

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: OR-08-025-012

Date: 7-29-2009

File Code (Project/Serial Number):

Preparer: Jason Brewer

Applicant: BLM

Title of Proposed Action: Iron Mountain Spring Fencing Enclosure

Description of Proposed Action: Fence approximately ¼ acre around a small spring north of Iron Mountain in the West Warm Springs Allotment. The fence will be built to keep livestock and wild horses and burros from accessing the spring which has been degraded. Alternate water sources in the area for livestock, horses, and burros are located just over one mile to the south, three miles to the west, and another lies two and a half miles to the north. The fence will be constructed to allow wildlife access to the spring, including enough clearance between the spring and the fence for bat foraging and watering. The fence will be constructed with rock crib corners and contain one wire gate. Wooden stays will be used b/w fence posts to enhance structural integrity. Once constructed, fence maintenance will be implemented and funded by the BLM wildlife program.

Legal Description (attach Location Map): T26S R27E Sec25

B. Conformance with Land Use Plan (LUP) (name): Three Rivers RMP WL 5 (2-70), WL 7 (2-74), and SM 2 (2-20).

Date Approved/Amended: September 1992

The proposed action is in conformance with the applicable LUP because it is ^{clearly consistent with RMP} specifically provided for in the following LUP Resource Objective(s): WL 5 (2-70), WL 7 (2-74), and SM 2 (2-20).

BLM Categorical Exclusion Reference (516 DM, Chapter 11): J9 - Construction of small protective enclosures including those to protect... Springs...
DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): See below

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 P. Kelly Safety Manager
Signature and Date:	<i>John P. Kelly</i> 8-29-09
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 (Print Name and Title):	Jason Brewer, Wildlife Biologist
Signature and Date:	<i>Jason Brewer</i> 8/27/09
Rationale:	The impact area is primarily limited to only ¼ acre, and disturbance to migratory birds in the area will be brief during the short period needed to construct the small enclosure.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	SCOTT THOMAS, ARCHAEOLOGIST
Signature and Date:	<i>Scott Thomas</i> 8/27/09
Rationale:	A cultural resource inventory of the project area will be completed prior to project implementation. Any site found within the project area will be avoided.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Doug Linn - Plant Conservationist
Signature and Date:	<i>Doug Linn</i> 8/27/09
Rationale:	No RNAs/ACECs are present.
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Lindsay Davies Fish Biologist

Signature and Date:	<i>Aundray Daus</i> 8/26/09
Rationale:	NO floodplain development
Soils, Biological Soil Crust, Prime Farmlands	
Specialist (Print Name and Title):	<i>Dorey Linn - Plant conservationist</i>
Signature and Date:	<i>Dorey Linn</i> - 8/27/09
Rationale:	No significant impacts are anticipated.
Recreation/ Visual Resources	
Specialist (Print Name and Title):	<i>Brett Page - ORP</i>
Signature and Date:	<i>Brett Joseph Page</i> 8/27/09
Rationale:	NO significant impacts to rec. or VRM.
Wilderness/Wild and Scenic River Resources	
Specialist (Print Name and Title):	<i>Eric Haakenson outdoor rec Specialist</i>
Signature and Date:	<i>Eric Haakenson</i> 08/31/09
Rationale:	No wilderness, WSA or WSRs present.
Wild Horses and Burros	
Specialist (Print Name and Title):	<i>Dun M. Smith</i> 8-24-09
Signature and Date:	
Rationale:	No impact
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):	<i>Rhonda Karges, District P+EC</i>
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	No known controversial 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 (Print Name and Title):	<i>Rhonda Karges, District P+EC</i>
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	No known highly uncertain or potentially significant environmental effects would occur
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):	<i>Rhonda Karges, District P+EC</i>
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	Protection of springs is an on-going BLM action.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title):	<i>Rhonda Karges, District P+EC</i>
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	There are no known 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 (Print Name and Title):	<i>Scott Thomas District Archaeologist</i>
Signature and Date:	<i>Scott Thomas</i> 8/27/09
Rationale:	See rationale for historic and cultural resources.
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 (Print Name and Title):	<i>Jason Brewer, Wildlife Biologist</i>
Signature and Date:	<i>Jason Brewer</i> 8/24/09
Rationale:	There are no known threatened or endangered species or Critical Habitat in or near the project area.
Endangered or Threatened Species-Aquatic	

