

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI BLM OR-B050-2013-0034-CX
File Code (Project/Serial Number): RIPS #710200
Preparer: Levi Bennington
Title of Proposed Action: Davis Spring Road Maintenance

Date: 04/29/13

Applicant: BLM/Permittee

Description of Proposed Action and Project Design Elements (if applicable):

The Davis Spring (RIPS #710200) is located 38 miles northwest of Burns, Oregon and 2.5 miles south of Drewsey, Oregon (Map A-Vicinity) on Bureau of Land Management (BLM), Three Rivers Resource Area administered land within the North Pasture of the Upton Allotment (Map B-Project Location). The Davis Spring was first developed in 1940 according to BLM records.

The proposed action is to conduct intermittent maintenance on the existing road to Davis Spring development. The road maintenance is needed to allow a vehicle (water truck, 4X4, semi, trailer, etc...) access to the Davis Spring development; water would be hauled with a water truck to the pond near the Davis Spring development to provide water for livestock and wildlife.

The road to Davis Spring is an unclassified road under BLM's Facilities Asset Management System (FAMS) inventory. Road maintenance would consist of repairing resource damage and stopping accelerated erosion due to washouts along the road. The current condition documented in photos has berms up to 2-3' high on the side of the road way with erosion along the side of the road bed.

In accordance with the BLM 9113 Roads Manual, roads may be graded, slides removed, drainage structures maintained, and culverts or rock crossings repaired or installed to prevent accelerated erosion and protect adjacent lands and resource values. Roadside brushing would occur where brush or trees are encroaching on the road (within 3 feet) or where road drainage is causing erosion. Maintenance activities would occur within the existing construction limit of the road which is 12-15 feet. There will be no new road construction, realignment, or road upgrading activities authorized. This road lies within the 2007 Bartlett Mountain fire area; present vegetation is a mixture of crested wheatgrass, recovering native vegetation, and unburned patches.

The Upton Mountain Allotment Permittee will provide labor, fuel, and the tractor under a BLM Cooperative Range Improvement Agreement to assist in project work, implementation, and cost. The BLM will provide the administrative paperwork labor under the agreement. All equipment (tractor) would be cleaned prior to beginning work on the road to minimize opportunities for spread of weeds by the tractor; work would be completed on the road over a 1 day period during the month of May 2013. Minimizing road work and travel when roads are wet and muddy will reduce the likelihood of weed spread.

Legal Description (attach Location Map): Willamette Meridian, T. 21 S., R. 35 E., sec. 1, 12.

B. Conformance with Land Use Plan (LUP):

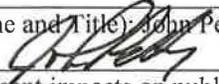
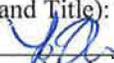
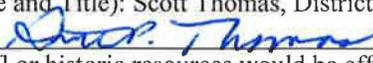
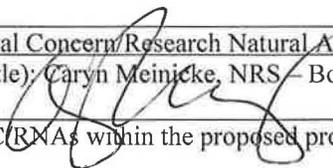
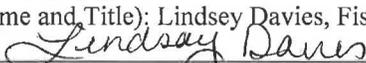
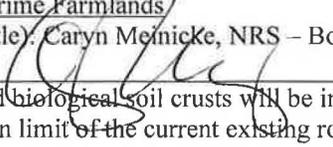
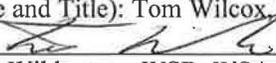
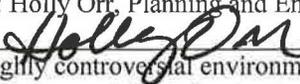
The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

- Three Rivers ROD/RMP September 1992, Implementation page iii – Administrative Actions Grazing Management Program Objective and Rationale, GM 1.3, page 2-36. Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment as shown in Appendix 9 and Map RM-3. Range improvements will be constrained by Standard and Procedures and design elements shown in Appendix 12.
- Standard Procedures and Design Elements for Range Improvements Appendix 12(Appendices-179).

BLM Categorical Exclusion Reference (516 DM, Chapter 11): None

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): 1.7 "Routine and continuing government business, including such things as maintenance and replacement activities having limited context and intensity (e.g. limited size and magnitude or short term effects).

