



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
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In Reply Refer To:
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June 15, 2012

Sheephook Cattle Grazing Association, LLC
c/o Skip Owen
1959 SE Ross Road
Glenns Ferry, ID 83623

Tunupa Grazing Association, LLC
c/o John Arkoosh
2368 E. 1775 S.
Gooding, ID 83330

**Proposed Decision for the Notch Butte Pipeline Expansion
Environmental Assessment No. BLM-ID-T030-2010-0029-EA**

Dear Mr. Owen and Mr. Arkoosh:

Introduction

The BLM Shoshone Field Office received two individual applications from two livestock grazing permittees requesting range improvement projects in their permitted grazing allotments. The Sheephook Cattle Grazing Association LLC, in care of Skip Owen, and the Tunupa Grazing Association LLC, in care of John Arkoosh, have requested extensions to the existing Notch Butte pipeline.

A scoping package for the Notch Butte Pipeline Expansion EA No. BLM-ID-T030-2010-0029-EA was posted on the internet at <http://www.blm.gov/id/st/en/info/nepa.html> describing a proposed action and alternatives on January 10, 2011. The permittees and interested publics were notified through a letter that explained how to access the scoping package and given a deadline for comment submission of February 7, 2011. No public comments were received.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with the 1985 Monument Resource Management Plan (RMP). The Monument RMP specifically provides for installation of pipelines and troughs. Under the section Range Improvements and Treatments (p. 24) the RMP states “Typical range improvements and treatments and the general procedures to be followed in implementing them are described under Standard Operating Procedures. The extent, location and timing of these actions will be based on the allotment-specific management objectives adopted through the resource management planning process, interdisciplinary development and review of proposed actions, permittee contributions, and BLM funding capability.”

Finding of No Significant Impact (FONSI)

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Notch Butte Pipeline Expansion EA No. BLM-ID-T030-2010-0029-EA. I have also reviewed the project record for this analysis and the effects of the proposed action, alternative 1, and alternative 2 as disclosed in the Alternatives and Environmental Impacts sections of the EA. Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect 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 in 40 CFR 1508.27 and do not exceed those effects described in the Monument RMP. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

- (a) Context. This requirement 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 (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and the activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

- (b) Intensity. This requirement 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 following are considered in evaluating intensity (40 CFR 1508.27).

1. *Impacts that may be both beneficial and adverse.*

Impacts associated with the range improvement project are discussed in the Environmental Impacts section of the EA (Section 4.0).

The proposed action is anticipated to have beneficial impacts to the local economy and local ranchers as well as allow the rangelands within the Antelope and Sand Butte allotments to continue meeting, or make significant progress towards meeting, Standards for Rangeland Health in the future.

2. *The degree to which the proposed action affects public health or safety.*

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for livestock grazing while improving conditions to meet Standards for Rangeland Health in the allotments by increasing water availability. Similar actions in other grazing allotments have not significantly affected public health or safety.

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 unique historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, Wilderness Study Areas, or Areas of Critical Environmental Concern within either the Antelope or Sand Butte allotments.

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

None of the impacts are expected to be highly controversial, since the impacts are predominantly beneficial.

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

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Potential impacts, as discussed in Section 4.0, are within acceptable limits and they should not deter either of the allotments from achieving Rangeland Health Standards in the future. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

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.*

Neither the proposed action, nor any of the alternatives sets precedent or represent a decision in principle about a future management consideration. The application for this range improvement project was processed according to 43 CFR 4120.3 and the action of installing of pipelines and troughs is considered by the Monument RMP to be a standard operating procedure in the Range Improvement and Treatments section on page 24.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA analyzes all connected and cumulative actions within the scope of the analysis. The cumulative effects of past, present, and reasonably foreseeable future actions are considered and disclosed in the EA, in the Cumulative Impacts Analysis (Section 4.4). The cumulative effects for the Proposed Action are not significant.

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 proposed action will not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. It also will not cause loss or destruction of significant, cultural, or historical resources.

Lincoln County would require the acquisition of a Special Use Permit for the installation of each of the pipeline extensions. This would cover the installation of the pipeline under County Line Road. The project area is located within the bounds of Lincoln County so no permit for Jerome County would be required. All Federal, State, and County permits that are applicable would be acquired before any construction activities are implemented.

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.*

Plants: One BLM sensitive plant – Picabo milkvetch (*Astragalus oniciformis*) – could potentially occur in the proposed pipeline routes. Surveys of the proposed pipeline routes were completed in August 2010 and again in June 2011 to identify any presence of this species. No sensitive plants were observed during the pedestrian survey conducted on either of these dates.

Animals: There are three ESA-listed species for Jerome County (i.e., Canada lynx [*Lynx canadensis*], Snake River physa snail [*Physa natricina*] and Bliss Rapids snail [*Talorconcha serpenticola*]) and none listed for Lincoln County. There is no habitat present within the proposed pipeline extension routes for any of these species.

