

**DECISION RECORD
FOR
Proposed Sale of Public Land
Case #: WYW167726
EA #: WY-040-EA14-85**

Summary

The Sale Parcel is adjacent to the Jim Bridger Power Plant and landfill. The existing landfill is currently at capacity. PacifiCorp intends to expand the landfill onto the Sale Parcel if the land sale is completed. If the sale is not completed, under current conditions, the existing landfill design would be modified to accommodate impending capacity needs, reducing the landfill life.

The Power Plant is owned by PacifiCorp and Idaho Power and produces power for the electrical grid in the western United States (Idaho, Oregon, Utah, Washington, and Wyoming). The Power Plant secured a Solid Waste Chapter 3 Operating Permit (SHWD File #20.455) from the State of Wyoming, Department of Environmental Quality (WyDEQ) to construct and operate a landfill for their power generation operations. This permit expired on August 18, 2011, and was extended to December 31, 2013 via a letter from the WyDEQ dated July 21, 2011. PacifiCorp has applied for a second extension on the operating permit. The second permit extension was approved on April 26, 2013 and is set to expire 8 years from the approval date (April 26, 2019).

Under the Proposed Action Alternative, the BLM would offer conveyance of the surface estate of public land to PacifiCorp on a non-competitive basis, at a price no less than fair market value. The mineral estate would remain under the ownership of the BLM.

The Sale Parcel is a 60.00-acre tract of land located adjacent to an existing landfill and an existing power plant in the T. 21 N., R. 101 W., section 24: NW¹/₄SW¹/₄, W¹/₂NE¹/₄SW¹/₄, 6th P.M., Sweetwater County, Wyoming (see **Appendix A, Figures 1.2 and 2.1** of the EA).

The 60.00-acre Sale Parcel has no buildings, structures or improvements except a fence, authorized by right-of-way under BLM federal number WYW109298, located on the ownership line between BLM and PacifiCorp lands. The existing landfill is located to the south of the Sale Parcel. The purchase of the 60.00 acres of federal land would allow the landfill expansion to continue on contiguous land to the north.

A U.S. Department of the Interior Certified Appraiser prepared a land appraisal report to determine fair market value of the Sale Parcel. The evaluation determined that the land proposed for sale is valued at \$9,600.00 or \$160.00 per acre. The evaluation is valid until June 5, 2015. The land appraisal conforms to Uniform Appraisal Standards for Federal Land Acquisitions (2000) and the Appraisal Foundations Uniform Standards of Professional Appraisal Practice (USPAP).

The land proposed for sale specifically meets the disposal criteria under Section 203 [43 U.S.C 1713], Part 1 of the Federal Lands Policy and Management Act of 1976 (FLPMA), which states that:

“...a tract of the public lands (except land in units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National Systems of Trails) may be sold under this Act where, as a result of land use planning required under section 202 of this Act, the Secretary determines that the sale of such tract meets the following disposal criteria...because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency.”

Decision

Based upon the analysis of the potential environmental impacts described in the Proposed Sale of Public Land Environmental Assessment (EA) and supporting documents in the case file, it is my decision to approve the Proposed Action to sell the identified parcel of land.

1. **Compliance with applicable laws:** The proposed action and alternatives were evaluated under the following authorities:

<i>Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.)</i>	Outlines functions of the BLM Directorate, provides for administration of public lands through a land-use and resource management planning process.
<i>National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)</i>	Requires the preparation of environmental impact statements for federal projects which may have a significant effect on the environment. It requires systematic, interdisciplinary planning to ensure the integrated use of the natural and social sciences and the environmental design arts in making decisions about major federal actions that may have a significant effect on the environment.
<i>The Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.)</i>	Directs federal agencies to ensure that their actions do not jeopardize threatened and endangered species, and that through their authority they help bring about the recovery of these species.
<i>The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)</i>	Expands protection of historic and archeological properties to include those of national, State and local significance. It also directs federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.
<i>Taylor Grazing Act of 1934 (43 U.S.C. 315), as amended by the Act of August 28, 1937 (43 U.S.C. 1181d)</i>	Authorizes the establishment of grazing districts, regulation and administration of grazing on the public lands, and improvement of the public rangelands. It also authorizes the Secretary to accept contributions for the administration, protection, and improvement of grazing lands, and establishment of

