology

The geology in the vicinity of the Castle Rock Ranch consists of outcrops of 25-million-year-old granitic rock of the Almo pluton surrounded by alluvial and colluvial deposits derived from decomposition of these spires and from the flanks of the nearby Albion Mountains. The granite has been eroded into a complex of spectacular domes and spires up to 150 m in height. The distribution and overall shape of the landforms is the result of deep subsurface weathering of the granite along fracture systems followed by exhumation of the unweathered portions by geologically recent uplift and erosion. During this process, the surfaces of the outcrops were sculpted by weathering and erosion, creating small-scale landforms that are now a showcase of granitic weathering phenomena. These features include panholes (round flat-bottomed weathering pits), tafoni (“honeycomb” weathering), case hardening (formation of a durable crust), flared slopes, and caves and hollows produced by cavernous weathering.

Both the large- and small-scale landforms of the Castle Rocks are very similar in size, shape, and origin to the nearby City of Rocks. The greatest difference is the tendency in the City of Rocks for the spires to develop an overall fin shape due to the prominence of a north-striking fracture set. The Castle Rocks outcrops tend to be more dome-shaped due to the lack of a

dominant fracture orientation. The unconsolidated alluvial and colluvial deposits of the area consist largely of pebble- to boulder-sized fragments of Precambrian quartzite near stream channels and coarse gravelly soil made of decomposed granite near the spires. There are no landforms or rock types that are unique to the Castle Rocks area: geologically, it can be considered an extension of the City of Rocks to the south.

Soils

A survey of the soils in the eastern part of Cassia County was produced by the US Department of Agriculture (1994). This report identifies seven different soil units on the Castle Rock Ranch.

- Acord very stony loam, 4 to 12 percent slopes
- Aninto stony loam, 4 to 12 percent slopes
- Hades gravelly loam, 4 to 12 percent slopes
- Kanlee sandy loam, 4 to 12 percent slopes
- Kovich silt loam, 0 to 3 percent slopes
- Rock outcrop-Kanlee complex, 3 to 30 percent slopes
- Rock outcrop-Ola complex, 35 to 55 percent slopes

All of these soils are typical for the area, commonly supporting rangeland grazing of livestock. No prime farmland soils are located on the property. Most of the soils are well drained, with a moderate or greater hazard of water erosion. Major factors in the management of these soils for rangeland are the presence of stones, cobbles, and rock outcrops, the low available water capacity, and the potential for water erosion. The one exception to this pattern is the Kovich silt loam. This soil, formed on the alluvial fans and low stream terraces associated with Almo Creek, is poorly drained, with only a slight hazard of water erosion. Although suitable for irrigated agricultural production of barley, this soil is limited by the seasonal high water table and a short growing season. At Castle Rock Ranch, this soil forms the main portion of the irrigated pasture, covering approximately the eastern third of the property.

Water Resources

The primary surface water features on the Castle Rock Ranch are Almo Creek including one unnamed tributary stream and Stines Creek and its tributary, Johnson Creek. Almo and Stines creeks are shown as perennial flows on the US Geological Survey (1968) topographic maps of the area. In most years, however, portions of all of these headwater streams are intermittent, with streamflow diverted for irrigation use and attenuated by periods of drought. All of these streams flow east and south towards the Raft River. Downstream of the ranch, however, Almo Creek is fully appropriated for irrigation use. Rarely does water flowing from Castle Rock Ranch directly reach the Raft River.

The Castle Rock Ranch does include water rights for a portion of the water diverted from the streams for agricultural irrigation. Part of the Snake River Basin (Basin 43), the ranch includes water rights 43-02594 and 43-13106 as well as 9.5 shares (Stock Certificate no. 214) in the

Almo Water Co. Together, these water rights are used to irrigate approximately 350 acres of pasture on the eastern portion of the ranch (Figure 4).

No quantitative water quality information is available for Castle Rock Ranch. A National Park Service (1999) report for nearby City of Rocks National Reserve compiled surface water quality data for the surrounding area from the US Environmental Protection Agency's (EPA) national databases. The report concluded that insufficient data exist to make definitive statements regarding surface water quality within the study area.

Floodplains

The Federal Emergency Management Agency (FEMA) floodplain map (Panel Number 160041-0550B, dated Aug 15, 1983) indicates there are no mapped floodplains on the Castle Rock Ranch.

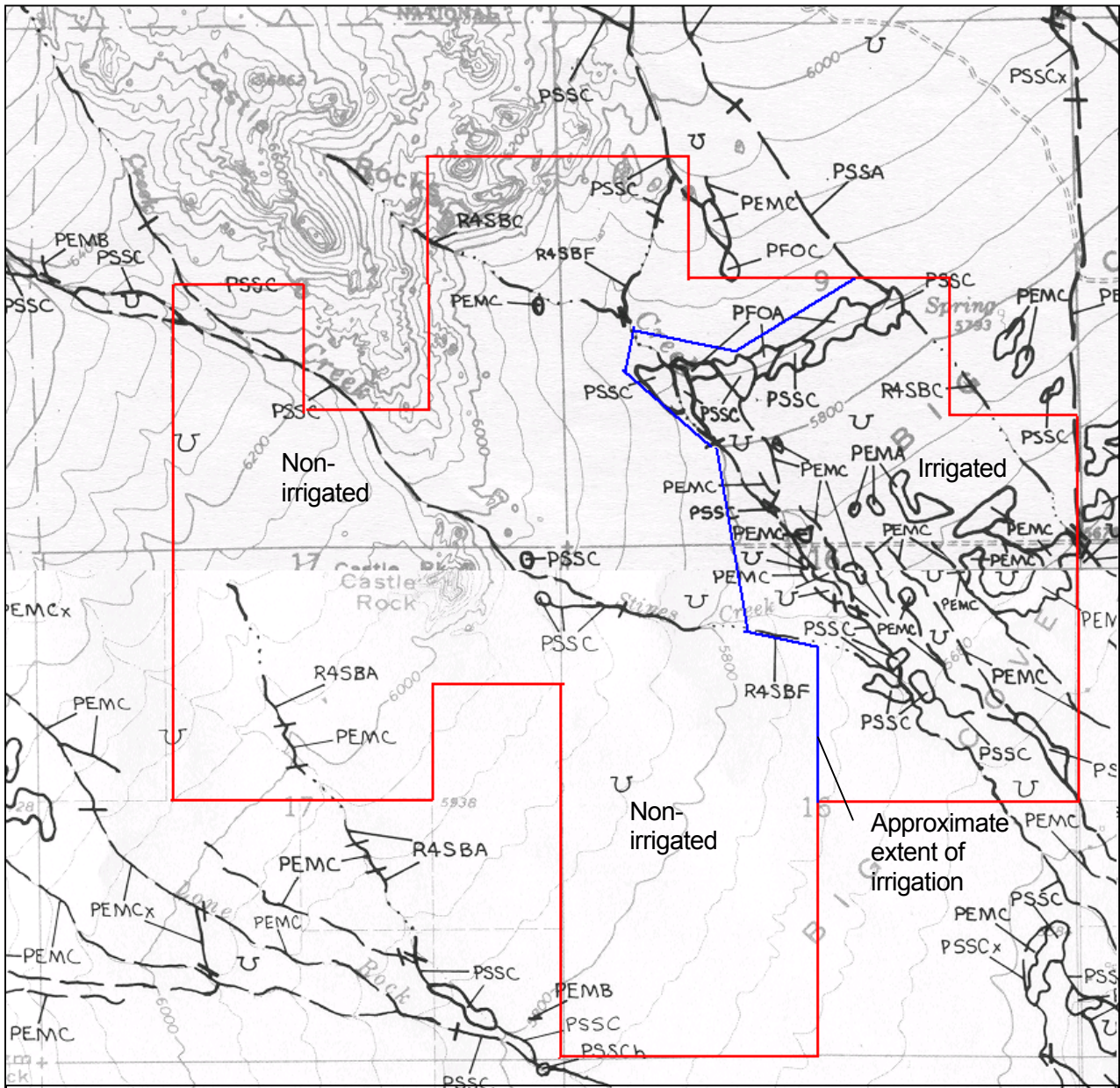
Vegetation

Castle Rock Ranch is physically located within the upper Raft River Valley at an elevation of from 5,600 feet to about 6,500 feet. Three structurally distinct vegetation associations are apparent on the ranch. Approximately, the eastern third of the property is a large meadow supporting primarily non-native grasses and a few native forbs. This area is flood irrigated and supports livestock grazing during the summer months. The vegetation outside this area, including much of the western and southern portions of the ranch, is sagebrush steppe habitat. A pinyon and juniper woodland dominates the northern edge of the ranch.

A number of plant communities, affected by the range of elevations and availability of moisture, among other factors, are interspersed throughout these structural vegetative associations. The plant communities found on Castle Rock Ranch are generally the same as those found on the nearby City of Rocks National Reserve, except that the high-elevation communities are lacking. The communities, described in the Reserve's Comprehensive Management Plan (National Park Service 1994), are listed below.

Sagebrush steppe Much of the western half of the Castle Rock Ranch is dominated by stands of shrubs interspersed with grasses and forbs. Dominant shrubs include basin big sagebrush (*Artemisia tridentata tridentata*) and bitterbrush (*Purshia tridentata*). Originally, these stands probably had a more open structure with a greater understory component of native perennial grasses, such as Idaho fescue (*Festuca idahoensis*). Today, much of this plant community is interspersed with plants having little or no forage value, such as tansy mustard (*Descurainia* spp.), rabbit brush (*Chrysothamnus nauseosus*), and exotic Russian thistle (*Salsola iberica*), peppergrass (*Lepidium* spp.), cheatgrass (*Bromus tectorum*), and halogeton (*Halogeton glomeratus*).

