

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B070-2011-0053-CX

Date: September 16, 2011

File Code (Project/Serial Number):

Preparer: Charles Biederman, Range Rider

Applicant: BLM

Title of Proposed Action: No Livestock Grazing Area Protection Fencing

**Description of Proposed Action and Project Design Elements (if applicable):** The proposed action is to rebuild and move two fences from the riparian area of Donner Und Blitzen River to span two dry creek beds dominated by juniper in the South Steens Allotment (see map). The current fences are completely deteriorated and are in a poorly placed spots for continual maintenance. At this time, cattle are able to walk off of the rim into the riparian area where the deteriorated fences are. Therefore, rebuilding the fences to span the two dry drainages would more effectively and sensibly prevent cattle from accessing the Steens Mountain No Livestock Grazing Area plus maintenance of the fences would be more cost effective. The existing fences would be rebuilt to the Bureau's standards. The fences would both be 500 feet in length and would be made from steel t-posts painted green and four strand barbed with a smooth bottom wire. Spacing of the wires would meet BLM specifications. The dense juniper in the area would provide adequate corner braces. The fences would be reconstructed within the No Livestock Grazing wilderness area and outside Wilderness Study Areas. The BLM would use mules to transport materials to the sites. No brushing or juniper removal would occur.

**Legal Description (attach Location Map):** Township 34 South, Range 32.5 East, Section 12, SW/NE and Township 34 South, Range 32.5 East, Section 1, NE/SW.

**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: 2005

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: "No Livestock grazing will occur on public lands within the congressionally designated No Livestock Grazing Area" (CMPA RMP page 52)." Relocating these two fences will enable the BLM to protect the No Livestock Grazing Area without the need of intense yearly maintenance.

**BLM Categorical Exclusion Reference (516 DM, Chapter 11):** J.9, "Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

**DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):** 1.7 "Routine and continuing government business including... maintenance, renovations, and replacement activities having limited context and intensity."

**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, Health and Safety Specialist	
Signature and Date: <i>John Petty</i> 10/6/11	
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): Matt Obradovich, Wildlife Specialist	
Signature and Date: <i>Matt Obradovich</i> 10/06/2011	
Rationale: Migratory birds would be affected if construction of the fence was during breeding through fledging time (April 1-July 15) but the disturbance would occur for less than a day since both fences are short. The disturbance should not cause any abandonment of nests. Therefore there would be no effects to migratory birds.	
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title): Scott Thomas, District Archaeologist	

Signature and Date: <i>Arvid. Loman 10/11/11</i>
Rationale: No historic or cultural resources would be affected by this project.
Areas of Critical Environmental Concern/Research Natural Areas Specialist (Print Name and Title): Caryn Meinicke, NRS-Botany Signature and Date: <i>Caryn Meinicke 10-6-11</i>
Rationale: There are no ACEC/RNAs within the proposed project area.
Water Resources/Flood Plains Specialist (Print Name and Title): Daryl Bingham, Fisheries Biologist Signature and Date: <i>Daryl Bingham 6 OCT 2011</i>
Rationale: The Proposed Action would benefit the water resource by expanding the riparian area along the Donner und Blitzen to its full potential. The floodplains are natural components of this system and will not be affected
Soils, Biological Soil Crust, Prime Farmlands Specialist (Print Name and Title): Caryn Meinicke, NRS-Botany Signature and Date: <i>Caryn Meinicke 10-6-11</i>
Rationale: Impacts to the soils and BSCs will be negligible since mules will be used to transport fence materials. There are no prime farmlands within the proposed project area.
Recreation/ Visual Resources Specialist (Print Name and Title): Michelle Franulovich, Recreation Specialist Signature and Date: <i>Jol P. Beecher 10-6-11</i>
Rationale: Recreation: The replacement gap fence is not anticipated to have an effect to recreation.  Visual Resource: The VRM Class for this project area is VRM 1 and the intention is to preserve the existing character of the landscape. This fence replacement is consistent with the Steens Mountain Wilderness Resource Management Plan Appendix P, pg. P-52 which states "Infrastructure associated with grazing management will continue to be visible, including but not limited to fencing, cattleguards, pipelines, reservoirs, waterholes, and spring developments." In this regard the visual character will not be altered.
Wilderness/Wild and Scenic River Resources Specialist (Print Name and Title): Michelle Franulovich, Recreation Specialist Signature and Date: <i>Jol P. Beecher 10-6-11</i>
Rationale: There would be no impacts to WSA's, or Lands with Wilderness Characteristics. The proposed project is within the Steens Mountain Wilderness and the Donner Und Blitzen WSR. Steens Mountain CMPA ROD and RMP and Steens Act of 2000 state that maintaining wilderness fence boundary is the responsibility of the United States Government. Removing the current fences and constructing two new fences would not affect the wilderness characteristics any more. Moving the fences up on the rimrock would improve the scenic value of the river's Outstanding Resources Values (ORV).
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): Rhonda Karges, Environmental Specialist Signature and Date: <i>Rhonda Karges 10/11/11</i>
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. A fence currently exists in the general area. Implementation would move the fence to a better location for maintenance and for excluding livestock from the No Livestock Grazing Area.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist Signature and Date: <i>Rhonda Karges 10/11/11</i>
Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks associated with implementation. A fence currently exists in the general area. Implementation would move the fence to a better location for maintenance and for excluding livestock from the No Livestock Grazing Area.
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): Rhonda Karges, Environmental Specialist Signature and Date: <i>Rhonda Karges 10/11/11</i>
Rationale: Implementation would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental risks. The Steens Act requires the BLM to install and maintain any fencing required for resource protection within the designated no livestock grazing area (Sec. 113).
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental

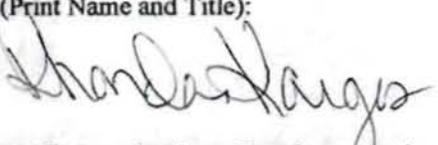
effects.
Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist Signature and Date: <i>Rhonda Karges</i> 10/11/11
Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulatively significant effects. A fence currently exists in the general area. Implementation would move the fence to a better location for maintenance and for excluding livestock from the No Livestock Grazing Area.
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> 10/11/11
Rationale: No National Register eligible or listed historic 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): Matthew J. Obradovych, Wildlife Biologist Signature and Date: <i>Matthew J. Obradovych</i> 10/06/2011
Rationale: There are no known federally listed Endangered, Threatened, or proposed to be listed (TEP) fauna species, or designated Critical Habitat that occurs in this project area. Therefore, there would be no effects to any known listed species or designated Critical Habitat. Although greater sage-grouse are not a TEP species, there would be no effects to sage-grouse from this proposed project. Both fences are a little more than one mile from a known lek and are in Core habitat. The fences are located in drainage bottoms with dense juniper cover which would preclude sage-grouse use of these areas. If construction of the fences is outside the March 15-June 1 period there would be no effects to nesting sage-grouse. Fence construction in Core habitat is allowable according to the ODFW Sage-grouse Strategy and beyond the recommended distance of 0.6 miles (Hagen 2011) and will be marked.
<u>Endangered or Threatened Species-Aquatic</u> Specialist (Print Name and Title): Daryl Bingham, Fisheries Biologist Signature and Date: <i>Daryl Bingham</i> 6 OCT 2011
Rationale: There are no Threatened or Endangered species known in the project area.
<u>Endangered or Threatened Species-Flora</u> Specialist (Print Name and Title): Caryn Meinicke, NRS-Botany Signature and Date: <i>Caryn Meinicke</i> 10-6-11
Rationale: There are no Threatened or Endangered species known in 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 (Print Name and Title): Rhonda Karges, Environmental Specialist Signature and Date: <i>Rhonda Karges</i> 10/11/11
Rationale: Implementation would not violate any known law or requirement imposed for the protection of the environment. The Steens Act requires the BLM to install and maintain any fencing required for resource protection within the designated no livestock grazing area (Sec. 113).
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, Environmental Specialist Signature and Date: <i>Rhonda Karges</i> 10/11/11
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.
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: <i>Scott Thomas</i> 10/11/11
Rationale: Access to and integrity of Indian sacred sites would not be affected by this 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): Lesly Richman, Weed Specialist Signature and Date: <i>Lesly Richman</i> 10/6/2011
Rationale: A limited number of noxious weeds are known to occur in close proximity to the proposed project areas. The weeds are not present in sufficient quantity to be considered a significant impact at this time. 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 (Print Name and Title):

Signature:



Date:

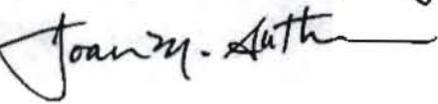
10/11/11

**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):

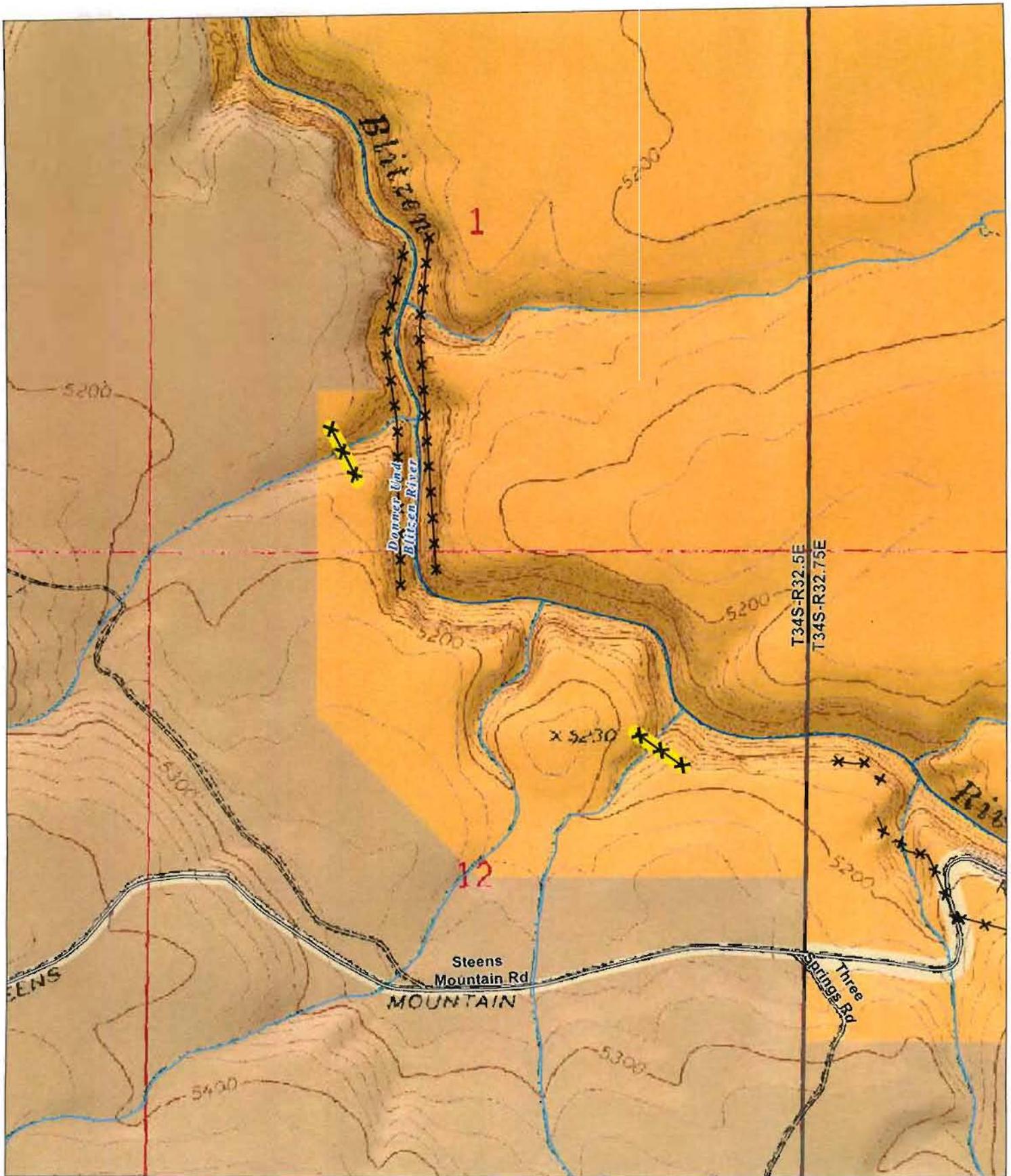
Joan Suther, Field Manager

Signature:



Date:

10/11/11



No Livestock Grazing Area Protection Fencing

Legend

- Existing Fence
- Bureau of Land Management
- Steens Mtn Wilderness
- BLM Wilderness Study Area
- Non-Paved Improved Road
- Natural/Unknown Road Surface



0.25 Miles

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.

9/20/2011 sfenton

W:\MXD\CX\Maps\NoLivestockGrazingAreaProtectionFencing.mxd