

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville District

NEPA Log #: DOI - BLM - OR – P060 - 2010 - 0044 - CX

Project/Lease/Serial/Case File #:

Proposed Action Title: NAGPRA Reburial Locality 2010

Location: T. 11 S., R. 12 E. along the Deschutes River corridor. The specific location will remain proprietary.

Need for Proposed Action: The BLM

The BLM, in consultation with The Confederated Tribes of Warm Springs Reservation and Burns Paiute Tribe, are in the process of repatriating Native American Graves Protection and Repatriation Act (NAGPRA) human remains and cultural items removed from BLM lands. The ancestral remains represent a shared group identity that can reasonably be traced between both Tribes. The remains and cultural items were removed from a known archaeological site on BLM land. The archaeological site continues to be at risk to disturbance and vandalism. As part of the repatriation, a request from both Tribes has been made to rebury the NAGPRA remains and cultural items on public land in the vicinity of the archaeological site from which they were removed.

Reburial of American Indian and Alaska Native human remains and cultural items are closely tied to repatriations of those remains and objects by the BLM under the terms of NAGPRA. Reburial of NAGPRA items on public lands may be authorized on a case-by-case basis. Respect regarding the reburial is expected to be sensitive to the diversity of tribal cultural beliefs.

Description of the Proposed Action:

The proposed action is to allow reburial of Native American Graves Protection and Repatriation Act human remains and cultural items on BLM land in the vicinity from which they were removed. The location has been selected in consultation with The Burns Paiute and Confederated Tribes of the Warm Springs Reservation. The location would be accessed by foot and existing roads currently providing access to public and private land. The term of the proposed action would be forever. The proposed reburial would involve digging a hole 3 feet by 6 feet x 4 feet deep using hand tools. The remains would be placed in the ground and covered with the soil removed. The surface would be restored to a natural condition by replacing the topsoil and native vegetation. The location would be accessible to tribal members.

B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan

Date Approved (Record of Decision): June 6, 1986

The proposed action is consistent with the land use plan, objectives, terms and conditions. The plan states areas of high visual and natural quality in the canyon area will continue to be protected while allowing other compatible uses.

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 2, Appendix 1, effective date June 21, 2005, "Routine and continuing government business, including such things as supervision, administration, operations, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects)."

The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply. See attached CX Extraordinary Circumstances Documentation checklist.

D. Signature

Authorizing official: Molly M. Brown 9/24/10
Molly M. Brown Date
Field Manager, Deschutes Resource Area

Contact Person

For additional information, contact: Terry Holtzapple, Cultural Resources, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 541-416-6792, email: Theresa_Holtzapple@blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION		YES	NO
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		X
All proposed activities would follow established Occupational Safety and Health Administration rules concerning health and 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The proposed reburial site is not within a park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmland; wetlands. An appropriate level of inventory to identify historic and prehistoric sites or features has been conducted. The proposed action would have no effect on cultural resources. The proposed action would have no effect to visual qualities along the Deschutes River and would be outside any wilderness designation or study areas.			

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<p>Rationale: The above project has been reviewed and found to be in conformance with one or more of the following BLM plans: Land Use Plan Name: Two Rivers Resource Management Plan Date Approved (Record of Decision): June 6, 1986</p> <p>The proposed action does not include any controversial environmental effects or involve unresolved conflicts with available resources. The proposed reburial is consistent with the land use plan, objectives, terms and conditions. Disturbance would be limited to less than 1 acre.</p>		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<p>Rationale: The proposed action would have no environmental effects or involve unknown environmental risks. The proposed action would be limited to the short-term surface disturbance at the time of reburial, likely within one day, on less than 1 acre of ground.</p>		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<p>Rationale: There is no evidence that this action has potentially significant environmental effects. This management activity does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects. The proposed action is in accordance with IM 2007-002 BLM Reburial Policy on BLM lands.</p>		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<p>Rationale: The proposed action would have no direct relationship with other actions and would not contribute to any cumulative effects.</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.		X
<p>Rationale: The BLM has conducted surveys for cultural resources in the project area and no cultural resources have been identified on the proposed location. The proposed action would have no effect to cultural resources.</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.		X
<p>Rationale: The proposal would not change the overall habitat function of the stand or result in the loss of critical habitat.</p>		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p>Rationale: The scope of the project is allowed under the Native American Graves Protection and Repatriation Act, National Historic Protection Act, Archaeological Resources Protection Act, American Indian Religious Freedom Act, CFR43 Part 10 Native American Graves Protection and Repatriation Regulations and Executive Order 13007, Indian Sacred Sites and would not violate any federal, state, local or tribal law.</p>		

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The proposal would not affect low income or minority populations because the proposed reburial is limited in size and would not change land uses allowed under the Plan. The proposed action would benefit the minority tribal populations in the area because it meets traditional cultural values.		
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).		X
Rationale: A cultural clearance was completed for this proposal and no sacred sites were identified. The proposed action would allow for ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners.		
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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).		X
Rationale: The proposal would not contribute to the spread of noxious weeds.		