Pinyon-juniper woodland The pinyon pine and juniper woodlands occur adjacent to the sagebrush areas in the rockier and rougher terrain. These woodlands are dominated by single-leaf pinyon pine (*Pinus monophylla*) and Rocky Mountain juniper (*Juniperus scopulorum*) interspersed with mountain big sagebrush (*Artemisia tridentata vaseyana*), curlleaf mountain-mahogany (*Cercocarpus ledifolius*), Utah juniper (*Juniperus osteosperma*), chokecherry (*Prunus virginiana* L. var. *melanocarpa*), bluebunch wheatgrass (*Agropyron spicatum*), and Great Basin wild rye (*Elymus cinereus*). The Albion Mountains contain the northernmost range of the single-leaf pinyon pine. The edible pinyon pine seed provides important proteins and fats for wildlife and served as an important food source for indigenous people. The trees of this



Wetlands Legend	
<u>Prefix</u>	<u>Suffix</u>
PEM_	A temporarily flooded
PSS_	B saturated
PFO_	C seasonally flooded
R4SB_	F semi-permanently flooded
	x excavated
U	upland

From: US Fish and Wildlife Service 1992

Figure 4. Castle Rock Ranch Irrigated Area and Wetlands

cover type may grow to 30 feet in height but are generally less than 15 feet tall. They are bushy and almost as wide as tall.

Aspen woodland Several pockets of vegetation on the ranch are dominated by communities of quaking aspen (*Populus tremuloides*). These often occur in drainage bottoms containing intermittent streams. Narrowleaf cottonwood (*Populus angustifolia*), mountain alder (*Alnus incana*), serviceberry (*Amelanchier alnifolia*), chokecherry, and snowberry (*Symphoricarpos oreophilus*) occur in the understory of the aspen groves. Rocky Mountain juniper occurs more frequently in the aspen understory than elsewhere in the area.

Riparian scrub-shrub and wetlands Riparian vegetation is located adjacent to stream courses, seeps and springs. These important transition zones between aquatic and terrestrial communities have a greater quantity and diversity of vegetation than adjoining upland areas. They also provide important sources of food, water, and cover for many types of wildlife. Overgrazing has altered much of the riparian area, causing accelerated soil erosion and elimination of some riparian plant species. Typical riparian plants found in the area include quaking aspen, willows (*Salix* spp.), Rocky Mountain maple (*Acer glabrum* Torr. var. *douglasii*), box-elder (*Acer negundo*), mountain alder, chokecherry, rushes (*Juncus* spp.), sedges (*Carex* spp.), and bluegrasses (*Poa* spp.). Many of the riparian zones on the Castle Rock Ranch also include wetlands (see below).

Over 450 plant species have been recorded at the nearby City of Rocks (John 1995; Holte and John 1993). Many of these species are also found on the Castle Rock Ranch.

Wetlands

National Wetland Inventory maps (US Fish and Wildlife Service 1992) were consulted to determine the areas and types of wetland vegetation found on Castle Rock Ranch. Identified from high-altitude aerial photographs, wetlands are identified on these maps based largely on their dominant vegetation. These areas contain one or more characteristics of a wetland but do not necessarily represent the boundaries of wetlands that come under the jurisdiction of the US Army Corps of Engineers and Section 404 of the Clean Water Act. Site-specific wetland studies of hydrology, soils, and vegetation would be required to identify the precise location of jurisdictional wetland boundaries.

As mentioned above and as shown in Figure 4, many of the wetland areas are associated with streams, seeps, and springs. Most of the wetland areas are found in the eastern, flood-irrigated portion of the property.

Three primary types of wetlands are found on the Castle Rock Ranch. Palustrine emergent wetlands are typically dominated by rushes, sedges, and grasses. As shown in Figure 4, these wetlands, often associated with temporary or seasonal flooding, predominate in the eastern, flood-irrigated portion of the property. Additionally, scrub-shrub wetlands are found in patches along the natural and irrigation-related waterways. In the vicinity of the Castle Rock Ranch, these wetlands are most commonly dominated by willows. Seven species of willows are known to occur in the area, and these shrubby wetlands probably support Booth willow (*Salix boothii*), Geyer willow (*Salix geyeriana*), and others. A few palustrine forested wetlands are also present on the property. These wetlands are dominated by trees, including quaking aspen, narrowleaf cottonwood, and whiplash willow (*Salix lasiandra*). As shown in Figure 4, wetlands contained within a stream channel are classified as riverine.

Wetlands function in a number of different ways and are important for various natural resource values. These may include:

- aquifer recharge and discharge affecting water quantity and quality
- water storage and regulation affecting flood control
- nutrient cycling affecting water quality
- detention of sediment and organic matter affecting erosion control
- net primary productivity providing food chain support
- carbon storage and release affecting water quality
- habitat for species providing recreation and aesthetics, and
- maintenance of biotic diversity.

Site-specific studies would be required to determine the function and value of Castle Rock Ranch wetlands.

Wildlife

Because Castle Rock Ranch exhibits many of the same geologic and vegetative conditions as nearby City of Rocks National Reserve, wildlife habitat on the ranch is also much the same. Only one wildlife study is known to have been conducted on Castle Rock Ranch, itself. Nevertheless, wildlife sightings on the property indicate that many similarities exist between these two areas. Much of the wildlife information presented here was obtained from the City of Rocks Comprehensive Management Plan (National Park Service 1994) and the City of Rocks Resources Management Plan (National Park Service 1996). The range of the wildlife checklist referenced in the latter document includes all of the Almo, Idaho USGS quadrangle and, roughly, lands south of the Elba-Almo divide (including the south half of Cache Peak), north of the Utah state line, east of the Junction Valley Road, and west of the Jim Sage mountain crest. The Castle Rock Ranch is located within this area. This checklist was compiled from reported sightings and probability based on range maps in *Peterson's Field Guide to Mammals of America North of Mexico* (Burt and Grossenheider 1976).

A partial list of mammals in the area includes mountain lions, mule deer, coyote, bobcat, badger, porcupine, red fox, cliff chipmunk, mountain cottontail and pygmy rabbits, blacktail jackrabbit, northern grasshopper mouse, Merriam shrew, several species of voles, and a variety of bats. A total of 53 mammals are included on the City of Rocks National Reserve checklist, many of which occur at Castle Rock Ranch as well.

Approximately 156 species of birds are known to occur within the area. Common, year-round residents include American kestrel, northern flicker, black-billed magpie, common raven, mountain chickadee, dark-eyed junco, and Cassin's finch. Somewhat less common occurrences include golden eagle, prairie falcon, common poorwill, gray flycatcher, pinyon jay, Say's phoebe, and Virginia's warbler. Other species such as sage sparrow, black-throated gray warbler, and plains titmouse are expected to occur in the area, but are unconfirmed.

Breeding birds indicative of specific habitats found on the Castle Rock Ranch are listed below:

Sagebrush steppe: sage thrasher, green-tailed towhee, Brewer's sparrow, and vesper sparrow.

Pinyon-juniper woodland: chipping sparrow, western scrub jay, robin, and Cassin's finch.

Aspen woodland: red-naped sapsucker, mountain bluebird, and mountain chickadee.

Riparian scrub-shrub: house wren, yellow warbler, Lazuli bunting, and red-winged blackbird.

Rock cliffs and ledges: white-throated swift, violet-green and cliff swallows, and red-tailed hawk.

Wild turkey, ring-necked pheasant, and gray partridge were originally released in the western U.S. as game birds and now perpetuate their populations within the area. Non-native species, such as European starling, house sparrow, and rock dove are quite numerous in the area.

Based on current range maps and historical observations, a recent herpetological study (Shive and Peterson 2002) of Castle Rock Ranch and nearby City of Rocks National Reserve concluded that 14 species of amphibians and reptiles are potentially present within the area (Table 1). Of these species, two lizards and two snakes were confirmed present on the Castle Rock Ranch.

Field surveys of insects in the area are not known to have been conducted.

Streams on the property provide limited fish habitat (see Species of Conservation Concern).

Species of Conservation Concern

The US Fish and Wildlife Service, Snake River Basin Office, was contacted to identify species that may occur in the vicinity of Castle Rock Ranch that are protected under the Endangered Species Act (Public Law 93-205). In their letter (SP#1-4-02-SP-575) dated July 12, 2002, the USFWS listed wintering populations of bald eagle (*Haliaeetus leucocephalus*) as the only species listed (Threatened) under the Endangered Species Act that may occur in the area. Two candidate species, yellow-billed cuckoo (*Coccyzus americanus*) and Christ's paintbrush (*Castilleja christii*), are also mentioned in the letter. Candidate species are not currently protected under the Endangered Species Act, but are included for early planning consideration, as they could be proposed or listed sometime in the future.

Bald eagles are uncommon winter visitors to the Almo area. They tend to prefer the valley floor east of the Castle Rock Ranch to the rocky outcrops and mountain slopes present on the ranch. This is probably due to the reduced amount of winter snowpack and the increased foraging opportunities in the valley. The candidate species, Christ's paintbrush, is endemic to Mount Harrison, and has not been found anywhere else in the Albion range. Thorough inventories of vegetation within the nearby and similar City of Rocks National Reserve have found no occurrence of this plant. The yellow-billed cuckoo requires large blocks of riparian woodland habitat and has never been observed in the area.

Table 1. Amphibians and Reptiles Potentially Present in the Castle Rock Ranch and City of Rocks National Reserve Area (after Shive and Peterson 2002).