Specialist (Print Name and Title):	Lindsay Daves, Fish Biologist.
Signature and Date:	<i>L. Daves</i> 8/26/09
Rationale:	NO T&E species present or critical habitat
Endangered or Threatened Species-Flora	
Specialist (Print Name and Title):	Dora Linn - Plant Conservationist
Signature and Date:	<i>Dora Linn</i> - 8/27/09
Rationale:	NO T&E species of flora are present.
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):	Rhonda Karges, District P+Ec
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	No known violations of laws/reg imposed for protection of the environment would occur
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title):	Rhonda Karges, District P+Ec
Signature and Date:	<i>Rhonda Karges</i> 9/1/09
Rationale:	Implementation of the proposal 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 (Print Name and Title):	Scott Thomas, District Archeologist
Signature and Date:	<i>Scott Thomas</i> 8/27/09
Rationale:	No sacred sites are known to occur in the project area.
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 (Print Name and Title):	Lesley Richman, Weed Coordinator
Signature and Date:	<i>Lesley Richman</i> 8/31/09
Rationale:	Noxious weeds are known to be present in close proximity to this area. They are not present in sufficient quantity to be considered a significant impact at this time. Treatments are on-going.

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 and Date: *Rhonda Karges* 9/1/09

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.

acting 3-Rivers F.M. William Droggt
 Authorized Officer (Print Name and Title):
 Signature and Date: *William Droggt* 9/2/09

Decision: It is my proposed decision to implement the Proposed Action as described above.

If you wish to protest this proposed decision in accordance with 43 Code of Federal Regulations (CFR), Part 4160.1 and 4160.2, you are allowed fifteen (15) days from receipt of this notice to file such protest with the Three Rivers Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738.

In the absence of a protest within the time allowed, the above proposed decision, without further notice will constitute my final decision, in conformance with 43 CFR 4160.3. Any person whose interest is adversely affected by a final decision may appeal the decision for the purpose of a hearing before an administrative law judge, following the requirements in 43 CFR 4.470. You are allowed thirty (30) days from the date the final decision becomes effective to file such an appeal with me at the above address (43 CFR 4160.4). Any appeal must state clearly and concisely why you think this decision is in error.

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 41 C.F.R. 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 J. Ry
Title and Signature of Authorized Officer

12/6/09
Date

*Spitt Thomas, District Administrator
12/6/09*

No record site as shown to occur in the project area.