The greater sage-grouse (*Centrocercus urophasianus*) and wolverine (*Gulo gulo*) are listed as a candidate species under the ESA for both counties. The proposed pipeline extension routes contain marginal habitat for the greater sage-grouse, but does not contain the required alpine habitats which are typically preferred by wolverine. The public land in the Antelope Allotment has not been designated as sage-grouse habitat on the current Idaho sage-grouse habitat map nor does it contain any Preliminary Priority Sage-Grouse Habitat (PPH). It is however within the Preliminary General Sage-Grouse Habitat (PGH).

Interim Conservation Policies and Procedures for PGH according to BLM Instruction Memorandum No. 2012-043 state, “The intent of these interim conservation policies and procedures in PGH is to reduce and mitigate adverse effects on greater sage-grouse and its habitat to the extent practical. These policies and procedures differ from those applied to the PPH.” These policies and procedures have been adhered to in the project planning and implementation process. There are no known lekking grounds within 5 miles of the southern pipeline extension (IDFG CDC 2010). During the 2010 field survey, no sign of use by sage-grouse was observed along the route. This project also does not contain any new fence construction which eliminates anticipated fence collision risks. The project construction timelines will be deferred until August – October (either 2012 or 2013) in order to avoid potential conflicts with nesting and broad-rearing sage-grouse.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The actions in this Environmental Assessment do not threaten a violation of Federal, State, or local law or any requirements imposed for the protection of the environment.

Proposed Decision

This decision represents my selection of the Proposed Action as described in the Environmental Assessment No. BLM-ID-T030-2010-0029-EA in accordance with the National Environmental Policy Act of 1969 and issuance of a decision as outlined in 43 CFR 4160.1. This decision, and subsequent project, described below is hereby incorporated into your assignment of range improvements section of your permittee folder.

The BLM Shoshone Field Office is proposing to authorize construction of two segments of pipeline—one in the Antelope Allotment and one in the Sand Butte Allotment. These segments of pipeline would be extensions to the existing Notch Butte pipeline. The Notch Butte pipeline is located on public lands and is used to service livestock watering troughs in various grazing allotments located on the east side and west side of Highway 93.

Members of the Notch Butte Pipeline Association, which maintain and operate the Notch Butte Pipeline, have been made aware of the proposed extensions and have agreed that the extensions would not impact the current operation of the pipeline. The BLM is also proposing to authorize installation of two new troughs along the pipeline extension in the Sand Butte Allotment. A map showing the location of the two pipeline extensions and new trough locations is provided in Appendix A.

Sheephook Cattle Grazing Association LLC requested an authorization to install an extension to the Notch Butte pipeline that would provide water to the North Pasture of the Antelope Allotment; this segment of pipeline will be referred to as the northern pipeline extension. Water within the North Pasture is currently provided by the Arkoosh Well which has become economically difficult to maintain and is often unreliable due to the depth of the water table at the well (personal communication with S. Owen).

The installation of the northern pipeline extension would consist of burying approximately 1.6 miles of 1.5-inch diameter high density polyethylene (HDPE) pipe at a depth of 12 to 24 inches (dependent upon soil conditions). The extension would connect the Notch Butte pipeline to existing livestock watering troughs located in the vicinity of the Arkoosh Well. The proposed route for the pipeline follows an existing two-track roadway across the North Pasture of the Antelope Allotment from an existing set of livestock watering troughs east of the Arkoosh Well (see Appendix A).

Installation of the northern pipeline would be accomplished by one of two methods: 1) pulling in the line using a tracked vehicle equipped with a ripper shank opening a seam into which the pipe would be fed, or 2) excavating a trench with a backhoe into which the pipeline would be installed and backfilled. Due to the rocky nature of the soils within the proposed route, a combination of both installation methods may be required. Installation of the northern pipeline by excavating a trench would disturb an area approximately 15-feet wide (trench width plus potential damage from tracked vehicle) by 1.6 miles in length, impacting approximately 2.9 acres of public lands. Due to the cost of excavation the use of a track mounted ripper is the preferred installation method with excavation being limited to areas which are too rocky for the use of the ripper. This method of installation was analyzed in this assessment because it has the potential to impact the greatest area.

Tunupa Grazing Association LLC requested an authorization to install an extension to the Notch Butte pipeline to provide water to the South Pasture of the Sand Butte Allotment; this segment of pipeline will be referred to as the southern pipeline extension. Tunupa Grazing Association LLC is also requesting authorization to install two new troughs; one in the South Pasture and one in the East Pasture of the Sand Butte Allotment. Installation of the southern pipeline extension would be performed in the same method as described for the northern pipeline extension. The southern pipeline extension would consist of burying approximately 2.5 miles of 1.5-inch diameter HDPE pipe at a depth of 12 to 24 inches. The extension would connect to the existing Notch Butte pipeline and travel south to a dry reservoir located south of County Line Road. A directional boring machine would likely be used to install the southern pipeline extension under County Line Road, which separates the East Pasture from the South Pasture.

Prior to construction of the pipeline extension crossing County Line Road, the permittee would need to receive approval for road bed disturbance from Lincoln and Jerome County. The existing dry reservoir would act as an emergency overflow for the trough in the South Pasture. Both of the new troughs would be equipped with a float device to regulate the flow of water preventing over flow. The troughs would also be equipped with bird escape ladders. Installation of the southern pipeline using the trenching would disturb an area approximately 15-feet wide by 2.5 miles in length, impacting approximately 4.4 acres of public lands.