Common Name	Scientific Name	Local Status	Local Distribution	Estimated Local Abundance
Amphibian				
Boreal Chorus Frog	<i>Pseudacris maculata</i>	Confirmed	Limited	Rare
Lizards				
Common Sagebrush Lizard	<i>Sceloporus graciosus</i>	Confirmed	Widespread	Abundant
Western Fence Lizard	<i>Sceloporus occidentalis</i>	Confirmed	Limited	Rare
Western Skink	<i>Eumeces skiltonianus</i>	Confirmed	Widespread	Rare
Pigmy Short-horned Lizard	<i>Phrynosoma douglassii</i>	Unconfirmed	Limited (?)	Rare (?)
Desert Horned Lizard	<i>Phrynosoma platyrhinos</i>	Unconfirmed	Limited (?)	Rare (?)
Longnose Leopard Lizard	<i>Gambelia wislizenii</i>	Probably Present		
Tiger Whiptail	<i>Cnemidophorus tigris</i>	Probably Present		
Snakes				
Rubber Boa	<i>Charina bottae</i>	Confirmed	Limited	Rare
Striped Whipsnake	<i>Masticophis taeniatus</i>	Confirmed	Limited	Rare
Gophersnake	<i>Pituophis catenifer</i>	Confirmed	Intermediate	Uncommon
Terrestrial Gartersnake	<i>Thamnophis elegans</i>	Confirmed	Widespread	Abundant
Western Rattlesnake	<i>Crotalus viridis</i>	Confirmed	Limited	Rare
Eastern Racer	<i>Coluber constrictor</i>	Probably Present		

In addition, the Idaho Conservation Data Center of the IDFG was contacted to determine if any species of conservation concern have been observed on the Castle Rock Ranch. The CDC database contains no known occurrences in or adjacent to the four (square mile) sections occupied by the Castle Rock Ranch. However, species of special concern are suspected of occurring in the nearby City of Rocks National Reserve. These include cliff chipmunk (*Tamias dorsalis*), spotted bat (*Euderma maculatum*), pygmy rabbit (*Brachylagus idahoensis*), and nesting Merlin (*Falco columbarius*) and ferruginous hawk (*Buteo regalis*). In addition, two plant species of special concern, Simpson's Hedgehog Cactus (*Pediocactus simpsonii*) and Kruckeberg's sword-fern (*Polystichum kruckebergii*), are known to occur in the area. Given the similarity of habitats, it is likely that some of these species also occur at the Castle Rock Ranch.

Information regarding fish species of concern was obtained from the StreamNet program through the IDFG. Their database does not contain information specifically for the streams within the Castle Rock Ranch. However, IDFG surveys in 1999 documented the presence of Yellowstone cutthroat trout in Almo Creek just upstream of the ranch. Kevin Meyer, IDFG Fisheries Research Biologist indicated that there are at least 21 different streams that contain cutthroat trout in the Raft River sub-basin, most either isolated or connected to each other in small patches (i.e., several small streams with contiguous populations) (Meyer, K., September 26, 2002, personal communication). Yellowstone cutthroat trout were also found in nearby Edwards Creek, and these two populations may occasionally intermix during years of high precipitation and streamflow. No other fish were found in either of these streams. Although

data are too sparse to determine if these small fish populations are on the decline, it is probably safe to say they are not on the rise.

The Yellowstone cutthroat trout, *Oncorhynchus clarki bouvieri*, is a member of the Salmonidae, the family of trout, salmon, grayling, and whitefish. Within its historical range, this subspecies is considered a “species of special concern” or a “sensitive species” by many state and federal natural resource agencies and organizations, including the Idaho Department of Fish and Game, the Bureau of Land Management, the US Fish and Wildlife Service (Snake River Basin), and the American Fisheries Society (Young 2002). In 1998, it was petitioned for listing as a threatened species under the Endangered Species Act (Biodiversity Legal Foundation et al. 1998), but this petition was rejected in February 2001 (U.S. Fish and Wildlife Service 2001).

Cultural Resources

To identify and evaluate historic and prehistoric cultural properties on the Castle Rock Ranch, archaeological surveys of the property were conducted during May and August 2001. Archaeologists from the National Park Service and the Idaho State Historic Preservation Office conducted these intensive-level archaeological surveys throughout the entire 1,240-acre Castle Rock Ranch. A significant number of archaeological resources in good condition were identified. Limited survey of the adjacent land managed by the BLM indicated that the boundaries of these archaeological resources extend into these neighboring federal lands. The very good condition of the archaeological finds is probably attributable to the fact that Castle Rock Ranch, in continuous private ownership until recently, was not accessible to the public. This closure also limited public access to the adjoining federal lands. Thus, many of the archaeological resources had been undisturbed by contemporary human activities.

The prehistoric sites found on the ranch seem to indicate that human use of the area has been ongoing over thousands of years of prehistory. The few diagnostic artifacts recovered during the surveys appear to be typical of others from the northern portion of the Great Basin culture area. Although these cultural artifacts are not necessarily unique in terms of their content, the Castle Rock Ranch does represent a potentially important source of culturally significant resources due to the lack of disturbance and condition of many of the sites.

The valley in which the Castle Rock Ranch is located has supported Euro-American migration, settlement, agriculture, and grazing for over 150 years. This is evident from the presence of irrigation canals and ranching structures throughout the area. Although grazing has taken place across the entire ranch, the most intensive use has taken place on the eastern portion of the property, near and around the meadow complex. This meadow system contains many of the resources (grasses, access to water, relatively flat topography, etc.) needed to support early agricultural advancement common in southern Idaho.

The historic era resources on Castle Rock Ranch are representative of several phases of agricultural development. At least one of the sites discovered during the archaeological survey appears to be remnants of early homesteading, possibly during the late 1800s or early 1900s. The primary historic materials now visible are those associated with ranching, before federal acquisition. The ranch house, corrals, roads, canals, and other related infrastructure dominate the historic landscape, and remnants of that use can be seen across much of the ranch.

As recommended by the archaeologists that conducted the survey of the Castle Rock Ranch and with the concurrence of the SHPO, additional research, testing, and documentation of the cultural resources is required to determine their eligibility for the National Register of Historic

Places and to provide a professional record of their presence. As part of the transfer process proposed under the Preferred Alternative, the NPS, Idaho SHPO, and IDPR have consulted and drafted a Memorandum of Agreement that provides for the following actions (see Appendix B):

- 1)** Complete the National Register evaluation process for prehistoric resources identified within the Castle Rock Ranch.
- 2)** Complete additional archaeological surveys on the immediately adjacent BLM land to the northwest and south of the ranch.
- 3)** Complete the recording and evaluation of the existing ranch buildings and related infrastructure.

National Historic Landmark

As early as 1941, the Historic Sites Survey conducted by the National Park Service identified the Silent City of Rocks as a historically significant site along the California Trail. In 1963, an area of approximately 22 square miles incorporating what was to become the City of Rocks National Reserve was listed as a historic district on the National Register of Historic Places, under criterion A for its association with events that have made a significant contribution to the broad patterns of American history. The City of Rocks National Historic Landmark was designated on July 19, 1964. It is listed in History and Prehistory in the National Historic Landmarks Program under theme X, "Westward Expansion of the British Colonies and the United States, 1763-1898," subtheme D, "Western Trails and Travelers," facet 4, "California Trails and Settlement of California." The National Historic Landmark boundary was revised on August 6, 1987, to encompass some 12,480 acres.

The City of Rocks National Historic landmark includes the valley and basins formed by spectacular granite monoliths through which the California Trail and the Salt Lake Alternate passed. The landmark includes much of the City of Rocks National Reserve and extends north to include the Castle Rocks, the end of the stone monolith formations that can be viewed from the California Trail corridor (Figure 5). The Landmark includes some 9 miles of the California Trail and Salt lake Alternate route corridors comprising some of the best-preserved remnants of such overland emigrant routes in the nation.

The extent of the significant fabric of the California Trail includes not only the trail remnants, landmarks, and inscriptions rocks, but also the expansive landscape the emigrants observed as they crossed through the City of Rocks area on their westward trek. City of Rocks was designated a highly significant site along the California National Historic Trail because of its state of preservation and the ability of contemporary visitors to experience the same views, largely unchanged, that awed the emigrants. Thus, the "viewshed" or the extent of the views seen from the two emigrant trails, is a significant feature of the National Historic Landmark, and the Castle Rocks were included as significant elements thereof.