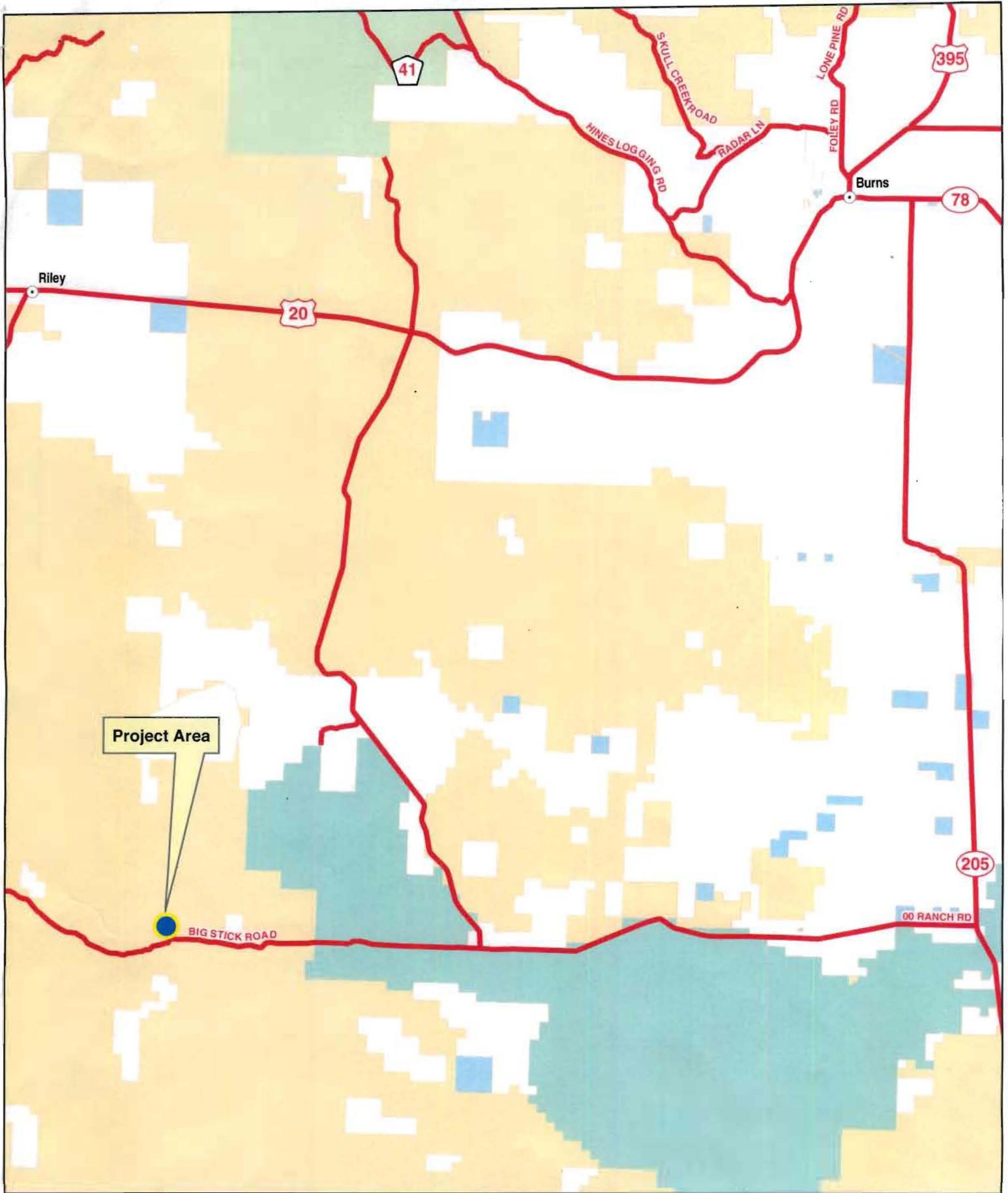
*Spitt Thomas, District Administrator
12/6/09*

