United States Department of Interior
Bureau of Land Management
Medford District

CATEGORICAL EXCLUSION REVIEW & DECISION RECORD
Elk Foraging / Nutrition Research Project

DOI-BLM-OR-M000-2011-0006-CX

A. Project: Elk Foraging / Nutrition Research Project

Proposed Action Title: Development of Nutrition-explicit and Elk Habitat Use Models for Southwest Oregon

Location: Medford District BLM

Project Description: Temporary pens, approximately 3 acres in size, would be established on gentle ground with less than a 30 percent slope gradient in a variety of forest seral stages. A fence line, typically two to three feet wide is cut so that the fence would not come in contact with vegetation. Fencing would consist of two strands of New Zealand plastic electric wire, powered by fence regulators, capable of carrying up to 9,000 volts. The fence is strung to metal T-posts, and trees using plastic insulators tacked to the trees.

The condition and composition of the understory and overstory would be characterized. Four elk cows would then be turned into the pen and allowed to forage for a period of 24 hours. The elk would be observed to see what vegetation they favored for forage and what they avoided. Samples of vegetation selected for browse would be collected for a nutritional assay.

The researchers would camp on-site with the elk. Vehicles, including a stock trailer, would not leave existing roads but would be parked on side spur roads or in turnouts so as not to block through traffic. Camp sites and forage pens would not be located within 100 feet of live streams.

Upon abandonment of each study site, all fencing material would be removed, and all refuse would be packed out and properly disposed of.

Fenced areas will be outside known cultural, and Threatened and Endangered plant sites.

Elk will be cared for as per the attached Statement of Animal Care and Use.

Vehicles and trailers will be washed prior to leaving their home base to reduce the risk of introducing noxious weeds from other areas.

B. Land Use Plan Conformance

The Proposed Action is in conformance with the following plans:
2008 Medford District *Record of Decision and Resource Management Plan* (ROD/RMP)

The proposed action is in conformance with the 2008 ROD/RMP because it is clearly consistent with the following Management Objectives:

"Provide for research to support the management of lands and resources administered by the BLM in the Medford District" (RMP p. 61)

"Assist the Oregon Department of Fish and Wildlife in meeting wildlife management objectives on public domain lands and on O&C lands where the goals are consistent with the O&C Act." (ROD/RMP, p. 64)

This proposal is also in compliance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act of 1973 (ESA) , the Clean Water Act of 1987 (CWA), Safe Drinking Water Act of 1974 (as amended 1986 and 1996) (SDWA), Clean Air Act of 1990, and the Archaeological Resources Protection Act of 1979 (ARPA).

**Due to ongoing litigation, current BLM guidance is for all project to comply with either the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage Protection Buffer, and other Mitigation Measures Standards and Guidelines (without Annual Species Reviews) or one of the four exemptions in the October 11, 2006, Court stipulation in Northwest Ecosystem Alliance v. Rey). As there are no habitat-disturbing activities proposed, there will be no effects on Survey and Manage Species, and this project is in compliance with this guidance.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM:

11.9, D (2): *Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.*

11.9, J (4) *Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.*

11.9, J (6) *A single trip in a one month period for data collection or observation sites.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment as documented in the following review. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR § 46.215 rise to the level of significance. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

D. Categorical Exclusion Review

An action would meet one of the extraordinary circumstances if the action may:

1. *Have significant impacts on public health or safety.*

   Yes **No (X)** Remarks: There would be no impacts on public health or safety. The activity would take place in rural forest settings and the effects would be indistinguishable from foraging by wild ungulates.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource;, 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Yes **No (X)** Remarks: There are no unique geographic characteristics, historical or cultural resources, parks, recreation, refuge lands, or other ecologically significant or critical areas that will be affected by the proposed forage study.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2(E)].*

   Yes **No (X)** Remarks: There will not be any controversial environmental effects as the effects would be indistinguishable from foraging by wild ungulates.