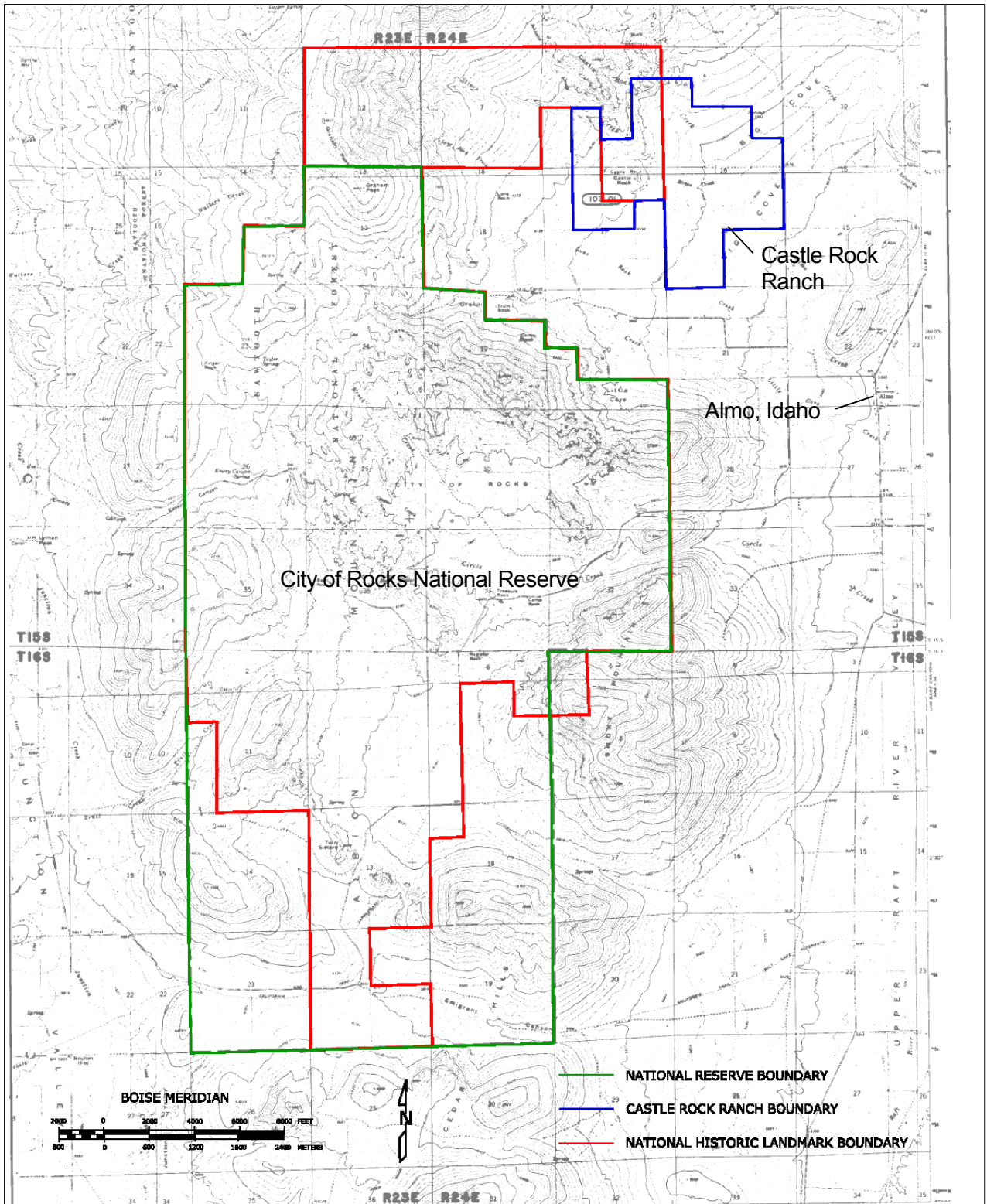


Figure 5. City of Rocks National Historic Landmark

Recreation

Currently closed to the public, the Castle Rock Ranch offers no recreational opportunities. Previous private owners of the property only rarely permitted restricted recreational use. Some recreation, probably limited to hiking and rock climbing, does take place on adjacent public lands, managed by the BLM and Forest Service. However, due to the difficult access, use of these lands is minimal.

Scenic Resources

Castle Rock Ranch is located within an area of spectacular scenic beauty. The portion of the property included in the National Historic Landmark is significant because of the stone monoliths of the Castle Rocks formation. These granite domes and spires, visible from the California Trail corridor, are the dominant scenic features of the area.

Socioeconomic Conditions

Almo, an unincorporated community with a population between 175 and 250 people is located about 2 miles southeast of Castle Rock Ranch. The main commercial and social facilities in the rural community of Almo consist of one general store with post office and gas pumps, a restaurant with cabins for overnight accommodations, a bed and breakfast facility, a gift shop, an automobile repair shop, an elementary school, and a church. The administrative and visitor services office of the City of Rocks National Reserve is located in a restored home in Almo. Ranching and farming are the dominant sources of income for the community.

Castle Rock Ranch is located in Cassia County, which had a year 2000 total population of 21,416 persons. The county population in 1990 was 19,532, representing an increase of about 10 percent. This increase was fairly evenly distributed across the cities and rural areas of the county (US Bureau of the Census 2001). According to the US Department of Agriculture (2002), farming occupied 656,658 acres or about 40 percent of Cassia County in 1997. Earlier estimates indicate that, combined, rangeland and agriculture account for more than 95 percent of the county's land. The top agricultural commodity sold in the county is cattle, placing Cassia County first in the state for total value of sales (USDA 2002).

Land Use

Historically, the predominant land use of the Castle Rock Ranch is livestock grazing. Like adjacent areas in the Upper Raft River Valley, the ranch has probably been continuously grazed since the 1870s. The original land patent on the Castle Rock Ranch was granted in April, 1923, and according to Cassia County property ownership records, the ranch was in continuous private ownership from that time until 2001 (Tetra Tech 2001). Throughout this time and even today, livestock are grazed on the property. Although some pastures on the ranch have perimeter fencing to restrict livestock movement, most of the property has been grazed at one time or another. The only exceptions are those areas that are inaccessible to livestock, such as the rock outcrops and surrounding steep topography. As a practical matter however, unless a diligent effort is made to move cattle to the non-irrigated, western portion of the ranch, virtually all grazing takes place on the irrigated, eastern portion of the property. (See **Water Resources** for information about irrigation of the ranch.)

Currently, the Idaho Department of Parks and Recreation, under agreement with the National Park Service, issues a Castle Rock Ranch grazing lease, on a year to year basis. The lease

allows up to 750 animal unit months (AUMs) of utilization on the property, between approximately June 15 and October 15.

In addition, the Almo Creek grazing allotment is located on two BLM parcels of land contiguous with the Castle Rock Ranch. This allotment contains a total of 400 acres of federal range. The 320-acre parcel located northwest of the ranch has perimeter fencing to restrict the movement of livestock. The 80-acre parcel, located on the southwest side, is fenced in with the 1240-acre ranch. Under Idaho BLM grazing policy, the owner of Castle Rock Ranch has preference for securing a permit to graze this allotment. The total active permitted use on this allotment 52 AUMs, and the season of use is from June 11 through October 20. To protect rangeland resources, the BLM may issue this grazing lease conditional upon meeting the requirements of its Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration (43 CFR Subpart 4180). In addition, the lease carries the following riparian stipulation: "Key riparian browse vegetation along Stines Creek will not be used more than 50% of the current annual twig growth that is within reach of the livestock" (Bureau of Land Management 2000). Because BLM grazing policy does not allow allotments to be leased by other federal agencies, the Almo Creek grazing allotment is currently idle.

Hazardous Materials

In November 2000, A Level I Pre-Acquisition Environmental Site Assessment of the Castle Rock Ranch (Tetra Tech, Inc. 2001) was conducted for the NPS. This study assessed the ranch for potential environmental risks associated with historic and surrounding land uses. Based on the results of this assessment, the only potential recognized environmental condition (REC) identified on the property was the presence of window glazing, associated with the wood frame windows on the ranch house and wood shed, that may contain asbestos. The assessment concluded that due to the condition and location of the window glazing, the materials can be managed in place and do not pose a significant risk to human health.

Hagerman Horse Quarry

Overview

Hagerman Fossil Beds National Monument, internationally significant for its Pliocene Epoch fossils, is located in south central Idaho, along the Snake River near the town of Hagerman (Figure 2). Although some of the monument's facilities are located on the east side of the river, the state-owned land (Section 16, T. 7 S., R. 13 E.), including the (Hagerman) Smithsonian Horse Quarry, that is part of the proposed land exchange is on the west side of the river, in Twin Falls County.

The monument is on the western escarpment of Hagerman Valley. The Snake River flows west, then north, through this valley and scribes the eastern boundary of the monument, including that of the state-owned land. The entire length of the Snake River through the monument is part of the Lower Salmon Falls Reservoir, the dam being located a short distance downstream from the monument. The river is held at a nearly constant elevation of about 2,800 feet by the dam.

Land and Resource Management

Hagerman Fossil Beds National Monument is a component of the National Park System. Direction for its management comes from the enabling legislation establishing the monument,

the National Park Service Organic Act, as amended and supplemented, and National Park Service management policies and guidelines.

On November 18, 1988, Hagerman Fossil Beds National Monument was established by Congress in Public Law 100-696, "The Arizona-Idaho Conservation Act of 1988." Section 301(a) of this law stated the purpose for the establishment of monument was to:

- "preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites,
- to provide a center for continuing paleontological research, and
- to provide for the display and interpretation of the scientific specimens uncovered at such sites..."

A number of other provisions of Public Law 100-696 specifically address management requirements or limitations. These include the following.

Acquisitions of Land

"The Secretary is authorized to acquire lands or interests in lands within the monument only by donation or exchange." (Sec. 302. (a)).

Water Rights

"Congress finds that there are unique circumstances with respect to the water or water-related resources within the monument designated by this title. The Congress recognizes that there is little or no water or water-related resources that require the protection of a federal reserve water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an expressed or implied reservation of water or water right for any purpose." (Sec. 304.)

Existing Facilities

"Nothing in this title shall affect electrical generating and transmission and irrigation pumping and transmission facilities in existence within the boundaries of the monument, or the right to operate, maintain, repair, upgrade and modify such facilities. Such facilities are hereby expressly determined to be compatible and consistent with the purposes of this title." (Sec. 305.)

These statements were clearly directed toward the Idaho Power Lower Salmon Falls Hydroelectric project adjacent to the monument and the Bell Rapids Mutual Irrigation District pumping and transmission facilities within Section 16 of the monument. Since 1990, the National Park Service has pursued an active effort to develop a cooperative management strategy with Bell Rapids Mutual Irrigation Company, Inc. and Idaho Power Company, as per the intent of the monument's enabling legislation.

