

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



Finding of No Significant Impact (FONSI)

2013 Shoshone Field Office Livestock Trailing Permit EA

Environmental Assessment No. DOI-BLM-ID-T030-2012-0044-EA

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The Council on Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) have been reviewed and it has been determined that the actions analyzed in Environmental Assessment (EA) No. DOI-BLM-ID-T030-2012-0044-EA will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because the actions analyzed in the EA will not have any significant impact, an environmental impact statement is not required. The BLM Shoshone Field Office has selected to implement the Proposed Action which would issue 27 Decisions with resource-specific terms and conditions for the purpose of trailing livestock across BLM-administered lands.

This finding was made after considering both the context and intensity of the effects, as described in the above EA. The following factors were considered in determining significance:

1. The activities described in the Proposed Action of EA No. DOI-BLM-ID-T030-2012-0044-EA do not include any significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)), as described below:

- a. There are not any significant beneficial impacts from the Proposed Action to the livestock operators who are issued crossing permits. Without authorization to trail, some livestock operators may not be able to get to the allotment for which they hold a grazing permit.
- b. There are not any significant beneficial impacts of the Proposed Action to species listed as threatened under the Endangered Species Act (ESA), candidate species for listing under ESA, and BLM special status species.
- c. There are not any significant adverse impacts of the Proposed Action on candidate species for listing under the ESA. For example:

Under the Proposed Action, many livestock trails that have been applied for by the livestock operators (i.e., Alternative 1) have either been removed or rerouted by BLM staff or a reduction in the number of trailing days has been necessitated. The total number of trailing events was reduced by 14%, and the number of AUMs permitted for trailing was cut by 23% compared to Alternative 1. The number of livestock trails that were three to five days long decreased by 12%; almost all of these now require only one day to trail. In order to reduce impacts to wildlife resources and their habitats, livestock trails have been re-routed to roads to the maximum extent possible, livestock trailing corridors through areas that are near sage-grouse leks and raptor nests have been narrowed, previously used bed grounds that were in close proximity to raptor nests have been removed, the timeframe allowed for trailing events has been shortened, and the overall number of trailing events has been reduced.

Under the Proposed Action, livestock trailing would result in some trampling and grazing of vegetation. Sufficient vegetation would remain after trailing to allow for nesting, escape, and thermal cover for greater sage-grouse during breeding and brood-rearing activities.

The cumulative impacts to greater sage-grouse and other candidate species in regards to livestock trailing are minimal when the terms and conditions described in Section 2.2 and Appendix B of the EA are applied.

The Proposed Action would have only minimal direct and indirect effects and there would be no measurable impacts to sage-grouse or other candidate species populations. The Proposed Action would have few consequences to sage-grouse and other candidate species due to timing and location restrictions. Cumulatively, effects to sage-grouse and other candidate species would not be significant.

- d. There are no significant adverse effects of the Proposed Action of EA No. DOI-BLM-ID-T030-2012-0044-EA on BLM special status species. For example:

The Proposed Action includes several terms and conditions to minimize environmental effects to BLM special status species (refer to Section 2.2 and Appendix B). These terms and conditions include timing restrictions for the purpose of protecting sage-grouse habitat and/or sage-grouse key areas. The direct and indirect effects to BLM special status species are minor as disclosed in Sections 4.1.3 (Vegetation, including BLM Sensitive Species), 4.1.5 (Wildlife, including BLM Sensitive Species), and 4.1.6 (BLM Sensitive Fish and Aquatic Species) of the EA.

BLM sensitive plant species are in proximity to 21 trails during the spring months. Spring is anticipated to be the time of the year when the impacts to special status plants and their habitats could take place due to the seasonally moist conditions and potential for soil compaction and disturbance, which can impede growth and development of plants, plus create a niche for invasive plants to establish and compete. This potential impact to BLM sensitive plant species would be minimized by following existing roads and/or utilizing range readiness criteria.

The Proposed Action has incorporated Terms and Conditions in regard to the authorization of livestock trailing and special status wildlife species and their habitat. These Terms and Conditions are listed below.

Terms and Conditions on all Livestock Trailing Permits:

- Livestock trailing will occur along the route outlined in the attached map and in accordance with Field Manager's Final Decision EA No. DOI-BLM-ID-T030-2012-0044-EA.