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

   Yes **No (X)** Remarks: The captive elk are regularly tested for brucellosis and tuberculosis. They will be treated for ectoparasites and internal parasites before transport to southwest Oregon. Risks for spread of disease or infection to wild elk populations are considered highly unlikely.

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

   Yes **No (X)** Remarks: Issuance of authorization for the research project will not establish any new precedent governing future decisions as any requests to conduct similar studies at a future time and place will be considered based upon existing circumstances.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

   Yes **No (X)** Remarks: The proposed action is limited to site-specific study of elk forage preferences and the nutritional value of that forage. This action is not tied to any other federal actions, and as such, is not related to other actions that may have cumulatively significant environmental effects.

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.*

   Yes **No (X)** Remarks: The activity will not result in any greater risk of soil and site disturbance than exists from foraging by wild ungulates.

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.*

   Yes **No (X)** Remarks: The project will not have any effects on the threatened northern spotted owl and marbled murrelet, or any designated critical habitat for either of the species. Elk foraging would not modify nesting, roosting, foraging or dispersal habitat for the northern spotted owl, or nesting habitat for the marbled murrelet. Activities associated with monitoring of foraging elk and collection of herbaceous materials are not likely to cause disruption as these activities would be located in close proximity to roads that already receive baseline disturbance.

   All of the approved forage sites will be outside known sites for *Fritillaria gentneri* or *Lomatium cookii*. There will be no effects on critical habitat for *Lomatium cookii*.

   Location of the forage pens and camp sites a minimum of 100 feet from any live streams eliminates the potential for any stream bank disturbance that could result in stream sedimentation and degradation of habitat occupied by or utilized by the threatened Southern Oregon/Northern California coho salmon.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

   Yes **No (X)** Remarks: The proposed action conforms to direction from the Medford District ROD/RMP for management of public lands on the Medford District. The ROD/RMP complies with all applicable laws, including the Federal Land Policy Management Act, Clean Water Act, Endangered Species Act, and others.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

    Yes **No (X)** Remarks: No potential impacts have been identified by the Medford District BLM, either internally or through public involvement, indicating that a scientific study of this nature would have a disproportionate impact on low-income or minority populations in Jackson or Josephine County, Oregon.

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).*

    Yes **No (X)** Remarks: No Indian sites of sacred, religious or ceremonial value have been identified in the project area.

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).*

    Yes **No (X)** Remarks: The captive elk herd used for research purposes in various locations in Oregon is maintained at the Starkey Experimental Forest and Range Station, USDA Forest Service, near La Grande, Oregon. While at the research station, these animals are on a mandated weed free hay diet. Only bagged pelleted rations will be fed to the elk when in southwest Oregon. These rations are heat-treated during formulation and do not contain viable seeds. It is true that the elk might ingest seeds of weedy species during research in southwest Oregon, but they are no more likely to transport weed seeds among different areas in the region than wild elk, wild deer, and birds, or the clothes, shoes and vehicles of members of the public that use these lands.

E. Document Preparation and Review

Anthony Kerwin	Medford District Environmental Coordinator	May 27, 2011
Prepared by	Title	Date

Marlin Pose	6/1/11	Marcia Wineteer	5/31/11
Wildlife	Date	Botany	Date
Merry Haydon	6/1/11	Dale Johnson	6/1/11
Cultural Resources	Date	Fisheries	Date
[signature]	6/1/11		
Planning Coordinator/NEPA	Date		

F. Decision

I have reviewed this Categorical Exclusion Documentation including the plan conformance, NEPA compliance review, and extraordinary circumstances review, and have determined the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the action as described.

[signature]	06/01/11
Dayne Barron District Manager, Medford District BLM	Date

Contact Person

For additional information concerning this Categorical Exclusion review, contact Anthony Kerwin, District Planning and Environmental Coordinator, 3040 Biddle Road, Medford, Oregon (541) 618-2402.

