

**U.S. Department of the Interior
Bureau of Land Management
Billings Field Office
5001 Southgate Drive
Billings, MT 59101**

**Finding of No Significant Impact
Environmental Assessment DOI-BLM-MT-C010-2010-0046-EA**

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-MT-C010-2010-0046-EA) to assess decisions concerning oil and gas leases that were issued in 2008, and subsequently suspended in March, 2010. Impact identification and analysis of the project proposal and alternatives has been completed. The EA was conducted based on available inventory and monitoring data files. The analysis considered a total of 15,019 acres (19 leased parcels).

Based on the analysis presented in Alternative B, the decision would be to lift suspensions on nine (9) leases and portions of 2 leases (5,087.7 acres) and to maintain suspensions on all or portions of 6 leases (5,506.65 acres). The parcels are located in Carbon, Musselshell, Stillwater, and Sweet Grass counties in south-central Montana. Standard terms and conditions and the stipulations identified in Appendix A of the EA, would apply. Lease stipulations (as required by Title 43 Code of Federal Regulations 3101.1-3) were added to each parcel as identified by the Billings Field Office to address site specific resource concerns or new information not identified in the planning process.

FINDING OF NO SIGNIFICANT IMPACT:

Based on my review of the EA and all other available information, I have determined that the proposal, including the implementation of required stipulations, 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 potential environmental effects associated with the project meet the definition of significance in context or intensity as defined in 40 CFR 1508.27, nor do potential effects exceed those effects described in the Billings Resource Management Plan (RMP) (September 1984) and its associated Environmental Impact Statement (EIS), as amended [the Billings RMP was amended by the 1992 Oil and Gas RMP/FEIS (Record of Decision (ROD), 1994) and the 2008 Final Supplement to the Montana Statewide Oil and Gas EIS which also amended the Billings RMP/FEIS with a development alternative for coal bed natural gas production]. Therefore, an EIS is not required. Where the suspensions would be lifted, as a result of this decision, any future proposed development on such parcels would be subject to additional site-specific NEPA analysis and documentation.

With regard to the issue of impacts to global climate change (GCC) and/or levels of greenhouse gas (GHG) emissions that may contribute to GCC, as discussed in the EA, the current state of the

science does not allow determinations to be made about the specific effects of specific actions. Therefore, while I find that the proposed action would result in no significant impacts, either individually or cumulatively, as described in more detail below in the FONSI, no similar finding is made with respect to GCC or GHG emissions. However, given the state of the science, preparation of an environmental impact statement is not warranted, as it would not further inform my decision, or the public, with respect to the significance or lack thereof, of this proposed action as to the issue of GCC or GHG.

This determination is based on the context and intensity of the project as described:

Context:

The Proposed Action would occur within the Billings Field Office boundary and would have local impacts on the resources similar to and within the scope of those described and considered in the Billings RMP/FEIS (ROD, 1984), as amended. The project is a site-specific action directly involving approximately 15,019 acres of federal minerals administered by the BLM (whereby suspensions would be lifted on 5,087.7 acres), by itself does not have international, national, regional, or state-wide importance.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse: Beneficial, adverse, direct, indirect and cumulative environmental impacts have been disclosed in the EA. Mitigating measures and stipulations to reduce impacts to the various resources were incorporated in the design of the proposed action. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Billings Field Office and adjacent land.

2. The degree to which the selected alternative will affect public health or safety: Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

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: Unique characteristics present within the project area are historic and cultural resources. These characteristics have been deemed to be not affected by the Proposed Action with mitigating measures attached to each parcel.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial: No anticipated effects have been identified that are controversial. While

the Proposed Action may be somewhat controversial to some members of the public, the Proposed Action conforms with current land use plan guidance in which these leases considered were allocated as open for oil and gas leasing. As a factor for determining (within the meaning of 40 CFR section 1508.27(b) (4)) whether or not to prepare a detailed environmental impact statement, “controversy is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

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: This project neither establishes a precedent nor represents a decision in principle about future actions. The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership: The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. No significant cumulative effects were identified or predicted.

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: Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no features within the project area listed or eligible for listing in the National Register of Historic Places that would be adversely affected.

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 adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. Mitigation measures and stipulations to reduce impacts to wildlife and fisheries have been incorporated into the design of the proposed action.

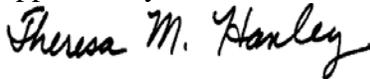
10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where on-federal requirements are consistent with federal requirements: The proposed action does not violate any known federal, state, local or tribal law or requirements imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies and programs.

Recommended by:



James M. Sparks, Field Manager
December 27, 2010

Approved by:



Theresa M. Hanley, Deputy State Director Division of Resources
December 27, 2010