

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Shoshone Field Office
400 West F Street
Shoshone, ID 83352

Finding of No Significant Impact

**Buschhorn Sale
NEPA # DOI-BLM-ID-T030-2010-0005-EA
IDI-35577**

INTRODUCTION:

The Bureau of Land Management, Shoshone Field Office (BLM) has conducted an environmental assessment (DOI-BLM-ID-T030-2010-0005-EA) to analyze the environmental effects and document the findings of a proposal submitted to the BLM by Todd and Bridget Buschhorn (Applicant). The proposal was to acquire a portion of public land adjacent to their private property in Jerome County on which their residence was unintentionally built in trespass. Disposal of public lands is allowable on BLM administered lands pursuant to Title II of the Federal Land Policy and Management Act of October 21, 1976 as amended (FLPMA), and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer.

The BLM is proposing to dispose of a parcel of public land in response to a proposal submitted by the Applicant. The acquisition of the 7.45-acre subject parcel in fee simple would allow the Buschhorns to legally gain clear title to their existing facilities and to acquire the land with the unauthorized improvements. The sale would allow the BLM to dispose of part of an isolated parcel of public land, which is currently encumbered by improvements associated with the unauthorized development.

An EA (DOI-BLM-ID-T030-2010-0005-EA) was prepared describing a proposed action and alternatives. This EA is available at the following website: <http://www.blm.gov/id/st/en/info/nepa.html> or at the Shoshone Field Office, and is incorporated by reference for this Finding of No Significant Impact (FONSI).

PLAN CONFORMANCE AND CONSISTENCY:

This parcel is available for disposal as described in the 2003 Amendment. The proposed plan amendment validates that the parcel has been screened according to the process outlined in the 2003 Amendment and has been found to meet the FLPMA criteria for sale. The plan amendment would apply if any alternative other than the No Action is selected. All action alternatives meet the FLPMA criteria for sales, under Sec. 203 (a)(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not

suitable for management by another Federal department or agency. This disposal involves an isolated federal parcel with no public access, primarily surrounded by private farmlands. The parcel associated with this action is within an area identified as Zone 4 lands (USDI BLM 2003). The subject parcel is an isolated tract as designated in the Monument RMP (USDI BLM 1985). Zone 4 lands are small to medium-sized blocks of public lands that are isolated from one another and from other public land tracts in the Field Office area. Public lands in Zone 4 are potentially suitable for disposal primarily by exchange, however if land exchanges are not feasible, then land tenure adjustments via sale or Recreation and Public Purposes (R&PP) Act patent can be considered. These lands meet the Criteria for Land Ownership Adjustment because the parcel is isolated and difficult to administer and has no public access.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Buschhorn Sale EA, DOI-BLM-ID-T030-2010-0005-EA. I have also reviewed the project record for this analysis and the impacts of the proposed action and alternatives as disclosed in 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. Because there would not be any significant impact, an environmental impact statement is not required.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and the intensity of impacts described in the EA.

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.

The activities described in the proposed action do not include any significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)). The EA includes a description of the expected environmental consequences of disposal of the identified approximate 7.45 acres of public land.

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 the disposal of about 7.45 acres of public land to be utilized by the Applicant for consolidation with his adjacent private land and for continued agricultural purposes. Similar actions 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, wild and scenic rivers, wetlands, Wilderness Study Areas, or Areas of Critical Environmental Concern within the project area. However, a review of the soil survey data and other information provided by the Natural Resource Conservation Service shows that the project area is primarily comprised of “prime farmland, if irrigated”. Upon the transfer of the parcel to private land it is anticipated that the lands would remain as irrigated agricultural cropland; therefore there are no impacts to prime farmlands.

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 identified public land is currently authorized, and has been for the past 3 years for a residence and agricultural purposes. It’s anticipated that the land will continue to be utilized for these purposes.

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

The activities described in the proposed action do not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). Disposal of public lands through sale actions is allowable on BLM administered lands per Title II of the Federal Land Policy and Management Act of October 21, 1976 as amended (FLPMA) and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior

or their delegated officer. Section 2711.3-3 allows for the use of a direct sale action when the public benefit would best be served by this type of disposal action.

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 represents a decision in principle about a future management consideration. The BLM has implemented many direct sales to resolve encroachments in the past, therefore, this project is not precedent setting.

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 actions are considered and disclosed in the EA. The cumulative effects 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. A cultural resource inventory was conducted for the project, which revealed no eligible properties listed, or eligible for listing within 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.*

Plants: The approximate 7.45 acres of public land identified for disposal does not contain any known populations of or suitable habitat for Threatened, Endangered, or BLM Sensitive plants. Field surveys conducted indicate that no special status plant species or critical habitat exist on the property.

Animals: There are no listed mammals, fish, or plant species which potentially occur on the subject parcel. The undeveloped area surrounding the residence is dominated by basin big sagebrush with an understory of annual and perennial grasses, including cheatgrass and forbs. Due to the highly disturbed condition of the site, it does not provide suitable habitat for most sagebrush-obligate species including sage grouse,

pygmy rabbits, or other special status species. The sale of this parcel is not anticipated to have any direct impacts on BLM special status animal species.

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 the Buschhorn Land Sale EA do not threaten to violate a Federal, State, or local law or any requirements imposed for the protection of the environment.

Based upon the review of the context and intensity factors and the environmental analyses conducted, I have determined that the action analyzed in the Buschhorn Sale EA, (DOI-BLM-ID-T030-2010-0005-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.

Ruth A. Miller
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Shoshone Field Office

6/20/2011
Date