

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Shoshone Field Office
400 West F Street
Shoshone, ID 83352

**Sun Valley Management Framework Plan Amendment
And
Point of Rocks Ranch Land Sale
Finding of No Significant Impact**

DOI-BLM-ID-T030-2011-0029-EA

INTRODUCTION

The Bureau of Land Management (BLM), Shoshone Field Office has conducted an environmental assessment (EA, DOI-BLM-IDT030-2011-0029-EA) to analyze the environmental effects and document the findings of a proposal submitted to the BLM by the Point of Rocks Ranch (PORR) to dispose of a 3.39-acre parcel of public land adjacent to private property owned by PORR in Blaine County, Idaho through a direct sale. The subject parcel of public land is not identified for disposal in the Sun Valley Management Framework Plan (MFP) and requires an amendment to the Sun Valley MFP to change that designation. Disposal of public lands is allowable on BLM administered lands pursuant to Title II of the Federal Land Policy and Management Act of October 21, 1976 as amended (FLPMA), and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer.

The subject parcel proposed for disposal is difficult and uneconomical to manage since it is currently fenced in with the surrounding private lands owned by PORR. The Proposed Action for disposal would serve the public objective by allowing the BLM to formally resolve an inadvertent trespass. The disposal would allow for the road to become the boundary between public and private lands in the area allowing for a more identifiable boundary and improving efficiencies in the management of both the public and private lands in the area. The disposal of the 3.39-acre subject parcel in fee simple would allow PORR to formally consolidate the parcel with the adjacent ranch property. A contiguous parcel of approximately 526 acres of private land would be created.

Two alternatives were considered in the Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA. A copy of the EA is available at the BLM's eplanning website or at the Shoshone Field Office, and is incorporated by reference for this Finding of No Significant Impact (FONSI). The alternatives analyzed are:

- Proposed Action – The proposed plan amendment would identify a 3.39-acre parcel of public land for disposal resulting in a BLM sale offer of the land to the PORR using direct (non-competitive) sale procedures pursuant to Sections 203 and 209 of the FLPMA and the BLM regulations at 43 CFR 2700. The 3.39-acre subject parcel has no known mineral value and the disposal would include conveyance of both the surface and mineral estates for the subject parcel of public land. The purchase price would be no less than fair market value determined by an appraisal completed under the direction of the Office of Valuation Services.

- **Alternative 1 - No Action:** Under the No Action alternative the 3.39-acre subject parcel would remain under Federal ownership and be subject to all applicable federal land laws and regulations.

A Notice of Realty Action was published in the Federal Register on October 26, 2010 (FR Vol. 75, No. 206, pp. 65649-65650), segregating the subject parcel from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. Publication of this notice in the Federal Register initiated a 45-day public comment period for the BLMs consideration of disposal of the subject parcel that provided for acceptance of comments through December 10, 2010. A copy of the notice was also published in the Times-News and Idaho Mountain Express on December 1, 2010, December 8, 2010, and December 15, 2010. A Notice of Intent to Prepare a Land Use Plan Amendment was published in the Federal Register on November 10, 2011 (FR Vol. 76, No. 218, pp. 70162-70163); initiating a 30-day public comment period which provided for the acceptance of comments through December 12, 2011.

A scoping package dated January 12, 2011, and containing information related to the proposal, preliminary issues and alternatives as well as a copy of the Notice of Realty Action was sent to interested parties. See Chapter 5 of the EA for a listing of the interested parties. In February 2011, the proposed land use plan amendment and subsequent land sale were listed as actions for which the BLM Shoshone Field Office was preparing an EA on the BLM Idaho National Environmental Policy Act database webpage.

As part of tribal consultation, the Shoshone-Bannock and Shoshone-Paiute Tribes were presented with information regarding the BLMs consideration of the disposal of the subject parcel to solicit comments. The Shoshone-Bannock Tribes were sent a scoping notification letter on January 12, 2011, and information was presented at a meeting on January 20, 2011. The Tribes are not in support of the disposal of any public lands, no matter how small. The BLM Shoshone Field Office regularly meets with the Shoshone-Paiute Tribes on projects throughout the field office. Information on the BLMs consideration of the disposal of the subject parcel was initially presented to the Tribes on October 27, 2011. In general, the Tribes have expressed their opposition to any public land disposals. None of the Tribes have provided information about, or expressed interest in, any particular historic properties of religious and cultural significance on the subject parcel.

