United States Department of the Interior

BUREAU OF LAND MANAGEMENT
High Desert District
Pinedale Field Office
1625 West Pine, PO Box 768
Pinedale, WY 82941

2800 (WYD01)

May 10, 2013

Memorandum

To: Wyoming State Director (910)

Through: High Desert District Manager (WYD00) Mark A. Stoz
High Desert District Resource Advisor for Minerals & Lands TRF 5-20-13

From: Field Manager, Pinedale (WYD01) Shane Dell 5-10-13

Subject: Snake River Resource Management Plan Amendment

Attached are the Environmental Assessment, Finding of No Significant Impact and the Decision Record for an amendment to the Snake River Resource Management Plan (RMP).

This amendment is to include the legal description for three public land parcels proposed for sale into the RMP as required by the Federal Land Management and Policy Act.

If you have any questions concerning this amendment, please contact me at 307-367-5302.

Attachments

Decision Record

Snake River Resource Management Plan Amendment
and
Direct Land Sale to Sewell Partners, Evans Cattle Company and TSR Limited

October 2013

BLM

High Desert District/Pinedale Field Office

The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-100-2011-177-EA

DECISION RECORD FOR
ENVIRONMENTAL ASSESSMENT
Snake River Resource Management Plan Amendment
Sewell Partners, Evans Land & Cattle Co. and TSR Limited Land Sales
WYW-161972, WYW-176935 and WYW-179544
DOI-BLM-WY-100-2011-177-EA

SUMMARY OF THE PROPOSAL

Amend the Snake River Resource Management Plan (RMP) to include the three specific lots for sale. The legal descriptions are as follows:

T. 40 N., R. 117 W.,	T. 40 N., R. 116 W.,	T. 40 N., R. 117W.,
section 25, Lot 14.	section 34, Lot 14.	Tract 46B.
6th PM, Teton County, WY	6th PM, Teton County, WY	6th PM, Teton County, WY

The Snake River RMP, page 5, Lands and Realty Management, Land Ownership Adjustments, will be amended to include these three legal descriptions.

Sewell Partners and Evans Land & Cattle Co. have requested sale of these two lots of public land, in Teton County, to resolve unintentional occupancy trespasses. The sales of these two lots are to resolve trespasses to conform to the decision, made in the Snake River RMP. TSR Limited has requested sale of the third parcel, due to the difficult and uneconomical nature of the parcel, for the BLM to manage.

The Snake River RMP provides for the disposal of Snake River parcels from BLM administration. The plan also states; "Situations involving trespass on public lands will be resolved, so lands can be transferred unencumbered to other agencies or entities. The appropriate method for resolving any trespass will be determined, on a case by case basis, after analysis of the specific situation."

During the development of the Snake River Resource Management Plan (Snake River RMP), the lands were surveyed by the Wyoming State Office Cadastral Division to determine where the public lands and the exact property lines were in relation to the Snake River litigations. During the resurveying, two lots were identified as having unintentional occupancy trespasses. Due to the unintentional nature of the trespasses, the smallest practicable lots, were surveyed for direct sale, to resolve these trespasses.

The third parcel meets the disposal criteria identified in the Snake River RMP/FEIS, page 206 Disposal Criteria; i.e "…difficult and uneconomical to manage, and are not suitable for management by another government agency." The general public cannot access this parcel legally other than via the Snake River. It would be very difficult to land a watercraft at this location, due to currents, and the need for a global positioning unit to identify the parcel.

ALTERNATIVES

The environmental assessment evaluated a No Action Alternative in addition to the Proposed Action. The No Action Alternative would have the same environmental effect as the Proposed Action but would not conform to the decision made in the Snake River RMP Record of Decision (ROD). The ROD states that parcels numbers 23 and 26 will be transferred to the Wyoming Game and Fish Department and Teton County, respectively, and the BLM is not able to transfer these parcels until the two trespasses are resolved.

DECISION

It is the decision of the Wyoming State Director to approve the Amendment to the Snake River Resource Management Plan and the Applicant's proposal as described in the Proposed Action. The lots will be appraised and sold at fair market value.

Upon receipt of the purchase price, BLM will issue patents to the subject property. Any patents issued will contain the following terms, conditions and reservations:

1. A reservation of right-of-way to the United States for ditches canals constructed by the authority of the United States under the Act of August 30, 1890, 43 U.S.C. 945;

2. A condition that the conveyance be subject to all valid existing rights of record;

3. A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(W)), indemnifying, and holding the United States harmless from any release of hazardous materials that may have occurred; and

4. Additional terms and conditions that the authorized officer deems appropriate.

MANAGEMENT CONSIDERATIONS/RATIONALE FOR DECISION

The decision to approve the operator's proposed development was based on the following factors 1) consistency with land use plans; 2) agency statutory requirements; 3) relevant resource and economic considerations; 4) finding of no significant impact; 5) public comments and 6) meets the purpose and need for the project.

1. **Consistency with the Snake River Resource Management Plan (2004):**
   The Proposed Action is in conformance with the planning direction developed for this area. The decision to approve the Applicant's proposal is in conformance with the overall planning direction for the area.

