

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2014-0035-CX **Date:** September 10, 2014
Subject Function Code: 8100 **Applicant:** BLM or Permittee
Case File/Serial Number or Name: School House Allotment #5575
Preparer: Ronda Purdy, Range Technician
Title of Proposed Action: School House Allotment Spring and Reservoir Maintenance

Description of Proposed Action and Project Design Elements:

The proposed action would be for the Bureau of Land Management (BLM) or the allotment permittee to maintain existing spring developments and to clean out or repair existing reservoirs located within School House Allotment #5575 in Three Rivers Resource Area, Burns District. These water developments are no longer functioning, due to damaged or decaying spring materials and to silt deposition and water damage to dam(s) and spillway(s). These deficiencies have resulted in reduction of water storage capacities of these facilities. The permittee and/or BLM would be responsible for maintenance of these spring developments and reservoirs.

All spring and reservoir maintenance activities would be done by the use of heavy equipment (i.e. backhoe) and all or utility terrain vehicle(s). No additional scraping or blading would occur on existing trails that would be used to access these water developments. Water development maintenance activities would be limited to the existing footprint of the original disturbed areas. Maintenance of springs would involve digging to intercept naturally occurring water flow, replacing perforated pipe or collection boxes, and replacing pipelines and water troughs. Small diameter drain rock would be used around collection boxes and perforated pipe. Ramps, rocks, or float boards would be provided in all water troughs for birds and mammals to gain access to and/or escape from the water. Four-wire enclosures (< one acre in size) would be constructed to prevent spring sources and trough overflow areas from being grazed or trampled by ungulate. Fence lines would not be scraped or bladed. Fences around springs would be marked to prevent wildlife collisions. Silt would be moved from bottoms of reservoirs and strategically placed in accordance to each reservoir's design for optimum function. If applicable, bentonite would be used to seal leaking bottoms of reservoirs. Trees and scrubs would be cut and cleared from dam(s) and perimeter of spring areas (< one acre), by use of chainsaw and heavy equipment.

To minimize opportunities for spread of noxious weeds by seeds or other plant parts, all equipment would be cleaned prior to beginning work on BLM land. Disturbed sites would be monitored closely for two years post-clean for noxious weeds. Any weeds found would be treated by the most appropriate method. All activities described have limited context and intensity (e.g. limited size and magnitude or short term effects).

Project Design Elements:

- All surface disturbance limited to existing footprint.
- Limit the number of trips with heavy equipment to/from area during construction to less than three trips.
- Ramps, rocks, or float boards installed in all water troughs.
- Enclosures for springs to be flagged with reflector markers.
- All equipment washed prior to any work.
- No work between April 1st and July 15th.

Water Developments Legal Description (Please see attached Location Map):

<u>Upper Mountain Pasture</u>	<u>RIPS#</u>	<u>Location</u>
Bar FU Spring & Reservoir	716575	W.M., T. 20 S., R. 33.5 E., sec. 07, NENE.
Fenceline Reservoir	716577	W.M., T. 20 S., R. 33.5 E., sec. 08, SWNE.
Upper Mountain Spring	716638	W.M., T. 20 S., R. 33.5 E., sec. 18, NENE.
Upper Mountain Reservoir	716395	W.M., T. 20 S., R. 33.5 E., sec. 18, NENE.
Buck Butte Reservoir	006490	W.M., T. 20 S., R. 33.5 E., sec. 18, SESE.
Hillside Spring	716579	W.M., T. 20 S., R. 33.5 E., sec. 08, SENW.

Conformance with Land Use Plan (LUP) Date Approved/Amended:

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):

Three Rivers Resource Management Plan (RMP)/Record of Decision (ROD), September 1992, Grazing Management Program Objective and Rationale, GM 1.3, pages 2-36, "Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment..." Range improvements will be constrained by Standards and Procedures and design elements shown in Appendix 12.

BLM Categorical Exclusion Reference (516 DM, Chapter 11):

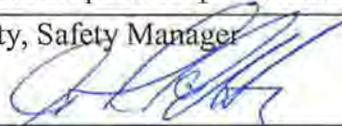
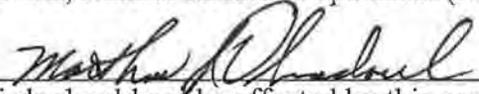
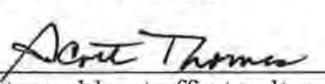
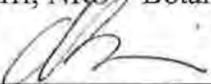
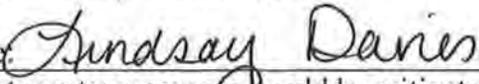
None.