Terms and Conditions where trailing occurs adjacent to known pygmy rabbit burrows:

- In the [] Allotment, livestock trailing will not be permitted to occur off of designated routes to prevent trampling of pygmy rabbit burrows. Bedding or overnighting of livestock will not be permitted to occur on designated areas to prevent disturbance to pygmy rabbits and trampling of pygmy rabbit burrows.

Terms and Conditions where trailing occurs adjacent to or through known raptor nests:

- In the [] Allotment, livestock trailing will not be permitted to occur off of designated roads to prevent disturbance to known raptor nests from February 1 to July 31. Also, bedding of sheep will not be permitted within a half-mile of known raptor nests. Permittees will be notified of current raptor nesting locations.

Terms and Conditions where trailing occurs adjacent to known sage grouse leks:

- In the [] Allotment, bedding or overnighing of livestock will not be permitted to occur within 0.6 miles of occupied or undetermined status sage-grouse leks from March 15 to May 1 from 6 pm to 9 am. In higher elevations, the timeframe is March 25 to May 15. Permittees will be notified of current sage-grouse lek locations.

AND

- Livestock trailing will not be permitted to occur within 0.6 miles of occupied or undetermined status sage-grouse leks from March 15 to May 1 from 6 pm to 9 am except on designated roads. In higher elevations, the timeframe is March 25 to May 15. Permittees will be notified of current sage-grouse leks locations.

Terms and Conditions where trailing occurs adjacent to or across riparian areas and/or fish-bearing streams:

- Bedding of livestock will not be permitted within 500 feet of riparian areas. If steep terrain or other topographical features do not allow a 500 foot buffer, bedding of livestock would not be permitted immediately adjacent to riparian areas.

OR

- Livestock trailing along western trail route in the [] Allotment will be limited to 1 day trail events only. No overnighing permitted. The eastern trail route through Long Canyon may be authorized for 2 days with one overnight per trailing event.

2. The activities included in the Proposed Action would not significantly affect public health or safety (40 CFR 1508.27(b)(2)).

A majority of the livestock trailing would occur along and adjacent to roads. The public may occasionally encounter livestock on roads during trailing activities; however, these encounters would not significantly affect public health and safety because the number of encounters along roads is expected to be low, encounters would probably occur in low traffic area on relatively low-speed routes. Also, the duration of the encounters would be limited in time. Furthermore, livestock trailing has occurred throughout this area for several decades and is an event that is familiar to the public.

3. The activities under the Proposed Action would not significantly affect any unique characteristics (40 CFR 1508.27(b)(3)) of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, designated wilderness areas, wilderness study areas, or areas of critical environmental concern.

No prime and unique farmlands, caves, wild and scenic rivers or designated wilderness areas are found within the trailing corridors of the Proposed Action. However, livestock trailing would occur through eleven WSAs and four ACECs. There are five livestock trailing events through Craters of the Moon National Monument and Preserve.

Under the Proposed Action, less livestock trailing through WSAs would be authorized compared to the manner and degree that was authorized under the Federal Land Policy and Management Act (FLPMA) in 1976. Therefore, the existing livestock trail routes in WSAs would not impair their suitability for preservation as wilderness. Impacts to WSAs from livestock trailing in the form of soil compaction and vegetation removal would be negligible. The likelihood of these existing livestock trail routes impacting WSAs in a manner so as to impair their suitability for preservation as wilderness was low under the continuation of the current situation but is even lower under the Proposed Action because of the 41% reduction in livestock trailing activity.

In WSAs, changes in livestock grazing, and subsequent trailing, in both grandfathered and non-grandfathered grazing may be allowed following the preparation of an EA if the effects are found to be negligible (refer to DOI, Bureau of Land Management, Interim Management Policy and Guidelines for Lands under Wilderness Review, H-8550-1, 1987).

