

Garat Allotment Livestock Grazing Permit Renewal 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 serves to provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact [40 CFR 1508.9 (a) (1)].

A finding of no significant impact (FONSI) is a document written by a Federal agency, in this case the Bureau of Land Management (BLM), briefly presenting 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 is 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 authoring document.

Finding

I have carefully reviewed the actions that are analyzed within five alternatives of Environmental Assessment (EA) No. DOI-BLM-ID-B030-2014-0015-EA, which is incorporated by reference here in its entirety. This EA discloses the environmental impacts that would result from alternative grazing management systems while renewing the livestock grazing permit on the Garat allotment in Owyhee County, Idaho, for a term of 10 years, as well as the impacts of not renewing the permit.

The FONSI need only provide a basis for the conclusion that the selected alternative(s) will have no significant effect (BLM NEPA Handbook H-1790-1). I have considered the analysis of the impacts resulting from the implementation of Alternative 4A (season-based), with terms and conditions that set limited seasons for grazing use, thereby limiting adverse impacts. My

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.

consideration included the impact analysis of implementing Alternative 4A that not only establishes the resource-based constraints to provide enhancement for sage-grouse habitat, riparian, vegetation, and soils, but also establishes methods to enhance the riparian areas of Piute Creek. With these considerations in mind, and based upon the significance criteria in 40 CFR 1508.27, as well as the Rangeland Health Assessment/Evaluation Report (which I am also incorporating here by reference), I have determined that the implementation of Alternative 4A would not have significant effects on the human environment. An environmental impact statement is therefore not required.

Context

As for the context of the impacts from implementing Alternative 4A, these actions would not have international, regional, or state-wide consequences. 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 a path toward making progress in meeting Idaho Standards and Guidelines for rangeland health, as well as meeting management objectives from the Owyhee RMP (ORMP), which is also incorporated by reference. Economic consequence would be felt by the operator who grazes livestock in the Garat allotment and, to a lesser extent, the local communities in which they trade their goods and services. The EA analyzes these social and economic effects in Section 3.13, and while I recognize and appreciate the adverse effect to the economy within the area that may result from a reduction the level of livestock grazing in the allotment, economic or social effects are not intended by themselves to require preparation of an environmental impact statement (40 CFR 1508.14.).

Intensity

When evaluating the intensity, or the severity, of the impacts to resources that would occur by implementing Alternative 4A, 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 (40 CFR 1508.27(b) (1)).

Through the scoping process and the development of the Rangeland Health Assessment/Evaluation Report, the BLM 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. The BLM developed Alternative 4A 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 causal for failure to meet standards. My obligation is also to ensure that the selected alternative will strive toward meeting the ORMP goals and objectives (EA Section 1.7).

Implementation of Alternative 4A would address the issues described in Section 1.6.3 of the EA, the issues identified in the 2014 RHA and Evaluation Report, and the RMP objectives identified in the EA in Section 1.7. Alternative 4A would ensure effects from livestock grazing would be insignificant, primarily by redefining the seasons of grazing use compared to the existing permit. Limitations to seasons of use were developed and used to define a grazing rotation for the

allotment, which would 1) limit disruption and herbaceous utilization associated with livestock management activities within sage-grouse breeding habitats, 2) provide more frequent year-long rest or deferment of livestock grazing use to a period outside the active growing season for native and introduced perennial bunchgrass species, and 3) limit mid-summer grazing use of riparian areas associated with Piute Creek. In addition, Alternative 4A would reduce livestock numbers and AUMs, resulting in reduced impacts to resource values.

This alternative would also facilitate meeting Standard 8 (special status plants and animals) and RMP objectives for special status species wildlife habitat by establishing minimum perennial herbaceous vegetation height limits. These conditions would result in maintaining vegetation and associated sage-grouse habitat by providing cover for breeding, nesting, and foraging.

Alternative 4 includes three sub-alternatives that developed livestock management actions which help to implement resource constraints for sage-grouse habitat, vegetation/soils, and riparian areas. The sage-grouse constraint which limits grazing use during sage-grouse breeding season to 1 year in 3 applies to all three sub-alternatives. The vegetation/soils constraint limits grazing use during the active growing season for upland bunchgrasses to 1 year in 3 and also applies to all three sub-alternatives. Sub-alternative A also ensures a lessening of adverse effects to riparian areas by resting and deferring livestock use during mid-summer in entire pastures that are intersected by Piute Creek, thereby ensuring there are no significant effects to these riparian areas.

(2) The degree to which the proposed action affects public health or safety (40 CFR 1508.27(b) (2)).

For this measurement of intensity, I have considered the effects from such things as air quality and water quality, etc., if Alternative 4A were implemented (NEPA Handbook H-1790-1, 7.3). I have also considered the economic and social effects (EA Section 3.13) from this alternative, which alone are not intended to require the preparation of an environmental impact statement (40 CFR 1508.14). No activities authorized under Alternative 4A would 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 Alternative 4A.

