

Environment Assessment, Decision Record and Finding of No Significant Impact

Jim and Terry Wilson
Direct Land Sale
WYW-165173

August 2010

BLM

Worland Field Office, Wind River/Bighorn Basin District, Wyoming



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-010-2010-67-EA

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WYW165173
DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT
(FONSI)

Decision

This decision is to proceed with the proposed direct sale of the BLM-administered public land which is legally described as follows:

Sixth Principal Meridian, Wyoming

T. 43 N., R. 92 W.,
sec. 22, Tract 51-R
(10.00 acres)

It is my recommendation that the surface estate of the described lands (10 acres) be made available for disposal to Jim and Terry Wilson under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761-1771, as amended.

The described lands have been examined in accordance with Section 120(h) of SARA. No recognized environmental conditions and/or any CERCLA 120(h) concerns were identified.

The transfer of surface rights on the public lands will not interfere unreasonably with operations under the Mineral Leasing Act.

I have determined that the proposed project is in conformance with the Washakie Resource Management Plan, Record of Decision, September, 1988.

Finding of No Significant Impact (FONSI)

I have reviewed this environmental assessment including the analyses of potential significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required.

Terms and Conditions

- A. The patent will be subject to all valid existing rights of record on the date of conveyance.
- B. Rights-of-way for ditches and canals will be reserved to the United States (43 USC 945).
- C. All minerals will be reserved to the United States, together with the right to prospect for, mine and remove minerals.

Authorized Official: /s/ Karla Bird

Date: 8/20/2010

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DOI-BLM-WY-010-2010-67-EA
ENVIRONMENTAL ASSESSMENT

I. INTRODUCTION

A. Need for the Proposed Actions

The need for the proposed action is to convey title to Jim and Terry Wilson for 10 acres of Bureau of Land Management (BLM) administered public lands, which was inadvertently developed for ranch uses prior to the Wilson's buying the adjoining private land. Improvements on the property include two residences, two shop buildings, and a livestock scale with a small structure housing instrumentation.

B. Conformance With Land Use Plan

The proposed action is consistent with the Record of Decision (ROD) for the Washakie Resource Management Plan (RMP)/Environmental Impact Statement (EIS) which was approved in September, 1988. The ROD states on page 12 that, "The use of disposal or exchange to resolve cases of agricultural trespass will be considered on a case-by-case basis."

C. Relationship To Statutes, Regulations, or Other Plans

The authority for the proposed sale is Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761-1771, as amended, which authorizes the Secretary of the Interior to convey public lands under specified conditions. The regulations at 43 CFR 2710.0-6(c)(1)(iii) provide for a direct sale to "resolve inadvertent unauthorized use or occupancy of said lands."

D. Background

It is not known exactly when the trespass structures were constructed. Aerial photos from 1954 show corrals on the proposed property and the photo is annotated as Box Cars V-Hdqs on the image. However, at the scale of the photo, buildings could not be seen. The Wilson's bought the property in November 2006 and discovered the trespass. At that point, they contacted BLM about a possible sale. The facilities are considered an important and integral part of the current ranching operation. Removal of the facilities or a competitive sale of the property would not result in any additional public benefit and could be detrimental to the existing ranching operation.

II. PROPOSED ACTIONS AND ALTERNATIVES

A. Proposed Action

The proposed action is to patent BLM-administered public lands to Jim and Terry Wilson for ranch facilities constructed inadvertently in trespass by previous owners.

The proposed action is detailed below:

1. Patent Lands for the Wilson Sale

BLM-administered public lands would be patented to Jim and Terry Wilson under the authority of Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761-1771, as amended, on the following lands:

Sixth Principal Meridian, Wyoming
T. 43 N., R. 92 W.,
sec. 22, Tract 51-R.
(10.00 acres)

(See Photo Pages 1 thru 4 in Exhibit "E" which show photos of the above described lands.)

The proposed patent on the above described lands would contain a reservation to the United States for all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

B. No Action Alternative

The no action alternative considers the same components as the proposed action. However, under this alternative, the BLM-administered public lands would not be patented.

1. Not to patent lands which have been described above in the proposed action.

III. AFFECTED ENVIRONMENT

A. General Setting

The proposed site is located in northwest Wyoming about 15 miles east of Thermopolis and encompasses part of Hot Springs County Road No. 7. (See the attached map, Exhibit "A", which shows the general area and Exhibit "B" which shows the site map). The Wilson property is adjacent to the east boundary of the proposed parcel.

The area is generally characterized by cold winters and warm summers with prevailing westerly winds. The mean maximum summer temperature is 85 degrees F. and mean minimum winter temperature is 10 degrees F. Mean annual precipitation is 11.3 inches.

The site elevation is approximately 4,660 feet on an alluvial terrace above Kirby Creek. Depth to

potable groundwater is approximately 200 feet below the surface based on well data provided by Environmental Data Resources. The subject property is part of the Kirby Creek sub-watershed draining directly into Kirby Creek ¼ mile below the parcel. Kirby Creek flows to the Bighorn River approximately 14 miles to the west northwest.

Public lands extend to the north and west of the subject property. To the south and east are private lands owned by the Wilson's. The Kirby Creek oil field, extending across private, state and public lands, is located approximately one mile to the north.

B. Affected Resources

1. Water Resources

Although the Bighorn River flows about 14 miles WNW of the proposed property, the location of the proposed site should not have any effect on the River or nearby riparian areas.

