

Finding of No Significant Impact

The New Mount Carmel Foundation Access Road Amendment and Natural Gas Pipeline

WY-020-EA11-50

Cody Field Office, Wind River/ Bighorn Basin District, Wyoming

May 2011



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DOI-BLM- WY-020-EA11-50

INTRODUCTION: The New Mount Carmel Foundation (NMCF) has applied for an amendment to a right-of-way (ROW) grant that would allow the upgrade of an existing road ROW and expansion of the authorized scope of the ROW to include construction traffic. A ROW application has also been received from the NMCF for the construction and operation of a natural gas pipeline. Both the access road and natural gas pipeline would be used to support the NMCF's new Monastery. An Environmental Assessment (EA), entitled The New Mount Carmel Foundation (NMCF) Access Road Amendment and Natural Gas Pipeline, is being prepared to comply with the National Environmental Policy Act (NEPA), and has been assigned number WY-020-EA11-50 on the Bureau of Land Management (BLM) Wyoming NEPA register. The lands and realty case file number for the access road ROW grant is WYW-165919 and the case file number for the natural gas pipeline ROW grant is WYW-165952.

On June 25, 2010, a primitive road ROW (WYW-165919) across approximately 3 miles of BLM road, in several distinct segments, was granted to Mr. Dave Grabbert for legal access to his deeded lands. The ROW was granted with no authorized upgrades; however the Plan of Development (POD) referenced future actions including the assignment to the NMCF due to a land purchase and potential future amendment of the ROW grant to allow the upgrade of the access road. The ROW was assigned to the NMCF on October 18, 2010.

FINDING OF NO SIGNIFICANT IMPACT:

Based upon a review of the Environmental Assessment 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. This finding is based on the context and intensity of the project as described. In addition, no environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Cody Resource Management Plan, Final Environmental Impact Statement, and Record of Decision, signed November 8, 1990, for these reasons an environmental impact statement is not needed.

Context:

The Action would occur within the Cody Field Office boundaries and would have local impacts on the resources similar to and within the scope of those described and considered within the Cody Resource Management Plan, Final Environmental Impact Statement, and Record of Decision, signed November 8, 1990. The project is a site-specific action directly involving an area on Carter Mountain, south of Cody, and west of Meeteetse, Wyoming, under the jurisdiction of the Cody Field Office, BLM, that 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.

Resources analyzed for impacts include: invasive non-native species (weeds); wildlife (general), migratory birds; threatened and endangered species, animals (including BLM Wyoming Sensitive Species); threatened and endangered species, plants (including BLM Wyoming Sensitive Species); visual resource management; water resources (surface/ground); rangeland (Meeteetse Rim Allotment); vegetative resources; archaeological\historical\Native American religious concerns; soils; air quality; floodplains; public health and safety.

The resource analyzed that may have both beneficial and adverse impacts appears to be archaeological\historical\Native American religious concerns because a Class III cultural resource inventory was performed as part of the studies to evaluate resource impacts. Prehistoric, historic, and possible religious sites were found. There would be required stipulations/mitigation to avoid these sites as well as having an archaeologist on site to monitor for cultural resource during construction phase. These requirements would be listed on the ROW grant. Gaining information such as this is beneficial but mitigating possible harm during construction is required.

Other resources that may have beneficial but adverse impact may be the large mammal and migratory bird wildlife species that frequent the area. Animals such as elk and Grizzly bear depend on meadows, open rangelands, snow melt/new grass areas to break the winter's fast, forage and hunt game. Construction activities could move these species into adjacent areas away from construction activities. However, in the case of migratory bird species, construction could also keep them from nesting in places adjacent to the project area.

2. The degree to which the selected alternative will affect public health or safety.

During construction the access road would be restricted in order to keep traffic and people at a safe distance. Access would continue to be restricted through private lands. No substantial change in the level of public use in the area is anticipated due to the amount of private lands within the area.

Building the monastery with 40 more people living in a remote location would increase Park County Emergency Services responsibilities and that is why the last section of the road needs to be upgraded to meet Park County Road and Bridge Standards.

The natural gas pipeline to NMCF's deeded lands represents a possible human health and safety risk in the event of a break in the pipeline. If a line breaks there could be a possibility of ground or water contamination. These gas pipelines are common throughout Wyoming and mitigation of this type of pollution would be handled by the Wyoming DEQ on behalf of the BLM.

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.

