

FINDING OF NO SIGNIFICANT IMPACT

Holter Lake Occupancy Lease

Renewal and Amendment

DOI-MT-B070-2015-0002-EA

MTM-10858

Based upon a review of the Holter Lake Occupancy Lease Renewal and Amendment Environmental Assessment (EA) and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on 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 at 40 CFR 1508.27 and do not exceed those effects as described in the Butte Resource Management Plan Record of Decision (April 2009). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context:

This project is localized with implications only for the immediate area. The impacts associated with this project are local, and are not likely in and of its self to have international, national, regional, or state-wide importance. Back Door Mountain, Inc. has applied to renew the existing commercial occupancy lease along with influential amendments under section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) on public lands administered by the Bureau of Land Management's (BLM), Butte Field Office. The commercial occupancy lease will authorize the applicant to improve, use and maintain a parcel of BLM land in support of a private multiunit development.

Intensity:

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse.

The proposed action will affect resources as described in the EA. Adverse effects include minor impacts to public recreation and area usage densities during the Holter Lake recreation season, which is primarily the summer season. Long term effects will be limited in scope. Mitigating measures to reduce potential impacts to water quality and reduce impacts from Non-native Invasive Species were incorporated in the design of the proposed action alternative. The private development provides the incentive and a financial opportunity to disperse the costs of the replacing an older failing wastewater system on the adjacent private property and a community water supply through residential unit sales. None of the environmental effects discussed in detail in the EA are

considered significant, nor do the effects exceed those described in the Butte Resource Management Plan, April 2009 (RMP).

2. The degree to which the selected alternative will affect public health or safety.

The proposed action is designed to have no significant or unacceptable effect on public health or safety. The EA discloses The Proposal will not result in any impacts to public health and safety. Surface disturbing activities during construction will be conducted in conformance with all Federal and State requirements to protect health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

The project area is located on federal lands administered by the BLM Butte Field Office. No impacts to any unique geographic areas are anticipated. The lease area is adjacent to an extensively developed campground and day use boat launch area that is heavily utilized during the summer season. Public recreation is primarily focused on access to Holter Lake for boating.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Based on public comment, internal discussion and analysis of the actions, the effects on the human environment are not likely to be highly controversial among professionals, specialists, and scientists. While there were public comments received that indicate the selected alternative may be unpopular with some members of the public, I did not identify significant controversy amongst experts over the effects of this action. The lease would now be associated with a private residence development that has to be approved by state and county authorities.

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

There are no highly uncertain or unique or unknown risks in implementation of the Proposed Action, which is a renewal of an existing commercial lease. The lease would be amended to include familiar infrastructure associated with private resident developments. The subdivision development must adhere to state and local environmental quality regulations established to minimize effects on the human environment.

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.

Due to the specific history of this site, the proposed action can be considered without establishing a precedent for future actions with significant effects or represent a decision

in principle about a future consideration. The history of authorized uses and impacts on this subject parcel provides basis for the proposed action. The BLM has continued to allow what is generally consistent uses on the leased parcel for more than 45 years and has acknowledge the continuation of similar uses by identifying this parcel as potentially suitable for disposal [ROD Appendix G, pg. 187]. Disposal parcels are lands identified for potential removal from BLM administration through transfer, exchange, or sale to other public entities, private entities, or individuals. Any future proposed actions will be analyzed on their merits and implemented, or not, independently of the acceptance of the subject action.

7. Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts – which include connected actions regardless of land ownership.

A cumulative effects analysis was considered for past, present, and reasonably foreseeable future actions within Chapter 3 of the EA. No individually or cumulatively significant impacts were identified for the preferred alternative (proposed action). Any adverse impacts identified for the preferred alternative, in conjunction with any adverse impacts identified from other past, present, or reasonably foreseeable future actions would result in negligible impacts to natural and cultural resources.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other 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.

A class III cultural resource inventory was completed for the project area. No districts, sites, or other properties eligible for listing to, or included on, the National Register of Historic Places were identified within the area of potential direct effects. The investigations satisfied the Secretary of the Interior's Standards and Guidelines for the identification of historic properties and with the regulations for implementing Section 106 of the National Historic Preservation Act; there are no cultural resource concerns.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

No significant effects are anticipated to wildlife species listed as threatened or endangered under the Endangered Species Act. No threatened, endangered, or Candidate Plant species are known to inhabit the project area including the public and private lands.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The preferred alternative is required to follow all federal, state, or local environmental protection laws. The developer is required to follow Lewis and Clark County and Montana Department of Environmental Quality major subdivision requirements and must be approved before any construction commences.

//SIGNED//

Scott Haight
Field Manager

February 1, 2016

Date