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 (Print Name and Title): John Petty, Safety Officer	
Signature and Date:  5/7/13	
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.
<u>Migratory Birds</u>	
Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist	
Signature and Date:  5-8-13	
Rationale: The project would take place in a previously disturbed area (existing two-track road) that provides no structural or vegetative diversity for most migratory birds. The timing of the road maintenance would occur during the migratory bird nesting period. However, no vegetation capable of providing nest structures will be removed or destroyed. Some annual forbs and grasses will be bladed in the middle of the road; however, these plants are sparse and have low growth form thus limiting their structural potential for migratory bird nesting. The project may displace some migratory birds, nesting and foraging immediately next to the road, however, this disturbance would be short in duration and low in intensity. No nest abandonment is expected resulting from the activities related to this project. The road is currently used for recreation, permittee use, and BLM administrative use.	
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	
Signature and Date:  5/7/13	
Rationale: No cultural or historic resources would be affected by the proposed project.	
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title): Caryn Meinicke, NRS - Botany	
Signature and Date:  6-13-13	
Rationale: There are no ACEC/RNAs within the proposed project area.	
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title): Lindsey Davies, Fisheries Biologist/Riparian	
Signature and Date:  5/7/2013	
Rationale: There will be no additional impacts.	
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title): Caryn Meinicke, NRS - Botany	
Signature and Date:  6-13-13	
Rationale: Impacts to soils and biological soil crusts will be immeasurable as they will be limited to the current existing roadbed/allowable construction limit of the current existing road. There are no prime farmlands within the proposed project area.	
<u>Recreation/ Visual Resources</u>	
Specialist (Print Name and Title): John Bethea, Outdoor Recreation Planner	
Signature and Date:  5-7-13	
Rationale: The proposed road maintenance is allowed under VRM Class III. No significant impacts to recreation or visual resource management are anticipated.	
<u>Wilderness/Wild and Scenic River Resources</u>	
Specialist (Print Name and Title): Tom Wilcox, Wilderness Specialist	
Signature and Date:  5/7/13	
Rationale: There is no Wilderness, WSR, WSA, or lands with wilderness characteristics in this 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 (Print Name and Title): Holly Orr, Planning and Environmental Coordinator	
Signature and Date:  05/06/13	
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The road is existing and the spring has been existing on the landscape since 1940. Implementation is to perform routine and continuing maintenance of existing road.	
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 05/06/13
Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road is existing and the spring has been existing on the landscape since 1940. The action is to perform routine and continuing maintenance of this existing road.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 05/06/13
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The BLM routinely performs road maintenance on existing roads. It has been used to access the Davis Spring which has existed on the landscape since 1940
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 05/06/13
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The BLM routinely performs road maintenance on existing roads. This road has been used to access the Davis Spring which has existed on the landscape since 1940.
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 (Print Name and Title): Scott Thomas, District Archaeologist
Signature and Date: <i>Scott Thomas</i> 5/7/13
Rationale: No National Register eligible or listed properties would be affected by this 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.
<u>Endangered or Threatened Species-Fauna</u>
Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist
Signature and Date: <i>Tomas Kamienski</i> 5-8-13
Rationale: The project is located in greater sage grouse Preliminary Primary Habitat (PPH) as adopted by the BLM from the core habitat delineated and classified by the Oregon Department of Fish and Wildlife. The greater sage grouse has been placed, by the U.S. Fish and Wildlife Service, on the list of species that are candidates for protection under the Threatened and Endangered Species Act. There is an active lek approximately 2.2 miles to the south of the project area, located on private land. The project would take place in a previously disturbed area (existing two-track road foot-print only) that provides little structural or vegetative diversity for greater sage grouse. The timing of the road maintenance would occur during the end of breeding/nesting season, and into early brood rearing season. However, no vegetation capable of providing nest structures will be removed or destroyed. Some annual forbs and grasses will be bladed in the middle of the road; however, these plants are sparse and have low growth form thus limiting their structural and cover potential for sage grouse. The project may displace some roosting sage grouse immediately next to the road; however, this disturbance would be short in duration and low in intensity. The road is currently used for recreation, permittee use, and BLM administrative use.
<u>Endangered or Threatened Species-Aquatic</u>
Specialist (Print Name and Title): Lindsay Davies, Fisheries/Riparian Specialist
Signature and Date: <i>Lindsay Davies</i> 5/7/2013
Rationale: There are no known Threatened or Endangered Aquatic Species or their Critical Habitat within the vicinity of the proposed action.
<u>Endangered or Threatened Species-Flora</u>
Specialist (Print Name and Title): Caryn Meincke, NRS-Botany
Signature and Date: <i>Caryn Meincke</i> 5.13.13
Rationale: There are no documented T & E or special status plant species or critical habitat within the proposed 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 (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 05/06/13
Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The road is an existing features on the landscape and has been used to access the Davis Spring since 1940. The action is to perform routine and continuing maintenance on an existing road.
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i> 05/06/13
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.