Subsequent Legislation

Further legislation passed by Congress on November 5, 1990, (Public Law 101-512) states "that with respect to lands and waters under the jurisdiction of the Secretary within the Hagerman Fossil Beds National Monument, established by title III of Public Law 100-696, the

Secretary shall hereafter permit hunting and fishing as well as maintenance of structures necessary to undertake such activities, including but not limited to duck and goose blinds on those lands within an area fifty feet in elevation above the high water level of the Snake River in accordance with otherwise applicable laws of the United States and the State of Idaho.” The upper elevation limit of the area within the monument open to hunting and fishing is clearly marked by yellow fiberglass stakes. Within Section 16, there is at least one existing duck blind along the shore of the Snake River.

Management History

In 1972, much of the area now comprising the monument was designated as the Hagerman Valley Fossil Sites National Natural Landmark. Management of most of this land was the responsibility of the Bureau of Land Management. The primary exception to this is the state-owned portion of Section 16 within the monument. On February 2, 1969, the Idaho State Legislature established a park on this state-owned land, which contains the Hagerman horse quarry. On October 4, 1990 this park was deleted from the list of Idaho State Parks. The state retains ownership of the section, which is currently managed by Hagerman Fossil Beds National Monument under a Cooperative Agreement (No. CA-9000-1-0008) with the Idaho Department of Parks and Recreation. Among other provisions, this agreement states that the National Park Service will manage the state-owned portion of Section 16, including paleontological research, in a manner consistent and compatible with the *Hagerman Fossil Beds National Monument, General Management Plan* (National Park Service 1996). Furthermore, the NPS agreed to take no action that will result in landscape alteration, subsurface soil disturbance, or other intrusive or irreversible actions, without consultation and concurrence with IDPR.

Geology

The bluffs on the monument rise approximately 600 feet above the Snake River. Much of this steep terrain is of badlands-type topography characterized by ridges, canyons, landslide escarpments, and some flats. The bluffs are composed primarily of poorly consolidated, 3 to 4 million year old flood plain and stream deposits (the Glenn's Ferry Formation), volcanic ash, and thin basalt flows that extend farther northwest. Hagerman Valley formed about 15,000 years ago where the Bonneville Flood eroded the area between these sedimentary deposits and the basalt bedrock to the east. The fossils are buried within these sediments.

Vegetative cover is sparse, except around seeps and their intermittent streams, and is characterized by sagebrush steppe vegetation. Since about 1979, six large landslides, with a total displaced area of about 60 acres, have occurred within the present boundaries of Hagerman Fossil Beds National Monument. One of these, occurring in 1991, is located along the northern edge and partially within Section 16. This landslide joined with a 1979 failure, and together, they continue to shed mud, rock, and debris flows on a monthly basis (Farmer and Riedel 2002).

These landslides have caused removal of vegetation, destruction of stratigraphy and paleontological sites, and steepening of some portions of the bluffs. Future landslides continue to be a serious threat not only to the paleontological resources of the monument but to human safety and property as well.

Hydrology

On the monument, drainage from the west towards the Snake River, consists of steep washes on the sedimentary bluffs. Prior to development for irrigation, the natural contour of land on the plateau dispersed runoff from precipitation into many small, ephemeral tributaries that flowed over the canyon rim to the Snake River. Subsequent development of farmlands and construction of roads have altered the natural contours of the land, and runoff from precipitation and irrigation water applied in excess of crop and soil moisture requirements is now concentrated in fewer but larger tributaries. As a result, arroyo and gully erosion of unconsolidated sediments along the steep, poorly vegetated slopes of the monument has proceeded at a rapid pace (Farmer and Riedel 2002). One of the two dominant drainages on the monument, Fossil Gulch, is located within Section 16.

Moffat and Jones (1984) and Young (1984) were the first to document the presence of a perched aquifer. Present knowledge of this aquifer is based on data from monitoring wells, seeps, canal seepage loss measurements, the stratigraphy of the Glenn's Ferry Formation and mesic vegetation growing on wet areas, seeps and landslides along the bluffs, including those in Section 16. The 1974 Draft Environmental Statement for the proposed monument stated that there were no springs along the bluffs west of the river. These changes came about after the development of farmlands on the plateau and the construction of two unlined irrigation canals supplied with water pumped from the Snake River.

Paleontology

Interest in the fossils of Hagerman Valley began in the 1920's when some fossil bones discovered by a local rancher were brought to the attention of the scientific community. The Smithsonian Institution conducted collecting expeditions to the site from 1929 through 1934. Numerous universities and government agencies have since conducted studies of the Hagerman fossils and their associated geology.

Preserved within the sediments is one of the most prolific and diverse deposits of Pliocene animals. Over 100 species of vertebrates, including 18 fish, 4 amphibians, 9 reptiles, 27 birds and 50 mammals have currently been identified, as well as freshwater snails and clams, and plant pollen. Of these, the most well known discovery has been the Smithsonian Horse Quarry, the largest single deposit of an extinct species of zebra-like horse ever found. This site is located entirely within Section 16.

Land Use and Access

The western boundary of the monument generally follows the crest of the bluffs. The plateau beyond the western boundary has been used as farmland since the 1970s, primarily for growing sugar beets, potatoes, grains, beans and corn. The monument consists of approximately 4,350 acres, including the 493 acres of state-owned land in Section 16. The Bell Rapids Road, approximately 5 miles southwest of the town of Hagerman, provides public vehicular access through the southern end of the monument. Graveled farm roads access the northern end of the monument, including the Hagerman horse quarry and Section 16. To protect the fossil resources and because of danger from potential recurrent landslides, visitor access to the west side of the monument is restricted to existing roads and trails. One such trail, the Rim to River Trail, bisects Section 16, following an Idaho Power Co. overhead power line and right-of-way. This trail, in conjunction with the Rim Trail and River Trail, provides

visitors non-motorized access to the monument and Snake River. The Fossil Gulch pump station access road, located chiefly within Section 16, is closed to the public.

Irrigation Pumping and Transmission Facilities

The Bell Rapids Mutual Irrigation Company operates and maintains an irrigation system that pumps water from the Snake River, servicing the 26,000-acre Bell Rapids Project on the plateau west of the monument. During the year 2000, approximately 17,500 acres of this land were actively irrigated. The pump station, pipeline, and a portion of the access road for this project are all located within Section 16 (Figure 2). In May 1970, the State of Idaho granted an easement (No. 4126) to Bell Rapids Mutual Irrigation Company for the purpose of constructing and maintaining these facilities. Together, they occupy approximately 10 acres of Section 16. The pumping season typically begins in April and lasts for approximately six months.

Water is pumped via high-lift stations from the Lower Salmon Falls Reservoir some 600 feet up the bluffs to the plateau and then distributed through unlined canals. When the irrigation project began, there were two pump systems. However, a landslide destroyed the Bell Rapids 'south' pump station and pipeline in 1987.

The total amount of water pumped into the irrigation system averaged about 43,500 acre-feet per year from 1988-1997. The first irrigation season and recharge to the perched aquifers began in spring 1970. Perched ground water began to discharge on the hillsides within about 10 years after the start of the irrigation project in 1970. Landslides and erosion associated with the perched ground water systems set in motion a series of studies addressing the hydrologic conditions within the plateau by private and government agencies since that time. Results from these studies clearly show that the irrigation system is the source of recharge to the perched aquifers that are causing slope stability problems (Farmer and Riedel 2002). Efforts to resolve this issue, in full compliance with the compatibility intent of the National Monument's enabling legislation, are being pursued.

Species of Conservation Concern

The US Fish and Wildlife Service, Snake River Basin Office, was contacted to identify species that may occur in the vicinity of Hagerman Fossil Beds National Monument that are protected under the Endangered Species Act (Public Law 93-205). In their letter (SP#1-4-02-SP-575) dated July 12, 2002, the USFWS identified four species listed under the Endangered Species Act that may occur in the area. These are wintering populations of bald eagle (*Haliaeetus leucocephalus*) (Threatened), Utah valvata snail (*Valvata utahensis*) (Endangered), Snake River physa snail (*Physa natricina*) (Endangered), and Bliss Rapids snail (*Taylorconcha serpenticola*) (Threatened). Two candidate species, spotted frog – Great Basin population (*Rana luteiventris*) and yellow-billed cuckoo (*Coccyzus americanus*), are also mentioned in the letter. Candidate species are not currently protected under the Endangered Species Act, but are included for early planning consideration, as they could be proposed or listed sometime in the future.

Wintering populations of bald eagles use many portions of the Snake River in Idaho for foraging. However, they are uncommon to the Hagerman reach, probably because there are few large trees to provide suitable perch sites immediately adjacent to the river in this area.

The three species of snails cited by the USFWS are part of a complex of five snails, listed as threatened or endangered, that are endemic to the Snake River from C. J. Strike Reservoir

upstream to American Falls dam. The decline of these aquatic mollusk species is primarily attributed to changes in the river from free-flowing, cold water to impounded, slower, warmer water habitats (US Fish and Wildlife Service 1995). These species require cool, clean, and well-oxygenated waters.

Neither of the candidate species cited by the USFWS are known to occur at Hagerman Fossil Beds National Monument. Habitats required by these species are largely lacking on the monument.

Hazardous Materials

No hazardous materials are known to exist on the monument.

Environmental Consequences

Preferred Alternative

Castle Rock Ranch

Geology

Under NPS and IDPR protection and management requirements, the land exchange proposed under the Preferred Alternative would have no impacts to the geology of the Castle Rock Ranch.

Soils

The land use and management, including the continuance of cattle grazing, the dominant historical land use, envisioned under the Preferred Alternative would have no impacts to the soils of the Castle Rock Ranch.

Water Resources

Under the Preferred Alternative, that portion of the Castle Rock Ranch retained in IDPR ownership would be managed as a *Natural Park*, maintaining its ecological integrity. Under this objective, existing water resources would be protected from impacts, such as additional diversion of streamflows, loss of protective vegetative cover, and creation of new, point or non-point sources of water pollution. Given these protections, no impacts to water resources are anticipated.