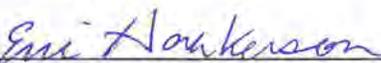
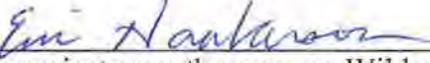
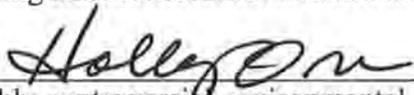
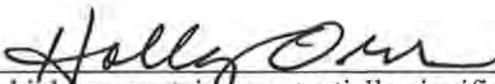
DOI Categorical Exclusion Reference (43 CFR 46.210):

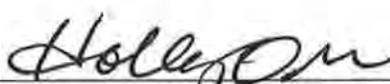
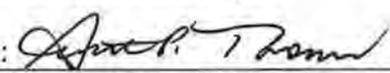
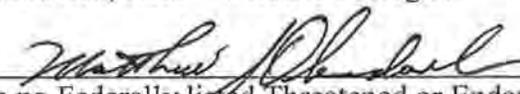
"(f) Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (*e.g.* , limited size and magnitude or short-term effects).

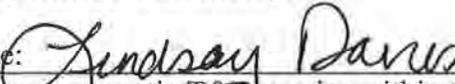
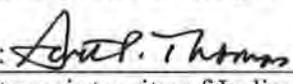
Screening for Exceptions:

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.
Specialist: John Petty, Safety Manager
Signature and Date:  10/22/14
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: Matt Obradovich, Natural Resource Specialist (NRS) – Wildlife Biologist
Signature and Date:  10/21/2014
Rationale: Migratory birds should not be affected by this project due to the timing of the work being done since most migratory birds will be gone from the area during the fall and winter months and will not return until about April 1 st . Work should not be done between April 1 st and July 15 th to avoid any effects to migratory birds.
<u>Historic and Cultural Resources</u>
Specialist: Scott Thomas, Archeologist
Signature and Date:  10/21/14
Rationale: The project would not affect cultural and historic resources because the project area was inventoried for cultural resources and no historic or cultural resources were found.
<u>Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)</u>
Specialist: Caryn Burri, NRS – Botany
Signature and Date:  10/23/14
Rationale: There are no ACEC/RNAs within the proposed project area.
<u>Water Resources/Flood Plains</u>
Specialist: Lindsay Davies, Fish Biologist
Signature and Date:  10/27/2014
Rationale: Effects to water resources would be mitigated by excluding grazing from the headwater and overflow areas.

<p><u>Soils, Biological Soil Crust, Prime Farmlands</u> Specialist: Caryn Burri, NRS – Botany</p>
<p>Signature and Date:  10/23/14</p>
<p>Rationale: Soils and Biological Soil Crust would be disturbed by the use of heavy equipment, specifically tracked equipment, accessing sites along existing trails. Trails may not be wide enough to provide a pre-disturbed (compacted) surface for heavy equipment (tracked vehicles) to travel resulting in off road travel which could break up and remove biological soil crusts and leave soil exposed. Minimizing the number of trips to the spring developments in order to decrease long term soil exposure and compaction and biological soil crust loss is recommended. These areas are typically heavily impacted by livestock resulting in compacted soil and the complete removal of biological soil crusts; therefore, maintenance within the existing footprint will have unmeasurable impacts to soils and biological soil crusts.</p>
<p><u>Recreation/ Visual Resources</u> Specialist: Eric Haakenson, Outdoor Recreation Planner</p>
<p>Signature and Date:  10-22-14</p>
<p>Rationale: There would be no effect to recreation or visual resources from the proposed action, because these existing projects would be maintained.</p>
<p><u>Wilderness/Wild and Scenic River Resources</u> Specialist: Eric Haakenson, Outdoor Recreation Planner</p>
<p>Signature and Date:  10-22-14</p>
<p>Rationale: Within the project area, there are no Wilderness, Wild and Scenic Rivers (WSR), Wilderness Study Areas (WSA), or Lands with Wilderness Characteristics.</p>
<p>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].</p>
<p>Specialist: Holly Orr, Planning and Environmental Coordinator (P&EC)</p>
<p>Signature and Date:  10/17/14</p>
<p>Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The access, fence enclosure, reservoir, and spring are existing features on the landscape. The action is to perform routine and continuing maintenance on existing facilities. There would be no disturbance outside the original disturbance area.</p>
<p>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>
<p>Specialist: Holly Orr, P&EC</p>
<p>Signature and Date:  10/17/14</p>
<p>Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The access, fence enclosure, reservoir, and spring are existing features on the landscape. The action is to perform routine and continuing maintenance on existing facilities. There would be no disturbance outside the original disturbance area.</p>

