

**FINDING OF NO SIGNIFICANT IMPACT**  
**Bureau of Land Management**  
**Kemmerer Field Office**

**Kemmerer Field Office Crossing/Trailing Permits**

**EA Number: DOI-BLM-WY-D090-EA13-18**

**Location of Proposed Action: Uinta County, Wyoming**

**BACKGROUND**

The Bureau of Land Management (BLM) Kemmerer Field Office Proposed Action, described in Environmental Assessment #WYD090-EA13-18, allows livestock to trail as they have done in the past without exceeding historic use levels. Trailing and crossing permits would be approved as applied for with terms and conditions as described in the Final Decision. The Proposed Action authorizes up to the historic maximum annual trailing use levels of 41,682 livestock or 1,149 AUMs annually. Additional trailing above historic use levels would be considered on a case-by-case basis and additional NEPA would be required.

Presently, the KFO administers 58 grazing allotments that intersect the South Trail one-mile buffer analysis area. Livestock trailing occurs within the KFO generally from May through October with some winter use. Trailing of livestock in the KFO is nearly equally split between fall and spring use. Timing of trailing events may vary annually based on factors such as forage production, weather, resource conditions, and individual livestock operations.

The other alternative analyzed in detail was the No Trailing Alternative. No other alternatives were identified. The BLM considered alternatives based on current use, increased or decreased use levels, and possibly issuing 10 year permits. However, these alternatives did not meet the purpose and need, and were eliminated from detailed analysis. Internal and external scoping did not provide any need or reasoning for an alternate proposal.

**PLAN CONFORMANCE AND CONSISTENCY**

The Proposed Action is in accordance with regulations at 43 CFR 1610.5-3 requiring actions to be in conformance with the approved land use plan. The Proposed Action and No Trailing alternative are in conformance with the Kemmerer Field Office Resource Management Plan and Record of Decision (KFO RMP/ROD) as approved on May 24, 2010.

**FINDING OF NO SIGNIFICANT IMPACT**

Based upon the information contained in the KFO Livestock Trailing EA – South Trail Environmental Assessment (WYD090-EA13-18) and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Kemmerer Field Office RMP EIS; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

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

**Context**

The KFO trailing permits consider routes that intersect the following allotments:

<b>KFO Allotments Intersecting the South Trail Buffer</b>						
<b>Total Allotment Acres and AUMs;</b>						
<b>Trail Buffer Acres by Allotment</b>						
Number	Allotment Number	Allotment Name	Allotment Acres	Allotment AUMS	Trail Buffer Acres	Trail % of Allot.
1	11533	21 GROVE	3,524	50	629	18
2	11202	ALBERT CREEK	38,332	4,352	15,241	40
3	11540	ALTAMONT	9,199	408	3,421	37
4	21514	ASPEN	3,854	152	1,897	49
5	11311	AUSTIN PLACE	4,106	136	26	<1
6	11312	AUSTIN TRIANGLE	47,029	1,044	1,418	3
7	11529	BALSAM DRAW	1,949	43	1,028	53
8	11318	BIGELOW BENCH	16,459	1,012	1,322	8
9	21511	BIGELOW DITCH	4,571	80	1,266	28
10	11525	BLAKE HOLLOW	5,715	878	97	2
11	11317	BRIDGER AIRPORT	36,640	3,175	7,383	20
12	01440	BRIDGER BUTTE	3,051	500	454	15
13	01433	BUFFALO CORRAL	773	118	569	74
14	21505	BYRNE CREEK	9,860	284	461	5
15	11306	CARTER LEASE	238,797	30,828	6,509	3
16	11108	CHRISTENSEN	2,799	118	1,586	57
17	11319	COAL MINE DRAW	8,735	444	2,048	23
18	01442	CROOKED CANYON	4,864	344	219	5
19	01458	CUMBERLAND FLATS	42,817	3,523	1,445	3
20	01206	CUMBERLAND/UINTA	337,656	50,128	7,198	2
21	11522	EAST BRANCH	1,943	86	323	17
22	11302	GRANGER LEASE	470,678	29,244	953	<1
23	11528	GUILD RANCH	1,842	58	517	28
24	01527	HAGUE CREEK	1,301	80	898	69
25	11314	HAMBLIN	372	54	50	13
26	21510	HAYSTACK DRAW	9,685	869	2,399	25
27	01447	HIGHWAY	2,600	96	768	30
28	21507	HINSHAW CREEK	13,346	2	13	>1
29	01438	HORSE CREEK	2,432	88	931	38
30	11324	INDIAN FLAT	7,922	578	3,019	38
31	11541	KEMMERER JUNCTION	6,160	731	1,485	24
32	11543	LA CHAPELLE	4,032	504	1,546	38
33	11320	LEROY	12,364	1,580	2,213	18
34	11406	LITTLE CREEK	14,067	1,115	6,734	48

