

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-BO70-2013-0013-CX

Date: 01/11/2013

File Code: 6700

Project File #: 714394

Preparer: Nick Miller

Applicant: BLM, Burns District Office

Title of Proposed Action: Long Hollow Guzzler # 4 Maintenance/Reconstruction

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

In 2006 the Long Hollow Guzzler # 4 was burned over in the Pueblo Fire. The guzzler has been non-functional since the fire but almost all the material is still on site. The proposal is to replace/reconstruct the nonfunctional guzzler complex and remove and discard the unsalvageable parts (storage tank and apron materials) from the existing nonfunctional guzzler within the Steens Mountain Wilderness Area. The proposal is to haul in a new guzzler tank, apron material, and associated plumbing material (75' of pipe and a few fittings) on a 4 wheel drive (4WD) vehicle and trailer. This material would be off loaded at the guzzler site and the old tank and apron material would be loaded and removed. The hauling of new guzzler material and the removal of the old guzzler material would result in a one trip in and out with the 4WD and trailer. This would result in driving up a decommissioned road less than 1.25 miles to and from the guzzler site. The tracks would be raked out by hand after the 4WD and trailer hauls out the existing guzzler material. A Minimum Requirements Decision Guide (MRDG) named "Alvord Guzzler" would be completed and approved prior to approval of this CX and attached for supporting documentation.

Installation of the new guzzler complex would be performed by BLM staff, Oregon Department of Fish and Wildlife (ODFW) staff, and volunteers from the Foundation for North American Wild Sheep (FNAWS); approximately 30 individuals. Only hand tools and man power would be used for installation. There would be no mechanical equipment used for the removal or installation. Access to and from the guzzler site for the installation crew would be via hiking in and out from the existing road approximately 0.8 miles from the site. Installation is expected to be two or less days in duration.

The new guzzler complex will be a newer, more functional and camouflage design, but will function and operate in a similar method as the existing guzzler complex. The new guzzler complex would consist of an 1800 gallon tank, a ground apron, a detached drinker and associated plumbing. The tank and apron materials are designed to blend with the surrounding. All installation work will occur within the original footprint of the existing guzzler complex.

All equipment (truck, trailer, and hand tools) and materials used in the removal of the existing guzzler complex and installation of the new guzzler complex will be washed prior to entry to the site to reduce the risk of establishing or transplanting noxious weeds.

This existing guzzler complex was established prior to the Designation of the Steens Mountain Wilderness. This guzzler complex was originally installed to provide a reliable water source for big horn sheep and to help sustain big horns sheep populations in the area. It is necessary to repair/reconstruct this guzzler complex to improve big horn sheep habitat in an areas that is deficient of reliable water. The maintenance of this guzzler complex will help sustain big horn sheep populations in the area.

Legal Description (attach Location Map): W.M., T 37 S., R. 32.75 E., section 14, SE¼NW¼.

B. Conformance with Land Use Plan (LUP) (name): Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan. **Date Approved/Amended:** August 2005

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Operation and Maintenance Actions (Resource Management Plan Components, Plan Implementation Process, RMP page 15): *Projects and maintenance of existing and newly-constructed facilities will occur; however, the level of maintenance could vary based on annual funding. Normally, routine operation and maintenance actions are categorically excluded from NEPA analysis (with the exception of actions conducted within WASs). Such activities could include, but are not limited to, routine maintenance of existing roads, ditches, culverts, water control structures, recreation facilities, reservoirs, wells, pipelines, waterholes, fences, cattle guards, seedings, fish and wildlife structures, and signs. These types of actions are part of the implementation of the RMP and should not require further analysis to implement. Maintenance of existing facilities in WSAs will be considered on a case-by-case basis and will require additional NEPA analysis. BLM considers guzzlers a wildlife structure.*

Management Direction (Special Status Plan Species, RMP page 38): *In Steens Mountain Wilderness, all actions such as transplants, trapping, distribution of medicine, emergency situations, and maintenance of existing guzzlers are authorized in accordance with the Steens Act, the Wilderness Act, and Appendix B of House Report 101-405 of the 101st Congress. MRDG analysis will be completed on all actions.*

