

# FINDING OF NO SIGNIFICANT IMPACT

## FOR A

### PLAN AMENDMENT TO THE CHALLIS RESOURCE MANAGEMENT PLAN (1999)

#### ENVIRONMENTAL ASSESSMENT ID-330-2005-EA-449 IDI-33651

**Action:** Plan Amendment to the Challis Resource Management Plan (1999) to allow for disposal of public lands in Custer County near Mackay, Idaho for a Municipal Waste Transfer-Recycling Site and a Non-municipal Waste Disposal Site. The property is 80 acres and is described in the Plan Amendment/Environmental Assessment as Alternative 2.

**Applicant:** Custer County Commissioners

**EA No.:** ID-330-2005-EA-449

**Serial No.:** IDI-33651

**Contact Person:** Dana L. Perkins, Ecologist, Challis Field Office

**Location of Action:** The subject property is located in the Challis Field Office Area, Idaho Falls Field District Bureau of Land Management, Custer County, Idaho. The legal description is: Boise Meridian, Township 7 North, Range 24 East, Section 22, and W $\frac{1}{2}$  SE $\frac{1}{4}$ .

#### **Finding of No Significant Impact (FONSI)**

I have reviewed the Environmental Assessment ID-330-2005-EA-449 including the explanation and resolution of any potentially significant environmental impacts. I have determined that a Plan Amendment to the Challis Resource Management Plan to allow for a Recreation and Public Purposes Act land sale for a municipal waste transfer-recycling site and non-municipal waste disposal site, identified as Alternative 2 (Site 2), will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

Implementing regulations for National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. 'Significant', as used in NEPA, requires consideration of both context and intensity. The bold and italicized text are repeated from 40CFR 1508.27 for completeness and an explanation follows for relevance to the proposed land plan amendment.

**(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 land sale area is 80 acres and is smaller than the Challis Non-Municipal Waste Site (also in Custer County). The sale area is near the current Mackay waste transfer site. The foreseeable lifespan of the waste transfer

site is 50 years. The site (sale area) would only accept solid waste that is not mixed with waste generated by households, or is not specifically excluded from regulation under Idaho's Solid Waste Management Rules. Effects are local in nature and are not likely to significantly affect regional or national resources. I acknowledge that the location of a waste transfer site is not considered a desirable land use by any adjacent land owners. I also acknowledge that while this plan amendment makes this property available for sale to Custer County for a waste transfer site, the county may not choose to purchase this property.

**(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.*

- The analyses documented in EA, #ID-330-2005-EA-449 identified a need for current and future needs of Custer County for a municipal waste transfer-recycling site and non-municipal waste disposal near Mackay, Idaho. Site 2 is near the existing city owned facility that has served Mackay residents for decades and is convenient for town and south county residents. This will be a benefit for communities of Custer County. An adverse impact will be the disturbance to native vegetation, soil, the loss of this vegetation as forage for wild and domestic grazing animals, and the loss of wildlife habitat. A non-municipal waste site near the existing site is convenient for town residents. Alternatively a non-municipal waste site is not perceived as a desirable neighbor to any county residents.

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

- The Environmental Assessment identifies a low probability of a threat to public safety. The reasons for this are because municipal waste such as household trash and hazardous materials are permanently disposed of elsewhere.

*(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.*

- An archaeological survey at Site 2 identified numerous deposits of historic household waste dating back to the 1900s. No properties eligible for listing on the National Register of Historic Places were located during the survey.
- No significant effects on unique geographic characteristics of the area, cultural or historical resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas were identified in the EA.

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

- The effects on the quality of the human environment are not highly controversial because the public recognizes the need for a municipal waste transfer-recycling station and non-municipal disposal site with the regulatory oversight specifically designed to protect the human environment. A pre-decisional Environmental Assessment was made available to interested parties on September 13, 2006. Forty two written comments were received during the comment period that closed on October 20, 2006. Seventy three percent

avored Alternative 2; eight percent favored Alternative 1; and thirteen percent opposed Alternative 1, but did not indicate that they favored Alternative 2; and six percent favored the no-action alternative. I infer from this public input that 86% of comments received support the selection of Alternative 2 for a waste site.

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

- The EA disclosed that the subject lands could contain small amounts of undetected buried hazardous materials, but the probability of transport of contaminants from the site through leaching by water is low.

*(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.*

- Implementation of this decision would not trigger other actions, nor is it a part of a larger action in the project area encompassed by this decision.

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

- The proposed land plan amendment to make public land available for sale to Custer County under the authorization of the Recreation and Public Purposes Act; when added to other potential actions such as the Woodbury Allotment competitive land sale, and the Redbird Mine direct land sale, is acknowledged as negative cumulative impact to Tribal Treaty Rights.

*(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 analysis showed that the alternatives would not result in adverse effects to cultural or historical resources. I acknowledge that the Shoshone-Bannock Tribes are opposed to all sales of public lands.

*(9) The degree to which the action may adversely affect an endangered or threatened species or its critical habitat that has been determined under the Endangered Species Act of 1973, as amended.*

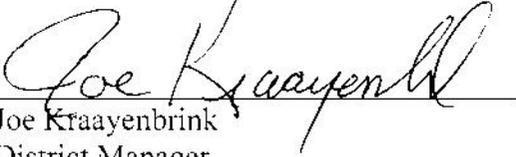
- Alternative 2 would have No Effect to any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, Section IV as amended.

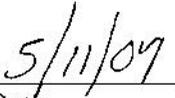
*(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

- The analysis in the EA shows that the alternatives are consistent with Federal, State, and local laws or requirements imposed for protection of the environment.

I have reviewed the Council on Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) and have determined the actions analyzed in the EA would not constitute a major

Federal action that would significantly affect the quality of the human environment; therefore an Environmental Impact Statement is not required.

  
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Joe Kraayenbrink  
District Manager  
Idaho Falls District Office

  
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Date