	a trust fund to be used for these purposes.
<i>The General Mining Law of 1872, as amended (30 U.S.C. 22 et seq.), as amended by P.L. 108-447 Division E, Section 120 (30 U.S.C. et seq.</i>	Provides for locating and patenting mining claims where a discovery has been made for locatable mineral on public lands in specified states, mostly in the western U.S.
<i>Executive Orders</i>	EO 11514 – Protection & Enhancement of Environmental Quality EO 11593 – Protection & Enhancement of the Cultural Environment EO 11988 – Management of Floodplains EO 11990 – Management of Riparian and Wetlands EO 12898 – Environmental Justice EO 13112 – Management of Invasive Species EO 13007 – Protection of Sacred Sites EO 13186 – Management of Migratory Birds

The Proposed Action has been analyzed for consistency with WY-IM-012-019 “Greater Sage-Grouse Habitat Policy on Wyoming BLM Administered Public Lands” and WO-IM-2012-043 “Greater Sage-Grouse Interim Management Policies and Procedures.”

The Resource Management Plan (RMP) for the Rock Springs Field Office is currently undergoing amendment as part of the Wyoming Greater Sage-Grouse Land Use Plan Amendment (Amendment). The Draft Amendment and Environmental Impact Statement was released in December 2013.

The Proposed Action was screened against the Draft Amendment to ensure that the Proposed Action would not preclude BLM’s ability to select any alternative in a ROD. The Proposed Action was also determined to not be inconsistent with the direction outlined in the Amendment’s Preferred Alternative.

2. **Selected Alternative:**

The proposed action to sell approximately 60.00 acres of surface estate as described in WYD04-EA14-85.

3. **FONSI:**

I have determined that the Proposed Action is in conformance with the approved land use plan. I have reviewed this environmental assessment including the analysis of potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures as identified in the EA will not have any significant impacts on the human environment and that an EIS is not required. It is my decision to implement the proposed action.

4. **Public Involvement.**

The BLM reviewed the proposed public land sale to PacifiCorp and conducted internal scoping in July and August of 2011. Formal public scoping was initiated in 2013. Specifically, the BLM gave notice of realty action to prepare an EA and

solicit public feedback on the proposed land sale via the Federal Register on December 12, 2013. The BLM also published a Notice of Realty Action in the Rock Springs Rocket Miner on Tuesday, December 17, 24, and 31, 2013.

The following bulleted list summarizes the substantive issues raised during internal and public scoping, which have been carried forward for analysis in Chapters 3 and 4 of this EA.

- 1.6.1 Cultural Resources
- 1.6.2 Threatened, Endangered, or Candidate Plant Species
- 1.6.3 Fish and Wildlife, Including Special Status Species
- 1.6.4 Threatened, Endangered, or Candidate Animal Species
- 1.6.5 Lands/Access
- 1.6.6 Livestock Grazing
- 1.6.7 Wild Horse and Burros

5. Rationale for Alternative Selected.

The proposed action was selected because it would allow for the sale of the land for the expansion of the existing landfill at the Jim Bridger Power Plant.

The proposal is consistent with the goals and objectives of the GRRMP. The GRRMP, Appendix 8-1: Lands Identified as Possibly Suitable for Disposal, lists the 60.00-acre Sale Parcel in T. 21 N., R.101 W., section 24: NW¼SW¼, W½NE¼SW¼, 6th P.M., Sweetwater County, Wyoming as lands available for sales/exchange for community or industrial expansion (BLM 1997, page 171). Additionally, the GRRMP Land Ownership Adjustment guidelines, page 9, state, "The BLM will aid in finding suitable landfill sites on public land." (BLM 1997)

6. Appeal Procedures.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. 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 (see 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 regulation, 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.

Kimberlee D. Foster
Kimberlee D. Foster
Field Manager
Rock Springs Field Office

5/20/15
Date