2. **Agency statutory requirements:**
   All pertinent statutory requirements applicable to this proposal were considered. These include complying with the consultation requirements with both the U.S. Fish and Wildlife Service (USFWS) regarding threatened and endangered species; and Wyoming State Historic Preservation Officer on cultural and historic resources.

3. **Relevant resource and economic considerations:**
   Environmental impacts identified in the EA are not considered significant. The economic benefit of allowing the project is important in development of Teton County recreational opportunities by proceeding with the transfer of adjacent parcels.

4. **Finding of No Significant Impact:**
   As discussed in the EA, the direct and indirect incremental change to the environment introduced by implementation of the project on affected resources would be minimal. The EA concludes that the Proposed Action will not result in impacts that exceed the significance criteria defined for each resource. The Proposed Action will not have any significant impacts on the human environment. Therefore an environmental impact statement is not required.

5. **Public Comments:**
   The notice of realty action (NORA) was published in the Federal Register on May 24, 2010, and in the Jackson Hole News & Guide for 3 consecutive weeks of June 2, 9 and 16, 2010, with comments due July 8, 2010. The NORA segregated all other forms of appropriation under the public land laws, including the mining laws. One comment letter and one e-mail comment were received. Due to the length of time to process the action, the first notice expired, therefore a second notice of realty action (NORA) was published in the Federal Register on March 20, 2013, and in the Jackson Hole News & Guide for 3 consecutive weeks of March 27, April 3, and April 10, 2013, with comments due May 6, 2013.

6. **Meets Purpose and Need of Project**
   The administrative amendment will meet the requirements of the Federal Land Policy and Management Act. The proposal meets the purpose of the Bureau of Land Management and the applicants to sell the two lots of public land in Teton County, Wyoming.

The decision to approve the Applicant's proposal takes into account important management considerations and the Federal Agency missions. The decision attempts to balance these considerations with the degree of adverse impact to the natural and physical environment. The proposal results, in long-term productivity of the area, would neither be lost nor substantially reduced, as a result of approving this proposal.

AUTHORITY

This project will be approved under Section 203 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2776; 43 U.S.C. 1761). The BLM, as the authorized agency of the Department of the Interior, administers provisions of the FLPMA, under the sale regulations at 43 CFR 2710.

RATIONALE FOR ALTERNATIVE SELECTED

In accordance with regulations contained in 43 CFR 2710.0-6(3)(iii) and 43 CFR 2711.3-3(5), direct sale procedures are appropriate to resolve and unintentional unauthorized occupancy of the land to protect existing equities in the land. The unauthorized occupancy involves the encroachment of ranching and residential structures on public land. A direct sale was proposed due to the small, unbuildable size of the lots. It has been determined that the lands are not needed for Federal purposes and that conveyance is consistent with current BLM land use planning. The administrative amendment is to meet the requirements of FLPMA to sell these two parcels of public land.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

SIGNATURE

Donald A. Simpson
Wyoming State Director

10/23/13
Date

FINDING OF NO SIGNIFICANT IMPACT
For
Snake River Resource Management Plan Amendment
Sewell Partners, Evans Land & Cattle Co. and TSR Limited Land Sales
WYW-161972, WYW-176935 and WYW-179544
DOI-BLM-WY-100-2011-177-EA

As discussed in the EA, the direct and indirect incremental change to the environment introduced by the approval of the Proposed Action Alternative results in no significant environmental impacts. Based on the analysis documented in the EA, I have determined that the Proposed Action Alternative would not result in significant impacts on the human environment (as defined in 40 CFR 1508.14) and an Environmental Impact Statement (EIS) will not be prepared.

This determination for Finding of No Significant Impact is based on the rationale and management considerations discussed below.

The EA provides that adverse impacts to wetlands/riparian areas, cultural resources, and wildlife and BLM sensitive species would be minor, short-term, necessary and due impacts. Potentially substantial positive economic impacts could result for the company, and local, state, and federal governments.

The Snake River Resource Management Plan (RMP) is being amended to comply with the requirements of the Federal Land Policy and Management Act to specifically identify the parcels for sale, in the RMP. The Snake River Resource Management Plan provides for the sale of these lands to the adjacent landowners.

Approval:

Shane DeForest
Pinedale Field Manager

May 10, 2013
Date

Environment Assessment

Snake River Resource Management Plan Amendment
and
Direct Land Sale to Sewell Partners, Evans Cattle Company and TSR Limited

May 2013

BLM

High Desert District/Pinedale Field Office

The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-100-2011-177-EA

1.0 INTRODUCTION

Lease/Serial/Case File No.: WYW-161972, WYW-176935 and WYW-179544

Proposed Action Title/Type: Snake River Resource Management Plan Amendment
Sewell Partners Land Sale, Evans Land & Cattle Land Sale and
TSR Limited Land Sale

