

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

**CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL**

**CX Number:** DOI-BLM-OR-B050-2014-0020-CX

**Date:** May 27, 2014

**Subject Function Code:** 4700

**Case File:** RIPS #016206

**Preparer:** Lisa Grant, WHB Specialist

**Applicant:** Bureau of Land Management

**Title of Proposed Action:** Pitless Cattleguards and Offset Gates in Kiger and Riddle Mountain Herd Management Areas

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

The Bureau of Land Management proposes to install three, 12 foot pitless cattleguards and construct offset gates for livestock and wild horse management. One cattleguard would go in Kiger Wild Horse Herd Management Area (HMA) and two in Riddle Mountain (Mtn.) wild horse HMA. The Kiger HMA is located 43 air miles southeast of Burns, Oregon; Riddle Mtn. HMA is located 45 air miles east-southeast of Burns, Oregon.

The pitless cattleguard in Kiger HMA would lie in the fenceline between Wood Camp and Ruins Pastures along the existing Ant Hill Road (W.M., T. 30 S., R. 34 E., sec. 9, SE1/4). The pitless cattleguards in Riddle Mtn. HMA would lie in the fenceline between Oriana Flat Pasture and State Lands near Neal's Lake. One cattleguard would be placed in the fence line crossing the existing Mahon Reservoir Quail Creek Road (W.M., T. 29 S., R. 36 E., sec. 8, SE1/4). The second cattleguard would be placed in the same fence line crossing an existing unnamed road in W.M., T. 29 S., R. 36 E., sec. 18, SE1/4NE1/4. Refer to attached maps (2) for locations. Each cattleguard will be installed in previously disturbed areas (existing roadbed). Two, 20-foot wide gates would be constructed in the existing fenceline adjacent to each cattleguard. The gates will be made of wire with a rock crib for a brace at each end and a 4 inch, removable steel pipe installed as the center brace between the two 20 foot gates. The size of these gates and removable center brace are designed for ease of horse movement.

Burns District BLM will provide the supplies, equipment and labor for placing the cattleguards and constructing the new adjacent gates. The type of equipment to be used includes a backhoe and dump truck (to haul the backhoe) and possibly a tractor with auger for installing the 4 inch steel pipe brace. This project would likely take three people at total of 2 days per cattleguard location. Construction activities would be conducted when the project sites are accessible on the natural surface roads and outside the dates March 1 through July 15 to avoid disturbance and potential take of breeding/nesting migratory birds and/or greater sage-grouse. No vegetation capable of providing nest structures will be removed or destroyed, unless its lies in the portion of the existing fenceline which would be removed to install new gates.

Because these pitless cattleguards rise upwards in the center they can be a hazard to motorists driving too fast (over 10 mph). These cattleguards are being placed on two track roads where high speed encounters are not probable. Nevertheless, "slow" signs will be posted at each cattleguard to ensure safe crossing.

Noxious weeds are known to be present in or in close proximity to the areas where the cattleguards and off-set gates are proposed for installation. Treatments are on-going. The weeds are not currently present in sufficient quantity at the proposed cattleguard sites and these areas are monitored closely for new weed infestations on a regular basis. Where noxious weeds are found, they are treated using the most appropriate methods.

Horses congregating in specific areas of the Kiger HMA have become an issue. Gate management is currently the best, most readily available tool to help encourage wild horse distribution in this HMA. Previous attempts to encourage wild horse use of Ruins pasture have failed because of the gate along Ant Hill Road being left open during certain times of the year (e.g. hunting season) allowing wild horses to move back into congregation areas such as Wood Camp pasture. A pitless cattleguard where Ant Hill Road crosses this fenceline would improve the probability that the permittees and BLM's efforts at gate and wild horse distribution management would be successful.

BLM records (i.e. gather summaries, wild horse sighting reports, etc.) indicate a continued issue of wild horses residing for a portion of the year or year round on the State and private lands to the north of Riddle Mountain HMA. The fenceline along the northern boundary needs improved to aid in containing the horses as well as water developed in this area to provide are reliable year-round source for horses. In addition to these improvements, pitless cattleguards at the two proposed sites would ensure the fenceline/gates remain impermeable to horses year round.

