

## Toy Mountain Group 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 intensity<sup>1</sup> 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 in detail within the five alternatives in Environmental Assessment (EA) No. DOI-BLM-ID-B030-2013-0023-EA, which is incorporated by reference here in its entirety (40 CFR 1508.14). I also considered several other alternatives that were not analyzed in detail. These are described in Section 2.3 of the EA. This EA discloses the environmental impacts that would result in renewing livestock grazing permits in the existing Toy Mountain (Group 3) allotments: Alder Creek FFR, Boone Peak, Box T, Bridge Creek, Browns Creek, Garrett FFR, Hart Creek, Josephine FFR, Lone Tree, Louisa Creek, Meadow Creek FFR, Moore FFR, Munro FFR, Quicksilver FFR, Red Mountain, Stahle FFR, Steiner FFR, Toy, West Castle, and Whitehorse/Antelope.

The EA analysis incorporates a reconfiguration of some of the allotments, and this FONSI is addressing its findings using these allotment reconfigurations. This reconfiguration of allotments create the proposed Fossil Creek, Pickett Creek, and Red Hill FFR allotments from the existing Red Mountain, Bridge Creek, Boone Peak, Quicksilver FFR, and Stahle FFR allotments. From here forward, the reader should consider the reconfiguration presented here and described in the EA in Section 2.4.

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<sup>1</sup> *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.

The proposed actions documented by this FONSI consist of the assignment of specific grazing management prescriptions to the individual allotments analyzed in this EA. That is, rather than a single proposed action, I will be issuing a set of grazing decisions based on and in the alternatives analyzed in this EA because no single alternative is expected to provide the resource benefits for all 18 allotments.

Considering this approach, and based on the analysis of the impacts, this action would implement Alternative 2 (the applicants' proposed action) on, Josephine FFR, Munro FFR, and Steiner FFR allotments. The complete permittees' applications are in Appendix D of the EA and described in Section 2.4.

The action would implement Alternative 3 on the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments.

The action would also implement Alternative 4 on Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments.

I have considered the significance criteria in 40 CFR 1508.27, as well as the Rangeland Health Assessment/Evaluation Reports (RHAs, which I am also incorporating here by reference). I have determined that the actions as described above will not have a significant effect on the human environment. An environmental impact statement is therefore not required. My rationale is as follows.

Regarding the context of the effects from implementing the proposed livestock grazing management actions through Alternatives 2, 3, and 4, this action would not have international, regional, or statewide consequences. Considered independently by allotment or as a whole for this group of allotments, 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 toward making significant 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 a number of livestock operators whose livestock would graze in the Toy Mountain Group allotments at reduced levels in the future and, to a lesser extent, the local communities in which they trade. The EA analyzes these social and economic effects in Sections 3.2, 3.3 by allotment, and 3.4, 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 Alternatives 2, 3, and 4, 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***

The consideration of intensity must include analysis of both these beneficial and adverse effects, not just a description of the net effects. Only a significant adverse effect triggers the need to prepare an EIS (BLM NEPA Handbook, H-1790-1, 7.3, p 71). 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. My obligation is also to ensure that the selected alternatives will strive toward meeting the ORMP goals and objectives (EA at 1.7). The implementation of the preferred Alternative 2 (and not changing current stocking rates) in the, Josephine FFR, Munro FFR, and Steiner FFR allotments would have

beneficial effects to riparian areas because the alternative initiates limits to the intensity of livestock use in these areas. Current livestock management is not a causal factor for failure to meet Rangeland Health Standards. The allotments are either meeting the riparian standard (Standard 2) or making progress where the Standard applies. The only applicable Standards not met or making progress are in Josephine FFR and Steiner FFR, where native vegetation (Standard 4) and special status animal species (Standard 8) are being affected by juniper encroachment and/or altered fire regimes. Because this action adds no new infrastructure or vegetation treatments to these allotments, no new adverse effects would occur.