Location of Proposed Action: The proposed project is located on public lands, at

T. 40 N., R. 116 W., (Evans Land & Cattle Company)
section 34, Lot 14.

T. 40 N., R. 117 W., (Sewell Partners)
section 25, Lot 14.

T. 41 N., R. 117 W., (TSR Limited)
Tract 46B.
6th PM, Teton County, Wyoming

Applicant (if any):

Bureau of Land Management
Pinedale Field Office
PO Box 768
Pinedale, WY 82941

Sewell Partners
5700 Snake River Ranch Road
Wilson, WY 83014

Evans Land & Cattle Company
PO Box 2587
Jackson, WY 83001

TSR Limited
PO Box 1826
Wilson, WY 83014

1.1 BACKGROUND

This Environmental Assessment (EA) has been prepared to analyze and disclose the site specific environmental consequences of 1) amending the Snake River Resource Management Plan (Snake River RMP) 2), a Federal Land Policy and Management Act (FLPMA) direct land sale of the surface estate only to Sewell Partners (0.82 acres) and Evans Land & Cattle (0.13 acres), in Teton County, to resolve unintentional occupancy trespasses, and 3) a direct land sale of the surface estate only, to TSR Limited (1.06 acres). The proposals were filed with the Pinedale Field Office on October 21, 2004, June 26, 2009, and September 4, 2012, respectfully.

The Snake River RMP provides for the disposal of Snake River parcels from BLM administration. The plan also states on pages 5 and 6; "Situations involving trespass on public lands will be resolved, so lands can be transferred unencumbered to other agencies or entities. The appropriate method for resolving any trespass will be determined on a case by case basis after analysis of the specific situation."

Although the intent of the Snake River RMP is to dispose of all the described Snake River parcels from BLM administration, it does not specifically designate these three lots for sale, either by name or by legal description, as required by the FLPMA. Therefore an amendment must be completed prior to any direct land sales. The RMP, (at pages 5 and 6), identifies the BLM parcels for transfer or sale; however, the sales are specified "to other agencies or public government entities to remain available for public use." The RMP does not specifically allow for these parcels to be sold to private individuals, to resolve inadvertent trespass issues. During the development of the Snake River Resource Management Plan (Snake River RMP), the lands were surveyed by the Wyoming State Office Cadastral Division, to determine the location of the public lands and the exact property lines, in relation to the Snake River litigations. During the resurveying, two lots were identified as having unintentional occupancy trespasses. Due to the unintentional nature of the trespasses, the smallest practicable lots were surveyed for direct sale, to resolve these trespasses.

Sewell Partners' direct sale of 0.82 acres of BLM land, in T. 40 N., R. 117 W., section 25, Lot 14, is adjacent to their current ranching operation. This lot is located in parcel 23, as designated in the Snake River RMP. The land would continue to be used, as it has been historically, for ranching operations, including the barn, weigh scales, corrals and other ranching structures. The parcel has been subject to flooding in the past, including during the spring of 2010 and 2011.

Evans Land & Cattle Co.'s direct sale of 0.13 acres of BLM land, in T. 40 N., R. 116 W., section 34, Lot 14, is adjacent to their long term mobile home park operation. This lot is located in parcel 26, as designated in the Snake River RMP. The mobile home, located on the northernmost section of the park, contains a front porch, shed, driveway, water system and other residential structures that are located on BLM land. The land would continue to be used as it has been in the recent past.

TSR Limited's direct sale of 1.06 acres of BLM land, in T. 41 N., R. 117 W., section 24, Tract 46B, is surrounded on the north, west and south by TSR Limited property. This strip of land is 37 feet wide. This lot is parcel 11, as designated in the Snake River RMP. The land would continue to be used as it has been, historically.

None of the lots would be developable or buildable in a stand-alone situation. None of the lots consist of enough area to allow for construction of a septic system and water well. Teton County Planning and Zoning would not allow the lots to be developed, due to zoning restrictions. The Sewell parcel is subject to flooding with the spring runoff and the water table is just below the surface for most of the year.

The remainder of parcel 23 is designated to be transferred to the Wyoming Game and Fish Department and the remainder of parcel 26 is designated to be transferred to Teton County, through the Snake River Corridor Management/Ownership Transfer Plan.

1.2 PURPOSE AND NEED FOR THE PROPOSED ACTION, DECISION TO BE MADE

Purpose of Proposed Action

The purpose of the action is to conform with FLPMA and amend the Snake River RMP, to specifically identify the three public land lots for sale and to conform with the Snake River RMP. The RMP states on page 6; "Situations involving trespass on public lands will be resolved, so the lands can be transferred unencumbered to other agencies or entities. The appropriate method for resolving any trespass will be determined on a case by case basis, after analysis of the specific situations." The third parcel meets the disposal criteria identified in the Snake River RMP/FEIS, in Appendix 5, page 206 , i.e "...difficult and uneconomical to manage, and are not suitable for management by another government agency." The Proposed Action will allow disposal of all three of these parcels to parties that are not agencies or public government entities. This will resolve two trespass cases and one case where the lands are not manageable.