A Cooperative Range Improvement Agreement (BLM Form 4120-6) has been signed by each permittee prior to completion of NEPA. The RIP agreement states that Tunupa Grazing Association will be responsible for project costs, future maintenance and/or replacement of the southern pipeline expansion in the Sand Butte Allotment and Sheephook Cattle Grazing Association will be responsible for project costs, future maintenance and/or replacement of the northern pipeline expansion in the Antelope Allotment.

Design Features

To reduce or eliminate the potential for impacts to vegetation, cultural resources, and wildlife a series of design features and/or stipulations have been developed for the implementation of the proposed construction activities. These features include the following:

Vegetation and Weeds

- During construction activities the minimum amount of vegetation necessary shall be removed. If excavation occurs, topsoil shall be conserved and reused as cover on disturbed areas to facilitate regrowth of vegetation.
- All disturbed areas shall be reseeded using a seed mix and planting method suitable for the location as specified by the BLM. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the BLM upon evaluation after the first growing season. Inclusion of sagebrush seeds within the seed mix will reduce the duration of time associated with sagebrush reestablishment following disturbance.
- The permittee shall be responsible for weed control on disturbed areas within the footprint of the project area. The permittee is responsible for consultation with the BLM and/or local authorities for acceptable weed control methods. A Pesticide Use Proposal (PUP) would also be required to be submitted to the BLM prior to controlling weeds.
- All construction equipment shall be cleaned of all soil and plant material before entering each pipeline extension location to prevent the possible spread of noxious or invasive weed species.

Archeology

- Any cultural and/or paleontological resource (historic or prehistoric site object) discovered by those installing the pipeline or any person working on his behalf on public or Federal land shall be immediately reported to the BLM Shoshone Field Office Archeologist. All operations will be suspended in the immediate area of such discovery until written authorization to proceed is issued by the archeologist. An evaluation of the discovery will be made by the archeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Wildlife

- To avoid impacts to wildlife the installation of the pipeline will not be allowed to occur during seasonal nesting periods (February 1 through July 31) without approval of the BLM authorized officer.

Rationale

Based upon the review of the context and intensity factors and the environmental analyses conducted, I have determined that the actions analyzed for the Notch Butte Pipeline Expansion EA No. BLM-ID-T030-2010-0029-EA is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project. An Environmental Assessment for the Notch Butte Pipeline Expansion in the Sand Butte and Antelope allotments was prepared describing a proposed action and two alternatives. The decision modifies the existing range improvement agreements on both the Sheephook Cattle Grazing Association, LLC and the Tunupa Grazing Association, LLC in order to incorporate the expansion of the Notch Butte Pipeline in the Antelope and Sand Butte allotments as a new project.

Due Process

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Holly Hampton, Acting Shoshone Field Manager, Twin Falls District, 400 West F Street, Shoshone, ID 83352 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 through 4.480. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final as provided in 43CFR 4160.3(a). The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal by certified mail to the Office of the Solicitor, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and any persons named [43 CFR 4.421(h)] in the *Copies sent to:* section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact either Joanna Tjaden, Rangeland Management Specialist, at 732-7292.

Sincerely,

/s/ Holly Hampton

Holly Hampton
Acting Shoshone Field Manager

Enclosures:

Proposed Decision Environmental Assessment No. BLM-ID-T030-2010-0029-EA
Appendix A – Map and Photographs of the two proposed pipeline extensions

Certified Return Receipt Copies sent to:

Sheephook Cattle Grazing Association LLC, c/o Skip Owen, 1959 SE Ross
Road, Glens Ferry, ID 83623

Tunupa Grazing Association LLC, c/o John Arkoosh, 2368 E. 1775 S.,
Gooding, ID 83330

Committee for the High Desert, P.O. Box 2863, Boise, ID 83701

ICL Public Lands Office, P.O. Box 844, Boise, ID 83701

Idaho Department of Lands, South Central Supervisory Area, 324 S 417 E,
Suite 2, Jerome, ID 83338

Idaho Department of Fish and Game, 319 S 417 E, Suite 1, Hwy 93 Business
Park, Jerome, ID 83338

Idaho State Department of Agriculture, Division of Animal Industries,
Attn: Ron Kay, P O Box 7249, Boise, ID 83707

Idaho Wildlife Federation, P.O. Box 6426, Boise, ID 83707

Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, ID 83203

The Wilderness Society, Idaho Regional Office, 950 W. Bannock Street Suite
605, Boise, ID 83702

Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333

David Skinner, P.O. Box 664, Fairfield, ID, 83327

Paul McClain, 619 Elm Circle, Gooding, ID 83330-1863

Mel Quale, Quale Electronics, 1730 Kimberly Rd, Twin Falls, ID 83301

Dennis Crane, 360 S. 150 E., Burley, ID 83318

Chris J. Christiansen, 105 N. 740 W., Blackfoot, ID 83221