

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Issuance of 10-Year Grazing Lease for Lazy Daisy Allotment
CA-690-EA06-23

Proposed Action:

Issuance of a 10-year fully processed lease for the Lazy Daisy Grazing Allotment

Finding of No Significant Impact:

The proposed action, as analyzed in the attached Environmental Assessment CA-690-06-23, is not a major federal action, as defined in Title 40 Code of Federal Regulations (CFR) 1508.18, and will have no significant impacts on the human environment; therefore preparation of an Environmental Impact Statement (EIS) pursuant to Title 40 CFR 1508.13 is not required.

Rationale for Finding of No Significant Impact:

The primary purpose for conducting an environmental assessment is to determine whether or not a proposed action will have a significant impact on the human environment and therefore will require the preparation of an EIS. As defined in 40 CFR 1508.13, the Finding of No Significant Impact (FONSI) is a document that briefly presents the reasons why an action will not have significant effect on the human environment. The regulations further define the term “significantly” in 40 CFR 1508.27 and require that the context and intensity of impacts be considered in analyzing significance. The following provides an analysis of the significance of impacts of the proposed water developments in terms of context and intensity as defined in the regulations.

“a) Context. *This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-term and long-term effects are relevant*”. (40 CFR 1508.27(a))

Because the proposed action is site-specific, the context for evaluating the significance of the effects is primarily the immediate locale of the allotment. Most of the analysis focuses on the effects of the proposed action within the allotment boundaries. Some effects are considered in the context of the allotment’s location within or adjacent to the

Chemehuevi Desert Wildlife Management Area (DWMA) and desert tortoise critical habitat. Both long term and short term effects are considered in the analysis. Based on the impacts identified in the environmental assessment (EA), it has been determined that, in terms of context, the effects of the proposed action are not significant either in the immediate allotment vicinity of the proposed action nor in the broader region of the DWMA, critical habitat, and the Northern and Eastern Colorado (NEMO) Plan amendment jurisdiction.

“(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity.” (40 CFR 1508.27(b))

“(1) *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*” (40 CFR 1508.27(b)(1))

Chapter 3 of the EA identifies in Chapter 3 the impacts that would likely occur, and how grazing conducted under the terms and conditions of the NECO Plan amendment and the 2005 Biological Opinion on the California Desert Conservation Area Plan [Desert Tortoise] (1-8-04-F-43R) would assure that grazing would occur while not causing impacts that rise to the level of significance as defined by the Council on Environmental Quality.

“(2) *The degree to which the proposed action affects public health or safety.*” (40 CFR 1508.27(b)(2))

Terms and conditions in the proposed action include conformance with health and safety requirements, and the health and safety section of the environmental assessments (EA) Chapter 3 discusses the potential for limited impacts to public safety from interactions between visitors to the allotment and, range improvements and cattle. By incorporating health and safety requirements, it has been determined that the degree to which the proposed action affects public health and safety has been minimized and such effects are not significant.

“(3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*” (40 CFR 1508.27(b)(3))

No park lands, wetlands, or wild and scenic rivers are located within or adjacent to the allotment. The allotment includes lands within the Old Woman Mountains (102,484 acres), Piute Mountains (50,326 acres), and Turtle Mountains (11,590 acres) areas. The Ivanpah Valley Desert Wildlife Management Area (DWMA) comprises 235,529 acres of the allotment. This acreage is also desert tortoise critical habitat. DWMA's are also designated as Areas of Critical Environmental Concern (ecologically critical areas per CEQ). Consideration of historical and cultural properties is addressed under (8)

below, and consideration of ecologically critical areas is addressed under (9) below.

“(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.” (40 CFR 1508.27(b)(4))

The EA was sent to interested publics, Native American tribes, and posted on the NFO website for 30 days to solicit comments from the public. The only public comment letter received on the EA was a letter from a coalition of conservation groups concerned about management of public lands allotments in the CDCA. The conservations groups' focus was on numerous facets of rangeland management on the Lazy Daisy allotment as it would apply under current BLM grazing regulations, and within the scope of the NECO Plan amendment and 2005 CDCA biological opinion (1-8-04-F-43R) terms and conditions. While somewhat controversial to some members of the public, the proposed action conforms to the NECO Plan amendment, which analyzed grazing on this allotment.

“(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.” (40 CFR 1508.27(b)(5))

The EA's Rangeland Health Assessment affirms that rangeland health standards, including soils, riparian areas, stream channels, and native species were being met in 2000. It has been determined, therefore, that the extent and degree of uncertainty regarding impacts or unique or unknown risks is not sufficient to warrant preparation of an EIS.

“(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” (40 CFR 1508.27(b)(6))

This action will not establish a precedent and does not represent a decision in principle about any future consideration.

“(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” (40 CFR 1508.27(b)(7))

The assessed resources, ecosystem and human communities of concern are not approaching conditions where additional stresses associated with the proposed action and past, present, and future foreseeable actions will have consequential cumulative effects.

“(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or

historical resources” (40 CFR 1508.27(b)(8))

As addressed in the EA, pursuant to 36 CFR 800.14(b), the State Director, California Bureau of Land Management and the California State Historic Preservation Officer (SHPO) reached an agreement to meet the requirements of the National Historic Preservation Act (NHPA) Section 106 compliance procedures for processing grazing lease renewals for livestock as defined in 43 CFR 4100.0-5.

The State Director and the SHPO amended the 2004 State Protocol Agreement Between California Bureau of Land Management and the California State Historic Preservation Officer with the 2004 Grazing Amendment, Supplemental Procedures for Livestock Grazing Lease Renewal which allows for renewal of an existing grazing permit prior to completing all NHPA compliance needs as long as Protocol direction, the BLM 8100 Series Manual guidelines, and follows specific stipulations.

“(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” (40 CFR 1508.27(b)(9))

A large portion of the allotment is located within the Chemehuevi DWMA, which on the allotment very closely overlaps desert tortoise critical habitat. Grazing of the Lazy Daisy Allotment was analyzed in the NECO Plan amendment. BLM consulted with the U.S. Fish and Wildlife Service (USFWS) on the NECO Plan amendment’s effects on the federally threatened desert tortoise and its critical habitat. USFWS issued a non-jeopardy, non-adverse modification / destruction opinion (1-8-04-F-43R, Biological Opinion on the California Desert Conservation Area Plan [Desert Tortoise]) on March 31, 2005.

“(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment” (40 CFR 1508.27(b)(10))

The proposed action is consistent with all Federal, State, and local laws.