

Draft
Finding of No Significant Impact

Big Ice Cave Withdrawal
from location and entry under the
United States Mining Laws

Beartooth Ranger District
Custer National Forest
Carbon County, Montana

After considering the environmental effect described in the Big Ice Cave Withdrawal Environmental Assessment (EA), I have determined that the proposed action will not have a significant effect on the quality of the human environment based on the context and intensity of its impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared.

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I Base my finding on the following:

Withdrawing the Big Ice Cave and the 170-acre area surrounding the cave from location and entry under the United States mining laws would protect this unique geologic ice cave attraction, comply with the Cave Resources Protection Act of 1988, and be consistent with the area's present and future use identified in the Forest Plan for recreation. As the cave cannot be moved or replaced, there are no means of protecting the resource value other than locatable mineral withdrawal.

1. Impacts that may be both beneficial and adverse. A significant effect may exist even the Federal agency believes that on balance the effect will be beneficial.

Beneficial and adverse impacts associated with the Proposed Action Alternative were considered as presented in the EA. These impacts are within the range of effects identified in the Custer National Forest and National Grasslands Land Resources Management Plan (1986). I conclude that the specific direct, indirect, and cumulative effects of the selected alternative are not significant, and this action does not rely on beneficial effects to balance adverse environmental effects.

2. The degree to which the proposed action affects public health or safety.

The proposal is an administrative action, would prevent mineral activity on the site, and would continue to protect the cave. Therefore, as related to the proposed action to withdraw from mineral entry Big Ice Cave, there will not be affects to public health or safety.

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

There are numerous limestone caves in the Pryor Mountains (Pryors), but only a few of these develop large quantities of perennial ice. Worldwide, ice caves in limestone are fairly unique occurrences. Big Ice Cave has the best and most unique ice development and is the most visited of any known ice caves in the Pryors. The proposal is an administrative action, would prevent mineral activity on the site, and would continue to protect the cave.

As the cave cannot be moved or replaced, there are no means of protecting the resource value other than locatable mineral withdrawal. If the area is not withdrawn, the geologic, hydrologic, scenic, historical, and aesthetic values of the Big Ice Cave and the adjacent area could be lessened and may be lost entirely should a mining claim be filed. In the event an operating plan for extractive activities were approved and limestone mining commenced, those activities could adversely affect the geo-hydrologic connection by changing groundwater flow rate and direction; this would require a separate NEPA analysis and decision.

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

The effects on the quality of the human environment are not likely to be highly controversial. No comments or significant issues were raised in the earlier scoping effort for the project. There have been no new developments since the first withdrawal, therefore, this is not a new endeavor for the Forest Service, and no highly controversial or significant issues related to the human environment have been identified. No significant issues have been raised to date.

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

In February 1982, 90 acres in the Big Ice Cave area was withdrawn from locatable mineral entry. The mineral withdrawal is identified in the Custer National Forest and National Grasslands Land and Resource Management, page 167. By regulation, withdrawals are subject to a 20-year timeframe, after which, the withdrawal will terminate unless an application for withdrawal is again submitted and approved. It is only due to administrative oversight that the withdrawal expired (EA pages 2-3). There have been no new developments since the first withdrawal, therefore, this is not a new endeavor for the Forest Service and does not pose highly uncertain 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.

The Big Ice Cave mineral withdrawal represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. This is a site specific proposal consistent with the 1987 Forest Plan to keep Big Ice Cave withdrawn from mineral entry.

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.

The proposal is an administrative action, would prevent mineral activity on the site, and would continue to protect the cave.

- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or 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.**

The proposal is an administrative action, would prevent mineral activity on the site, and would continue to protect the cave. Therefore, no districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places would be adversely affected, nor would there be any loss or destruction of significant scientific, cultural, or historical resources, EA page 5.

- 9. The degree to which the action may adversely affect an endangered or threatened species of its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Withdrawal from mineral entry is an administrative action that would prevent mineral activity in the project area. Thus, this alternative would have no short or long-term adverse impacts to species or habitats present, EA page 7.

- 10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The proposed action was developed in accordance with and, therefore, does not threaten to violate any Federal, State or local laws or requirements for the protection of the environment (i.e. Endangered Species Act, national Historic Preservation Act, Clean Water Act, Clean Air Act, and the National Forest Management Act). Discussion in the EA of effects and the related references in the project file document that this withdrawal will not adversely affect soils, water quality, or threatened, endangered, or sensitive plant species. The proposed action is consistent with the Custer National Forest and National Grasslands Land and Resource Management Plan, as amended, and with the Cave Resources Protection Act of 1988.