The ranch's existing water rights would also be maintained. To do this, the beneficial use, irrigation for agriculture or ranching, will be preserved. No impacts are anticipated.

Floodplains

There are no mapped floodplains on the Castle Rock Ranch. No impacts will result from implementation of the Preferred Alternative.

Vegetation and Plant Species of Conservation Concern

Under the Preferred Alternative, that portion of the Castle Rock Ranch retained in IDPR ownership would be managed as a *Natural Park*. Any developments associated with the park must be done in a manner that maintains the area's ecological integrity. Under this objective, the existing vegetation would be protected from impacts, such as grazing, habitat conversion, and the invasion of exotic species. Given these protections, no impacts to vegetation or plant species of conservation concern are anticipated.

Wetlands

As described above, any developments associated with the proposed state park must be done in a manner that maintains the area's ecological integrity. To achieve this objective, wetlands would be protected from impacts, such as dredging or filling. The US Army Corps of Engineers, under the Section 404 of the Clean Water Act (Public Law 92-500, as amended), has authority to protect wetlands possessing indicators as defined in their Wetland Delineation Manual (US Army Corps of Engineers 1987). This law requires permits authorizing structures, work, or the discharge of dredged or fill material into waters and wetlands. Site-specific wetland studies of hydrology, soils, and vegetation may be required to identify the precise location of wetlands falling under the jurisdiction of the US Army Corps of Engineers. Any developments or management activities would be planned to entirely avoid jurisdictional wetlands, once identified. In any case where this is not possible, additional mitigation, approved by the US Army Corps of Engineers and specifically designed to protect wetlands, would also be put in place by IDPR. Given these protections, no impacts to wetlands are anticipated.

By referencing the requirements of the US Army Corps of Engineers and Section 404 of the Clean Water Act, above, the NPS is in fulfillment of Executive Order 11990 (Protection of Wetlands) and NPS Director's Order #77-1 (Wetland Protection), as they pertain to the disposal of wetlands on NPS lands.

Wildlife and Animal Species of Conservation Concern

Under the Preferred Alternative, management of the Castle Rock Ranch as a *Natural Park* would maintain its ecological integrity. Given this objective, existing wildlife and wildlife habitat would be protected from impacts, such as harassment of wildlife, habitat conversion or fragmentation, and introduction of exotic species. The protection measures, described above, that would be put in place under the Preferred Alternative to minimize impacts to vegetation, wetlands, and water resources would also protect associated wildlife habitat. Given these protections, no impacts to wildlife or animal species of conservation concern are anticipated.

Cultural Resources

Under the Preferred Alternative, recreation associated with the proposed state park and any improvements to facilitate recreational visitor use are likely to have the most long-term, direct impact on the cultural resources of the Castle Rock Ranch. It is also likely that improved visitor access through the proposed state park will result in increased use of the nearby BLM and USFS lands. Where cultural resources exist on these properties, such increased use could result in impacts to culturally significant sites.

As a provision of the Preferred Alternative the National Park Service, the Idaho Department of Parks and Recreation, and the Idaho State Historic Preservation Office of The Idaho State

Historical Society would sign a Memorandum of Agreement (Appendix B). This agreement establishes protection of cultural resources that is equivalent to existing federal protections provided under Section 106 of the National Historic Preservation Act. The agreement also provides for continued documentation of the cultural resources of the Castle Rock Ranch. It also incorporates the Programmatic Agreement (Appendix B) between the IDPR and the Idaho State Historic Preservation Office of The Idaho State Historical Society, establishing a consultation process parallel to Section 106 of the NHPA, that would apply to future management actions proposed by IDPR.

Without the mitigation measures provided by the Programmatic Agreement, the transfer of the Castle Rock Ranch, a portion of which is included in the City of Rocks National Historic Landmark, out of National Park Service ownership would be considered an adverse effect under Section 106.

The National Park Service has responsibility, under 36 CFR 800.10, to represent the Secretary of the Interior in the protection of National Historic Landmarks, regardless of whether or not a national park is involved. Under the Memorandum of Agreement, IDPR will continue to provide the National Park Service an opportunity to comment on all proposed actions with the potential to affect resources and values associated with the National Historic Landmark. The NPS, in cooperation with IDPR and other agencies, will continue to participate in the safeguarding of the City of Rocks National Historic Landmark and all cultural resources associated with the Castle Rock Ranch following its transfer to the state. In addition, given their established management and infrastructure at the adjacent City of Rocks, the IDPR is in an excellent position to provide more active and efficient protection of the Castle Rock Ranch and associated cultural resources than is currently afforded. Given these protections, no impacts to cultural resources are expected.

Ethnographic Resources

Consultation with the Shoshone-Bannock Tribes of the Fort Hall Reservation and any other American Indian groups interested in the Castle Rock Ranch have been and will continue to be conducted under the direction of the NPS regional anthropologist. The Tribes have been given a copy of the draft Memorandum of Agreement for the protection of cultural resources (Appendix B). In addition, representatives of the Shoshone-Bannock Tribes of the Fort Hall Reservation have been invited to visit the Castle Rock Ranch and adjacent areas to help identify traditional uses or sites of special significance. If such sites are identified on or around the Castle Rock Ranch, provisions for future protection and management strategies will be developed. Efforts are also underway to establish a long-term consulting relationship with the Tribes, which may have interests in several NPS sites.

Recreation

Under the Preferred Alternative, the IDPR would create a new state park on at least a portion of the Castle Rock Ranch. This park would provide additional recreational opportunities to the local population and to visitors from outside the area. Many of the recreational visits to the new park would undoubtedly come from those who already visit the area to recreate at City of Rocks National Reserve. However, the new park would also be expected to attract new visitors to the area. The increased recreational opportunity provided by the proposed park would constitute a beneficial impact.

Scenic Resources

Under NPS and IDPR protection and management requirements, the Preferred Alternative would safeguard the scenic resources of the Castle Rock Ranch. Under the IDPR Natural Park requirements, only those uses that do not detract from the natural scene would be allowed. Should IDPR choose to exchange portions of the Castle Rock Ranch for other lands, IDPR would take measures to prevent incompatible developments, further protecting the scenic resources from deleterious encroachment. No impacts are anticipated.

Socioeconomic Conditions

Future development of the proposed state park would result in additional visitation to the area around Almo, Idaho. It is anticipated that almost all of this increase would be temporary and of short duration. Increased numbers of visitors would place additional pressure on the commercial facilities in Almo and the surrounding area. It is anticipated that the availability of goods and services can expand to meet these increased needs without adversely affecting the supply of these goods and services.

Land ownership under the Preferred Alternative would also serve to perpetuate livestock grazing, an important, existing, sector of the local economy. Economic activity resulting from this grazing would remain essentially unchanged.

Land Use

Although the ownership of the Castle Rock Ranch would change under the Preferred Alternative, the dominant historical land use, livestock grazing, and the beneficial use of existing water rights for irrigation would continue. The total amount of forage available for grazing is expected to remain approximately the same.

Hagerman Horse Quarry

Land and Resource Management

As required by the Castle Rock Ranch Acquisition Act of 2000, the law authorizing the Preferred Alternative land exchange, the 493-acre portion of Section 16 west of the Snake River would continue to be managed by the National Park Service as part of the Hagerman Fossil Beds National Monument. The mandates, authorizations, and policies affecting management of the monument would continue to apply to Section 16 following transfer of ownership to the National Park Service. Land and resource management would remain unchanged. No impacts are anticipated.

Geology, Hydrology, and Paleontology

The geological, hydrological, and paleontological resources of Section 16 would continue to be managed seamlessly with the remainder of the monument. No impacts would result.

Land Use and Access

Under the Preferred Alternative, land use and access on the monument, including that of Section 16, would remain unchanged. No impacts are anticipated.

Bell Rapids Mutual Irrigation Company Project

Under the Preferred Alternative, federal ownership and management of Section 16 following the land exchange will not affect the irrigation pumping and transmission facilities in existence within the boundaries of the monument, or the right to operate, maintain, repair, upgrade and modify such facilities. As directed by Congress when establishing Hagerman Fossil Beds National Monument (Public Law 100-696), "such facilities are hereby expressly determined to be compatible and consistent with the purposes of" the monument. No impacts are anticipated.

Species of Conservation Concern

The Preferred Alternative would not affect management or protection of the Snake River and its associated habitats. No impacts to the threatened or endangered species that are dependent on Snake River habitats would occur.

Hazardous Materials

Prior to implementing the land exchange proposed under the Preferred Alternative, the NPS would require a Level I Pre-Acquisition Environmental Site Assessment of Section 16 within the monument. Such an assessment would examine the land and existing facilities as well as the historic and surrounding land uses for potential environmental risks, including hazardous materials. Should any conditions posing significant environmental risks be identified, such conditions would be properly mitigated prior to NPS acquisition of the property.

Summary of Environmental Consequences

Under the Preferred Alternative, described above, numerous resource protection measures required by federal and state laws and management procedures would be in effect. Additionally, mitigation measures specific to the Preferred Alternative, also described above, would further protect the resources associated with the properties to be exchanged. Given these protections, no impacts are anticipated under the Preferred Alternative. Furthermore, no impairment of resources or values would occur.

No-Action Alternative

Castle Rock Ranch

Under the No-action Alternative, the Castle Rock Ranch would remain under federal ownership. However, without a clear mandate for management, the National Park Service would not be able to address the need for uninterrupted resource protection at the Castle Rock Ranch. Given this limited capability to provide on-site management, the NPS would continue to rely on the Idaho Department of Parks and Recreation to provide the ongoing stewardship and protection of the site. These activities, however, are constrained by limited available budgets and staff. This situation would be expected to continue under the No-action Alternative.

