

# FINDING OF NO SIGNIFICANT IMPACT AMERICAN PRAIRIE RESERVE BISON CHANGE OF USE DOI-BLM-L010-2018-0007-EA

## Introduction

The Bureau of Land Management (BLM) proposes to issue a 10-year grazing permit for cattle and indigenous livestock (bison) for the following seven allotments in the Malta Field Office in Phillips County, Montana: Telegraph Creek, Box Elder, Flat Creek, White Rock, East Dry Fork, French Coulee, and Garey Coulee. The proposed action includes the issuance of a 10-year grazing permit allowing for changes in class of livestock for Cattle and/or Indigenous animals (Bison), changes to the authorized seasons-of-use, construction, reconstruction and/or removal of range improvement projects, adjustments to allotments (such as combining pastures), and administrative actions (such as issuing ten-year grazing permits). The decision area consists of those public lands administered by the BLM within which the seven BLM grazing allotments occur.

On September 24, 2019, the American Prairie Reserve (APR) submitted a proposal (an update to an earlier proposal submitted on November 20, 2017) to the Bureau of Land Management (BLM) to modify certain terms and conditions of BLM-administered grazing permits held by the APR. The American Prairie Reserve Bison Change of Use Environmental Assessment (EA) was prepared to analyze and disclose environmental impacts of four management alternatives.

### **Plan Conformance and Consistency**

The proposed action (Alternative B) is in conformance with the HiLine District RMP, approved in September 2015, which states that “Actions consistent with achieving or maintaining the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Montana, North Dakota, and South Dakota will continue to be incorporated into livestock grazing permits and leases and will apply to all livestock grazing activities” (HiLine Approved RMP, page 3-25).

## Finding of No Significant Impact Determination

Based upon a review of the environmental assessment and the supporting documents, I have determined that Alternative B 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. An environmental impact statement is not needed. This finding is based on the context and intensity of the project as described below.

## Context

The proposed action occurs within seven allotments in the Malta Field Office in Phillips County, Montana, and is in accordance with the 2015 HiLine Approved RMP/FEIS. The proposed action contains actions directly involving approximately 69,310 acres of public lands, and does not, by itself or cumulatively, have international, national, regional or state-wide importance.

## Intensity

The ten significance criteria detailed in 40 CFR 1508.27 and listed below have been considered in evaluating intensity for this proposal.

### 1. Impacts may be both beneficial and adverse (40 CFR 1508.27(b)(1)).

The EA considered both potential beneficial and adverse effects. Transition from cattle grazing to bison pasturing is thus not anticipated to result in measurable adverse effects on uplands, riparian areas, water quality, or habitats for native plant and animal species because BLM-administered lands would still be required to meet the Standards and Guidelines for Rangeland Health (43 CFR 4180) and the desired conditions for greater Sage-Grouse habitat from the Hi Line RMP (BLM 2015).

The removal of approximately 15 percent of the total existing fencing would decrease wildlife habitat fragmentation; this reduced barrier to movement would improve big game migration and also improve habitat for special status species, such as Greater Sage-Grouse, that rely on large and contiguous areas of habitat to support home ranges and/or migration routes. Fence removal would also decrease the availability of perches for avian predators in the area, which would potentially decrease mortality of Greater Sage-Grouse and other special status wildlife species that are vulnerable to avian predation.

Moreover, modifying or reconstruction of fencing to meet specific standards according to MFWP's wildlife friendly standards would improve the condition of big game migration habitat because standards would facilitate wildlife passage.

Impacts on common allotment management from modifications to fencing would be minimal. Existing structural improvements on BLM-administered land that support livestock grazing, such as stockwater reservoirs and interior fences (pasture fences) that are currently maintained by the grazing permittee or lessee, would remain in place and provide access to livestock grazing within respective allotments.

The proposed action may result in improved conditions of existing riparian-wetland areas. It is anticipated that existing Functional-at risk riparian areas could experience improvement with changes in class of livestock. With the establishment of bison on the landscape, the functioning condition of riparian coverage in the allotments with

Functional—at risk ratings would be expected to continue along their apparent upward trend over both the short and long term, although the rate of improvement would heavily depend on the various riparian zones' resilience after reduction of disturbance by cattle. A change in management, such as a deferred-rotation system following a late winter-early spring grazing strategy, would allow for riparian system recovery. In areas where livestock concentrations are lowered and the resultant riparian corridor utilization is lessened, impacts would be of lesser severity and riparian areas would be allowed additional time to recover from grazing-related impacts. Conversely, where interior fencing created areas of high utilization near or within riparian corridors, impacts would be more pronounced. Overall, BLM-administered lands within all allotments would still be required to meet the Standards of Rangeland Health (43 CFR 4180) and the desired conditions for Greater Sage-Grouse habitat from the 2015 HiLine Approved RMP/FEIS.

