

United States Department of the Interior
Bureau of Land Management
California Desert District
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ELECTRONIC TRANSMISSION: 05/05/04
Instruction Memorandum No. CDD-2004-01
Expires: 09/30/04

To: Field Office Managers

From: District Manager, California Desert

Subject: Use of Categorical Exclusions for Actions in Wilderness Areas

The following guidance and procedures apply to NEPA analysis of administrative uses and to authorizations for use in wilderness areas.

Proposed actions in wilderness areas involving any of the prohibited uses in wilderness will not be categorically excluded under NEPA. At least one of the Departmental Exceptions to Categorical Exclusions invariably apply to such proposed actions. For example, the use of motorized equipment in wilderness has highly controversial environmental effects, so Departmental Exception 2.3 precludes categorically excluding any proposed action involving motorized equipment.

The prohibited uses in wilderness are cited in section 4[c] of the Wilderness Act and 43 CFR 6302.20. Departmental and BLM Categorical Exclusions as well as Departmental Exceptions are cited in the BLM NEPA HANDBOOK, H-1790-1. Note that the Exceptions to Categorical Exclusions under NEPA are distinct from exceptions [e.g., private existing rights] for prohibited uses under the Wilderness Act.

Proposed actions in wilderness that do not involve any of the prohibited uses may be categorically excluded if they clearly fall under a Departmental or Bureau Categorical Exclusion and none of the Departmental Exceptions apply. In analyzing whether those exceptions apply, note that adverse effect at 2.2 includes all specific effects. Even if the net of all effects are determined to be beneficial, any specific adverse effect will necessitate applying Departmental Exception 2.2.

Categorical Exclusions in wilderness will be in writing, the Field Office authorized officer will sign the associated decision record, and a copy of the categorical exclusion review and decision record will be transmitted to the District Manager for records management.

There is no required format, but the categorical exclusion narrative will contain:

1. Documentation of Land Use plan conformance.
2. A description of the proposed action.
3. The citation of the categorical exclusion being applied.
4. Documentation that none of the Exceptions to Categorical Exclusions apply.
5. A decision record [may be a separate document].

An example of a categorical exclusion review and decision record is attached.

Signed By:
Alan Stein
Acting District Manager

Authenticated By:
Charlee C. Christie
Records Manager

Attachment [3 pages] - as noted

Distribution

CA610
CA944
CA930

Attachment

CDD I.M: "Use of Categorical Exclusions for Actions in Wilderness Areas"

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE

CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD

CX Number: CA-660-03-33

Name of Proposed Action: U.S. Geological Survey Arroyo Toad Surveys

Legal Description: T2S, R3E, Sections 15, 22, and 27, SBM, Riverside County, California

Land Use Plan conformance: In compliance with 43 CFR 1610.5-3 and BLM MS1617.3, the proposed action is in conformance with the California Desert Protection Act, as Amended 1980 (Coachella Valley Plan, 2002). Portions of the action would also occur in the San Gorgonio Wilderness (California Desert Protection Act of 1994).

Description of Proposed Action:

The BLM and the U.S. Geological Survey (USGS) would perform surveys for the Federally listed endangered Arroyo toad (*Bufo microscaphus californicus*) in Whitewater Canyon, Riverside County, California. The surveys would be done on BLM managed lands in the San Gorgonio Wilderness and the Whitewater Canyon ACEC. Additional surveys would be done on private lands of the Whitewater Trout Company. The surveys are needed to determine presence or absence of Arroyo toads on public lands where a right-of-way has been requested by the Whitewater Trout Company to a diversion ditch which supplies water to the trout farm and hatchery. After surveys are completed, the BLM would begin an Environmental Assessment to analyze impacts from the proposed ROW.

Presence/absence surveys for Arroyo toads would be conducted between April and August, 2003. The surveys would include the entire length of the diversion ditch, in and around the percolation ponds on the trout farm property, and the entire length of the Whitewater River bed up to ½ mile below the trout farm. The total mileage would be approximately three miles. Surveys would follow US Fish and Wildlife Service protocol which requires one single daytime survey to assess habitat suitability and six evening surveys to search for egg strings, larva, metamorphs, and adults. Visual encounter surveys would be employed which includes walking along the drainage in search of calling males, egg strings, and larva as well as searching upland habitats for foraging juveniles and adults. Headlamps with 45,000 candle-power would be used to provide the required amount of illumination. Age, class, weight, length, and GPS coordinates would be recorded for all Arroyo toad observations. All other native amphibian and reptile species and non-native species would be noted as well.

All survey activities on public lands, including the San Gorgonio Wilderness, would be conducted on foot. No motorized access nor other prohibited use is authorized within the wilderness.

Categorical Exclusion Reference: 516 DM 2, Appendix 1, 1.6

Screening for Exceptions: The following exceptions apply to individual actions within categorical exclusions (516 DM, Appendix 2). The preparer and/or indicated specialist will verify whether the Proposed Action will:

2.1	Have significant adverse effects of public health or safety?	NO
2.2	Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farm lands, wet lands, flood plains, or ecologically significant or critical areas, including those listed on the Department's National Register of National Landmarks?	NO
2.3	Have highly controversial environmental effects?	NO
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO
2.5	Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects?	NO
2.6	Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?	NO
2.7	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	NO
2.8	Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?	NO
2.9	Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	NO
2.10	Threaten to violate a Federal, State, or local or tribal law or requirement imposed for the protection of the environment?	NO

Prepared by: Greg Hill, Environmental Protection Specialist

Reviewed by: _____
Environmental Coordinator

DECISION: It is my decision to approve the proposed action as described in Categorical Exclusion (CX) number CA-660-03-33. I find this action conforms with 516 Departmental Manual (DM) 2 and DM 6 with no exceptions. I further find this action in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. Conditions of approval, if attached, are incorporated by reference as the decision of the Bureau of Land Management regarding this action. A copy of this Decision Record and attendant conditions of approval shall be in the possession of the on-site operator during all undertakings approved herein.

APPROVED BY:

_____	_____
Field Manager	Date
Palm Springs-South Coast Field Office	
Bureau of Land Management	
U.S. Department of the Interior	
690 W. Garnet Avenue; P.O. Box 581260	
North Palm Springs, CA 92258-1260	