An inventory for cultural resources was conducted by Archaeological Energy Consultants (AEC) in October/November 2010, following the Wyoming State Historic Preservation Office Format, Guidelines, and Standards for Class III Reports. The inventory documented two newly recorded sites, and three isolates. The sites, an historic irrigation ditch, and multi-cairn site with historic debris scatter, were both recommended as not eligible for the National Register of Historic Places. The cairn site, however, is considered a site type of concern for Native American groups, and would be included in a formal consultation.

The Meeteetse Creek floodplain and streambanks in the vicinity of the proposed project support a diverse riparian-wetland complex comprised of sub-alpine fir, Douglas-fir, aspen, cottonwood, and several species of willows, silver buffaloberry, chokecherry, serviceberry, red osier dogwood, currents, wild rose, and several species of sedges, rushes, grasses, and forbs. The riparian-wetland complex provides important habitat for a wide variety of wildlife species, some of which are listed as Threatened, Endangered, Candidate, and/or Wyoming BLM Sensitive Species.

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

Several field trips were conducted on site one in June 2010 with the Wyoming Game and Fish and BLM employees. The BLM interdisciplinary team met with members of the NMCF, contractors, landowners at the project location, during a field visit on last October 2010. Input was given regarding the scope of the project, suggestion for alternative routes along with suggested stipulations/mitigations regarding the road upgrade and pipeline.

Other visits to the project location included two Native American Consultation site visits, one with two representatives of the Eastern Shoshone tribe and one representative of the Crow Tribe, along with BLM and NMCF personnel. These trips were conducted in March and April 2011. Field consultation occurred with the tribes regarding the proposed project, the newly recorded sites, along with recommendations for project design and mitigations for protection of cultural resources were discussed.

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

Access road ROW and buried gas lines within road ROWs are pretty common actions for the BLM. Wherever possible we strive to place ROW in locations to keep the footprint of disturbance to a minimum. Therefore, there are no uncertain or unique risks associated with this project.

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. Significant cumulative effects are not predicted.

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 environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Cody Field Office Resource Management Plan FEIS/ROD. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects have not changed and are not 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.

A multi-cairn, historic debris site is considered eligible for the NRHP and was identified to be of concern to Native American groups. Native American consultation site visits resulted in recommendations that will physically protect these resources and minimize potential impacts from the proposed action.

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.

The Canada lynx is listed as Threatened. There is no suitable lynx habitat within the proposed project area, as this area contains sagebrush and xeric dominated shrub communities and a Limber pine and Douglas fir dry timber community. The adjacent Shoshone National Forest contains suitable habitat for Canada lynx.

The Grizzly bear is listed as Threatened and may pass through the area; however, the area is not regularly used or suitable habitat and is within a recovery zone 4 and 5, with many human developments in the area.

The Gray wolf was extirpated from the western U.S. by the 1930s. In 1996 wolves were reintroduced to Yellowstone National Park. They are listed as an Endangered Non-Essential Experimental Population. Gray wolves are known to occur in the Absaroka Mountains and there have been wolves occupying Carter Mountain to the west.

Ute ladies'-tresses is listed as Threatened in Wyoming and occupies mid elevation riparian areas with a near surface water table. Potential habitat is present in the riparian-wetland habitat along Meeteetse Creek. This orchid has never been observed in the Bighorn Basin and only one population has been documented in Wyoming (Fertig et al. 2005).

There is no habitat or known occurrence for the endangered black-footed ferret in the affected area. To the south there is an area where ferrets were discovered in the mid-1980, but they are not known to be in this area today.

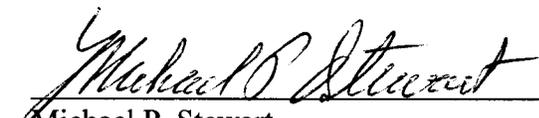
Mountain plover is a proposed Threatened on the Endangered Species List, but they are not known to nest at this elevation or habitat in the Bighorn Basin. The habitat that would be directly impacted by the proposed road and natural gas pipeline is sagebrush-steppe, which provides nesting and brood-rearing habitat for WY BLM Sensitive migratory birds including Brewer's sparrow, sage thrasher, and sage sparrow.

Sage grouse, which are a Candidate Threatened or Endangered Species and a BLM Sensitive Species, also use the area for late brood rearing and some nesting. The area is not in a sage grouse Core Habitat Area. Other sensitive bird species that may potentially use the area include peregrine falcons, northern goshawks, and bald eagles.

Yellowstone cutthroat trout are present in Meeteetse Creek. Other moist habitat areas in and near Meeteetse Creek provide habitat for northern leopard frogs, Columbia spotted frogs, and boreal toads.

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 non-federal requirements are consistent with federal requirements.

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies, and programs.


Michael P. Stewart
Cody Field Manager

5/12/2011
Date