Need for Proposed Action

The need for the proposed action is established under Section 203 of the Federal Land Management and Policy Act, which states that a tract of public land may be sold under this Act where, as a result of land use planning it is determined that the sale of such tract meets the disposal criteria. Without this sale, the adjacent parcels 23 and 26, as identified in the Snake River RMP, cannot be transferred to Wyoming Game & Fish Department and Teton County, respectively, due to the encumbrances on these public lands.

Decision to be made

The BLM Wyoming State Director is the Deciding Official (DO). Based on the information provided in this EA, the BLM Wyoming State Director will decide whether or not to amend the Snake River RMP, to include the direct sale of the lands to the proponents, as described above.

1.3 CONFORMANCE WITH BLM LAND USE PLAN(S)

The Proposed Action is subject to the Snake River Resource Management Plan Record of Decision (SRRMP ROD), as approved on April 5, 2004. The plan is being amended to specifically identify the two lots and the 1 tract mentioned above, as required by FLPMA. The plan has been reviewed (see page 5 and 6 of the SRRMP) and the proposed action conforms to the land use plan terms and conditions, as required by 43 CFR 1610.5.

1.4 RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

This Environmental Assessment (EA) is prepared pursuant to the National Environmental Policy Act (NEPA) and subsequent regulations adopted by the Council of Environmental Quality (40 CFR §1500). The EA is intended to be a concise public document which analyzes the probable and known environmental impacts of the proposed action and the alternative(s) upon the components of the human environment and reaches a conclusion as to their significance. The ultimate decision of this EA must ensure that the actions approved are not only in the best

interest of the public, but would not result in a significant impact to the human environment (40 CFR §1508.13).

The authority for the proposed action is Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The proposal will be processed in accordance with 43 CFR 2710.

The Proposed Action is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; and Executive Order 12898 regarding Environmental Justice.

Mineral Potential Reports. See complete report in each casefile for additional information.

Environmental Site Assessments. See complete report in each casefile for additional information.

1.5 SCOPING AND PUBLIC INVOLVEMENT

Scoping is an important part of the NEPA process and determines the scope of key issues related to a proposed action (40 CFR §1500.7). Scoping can involve federal, state, and local government agencies, tribal governments, resource specialists, industry representatives, local interest groups, and other members of the public.

The notice of realty action (NORA) was published in the Federal Register on May 24, 2010, and in the Jackson Hole News & Guide for 3 consecutive weeks of June 2, 9 and 16, 2010, with comments due July 8, 2010. The NORA segregated all other forms of appropriation under the public land laws, including the mining laws. Due to the length of time to process the action, the first notice expired, therefore a second notice of realty action (NORA) was published in the Federal Register on March 20, 2013, and in the Jackson Hole News & Guide for 3 consecutive weeks, of March 27, April 3 and April 10, 2013, with comments due May 6, 2013. The NORA segregated all other forms of appropriation under the public land laws, including the mining laws.

Three comments were received from the public from the 2010 notice. The Wyoming Game & Fish Department stated that they have no terrestrial wildlife or aquatic concerns pertaining to the proposed sale of public lands. The second comment was from jeanpublic (jeanpublic@yahoo.com), and the comment was out of the scope of this EA. The third comment was from Western Lands Project. They requested a copy of the appraisals, and requested that the EA discuss the unintentional unauthorized use and costs associated with the transfer. The WYSO responded to the request for appraisals. This EA discusses the unintentional unauthorized use and the costs are out of the scope of the EA.

Two comments were received from the public from the 2013 notice. John Hanlon supported the amendment and sales, and Wyoming Game and Fish Department had no terrestrial wildlife concerns and supported the sale of the small parcels.

The proposal was internally scoped; comments were received from BLM resource specialists. See Section 6.0 of this EA.

The environmental document notification has been posted on the public NEPA website.

1.6 IDENTIFICATION OF ISSUES

Key issues were defined by the Interdisciplinary Team. Key issues are those that 1) drive the analysis of environmental effects; 2) prescribe or necessitate the development of mitigation measures; and/or 3) drive the development of additional project alternatives. These issues are carried forward for analysis in Chapter 3.0 of the EA. The key issues are summarized as follows:

- How will the proposed action impact cultural resources, such as archeological sites and historic trails?
- How will the proposed action impact wildlife?

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

2.1 PROPOSED ACTION

It is proposed to amend the Snake River RMP to specifically describe, by legal description, the two lots for sale, as required by FLPMA. The legal descriptions are as follows:

T. 40 N., R. 117 W., section 25, Lot 14. 6th PM, Teton County, WY	T. 40 N., R. 116 W., section 34, Lot 14. 6th PM, Teton County, WY	T. 40 N., R. 117W., Tract 46B. 6th PM, Teton County, WY

Sewell Partners proposes to resolve an unintentional occupancy trespass, through a direct sale of 0.82 acres of BLM land, adjacent to their ranching operation. The occupancy involves portions of a barn, weight scales, corrals and other ranching structures. The structures have been in place since the early 1970's and the ranching operation was unaware of the exact location of the property boundary. The land would continue to be used as it has been used, historically.

