

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2011-0001-CX **Date:** October 12, 2010
File Code (Project/Serial Number): None Assigned
Preparer: Autumn Toelle, Range Management Specialist **Applicant:** N/A
Title of Proposed Action: Cottonwood Creek Exclosure Fence Removal

Description of Proposed Action: Remove approximately 0.17 mile of existing fence currently dividing a riparian exclosure into two pastures. This fence is unnecessary since both pastures receive the same grazing management. This project would decrease the miles of fence within the Cottonwood Creek Allotment - Exclosure Pasture, reducing the potential for wildlife injury and entrapment, while continuing to protect the riparian area from livestock grazing.

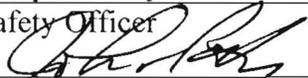
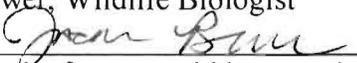
Legal Description (See Attached Location Map): Township 19 South, Range 36 East, Section 4, NW¼NW¼.

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): 11.9J (10) – “Removal of structures and materials of no historical value, such as... fences... and reclamation of the site when little or no surface disturbance is involved.”

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:	 10-12-10
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:	 10-13-10
Rationale: Removing the fence would be completed over a short period (one to two days) by a small hand	

crew. Migratory birds in the immediate area (depending on when the fence removal would occur) may be displaced short distances due to the presence of workers, but would return to the area upon project completion.

Historic and Cultural Resources

Specialist: Scott Thomas, District Archeologist

Signature and Date: *Scott Thomas* 10/12/10

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* 10/12/10

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* 10/11/10

Rationale: No effects are expected to water resources/flood plains as a result of fence removal.

Soils, Biological Soil Crust, Prime Farmlands

Specialist: Autumn Toelle, Rangeland Management Specialist

Signature and Date: *Autumn Toelle* 10/12/10

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

Recreation/ Visual Resources

Specialist: John Bethra, Recreation Planner

Signature and Date: *John P. Bethra* 10/12/10

Rationale: No significant impacts to recreation or visual resources will occur as a result of this project. The removal of the fence will benefit recreation and visual resources.

Wilderness/Wild and Scenic River Resources

Specialist: Eric Haakenson, Wilderness Specialist

Signature and Date: *Eric Haakenson* 10/12/10

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* 10/18/10

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* 10/18/10

Rationale: There are no known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

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> 10/18/10
	Rationale: No precedent for future actions or decision in principle about future actions with potentially significant environmental effects would occur as removal of fences is a common practice in rangeland management.
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> 10/18/10
	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> 10/12/10
	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> 10-13-2010
	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> 10/11/10
	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> 10/12/10
	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> 10/18/10
	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> <u>10/18/10</u>
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> <u>10/18/10</u>
Rationale: No sacred sites or access to sacred sites will be affected by this fence removal.
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, NRS - Weeds Signature and Date: <u>Lesley Richman</u> <u>10/18/10</u>
Rationale: Noxious weeds are not known to be present in, or in close proximity to, this area.

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: 10/18/10

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: 10/18/10

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

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Field Manager, Three Rivers Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

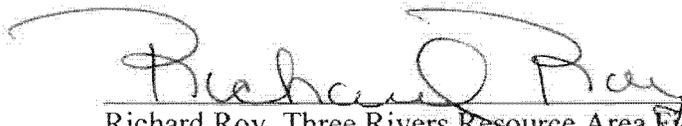
United States Department of the Interior
Office of Hearings and Appeals
405 South Main Street, Suite 400
Salt Lake City, Utah 84111

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470.

