

South 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 prepared 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 in detail within the five alternatives in Environmental Assessment (EA) No. DOI-BLM-ID-B030-2013-0022-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 South Mountain Group (Group 4) allotments: Dougal FFR (0456), Lequerica FFR (0557), McKay FFR (0457), Sheep Creek (0559), South Dougal (0536), South Mountain Area (0561), and Wilson Creek FFR (0537).

I have considered the impacts resulting from implementing Alternative 2 (the applicants' proposed action) on the McKay FFR allotment, and the impacts of implementing Alternative 3 on the South Mountain Area allotment (and transitioning this allotment to Alternative 2 only if, and when, specific requirements are met). I've also considered the impacts of implementing Alternative 3 for the remaining five allotments. These impacts, viewed in context of 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), have led me to

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.

find that the action will not have a significant effect on the human environment, thus an environmental impact statement is not required.

Allotment Name	Preferred Alternative
Dougal FFR	Alternative 3
Lequerica FFR	Alternative 3
Mckay FFR	Alternative 2
Sheep Creek	Alternative 3
South Dougal	Alternative 3
South Mountain Area	Alternative 3
Wilson Creek FFR	Alternative 3

My rationale is as follows. Viewed in the context of the effects from implementing Alternative 2 and Alternative 3, this action is not expected to have international, regional, or state-wide consequences. The analysis demonstrates that the changes in grazing management contemplated would not have a significant adverse effect on the natural resources of the area, and they would lead to making progress in meeting Idaho Standards and Guidelines for rangeland health, as well as meeting management objectives of the Owyhee Resource Management Plan (ORMP). The most appreciable economic consequence would be felt by livestock operators whose livestock graze in the South Mountain Group allotments at reduced levels in the future and, to a lesser extent, the local communities within which they trade. The EA analyzes these social and economic effects (Sections 3.2, 3.3, 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 and 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

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 Alternative 2 in the Mckay FFR allotment would maintain the current condition of the resources at issue. The RHA concluded that current livestock grazing practices are not a significant cause for not meeting the applicable Standards, and the analysis indicates that the RMP objectives for the resources at issue would be maintained on this allotment (EA 3.3.3.2.2.4). Logically then, the continuation of grazing (unchanged) would not cause a significant adverse effect on the resources at issue in this allotment. Alternative 3, as well as Alternatives 4 and 5, 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 failing to meet standards.

Implementing Alternative 3 in the six remaining allotments to address the issues described in Section 1.6.3 of the EA would result in constraints to seasons, intensity, duration, and/or frequency of grazing use applied specifically to the pastures of each allotment where these issues apply (EA at 2.2.3). These constraints were tailored to the needs of wildlife (e.g., during sage-grouse nesting/early brood-rearing season where PPH-key habitat occurs), upland vegetation, soils, and riparian areas where present in each pasture. The BLM's analysis in the EA considers all effects, beneficial and adverse, that would result from implementing Alternative 3 to the six allotments (Dougal FFR, Lequerica FFR, Sheep Creek, South Dougal, South Mountain Area, and Wilson Creek FFR), and no significantly adverse effects to resources would result from implementation of this Alternative.

The South Mountain Area allotment would transition to Alternative 2 if and only after specific requirements were met. This Alternative is described in Section 2.4.6 in the EA. Requirements include the permittees' completion of 5.5 miles of fencing, creating four new pastures. All fencing would be located on State of Idaho and private land, and no fencing would be installed on BLM land. This would result in implementation of a grazing rotation system, the environmental impacts of which would be equivalent to the safeguards for resources that are built in to Alternative 3. I am confident that this transition from Alternative 3 to Alternative 2 would not create any potentially significant new adverse effects on resources in the allotment.

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

In reviewing this element, I have considered the effects on air quality and water quality, etc., when Alternative 2 for Mckay FFR and Alternative 3 for the remaining five allotments were implemented. 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 2 and 3.

(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 allotments. The southeastern portion of the South Mountain allotment (Lequerica and two South Mountain Area pastures) is adjacent to the North Fork Owyhee Wilderness area, but there would be no impact to this from implementing Alternatives 2 and 3. Livestock congregation areas can cause effects to cultural resources. The analysis contained within the EA found that five of the allotments have no potential areas of congregation on BLM-administered land and four also lacked the presence of recorded sites. Implementing Alternative 2 for the Mckay allotment would not increase or decrease the effects to cultural resources, while Alternative 3 and its corresponding reduction in AUMs would reduce the adverse effects, such as trampling, to cultural resources. No historic properties are listed in the NRHP for the allotment group. No recorded fossil sites are within the South Mountain Group. There are no Areas of Critical Environmental Concern (ACEC) located in the allotments.

The Tribes have been consulted on the renewal of these grazing permits pursuant to AIRFA and NHPA and have not raised any cultural resource concerns. No recorded or known traditional cultural properties or identified sacred sites are within the allotment group (EA at 3.1.8).

The EA's analysis recognizes that the South Mountain Group allotments are within Great Basin and Owyhee Bird Habitat Conservation Areas (BHCA) BCR. Effects to bird habitat would remain unchanged in the McKay FFR allotment and the South Mountain Area allotment should Alternative 2 be implemented there, while the analysis determines that adverse effects to bird habitat in the five allotments where Alternative 3 is prescribed, and South Mountain in the initial phase, would be lessened (EA at 3.3).

(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. Here, I am exercising some judgment about the level of controversy over how resources would be affected by Alternative 2 in McKay FFR and South Mountain Area allotment and Alternative 3 in the other five 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 effects of livestock grazing should Alternatives 2 and 3 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 seven 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 and 3, or any of the alternatives identified in the EA, which 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 2 for McKay FFR and Alternative 3 for Dougal FFR, Lequerica FFR, Sheep Creek, South Dougal, South Mountain Area, and Wilson Creek FFR 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. Actions from implementing Alternative 3 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 the South Mountain Group 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, including the South Mountain Group actions, if appropriate for that analysis area. Therefore, actions and effects for Alternatives 2 and 3 for South Mountain Group, as described in this document, 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 South Mountain Group 4 allotments, Dougal FFR, Lequerica FFR, Mckay FFR, Sheep Creek, South Dougal, South Mountain Area, and Wilson Creek 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 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, 3.4). 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 (EA at 2.3) that would increase the number or intensity of livestock congregation areas that could increase the risk to these resources.

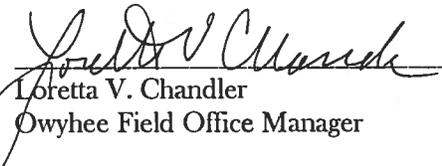
(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973

The EA analysis states that there are no threatened and endangered species listed under the Endangered Species Act (ESA) occurring in the South Mountain Group 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 2 for Mckay FFR allotment and Alternative 3 for the other allotments would result in the improvement and protection of intact sagebrush and riparian habitat, where present, 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 2 and 3 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 Mckay FFR (and South Mountain Area potentially) allotment and Alternative 3 for Dougal FFR, Lequerica FFR, Sheep Creek, South Dougal, South Mountain Area, and Wilson Creek FFR, 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 and 3 for grazing permit renewals in these allotments.


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11 | 15 | 2013
Date