

FINDING OF NO SIGNIFICANT IMPACT
Bureau of Land Management
Pinedale Field Office

EA Number: WY-100-EA10-303

Proposed Action Title/Type: Mesa Mule Deer Winter Habitat Improvement Project

Location of Proposed Action:

The Mesa Mule Deer Winter Habitat Improvement Project, WY-100-EA10-303, is a wildlife habitat improvement project. The project area is located in Sublette County approximately 5.5 miles south-southwest of Pinedale, WY. The legal location of the project is T33 R109 S 30 and 31 and R110 S 25 and 36. This Environmental Assessment (EA) was prepared by the Bureau of Land Management (BLM) Pinedale Field Office (PFO), Pinedale Wyoming.

BACKGROUND

The September, 2008 Record of Decision (ROD) for the Pinedale Anticline Oil and Gas Exploration and Development Project sets the stage for an increased development scenario on an area of approximately 198,037 acres. The drilling of 4399 wells from 600 well pads has been identified as a potential in the ROD; at a minimum it provides for an increase in development over what has occurred to date. A portion of this area known as the Mesa has been well documented relative to its importance for wintering mule deer from the Sublette Mule Deer Herd. The area known as the Mesa sits on the northern end of the anticline, and has been documented to winter from 3000-5000 mule deer. Recent studies have identified both direct and indirect losses of mule deer winter habitat, including 1520 acres of direct habitat loss, from the construction of well pads and access roads. Indirect losses appear to be even greater and are attributable to the associated winter disturbance from drilling and other development activities. In the 2007 study, data collected from the Mesa indicated that mule deer numbers declined during the first 4 years (2001-2004) of gas development and increased the following 3 years (2005-2007) for an overall decline of 30%. Because of these associated declines and an even greater level of future development, there is a need to determine if on-site mitigation might be a potential for helping to alleviate the habitat losses. This project is designed to enhance available winter forage by increasing production, palatability and preference and potentially pave the way for future treatments on a larger scale.

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Based upon the information contained in the attached environmental assessment and all other information available to me, it is my determination that: (1) implementation of Alternative 4 the Sage-grouse Action will not have significant environmental impacts beyond those already addressed in Pinedale RMP FEIS and the Pinedale Anticline Project Area SEIS; (2) Alternative 4 the Sage-grouse Action is in conformance with the Resource Management Plan; and (3) Alternative 4 the Sage-grouse 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 (CEQ) 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 Project site is located within the Pinedale Field Office Resource Management Plan (RMP) and the Pinedale Anticline Project Area (PAPA). This analysis tiers to the RMP Final Environmental Impact Statement (FEIS) and the PAPA Supplemental Environmental Impact Statement (SEIS). These documents are included in the analysis by reference.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Mesa Mule Deer Winter Habitat Improvement Project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

The proposed action would impact resources as described in the EA. Those resources analyzed are: vegetation, invasive non-native species, soils, water quality, threatened and endangered plants and animals, visual resources, wildlife, sensitive species, cultural resources and Native American religious concerns, and livestock grazing. Stipulations will be applied to protect wildlife resources.

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

The proposed action is designed to have minimum impact or improvement on public health and safety. Transportation of equipment to the project location will be in conformance with state and federal laws.

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.

This type of proposed project (herbicide treatment) is limited in its potential to adversely affect cultural resources. The 2007 *BLM Vegetation Treatments Using Herbicides Final Programmatic EIS* notes that herbicide treatments used to control invasive species are a benefit to maintaining historic landscapes (4-146).

The following Critical Elements of the Human Environment and Other Resource Issues are not present in the project area and are not affected: areas of critical environmental concern, environmental justice, farmlands (prime or unique), flood plains, Native American religious concerns, wilderness, wastes (hazardous or solid), and wild/scenic rivers.

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

No anticipated project specific effects are likely to be considered highly controversial.

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

Implementation of the proposed action would not pose highly uncertain, unique or unknown risks to the human environment. Project Design Features have been built into the proposed action to reduce or avoid any adverse effects to area resources.

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 alternative would establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Any future actions would undergo the NEPA process.

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

The project is located within the PAPA. Cumulative effects associated with the PAPA were analyzed in the SEIS.

The cumulative effects (CE) analysis area is the allotment boundary and the CE time frame is ten years prior to the project and ten years into the future.

The cumulative effects analysis area for the project is the Mesa Common Allotment.

The PAPA EIS shows well field disturbance for the allotment at 3288.5 acres of primarily sagebrush steppe vegetation, approximately 6% of the total allotment. The reclaimed vegetation on the disturbed sites is not predicted to return to current state for up to 20 years. The reclamation would have a vegetative community with a higher proportion of grasses compared to the current state. The project would add to the overall higher proportion of grasses in the allotment increasing the percentage of the allotment with a plant community shift up to 7%.

There will be an increase in non-native invasive and noxious weeds in the allotment due to the gas field development. The treatments proposed could add to the spread of these weeds.

The quality and functionality of wildlife habitats in the project area will continue to be impacted by oil and gas development for several years within the PAPA. Impacts associated with oil and gas development in the PAPA were discussed in the SEIS.

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.

A Class I literature review indicates that there are no known historic properties listed or eligible to be listed in the proposed project Area of Potential Effect. This project, as proposed, will result in no effects to any known significant cultural resources. There are no significant historic resources in the area whose viewshed or integrity of setting will be impacted by this project.

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.