<p>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>
<p>Specialist: Holly Orr, P&EC</p>
<p>Signature and Date:  10/17/14</p>
<p>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 access, fence enclosure, reservoir, and spring maintenance on existing range improvements such as the one described under the Proposed Action.</p>
<p>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>
<p>Specialist: Holly Orr, P&EC</p>
<p>Signature and Date:  10/17/14</p>
<p>Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The access, fence enclosure, reservoir and spring are existing features on the landscape. The action is to perform routine and continuing maintenance on existing facilities. There would be no disturbance outside the original disturbance area.</p>
<p>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.</p>
<p>Specialist: Scott Thomas, Archaeologist</p>
<p>Signature and Date:  10/21/14</p>
<p>Rationale: The project would not affect cultural and historic resources (or eligible or listed National Register properties) because the project area was inventoried for cultural resources and no historic or cultural resources were found.</p>
<p>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.</p>
<p><u>Endangered or Threatened Species-Fauna</u> Specialist: Matt Obradovich, NRS – Wildlife Biologist</p>
<p>Signature and Date:  10/21/2014</p>
<p>Rationale: There are no Federally listed Threatened or Endangered (T&E) faunal species or species proposed for listing under the Endangered Species Act (ESA) or designated critical habitat in the Schoolhouse Allotment. The area is currently listed as Preliminary Priority Habitat for greater sage-grouse, which may use this area for late brood rearing habitat. The nearest lek to this allotment is about 2.9 miles to the east. Work being completed during the fall and winter months should not affect sage-grouse as they should be moving to lower elevation sagebrush and riparian areas.</p>

<p><u>Endangered or Threatened Species-Aquatic</u> Specialist: Lindsay Davies, Fish Biologist</p> <p>Signature and Date:  10/27/2014</p> <p>Rationale: There are no aquatic T&E species within the Schoolhouse Allotment. The developments outlined in the proposed action are all within the Miller Reservoir sub-watershed (6th field HUC). This sub-watershed eventually drains into the Malheur River, which is designated as Bull Trout Critical Habitat. However, the proposed actions are over 5.5 aerial miles away from Critical Habitat. This distance would eliminate any potential effects to critical habitat.</p>
<p><u>Endangered or Threatened Species-Flora</u> Specialist: Caryn Burri, NRS – Botany</p> <p>Signature and Date:  10/23/14</p> <p>Rationale: There are no documented T&E or Special Status Plant species or designated critical habitat within the proposed project area.</p>
<p>2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p>Specialist: Holly Orr, P&EC</p> <p>Signature and Date:  10/17/14</p> <p>Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The access, fence enclosure, reservoir, and spring are existing features on the landscape. The action is to perform routine and continuing maintenance on existing facilities. There would be no disturbance outside the original disturbance area.</p>
<p>2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p> <p>Specialist: Holly Orr, P&EC</p> <p>Signature and Date:  10/17/14</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>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: Scott Thomas, Archaeologist</p> <p>Signature and Date:  10/21/14</p> <p>Rationale: Access to or integrity of Indian sacred sites would not be affected because none are known to occur in the vicinity of the project area.</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).

Specialist: Lesley Richman, Weed Specialist

Signature and Date: Lesley Richman 10/22/2014

Rationale: Noxious weeds are known to be present in or in close proximity to these projects. Treatments are on-going. The weeds are not currently present in sufficient quantity to be considered a significant impact at this location.

Additional review (As determined by the Authorized Officer):

None

RMP conformance and CX review confirmation:

Specialist: Holly Orr, District Planning and Environmental Coordinator

Signature: Holly Orr Date: 10/21/14

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: Richard Roy, Three Rivers Resource Area Field Manager

Signature: Richard Roy Date: 10/27/14

Decision:

It is my Proposed Decision to implement the Proposed Action with Project Design Elements as described above.

Protest and Appeal Procedures:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Field Manager, Three Rivers Resource Area Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

A protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted; a protest must be written or typed on paper and submitted in person or by certified mail.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

United States Department of the Interior
Office of Hearings and Appeals
405 South Main Street, Suite 400
Salt Lake City, Utah 84111

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470.