<p>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).</p>
<p>Specialist (Print Name and Title): Scott Thomas, District Archaeologist Signature and Date: <u>Scott Thomas 5-7-13</u></p>
<p>Rationale: Access to or physical integrity of Indian sacred sites would not be affected by this project.</p>
<p>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).</p>
<p>Specialist (Print Name and Title): Lesley Richman, District Weed Coordinator Signature and Date: <u>Lesley Richman 5/7/2013</u></p>
<p>Rationale: Noxious weeds are known to be present along and around this road including white top, medusahead rye, Scotch thistle, and black henbane. Treatments are on-going but some weeds (particularly medusahead and white top) are still there. The weeds are not present in sufficient quantity to be considered a significant impact at this time. By avoiding travel when the road is wet and muddy, the potential for weed spread will be minimized.</p>

Additional review (As determined by the Authorized Officer): None

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Holly Orr, District Planning and Environmental Coordinator

Signature: Holly Orr Date: 05/13/13

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): Richard Roy, Three Rivers Resource Area Manager

Signature: Richard Roy Date: 5/13/13

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:

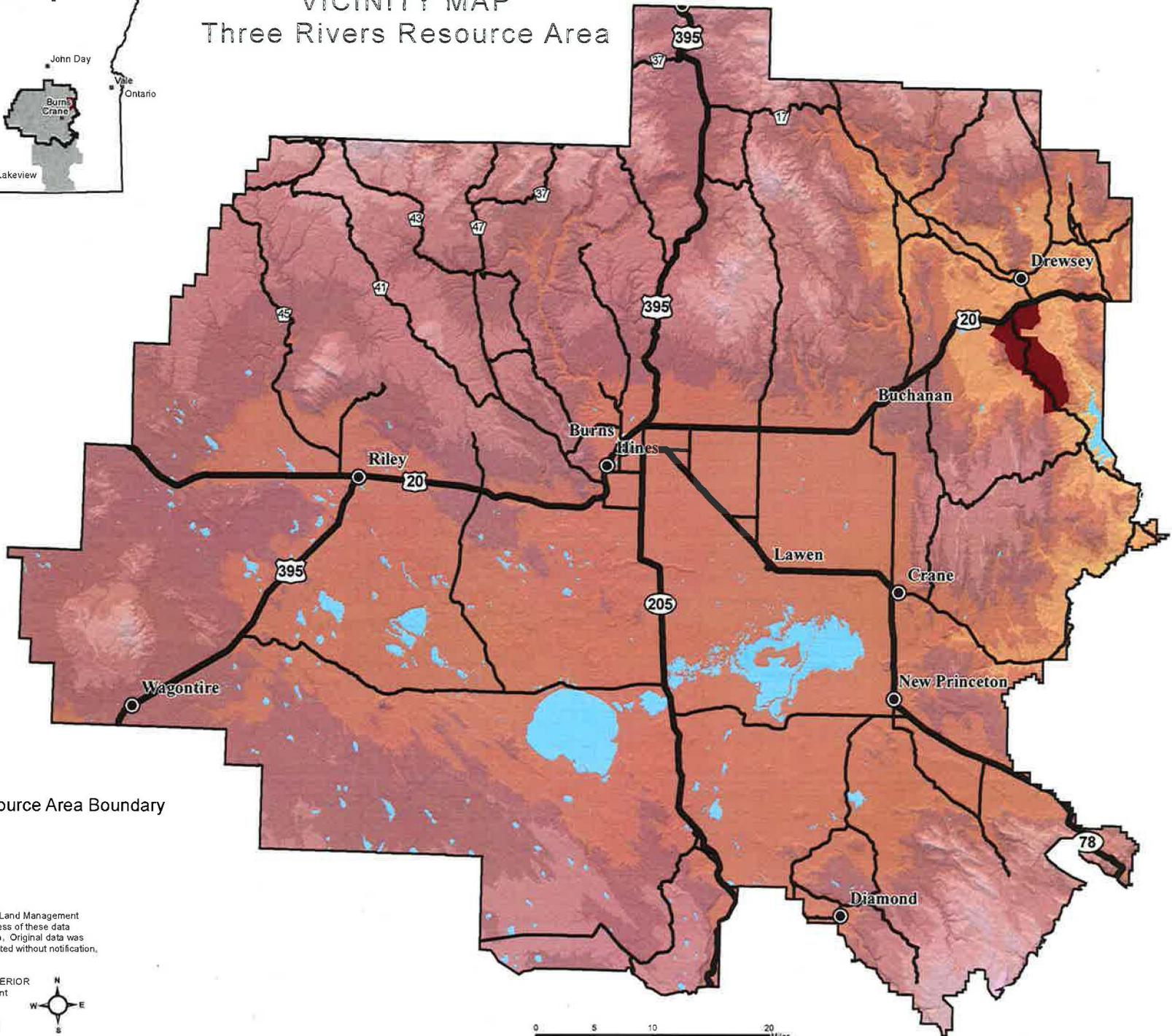
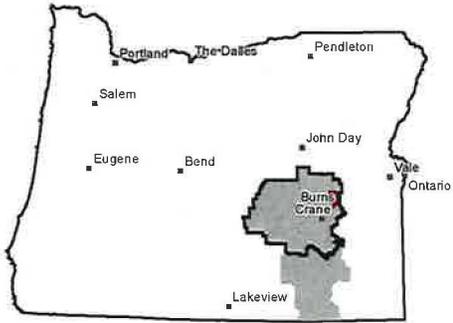
- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