Lakeview District BLM has replaced some of their normal cattleguards (with pit) with the pitless cattleguard design in their HMAs. They have reported fewer incidents where wild horses are found stuck in a cattleguard. Refer to the design of the cattleguard in Figure 1; the middle of the cattleguard lifts up which allows the device to be more visible to wild horses.



**Figure 1: Pitless Cattleguard**

**Legal Description** (attach Location Map):

Kiger HMA – W.M., T. 30 S., R. 34 E., sec. 9, SE1/4.

Riddle Mountain HMA – W.M., T. 29 S., R. 36 E., sec. 8, SE1/4; sec. 18, SE1/4NE1/4.

**B. Conformance with Land Use Plan (LUP) (name):** Three Rivers Resource Management Plan (RMP), Record of Decision (ROD) and Steens Mountain Cooperative Management and Protection Area (CMPA) ROD/RMP. **Dates Approved/Amended:** September 1992 and August 2005, respectively.

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 RMP/ROD (September 1992), p. 2-43 to 2-45.

*WHB 1: Maintain healthy populations of wild horses within the Kiger... and Riddle Mountain Herd Management Areas (HMAs)...*

*Rationale: Wild and Free-Roaming Horse and Burro Act of 1971 requires BLM to manage wild free-roaming horses and burros under multiple-use in a manner that is designed to achieve a thriving natural ecological balance on public lands.*

*WHB 2.4: Provide facilities and water sources necessary to ensure the integrity of the individual herds.*

Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan (August 2005), p. RMP-50 to 51.

*Goal – Manage and maintain healthy wild horse herds in established HMAs at AMLs to maintain a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation resources and other resource values...*

*Management Direction: Perimeter fences will be maintained. Wild horses that stray outside the HMA boundaries will be removed or returned to the HMA. Gates in interior pasture division fences will be managed and modified, if necessary, to maximize horse access to the HMA.*

**BLM Categorical Exclusion Reference (516 DM, Chapter 11):** G.2, Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

**DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):** 1.7, Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, 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.

<p>Specialist (Print Name and Title): John Petty, Safety Manager  Signature and Date: <i>J. Petty 6/2/14</i></p>
<p>Rationale: No significant impacts on public health or safety because the BLM or its contractor would use the proper safety equipment and follow standard installation procedures.</p>
<p><b>2.2</b> 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.</p>
<p><u>Migratory Birds</u>  Specialist (Print Name and Title): Tomas Kamienski, Wildlife Biologist  Signature and Date: <i>T. Kamienski 6/2/14</i></p>
<p>Rationale: Temporary work activities would not affect migratory bird populations because no new habitat would be disturbed. Work would be limited to previously disturbed areas (existing roads). Work would be temporary occurring over a relatively short period (2 days per site). Construction activities involving removal of vegetation such as brush/shrub clearing and limbing/removal of trees, would be conducted outside the dates May 1 to July 15 to avoid disturbance and potential take of breeding / nesting migratory birds (or their nest or eggs) as prohibited by the Migratory Bird Treaty Act (MBTA) of 1918, 16 U.S.C. § 701-12. Birds in the immediate vicinity of installation site would flush during project work, but would return as soon as work is complete.</p>
<p><u>Historic and Cultural Resources</u>  Specialist (Print Name and Title): Scott Thomas, Archeologist  Signature and Date: <i>Scott Thomas 6-2-14</i></p>
<p>Rationale: No historic or cultural resources would be affected by the proposed action because the 1998 Protocol between Oregon BLM and the Oregon SHPO considers cattleguard installation as an activity that is exempted from Section 106 inventory.</p>
<p><u>Areas of Critical Environmental Concern/Research Natural Areas</u>  Specialist (Print Name and Title): Caryn Burri, NRS - Botany  Signature and Date: <i>C. Burri 6-2-14</i></p>
<p>Rationale: The Kiger Mustang ACEC is the only ACEC within the area and is designated for the management of Kiger Mustang characteristics. Installing the pitless cattleguards and off-set gates would have no impact on the management of these characteristics.</p>
<p><u>Water Resources/Flood Plains</u>  Specialist (Print Name and Title): Lindsay Davies, Fish Biologist  Signature and Date: <i>L. Davies 6-2-2014</i></p>
<p>Rationale: There would be no additional disturbance to water resources as a result of the proposed action as all proposed activities would occur in the current road footprint.</p>
<p><u>Soils, Biological Soil Crust, Prime Farmlands</u>  Specialist (Print Name and Title): Caryn Burri, NRS - Botany  Signature and Date: <i>C. Burri 6-2-14</i></p>
<p>Rationale: Disturbance would be in previously disturbed areas and would not impact soils and BSCs. Horses and livestock would regularly utilize the gates resulting in compacted soils within 100 feet in areas directly adjacent to the gates. Where soils are compacted, biological soil crusts will be permanently removed. There are no Prime Farmlands within the proposed project area.</p>
<p><u>Recreation/Visual Resources</u>  Specialist (Print Name and Title): Eric Haakenson, Outdoor Recreation Planner  Signature and Date: <i>Eric Haakenson 6-2-14</i></p>
<p>Rationale: Installing cattleguards and off-set gates at the proposed locations would benefit visitors because there would be no inconvenience of having to open and close gates for the recreationalist. The proposed actions are in VRM Class III. The level of change can be moderate, where management activities may attract attention of the casual observer. VRM Class III objectives would be met.</p>
<p><u>Wilderness/Wild and Scenic River Resources</u>  Specialist (Print Name and Title): Tom Wilcox, Wilderness Specialist  Signature and Date: <i>Tom Wilcox 6/3/2014</i></p>
<p>Rationale: The proposed project does not lie within a Wilderness, WSA, or a land with wilderness characteristics.</p>
<p><b>2.3</b> Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].</p>

