

**Finding of No Significant Impact
For the
Mill Creek Reconnect Project Environmental Assessment
DOI- BLM-ID-I030-2013-0006-EA
IDI-37624**

Introduction and Background

The Bureau of Land Management (BLM) - Challis Field Office (CFO) received a request from Trout Unlimited, a non-profit organization focused on the restoration and conservation of native salmonids and their habitats. Trout Unlimited (proponent) has requested to reconnect Mill Creek to Big Creek. In partnership with Trout Unlimited, the private land holder and right of way (ROW) applicant is Big Creek Ranch, LLC. Mill Creek is a tributary to Big Creek in the upper Pahsimeroi River Watershed. The Pahsimeroi Valley lies in Central Idaho and includes both Lemhi and Custer counties. Mill Creek has been historically disconnected by irrigation practices and does not directly convey water to Big Creek or allow for upstream and downstream fish migration. The proposed project, including stream channel construction, riparian vegetation planting, installation of fence to ensure stream channel revegetation success, and installation of a buried irrigation pipeline would allow for instream flow conservation and restore stream flow and fisheries connection between Mill Creek and Big Creek.

The proposed action was designed to improve land health, and the alternatives fully analyzed in the EA were developed by the BLM in coordination or consultation with the project proponent, local landowners, conservation groups, state agencies and other federal agencies. Additional information is available in the EA, which is available at the Challis Field Office or on the Internet at: <https://www.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=37018>.

Based upon a review of the MILL CREKK RECONNECT PROJECT ENVIRONMENTAL ASSESSMENT DOI-BLM-ID-I030-2013-0006-EA, I have determined that the Proposed Action would not constitute a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined under Council of Environmental Quality (CEQ) regulations at 40 CFR 1508.27, therefore an Environmental Impact Statement is not required. This finding is based on the context and intensity of impacts as identified in the environmental assessment (EA) and referenced below.

Finding of No Significant Impact (FONSI)

I have reviewed the EA including the explanation and resolution of any potentially significant environmental impacts, and reviewed and thoroughly considered public comments regarding the EA. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27 and have determined that the proposed action, along with the design features, best management practices and stipulations described, does not constitute a major federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.

Implementing regulations for the National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. ‘Significant’, as used in NEPA, requires consideration of both context and intensity. The bold and italicized text are repeated from 40CFR 1508.27 for completeness and an explanation follows for relevance to the decision.

(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 scale and context. The proposed action does not have international, national, region-wide, or statewide importance. The analysis has shown that the effects are local in nature and that the stream reconnect construction, retention of an existing ditch and pipeline installation under the ROW authorization, riparian vegetation restoration, and fence installation will have no significant impact on existing resource values.

(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/or adverse.*

The analysis documented in DOI-BLM-ID-I030-2013-0006-EA did not identify any individually significant short- or long-term impacts. *The Affected Environment And Environmental Consequences* section of the EA (EA, pages 26-80) describes the direct and indirect impacts (both beneficial and adverse) of the proposed action and alternative. Identified short term effects include, but are not limited to, ground and vegetation disturbance within the project area. The potential for impacts, both short and long term, are further limited by design features, BMPs and stipulations included as part of the proposed action, including the 30-year renewable ROW. Long term beneficial impacts include but are not limited to: improved riparian vegetation, instream flow conservation, and improved ESA designated critical habitat in Mill and Big Creeks.

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

The environmental analysis documented no effects on public health and safety from any of the actions described in 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.*

The environmental analysis documented no effects on unique geographic features of the area. The status of these unique resources is documented in Table 3: *Resources Considered in the Impact Analysis* (EA pages 27-31). There are no prime and unique farmlands, park lands, Wild and Scenic Rivers, designated Wilderness, Wilderness Study Areas, lands with Wilderness characteristics, Areas of Critical Concern, paleontological resources, historic properties, known cultural resources, or Wild Horse and Burro Management Areas in the project area. Wetland resources were identified as an affected resource and were assessed in the EA, including potential for insignificant adverse and beneficial effects (EA, pages 74-77).

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

The BLM CFO conducted internal scoping, public scoping, and consultation and coordination with other governments and agencies to identify issues for analysis (EA- Scoping and Issues, pages 7-9; Consultation and Coordination, pages 93-95). The issues identified were addressed in the EA (EA, pages 26-80). Constroversial effects on the human environment were not identified.

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

The environmental analysis did not identify any effects on the human environment which are highly uncertain or involve unique or unknown risks.

(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.*

The proposed action does not set precedent or represent a decision in principle about a future management consideration. The proposed action includes stream restoration actions, riparian vegetation restoration, temporary riparian protection fence construction, and issuance of an irrigation ROW for an existing ditch and additional buried pipeline. The proposal was considered cumulatively and analyzed in the *Cumulative Impacts and Monitoring* section (pages 81-93). No significant cumulative impacts were identified within the EA. Implementation of this decision would not trigger other actions, nor will it represent a decision in principle about future consideration. The activities are not connected to any other future actions.

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

The EA documents the cumulative impacts within the scope of the analysis area. The analysis did not identify any known significant cumulative or secondary effects (EA, pages 81-93). Within the cumulative impact analysis area, we analyzed other past, present, and reasonably

foreseeable actions. For example, other instream flow conservation, stream reconnect, riparian restoration, and riparian protection fence projects. However, those actions in combination with this decision are not anticipated to result in cumulatively significant impacts within the Pahsimeroi River Watershed, which formed the cumulative impacts analysis area.

(8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, 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 showed that the proposed action would not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. The Proposed Action would not cause loss or destruction of significant scientific, cultural or historical 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 BLM fully considered its responsibilities under Section 7 of the ESA. Species and habitats which may be impacted were assessed by the BLM, and a Biological Assessment was prepared. The EA addresses potential impacts, which were determined to be “**Not Likely to Adversely Affect**” ESA listed fish species, critical habitat and essential fish habitat. Consultation with NMFS and USFWS was conducted in accordance with Section 7 of the Endangered Species Act. Utilizing ESA streamlining procedures, the Salmon-Challis Level 1 Team reviewed a draft BA in May 2013 and a revised draft BA provided on June 30, 2014. Following these reviews, preliminary agreement with effects determinations for ESA listed fish, critical habitat and essential fish habitat was reached. The NMFS Level 1 representative indicated that once comments identified in a July 3, 2014 email were addressed, that the BA could be submitted for informal ESA consultation. The USFWS Level 1 representative indicated that once comments identified in a July 14, 2014 email were addressed, that the BA could be submitted for informal ESA consultation. These comments were fully addressed and the BA and request for concurrence were submitted to conclude ESA Section 7 consultation (informal), on August 4, 2014. Based on the preliminary agreement with BLM effects determinations, and conformance with Section 7 of the ESA, the CFO fully anticipates receipt of the letters of concurrence from NMFS and USFWS.

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

The environmental analysis documents that the proposed action is consistent with Federal, State, and local laws or requirements imposed for the protection of the environment (EA, pages 11-12 and 26-80).

I find that implementing Proposed Action Alternative 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 positive and negative effects, as

well as the direct, indirect and cumulative effects of this action and reasonably foreseeable future actions. I have found that the context of the environmental impacts of this decision is limited to the local area and I have also determined that the severity of these impacts is not significant. This document is adequate and in conformance with the 1999 Challis Resource Management Plan.

/s/ Todd Kuck, Field Manager
August 15, 2014