

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B060-2013-0039-CX

Date: 5/21/13

File Code (Project/Serial Number): original copy of CX will be located in the Fields Allotment File

Preparer: Louis E Clayburn

Applicant: BLM/Permittee

Title of Proposed Action: Williams Creek Pasture Temporary Fence

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

The proposed action is to build a short cross section of fence approximately 100 yards long that will stretch between the north and south boundary of the Williams Creek Pasture on the south western corner of the Fields Basin Allotment. The fence will be predominantly constructed with hand tools an ATV may be used to string barb wire. The fence will be temporary and be used by the permittee until 2016 at which time it will be removed. The fence would be constructed by the permittee under a Cooperative Rangeland Improvement Agreement. The permittee will provide both the labor and part of material for this project, the BLM will provide the rest. The fence will be constructed to BLM specifications, which will include 3 strands of barb wire and one strand of smooth wire on the bottom, the wire will also be spaced accordingly.

The purpose of this fence is to keep bulls from tearing down the existing boundary fence between the BLM and private property to join the cows located on the private property. By constructing a small enclosure the distance between the permanent boundary fence and the bulls will be increased, lowering the chance for the two herds to come in contact and protecting resources (existing fence) from damage.

Legal Description (attach Location Map): W.M., T. 38 S., R. 34 E., section 27.

B. Conformance with Land Use Plan (LUP) (name): Andrews Management Unit (AMU) Record of Decision (ROD) and Resource Management Plan (RMP), **Date Approved/Amended:** August 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(s) (*objectives, terms, and conditions*):

Grazing Management Objective 1 (RMP-54 AMU ROD/RMP, August, 2005). Management actions will provide for sustainable livestock grazing in the AMU that meets allotment management (natural resource) objectives and the S&Gs (USDI 1997a).

Grazing Management Objective 2 (RMP-54 AMU ROD/RMP, August, 2005). Implement administrative solutions and rangeland projects to provide proper management for livestock grazing while meeting resource objectives and requirements for S&Gs (USDI 1997a).

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): N/A

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 Officer | |
| Signature and Date: | <i>John Petty</i> 6-5-13 |
| 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 – Andrew Daniels, Wildlife Biologist | |
| Signature and Date: | <i>Andrew J. Daniels</i> 6-5-2013 |
| Rationale: Construction will take place after Migratory Birds have left the area so there will be no effect to migratory birds. | |
| <u>Historic and Cultural Resources</u> | |
| Specialist – Scott Thomas, District Archeologist | |
| Signature and Date: | <i>Scott Thomas</i> 6-7-13 |
| Rationale: No cultural or historic sites would be affected by the proposed fence project. | |
| <u>Areas of Critical Environmental Concern/Research Natural Areas</u> | |
| Specialist – Caryn Meinicke, Natural Resource Specialist (Botany) | |
| Signature and Date: | <i>Caryn Meinicke</i> 6-5-13 |
| Rationale: There are no ACEC/RNAs within the proposed project area. | |
| <u>Water Resources/Flood Plains</u> | |
| Specialist – Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries) | |
| Signature and Date: | <i>Daryl Bingham</i> 31 May 2013 |
| Rationale: The Proposed Action would not modify use already authorized along Fields Creek; rather it would serve to separate livestock already there. There could be increased congestion and use near the proposed fence, but any increase would result in reduced presence elsewhere. Any change would likely not be measurable. Floodplains would not be affected. | |
| <u>Soils, Biological Soil Crust, Prime Farmlands</u> | |
| Specialist – Caryn Meinicke, Natural Resource Specialist (Botany) | |
| Signature and Date: | <i>Caryn Meinicke</i> 6-5-13 |
| Rationale: Impacts to soils and biological soils crusts from the construction of the fence will be unnoticeable within one growing season. Impacts may occur from livestock as they become accustomed to the fence; however, since there is not a water or mineral source in the area, impacts will be limited to the possible development of a trail or irregular hoof prints. If a trail does develop, soils will become compacted and biological soil crusts will be removed. If disturbance is as minimal as irregular hoof prints, soil stability will not be compromised and biological soil crusts will remain on the site. There are no prime farmlands within the proposed project area. | |
| <u>Recreation/ Visual Resources</u> | |
| Specialist – Dory Osgood, Outdoor Recreation Specialist | |
| Signature and Date: | <i>Dory Osgood</i> 6-5-13 |
| Rationale: The project area is in a VRM Class II and the intention of this class is to retain the existing character of the landscape. Management activities may be seen, but should not attract the attention of the casual observer. The construction of the fence will be largely unnoticeable and not change the existing character of the landscape. With the short time frame it would take to construct the fence there would be no significant impacts to recreation. | |
| <u>Wilderness/Wild and Scenic River Resources</u> | |
| Specialist – Tom Wilcox, Outdoor Recreation Specialist | |
| Signature and Date: | <i>Tom Wilcox</i> 06/03/2013 |
| Rationale: There is no Wilderness, WSR, WSA or LWC in the project area. | |
| 2.3 | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]. |
| Specialist – Holly Orr, District Planning and Environmental Coordinator | |
| Signature and Date: | <i>Holly Orr</i> 06/04/2013 |
| Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The fence is temporary (2013 grazing season); small (100 yards); protection enclosure (temporary fence to protect existing boundary fence between Federal and private land); and there are no known conflicts. | |
| 2.4 | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. |
| Specialist - Holly Orr, District Planning and Environmental Coordinator | |
| Signature and Date: | <i>Holly Orr</i> 06/04/2013 |
| Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The fence is temporary (2013 grazing season); small (100 yards); protection enclosure (temporary fence to protect existing boundary fence between Federal and private land); and there are no known conflicts. | |
| 2.5 | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant |

| |
|--|
| environmental effects. |
| Specialist – Holly Orr, District Planning and Environmental Coordinator Signature and Date: <i>Holly Orr</i> 06/04/2013 |
| Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The fence is temporary (2013 grazing season); small (100 yards); protection enclosure (temporary fence to protect existing boundary fence between Federal and private land); and there are no known conflicts. |
| 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. |
| Specialist – Holly Orr, District Planning and Environmental Coordinator Signature and Date: <i>Holly Orr</i> 06/04/2013 |
| Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The fence is temporary (2013 grazing season); small (100 yards); protection enclosure (temporary fence to protect existing boundary fence between Federal and private land); and there are no known conflicts. |
| 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 – Scott Thomas, District Archeologist Signature and Date: <i>Scott Thomas</i> 6-7-13 |
| Rationale: No National Register eligible or nominated 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 – Andrew Daniels, Wildlife Biologist Signature and Date: <i>Andrew Daniels</i> 6-5-13 |
| Rationale: There are no known Threatened or Endangered Species or their habitat within the project area. Thus there will be no effect to Threatened and Endangered Species or their habitat. |
| <u>Endangered or Threatened Species-Aquatic</u> Specialist – Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries) Signature and Date: <i>Daryl Bingham</i> 31 May 2013 |
| Rationale: There are no known aquatic T&E species present in the Proposed Project Area. |
| <u>Endangered or Threatened Species-Flora</u> Specialist – Caryn Meinicke, Natural Resource Specialist (Botany) Signature and Date: <i>Caryn Meinicke</i> 6-5-13 |
| Rationale: There are no documented T & E or Special Status plant 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 – Holly Orr, District Planning and Environmental Coordinator Signature and Date: <i>Holly Orr</i> 06/04/2013 |
| Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The fence is temporary (2013 grazing season); small (100 yards); protection enclosure (temporary fence to protect existing boundary fence between Federal and private land); and there are no known conflicts. |
| 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). |
| Specialist – Holly Orr, District Planning and Environmental Coordinator Signature and Date: <i>Holly Orr</i> 06/04/2013 |
| 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 – Scott Thomas, District Archeologist Signature and Date: <i>Scott Thomas</i> 6-7-13 |
| Rationale: Access to or 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 – Lesley Richman, Natural Resource Specialist (Weeds) Signature and Date: <i>Lesley Richman</i> 6/11/2013 |
| Rationale: Noxious Weeds are known to be present in or 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: 6/11/13

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/Steens Field Manager

Signature: Rhonda Karges Date: 6/12/13

Proposed Decision: It is my Proposed Decision to implement the Proposed Action with Project Design Elements (if applicable) as described above.