Evans Land & Cattle Co. proposes to resolve the unintentional occupancy trespass, through a direct sale of 0.13 acres of BLM land, adjacent to their long term mobile home park operation. The occupancy involves portions of the porch, shed, driveway, water system and other residential structures. There were several surveys conducted for the Evans Mobile Home Court. In 1975, Nelson Engineering set a monument north of the mobile home park. A resurvey in 1985 by Nelson Engineering determined the same 1975 property line. In 1996, BLM performed a resurvey and rejected the monument set by Nelson in 1985. In 2001, BLM surveyed again and created Lot 14. Due to the confusion in surveys, the trespass has been occurring for many years, unaware of the property boundary. The land would continue to be used as it has been used in the recent past.

TSR Limited proposes a direct sale of 1.06 acres of BLM land, adjacent to their private land. This parcel is surrounded by TSR Limited private property on the north, west and south. The general public cannot access this parcel legally, other than via the Snake River. It would be very difficult to land a watercraft at this location, due to currents and the need for a global positioning unit, to identify the parcel. The land would continue to be used as it has been.

2.2 NO ACTION ALTERNATIVE

Section 1502.14(d) of the NEPA requires that the alternative analysis in the EA include an analysis of the no action alternative. No Action means the proposed action would not be approved, and the current management practices and activities would continue on public lands. Under the "no action" alternative, the sale would not occur, the trespasses would not be resolved, and the adjacent BLM lands would not be transferred to Wyoming Game & Fish Department or Teton County. The third parcel would not be transferred.

2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

The removal of the structures on the Sewell and Evans parcels were not analyzed. Due to the confusion over land ownership boundaries in the area, the BLM determined that the trespasses were not willful. The removal of the structures would not enhance or improve the public land use.

No other alternatives were considered for the TSR tract.

3.0 AFFECTED ENVIRONMENT

The lots and tract are located along the Snake River, near Jackson Hole, Wyoming, in Teton County. Both the Sewell lot and TSR Limited tract are located near the edge of the Snake River. The Evans' lot is located on the uplands, between the Snake River and Highway 26/89/189/191, outside of the riparian area.

The following human environment/resource elements have been reviewed and it has been determined that these elements will not be affected by the proposed action; and will not be discussed further in this document:

- Fish Habitat
- Forests and Rangelands
- Migratory Birds
- Native American Religious Concerns
- Threatened or Endangered Species
- Environmental Justice
- Farm Lands, Prime or Unique
- Wastes, hazardous or solid
- Water Quality; Drinking/Ground
- Wild and Scenic Rivers
- Wilderness/WSAs/ACECs
- Air Quality
- Global Climate Change
- Paleontology
- Range / Livestock Grazing
- Recreation / Visual Resource Management
- Sensitive Status Plants

Elements of the human environment and/or resource elements that could potentially be affected are:

- Wetlands/Riparian Areas/Floodplains
- Cultural Resources
- Wildlife/BLM Sensitive Species

3.1 WETLANDS/RIPARIAN AREAS/FLOODPLAINS

The Sewell Partners' lot is located directly along the Snake River and has been subject to Spring flooding in the past, including the Spring of 2010 and 2011. Teton County took emergency action to extend Taylor #3 levee on the north end of Parcel #23, in the Spring of 2011, to control flooding, although flooding still occurs. Everything east of the line between survey caps #1 and #3 is primarily an overstore of willow and an understory of beaked sedge.

The Evans Land & Cattle Co. lot is located on uplands and does not contain wetlands.

The TSR Limited tract is located directly along the Snake River and has a levee extending the entire width of the tract, along the Snake River. It has been determined that this tract does not contain wetlands.

3.2 CULTURAL RESOURCES

Pursuant to the Wyoming State Protocol, the BLM has determined that the undertaking would cause no effects to historic properties. No discoveries were located during the cultural survey; therefore, the undertaking would have no adverse effect on the historic properties and the undertaking may proceed as planned, without further consideration of cultural resources.

3.3 WILDLIFE/BLM SENSITIVE SPECIES

The wildlife issues and species considered in relation to the proposed action were: bald eagles; BLM Wyoming sensitive species; and Threatened, Endangered, Proposed, and Candidate species.

Additional considerations were given for BLM Wyoming sensitive species and Threatened, Endangered, Proposed, and Candidate species. Level 1 consultation occurred for all lots. A "No Effect" determination was made for all species listed under the Endangered Species Act, for the Proposed Action. No biological assessment is required.

4.0 ENVIRONMENTAL EFFECTS

4.1 WETLANDS/RIPARIAN AREAS/FLOODPLAINS

PROPOSED ACTION

The amendment is an administrative action that does not authorize any activity. No impacts would occur unless the sales are processed.

The Sewell Partners' lot would continue to be used in the ranching operation. Due to the high level of groundwater in the area and the flooding potential, no changes to the parcel are proposed. A reservation to the patent will be added to preserve the wetlands under EO 11990 dated May 24, 1977.

The Evans Land & Cattle Co. lot would continue to be used in the residential aspect, due to the size of the lot, and no changes to the parcel are proposed.