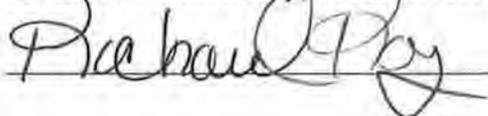
A petition for stay, if filed, shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

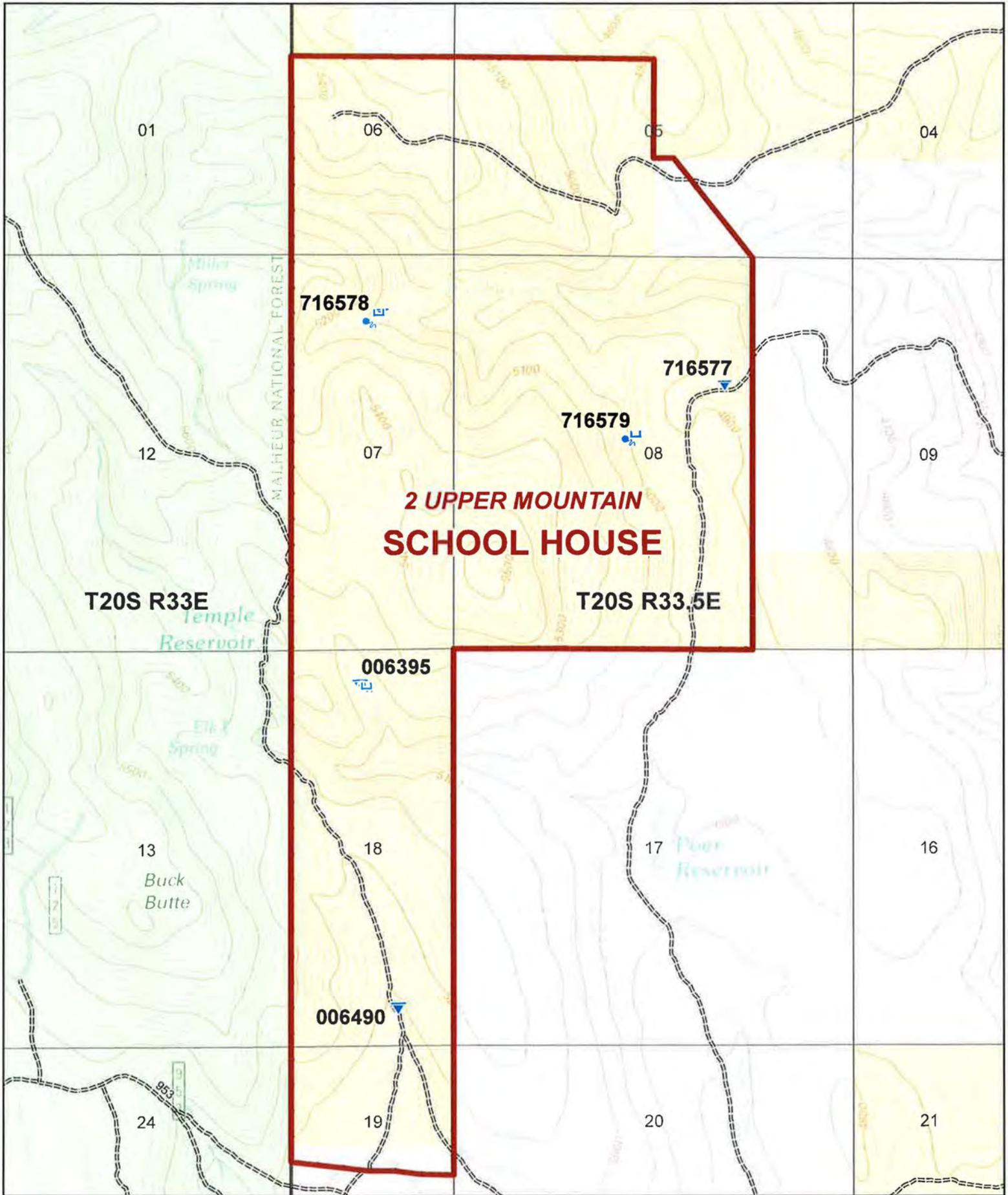
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

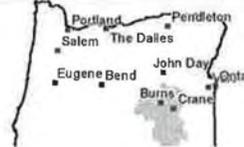
A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Authorized Officer: Richard Roy, Three Rivers Resource Area Field Manager

Signature:  Date: 10/27/14



-  Reservoir
-  Spring Development
-  Trough
-  Allotments
-  Pastures
-  Bureau of Land Management
-  U.S. Forest Service
-  Private/Unknown



0 0.1 0.2 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. DOI-BLM-OR-0050-2014-0035-CX