2. Vegetation

The plant community is a Salt Tolerant Shrub/Rhizomatous Wheatgrass. The site is dominated by a variety of shrubs, such as Wyoming big sagebrush, rubber rabbitbrush, greasewood, and a variety of saltbrushes. Some perennial cool season mid-grasses such as rhizomatous wheatgrasses and bottle brush squirreltail exist. Other grasses include prairie junegrass, Sandberg bluegrass and blue gamma. Patches of annuals such as cheatgrass and other woody annual forbs persist on the site.

3. Wetlands/Riparian Areas

The property is dissected by a north trending ephemeral drainage that flows into a wetland below the property and into Kirby Creek.

4. Geology and Mineral Resources

The proposed property is located within the large geologic, sedimentary filled basin known as the Big Horn Basin in northwestern Wyoming. The basin is surrounded by the Big Horn Mountain range on the east, the Bridger and Owl Creek Ranges on the south, the Absoraka Range on the west and the influence of the Pryor and Bear Tooth uplifts on the north. The lands being evaluated are composed of Cenozoic sediments and the local formation is the Eocene Willwood (Bestram, 1995).

The proposed lands are situated on either Cody Shale or Mesaverde Formation rock, mostly covered by Quaternary alluvium. The potential for the occurrence of locatable minerals or saleable minerals is low.

Oil and gas have a high probability of occurrence in the subsurface, with known development potential near the said parcel in the Kirby Creek Oil Field.

(See Attached Mineral Report Conclusions and Recommendations Exhibit “F”)

5. Wildlife and Wildlife Habitat

The proposed area provides limited year-round habitat for mule deer. The proposed area also provides habitat for a variety of nongame species.

There would be a no effect situation on threatened or endangered species that would result from approving the proposed actions. (See the attached memo, Exhibit “C”.)

6. Cultural Resources

The proposed site has been evaluated for cultural resources and no cultural resources were identified (See attached cultural report, Exhibit “D”). A route of the Bridger Trail 48H0207 is mapped as passing through the proposed area. No evidence of the trail was identified on the ground or on aerial photographs. The setting of the trail is compromised by oil field and agricultural development and is no longer intact.

7. Livestock Grazing

The proposed action would result in the loss of 2 AUMs in the Blue Spring allotment and would have no significant impact to the grazing permittee.

8. Wastes (Hazardous/Solid)

An Environmental Site Assessment was completed by BLM in June 2010. The investigation identified no Recognized Environmental Conditions associated with the subject property. One human-caused physical hazard was discovered in the course of the investigation; this being a partially open septic tank that appears to no longer be in use.

9. Recreation

The site may have limited opportunities for hunting, hiking and bird watching. Recreational opportunities within the immediate area are limited, but act as a portal to larger parcels of public lands because of County Road No. 7 which passes through the parcel.

10. Existing Rights-of-Record

Rights-of-ways listed on the Master Title Plats (MTP) and in Automated Land and Minerals Records System (ALMRS) on the lands which are proposed for patent are for a county road, telephone line, domestic water lines, two oil and gas pipelines, and a power transmission line. All rights will be protected prior to patent.

11. Mandatory Items

No threatened or endangered species, prime or unique farmlands, air or water quality (drinking/ground), wild or scenic rivers, invasive non-native species, wild and scenic Rivers, wilderness, environmental justice, flood-plains, ACEC's or known Native American religious concerns would be affected by the proposed action.

IV. ENVIRONMENTAL IMPACTS

A. Impacts of Proposed Action

1. Patent Lands for the Wilson Sale

The proposed action would result in minimal environmental impacts after the patent is issued as a result of existing land clearing and buildings on-site presently used for ranching operations. It is anticipated that no significant decline in wildlife numbers or wildlife use will result from the proposed action. There are no cultural sites on the proposed lands nor any development potential for solid minerals. Leasable minerals could be developed with stipulations that safeguard the surface facilities.

B. Impacts of No Action Alternatives

1. Not Patent Lands for the Wilson Sale

The no action alternative would result in the 10 acres of BLM-administered land remaining in federal ownership and continued limited uses as are now present on the lands. It is not anticipated that BLM would require removal of the existing facilities.

V. MITIGATING MEASURES

A. Mitigating Measures for the Proposed Actions

Patent Lands for the Wilson Sale

There are no mitigation requirements for a FLPMA sale. The land will be in private ownership with no further BLM oversight.

B. Mitigating Measures for the No Action Alternatives

There would be no mitigation measures for the proposed action since no actions would be taken (patent of 10 acres).

VI. RESIDUAL IMPACTS

A. Proposed Actions

1. Patent Lands for the Wilson Sale

There would be the residual impact of the loss of vegetation on the property resulting from continued use of the land for ranching operations. The residual impacts would be for the life of the proposed action which would be considered in perpetuity.

B. No Action Alternative

There would be no residual impacts of the no action alternative.

VII. CONSULTATION AND COORDINATION

A. Persons and Agencies Consulted

Wyoming Department of Environmental Quality
BLM Resource Personnel

VIII. ADDENDUM

1. Exhibit "A" - Area Map
2. Exhibit "B" - Site Map
3. Exhibit "C" - Wildlife Evaluation
4. Exhibit "D" - Cultural Report
5. Exhibit "E" - Photo Pages
6. Exhibit "F" - Mineral Potential Report Conclusions and Recommendations
7. Exhibit "G" - ESA Summary- Findings/Conclusions/Recommendations