FINDING OF NO SIGNIFICANT IMPACT
Jones Kirby Creek Stockwater Pipeline #012890
DOI-BLM-WY-R010-2011-0046-EA

1 Introduction
The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-WY-R010-2011-0046-EA) on a pipeline proposal by Everett Jones of Kirby Creek Ranch LTD. Mr. Jones has applied for a cooperative range improvement agreement to install a stockwater pipeline from two existing water sources on private land to four new stock tanks and a storage tank on public land in the north pasture of Kirby Creek Allotment #00589. The project would be funded entirely by the cooperator. It involves public, private, and State lands. The project has already been completed on the private and State lands.

The project on public land involves approximately 4.6 miles (24,186 feet) of new pipeline with two 5,000 gallon poly storage tanks, three 12 foot x 1 foot rubber tire tanks and one 12 foot x 2 foot rubber tire tank. The pipeline would consist of 1½ inch high density polyethylene pipe buried to a depth of approximately 18 inches deep. A ditcher would be used to install the pipeline. Part of the proposed pipeline would follow an existing two-track road. Width of the disturbance would be 20 feet. Approximately 24,186 feet of pipeline with 20 feet of width of disturbance involves 11 acres of total disturbance on public land. Air vents and drains would be installed along the pipeline as needed. The width of the tanks disturbance would be 50 feet x 50 feet.

This environmental assessment focuses on the proposed and no action alternatives. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action.

2 Finding of No Significant Impact
Based upon a review of the Environmental Assessment and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area.

Based on BLM staff specialists input, it was determined that additional measures were necessary and proper to provide adequate protection of other resources. The following design features are part of the proposed action and are incorporated into the cooperative agreement as stipulations.

- Prior to installation, the project shall be flagged for monitoring.

- Project construction will be in accordance with the recommendations contained in the cultural resources inventory for the project area. The following standard stipulation would also apply:

  The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

-whether the materials appear eligible for the National Register of Historic Places;

-the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

-a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

- The cooperator will complete the required water filing enlargement with the Wyoming State Engineers Office. The BLM will be listed as a co-applicant and surface land owner for the project. A copy of the approved enlargement filing application will be provided to the Worland Field Office prior to construction. Any conditions and limitations that The Wyoming State Engineers Office deems applicable to the project would be incorporated into the cooperative agreement for the project.

- A berm over the pipeline trench may be utilized if necessary, and will not exceed 12 inches in height.

- Construction activity will not be conducted in times of frozen or saturated soil or during periods when watershed damage is likely to occur.

- The authorized officer will be notified of any improvements to be made to existing roads by heavy equipment during project construction. Any new roads or trails created during project construction will not exceed 20 feet in width.

- To eliminate any potential disruption to mating and nesting sage-grouse, construction activity will not be allowed between March 1 and July 15.

- All disturbed areas shall be reseeded with the following mixture of all Pure Live Seed

Species	Pounds PLS/Acre
Bluebunch wheatgrass *Pseudoroegneria spicata* (Pursh) A. Löve ssp. *spicata*	2.0
Indian ricegrass (*Achnatherum hymenoides* (Roem. & Schult.) Barkworth)	2.0
Needle and thread (*Hesperostipa comata* (Trin. & Rupr.) Barkworth ssp. *comata*	1.0
Western wheatgrass (*Pascopyrum smithii* (Rydb.) A. Löve)	2.0

Fall seeding shall be completed after September 1, and prior to ground frost. Spring seeding shall be completed after the frost has left the ground and prior to May 15. Seeding shall be repeated if a satisfactory stand is not obtained.

- Above ground storage tanks will be painted "Carlsbad Canyon" in color. A chart of Standard Environmental Colors depicting this color is available from the BLM upon request.

- Stock water tank height will not exceed 24 inches, to allow mule deer and pronghorn young of the year access to water. Small animal escape ramps will be installed in the stock water tank, and water will be left in the tank during the summer to benefit wildlife when livestock will not be using the allotment.

- The project area will be monitored for five years after construction to insure no noxious weeds have been transported to the site during construction. Any noxious weed infestations will be controlled. Any areas along the pipeline where cheatgrass (*Bromus tectorum* L.) has established after the first year will be treated with Imazapic or equivalent BLM-approved treatment and reseeded with native seed. Use of pesticides will be done by a Certified Commercial Pesticide Applicator in accordance with an approved BLM Pesticide Use Proposal.