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 Rhonda Karges, Field Manager, Andrews/Steens 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) as to why the proposed decision is in error.

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.

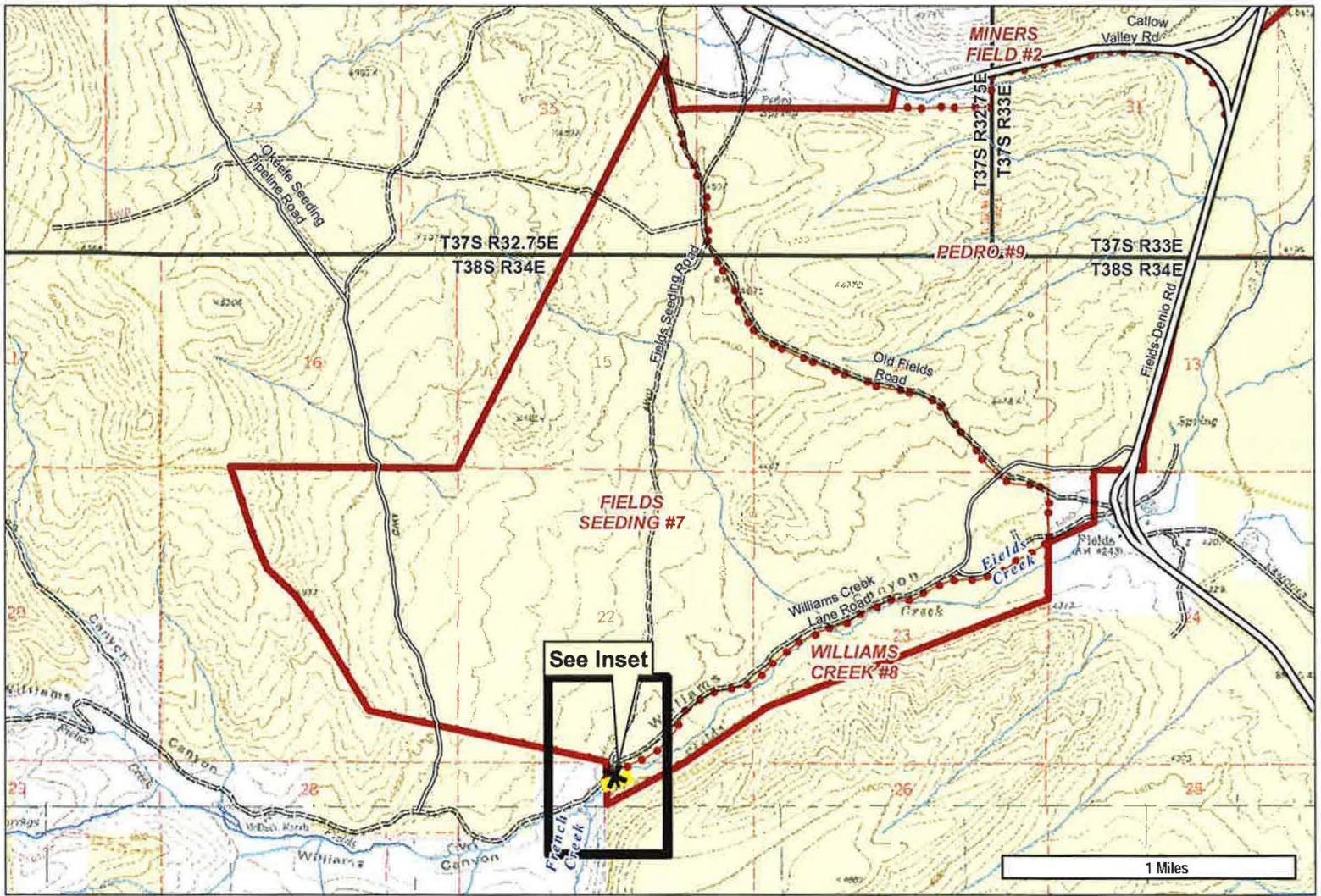
A petition for stay, if filed, shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

- (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.