Alternative 3 is the preferred alternative for the, Box T, Browns Creek, Fossil Creek, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments. The Box T, Fossil Creek, Pickett Creek, and Toy allotments would either meet or make significant progress toward meeting the watershed standard (Standard 1) with this alternative because it provides deferment from spring grazing, and this would result in reduced physical impacts to soils during the wettest period of the year. The allotments not meeting the riparian/wetland and stream channel standards (Standards 2 and 3) because of current livestock grazing are Box T, Browns Creek, Louisa Creek, Moore FFR, Pickett Creek, Red Hill FFR, and Toy. Implementing Alternative 3 in these allotments would put in place a grazing rotation system that would reduce and even eliminate impacts to the riparian resources approximately 20 percent of the time without implementing other actions such as vegetation treatments or infrastructure development, thereby avoiding any significant impacts to the resources at issue and to the human environment (EA at 3.2, 3.3, and 3.4).

The Box T, Fossil Creek, Pickett Creek, and Toy allotments are not meeting Standard 4. Alternative 3 implemented in these allotments would reduce the effects to native vegetation because it applies constraints to limit seasons and intensities of grazing use during the active growing season for native deep-rooted bunchgrass species. The constraint for upland vegetation includes limiting the frequency of active growing season use to no more than 2 in 3 years, a treatment that allows one growing season for the resilience of cool-season native bunchgrass species to regain health and vigor following one year of active growing season use (EA at 3.2, 3.3 for individual allotments, and 3.4).

There are seven allotments not meeting the water quality standard (Standard 7) in which current livestock grazing is the cause: Boone Peak, Box T, Browns Creek, Louisa Creek, Pickett Creek, Quicksilver FFR, and Red Hill FFR. Implementing Alternative 3 in these allotments would lessen the impacts and improve water quality in the same way riparian/wetland resources are helped—by putting in place a grazing system that would eliminate impacts to the riparian resources a significant percentage of time in the 3-year grazing rotation cycle.

Standard 8 is not being met in the Box T and Toy allotments for plants and animals, and in the Browns Creek, Fossil Creek, Louisa Creek, Moore FFR, Pickett Creek, and Red Hill FFR allotments for animals only. Implementing Alternative 3 would result in significant progress being made toward meeting or the Standard being met in these allotments, with two exceptions. The Louisa Creek and Moore FFR allotments are not meeting this Standard because of juniper encroachment and current livestock grazing in the uplands. Implementing Alternative 3 in these two allotments would eliminate livestock grazing as one causal factor, but juniper encroachment would still prevent progress toward meeting Standard 8. We conclude that impacts to sensitive and special status plants and animals would be reduced through implementation of Alternative 3 in these allotments without introducing new adverse effects.

Alternative 4 is the preferred alternative for the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments. The Alder Creek FFR and Whitehorse/Antelope allotments aren't meeting Standard 1, with livestock being the causal factor, but these would meet or make progress with the implementation of Alternative 4. All five of these allotments are not meeting Standards 2 and 3, and three of the allotments, Hart Creek, West Castle, and Whitehorse/Antelope are also not meeting Standard 7.

Alternative 4 implementation would result in all five either meeting or making significant progress toward meeting these three Standards.

Standard 4 is not being met in the Alder Creek FFR, Lone Tree, and Whitehorse/Antelope allotments, but Alternative 4 would result in this Standard being met or significant progress made toward meeting it. Finally, all five allotments are not meeting Standard 8. Implementation of Alternative 4 would result in meeting or making significant progress toward meeting Standard 8 in the Alder Creek FFR and Whitehorse/Antelope allotments, while the other three allotments have juniper encroachment as a causal factor, along with livestock grazing. Therefore, by implementing Alternative 4, Standard 8 would not be met on the Hart Creek, Lone Tree, and West Castle allotments, but livestock grazing would no longer be contributing to the failure to meet Standard 8.