In response to the publication of the notices and the scoping packet, comments were received from Kathy Gregg, and the Blaine County Road and Bridge Department. The comments regarded the general philosophy of disposing of public lands, the loss of public lands, and protection of valid existing rights. The BLM responded to comments; see the project file at the Shoshone Field Office for comment letters and responses. Western Land Exchange also requested to be added to the list of interested parties.

PLAN CONFORMANCE AND CONSISTENCY:

The public lands administered by the BLM in the project area are guided by the 1981 BLM Sun Valley MFP. In 2003, the *Amendments to Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern* (Amendment) was completed to amend existing land tenure adjustment decisions and guidance previously contained in the Sun Valley MFP. The Amendment identifies five land management zones each with different emphasis on land retention, disposal, and criteria for land ownership adjustment. The 3.39-acre subject parcel is located in Zone 5 which is generally defined as the area within and influenced by Wood River Valley and within the viewshed of Bellevue, Hailey, Ketchum and Sun Valley. The emphasis within Zone 5 is “to consolidate ownership to provide public access, and improve efficiencies in public

lands management.”. The Proposed Action is provided for in the Amendment as its general management philosophy for Zone 5 is to allow disposal of public lands through sale or exchange.

The subject parcel is available for disposal as described in the Amendment. The proposed plan amendment validates that the parcel has been screened according to the process outlined in the Amendment and has been found to meet the criteria for a sale found in the FLPMA. The plan amendment would only apply if the Proposed Action is selected.

Disposal of public lands through sale actions is allowable on BLM administered lands per Title II of the FLPMA, as amended, and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer. Section 2711.3-3 allows for the use of a direct sale action when the public benefit would best be served by this type of disposal action.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA. I have also reviewed the project record for this analysis and the impacts of the proposed action and alternative as disclosed in the EA. Based upon these reviews, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Because there would not be any significant impact, an environmental impact statement is not required.

This finding and conclusion is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and the intensity of impacts described in the EA.

A) Context: This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and the activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

B) Intensity: This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and adverse.

The beneficial, adverse, direct, indirect, and cumulative impacts discussed in the EA have been disclosed. The subject parcel proposed for disposal is difficult and uneconomical to manage since it is currently fenced in with the surrounding private lands owned by PORR. The Proposed Action for disposal would serve the public objective by allowing the BLM to formally resolve an inadvertent trespass. The disposal would allow for the road to become the boundary between public and private lands in the area allowing for a more identifiable boundary and improving efficiencies in the management of both the public and private lands in the area.

- 2. The degree to which the proposed action affects public health or safety.*

The proposed activities will not significantly affect public health or safety. Environmental Site Assessments were prepared for the Federal and non-Federal lands involved, and there were no major concerns associated with the Proposed Action or alternative.

- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no unique historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, Wilderness Study Areas, or Areas of Critical Environmental Concern within the project area.

- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

None of the effects associated with the Proposed Action or alternative are expected to be highly controversial. There has not been any controversy regarding the Proposed Action and alternative in response to the scoping efforts described in the EA.

- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no known effects that are highly uncertain or involve unique or unknown risk.

- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Neither the proposed action, nor the alternative sets precedent or represents a decision in principle about a future management consideration.

- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA analyzes all connected and cumulative actions within the scope of the analysis. The cumulative effects of past, present, and reasonably foreseeable actions are considered and disclosed in the EA. No cumulative impacts related to other actions that would have a significant impact were identified nor are any anticipated.

- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The Proposed Action will not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. It also will not cause loss or destruction of significant, cultural, or historical resources. A cultural resource inventory was conducted for the project, which revealed no eligible properties listed, or eligible for listing within the project area.

- 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

As summarized in the EA (Section 4.1.1, Wildlife; Including Threatened, Endangered, Candidate or BLM Sensitive Species and Migratory Birds and 4.1.2, Vegetation; Including Threatened, Endangered, Candidate or BLM Sensitive Species and Migratory Birds) the