The TSR Limited tract would continue to be used in conjunction with their private land and no changes to the parcel are proposed.

There would be no impacts to wetlands or riparian areas because the management of the parcels would not change.

NO ACTION ALTERNATIVE
Under the No Action Alternative, impacts would be the same as the proposed action to wetlands, riparian areas or floodplains.

4.2 CULTURAL RESOURCES

PROPOSED ACTION
The amendment is an administrative action that does not authorize any on the ground activity. No impacts would occur unless the sale is processed.

A Class III inventory of all areas of potential effect, following the Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48FR190) has been conducted for the proposed undertaking. According to the Wyoming Protocol, the project would have **no effect** upon historic properties.

See cultural resource clearance for additional information.

NO ACTION ALTERNATIVE
Under the No Action Alternative, impacts would be the same as the proposed action to cultural resources.

4.3 WILDLIFE/BLM SENSITIVE SPECIES

PROPOSED ACTION
The amendment is an administrative action that does not authorize any on the ground activity. No impacts would occur unless the sale is processed.

All lots are near bald eagle nests and habitat. Changes to the activity or land layout are not proposed. Due to the small size of the lots, nothing could be built on them. Therefore, no change to the level of activity in the areas is proposed, and there would be no impact on bald eagles.

See wildlife resource clearance for additional information.

NO ACTION ALTERNATIVE
Under the No Action Alternative, impacts would be the same as the proposed action to wildlife or BLM sensitive species.

5.0 CUMULATIVE AND RESIDUAL EFFECTS

Because there are no direct impacts (section 4.0), there are no cumulative impacts.

6.0 CONSULTATION AND COORDINATION

List of Preparers/Reviewers

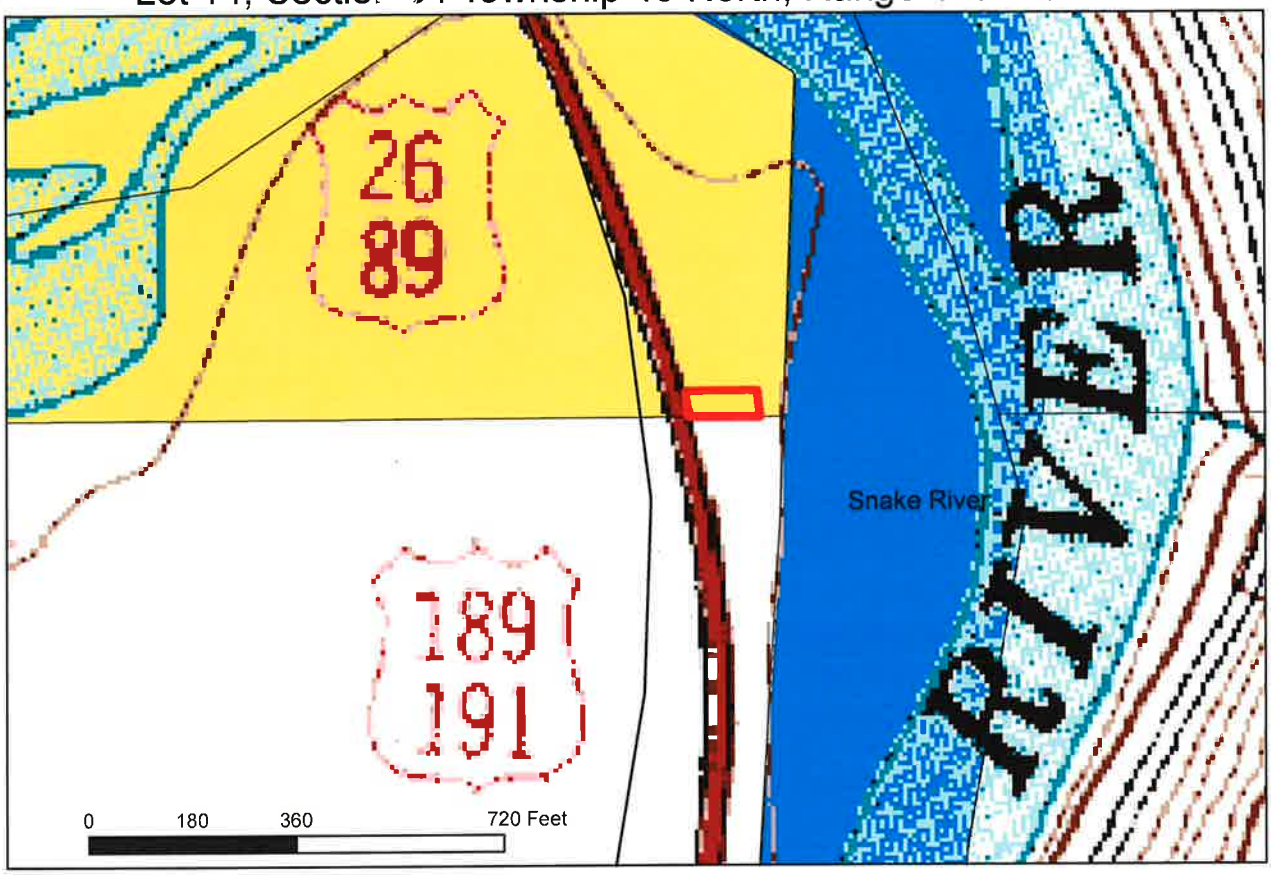
Name	Title
Tracy Hoover	BLM Realty Specialist
Lisa Solberg	BLM Wildlife Biologist
Sam Drucker	BLM Archaeologist
Kellie Roadifer	BLM Rangeland Management Specialist
Sheryl McCulloch	BLM Planning & Environmental Coordinator
Greg Noble	BLM Assistant Field Manager for Minerals & Lands
Tom Foertsch	BLM High Desert District Resource Advisor
William Reser	Sewell Partners Representative
Della Walsh	Evans Land & Cattle Co Representative
Eric Simpson	TSR Limited
John Emmerich	Wyoming Game & Fish Department