There would be no adverse effects on public health and safety or substantial effects on local economies or communities. Vehicle emissions associated with grazing activity would be low and would have negligible impacts on air quality. Changes in grazing analyzed in this EA would only result in a negligible, if any, change in total carbon storage in both the short and long term.

As with the current permitted kind of livestock, there would be areas that get impacted, such as around water, fence corners, and trails, but, overall, throughout the allotment, soil health would be maintained.

While the proposal to remove interior fences would create a change from the current condition of the viewshed, this change would be minimal to moderate and would conform to the goals and objectives of BLM Visual Resource Management classifications.

## 2. The degree to which the selected alternative will affect public health or safety (40 CFR 1508.27(b)(2)).

Allowing bison grazing on allotments under the proposed action would not measurably contribute to effects on public health and safety due to the limited potential for close, direct bison encounters with people, appropriate levels of fencing to ensure safe containment of captive bison herds, and adherence to Montana Department of Livestock procedures for detecting and eradicating disease, as required by law.

## 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas (40 CFR 1508.27(b)(3)).

There are no known historic or cultural resource sites that would be affected by the proposed action. There are also no prime park lands, farmlands, wilderness, wild and scenic rivers, or ecologically critical areas in the decision area. Although various types of wetland and riparian ecosystems occur within the decision area, issuing a grazing permit and/or changing the kind of livestock from cattle grazing to bison pasturing are actions that do not involve any direct surface disturbances. Moreover, by increasing the ratio of bison to cattle

within allotments, the proposed action would reduce the amount of time that livestock spend within riparian areas. Overall, the proposed action has little or no potential or ability to significantly affect historic or cultural resources, park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

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)).

No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. In this context of this significance criterion, “controversy” refers to disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. Though the proposal to allow indigenous livestock grazing is in conflict with views and opinions expressed among some users of public lands, such unfavorable views of the proposal itself do not constitute scientific controversy or disagreement about the nature of the effects. Moreover, no evidence has been offered to support the contention that effects of bison grazing on resources being analyzed in the EA are previously unknown or would result in potential environmental impacts that would create scientific controversy.

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)).

The proposed action is not unique or unusual, and the BLM has implemented similar actions in other areas, including existing permits for bison grazing currently held by APR. The environmental effects to the human environment are fully analyzed in the EA, and the environmental analysis did not identify predicted effects on the human environment that would be considered to be highly uncertain or involve 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 (40 CFR 1508.27(b)(6)).

The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. The BLM has implemented similar actions in other areas, including existing permits for bison grazing currently held by APR. As a result, no precedent would be set with approval of the proposed action. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is provided in Chapter 3 of the EA. Any future applications for livestock conversions would be required to undergo a separate and complete environmental review and decision process.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)).

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. There would be no measurable contribution to cumulative effects on Fish and Wildlife/Special Status Species, Public Health and Safety, Common Allotment Management, Rangeland Health, Riparian-Wetland Habitat, Socio-economics, Vegetation, or any issues considered but eliminated from analysis described in Section 1.6. A complete disclosure of the effects of the project is contained in Chapter 3 of the EA.

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 (40 CFR 1508.27(b)(8)).

The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. There are no known historic or cultural resource sites that would be affected by the proposed action. As described in Section 1.6.2 of the EA, Resources Considered but Eliminated, the issuance of a grazing permit and/or a change of the kind of livestock are actions that generally do not involve any direct surface disturbances and, as non-surface disturbing types of activities, have little or no potential or ability to significantly affect cultural or paleontological properties. Moreover, this decision area has not been identified as being significant to any Native American Tribe or group. Prior to initiating ground disturbance for new fence construction in new locations, surveys for the presence of potential cultural resources would be carried out in order to safeguard against effects to such resources. However, no cultural resource inventory is necessary prior to approving and authorizing this undertaking to proceed.

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)).

There are no endangered or threatened species or designated critical habitat in the decision area. Moreover, The BLM's management of threatened and endangered species is guided by the principle that the continued existence of these species, as well as those that are proposed or are candidates for listing, will not be jeopardized by BLM activities. The BLM continues to implement actions that further the management, protection, and recovery of special status plant and animal species. It accomplishes this through coordination with the US DOI, Fish and Wildlife Service (USFWS) and MFWP. BLM manages habitat for these

species in such a manner that actions it authorizes, funds, or carries out do not contribute to the species becoming listed under the ESA. Thus, the proposed action would not 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)).

10. Whether the action threatens a violation of a federal, state, local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

The proposed action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. Federal, state, and local interests were given the opportunity to participate in the environmental analysis process. A complete description of public involvement is contained in Chapter 4 of the EA.

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Authorized Officer

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Date