

**U.S. Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact and Decision Record for
Mesa Sagebrush Fertilization Project**

WY-100-EA11-186

U.S. Department of the Interior
Bureau of Land Management
Pinedale Field Office
1625 West Pine Street
Pinedale, WY 82941-0768
Phone: 307-367-5300 Fax: 307-367-5329



Finding of No Significant Impact Determination:

The BLM has reviewed environmental assessment (EA) WY-100-EA11-186. Based on the analysis of potential environmental impacts contained in the attached EA, and considering the significance criteria in 40 CFR 1508.27, the BLM has determined that Alternative 2 as described in the EA, but modified as follows, will not have a significant effect on the human environment. Therefore, an environmental impact statement is not required. This finding and conclusion is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Alternative 2 as modified:

- A. Treatment rates and locations as described in Alternative 1 for the first two years will be authorized.
- B. Additional design features described under Alternative 1 will be incorporated into all treatments. Decisions to implement future fertilization treatments within the project boundary of Alternative 2 would be subject to:
 1. Funding approval.
 2. Achievement of all project goals for improvement of habitat and avoidance of all negative project effects described in the EA, as documented through monitoring, on both of the two initial treatments described in Alternative 1.
 3. Monitored habitat benefits from treatment must be documented for at least two (2) years following treatment.
 4. Public notification one year prior to implementation of each additional treatment.
 5. Priority for additional treatments will be given to areas within the project boundary shown on Map 2, Page 7 of the EA, which are under lease suspension, or are unavailable for leasing, or which are documented by agreement with the leaseholder of record to be deferred (not scheduled) from any development activity for a minimum of three (3) years following treatment.
 6. The additional lease suspensions offered by the Operators are key to the determination that implementing this alternative over the proposed action is best, in light of the uncertainties. Therefore, additional treatments may only occur if Operators follow-through with voluntary suspension of development activities. If this does not occur, additional treatments outside of the first two described under Alternative 1 are not authorized.

Context:

The project is a site-specific action directly involving up to 30,958 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance. The impacts of the Mesa Sagebrush Fertilization Project would be beneficial to most resources and offsetting some adverse effects of other actions. Though there are many temporary, localized impacts to resources, no long term negative impacts resulting from the proposed action occur.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (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 that may be both beneficial and adverse.

The environmental assessment has considered both beneficial and adverse impacts of fertilization for sagebrush habitat enhancement. Overall, the project could result in improved sagebrush condition for the areas under consideration.

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

Alternative 2 as modified, will have no adverse or beneficial effects to public health or safety.

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

There are no unique characteristics in the geographic area of the project area.

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 Alternative 2, as modified, would not pose highly uncertain, unique or unknown risks to the human environment. Project Design Features have been built into Alternative 2 as modified, 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.

The decision to implement Alternative 2 as modified will not establish a precedent for future actions.

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

No significant cumulative impacts have been identified in the EA. Other habitat restoration and vegetation alteration projects are ongoing and may be proposed in the future; based on species populations and vegetation response. These projects seen together with other land disturbing activities in the area would not result in cumulatively significant impacts at the local or watershed scale.

8.) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

Alternative 2 as modified, will not adversely affect any eligible sites for listing in NRHP or cause the loss of significant scientific, cultural, or historical resources.

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 ESA of 1973.

There are no threatened or endangered species within the treatment areas.

10.) Whether the action threatens a violation of federal, state, or local laws or requirements imposed for the protection of the environment.

Alternative 2 as modified, does not threaten a violation of federal, state, or local laws or requirements imposed for the protection of the environment.

Decision Record

Decision:

I have decided to authorize the Mesa Sagebrush Fertilization Project as described in Alternative 2 of WY-100-EA11-186 with the following modifications.