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:	<i>John Petty</i> 1/30/13
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):	Nick Miller, Wildlife Biologist
Signature and Date:	<i>Nick Miller</i> 1/29/2013
Rationale:	Migratory birds use the area for foraging and resting during migrations and throughout the year. No new habitat would be disturbed because maintenance work would be limited to previously disturbed areas (existing guzzler site). Work would also be temporary, occurring over a relatively short period (less than 3 days). Birds in the immediate vicinity of the guzzler may flush during installation work, but birds would likely return as soon as maintenance is complete. Temporary maintenance activities would not affect populations.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	Scott Thomas, District Archaeologist
Signature and Date:	<i>Scott Thomas</i> 1-29-13
Rationale:	No historic or cultural resources would be affected by this project.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Caryn Meinicke, NRS - Botany
Signature and Date:	<i>Caryn Meinicke</i> 1-29-13
Rationale:	There are no ACEC/RNAs within the proposed project area.
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Daryl Bingham, Fish Biologist
Signature and Date:	<i>Daryl Bingham</i> 1-30-13
Rationale:	Flood plains are not present in the proposed project area, and water resources will not be affected under the Proposed Action.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title):	Caryn Meinicke, NRS - Botany
Signature and Date:	<i>Caryn Meinicke</i> 1-29-13
Rationale:	The proposed project will occur within an historically disturbed area where soils have been compacted and Biological Soil Crusts have been disturbed. No new disturbance will occur as a result of the guzzler replacement and the impacts associated with water sites are negligible in relation to providing a reliable water source for wildlife. There are no Prime Farmlands.
<u>Recreation/ Visual Resources</u>	
Specialist (Print Name and Title):	Eric Haakenson, Outdoor Recreation Planner
Signature and Date:	<i>Eric Haakenson</i> 1-29-13
Rationale:	The proposed action would not affect recreation or visual resources.
<u>Wilderness/Wild and Scenic River Resources</u>	
Specialist (Print Name and Title):	Tom Wilcox, Wilderness Specialist
Signature and Date:	<i>Tom Wilcox</i> 1-29-13
Rationale:	Installation of the Guzzler is authorized by the Steens Act of 2000, the Steens CMPA Record of Decision and RMP. Guidance is provided by BLM Manual 6340, 1.6, C.21.b.i, An MRDG "Alvord Guzzler" has been approved.

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: *Holly Orr* 01/14/2013

Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The guzzler is an existing facility on the land. The action is to perform routine and continuing maintenance on existing facilities.

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: *Holly Orr* 01/14/2013

Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The guzzler is an existing facility on the landscape. The action is to perform routine and continuing maintenance on existing facilities.

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: *Holly Orr* 01/14/2013

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The guzzler is an existing facility on the landscape. The action is to perform routine and continuing maintenance on existing facilities.

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: *Holly Orr* 01/14/2013

Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The guzzler is an existing facility on the landscape. The action is to perform routine and continuing maintenance on existing facilities.

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: *Scott Thomas, 1-29-13*

Rationale: No eligible or National Register 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.

Endangered or Threatened Species-Fauna

Specialist (Print Name and Title): Nick Miller, Wildlife Biologist

Signature and Date: *Nick Miller 1/29/2013*

Rationale: There are no known Threatened or Endangered species or Designated Critical Habitat in the area around the Long Hollow # 4 guzzler site, and none would be affected off-site by the reservoir maintenance activity.

Endangered or Threatened Species-Aquatic

Specialist (Print Name and Title): Daryl Bingham, Fish Biologist

Signature and Date: *Daryl Bingham 1-30-13*

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

Endangered or Threatened Species-Flora

Specialist (Print Name and Title): Caryn Meinicke, NRS - Botany

Signature and Date: *Caryn Meinicke 1-29-13*

Rationale: There are no documented T & E or Special Status flora species or designated 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: *Holly Orr* 01/14/2013

Rationale: Implementation would not violate any known Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. The bridge is an existing facility on the landscape and the culverts will replace the existing facility providing the same condition on-the-ground. The action is to perform routine and continuing maintenance on existing facilities.

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: <u>Holly Orr</u> 01/14/2013
Rationale: Implementation of the proposal would not result in a disproportionately high and adverse effect on low income or minority populations. These populations do not occur in or near the Project area. The guzzler already exists and will be replaced with a like or similar product. This action is to perform routine and continuing maintenance on existing facilities.
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 Archaeologist
Signature and Date: <u>Scott Thomas</u> 1-9-13
Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed 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 (Print Name and Title): Lesley Richman, District Weed Coordinator
Signature and Date: <u>Lesley Richman</u> 1/29/13
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):

None

RMP conformance and CX review confirmation:

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

Signature: Holly Orr Date: 1/30/13

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): Rhonda Karges, Andrews Resource Area Manager

Signature: Rhonda Karges Date: 2/11/13

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.