12/6/09

*Spitt Thomas, District Administrator
12/6/09*

*Spitt Thomas, District Administrator
12/6/09*

*Spitt Thomas, District Administrator
12/6/09*



Project Area

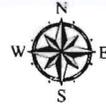


US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

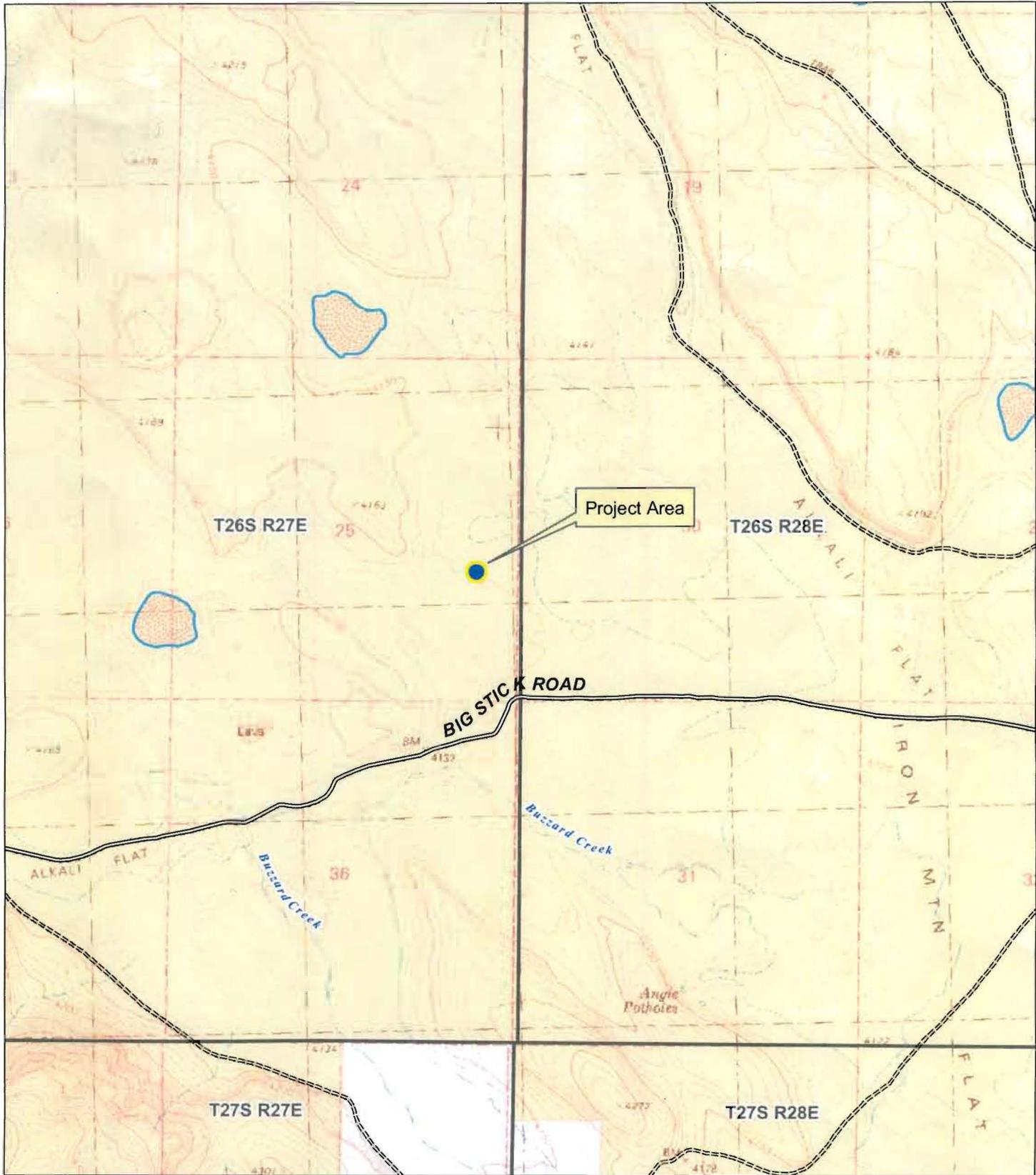


Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.
slentor/mxd/ironMtnSpringProject_V.mxd
12/14/2007

- | | | |
|---------------------------|----------------------------|------------------------|
| Major Roads | Land Administration | U.S. Fish and Wildlife |
| Bureau of Land Management | U.S. Forest Service | State |
| State | Other Ownership | |



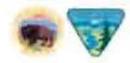
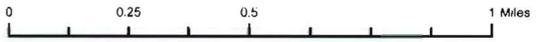
Vicinity Map Iron Mtn Spring Project



Iron Mtn Spring Project

Legend

-  Spring Project
-  Non-Paved Improved Road
-  Primitive or Unknown Road Condition
-  Private
-  Bureau of Land Management



US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon
 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.
 Workarea:\s\enton\MXD\IronMtnSpringProject.mxd
 12/14/2007
 Date: Dec 14, 2007