- A. Treatment rates and locations as described in Alternative 1 for the first two years will be authorized.
- B. Additional design features described under Alternative 1 will be incorporated into all treatments. Decisions to implement future fertilization treatments within the project boundary of Alternative 2 would be subject to:
 1. Funding approval.
 2. Achievement of all project goals for improvement of habitat and avoidance of all negative project effects described in the EA, as documented through monitoring, on both of the two initial treatments described in Alternative 1.
 3. Monitored habitat benefits from treatment must be documented for at least two (2) years following treatment.
 4. Public notification one year prior to implementation of each additional treatment.
 5. Priority for additional treatments will be given to areas within the project boundary shown on Map 2, Page 7 of the EA, which are under lease suspension, or are unavailable for leasing, or which are documented by agreement with the leaseholder of record to be deferred (not scheduled) from any development activity for a minimum of three (3) years following treatment.
 6. The additional lease suspensions offered by the Operators are key to the determination that implementing this alternative over the proposed action is best, in light of the uncertainties. Therefore, additional treatments may only occur if Operators follow-through with voluntary suspension of development activities. If this does not occur, additional treatments outside of the first two described under Alternative 1 are not authorized.

My decision is based on the rationale below.

Alternatives Considered:

The No Action Alternative was also analyzed in the EA. It would entail no vegetation fertilization in mule deer crucial winter range habitat. Other alternatives considered included fertilizing 3,090 acres of sagebrush habitat and fertilizing 30,958 acres of sagebrush habitat within mule deer crucial winter ranges.

Rationale for Decision:

Based on the analysis contained in the Mesa Sagebrush Fertilization EA, the BLM has determined Alternative 2, as modified above, is in conformance with the approved 2008 Pinedale Resource Management Plan (RMP) and is consistent with plans and policies of neighboring local, county, state, tribal governments, and federal agencies. Alternative 2, as modified, is tiered to and is in conformance with the Record of Decision for the Supplemental Environmental Impact Statement for The Pinedale Anticline Oil and Gas Exploration and Development Project.

The Environmental Assessment analyzed a reasonable range of alternatives including an alternative identified during an extensive public scoping process. Issues identified during scoping have been considered and discussed within the EA. The decision to implement Alternative 2, as modified, has the potential to produce greater benefits to wildlife, and through voluntary lease suspension by operators, greater deferment of development activity. However, staff identified through analysis, concerns with implementing Alternative 2 as written in the EA.

The decision to implement Alternative 2, as modified above, addresses these concerns, and allows for additional treatments, should the concerns expressed not materialize. The flexibility allowed by this decision will provide the BLM opportunity to expand the low impact non-ground disturbing treatments to other priority areas, while ensuring that the environmental effects are documented to be positive, longer than one year in effect, and in areas most likely to have the greatest benefit to mule deer. Noxious and invasive species will be minimized through monitoring and site selection. The public will be adequately noticed of additional treatments, should they occur. Finally, concerns about the availability and wisdom of funding projects with limited duration of effect are mitigated by ensuring a minimum of two years of benefits from the initial two treatments.

Appeal Procedures:

All of the documents supporting this decision are available for review by the public. Appeal procedures for this decision are outlined in Title 43 CFR, Part 4. In accordance with Title 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). In accordance with Title 43 CFR 4.411, a person who wishes to appeal the decision must file a notice that he wishes to appeal in the office of the authorized officer who made the decision. In accordance with Title 43 CFR 4.413, within 15 days of filing the notice of appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and on the Office of the Solicitor in the manner prescribed in Title 43 CFR 4.401(c). The office to file notice of appeal and a copy of the notice to appeal:

Bureau of Land Management
Pinedale Field Office
PO Box 768
1625 West Pine Street
Pinedale, WY 82941

Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street Suite 151
Lakewood, Colorado, 80215

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. In accordance with Title 43 CFR 4.411 (b), the notice of appeal may include a statement of reasons for the appeal, a statement of standing if required by Title 43 CFR 4.412 (b), and any arguments the appellant wishes to make. In accordance with Title 43 CFR 4.412 (a), if the notice of appeal did not include a statement of reasons for the appeal or the appellant wishes to file additional statements of reasons, the appellant shall file such statements with the Board within 30 days, after the appeal was filed. The address to file such statements to the Board is:

Board of Land Appeals
Office of Hearings and Appeals
801 North Quincy Street
Arlington, VA 22203

If statement of reasons for appealing were filed with the "Notice of Appeal", no additional statement is necessary. Pursuant to Title 43 CFR 4.21 (b), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the notice of appeal. At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (Title 43 CFR 4.422(c)(2)).



Shane DeForest
Field Manager
Pinedale Field Office

8-19-11

Date