While we recognize that livestock grazing prescriptions from implementing Alternatives 2, 3, and 4 have adverse effects to those resources at issue in the Toy Mountain Group allotments, we are not introducing new adverse and potentially significant effects that could occur with actions above and beyond renewing the grazing permits. The grazing management changes that would be implemented as described would result in the reduction of direct, indirect, and cumulative impacts to the resources at issue. Logically then, and with these points in mind, we determine that there would be no significant adverse effects introduced in these allotments.

Alternatives 2, 3, and 4 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 failure to meet Standards, and without prescribing any additional actions on the ground that would create new disturbances such as fencing, livestock watering projects, or vegetation treatments. In this way, the assignment of three distinct management actions designed to meet the resource needs of each individual allotment would not cause a significant adverse effect on the resources at issue in these allotments.

***(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 2 were implemented for the Josephine FFR, Mumro FFR, and Steiner FFR allotments; if Alternative 3 were implemented for the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments; and if Alternative 4 were implemented for the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments.

I have also considered the economic and social effects from implementing these alternatives 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 2, 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 or wild and scenic rivers within the boundaries of the Toy Mountain Group allotments. There is one ACEC designated by the ORMP as the Cinnabar Mountain RNA/ACEC in the Toy Mountain Group allotments. The EA states that the grazing restrictions already in place for this RNA/ACEC would continue under all the alternatives, and the high-value plant community for which the ACEC was designated would be protected (Section 3.2.7). The EA also states (Section 3.2.9) that there would be no effect to historic properties. Allotment-specific impacts to

cultural resources are analyzed in Sections 3.3 and 3.4 of the EA. Alternatives 2, 3, and 4 would implement management actions that would reduce the adverse impacts to cultural resources. Alternatives 2, 3, and 4 would not increase congregation areas around troughs, springs, reservoirs and other watering areas where damage to cultural resources would be most at risk.

***(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. I am exercising some judgment about the level of controversy over how resources would be affected by implementing Alternative 2 in the Josephine FFR, Munro FFR, and Steiner FFR allotments; Alternative 3 for the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments; and Alternative 4 for the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments. Substantial dispute within the scientific community about the effects would indicate there is a high level of controversy, but I do not see such a dispute over the types of effects livestock grazing would cause should Alternatives 2, 3, or 4 be implemented as 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 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 20 Toy Mountain Group 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 Alternatives 2, 3, and 4, 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, and we find this to be the case here.

***(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 2 in the Josephine FFR, Munro FFR, and Steiner FFR allotments; Alternative 3 in the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments; and Alternative 4 in the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments does not set a precedent for future actions that may occur in the area. We have previously chosen to implement specific terms, conditions, and constraints in livestock grazing permits and have previously chosen to take steps to protect resource values through restrictions to seasons of use, intensity, duration, and/or frequency of grazing use and 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 such as ACECs. Actions from implementing Alternatives 2, 3, and 4 as prescribed here, specific to each allotment, are therefore no different from those that have occurred or may occur in the future. Because the actions proposed here and the corresponding effects are specific to each Toy Mountain Group allotment, any other grazing permit renewal applications the BLM has or will receive is subject to appropriate NEPA analysis, and this process 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, including the Toy Mountain Group actions of implementing the alternatives, if appropriate for