- All surface and abandoned materials will be removed from the area and disposed of properly.

- The cooperator is responsible for coordination with other governmental agencies regarding any additional permits required, prior to project construction.

- The cooperator will inspect the construction area for the presence of utility facilities, both surface and subsurface, and notify the Wyoming One Call System (1-800-849-2476) before construction activities begin. The cooperator will use extra safety precautions when working near or around pipelines, power lines, power poles, underground cables, or other utility installations. The permittee will be responsible for taking such measures as may be necessary to protect other authorized facilities on public lands from damage due to construction or use of this range improvement project. The permittee is responsible for contacting those other users and coordinating with them.

- The time period for completion of the project will be one year starting from the date of approval from the Worland Field Office Manager. An extension of this time period will be considered if extenuating circumstances occur. The cooperator will notify the BLM when the project is completed.

- Maintenance responsibility of the entire project is assigned to the cooperator.

This finding is based on the context and intensity of the project as described. In addition, no environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Washakie Resource Management Plan, Final Environmental Impact Statement, and Record of Decision, signed September 2, 1988, for these reasons an environmental impact statement is not needed.

Context

The Action would occur within the Kirby Creek Allotment No. 00589 and would have local impacts on the resources similar to and within the scope of those described and considered within the Washakie Resource Management Plan and EIS/Record of Decision. The project is a site-specific action directly

involving approximately 11 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance.

Intensity

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

1. Impacts that may be both beneficial and adverse

The Action/Alternatives would affect resources as described in the EA. Design features to reduce impacts to the various resources were incorporated into Alternative 1. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Washakie Resource Management Plan/EIS/Record of Decision.

2. The degree to which the selected alternative will affect public health or safety

No aspect of the Action/Alternatives would have an effect on public health and safety. Only water is being transported in the pipeline. Kirby Creek is listed as impaired on the 303d list for fecal coliform for the primary contact recreation use. This segment has been fenced off to reduce the grazing impacts to the area. This project will pull livestock from areas adjacent to Kirby Creek. The water is intended for livestock use and not human use.

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

The historic and cultural resources of the area have been reviewed and no cultural resources were found. Wilderness characteristics are not identified in the project area. The remaining components of the Human Environment and Resource Issues are not affected because they are not present in the project area.

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

Controversy in this context is considered to be in terms of disagreement about the nature of the effects not political controversy or expressions of opposition to the action or preference among the alternatives analyzed within the EA. No unique or appreciable scientific controversy has been identified regarding the nature of the impacts.

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

The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

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

This project neither establishes a precedent nor represents a decision in principle about future actions. The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. An analysis of the direct, indirect, and cumulative effects of the alternatives is described in Section 4 of the EA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other 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 historical resources

There are no features within the project area listed or eligible for listing in the National Register of Historic Places.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list

Grazing strategies in the north pasture are designed to meet the plant growth requirements for cool season bunchgrasses. According to Grazing Influence, Management, and Objective Development in Wyoming's Greater Sage-Grouse Habitat, August 16, 2009, upland early season grazing is defined as occurring approximately April 1 to May 15. The livestock are off the north pasture by May 15. The majority of vegetative growth attributed to May occurs late in the month and as a result there is a four to six week period from late March through early May, where only around 20% of the annual growth occurs. Since the critical growing season in the north pasture does not emerge until the latter part of May, this period features green growth with the least amount of impacts to the growing plants.

The conservative permitted stocking level of seven acres per AUM versus 3.3 acres per AUM for perennial/big sagebrush plant communities in the 10 – 14 inch precipitation zone and the slight to light grazing use would allow for the majority of the plants to complete their life cycle and maintain or improve the vegetative conditions in the pasture.

10. Whether the action threatens a violation of federal, state, or local environmental protection law

The action does not threaten to violate any law. The action is in conformance with the Washakie RMP, which provides the direction and guidance for public land management for the area where the Jones Kirby Creek Pipeline is located.

Authorized Official: Fred McDonald

Fred McDonald, Acting Field Manager

Date: 5/18/12