

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2010-0031-CX **Date:** April 28, 2010
File Code (Project/Serial Number): None Assigned
Preparer: Autumn Toelle, Range Management Specialist **Applicant:** Cluster Allotment Permittee
Title of Proposed Action: Cluster Allotment Cattleguard Installation

Description of Proposed Action: Install one cattleguard in an existing fenceline where a gate presently exists. This gate is often being left open which has created a need to install the cattleguard. This project would decrease problems with livestock entering the wrong allotments/pastures at periods when livestock are not authorized, while improving access of recreationists between Cluster and Capehart Lake Allotments.

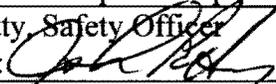
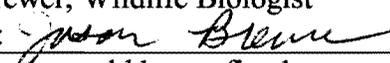
Legal Description (See Attached Location Map): Township 24 South, Range 27 East, Section 29, SW¼SW¼.

Conformance with Land Use Plan (LUP): Three Rivers Resource Management Plan
Date Approved: September, 1992

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): GM 1.3 (page 2-36) – “Utilize rangeland improvements, as needed, to support achievement of multiple-use management of objectives for each allotment as shown in Appendix 9 and Map RM-3. Range improvements will be constrained by the Standard Procedures and Design Elements shown in Appendix 2.”

BLM Categorical Exclusion Reference (516 DM, Chapter 11): 11.9G (2) – “Installation of routine... cattleguards on/or adjacent to roads and trails identified in any land use plan...”

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:  5/10/10	
Rationale: No significant impact 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.
<u>Migratory Birds</u>	
Specialist: Jason Brewer, Wildlife Biologist	
Signature and Date:  5/10/10	
Rationale: Disturbance would be confined to a small, previously disturbed area (road/fence intersection). Installation would not take long, so the period of disturbance would be brief (likely less than a day).	

Historic and Cultural Resources

Specialist: Scott Thomas, District Archeologist

Signature and Date: *Scott Thomas* 4/29/10

Rationale: No cultural resources will be affected by this project.

Areas of Critical Environmental Concern/Research Natural Areas

Specialist: Autumn Toelle, Rangeland Management Specialist

Signature and Date: *Autumn Toelle* 4/28/10

Rationale: No impacts to RNAs or ACECs will occur as a result of this proposal.

Water Resources/Flood Plains

Specialist: Lisa Grant, Natural Resource Specialist - Riparian

Signature and Date: *Lisa Grant* 4/28/10

Rationale: No effects are expected to water resources/flood plains as a result of installation of a cattle guard.

Soils, Biological Soil Crust, Prime Farmlands

Specialist: Autumn Toelle, Rangeland Management Specialist

Signature and Date: *Autumn Toelle* 4/28/10

Rationale: No significant impacts to these resources will occur as a result of this proposal.

Recreation/ Visual Resources

Specialist: John Bethen, Recreation Planner

Signature and Date: *John P. Bethen* 4/29/10

Rationale: No significant impacts to recreation of visual resources will occur as a result of this project. The installation of a cattleguard, instead of relying on a gate, will benefit recreation and visual resources.

Wilderness/Wild and Scenic River Resources

Specialist: Eric Haakenson, Wilderness Specialist

Signature and Date: *Eric Haakenson* 5/10/10

Rationale: The proposed project is not in a Wilderness, Wilderness Study Area, Citizen Proposed Wilderness Study Area, and there are no Wild and Scenic Rivers in the project area.

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, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 4/28/10

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources.

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

Specialist: Rhonda Karges, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 4/28/10

Rationale: There are no known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. Installation of cattleguards is a common practice in rangeland management to control movement of livestock.

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, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 4/28/10
Rationale:	No precedent for future actions or decision in principle about future actions with potentially significant environmental effects would occur as installation of cattleguards is a common practice in rangeland management to control movement of livestock.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist:	Rhonda Karges, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 4/28/10
Rationale:	There are no known direct relationships to other actions with individually insignificant but cumulatively significant environmental effects.
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:	<i>Scott Thomas</i> 4/29/10
Rationale:	No National Register eligible or listed properties are located within the proposed project area.
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.
<u>Endangered or Threatened Species-Fauna</u>	
Specialist:	Jason Brewer, Wildlife Biologist
Signature and Date:	<i>Jason Brewer</i> 5/10/10
Rationale:	There are no known federally listed threatened or endangered species or Critical Habitat at or near the project area.
<u>Endangered or Threatened Species-Aquatic</u>	
Specialist:	Lisa Grant, Natural Resource Specialist - Riparian
Signature and Date:	<i>Lisa Grant</i> 4/28/10
Rationale:	There are no known federally listed threatened or endangered fish or associated Critical Habitat is present.
<u>Endangered or Threatened Species-Flora</u>	
Specialist:	Autumn Toelle, Rangeland Management Specialist
Signature and Date:	<i>Autumn Toelle</i> 4/28/10
Rationale:	No federally listed threatened or endangered species of flora, or Critical Habitat at or near 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, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 4/28/10
Rationale:	No known law or requirement imposed for the protection of the environment would be violated.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist: Rhonda Karges, Planning and Environmental Coordinator Signature and Date: <u>Rhonda Karges</u> 4/28/10
Rationale: Implementation would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near 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: <u>Scott Thomas</u> 4/29/10
Rationale: No sacred sites or access to sacred sites will be affected by this cattleguard placement.
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: Caryn Meinicke, NRS - Weeds Signature and Date: <u>Caryn Meinicke</u> 4-29-10
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.

