

FINDING OF NO SIGNIFICANT IMPACT
Farmland Reserve, Inc., and Craig G. and Peggy S. Means Revocable Trust
Disposal of 212 Acres in 9 Tracts, Environmental Assessment (EA), WY-070-EA12-186
Bureau of Land Management, Buffalo Field Office, Wyoming

FINDING OF NO SIGNIFICANT IMPACT (FONSI). Based on the information in the EA, WY-070-EA12-186 and Appendix 1 from the Decision Record (DR), both which BLM incorporates here by reference; I find that:

- 1) the implementation of Alternative B will not have significant environmental impacts beyond those addressed in the Buffalo Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) 1985, Buffalo Resource Management Plan (RMP) Update FEIS and ROD, 2001; the Powder River Basin (PRB) FEIS, 2003 and ROD; Cow Creek Holding Company (Groeschel) Land Exchange EA, WY-070-EA07-198 (hereinafter, CCHC); South Stones Throw and Prong EA, WY-070-EA10-277; and incorporates by reference 178 Interior Board of Land Appeals, 062, Ted Lapis (2009) (IBLA Lapis); and the Summary of the Analysis of the Management Situation Buffalo Resource Management Plan Revision (SAMS), 2009, pp. 3-23 to 3-24, Table 3-27, Lands and Realty: Current Decisions, p. C-12 of Appendix C, Map 12 Lands and Realty: Disposal Areas;
- 2) Alternative B conforms to the Buffalo Field Office (BFO) RMP, 1985, 2001, 2003, 2011; and
- 3) Alternative B does not constitute a major federal action having a significant effect on the human environment. Thus an EIS is not required. I base this finding on consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the context and to the intensity of the impacts described in the EA, and Interior Department Order 3310.

CONTEXT. Mineral development, ranching, and wildlife management are common PRB land uses and lead the Wyoming economy via mining, tourism, and agriculture. The present land and mineral uses will continue with the parcels subject to sale and their adjacent areas: ranching, wildlife management, a gravel mine, and several coalbed natural gas wells. The federal government's retention of all of the mineral estate in these surface sales is insignificant because the parcels are small. It is contrary to best management practices to sub-divide the mineral estate with small private inholdings. Appraisal and proposed sale values for each parcel are not less than the fair market value. The Buffalo FEIS analyzed the reasonably foreseeable disposal of small, isolated, difficult to manage parcels. The disposal of federal land described in the proposal is insignificant in the national, regional, and local context.

INTENSITY.

1) Impacts that may be both beneficial and adverse.

The implementation of Alternative B will result in beneficial effects in the form of land use continuity, ease of management, conserving federal resources to not require continued management of small isolated parcels, and negating the need for future management agreements. An adverse effect to the environment, though unlikely, may be an unforeseen change in land use impacting Greater Sage-Grouse (GSG) habitats. An adverse effect, though here tenuous, is the public's loss of acreage for recreation that could theoretically been subject to a land exchange.

2) Public health and safety.

Design features and mitigation measures included in Alternative B will minimize adverse environmental effects. Alternative B does not pose a significant risk to public health and safety for it is unlikely the proposal fosters any material changes in land use.

3) Unique characteristics of the geographic area.

The project area does not contain unique characteristics identified in the 1985 RMP, 2003 PRB FEIS, 2009 SAMS, or other legislative or regulatory processes. I find no significant impact in adjusting rights-of-way and grazing allotments addressed in EA sections 3.6, 4.2.6, 3.8, and 4.2.8, respectively.

4) Degree to which the effects are likely to be highly controversial.

The public scoping revealed very minor controversy over the proposals; see the DR's Appendix 1. BLM used relevant scientific literature and professional expertise in preparing the EA. The scientific community is reasonably consistent with their conclusions on environmental effects relative to land tenure changes dealing with remote, rural, isolated, inholding parcels. BLM published a Notice of Realty Action (NORA): one for segregating the parcels from claims; and published a second NORA for the land sale. BLM released the EA and an unsigned FONSI for public comment in April of 2013 and received few substantive comments. BLM analyzed the substantive comments in Appendix 1, incorporated here by reference, of the Decision Record. The proposals support the Buffalo RMP, its SAMS, and RMP Amendments. The proposals do not contravene Sheridan and Campbell Counties' planning.

5) Degree to which effects are highly uncertain or involve unique or unknown risks.

Research findings on the nature of the environmental effects are not highly controversial, highly uncertain, or involve unique or unknown risks. The transfer of land outside the public domain may occasionally be controversial, but here the parcels' small size, isolated nature, lack of public access, and difficulty of management support a finding of no significant impact; see generally, IBLA Lapis.

6) Whether the proposal may establish a precedent for future actions with significant effects.

The Buffalo FEIS, 2001 Amendment, and 2009 SAMS predicted and analyzed land tenure changes of the nature proposed with this project and similar projects. This proposal does not establish future precedent.

7) Whether the proposal is related to other actions with cumulatively significant impacts.

The proposal does not establish a precedent for future actions with cumulatively significant effects. The proposal may contribute to the PRB GSG decline, in the unlikely and unforeseen event of land use changes creating cumulative significant impacts; yet the small size of this project is within the parameters of the impacts in those analyses, the PRB FEIS, State of Wyoming GSG Executive Order Wyoming (EO 2011-5), WY BLM Instruction Memorandum (IM) (WY-2012-19), and BLM IMs 2013-043 and -044.

8) Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.

There are no cultural or historical resources that will be adversely affected by the selected alternative. The project area is clearly lacking in wilderness characteristics because the parcels are less than 5,000 acres, have no public access, are impracticable to preserve and use in an unimpaired condition, and provide no opportunity for primitive or unconfined recreation.

9) Threatened or endangered species and their critical habitat.

No species listed per the Endangered Species Act or their designated critical habitat is adversely affected.

10) Effects threatening violation of federal, state, or local environmental law.

Alternative B will not have any anticipated effects that would threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

ADMINISTRATIVE REMEDIES. An adversely affected party may appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (2006). If an appeal is taken, the notice of appeal must be filed in this office (at the address below) within 30 days from receipt of this finding. The appellant has the burden of showing that the finding appealed from is in error. Address: Manager, Buffalo Field Office, Bureau of Land Management, 1425 Fort Street, Buffalo, WY 82834

Field Manager:

Date: 7/22/14