7.0 LITERATURE CITED

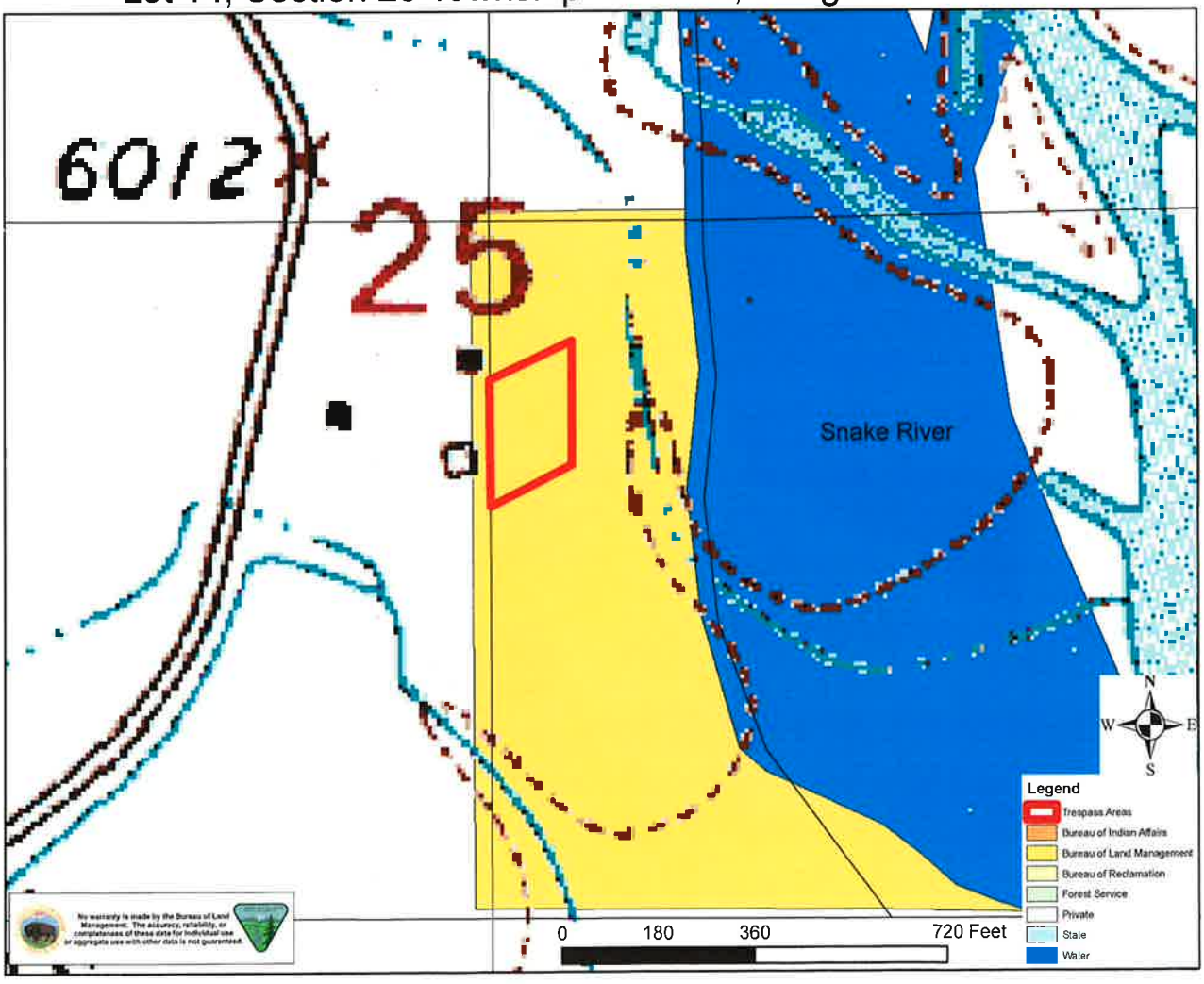
BLM. 2004. Resource Management Plan and FINAL Environmental Impact Statement for the Snake River Lands, Pinedale Field Office Planning Area. Pinedale Field Office. U.S. Department of the Interior, Bureau of Land Management. Pinedale, Wyoming.