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

Richard Roy
Richard Roy, Three Rivers Resource Area Manager

5/13/13
Date

Map A Davis Spring VICINITY MAP Three Rivers Resource Area



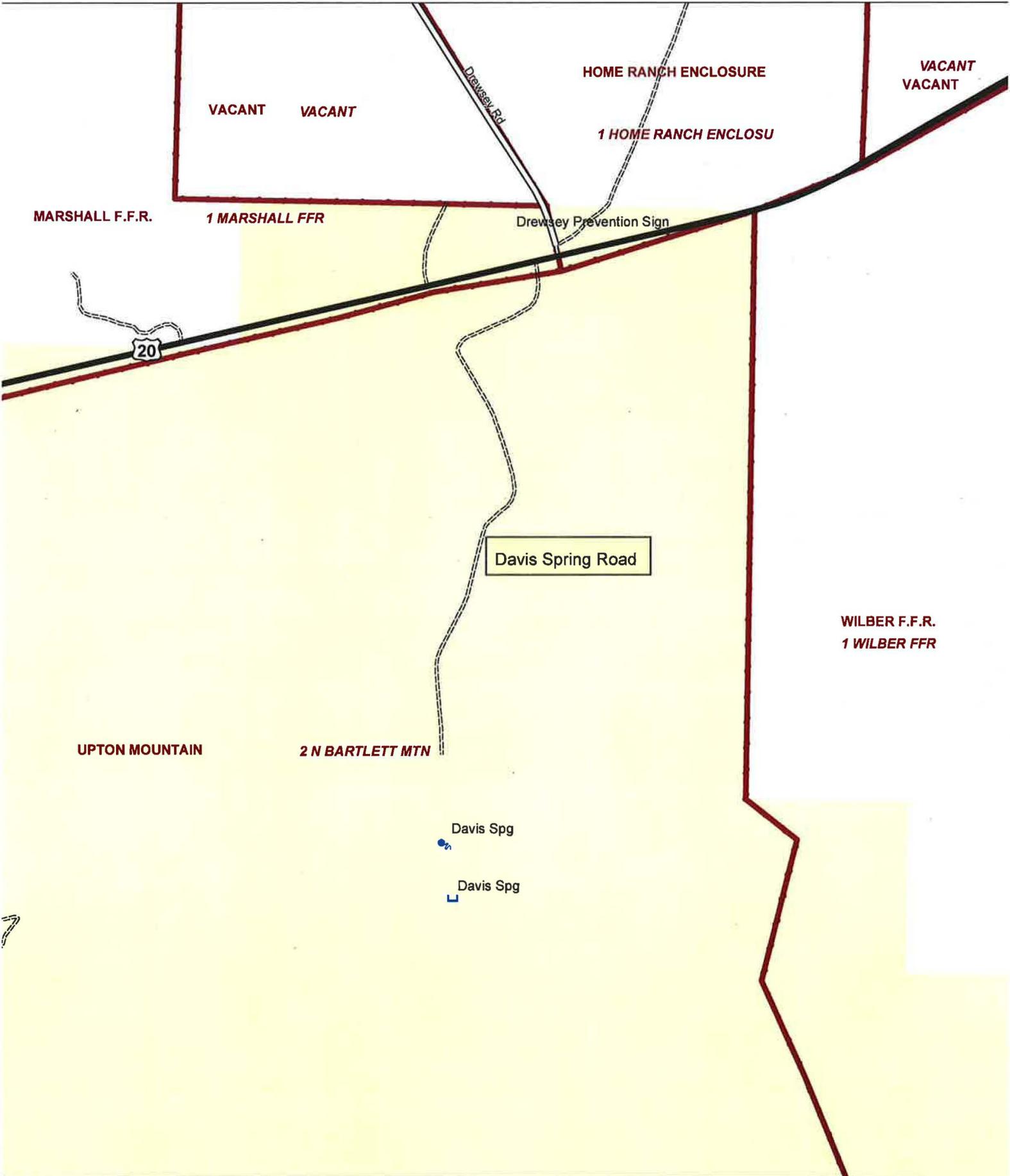
Legend

- Allotment
- Three Rivers Resource Area Boundary

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.



MAP B-Davis Spring Project Location



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

