

PRO-FONSI-12-003

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment

**Seedskadee Revocation Project
Wyoming**

**United States Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Provo Area Office
Provo, Utah**


Recommended by:



Jeffrey D. Agostino
Chief, Environmental Group

5/6/2013
Date

Concur:



Kerry Schwartz
Manager, Water and Environmental
Resources Division

5/6/13
Date

Approved by:



Curtis A. Pledger
Area Manager, Provo Area Office

5/6/13
Date

INTRODUCTION

The Seedskadee Revocation Project Environmental Assessment (EA) has been prepared to disclose and analyze the environmental consequences of the Bureau of Reclamation, Provo Area Office's proposed revocation of its withdrawal of certain lands from the Bureau of Land Management (BLM) administration in southwest Wyoming for the Seedskadee Project. Revocation is needed because Reclamation has determined that certain lands withdrawn from the BLM in Lincoln, Sublette, and Sweetwater Counties, Wyoming, are no longer needed for Seedskadee Project purposes.

PURPOSE AND NEED OF PROPOSED ACTION

The purpose of this action is to assure appropriate administration of lands by the United States Government. The need for this action is to fulfill Reclamation's requirements to restore to public entry any withdrawn lands when such lands are not required for Reclamation project purposes as outlined in the Reclamation Act of June 17, 1902, (Reclamation Act) (32 Stat. 388; 43 U.S.C. 391). Reclamation has determined that certain lands withdrawn from public entry in Lincoln, Sublette, and Sweetwater Counties are no longer needed for the purposes of the Seedskadee Project.

This action responds to the goals and objectives pursuant to the rules, regulations, and policies contained in 43 CFR 2370 and 603 DM 1.

PROPOSED ACTION

Under this alternative the withdrawal of Seedskadee lands would be revoked and administration of the lands would be turned back to the BLM. All resources within the project area would fall under BLM management. Reclamation would no longer have ownership, nor the option of jurisdictional management, of the lands identified to be revoked, as recognized within this EA.

FINDING

Reclamation has found that implementing the proposed action analyzed in the Seedskadee Revocation Project EA would not have a significant impact on the quality of the human environment and that an Environmental Impact Statement is not required. This decision was based on a thorough review of the EA and public comments received on the EA. This decision is in accordance with the NEPA of 1969 (Public Law 91-90), as amended, and both the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508) and the Department of the Interior regulations implementing NEPA (43 CFR Part 46).

DECISION

Reclamation has decided to revoke the withdrawal of Seedskadee lands and administration of the lands would be turned back to the BLM.

REASONS FOR THE DECISION

The Finding of No Significant Impact (FONSI) and decision to authorize this revocation is based on the following:

1. Public health and safety was evaluated and no significant effects were identified.
2. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project.
3. No past, present, or reasonably foreseeable actions are expected to result in cumulative effects (EA, section 3.6).
4. The action will have no significant adverse effect on sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. (EA, section 4.3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources.
5. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, as described in the EA Table 3.4 (EA, section 3.4.4).
6. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered.
7. The proposed action would have no significant effect on such unique characteristics as wilderness areas and wetlands.

Reclamation has analyzed the environmental effects, public comments, and the Action Alternative in detail. Reclamation believes that the Action Alternative best meets the purpose and need described in the EA.

PUBLIC INVOLVEMENT AND AGENCY COORDINATION

On, March 22, 2013, Reclamation sent the EA to interested individuals, groups, stakeholders, municipalities, organizations, and agencies, for review and comment. Five comments were received during the comment period which ended on April 22, 2013. One late comment was received on April 24, 2013. These comments were considered in preparing the FONSI and updating the EA.

The Wyoming State Historic Preservation Office was contacted pursuant to applicable laws, and coordination was completed. Tribal consultation in accordance with 36 CFR 800(c)(2) was also completed. The Bureau of Indian Affairs was also consulted regarding Indian Trust Assets in the project area.

SUMMARY OF ENVIRONMENTAL CONSEQUENCES

The expected environmental impacts of the Action Alternative are described in Chapter 3 of the EA. The environmental analysis was focused on the resources mentioned in Chapter 3. The environmental analysis indicates under the Action Alternative, there would not be any adverse effects.

UPDATES AND CORRECTIONS TO THE EA

In reviewing the EA and comments received, some editorial changes were made. No substantive comments were received that required significant corrections to the EA dated March 2013. Comments and responses are summarized in Table 1.

Final copies of the EA dated May 2013, will be posted to Reclamation’s website and also made available to anyone who requests a copy.

Table 1

| Category | Commenter | Comment | Response |
|------------------|---|--|---|
| General | Sweetwater County Board of County Commissioners | Sweetwater County supports Reclamation’s Preferred Alternative. | None |
| General Wildlife | Coalition of Local Governments | The Coalition of Local Governments (Coalition) supports Reclamation’s Propose Action. The Coalition is concerned about sage-grouse habitat loss within the project area. | As the action agency Reclamation determined that there would be “no effects” to sage-grouse habitat as a result of the revocation. |
| General | Rock Springs Grazing Association | Rock Springs Grazing Association supports the Proposed Action. | None |
| General | Wyoming Fish and Game Department | No comments. | None |
| Water Rights | Wyoming State Engineer’s Office | The Wyoming State Engineer’s Office provided additional information regarding water rights listed in the EA | Reclamation added background information regarding water rights tied to contracts. |
| Land Use | Bureau of Land Management | Legal descriptions within the document are incorrect. | Reclamation is currently working with BLM Wyoming State Office Surveyors to address deficiencies in the legal description. The legal descriptions will be written to a standard acceptable to the BLM before the lands are returned to the BLM. |

| Category | Commenter | Comment | Response |
|------------|---------------------------|---|---|
| Recreation | Bureau of Land Management | The potential impact to recreation would be that BLM would lose the \$50,000 which Reclamation gives to BLM annually to perform maintenance/monitoring activities at Seedskaadee campgrounds. | An agreement for transferring funds between Reclamation and BLM for management of remaining recreation facilities will continue, thus minimal effect would occur. |
| Wildlife | Bureau of Land Management | Inclusion of an Endangered Species Act assessment for threatened and endangered species should be included within the document. | As the action agency Reclamation determined that there were “no effects” to threatened and endangered species. |
| Wildlife | Bureau of Land Management | Yellow-billed cuckoo is close to changing from “candidate” status to “proposed” status for threatened and endangered species listing. Reclamation should discuss this with USFWS. | The Yellow-billed cuckoo was discussed in this EA. The status of this species has not changed. |
| Wildlife | Bureau of Land Management | Was there consultation with the USFWS regarding Threatened and Endangered Species? | As the action agency Reclamation determined that there were “no effects” to threatened and endangered species. |
| Land Use | Bureau of Land Management | It is implied throughout the document that BLM has determined that the lands to be revoked suitable for return to the public domain | Based on the outcome of this EA Reclamation will submit a request to BLM for revocation of withdrawn lands. |

*Other editorial comments received from BLM have been incorporated into the Final EA.