BLM. 2008. Snake River Corridor Management/Ownership Transfer Plan for the Snake River parcels, Pinedale Field Office Planning Area. Pinedale Field Office. U.S. Department of the Interior, Bureau of Land Management. Pinedale, Wyoming.

Lot 14, Sectio. 34 Township 40 North, Range 16 West



Lot 14, Section 25 Township 40 North, Range 117 West



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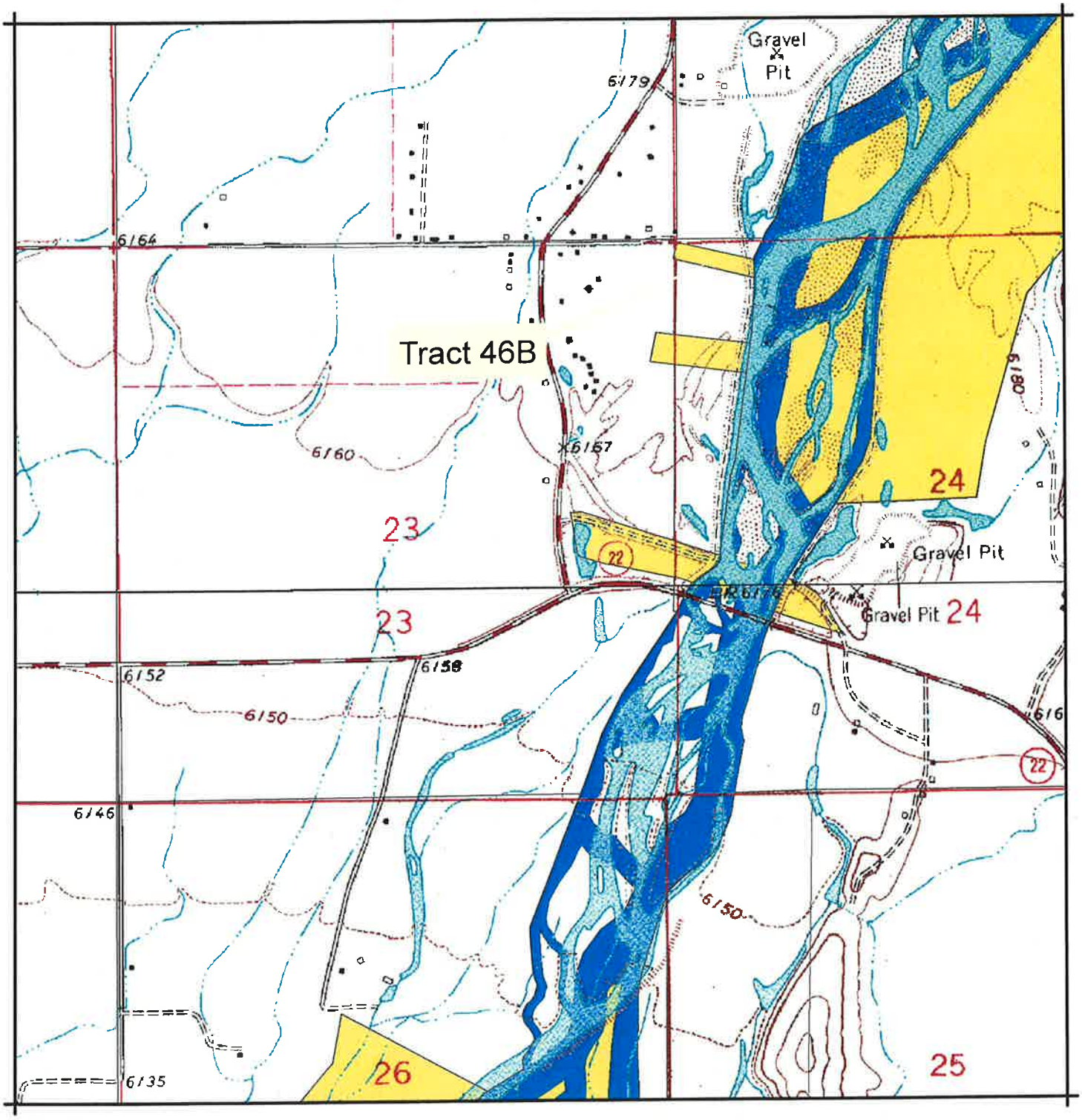
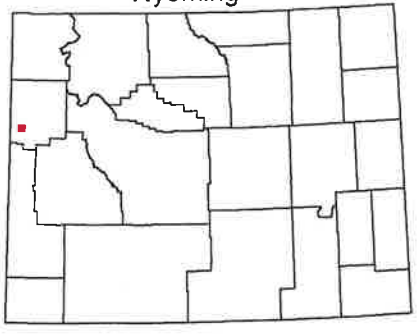


Sections
Bureau of Land Management
Private
State
Water

0 0.2 0.4 Miles



N

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Projection: UTM NAD83 Zone 12N