that analysis area. Therefore, actions and effects for Alternatives 2, 3, and 4, as described in this document and the EA, 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 eighteen<sup>20</sup> Toy Mountain Group allotments: Alder Creek FFR, Box T, Browns Creek, Fossil Creek, Garrett FFR, Hart Creek, Josephine FFR, Louisa Creek, Lone Tree, Meadow Creek FFR, Moore FFR, Munro FFR, Pickett Creek, Red Hill FFR, Steiner FFR, Toy, West Castle, and Whitehorse/Antelope 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 areas, 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 (EA at 3.2, 3.3, and 3.4). Those allotments where Alternative 2 is the Preferred Alternative would experience the same effect to cultural resources as the current condition (Alternative 1). The analysis also recognized that these adverse effects would be reduced through the reduction in livestock grazing levels in Alternatives 3 and 4. As addressed in intensity factor #3, above, none of the three preferred alternatives would increase congregation areas around troughs, springs, reservoirs and other watering areas where damage to cultural resources would be most at risk. The proposed action would build no additional infrastructure or facilities (EA at 2.3) that would increase the number or intensity of livestock congregation areas and increase the risk to these resources. There are no adverse effects to historic properties (EA at 3.2.9). The Louisa Creek allotment contains eight identified prehistoric sites, only one of which is in proximity to a livestock congregation site that was affecting the resource. In consultation with the Shoshone-Paiute Tribes of the Duck Valley Reservation, mitigation measures have been taken during the summer of 2013 to protect the site. The remaining seven sites are not within a 100-meter vicinity of an identified potential livestock congregation area (EA at 3.3.10.1.7).

***(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) or critical habitat known to occur within or reasonably close to the Toy Mountain Group allotments. There would be no conflicts with the ESA resulting from implementing the actions in Alternatives 2, 3, and 4. However, the greater sage-grouse and the Columbia spotted frog are candidate species that occur within the analysis area and are warranted for potential listing under the Endangered Species Act by the U.S. Fish and Wildlife Service (USFWS). The EA analyzes the effects that livestock grazing has on these species in section 3.2.5. Alternatives 2, 3, and 4 as prescribed in this document would result in the improvement and protection of intact sagebrush steppe and riparian habitat, where present, which would assist in future compliance with the ESA in the event of listing of sagebrush-obligate, shrub-dependent, or riparian-dependent wildlife species, such as greater sage-grouse and Columbia spotted frog.

Implementation of Alternative 2 as described for the Josephine FFR, Munro FFR, and Steiner FFR allotments would decrease the effects of livestock grazing in upland/riparian communities by limiting the intensity of use, thereby benefitting focal species as well as other sagebrush steppe associated species.

Alternative 3, as applied to the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments, and as analyzed in Section 3.2 of the EA, would result in greater security cover for nesting and brood-rearing sage-grouse from predators and increasing preferred forb diversity and availability. Improved herbaceous and woody cover in riparian zones would benefit Columbia redband trout and Columbia spotted frogs by reduced trampling of spring spawning and egg laying sites. Alternative 3 would implement increased deferment and/or rest from livestock grazing compared to the current situation, which would make moderate progress toward meeting Standard 8, or at least remove one of the two causal factors (juniper encroachment not being addressed in these actions) for failing to meet Standard 8 and achieving ORMP objectives in these allotments.

Alternative 4, as applied to the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments would, similarly to Alternative 3, also provide greater security cover for nesting and brood-rearing sage-grouse from predators and increase preferred forb diversity and availability. Improved herbaceous and woody cover in riparian zones would benefit Columbia redband trout and Columbia spotted frogs by reduced trampling of spring spawning and egg-laying sites.

With these prescriptions that are specific to resource and allotment needs, we find that livestock grazing will not have a significant impact to candidate or special status species, and there are no threatened and endangered species listed under the Endangered Species Act (ESA) present in these allotments.

***(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 Alternatives 2, 3, and 4 would not violate any Federal, State, or local law, or any requirement imposed for the protection of the environment.

I find that implementing Alternative 2 as described for the Josephine FFR, Munro FFR, and Steiner FFR allotments; Alternative 3 for the Box T, Browns Creek, Fossil Creek, Garrett FFR, Louisa Creek, Meadow Creek FFR, Moore FFR, Pickett Creek, Red Hill FFR, and Toy allotments; and Alternative 4 for the Alder Creek FFR, Hart Creek, Lone Tree, West Castle, and Whitehorse/Antelope allotments, 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 Alternatives 2, 3, and 4 for grazing permit renewals in these 18 Toy Mountain Group (Group 3) allotments.

  
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Loretta V. Chandler  
Owyhee Field Office Manager

11 | 21 | 2013  
Date