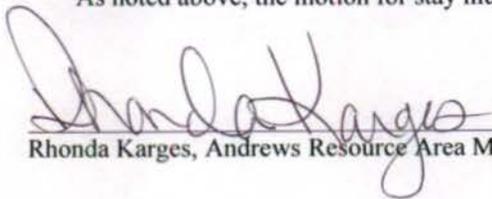
A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for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

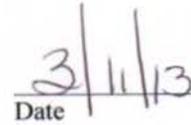
Request for Stay

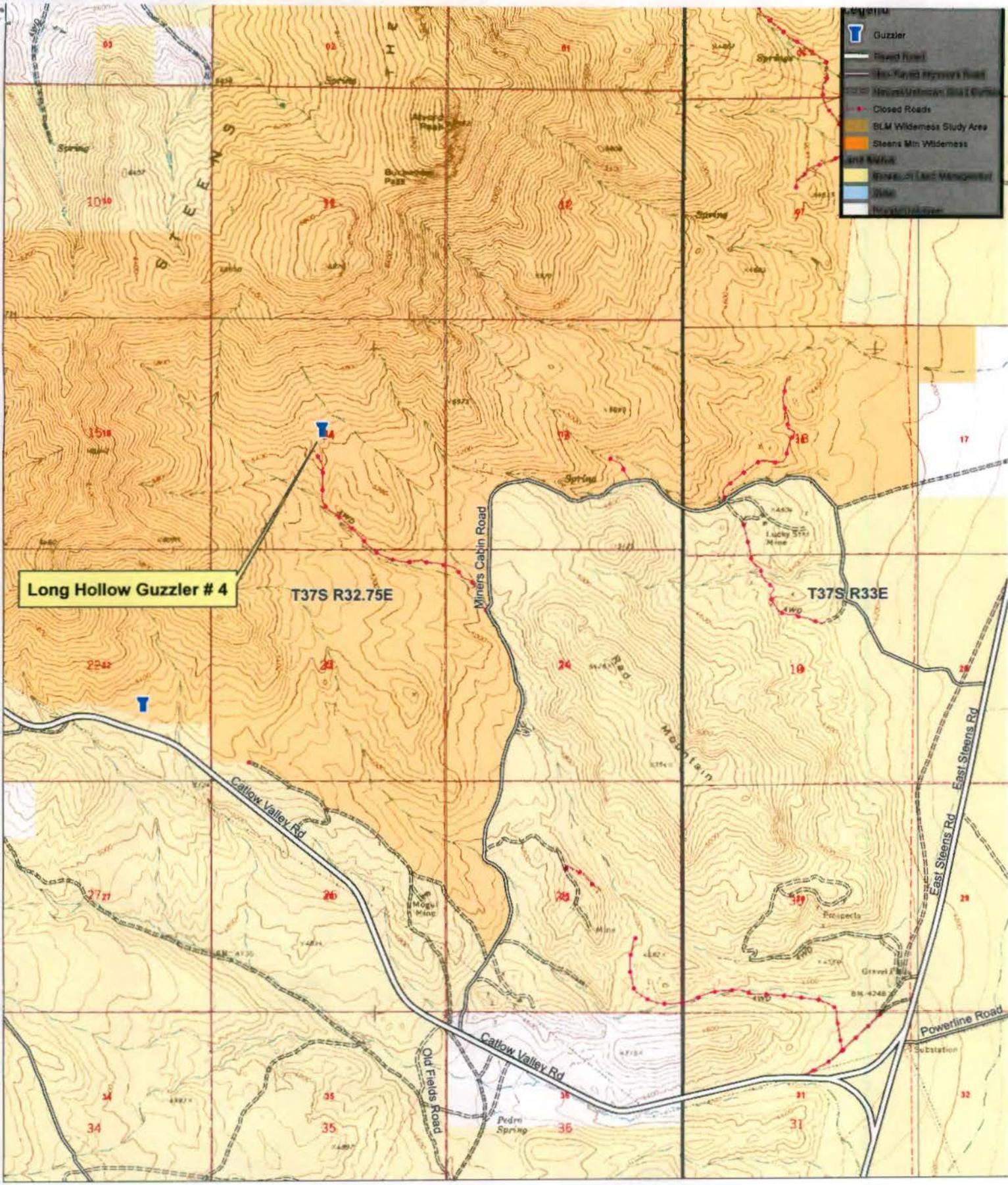
Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- 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.


Rhonda Karges, Andrews Resource Area Manager


Date

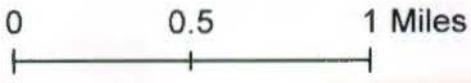


Long Hollow Guzzler # 4

T37S R32.75E

T37S R33E

Long Hollow Guzzler # 4



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 Bureau of Land Management
 Burns District, Oregon
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 01/29/2013