35	01450	LITTLE DRY CREEK	5,958	511	823	14
36	11105	LYM LEASE	298	12	270	91
37	11303	LYMAN CATTLE	46,896	3,433	9,671	21
38	11512	MEEKS CABIN	20,820	642	5,061	24
39	11308	MONUMENT	8,288	744	2,884	35
40	11539	MOSS CREEK	3,909	94	126	3
41	01552	MUDDY CREEK	971	82	444	46
42	11535	MYERS	18,508	386	6,310	34
43	11403	NEBRASKA FLAT	4,599	34	124	3
44	11313	NIPPLE	1,145	30	317	28
45	11315	OAKS	746	37	542	73
46	11408	POVERTY FLAT	3,569	443	1,458	41
47	01446	QUARRY CREEK	2,153	85	365	17
48	11542	RADIO TOWER	6,726	701	3,085	46
49	21001	REDDEN PASTURE	1,571	35	1,106	70
50	11310	SOUTH MONUMENT	434	10	312	72
51	11405	SPRING CREEK	8,005	87	3,438	43
52	21509	SPRING HOLLOW	7,671	228	77	1
53	01531	SULPHUR CREEK	1,599	26	694	43
54	11521	THE BOILERS DRAW	2,779	200	2,249	81
55	21508	TOMS DRAW	7,923	800	2,007	25
56	11316	UPPER RANCH	438	67	40	9
57	11544	VAN TASSEL	16,901	1,931	1,905	11
58	01453	WALL RESERVOIR	1,068	45	162	15
		TOTALS	1,542,446	143,365	119,537	8

The majority of the livestock trails in the KFO have been used for over 100 years. Livestock trailing is largely a transitory event and is a very important part of the permittees' livestock operation.

Each trailing event varies depending on the individual livestock operator. Very little grazing occurs when livestock are herded to their destination; however, grazing occurs in areas where livestock overnight. The details of each particular trailing event vary depending on the individual livestock operator. Sheep are generally herded in bands by one to two herders with saddle horses, and herds are accompanied by sheep dogs. A sheep camp (living quarters-wagon and commissary-feed/supplies wagon) is moved by a team of horses or vehicle from one location to another along the trail to supply shelter and carry food, water, and other items needed by the herders. Sheep usually water from existing range improvements, creeks/rivers, or use snow if it is available, depending on time of the year. If no water or snow is available, a water truck may deliver water to the sheep; an action that requires separate authorization if on federal land.

According to the applicable Wyoming Rangeland Standards Conformance Review Summaries for the allotments being analyzed, livestock trailing has not been determined as a causal factor related to nonconformance with standards for those allotments that are not passing standards. Complete assessments for Standards for Rangeland Health are available for review at the Kemmerer Field Office.

## **Intensity**

I have considered the potential intensity of the impacts anticipated from Alternative I (Proposed Action), based on the ten intensity factors set forth in 40 CFR 1508.27(b). My conclusions with respect to each factor are summarized briefly below:

### ***1. Impacts that may be both beneficial and adverse.***

The proposed trailing is consistent with the 2010 Kemmerer Field Office RMP and would maintain a natural ecological balance and multiple use relationship consistent with other resource needs as required under the Federal Land Policy and Management Act (FLPMA) and the Taylor Grazing Act (TGA).

Under the Proposed Action, livestock trailing would continue to be authorized and the permittees would continue to use these livestock trails as they have done in the past. This would have positive effects on the livestock operators' operations by enabling them to continue trailing livestock. The operators' costs would not increase over their expected costs.

The Proposed Action would result in continuation of historical use levels with no increase in historical impacts. The listed terms and conditions, which protect resources, will reduce impacts.

### ***2. The degree to which the proposed action affects public health and safety.***

There are no expected impacts to public health and safety as a result of the Proposed Action. Under the Proposed Action, livestock trailing could produce temporary interruptions of traffic along roads such as delays and the potential for vehicle-livestock and vehicle-vehicle collisions if traffic lanes are reduced. However, as vehicles usually slow for these events any impacts should be minimal. Trailing during wet conditions could result in road damage.

### ***3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

Alternative I (Proposed Action) has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to Native Americans. There are no wild and scenic rivers or ecologically critical areas present along the livestock trails.