Summary of Disease Testing and Monitoring Program
Captive Elk Herd, Starkey Experimental Forest and Range, La Grande, Oregon

The captive elk herd used for research purposes in various locations in Oregon is maintained at the Starkey Experimental Forest and Range, USDA Forest Service, near La Grande, Oregon since 1990. There are currently 40 adult female elk in this herd. Protocols for their use from a humanitarian perspective, and their maintenance in terms of disease testing and records keeping, is dictated by Oregon's Cervid Holding Regulations and the Animal Welfare Act of 1966 administered by the USDA Animal and Plant Health Inspection Service (APHIS). Under the latter, an Institutional Animal Care and Use Committee (IACUC), consisting of a veterinarian, a community representative, and an institutional representative, oversees all activities involving these animals. Further details regarding the care and use of these animals is described in: Wisdom, M.J., J.G. Cook, M. M. Rowland, and J.H. Noyes. 1993. *Protocols for care and handling of deer and elk at the Starkey Experimental Forest and Range*. USDA Forest Service, Pacific Northwest Research Station, General Technical Report PNW-GTR-311.

The use of up to 8 of these tame elk for foraging and nutrition research in southwest Oregon in summer 2011 has been approved by the IACUC and Oregon Department of Fish and Wildlife. There is a long history of conducting this kind of research in remote areas, from 1999 through 2010, using the same protocol that will be used in summer 2011. Furthermore, although it is true that the elk might ingest seeds of weedy species during research in southwest Oregon, they are no more likely to transport weed seeds among different areas in the region than wild elk, wild deer, birds, livestock allowed to graze on federal lands, horses and mules allowed on federal lands, and cloths and shoes and vehicles of the public that uses these lands. Currently, plans are to have BLM and USFS review proposed locations were elk will be used to make sure that areas with weed infestations of concern are excluded for data collection. Additional miscellaneous precautions include:

(1) Animals will be attended 24 hours each day and all will wear functioning VHF radio-collars in the unlikely event they get out of the pens. Researchers will have telemetry equipment on site.

(2) Researchers will have immobilization drugs and a dart gun on site.

(3) Elk will be treated for ectoparasites and internal parasites, using medication as prescribed by the IACUC veterinarian, before transport to southwest Oregon and before transport back to the La Grande holding facilities.

(4) Only bagged pelleted rations will be fed to the elk when in southwest Oregon. These rations are heat-treated during formulation and do not contain viable seeds. Furthermore, hay that these elk are fed at the Starkey Experimental Unit is certified weed free (although we do not plan to transport any hay to the field in southwest Oregon).

(5) Mortalities of the tame elk require a necropsy by a licensed veterinarian, and samples for brucellosis, tuberculosis, and chronic wasting disease are sent to appropriate labs (no viable test has existed for testing for CWD in live elk, so CWD monitoring in elk herds is based on testing for the disease in animals that have died. Over the last 5 years, there have been 11 mortalities (mainly due to cancer) in the tame elk herd and no evidence of these three diseases was detected).

Finally, there is a long history of testing for bovine tuberculosis and brucellosis in this herd with no positive results:

TB testing:

5/2001 (whole herd)
2/2002 (whole herd)
12/2002 (subset of ~20 animals)
5/2003 (whole herd)
11/2005 (whole herd)
2/2006 and 8/2006 (subset of 3 elk)

Brucellosis testing:

5/2001 (subset of ~20 animals)
2/2002 (whole herd)
12/2002 (subset of ~20 animals)
5/2003 (whole herd)
10/2003 (subset of ~20 animals)
6/2004 (whole herd)
11/2005 (whole herd)

DNA Purity Test:
6/2001 (subset of elk used for 'grazing trials')

Submitted by,
Drs. John and Rachel Cook
Project Leader and Wildlife Biologist
National Council for Air and Stream Improvement
22 May 2011