Specialist (Print Name and Title): Holly Orr, Planning and Environmental Coordinator (P&EC)	
Signature and Date:	<i>Holly Orr</i> 05/13/14
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The pitless cattleguards and off-set gates (limited size – see photo above) would be installed in previously disturbed areas (existing roads); the installation would take less than two days for each site, and effects of installation would be short term (less than one growing season).	
<b>2.4</b> Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	
Specialist (Print Name and Title): Holly Orr, P&EC	
Signature and Date:	<i>Holly Orr</i> 05/13/14
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The pitless cattleguards and off-set gates (limited size – see photo above) would be installed in previously disturbed areas (existing roads); the installation would take at least two days for each site, and effects of installation would be short term (less than one growing season).	
<b>2.5</b> 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, P&EC	
Signature and Date:	<i>Holly Orr</i> 05/13/14
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The pitless cattleguards and off-set gates (limited size – see photo above) would be installed in previously disturbed areas (existing roads); the installation would take at least two days for each site, and effects of installation would be short term (less than one growing season).	
<b>2.6</b> Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	
Specialist (Print Name and Title): Holly Orr, P&EC	
Signature and Date:	<i>Holly Orr</i> 05/13/14
Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The pitless cattleguards and off-set gates (limited size – see photo above) would be installed in previously disturbed areas (existing roads); the installation would take at least two days for each site, and effects of installation would be short term (less than one growing season).	
<b>2.7</b> 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, Archeologist	
Signature and Date:	<i>Scott Thomas</i> 6-2-14
Rationale: No National Register eligible or listed properties would be affected by the proposed project because the 1998 Protocol between Oregon BLM and the Oregon SHPO considers cattleguard installation as an activity that is exempted from Section 106 inventory.	
<b>2.8</b> 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> 6/2/14
Rationale: Rationale: There are no known Threatened or Endangered species or Designated Critical Habitat in the project area(s), and none would be affected off-site by the proposed project. The project(s) are located in greater sage grouse Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) 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 1 mile to the south of one of the project areas. The project would take place in a previously disturbed area that provides little structural or vegetative diversity for greater sage grouse. Construction activities would be conducted outside the dates of March 1 <sup>st</sup> to June 15 <sup>th</sup> to avoid disturbance of breeding /nesting greater sage-grouse. No vegetation capable of providing nest structures will be removed or destroyed, unless it lies in the portion of the existing fenceline which would be removed to install new gates. Disturbance would be short in duration (2 days per site) and low in intensity. Access roads are currently used for recreation, permittee use, and BLM administrative use. Temporary work activities would not affect sage grouse populations.	

