

Group 1 Owyhee River Allotments

Finding of No Significant Impact

Introduction

The National Environmental Policy Act (NEPA) assigns the Council on Environmental Quality (CEQ) the task of ensuring that Federal agencies meet their obligations under the Act. The Council shapes the guidelines, policies, and regulations that agencies must follow to meet these obligations. To that end, the NEPA process is used to identify and assess the reasonable alternatives to proposed agency actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment (40 CFR 1500.2 (e)).

An environmental assessment (EA) is a public document for which a Federal agency is responsible that provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI) (40 CFR 1508.9 (a) (1)).

A FONSI is a document by a Federal agency, in this case the Bureau of Land Management (BLM), that briefly presents the reasons why an action will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. A significant impact, as described in NEPA documents, would be of sufficient context and intensity¹ that an EIS would be required (40 CFR 1508.27). The FONSI should include the EA or a summary of it. If the EA is included, the FONSI need not repeat any of the discussion in the EA but may incorporate it by reference (40 CFR 1508.14).

Neither the EA nor the FONSI are the authorizing documents for the action; the decision record is the authorizing document.

Finding

I have carefully reviewed the actions that are analyzed within the five Alternatives in Environmental Assessment (EA) No. DOI-BLM-ID-B030-2012-0012-EA, which is incorporated by reference here in its entirety. This EA discloses the environmental impacts that would result in renewing livestock grazing permits in the Owyhee River Group 1 Allotments: Castlehead-Lambert, Garat, Swisher Springs, and Swisher Fenced Federal Range (FFR).

Based on the analysis of the impacts resulting from the implementation of Alternative 4 (season-based alternative) for all the allotments, and portions of Alternative 3 (the performance -based alternative) specific to limits to the intensity of livestock use within riparian areas in the Garat

¹ *Context*: This 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.

Intensity: This 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.

allotment, and considering the significance criteria in 40 CFR 1508.27, as well as the Rangeland Health Assessment/Evaluation Reports (which I am also incorporating here by reference), I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Regarding the context of the effects from implementing Alternative 4 and portions of Alternative 3, this action would not have international, regional, or statewide consequences. The analysis demonstrates that the changes in grazing management would not have a significant adverse effect to the natural resources of the area and would lead a path toward making progress in meeting Idaho Standards and Guidelines for rangeland health, as well as meeting management objectives from the Owyhee Resource Management Plan (ORMP). The most considerable economic consequence would be felt by livestock operators who graze in the Owyhee Group 1 allotments and, to a lesser extent, the local communities in which they trade their goods and services. The EA analyzes these social and economic effects, and while I recognize and appreciate the adverse effects to the communities and the economy within the area, economic or social effects are not intended by themselves to require preparation of an environmental impact statement (40 CFR 1508.14.).

When evaluating the intensity, or the severity, of the impacts to resources that would occur by implementing Alternative 4 and portions of Alternative 3, I am required by CEQ (40 CFR 1508.27 (b)) to consider the following 10 elements:

(1) Impacts that may be both beneficial and adverse - a significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial

Through the scoping process and the development of the Rangeland Health Assessment/Evaluation Reports, we have identified and analyzed the adverse effects from past, present and reasonably foreseeable future actions, including livestock grazing, and the beneficial effects of adjustments to grazing that would be implemented to reduce and limit these adverse impacts on resource values. Alternatives 3 and 4, as well as the other alternatives, were developed to ensure that rangeland health standards would be met, or significant progress would be made toward meeting those standards where current livestock grazing management is the causal factor for standards not being met. My obligation is also to ensure that the selected alternative will strive toward meeting the ORMP goals and objectives (EA at 1.7).

Alternative 4 addresses the issues described in Section 1.6.3 of the EA by setting limitations to seasons of use and defines a grazing rotation for each allotment, which would 1) provide more frequent year-long rest or deferment of livestock grazing use to a period outside the active growing season for native perennial bunchgrass species, 2) limit disruption and herbaceous utilization associated with livestock management activities within sage-grouse breeding habitats, and 3) limit mid-summer grazing use of riparian areas in pasture 2 of the Garat allotment. Those portions of Alternative 3 that I have selected specifically for the Garat allotment will limit the intensity of livestock use within riparian areas of pastures 3 and 4.

