

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P040 - 2010 - 0040 - CX

Project/Lease/Serial/Case File #: N/A

Proposed Action Title: High Desert Hunting Guide Re-authorization

Location and Authorized Hunt Area. The location and authorized hunt area is BLM public lands within the vicinity of; a) Bear Creek and Little Bear Creek, b) west and south of the Gerry Mountain Wilderness Study Area (WSA), c) north and east of the South Fork Crooked River WSA, d) east of the North Fork Crooked River WSA, e) public lands in Big Summit, f) public lands east of the G.I. Ranch road to eastern Prineville BLM district boundary and g) public lands south of Highway 20, to southern Prineville BLM district boundary, east of Brothers, Oregon and west of Glass Butte. (See attached map).

The legal description of these public lands is: T. 15-24 S., R. 13-23 E., W.M.

Public lands excluded from commercial guiding and outfitting are all public lands designated as Wilderness Study Areas, Wild & Scenic Rivers, Areas of Critical Environmental Concern, or Research Natural Areas. These excluded areas are identified on the attached map and are referred to as Special Management Areas in this CX.

Description of the Proposed Action: Re-authorize seasonal commercial guide use of public lands for elk, deer and antelope hunting on public lands outside of Special Management Areas, as identified on the attached map. One permitted hunting guide permit would be re-issued under this authorization.

There generally would be 3-4 clients per hunting group, supervised by 1-2 staff of the permitted guide, hunting for antelope, deer, or elk during these respective hunting seasons. A combined total of up to 79 days of antelope, deer and elk hunting days are expected to occur under this permit annually on BLM public land. Camping during the hunting period would also be authorized in any of the three existing campsites approved by BLM resource specialists, outside of Special Management Areas.

There would be less than three acres used for campsite staging and/or for recreational travel along roads, trails or in areas authorized in the land use plans. There will be no more than 14 consecutive nights of use for each guided trip, at any of the three approved campsite locations identified on the attached map. Camping for one or more 14 day periods is authorized during antelope, or deer, or and elk hunting seasons. BLM will photo document campsites before and after this permitted use annually, to ensure no resource damage occurs from this use, such as impacted campsite area, no cutting of live vegetation for firewood, etc.

Operation of motorized vehicles and All-Terrain Vehicles (ATVs) would be authorized only on existing routes on public lands in the Brothers/LaPine Planning area. Authorized routes would be highlighted on U.S. Geological Survey 7.5 minute quad maps provided to the permittee.

Motorized use would be limited to designated routes only on public lands in the Bear and Little Bear Creek areas, as identified on the attached Map 22 of the Decision Record for the 2005 Upper Deschutes Resource Management Plan/Environmental Impact Statement. BLM permit stipulations are attached as Appendix 1. These stipulations are part of the proposed action, and the permitted guide is required to follow them. The use of pack animals is not authorized.

B. Land Use Plan Conformance

Land Use Plan Name:

1. Brothers/LaPine Resource Management Plan (BLPRMP).

Date approved (ROD): July, 1989; the proposed action is in conformance with the 1989 Brothers/LaPine Resource Management Plan Record of Decision, July, 1989, page 45. This ROD states;

“Dispersed recreation activities such as driving for pleasure, hunting, off-road vehicle driving and hiking occur throughout the planning area...”

2. Upper Deschutes Resource Management Plan (UDRMP). Date approved (ROD) September, 2005.

The proposed action is in compliance with the UDRMP, Page 130, Objective R-4 and R-5 states;

“R-4; Provide identifiable non-motorized recreation opportunities to provide visitor satisfaction, protect natural resources, and minimize conflicts among public land visitors and adjacent private land owners”.

“R-5; Provide for projects, programs and permits that promote a diverse range of recreation opportunities. Provide for individual, group, and competitive event recreational use that could not be reasonably accommodated on private land”.

The proposed action is also in compliance with the UDRMP, page 109, Objective R-5; Allocation/Allowable Uses;

Special Recreation Permits (SRPs) are required for all commercial and competitive uses on BLM administered lands.

Guiding clients for big game hunting is consistent with these objectives for permitted guiding on public lands within this planning area. UDRMP Map 22 identifies the Bear and Little Bear Creek areas as limiting motorized use to designated routes year-round.

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., H. Recreation Management., (1) Issuance of special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5)

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. 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. The cultural, T&E plant and T&E animal specialists have indicated they expect no unacceptable impacts to resources, resulting from the Proposed Action.

D. Signature

I considered the Proposed Action and permit stipulations that will be included in the Special Recreation Permit and have concluded there is no potential for significant impacts, due to this type of use on public land. Commercial guide use would also be regulated by BLM permit stipulations that minimize effects to public land resources.

for Michelle McSwain

H. F. "Chip" Faver
Field Manager
Central Oregon Resource Area

6/20/11

Date

Contact Person

For additional information concerning this review, contact: Berry Phelps, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6723, bphelps@blm.gov.