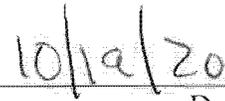
A petition for stay, if filed, shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

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

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

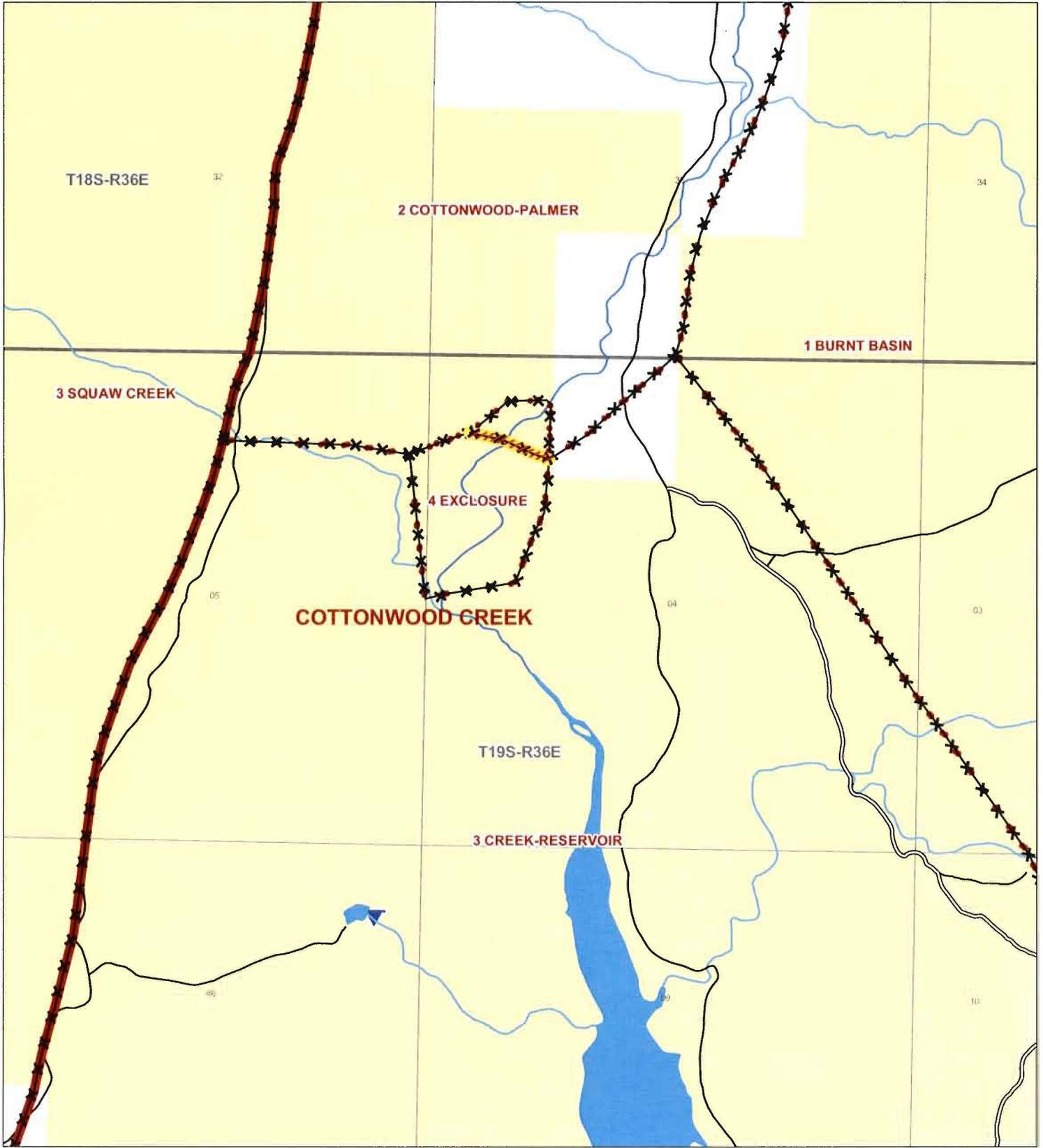


Richard Roy, Three Rivers Resource Area Field Manager



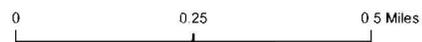
Date

Cottonwood Creek Allotment #5522 Proposed Fence Removal



Legend

-  Allotment Boundary
-  Pasture Boundary
-  Fence
-  Proposed Fence Removal
-  Perennial Streams
-  Intermittent Streams
-  Non-Paved Improved Road
-  Primitive Road
-  Reservoir
-  Bureau of Land Management
-  Private




 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.
 U.S. DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon
 Workplan/activities
 October 4, 2010