(2) The degree to which the proposed action affects public health or safety

For this measurement of intensity, I have considered the effects from such things as air quality and water quality, etc., if Alternative 4 and portions of Alternative 3 were implemented (H-1790-

1, 7.3). I have also considered the economic and social effects from this alternative, which, on their own, are not intended to require the preparation of an environmental impact statement (40 CFR 1508.14). No activities authorized under the grazing permits will affect long-term public health or safety. The environmental analysis documented no major effects on public health and safety from any of the actions analyzed in Alternatives 3 and 4.

(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 park lands, prime farmlands, or jurisdictional wetlands within the Castlehead-Lambert, Garat, and Swisher/Swisher FFR allotments. Approximately 8 miles of the Owyhee River, just south of the Castlehead-Lambert allotment, has been designated a Wild River as a component of the National Wild and Scenic Rivers System. Also, just southwest of the allotment is a 4.6-mile stretch of Wild River known as Red Canyon. Both of these wild river segments are adjacent to the allotment boundary. The EA analyzes that under current livestock management practices, access to the wild river corridors is restricted by natural barriers and fencing. This condition would not change under Alternatives 3 and 4 actions, as livestock are unable to access the wild river corridors.

Portions of the Owyhee River Wilderness lie within the Castlehead-Lambert allotments.

The East Fork and South Fork Owyhee Rivers are adjacent to the northern and western boundaries of the Garat allotment. These rivers have been designated Wild Rivers as a component of the National Wild and Scenic Rivers System. A 1.2-mile section of river on the South Fork Owyhee River surrounding the Forty-Five Ranch was designated as recreational. Both Wild River segments are adjacent to the southern and southwestern boundaries. Here again, the EA analyzes that under current livestock management practices, access to the Wild River corridors is restricted by natural barriers and fencing. This condition would not change under Alternatives 3 and 4, as livestock are restricted from access to the Wild River corridors.

There are no designated Wild and Scenic River segments or designated wilderness areas within the Swisher Springs and Swisher FFR allotments.

There are no designated wilderness areas in the Swisher Springs or Swisher FFR allotments. Portions of the Owyhee River Wilderness lie within the Castlehead-Lambert and Garat allotments. Implementation of the proposed grazing system would conform to the Wilderness Act. Overall, the conditions of the area would improve due to the combination of a season-based alternative, fewer AUMs, and reduced livestock numbers. This would improve ecological health, naturalness, and visual quality throughout the allotment, thus enhancing wilderness characteristics and values within designated wilderness.

Lands with wilderness characteristics are found in the Castlehead-Lambert, Swisher Springs and Swisher FFR and are likely to improve with the proposed grazing system under Alternative 4. Overall, the conditions of the area would improve due to the combination of a season-based alternative, fewer AUMs, and reduced livestock numbers. This would improve ecological health, visual quality, and naturalness within areas with inventoried wilderness characteristics.

There are many known cultural sites located within all of the grazing allotments. As described in the EA, the adverse effects, such as trampling of cultural resources, would be reduced by implementing Alternative 4 because of considerable reductions in livestock numbers on the Castlehead-Lambert, Garat, and Swisher Springs allotments. No additional projects such as fences and water developments are proposed.