The likelihood of these existing livestock trail routes impacting ACECs and causing irreparable damage to important historic, cultural, scenic values, fish and wildlife resources, or other natural systems or processes is very low under the Proposed Action; the impacts to ACECs from livestock trailing is negligible. The Big Beaver/Little Beaver and Elk Mountain ACECs are designated for providing winter range for elk; livestock trailing in these ACECs would not occur during the time they are being used by elk. Tee Maze and McKinney Butte ACECs are designated for the protection of caves and bats; very rarely do livestock intrude into a cave. In regard to the Sun Peak ACEC, livestock would be trailed just outside the west boundary of the ACEC but nevertheless the one-mile corridor would include a portion of the Sun Peak ACEC. Because of geographical constraints within the Sun Peak ACEC, livestock operators would move sheep bands through public lands west of the ACEC. Some trailing sheep may stray from the band into the ACEC from time to time but it should be an uncommon occurrence. The likelihood of these ACECs to continue to preserve natural processes that dominate the landscape for the primary purpose of research and education is high.

The five livestock trailing events in Craters of the Moon National Monument and Preserve do not have the potential to impact the Monument because all of the trailing events occur on maintained roads. Under the Proposed Action, the combined impacts to Special Designation Management Areas from livestock trailing are negligible (Sections 3.3.7, 4.1.7, 4.2.7, and 4.3.7).

4. The activities described in the Proposed Action do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).

Livestock trailing is a routine activity and the effects of livestock trailing are well understood as described in detail in Chapters 3 and 4 of EA No. DOI-BLM-ID-T030-2012-0044-EA. The Shoshone FO Interdisciplinary (ID) team for this Livestock Trailing EA met in 2011, 2012, and 2013 to identify issues internally and develop management actions for these trailing applications. This project was listed on the Idaho NEPA Register on September 28, 2012. A scoping information package was mailed to interested and affected publics on September 27, 2012 and comments were due October 19, 2012. The Shoshone FO received two responses. One from the Prairie Falcon Audubon Inc. and the other from the Superintendent of the Craters of the Moon National Monument and Preserve.

Comments from Prairie Falcon Audubon Inc. included concerns about the areas in which trailing would be authorized, including loss of sage-grouse, loss of sagebrush-steppe obligate species, and loss of sage-grouse habitat. Their concerns also include: soil compaction, reduction and loss of mesic and riparian areas, invasive weeds and grasses, loss of mosses and biological crusts, the lack of plant litter, the proliferation of cheatgrass as the understory, insufficient cover for wildlife, the loss of native vegetation, over-utilization of crested wheat grass seedings, pedestalling, large areas of open and connected bare soil, "sacrifice" areas near water troughs, burned areas, and pipeline installations.

Their suggestions/comments included: 1) mention of the types and potential number of livestock; 2) whether the proposed trailing routes would become permanent "driveways" to be used each season for multiple years; 3) how trailing and its added impacts will be monitored; 4) how additional trailing routes would be made public; 5) do not allow motorized vehicle use such as ATVs when moving livestock off road through public land; 6) trailing permits is essentially a temporary use authorization that includes terms and conditions; 7) the Purpose and Need in the Scoping/Information Package did not acknowledge that the BLM is under no obligation nor has a responsibility whatsoever to meet the applicant's need or desire; and 8) the BLM is under obligation to protect valuable natural resources.

Prairie Falcon Audubon Inc. asked that the analysis include the following information: 1) all assessments that are ongoing or completed in allotments, plus the methods used, and include areas already impacted by decades of trailing; 2) current sage-grouse recommendations, information, studies, and guidelines; 3) current Idaho Comprehensive Wildlife Conservation Strategy documentation; 4) management of riparian and mesic

areas as well as management of livestock at critical times of the year such as wet and/or early growing; 5) protection of biotic soils, avian species, particularly ground-nesting species, reptiles, and small mammals that will be affected by trampling; and 6) trailing through burns.

Concerns were received by the Superintendent of the Craters of the Moon National Monument and Preserve in regard to the Macon Cattle trail across National Park Service lands. Other concerns included: the spread of noxious weed seeds, manure, conflicts with traffic, and potential damage to geologic resources.

Relevant issues from scoping expressed concerns over the effects to sensitive plant and animal species, native vegetation, riparian and wetland areas, wildlife, cultural resources, soils and the introduction and spread of noxious weeds and invasive plants. Comments in response to the scoping effort did not reveal any controversy related to the size, nature, or effects of livestock trailing activities.

Although the act of trailing on public land is considered controversial by some groups and individuals, the effects on the quality of the human environment from this activity are not considered highly controversial based on: 1) the number and content of comments received from the public, and 2) our review of the scientific literature while conducting the impacts analysis.