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

The effects of the implementation of Alternative I (Proposed Action) are presented in the EA document. "Whether a proposed action is 'likely to be highly controversial' under 40 CFR 1508.27(b)(4) is not a question about the extent of public opposition, but, rather, about whether a substantial dispute exists as to its size, nature, or effect." *Missouri Coalition for the Environment*, 172 IBLA 226, 249 n.23 (2007). Comment letters received regarding the Proposed Action provided no scientific evidence supporting claims that the project will have controversial effects within the meaning of this factor.

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

Possible effects on the human environment are not highly uncertain and do not involve unique or unknown risks. The analysis for Alternative I (Proposed Action) does not show that this action would involve any unique or unknown risks.

The Proposed Action would result in continuation of existing activities and no changes over historic conditions are expected. This would result in continuation of existing impacts.

**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.***

After thorough analysis, the EA properly determined that Alternative I (Proposed Action) would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set a precedent for, or automatically apply to, livestock trailing actions above historic levels. Future actions above historic use levels would be subject to evaluation through the appropriate level of NEPA analysis.

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

No project specific or cumulative impacts associated with Alternative I (Proposed Action) have been identified that could not be avoided through the appropriate mitigation and avoidance measures. The impacts identified do not exceed the level of impacts outlined in the Kemmerer Field Office RMP.

**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 historic resources.***

Direct or indirect impacts to cultural and historic resources are not anticipated to occur from implementation of Alternative I (Proposed Action). The KFO archeologists have reviewed all proposed trailing routes.

In order to ensure that historic properties are not being impacted by livestock trailing, periodic inspections of known historic properties will be required. In addition, Rangeland Management Specialists will keep the Cultural Resources staff fully informed concerning areas of livestock congregation and all areas subject to impacts. This information will be disclosed to the Cultural Resources staff members as these areas become known.

All authorized future ground disturbing activities in the Area of Potential Effect (APE) must comply with Section 106 of the National Historic Preservation Act (NHPA) and are subject to appropriate cultural investigations prior to permit issuance, and will be analyzed under a separate and site specific NEPA document. The construction of new facilities, including fences or roads, would require a Class III cultural inventory. All adverse impacts would be mitigated prior to construction. The following stipulations are required to prevent inadvertent adverse impacts to cultural resources within the analysis area:

- Authorization is for standard livestock grazing only. Any related projects (e.g. fence lines, water pipelines and troughs, spring developments, reservoirs, etc.) and locations for feed supplements (e.g. “crystalix” & other mineral feed supplements, etc.) within the allotment boundaries require separate authorizations.
- In order to protect the remaining trail corridors in the southern portion of the Carter Lease Allotment, all supplemental feed, salt/mineral blocks, or any other measures that would artificially concentrate livestock in one place should be kept to a minimum of ¼ mile from the Oregon-California Trail and related NHT variants, as shown on the attached map. This stipulation applies specifically to federal surface as listed in Tables 2 and 3 [documents available upon request]. In addition, adherence to this ¼ mile buffer zone is recommended along those segments of NHT located on non-federal surface. Alternatively, a Class III inventory could be conducted of any proposed salt lick site located within ¼ of the trail in order to minimize new impacts to the trail setting.

- In order to ensure that historic properties are not being impacted by livestock grazing and that the permittees are complying with this no impact agreement, periodic inspections of known historic properties will be required. In addition, Rangeland Management Specialists will keep the Cultural Resources staff fully informed concerning areas of livestock congregation and all areas subject to impacts. This information will be disclosed to the Cultural Resources staff members as these areas become known.
- If future grazing activity within the allotment boundaries should expose previously undetected cultural resources or if BLM determines that significant historic properties are being damaged by grazing activities within the allotment boundaries, the terms and conditions will be amended to protect any such historic properties until such time as protective barriers and/or mitigation of these adverse impacts can be conducted.

**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.**

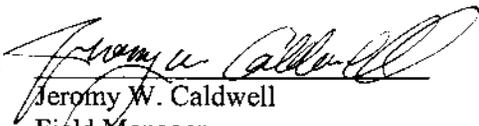
Alternative I (Proposed Action) is not likely to adversely affect any listed species as discussed in the EA.

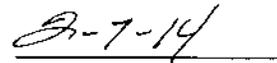
**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Alternative I (Proposed Action) does not threaten to violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment.

The Proposed Action is in compliance with the Kemmerer Field Office RMP Record of Decision approved on May 24, 2010.

Authorized Official:

  
Jeromy W. Caldwell  
Field Manager  
Kemmerer Field Office

  
Date