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## **DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT**

### **Saratoga Well Field and Transmission Line**

EA No.: WY-030-08-EA-100

#### **INTRODUCTION**

The Town of Saratoga, Wyoming (the Town) proposes to pump, transport and deliver ground water from and across federal lands to its municipal water system. Approval for the Town to remove and utilize the ground water resource has been previously granted by the State of Wyoming. Bureau of Land Management (BLM) approval of the proposal would result in the issuance of rights of ways (ROW) by the BLM's Rawlins Field Office and construction of the proposed facilities.

#### **ALTERNATIVES CONSIDERED**

The Environmental Assessment (EA) for the Saratoga Well Field and Transmission Line analyzed three alternatives: Proposed Action, Alternative 1, and No-Action. The Proposed Action is detailed in the Town's "Plan of Development", located in Appendix A of the EA. As detailed in the EA, Alternative 1 was developed in response to concerns for habitat disturbance, wildlife disruption, the effects of above ground powerlines on wildlife including greater sage-grouse, and the added presence of a new road to an existing road. The No Action alternative would deny the Town's proposal, no ROW would be granted and no construction would occur.

#### **DECISION**

Based on the analysis of the potential environmental impacts described in the EA and its appendices, the Authorized Officer has selected Alternative 1 to be implemented.

##### **Approved Project Components**

- Grants of ROW for a well field, a water transmission pipeline, powerlines and access roads across the federal lands as detailed in the EA.
- Construction, operation, and maintenance of the well field, water transmission pipeline, powerlines and access roads are detailed in the EA. The approved components for the well field include drilling additional wells, interconnecting header lines from the wells to the control building, construction of the control building and an access route through the well field. Any new powerlines will be buried, although an existing above ground powerline may be upgraded as required. The Town may elect to bury the powerline along the Pennock Mountain road access route if that should prove to be more beneficial.

#### **RATIONALE FOR DECISION**

Either action alternative (Proposed Action or Alternative 1) would result in relatively minor amounts of habitat disturbance, running in the 10 - 20 acre range in the short term. While Alternative 1, will initially disturb slightly more acreage, it will cumulatively disturb less habitat and reduce the amount and extent of disturbance to wildlife populations. Alternative

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1 will result in lower impacts from human activities upon greater sage-grouse and big game species due to the reduced number of routes through the area and reduced presence of above ground facilities. Upgrading the Pennock Mountain road will provide for less reduction in forage quality and usage for both wildlife and livestock from dust and disturbance. While the Alternative 1 route may cost more to construct, and additional cultural resource surveys will be required for any changes to the alignment, the benefit to wildlife and habitat function weigh in favor of selecting Alternative 1 over the Proposed Action.

Compared to the No Action alternative and the Proposed Action, Alternative 1 best meets and is consistent with the direction, decisions, and guidance found in the *Great Divide Resource Management Plan* (RMP) (BLM, 1990). This includes the Lands Program Management Decisions for utility/transportation systems which state public lands will be open to consideration for placement of utility/transportation systems. Alternative 1 is consistent with national policy, as discussed below, and BLM statutory requirements, including Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, as amended (90 Stat. 2776) (43 United States Code [USC]. 1761-1771), and implementing rules and regulations including the U.S. Code, Title 43. With issuance of the proper permits this decision is consistent with all federal, state, and county authorizing actions required.

### **1. Consistency with Land Use and Resource Management Plans**

Alternative 1 is in conformance with the planning direction developed for this area. The management objective for Land Program Management Decisions as detailed on page 15 of the RMP states:

“To support the goals and objectives of other resource programs for managing the BLM administrative public lands and to respond to public demands for land use authorizations.”

Management Actions for this decision states in part:

“All BLM administered public lands will be open to consideration for placement of utility/transportation systems, but such systems will be located next to existing facilities whenever possible.”

### **2. National Policy**

A ROW grant is an authorization to use a specific piece of public land for specific facilities for a specific period of time. ROWs granted are authorized by Title V of FLPMA and the Mineral Leasing Act (Section 28 of the Mineral Leasing Act of 1920, as amended, 43 U.S.C. 185). It is the policy of the BLM to authorize all ROW applications at the discretion of the Authorized Officer in the most efficient and economical manner possible.

As authorized by the FLPMA, BLM will issue ROW grants for electrical power transmission and distribution systems, systems for the transmission and reception of electronic signals and other means of communications, highways, railroads, pipelines (other than oil and gas pipelines) and other facilities or systems which are in the public interest.

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### 3. Agency Statutory Requirements

The decision is consistent with all relevant federal, state, and county authorizing actions. All pertinent statutory requirements applicable to this proposal were considered.

### 4. Relevant Resource and Economic Considerations

Alternative 1 result in minor environmental impacts to resources, that will be mitigated, and are deemed acceptable. Positive economic benefits are expected from this proposal.

### 5. Application of Measures to Avoid or Minimize Environmental Harm

Federal environmental protection laws such as the Clean Air Act (42 USC §§7401–7661, Pub. L. No. 101-549), the Clean Water Act (33 USC §§1251-1387), and The Historic Preservation Act (36 CFR Part 800) apply to all lands and are included as part of the standard ROW terms and conditions. Applicant "Voluntarily Committed Measures", located in Appendix C of the EA, combined with the "Wyoming Standard Mitigation Measures" (Appendix I, RMP) will further ensure environmental effects are reduced and mitigated effectively.

### 6. Finding of No Significant Impact

Based upon the analysis of potential environmental impacts contained in the EA, the Authorized Officer has determined that Alternative 1, with implementation of the site-specific terms and conditions applied to the ROW authorizations, including use of standard Wyoming mitigation measures would not cause a significant impact to the quality of the human environment. An Environmental Impact Statement is not necessary.

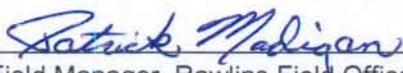
### 7. Purpose and Need for Action

The Town and citizens of Saratoga, Wyoming, have a need for municipal water supplies in adequate amounts with appropriate quality and supply stability to live and be productive in their town and homes. The existing water treatment system is unable to meet new, more rigorous U.S. Environmental Protection Agency (EPA) Drinking Water Standards (EPA, 2007) and is not considered adequate by the Town for its present and future needs.

The purpose of Alternative 1 is to provide access to water supplies from a groundwater source proposed by the Town and approved by the State of Wyoming. BLM approval of ROWs to this groundwater source would allow the construction, operation, and maintenance of surface locations for well sites, disinfection facilities, roads, pipelines, and electric power lines. Additional information for Alternative 1 can be found in **Chapter 2** of the EA.

### APPEAL

Under BLM regulation this decision is subject to appeal (43CFR 2804.1). The "Notice of Appeal" must be filed within 30 days of this decision (43CFR 4.411; 43CFR 4.413). This appeal procedure is detailed in the attached appeals statement.

  
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Field Manager, Rawlins Field Office

2-1-08  
\_\_\_\_\_  
Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

**1. NOTICE OF APPEAL.....**

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. 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. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE**

NOTICE OF APPEAL..... Bureau of Land Management, Rawlins Field Office, P.O. Box 2407, Rawlins, Wyoming 82301-2407

WITH COPY TO SOLICITOR... Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet, Suite 151, Denver, Colorado 80215

**3. STATEMENT OF REASONS**

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet, Suite 151, Denver, Colorado 80215

**4. ADVERSE PARTIES.....**

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

**5. PROOF OF SERVICE.....**

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

**6. REQUEST FOR STAY.....**

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

**STATE OFFICES AND AREAS OF JURISDICTION:**

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.