5. Livestock trailing does not involve any effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).

Livestock trailing has occurred throughout the Shoshone FO for several decades, and the effects are well understood. The EA (Section 4.0 Environmental Impacts) discloses the expected environmental effects on the human environment; no unique or unknown risks have been identified.

Grazing has been the primary use in this area for at least 79 years (Taylor Grazing Act, 1934). Trailing and grazing management similar to those proposed by this decision have been completed in other parts of the Shoshone Field Office. Several published documents (Section 6.0) were used to complete EA # DOI-BLM-ID-T030-2012-0044-EA and to verify effects from various alternatives. Different trailing and grazing management strategies have been in place throughout the field office for decades. This research and decades of grazing management has given the BLM and the public sufficient knowledge of anticipated effects from livestock trailing and livestock grazing. Therefore, the effects of the Proposed Action on the human environment are not highly uncertain, and do not involve unique or unknown risks.

6. The decision to authorize livestock trailing does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).

No significant cumulative impacts were identified within the EA No. DOI-BLM-ID-T030-2012-0044-EA. Implementation of this decision would not trigger other actions, nor will it represent a decision in principle about future considerations.

7. The effects of livestock trailing would not be significant, individually or cumulatively, when considered with the effects of other actions (40 CFR 1508.27(b)(7)).

The EA discloses that there are no other connected or cumulative actions that would cause significant cumulative impacts. The Proposed Action was designed to reduce environmental impacts relative to the routes originally applied for under Alternative 1; the EA also contains general and route-specific Terms and Conditions that will be used to minimize environmental impacts. The cumulative effects analysis in the EA does not reveal any known significant cumulative impacts. Any adverse impacts identified as a result of livestock trailing, when added to impacts of other past, present, or reasonably foreseeable future actions, will overall result in negligible to minor impacts of natural resources.

8. It has been determined that the activities described in the Proposed Action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)).

Based on the livestock trailing activities under the Proposed Action, including watering and overnighting, an Area of Potential Effects (APE) was identified. Past inventory efforts within the APE were reviewed to identify sites that may be affected by the trailing activities. Where needed (e.g., overnight areas), additional field inventories for cultural resources have been completed to prevent adverse impacts to any NRHP-eligible sites found through the inventories. The EA (Section 4.1.10) discloses that trailing activities are not expected to adversely affect cultural resources. Consultation with the State Historic Preservation Office was initiated on March 1, 2012 and has been completed.

A Class I inventory, involving a review of existing cultural resource and site data, was conducted to identify cultural resources that may be affected in the Proposed Action. In addition to the Class I inventory, some intensive (Class III) surveys were completed in areas where livestock will be concentrated, including bed grounds. In many cases, livestock trailing has been restricted to improved roadways. In areas with potential cultural resource conflicts, trails have been rerouted to avoid those sites where possible and restrictions were placed on overnighting. Given these provisions and changes, implementation of the Proposed Action has no potential to affect historic properties.

The Proposed Action has incorporated Terms and Conditions in regard to the authorization of livestock trailing in regard to sites eligible for listing in the National Register of Historic Places. These Terms and Conditions are listed below.

Terms and Conditions on Livestock Trailing Permits where trailing occurs through a portion of the Oregon National Historic Trail:

- In the [] Allotment and [] Allotment, no bed grounds will be located within 0.5 miles of the Oregon National Historic Trail segments.

9. The activities identified in the Proposed Action are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).

As disclosed in the EA (Sections 3.3.5 and 3.3.6), trailing will not adversely affect any threatened or endangered species because even though habitat for these federally threatened or endangered fish and aquatic species is present within the Shoshone FO, no livestock trails occur in, by or through their known habitats. A Biological Assessment has been prepared and concluded the livestock trailing events would have No Effect on ESA-listed or BLM sensitive aquatic snails or BLM sensitive fish or their habitat in the Snake River.

10. The trailing activities identified in the Proposed Action will not threaten any violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

Chapter 1 of EA No. DOI-BLM-ID-T030-2012-0044-EA (Section 1.4 Relationship to Statutes, Regulations or Other Plans) describes how trailing activities conform to relevant laws, regulations, and policies.

____/s/ Brandon_Brown_____
Brandon Brown
Acting Field Manager
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__3/25/2013_____
Date