Rhonda Karges
Rhonda Karges, Andrews/Steens Field Manager

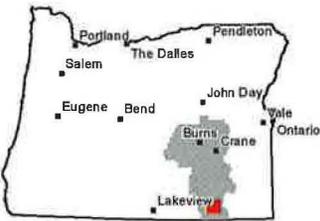
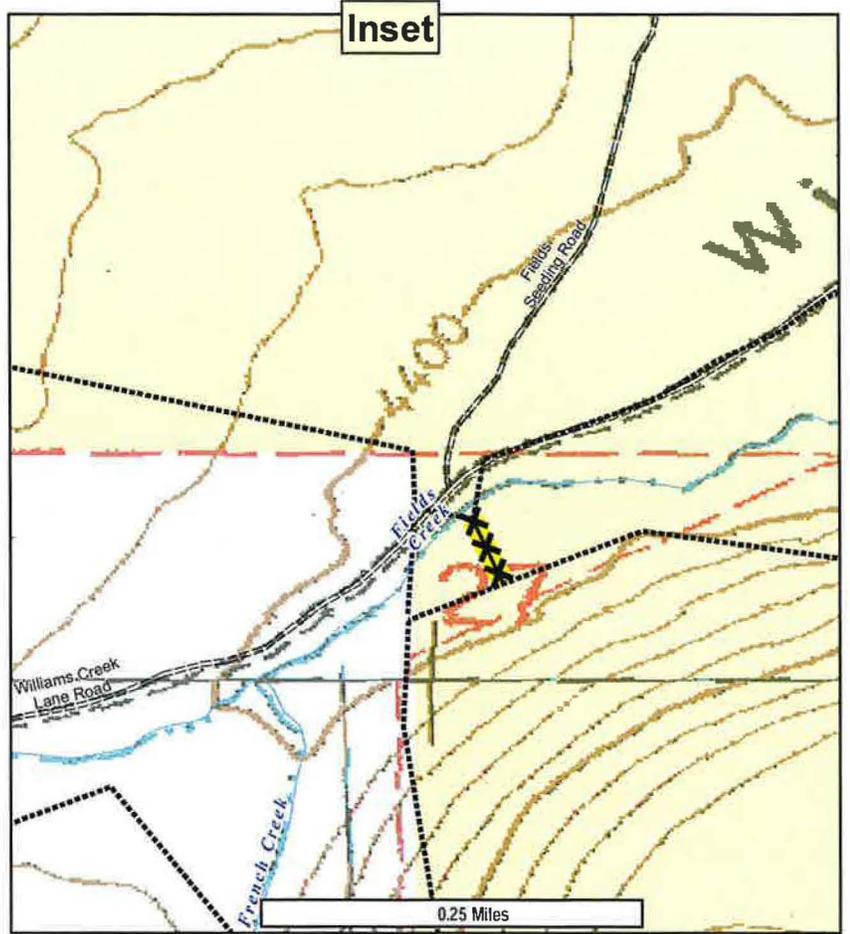
6/12/13
Date



Williams Creek Fence

DOI-BLM-OR-B060-2013-0039-CX

- Proposed Fence
- Existing Fence
- Fields Allotment
- Pasture Boundary
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface
- Bureau of Land Management
- Private/Unknown
- Perennial Streams
- Intermittent Streams




 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.
 5/29/2013 sfenton
 W:\MXDCX_EAMaps\WilliamsCreekFenceCX.mxd