<p><u>Endangered or Threatened Species-Aquatic</u>  Specialist (Print Name and Title): Lindsay Davies, Fish Biologist  Signature and Date: <u>L. Davies</u> <u>6/2/2014</u></p>
<p>Rationale: There are no aquatic Threatened or Endangered Species or Critical Habitat within the watershed of the proposed action.</p>
<p><u>Endangered or Threatened Species-Flora</u>  Specialist (Print Name and Title): Caryn Burri, NRS - Botany  Signature and Date: <u>C. Burri</u> <u>6-2-14</u></p>
<p>Rationale: There are no T/E or Special Status Plant species or designated critical habitat within the proposed project area.</p>
<p><b>2.9</b> Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>
<p>Specialist (Print Name and Title): Holly Orr, P&amp;EC  Signature and Date: <u>Holly Orr</u> <u>05/13/14</u></p>
<p>Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The pitless cattleguards and off-set gates (limited size – see photo above) would be installed in previously disturbed areas (existing roads); the installation would take at least two days for each site, and effects of installation would be short term (less than one growing season).</p>
<p><b>2.10</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>
<p>Specialist (Print Name and Title): Holly Orr, P&amp;EC  Signature and Date: <u>Holly Orr</u> <u>05/13/14</u></p>
<p>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>
<p><b>2.11</b> 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, Archeologist  Signature and Date: <u>Scott Thomas</u> <u>6-2-14</u></p>
<p>Rationale: Access to or integrity of Indian sacred sites would not be affected by the proposed project because the installation of cattleguards and off-set gates would provide improved access along roads in the project area. Any visual or “setting” change caused by the cattleguard installation and off-set gates would not be measureable in its effect on Steens Mountain, which is considered by the Burns Paiute Tribe as a sacred area.</p>
<p><b>2.12</b> 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, Weed Specialist  Signature and Date: <u>Lesley Richman</u> <u>6-2-14</u></p>
<p>Rationale: Noxious weeds are known to be present in or in close proximity to the areas where the cattleguards and off-set gates are proposed for installation. Treatments are on-going. The weeds are not currently present in sufficient quantity to be considered a significant impact at these locations. The cattleguards and off-set gates will not cause additional disturbance in these areas since the disturbance will be on existing roads and the roads are monitored very closely for new weed infestations. Where found, they are treated using the most appropriate methods.</p>

**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: 6/9/14

**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 Field Manager

Signature: Richard Roy Date: 6/3/14

Authorized Officer (Print Name and Title): Rhonda Karges, Andrews/Steens Field Manager

Signature: Rhonda Karges Date: 6/9/14

**Decision:** It is my decision to implement the Proposed Action 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.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