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

Specialist: Rhonda Karges, District Planning and Environmental Coordinator

Signature: Rhonda Karges Date: 4/28/10

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: Richard Roy, Three Rivers Resource Area Field Manager

Signature: Richard Roy Date: 5/11/10

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

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.

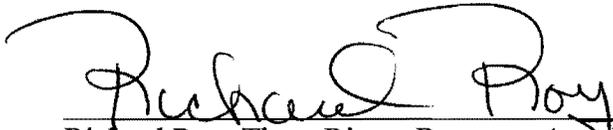
A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for 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.

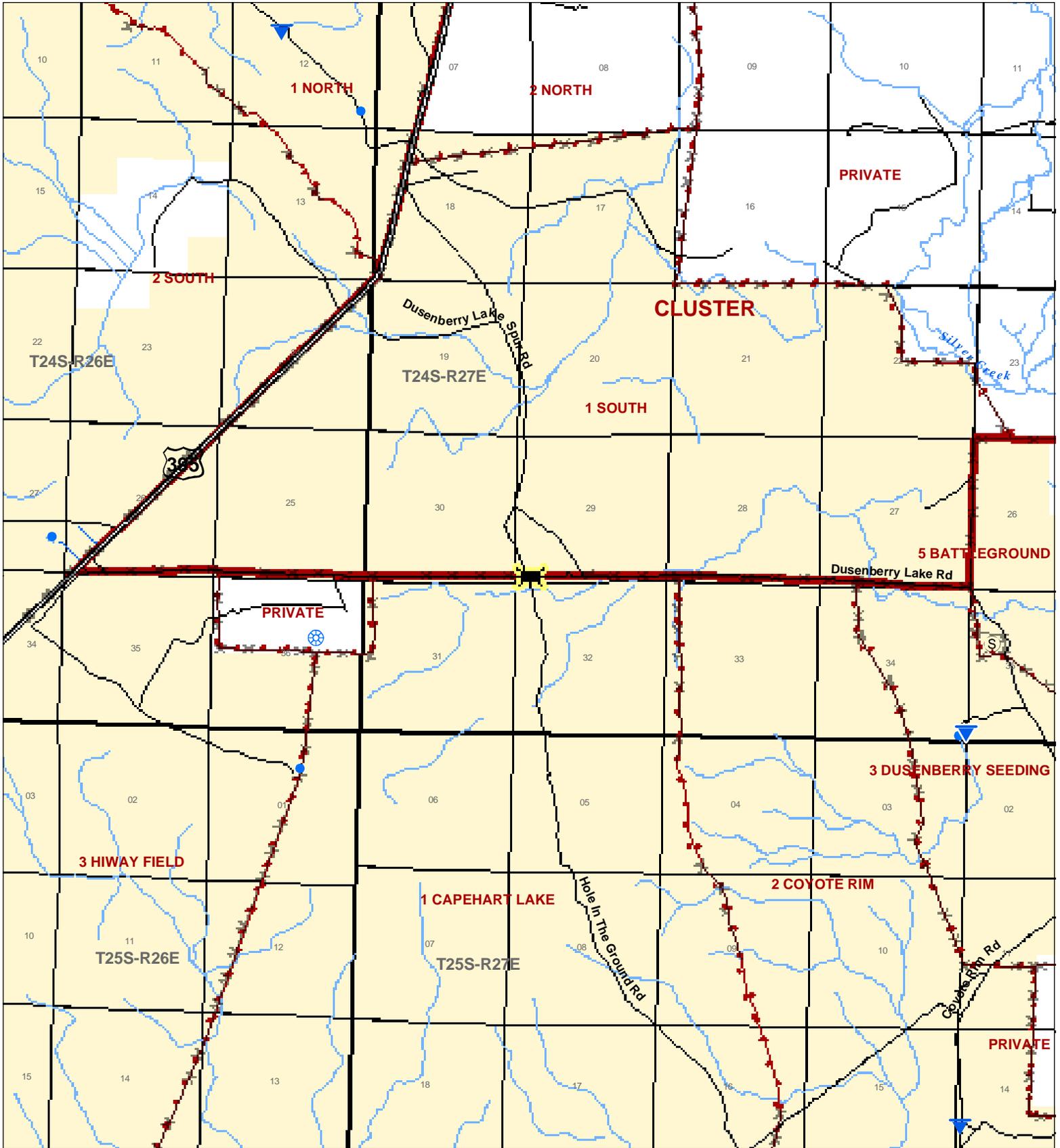


Richard Roy, Three Rivers Resource Area Field Manager

5/11/10

Date

Cluster Allotment #7017



Legend

-  Allotment Boundary
-  Pasture Boundary
-  Perennial Streams
-  Intermittent Streams



Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

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