Appendix 1

Commercial Guide Permit Stipulations

The following mitigating measures implemented through BLM commercial guide permit stipulations will reduce impacts to resources and other public land users;

- 1) All vehicle use, including All-terrain vehicle (ATVs) and motorcycle use is limited only to existing vehicle routes on public lands in the Brothers LaPine RMP area, as identified on U.S.G.S. 7.5 Minute Maps of public lands in this planning area.
- 2) For public lands within the 2005 Decision Record for the Upper Deschutes planning area, all motorized use is limited to Interim Designated Routes only on public lands in the Bear Creek and Little Bear Creek areas, as identified on RMP Map 22; Interim Guidance for Motorized Use on public lands for the Prineville Reservoir Recreation Area.
- 3) Motorized use is prohibited during public land fire closures. Fire pans are required when fires are permitted and burning trash is not permitted. Permitted guide is required to be informed and follow current fire regulations, bring their own firewood, or use dead, down firewood, when fires are allowed.
- 3) Collecting or damaging archaeological and historic resources is prohibited and subject to civil and /or criminal penalties.
- 4) Permittee and clients are to practice "Leave No Trace" use of public lands by; a) camping at least 600 feet (200 yards) away from any watering holes, springs, creeks or rivers, b) camping in locations previously disturbed, c) ensure proper disposal of human waste and e) pack out all trash. Permittee is also required to use existing established campsites approved by BLM, as identified on the attached map.
- 5) Permittee and permitte's guides will instruct clients regarding current hunting regulations, safe handling of firearms in the field, around camp and in vehicles, or on ATV's, and safe shooting practices for other hunting or public land user safety.
- 6) Permittee and permitte's guides are required to know where public/private land boundaries are located, including public/private land boundaries. Hunting guide client(s) are accompanied at all times during hunting activities. Permittee assures BLM that trespass by permittee or clients will not occur on adjacent private land. If hunting on private land occurs, permittee is required to have advance written permission to use private lands for commercial hunting purposes, submitted to BLM before this use occurs.

- 7) Hunting is prohibited within any district Wilderness Study Area, Wild & Scenic River Area of Critical Environmental Concern (ACEC), or Research Natural Area (RNA). BLM will provide a map to the permittee that identifies areas where hunting is prohibited on these public lands. The BLM Special Recreation Use Permit (SRUP) may be cancelled if the permittee or their guided clients hunt in any of these Special Management Areas.

Hunting is prohibited within the Deschutes, John Day, White and Crooked River Wild & Scenic River areas under this permit authorization. This permit is not valid for hunting bighorn sheep on permitted public lands.

- 8) Permittee, staff and clients are to leave gates as they find them, either open or closed, in respect to the local grazing permittees.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION			
The proposed categorical exclusion action will:		YES	NO
2.1	Have significant impacts on public health or safety.		X
<u>Rationale:</u> The permit stipulations provide for safety of the hunting guides and their clients, as well as other users of the public land by requiring hunting guides to accompany clients when they are hunting.			
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
<u>Rationale:</u> The permitted area would not contain any of the above listed special areas. Commercial hunting guide vehicle use would be restricted to existing, or designated vehicle routes, depending on the planning area. Areas having Wilderness Characteristics (WC) would not be affected by the proposed action because all motorized use would be limited to existing vehicle routes identified in current BLM Wilderness Characteristic inventories identified by BLM on USFS Quad maps given to the permittee by BLM. Public lands that may have WC would also be protected by the same vehicle use restriction as public lands found to have WC.			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].		X
<u>Rationale:</u> There are no such effects or conflicts associated with this activity.			
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<u>Rationale:</u> There are no such effects or risks associated with this activity.			
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<u>Rationale:</u> This action would not establish a precedent or decision. Re-authorization of this commercial hunting guide use is a very limited use of public land that has had no known environmental effects of continued authorization.			
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<u>Rationale:</u> This activity would not have a cumulative impact with significant environmental effects, due to the nature of this authorization that limits a small amount of hunting to areas outside of Special Management Areas. This authorization also limits motorized use to existing, or designated routes, depending on the BLM planning area. Motorized use is prohibited when public lands are closed to motorized use, due to fire closure. All these restrictions limit any potential for this use to have "significant environmental effects".			
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
<u>Rationale:</u> There are no known impacts that would result from this authorization.			

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
<u>Rationale:</u> This activity would not have such impacts related to T&E or their critical habitat. All motorized use is limited to existing routes identified on U.S.G.S Topographic Quad maps for public lands in the Brothers LaPine RMP planning area. All motorized use on public lands in the Bear and Little Bear Creek areas are within the BLM Upper Deschutes River Resource Management Plan/EIS and are limited to Interim designated routes identified in that plan. Camping is limited to existing locations designated by BLM that have been cleared by botanical and cultural specialists. All remaining use would be by cross-country foot travel.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<u>Rationale:</u> This activity would not violate any such law or requirements.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<u>Rationale:</u> This activity would not have adverse effects on low income or minority populations.		
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
<u>Rationale:</u> This activity does not limit such access or have such an adverse effects.		
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
<u>Rationale:</u> Stipulations associated with this activity addresses this concern by limiting all motorized use to existing routes identified on U.S.G.S Quad maps for public lands in the 1989 Brothers LaPine Planning area and designated routes identified on Map 22 of the 2005 Upper Deschutes Resource Management Planning area.		