UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B070-2012-0009-CX **Date**: 11/16/11
File Code (Project/Serial Number):
Preparer: Louis E Clayburn
Title of Proposed Action: Alvord Hot Spring Fence

Description of Proposed Action and Project Design Elements: The Alvord Ranch proposes to build approximately 0.3 mile of new fence on both sides of the East Steens Road Within the county right-of-way on the Serrano Point Allotment for the purpose of fencing of their private land. A portion of the fence will be built on BLM-managed lands. The Alvord Ranch will provide all fencing materials and provide all labor in the construction of the fence. Fence built on BLM-administered lands will be built to BLM standards and guidelines.

Legal Description (attach Location Map): T34S R34E Sec 32

B. Conformance with Land Use Plan (LUP) (name) Andrews Management Unit (AMU) Record of Decision (ROD) and Resource Management Plan (RMP)

Date Approved/Amended: August 2005

The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions)*:

Social and Economic Values Objective 1 (RMP-46-CMPA ROD/RMP, August 2005). Work cooperatively with private and community groups and local government, Burns Paiute tribal, and other tribal governments to provide for customary uses consistent with other resource objectives and to sustain or improve local economies.

BLM Categorical Exclusion Reference (516 DM, Chapter 11):

J9-construction of enclosures

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

2.1 Have significant impacts on public health or safety.

Specialist – John Petty, Safety Officer
Signature and Date: for John Petty - 11/28/2011
Rationale: No significant impacts on public health or safety.

2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Migratory Birds
Specialist – Matt Obradovich, Wildlife Biologist
Signature and Date: 11/23/2011
Rationale: There would be no effects to migratory birds from this action since construction would be at a time when migratory birds are not present.

Historic and Cultural Resources
Specialist – Scott Thomas, District Archeologist
Signature and Date: 11-23-11
Rationale: No historic or cultural resources would be affected by this project.

Areas of Critical Environmental Concern/Research Natural Areas
Specialist – Caryn Meinicke, Natural Resource Specialist (Botany)
For
Signature and Date: 11/28/2011
Rationale: No RNAs or ACECs are present in the Project Area.

Water Resources/Flood Plains
Specialist –Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries)
Signature and Date: 23 NOV 2011
Rationale: Water resources not affected by the proposed action, not in a flood plain.

Soils, Biological Soil Crust, Prime Farmlands
Specialist – Caryn Meinicke, Natural Resource Specialist (Botany)
For
Signature and Date: 11/28/2011
Rationale: The proposal will not result in significant impacts to soils or biological soil crusts

Recreation/ Visual Resources
Specialist – Michael Kelly, Outdoor Recreation Specialist
Signature and Date: 11/28/11
Rationale: No impacts anticipated to recreation and visual resources.

Wilderness/Wild and Scenic River Resources
Specialist – Eric Haakenson, Outdoor Recreation Specialist
Signature and Date: 11-23-11
Rationale: This is not within a wilderness, WSA, WSR or land with wilderness characteristics.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

Specialist – Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: 11-28-11
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The fence will be built within an existing right-of-way along a county road.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist - Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: 11-28-11

Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The fence will be built within an existing right-of-way along a county road.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist – Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: Rhonda Karges 11-28-11

Rationale: Implementation will not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects. The fence will be built within an existing right-of-way along a county road. The BLM routinely constructs and maintains fences.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist – Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: Rhonda Karges 11-28-11

Rationale: Implementation will not have any known direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The fence will be built within an existing right-of-way along a county road.

2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Specialist – Scott Thomas, District Archeologist
Signature and Date: 11-23-11

Rationale: Eligible or nominated properties would not be affected by the project.

2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Endangered or Threatened Species-Fauna
Specialist – Matt Obradovich, Wildlife Biologist
Signature and Date: 11/23/2011

Rationale: There are no known Endangered, threatened species, or species proposed for listing or known critical habitat near this project area

Endangered or Threatened Species-Aquatic
Specialist – Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries)
Signature and Date: 23 NOV 2011

Rationale: There are no known aquatic T&E species in the proposed project area.

Endangered or Threatened Species-Flora
Specialist – Caryn Meinicke, Natural Resource Specialist (Botany)
For Signature and Date: 11/28/2011

Rationale: No threatened or endangered species of flora or associated critical habitat are present in the project area.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Specialist – Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: Rhonda Karges 11-28-11

Rationale: No known law or requirement imposed for the protection of the environment will be violated.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Specialist – Rhonda Karges, District Planning and Environmental Coordinator
Signature and Date: Rhonda Karges 11-28-11

Rationale: Implementation will not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.

2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Specialist – Scott Thomas, District Archeologist
Signature and Date: 11-23-11

Rationale: Sacred sites or access to sacred sites would not be affected by the project.