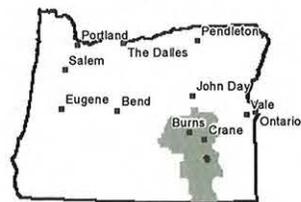
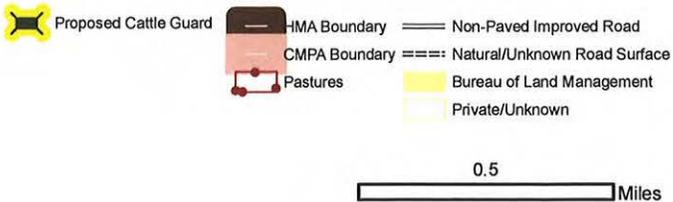
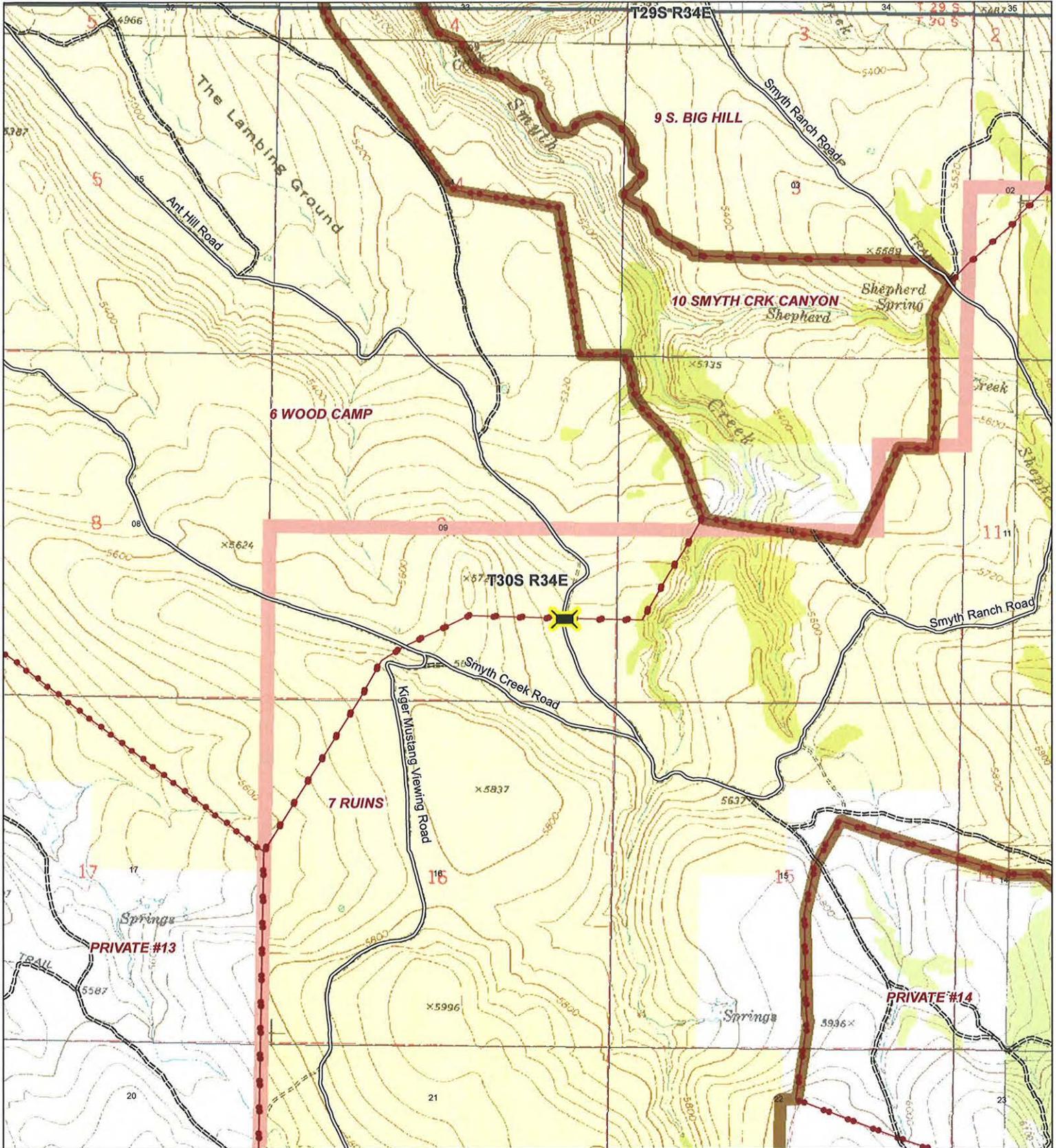
Authorized Officer (Print Name and Title): Richard Roy, Three Rivers Field Manager

Signature: Richard Roy Date: 6/3/14

Authorized Officer (Print Name and Title): Rhonda Karges, Andrews/Steens Field Manager

