

UNITED STATES DEPARTMENT OF THE INTERIOR
BLM, IDAHO STATE OFFICE

EA # DOI-BLM-ID-B020-2015-0006-EA
Simplot Short Term Holding Facility

Finding of No Significant Impact
(FONSI)

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.

I have carefully reviewed the actions that are analyzed within the alternatives of Environmental Assessment (EA) # DOI-BLM-ID-B020-2015-0006-EA, which is incorporated by reference here in its entirety. This EA discloses the environmental impacts that would result from the BLM funding the maintenance and operation of a short-term

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.

holding (STH) facility for a maximum of 3,500 excess wild horses and burros (WHB) located near Highway 78 on Jacks Creek Road, in Owyhee County, near Bruneau, Idaho.

The FONSI provides a basis for the conclusion that the selected alternative 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 1 that includes design features and best management practices to reduce environmental effects as described in section 3.0 in the EA. With these considerations in mind, and based upon the significance criteria in 40 CFR 1508.27, I have determined that the implementation of Alternative 1 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 1, these actions would not have international, regional, or state-wide consequences. Any impacts, either positive or negative, would be localized, with no broad-scale implications. There would be relatively small positive economic impacts to the locale considering the additional jobs the facility would provide.

Intensity

When evaluating the intensity, or the severity, of the impacts to resources that would occur by implementing Alternative 1, 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)).

This facility would be constructed and operated on private property which has in the past been operated as a livestock feeding operation. Natural resources such as native vegetation, riparian habitat, habitat for wildlife, etc. have either never been present on the site or have been removed many years ago. Any additional adverse effects to resources resulting from implementation of this action would be immeasurable or unobservable.

(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 1 were implemented (NEPA Handbook H-1790-1, 7.3). No activities authorized under Alternative 1 would affect long-term public health or safety. The environmental analysis documented no major effects to public health and safety from any of the actions analyzed in Alternative 1.

(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, or wild and scenic rivers within the affected project area. The cultural resources inventory of the project area on March

26, 2015, resulted in no discovery of sites or isolated finds of either cultural or paleontological resources within the area of potential effect.

(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 alternatives in the EA (H-1790-1 at 71). Substantial dispute within the scientific community about the effects from a short term holding facility would indicate there is a high level of controversy. I do not see such a dispute in this case. Additionally, no such dispute was brought forward during the scoping period.

(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 decisions affecting WHB management. 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. There are no effects of implementing Alternative 1 identified in the EA that are considered uncertain or involve unique or unknown risks. There are other short term holding facilities that have been in operation for several years and the operation of these facilities result in no unique or unknown effects or 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 1 to fund the operation and maintenance of a short term holding facility for wild horses does not set a precedent for future actions that may occur in the area. While the populations of wild horses and burros continue to increase, this proposed action does not affect any future actions involving short term holding facilities that exist now or would be built in the future.

(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 funding the operation and maintenance of a WHB short term holding facility would not be part of other connected actions, nor would this action be a segmented portion of other actions to be proposed in the future and for which NEPA analysis would be conducted. This would be a specific, stand-alone action.

(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)).

There are no districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places in the area of potential effect for this project. Nor are there any scientific, cultural, or historical resources found in the project area.

(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)).

Alternative 1 would not affect any special status species. No special status species, plant or animal, occur in the project area, and the site does not currently contain habitat capable of supporting any of these species (EA at 3.7.2.1).

(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 1 will not violate any Federal, State, or local law, or any requirement imposed for the protection of the environment.

Solicitation # L14PS00389 (and subsequent contract) and the Decision Record require and acknowledge all local, state, and federal laws/regulations/rules must be followed and all necessary applications/permits must be obtained by J.R. Simplot Co.

I find that implementing Alternative 1 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 1 of funding the operation and maintenance of a WHB short-term holding facility at the Bruneau site as described in the EA.



Brent Ralston
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May 7th, 2015

Date