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Specialist – Lesley Richman, Natural Resource Specialist (Weeds)
Signature and Date: Lesley Richman 11/28/2011

Rationale: Noxious weeds are known to be present in and in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, District P&EC

Signature: Rhonda Karges Date: 11-28-11

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Joan M Suther, Andrews / Steens Resource Area Field Manager

Signature: Joan M. Suther Date: 11/28/11

Note: A separate decision document may be prepared for the action covered by this Categorical Exclusion following program-specific guidance.

(Only include the following language if a lease, permit or other authorization is not issued or other program-specific regulations do not apply.)

Decision: It is my decision (*or Proposed Decision if grazing related*) to implement the Proposed Action with Project Design Elements (if applicable) as described above.

Choice 1 (nongrazing-related decision):

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

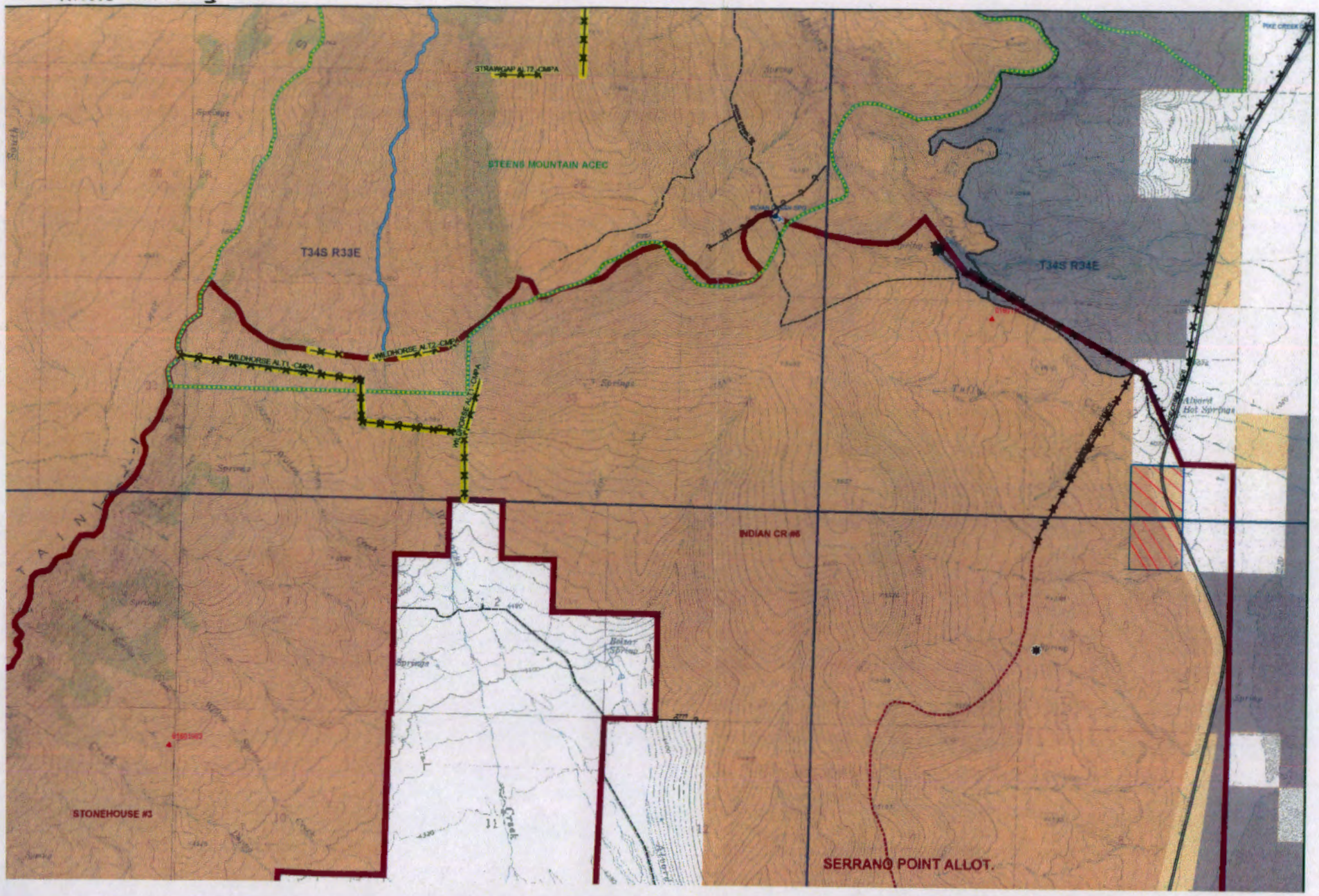
Request for Stay

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer.

Joan M. Suther 11/28/11

Title and Signature of Authorized Officer Date

Alvord Hot spring Fence