Geology, Soils, Floodplains, Wetlands, Vegetation, Species of Conservation Concern, and Scenic Resources

Under the No-action Alternative, the Castle Rock Ranch would remain closed to the public, with the IDPR providing limited management and protection of the site. No impacts to geology,

soils, floodplains, wetlands, vegetation, species of conservation concern, or scenic resources would occur.

Water Resources

Ongoing management of water resources of the Castle Rock Ranch would be required to protect existing water resources and rights. To do this, the beneficial use, irrigation for agriculture or ranching, must be preserved. Should the IDPR be unable to continue to oversee water use on the ranch, these resources and rights could be jeopardized.

Wildlife and Animal Species of Conservation Concern

Given the limited management and protection of the Castle Rock Ranch under the No-action Alternative, it is possible that trespassers could hunt illegally or otherwise harass wildlife. Such actions would impact individual animals but are unlikely to create population-level impacts.

Cultural Resources

Existing conditions at Castle Rock Ranch pose the threat of impacts to cultural resources on the property. Such potential impacts can result from natural or human agents. Archaeologists surveying the ranch identified erosion as a current and constant threat. This is especially the case with the sites that are located along the stream channels and dry gulches throughout the ranch. The other important source of potential impact to cultural resources is humans. These impacts could result from inadvertent or indirect disruption of archaeological sites or from willful excavation or looting of artifacts. Since the property is currently federal land, the whole suite of federal cultural resource laws affords some protection to the archaeological sites. However, as there is no authority to manage the site or staff to regularly patrol the area, protection under these laws may not adequately protect cultural resources at Castle Rock Ranch from deleterious impact. Should it occur, looting of artifacts could result in the loss of a cultural site's integrity and impairment of the resource.

Recreation

Under the No-action Alternative, the site would continue to be closed to public access and recreation. No impacts are anticipated.

Land Use and Socioeconomic Conditions

Grazing of livestock, probably on an annual lease basis, would continue under this alternative. The beneficial use of existing water rights for irrigation would also continue. The total amount of forage available for grazing is expected to remain approximately the same. Economic activity resulting from this grazing would remain essentially unchanged. However, long-term support for livestock grazing, an important sector of the local economy could not be assured under this alternative. Should the IDPR be unable to continue to oversee grazing on the ranch, this land use and the economic benefits to the local economy could be jeopardized.

Hazardous Materials

The No-action Alternative would not involve changes to the wood frame window glazing on the ranch house and wood shed that may contain asbestos. No impacts are anticipated.

Hagerman Horse Quarry

Under the No-action alternative, the State of Idaho would retain ownership of the land within Section 16 of the monument. Agreements for the continued management of the land by the National Park Service as part of the Hagerman Fossil Beds National Monument would be renewed. The entire suite of existing federal and state laws, regulations, and policies would continue to apply. Protection and management of the land, resources, and existing facilities in Section 16, and the remainder of the monument, would continue unchanged. No impacts would result.

Summary of Environmental Consequences

Under the No-action Alternative, some of the Castle Rock Ranch resources, would receive inadequate management protection to ensure that impacts do not occur. As described above, these resources include water, wildlife, and cultural resources. In particular, disturbance of cultural sites could result in loss of integrity and impairment of the resource.

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Appendix A: Legislation

Public Law 106-421
106th Congress

An Act

Nov. 1, 2000
[S. 1705]

To direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Castle Rock
Ranch
Acquisition Act of
2000.
16 USC 431 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Castle Rock Ranch Acquisition Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) **MONUMENT.**—The term "Monument" means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) **RANCH.**—The term "Ranch" means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the "Castle Rock Ranch".

(3) **RESERVE.**—The term "Reserve" means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) **CONSENT OF LANDOWNER.**—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) **IN GENERAL.**—

(1) **FEDERAL AND STATE EXCHANGE.**—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) **STATE AND PRIVATE LANDOWNER EXCHANGE.**—On completion of the exchange under paragraph (1), the State

of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) **CONDITION OF EXCHANGE.**—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) **ADMINISTRATION.**—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) **NO EXPANSION OF RESERVE.**—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) **NO EFFECT ON EASEMENTS.**—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1705:

HOUSE REPORTS: No. 106-749 (Comm. on Resources).

SENATE REPORTS: No. 106-262 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Oct. 17, considered and passed House.



Appendix B: Agreements for the Protection of Cultural Resources

PROGRAMMATIC AGREEMENT
between
IDAHO DEPARTMENT OF PARKS AND RECREATION
and the
IDAHO STATE HISTORIC PRESERVATION OFFICE
of the
IDAHO STATE HISTORICAL SOCIETY

WHEREAS, the Idaho Department of Parks and Recreation (IDPR) plans for, operates, manages, and administers the Idaho State Park System, and is responsible for preserving, maintaining, and interpreting the cultural resources of the System for the enjoyment of future generations; and

WHEREAS, IDPR administers programs that provide funds and assistance for managing natural and cultural resources; and

WHEREAS, the IDPR has placed more resources and delegations of authorities with park managers;

NOW, THEREFORE, the IDPR and the State Historic Preservation Office (SHPO), a division of the Idaho State Historical Society (ISHS), agree that structures and sites possessing historic significance are historic properties of Idaho; that the preservation of such resources owned by the state is in the interest of the citizens of Idaho; and that the planning and activities of state agencies should include the preservation of such resources. It is the intent to provide that such resources be preserved to the extent possible for the education and enjoyment of the residents of this state, present and future.

DEFINITIONS.

For purposes of this rule:

- 1) "Cultural resources" are physical remains, objects, historical records, and traditional lifeways that connect us to our nation's past.
- 2) A "historic property" is any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.
- 4) The "National Register" is the National Register of Historic Places maintained by the U.S. Secretary of the Interior. The National Register is the official list of the Nation's historic and archaeological sites, objects, buildings and structures worthy of preserving.
- 5) "National Register criteria" are the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).
- 6) An "undertaking" is any project, activity, or program that has the potential to cause effects on historic properties, if any such properties exist.
- 7) An "area of potential effects" is the geographic area or areas within which an undertaking may cause effects on historic properties.

- 8) The “State Historic Preservation Officer” (SHPO) is defined by statute as the official appointed or designated to administer the state historic preservation program and to employ or appoint professionally qualified staff to carry out the program. For purposes of this agreement, the term SHPO is also used to refer to the State Historic Preservation Office.
- 9) The “Idaho Historic Sites Review Board” means the board appointed by the State Historic Preservation Officer which has the authority to review National Register nominations and appeals to nominations and to provide general advice and guidance to the State Historic Preservation Officer.

AGENCY RESPONSIBILITIES.

- 1) Before approving any undertaking on or in state owned and managed properties, IDPR shall:
 - a) take into account the effect of the undertaking on any landscape, district, site, building, structure, feature, or object that is included in or eligible for inclusion in the National Register of Historic Places; and
 - b) allow the SHPO a reasonable opportunity to comment on the undertaking.
- 2) The SHPO may recommend ways to maximize the amount of historic, scientific, archaeological, anthropological, and educational information recovered and its appropriate scientific reporting.
- 3) IDPR shall maintain records, maps, or other records identifying the location of archaeological sites in a separate and confidential file. Such records are exempt from disclosure under Section 9-340E of the Idaho Code (Idaho Public Records Law).

AUTHORIZATION OF CULTURAL RESOURCE WORK.

No person shall destroy or harm archaeological or historic sites on state lands, nor enter a site located on state lands for the purpose of recovering specimens, nor excavate archaeological resources without first obtaining a permit from the SHPO (Idaho Code, Chapter 41).

DETERMINATION OF AN UNDERTAKING.

IDPR shall determine whether a proposed state land use constitutes an undertaking. IDPR, in consultation with the SHPO, may categorically exclude some state land uses as not being undertakings.

IDENTIFYING HISTORIC PROPERTIES.

- 1) IDPR shall make a good faith effort to identify historic properties that may be affected by an undertaking. IDPR shall utilize the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716), incorporated by reference, in making this effort.
- 2) Subsequent to IDPR’s determination that a proposed land use is an undertaking, IDPR shall consult with the SHPO and may seek information from interested parties, local governments, local historical societies, Indian tribes, state or federal agencies, or other parties likely to have knowledge or concerns about cultural resources in the area.

EVALUATING SIGNIFICANCE.

- 1) IDPR shall make a determination of the eligibility for the National Register of Historic Places for any district, site, structure, building, or object identified within the undertaking's area of potential effect.
 - a) IDPR shall apply the criteria established by the National Register of Historic Places (36CFR60) to determine the historical significance of any potential historic properties that may be affected by the undertaking.
 - b) The passage of time or changing perceptions of significance may justify reevaluation of cultural resources that were previously determined to be eligible or ineligible.
- 2) IDPR shall consult the SHPO regarding IDPR's determination of eligibility. If the SHPO does not provide an opinion within 30 days, a presumption of agreement exists with IDPR's determination of eligibility.
- 3) If IDPR and the SHPO cannot agree about the eligibility of any district, site, building, structure, or object, then relevant documentation for the entity in question will be referred to the Idaho Historic Sites Review Board for a determination of eligibility.
- 4) If IDPR and the SHPO agree that the criteria for eligibility are met, then IDPR will assess the effect of the undertaking on the historic property.
- 5) If the Idaho Historic Sites Review Board determines that a disputed entity is eligible, IDPR will assess the effect of the undertaking on the historic property.
- 6) If historic properties are not present within the undertaking's area of potential effects, then IDPR shall make a finding of No Historic Properties. If the SHPO agrees with this finding, then IDPR is required to take no further action. Subsequently, this finding will be referenced in writing when approving the proposed state land use.