Threatened, Endangered and Candidate Species that may occur within the project area.

SPECIES	STATUS	HABITAT	OCCURRENCE IN PROJECT AREA
Black-footed ferret (<i>Mustela nigripes</i>)	Endangered	Prairie dog towns	Does not occur
Blowout Penstemon (<i>Penstemon haydenii</i>)	Endangered	Blowouts and sand dunes	Does not occur
Canada lynx (<i>Lynx canadensis</i>)	Threatened	Montane forests	Does not occur
Colorado River Fish Species	Endangered	Yampa, Green and Colorado River systems downstream of Wyoming	Occurs downstream
Gray wolf (<i>Canis lupus</i>)	Nonessential/experimental populations	Greater Yellowstone Ecosystem	Does not occur
Greater sage-grouse (<i>Centrocercus urophasianus</i>)	Candidate	Basin prairie shrub, mountain foothill shrub	Present
Grizzly bear (<i>Ursus arctos horribilis</i>)	Threatened	Montane forests	Does not occur
Kendall Warm Springs dace (<i>Rhinichthys osculus thermalis</i>)	Endangered	Kendall Warm Springs, Sublette County	Does not occur
Ute ladies'-tresses orchid (<i>Spiranthes diluvialis</i>)	Threatened	Seasonally moist soils and wet meadows of drainages below 7,000 feet elevation	Does not occur
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Candidate	Riparian areas west of Continental Divide	Does not occur

Greater sage-grouse

Greater sage-grouse are dependent on sagebrush habitats year-round. The general distribution of greater sage-grouse is associated with the distribution of sagebrush (*Artemisia* spp.), and in particular, big sagebrush (*A. tridentata*). Greater sage-grouse require open areas within the sagebrush community for leks where they perform courtship rituals. These strutting grounds (lek

sites) are considered “traditional” or “historic” because the birds return to them annually. Adult male greater sage-grouse arrive first on leks, usually by mid-March, thereafter joined by sub-adult males and females. Females move to nest site vicinities several days after copulation. Although reports indicate that most females nest within 2 miles of leks where they breed, some greater sage-grouse hens in the PAPA have nested farther than that. Greater sage-grouse hens tend to nest in the same vicinity in consecutive years.

After nesting, the hens move to brood areas that support forb understory or succulent vegetation (i.e., riparian areas or irrigated fields) and large populations of insects in late spring and late summer. The sage-grouse diet consists almost entirely of sagebrush during late fall and winter (FEIS).

Greater sage-grouse breeding, nesting, brood-rearing, foraging and winter habitats are present within the project area. According to the WGFD 2009 greater sage-grouse database, one occupied lek, the Oil Fork Road lek, is located within 0.1 miles of the project area. There are 5 additional occupied leks and two unoccupied leks located within approximately 4-miles of the project area. According to BLM records, several historic nest locations are present throughout the immediate project area and within 4-miles of the project area.

The project area is also located within winter habitat for sage-grouse. Greater sage-grouse movements to winter ranges can take some time and may occur between late August and December. Wintering greater sage-grouse depend, in part, on sagebrush extending above the snow (FEIS).

According to BLM Instructional Memorandum (IM) No. WY-2010-012 it is the policy of the Wyoming BLM to manage sage-grouse seasonal habitats and maintain habitat connectivity to support population objectives set by the WGFD. This guidance is consistent with the guidelines provided in the Governor’s Sage-grouse Implementation Team’s Core Population Area strategy and the Governor’s Executive Order (State of Wyoming Executive Department Executive Order 2008-2) that delineates core population areas and stipulations. The entire project area is located within the Governor’s Designated Sage-grouse Core Area in the “Daniel” core area.

Colorado River Fish Species

The four federally endangered Colorado Fish species include the bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*). Federal agency actions resulting in water depletions to the Colorado River system may affect these endangered species and their designated critical habitats and requires formal consultation with the USFWS. No water depletions are associated with the proposed action. There are no anticipated effects to Colorado River fish species from the proposed action.

Ute Ladies'-tresses Orchid.

Ute ladies'-tresses orchid (*Spiranthes diluvialis*) was listed as threatened in 1992. In Wyoming, Ute ladies'-tresses orchid have been located on old oxbows or flood plain terraces associated with small streams on sites that remain moist (meadow plant communities) throughout the summer, either due to seasonal flooding or sub-irrigation (Fertig, 2000). All four of the known populations in Wyoming occur in the eastern half of the state. Searches were conducted in western Wyoming (Jackson Hole, National Elk Refuge, and Green River Basin) during the 1990s (Fertig, 2000). Given the elevation ranges and precipitation regimes associated with site

occurrence, the species' presence within the PAPA is unlikely. There are no known occurrences of the Ute ladies'-tresses orchid within the project area. There is no habitat in the project area fitting the requirements of the plant. There are no anticipated effects to the Ute ladies'-tresses orchid from the project.

Blowout Penstemon

In Wyoming, blowout penstemon (*Penstemon haydenii*) is found on sandy blowouts and sand dunes in the early stages of plant development (Heidel et al., 2007). There are no known records of blowout penstemon in the or near the project area. There is no habitat in the project area fitting the requirements of the plant. There are no anticipated effects to the blowout penstemon from the project.

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

The implementation of the either of the action alternatives would not threaten a violation of Federal, State, or local law, or requirements imposed for the protection of the environment.

Authorized Official: _____


Brian W. Davis
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Pinedale Field Office

6/22/10
Date