(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 area (40 CFR 1508.27(b) (3)).

There are no park lands, prime farmlands, or jurisdictional wetlands within the Garat allotment. The East Fork and South Fork Owyhee Rivers are adjacent to the northern and western boundaries of the Garat allotment. These rivers have been designated wild rivers as a component of the National Wild and Scenic Rivers System. A 1.2-mile section of river on the South Fork Owyhee River surrounding the Forty-Five Ranch was designated as recreational. Here again, the EA analyzes that under current livestock management practices, access to the wild river corridors is restricted by natural barriers and fencing. This condition would not change if Alternative 4A were implemented because livestock are restricted from access to the wild river corridors.

Portions of the Owyhee River Wilderness lie within the Garat allotment. Implementation of the proposed grazing system would conform to the Wilderness Act (EA Section 3.11). Overall, the conditions of the allotment, including that portion within the wilderness boundary, would improve due to the terms and conditions set forth in Alternative 4A, with season of use changes from the current permit and providing more frequent year-long rest or deferment of livestock grazing use to a period outside the active growing season. The proposed reduction of AUMs and reduced livestock numbers under Alternative 4A would improve ecological health, naturalness, and visual quality throughout the allotment, thus enhancing wilderness character and values within the designated wilderness area (EA Section 3.11).

There are 39 recorded cultural sites in the Garat allotment, and they vary from historic structural remains to aboriginal lithic and stone tool scatters. There are no recorded sites within a 100-meter vicinity of the identified livestock congregation areas in the Garat allotment, which leads the BLM to conclude that the effects to cultural sites would remain insignificant should Alternative 4A be implemented (EA Section 3.14)

As described in the EA, the adverse effects such as trampling of cultural resources would be reduced by implementing Alternative 4A due to considerable reductions in livestock numbers on the Garat allotment. No additional projects, such as fences and water developments, are considered under Alternative 4A. There is one Area of Critical Environmental Concern (ACEC) in the Garat allotment, and its relevance and importance criteria for which it was designated would continue to be protected by implementing Alternative 4A (EA Section 3.10).

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial (40 CFR 1508.27(b) (4)).

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, but I am exercising some judgment here about the level of controversy over how resources would be affected by Alternative 4A. Substantial dispute within the scientific community about the effects would indicate there is a high level of controversy. I do not see such a dispute over the effects of livestock grazing should Alternative 4A be implemented. Comments were received from representatives of the livestock industry during scoping and the comment period for the EA that questioned methods my staff used to assess, evaluate, and make determinations of why rangeland health standards are not being met. While I will respond to these comments in my decision, BLM methods are not specific scientific disputes about the effects to resources that livestock grazing may cause.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b) (5)).

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 the Garat allotment for many years and the effects of livestock grazing management practices are well known and documented in the EA (Chapter 3). There are no effects of

implementing Alternative 4A identified in the EA that are considered uncertain or involve unique or unknown risks. The effects analysis demonstrates 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, as is 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 (40 CFR 1508.27(b) (6)).

I have determined that implementing Alternative 4A for the Garat allotment does not set a precedent for future actions that may occur in the area. We have previously chosen to take steps to protect resources through a season-based grazing management decision, or reduce impacts to native bunchgrasses or to protect riparian areas. The actions from implementing Alternative 4A are therefore no different from those that have occurred or may occur in the future. Because the actions proposed here are specific to the Garat allotment, any other grazing permit renewal applications received will be subject to appropriate NEPA analysis that will consider the direct, indirect, and the cumulative effects of all other past, present, and reasonably foreseeable management actions taken in the cumulative impact analysis area, including the actions in the Garat allotment, if appropriate. Therefore, actions for the Garat allotment 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 (40 CFR 1508.27(b) (7)).

The proposed action of renewing the livestock grazing permit in the Garat allotment 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 area (see CMLV Maps), there have been other rangeland assessments, evaluations, and 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 Alternative 4A 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 (40 CFR 1508.27(b) (8)).

The analysis in this EA identified effects to cultural and historical resources, and recognized that livestock grazing can have adverse effects to these resources. The analysis also recognized that these adverse effects would be reduced through the reduction in livestock grazing levels. The actions under Alternative 4A would build no additional infrastructure or facilities 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 (40 CFR 1508.27(b) (9)).

The EA analysis states that there are no threatened and endangered species listed under the Endangered Species Act (ESA) occurring in the Garat allotment. There would be no conflicts with the ESA resulting from implementing Alternative 4A. There are candidate species present, and the EA analyzes the effects to them. Alternative 4A would result in the improvement and protection of intact sagebrush and riparian habitat 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 (40 CFR 1508.27(b) (10)).

The implementation of Alternative 4A will not violate any Federal, State, or local law, or any requirement imposed for the protection of the environment.

I find that implementing Alternative 4A 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 Alternative 4A for grazing permit renewals in the Garat allotment.


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1/2/15
Date