There are three areas of critical environmental concern (ACECs) – two in Castlehead-Lambert and one in the Garat allotment – and their relevance and importance criteria for which they were designated would continue to be protected by all the alternatives analyzed.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial

Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to a proposed action or preference among the alternatives that the EA analyzes (H-1790-1 at 71). I recognize that there is disagreement about livestock grazing management decisions, but I am exercising some judgment here about the level of controversy over how resources would be affected by Alternative 4 and portions of Alternative 3. Substantial dispute within the scientific community about the effects would indicate there is a high level of controversy, and I do not see such a dispute over the effects of livestock grazing if Alternative 4 were implemented. Comments were received from representatives of the livestock industry during scoping and the comment period for the EA that questioned methods my staff used to assess, evaluate, and make determinations of why rangeland health standards are not being met. While I will respond to these comments in my decision, these are not specifically scientific disputes about the effects to resources that livestock grazing may cause.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

There will always be a level of unknown risk associated with land management decisions. But significance does not arise from uncertainty about future actions by others; it arises from a high degree of uncertainty about the effects of the agency action. Livestock have grazed on the public lands in these four allotments for many years, and the effects of livestock grazing management practices are well known and documented in the EA. There are no known effects of implementing Alternative 4 and portions of Alternative 3, or any of the alternatives, identified in the EA, that are considered uncertain or involve unique or unknown risks. The effects analysis demonstrates that the effects are not uncertain and do not involve unique or unknown risk. Significance does not arise from the presence of risk; it arises from a high degree of unique or unknown risks. If the risks are known and have been incurred for similar actions in the past, significance is not implicated.

(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

I have determined that implementing Alternative 4, and Alternative 4 as modified for Garat, does not set a precedent for future actions that may occur in the area. We have previously chosen to implement specific terms and conditions in livestock grazing permits and have previously chosen

to take steps to protect resource values through reduced livestock numbers. The BLM also has chosen to take steps to protect riparian resources or reduce impacts to native bunchgrasses or to protect special management areas. Actions from implementing Alternative 4 are therefore no different from those that have occurred or may occur in the future. Because the actions proposed here are specific to the Group 1 allotments, any other grazing permit renewal applications received will be subject to appropriate NEPA analysis that will consider the direct, indirect effects of any proposed action and the cumulative effects of all other past, present, and reasonably foreseeable management actions taken in the cumulative impact analysis area. Therefore, actions for Group 1 do not represent a decision in principle about future considerations.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts

The proposed action of renewing livestock grazing permits in the Owyhee River Group 1 allotments, Castlehead-Lambert, Garat, Swisher Springs, and Swisher FFR, is not part of other connected actions, nor is this action a segmented portion of other actions to be proposed in the future and for which NEPA analysis would be conducted. Within and beyond this EA's cumulative impact analysis area, there have been other rangeland assessments, evaluations, determinations, and grazing decisions resulting in changes to livestock grazing management practices. No cumulatively significant adverse effects were identified in the EA when the effects of its alternative actions were added to the effects of these outside actions.

(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 analysis in this EA identified effects to cultural and historical resources and recognized that livestock grazing can have adverse effects to these resources. The analysis also recognized that these adverse effects would be reduced through the reduction in livestock grazing levels. The proposed action would build no additional infrastructure or facilities that would increase the number or intensity of livestock congregation areas that could increase the risk to these resources.

(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

The EA analysis states that there are no threatened and endangered species listed under the Endangered Species Act (ESA) occurring in the Owyhee River Group 1 allotments. There would be no conflicts with the ESA resulting from implementing this action. There are candidate species present, and the EA analyzes the effects to them. Alternative 4 and portions of Alternative 3 would result in the improvement and protection of intact sagebrush and riparian habitat which would assist in compliance with the ESA in the event of future listing of sagebrush obligate, shrub-dependent, or riparian dependent wildlife species, as well as special status plant species.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment

The implementation of Alternative 4 and portions of Alternative 3 will not violate any Federal, State, or local law, or any requirement imposed for the protection of the environment.

I find that implementing Alternative 4 and the described portion of Alternative 3 does not constitute a major federal action that would significantly affect the quality of the human environment in either context or intensity. I have made this determination after considering both the beneficial and adverse effects to resources, including the direct, indirect, and cumulative effects resulting from the implementation of Alternative 4 for grazing permit renewals in Castlehead-Lambert, Swisher Springs/Swisher FFR allotments, and Alternative 4 as modified for the Garat allotment.



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Date