Signature: Rhonda Karges Date: 6/9/14

# Kiger HMA - Proposed Pitless Cattle Guard

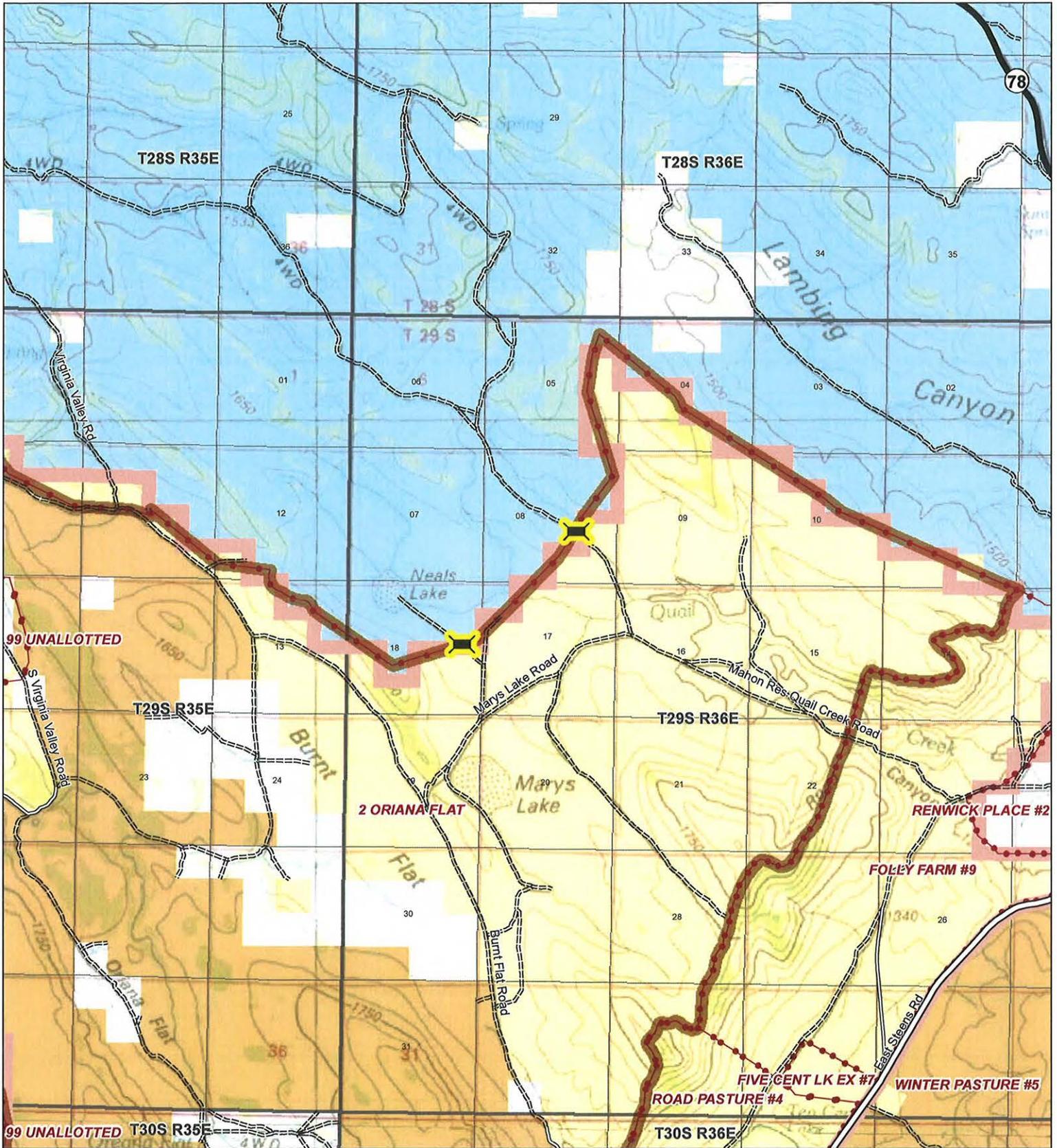


Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

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

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# Riddle Mountain HMA - Proposed Pitless Cattleguards



Proposed Cattle Guard

HMA Boundary

CMPA Boundary

Pastures

BLM Wilderness Study Area

Bureau of Land Management

State

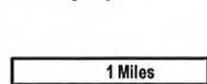
Private/Unknown

Paved Road

Non-Paved Improved Road

Natural/Unknown Road Surface

Highways



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Burns District, Oregon



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