

**United States Department of the Interior
Bureau of Land Management**

Environmental Assessment: DOI-BLM-ID-T020-2012-0022-EA

**Decision Record
and
Finding of No Significant Impact**

Milner Historic Recreation Area Project

Location: Cassia County, Idaho

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January 23, 2013

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INTRODUCTION

The Bureau of Land Management (BLM) has conducted an environmental assessment (EA ID-T020-2012-0022-EA) on a proposal to improve the Milner Historic Recreation Area. The EA is available at this web address, https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do. The proposal would allow improvements to recreation facilities, structures, site fixtures and vegetation to improve the recreation opportunities and overall experience of the site. A well would be drilled and underground pipes would be used to provide water to the individual sites as described below.

Public involvement

This project has been listed on the Idaho NEPA Register since June 15, 2012. A scoping package was mailed to potentially interested groups and individuals in July, 2012. Additionally, a public scoping meeting was held at the Burley BLM Fire conference room, 2630 Overland Drive, Burley, ID 83318, on July 11, 2012 from 4 – 6 pm.

With the exception of a member of the media, no members of the public attended the public scoping meeting and no comments were received through this effort. Two comment letters were received in response to the scoping package however the comment letters did not identify any issues or alternatives to be analyzed.

DECISION

I have decided to implement the proposed action as described in the Environmental Assessment (EA) for the Milner Historic Recreation Area Project. Based on my review of the EA and project record, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed improvements would enhance the recreation opportunities within the site and provide interpretive and protective measures for the Oregon National Historic Trail.

My decision will allow the removal of old outdated site facilities and the installation of new site facilities (see EA pages 3-7). The EA specifies guidelines for the development of the site as well as site specific plans for each of the 10 sites within the Milner Historic Recreation Area.

Motorized vehicles would be limited to the existing access roads and camping areas and prohibited off road, on the Oregon Trail, and the interpretive trail.

Existing access roads would be upgraded to Public Roads Standards which may require resurfacing and an approximately ¼ mile re-route.

A trough will be installed at T. 10 S., R. 21 E., Sec. 25 SE1/4 SE1/4 (Milner Map 2) on the far Eastern side of the recreation area to provide water for livestock and to better separate grazing from recreation use areas.

Raptor nesting structures, bat boxes or avian nest boxes would be installed to enhance wildlife use and visitor experience.

Additionally, the following guidelines would be applied

- Construction of facilities outside existing developed areas that requires ground disturbing activities would require migratory bird nest surveys unless such activities occur outside the migratory bird nesting season to avoid harming migratory birds.
- Construction of facilities would be staggered to ensure recreation opportunities are provided on a continuous basis.

The EA (p. 2) discloses that the proposed action conforms to the Cassia Resource Management Plan. The proposed action is also consistent with pertinent laws such as the Endangered Species Act, the Migratory Bird Treaty Act, and the Federal Land Policy and Management Act.

Although the Proposed Action includes surface disturbing activities within 330 feet of the Oregon National Historic Trail (NHT), the activities will be restricted to a 10 foot wide paved trail and will provide additional barriers using either natural materials or jack/rail fence (no barbed wire) which will add protections to the paved trail which do not already exist. The purpose of the paved trail is to increase efforts toward education and enhance NHT historical values. Therefore, the paved trail is in conformance with the RMP and will have no physical or visual effect on historic properties.

Other Alternatives Considered

The EA (p. 7) described the no-action alternative. The no-action alternative was not selected because it would not enhance the recreation experience for visitors at the Milner Historic Recreation Area. Also, it would not provide interpretation and protection for the Oregon National Historic Trail. There were no other alternatives considered but eliminated from detailed study (pages 7).

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined that choosing the Propose Action would not be a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area.

In making this determination, I considered the following factors:

1. **Impacts may be both beneficial and adverse.** The EA includes a description of the expected environmental consequences of the Proposed Action. Under this alternative the Milner Historic Recreation Area would be improved with a variety of new facilities and a foot trail along the Oregon National Historic Trail. As a result of implementing the proposed action, recreational opportunities would improve and the Oregon National Historic Trail would be protected.

2. **The degree to which the selected alternative will affect public health or safety.** This alternative will not significantly affect public health or safety. Improvements to the facilities at the Milner Historic Recreation Area will be staggered to ensure recreation opportunities are provided on a continuous basis. Areas under construction would be closed until construction is completed. New fire rings will reduce the potential for wildfire starts. New Concrete pads will provide improved walking surfaces. Overall, this project is expected to improve the public health and safety at the site.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** There are no park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas present within Milner Historic Recreation Area. However, the Milner Historic Recreation Area does contain portions of the Oregon National Historic Trail. The Proposed Action would protect and preserve the Oregon National Historic Trail through the creation of a foot path, interpretive signs and construction of barriers to limit vehicle use.

4. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The possible effects of the proposed action on the human environment are not highly uncertain nor do they involve unique or uncertain risks. BLM analyzed the possible effects on the human environment and the possible effects are well understood.

5. **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 any of the alternatives sets precedent or represents a decision in principle about a future management consideration.

6. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** Significant cumulative effects are not predicted. A complete disclosure of the effects is contained in the EA.

7. **The degree to which the action may adversely affect districts, sites, highways, structures, or other 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 would not adversely affect any districts, sites,

highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places. Scientific, cultural, or historical resources occurring at the site would be preserved and enhanced.

8. 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, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list. There are no endangered or threatened species present on the BLM managed lands at the Milner Historic Recreation Area.

9. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements. Choosing the Proposed Action will not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process.

APPEALS

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. Public notification of this decision will be considered to have occurred on February 23, 2013. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at 15 East 200 South, Burley, Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b) the petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and

on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the authorized officer and/or IBLA.

APPROVED

/s/ Jim Tharp for

Michael Courtney
Field Manager

1/23/2013

Date