ASSESSING EFFECTS.

- 1) IDPR shall assess the effect of a proposed state land use on historic properties by applying the criteria of effect. IDPR shall consider the opinions, if any, of interested persons, in assessing the effect on historic properties. Based on this assessment, IDPR shall make a finding of effect.
 - a) Criteria of effect: An undertaking has an effect on a historic property when the undertaking may alter, directly or indirectly, the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places or diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of effects include physical destruction, or or damage to, all or part of the property; removal of the property from its historic location; introduction of visual, atmospheric, or audible elements that are out of character with the property or alter its setting; and neglect of a property resulting in its deterioration or destruction; transfer, sale, lease of the property to a non-state or non-federal party.

- 2) IDPR shall consult the SHPO regarding the finding of effect. If the SHPO does not provide comments to IDPR within 30 days, a presumption of agreement exists.
- 3) If SHPO finds that the criteria of effect are not met for any historic properties within the area of potential effects, then IDPR shall make a finding of No Effect. If the SHPO agrees with this finding, then IDPR is required to take no further action. Subsequently, this finding shall be referenced in writing when approving the proposed state land use.
- 4) If IDPR finds that the criteria of effect are met for any historic property within the area of potential effects, then IDPR shall make a finding of Adverse Effect.
 - a) If the SHPO agrees with this finding, then IDPR shall consult with the SHPO to seek ways to avoid or reduce the adverse effect. This consultation shall result in a mitigation plan specifying the actions to be taken to reduce the adverse effect.
 - b) IDPR shall prepare a mitigation plan and submit it to the SHPO for approval.
 - c) IDPR shall assure that all mitigation plans are implemented.

PLANNING FOR DISCOVERIES.

- 1) IDPR shall require as part of every permit, lease, or approval of land use a clause requiring work stoppage in the vicinity of a historic property, discovered during the implementation of the undertaking IDPR work shall not commence until the discovered property has been evaluated and treated to the satisfaction of IDPR, in consultation with the SHPO.

EMERGENCY UNDERTAKINGS.

IDPR may waive historic property considerations when responding to wildland fires, flood control, and other immediate threats to life and property or those emergencies declared by the governor.

PROGRAMMATIC AGREEMENTS.

IDPR may enter into other programmatic agreements with the SHPO or with other state or federal agencies and may cooperate with federal agencies in federal programmatic agreements where practicable and appropriate.

RECORDS.

- 1) IDPR shall submit to the SHPO two copies of all site forms, survey reports, and mitigation reports prepared by IDPR.
- 2) All records and data obtained through either surveys or mitigation work shall be classified in a manner consistent with applicable laws to prevent disclosure of site location information.

OWNERSHIP AND MANAGEMENT OF SPECIMENS.

- 1) Specimens recovered from state lands shall be owned by the state and managed pursuant to state law.

AMENDMENTS.


This agreement may request that it be amended, whereupon, the parties will consult to consider the amendment.

TERMINATION.

This agreement may be terminated by providing sixty (60) days written notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

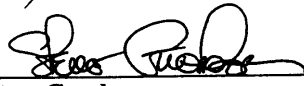
EXECUTION AND IMPLEMENTATION.

Implementation of this Programmatic Agreement satisfies IDPR's responsibilities under the terms of the agreement. This agreement becomes effective on the date of the last signature below.



Richard J. Collignon
Director
Idaho Department of Parks and Recreation

Date 5-27-02



Steve Guerber
Executive Director
Idaho State Historical Society

Date 5/29/02

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MEMORANDUM OF AGREEMENT

among the

NATIONAL PARK SERVICE

and the

IDAHO DEPARTMENT OF PARKS AND RECREATION

and the

IDAHO STATE HISTORIC PRESERVATION OFFICE

of the

IDAHO STATE HISTORICAL SOCIETY

regarding the

TRANSFER OF THE CASTLE ROCK RANCH

WHEREAS, as directed by Congress in Public Law 106-421, the National Park Service (NPS) plans to transfer the “Castle Rock Ranch,” which is partially located within the boundaries of the City of Rocks National Historic Landmark (designated in 1964 by the Secretary of the Interior; see Attachment B, “Map of Castle Rock Ranch”) and which is north of the City of Rocks National Reserve (Reserve), to the Idaho Department of Parks and Recreation (IDPR);

WHEREAS, increased recreational access and associated improvements under IDPR management, which may include formalized hiking trails, horseback riding trails, rock climbing areas, and trailhead development, have the potential to have direct impact on cultural resources eligible for the National Register of Historic Places or directly contributing to the significance of the National Historic Landmark;

WHEREAS, the NPS represents the Secretary of the Interior in participating in consultations on undertakings with the potential to have adverse effects on the City of Rocks National Historic Landmark (per 36 CFR 800.10, Advisory Council on Historic Preservation, “Protection of Historic Properties”: regulations implementing Section 106 of the National Historic Preservation Act of 1966 as amended), including undertakings proposed for that portion of the Ranch within the landmark’s boundaries;

WHEREAS, the Idaho State Historic Preservation Officer (SHPO) and IDPR have entered into a programmatic agreement (dated May 29, 2002; see Attachment A) under which IDPR agrees to take into account the effect of its undertakings within Idaho state parks on historic properties eligible for or listed on the National Register of Historic Places and to provide the SHPO a reasonable opportunity to comment on these undertakings;

NOW, THEREFORE, the NPS, IDPR, and SHPO agree that IDPR will carry out future planning and development activities within the Castle Rock Ranch in accordance with the stipulations of this agreement and the provisions of the 2002 Programmatic Agreement between IDPR and SHPO (Attachment A).

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Stipulations

1. DOCUMENTATION AND CONSIDERATION OF HISTORIC PROPERTIES

An initial reconnaissance survey of the Castle Rock property in 2001 by a survey team comprised of qualified archeologists representing the NPS and SHPO revealed an exceptional density of prehistoric and historic sites in good to excellent condition. Many of these sites are relatively undisturbed due to their location within privately managed lands that will be publicly accessible under IDPR management. A number of the archeological sites appear to extend beyond the boundaries of the 2001 survey onto adjacent federal lands managed by the Bureau of Land Management and the US Forest Service. In addition, there are historic agricultural buildings and associated irrigation structures that have not been evaluated. Future trail and recreational development has the potential to impact these sites. In order to meet NPS responsibilities under section 106 of the NHPA and 36 CFR 800, as well as future IDPR responsibilities under its programmatic agreement with the Idaho SHPO (Attachment A), the NPS and IDPR will, in consultation with the SHPO, and prior to implementation of projects to facilitate visitor use of the area:

- A. Develop and initiate implementation of a plan to complete the evaluation of prehistoric and historic archeological resources within Castle Rock Ranch for eligibility for the National Register of Historic Places. The completed plan will provide IDPR with recommendations for protecting and preserving significant features, including the rock shelters identified in the 2001 survey. In addition, this plan will provide recommendations for coordination with BLM and USFS to extend the survey onto adjacent lands in order to determine boundaries, evaluate the significance of sites, and, as appropriate, develop National Register of Historic Places documentation for an archeological district or districts.
- B. Develop and initiate implementation of a plan to evaluate and record the historic agricultural infrastructure.
- C. Ensure that information developed from these plans is incorporated into IDPR management databases.

The agreement recognizes that IDPR will proceed with planning for development of the Castle Rock Ranch concurrently with the preparation of these plans, and that these plans will take into account the need to prioritize and complete the testing and evaluation of sites in a timely manner in order to inform and support IDPR's planning process.

2. DISPUTE RESOLUTION

Should the SHPO or NPS object within 30 days to any matter submitted by IDPR for review pursuant to this agreement, IDPR will consult with the objecting party to resolve the objection. If IDPR determines that the objection can not be resolved, IDPR will forward all documentation

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relevant to the dispute to the Advisory Council on Historic Preservation, pursuant to the Council's regulations governing undertakings affecting National Historic Landmarks (36 CFR 800.10).

3. CONSULTATION WITH THE IDAHO STATE HISTORIC PRESERVATION OFFICE

For lands within the Castle Rock Ranch, the Programmatic Agreement between IDPR and the SHPO (Attachment A) will be followed to ensure that the effects of proposed undertakings on historic properties are considered.

4. CONSULTATION WITH THE NPS ON CITY OF ROCKS NATIONAL HISTORIC LANDMARK UNDER 36 CFR 800.10

In addition, in accordance with 36 CFR 800.10, IDPR agrees that NPS, as an interested party representing the Secretary of the Interior, will be provided an opportunity to comment on proposed undertakings that will affect significant features of Castle Rock Ranch properties currently located within the existing boundaries of the City of Rocks National Historic Landmark, at early stages of project development

5. DISCOVERY

American Indian Human Remains: IDPR agrees to ensure that any American Indian burials or American Indian human remains, funerary objects, sacred objects, and objects of cultural patrimony inadvertently discovered during the undertaking phases, archeological fieldwork, or laboratory analysis are treated with appropriate respect and in accordance with applicable state law (1984 Idaho Protection of Graves Act) on state lands, and agrees to ensure that the appropriate federal authorities will be notified in a timely manner of any similar discoveries on adjoining federal lands, where federal laws and guidelines (including the Native American Graves Protection and Repatriation Act) will take precedence.

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Execution and implementation of this Memorandum of Agreement evidences that NPS has satisfied its Section 106 responsibilities for all individual undertakings referenced in this agreement.

NATIONAL PARK SERVICE

BY: _____

IDAHO DEPARTMENT OF PARKS AND RECREATION

BY: _____

IDAHO STATE HISTORIC PRESERVATION OFFICE

BY: _____

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