Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office
NEPA Log #: DOI - BLM - OR – P040 - 2012- 0029 - CX
Project/Lease/Serial/Case File #: OROR-47552
Proposed Action Title: Withdrawal Extension of Public Land Order #6944
Location: Grant County, Oregon, within United States Forest Service land described as:

Willamette Meridian, Oregon

T. 8 S., R. 35½ E.,
sec. 34, SE¼SW¼NW¼NW¼, SW¼SE¼NW¼NW¼, W½SE¼SE¼NW¼NW¼, W½E½E½SW¼NW¼, W½E½SW¼NW¼, E½W½SW¼NW¼, W½E½NE¼NW¼SW¼, W½NE¼NW¼SW¼, and E½NW¼NW¼SW¼.

Total Acres: 43.75

Description of the Proposed Action:

The proposed action would extend the term of PLO No. 6944, for an additional 20-year period. PLO No. 6944 withdrew the land noted above from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, to protect the cultural and historical resource site. The withdrawal was specifically implemented to protect the historic and cultural values of the walls of stone created by Chinese miners in the late 1800s engaged in placer mining for gold. This withdrawal also protects the visitor area and interpretive signage along County Road No. 24, the Elkhorn Scenic Byway and on the hillside overlooking the site.

B. Land Use Plan Conformance

Land Use Plan Name: Land and Resource Management Plan for the Wallowa-Whitman National Forest. Date approved: 1990.

The proposed withdrawal extension is consistent with the Land and Resource Management Plan for the Wallowa-Whitman National Forest published in 1990, which states "Minerals – Goal – To provide for exploration, development, and production of a variety of minerals on the Forest in coordination with other resource objectives, environmental considerations and mining laws. . . . 7. Recommend areas with minerals potential for mineral withdrawal only when mitigation measures would not adequately protect other resource values which are of greater public benefit. 8. Conform with Section 204 of FLPMA in withdrawals from entry under general mining laws. Plan at Page 4.33. The proposed action is for the extension of a withdrawal of the specified public lands from mineral entry for the purpose of protecting the unique and important historic and cultural resource objectives for such lands. Such historic and cultural resource objectives

could not be adequately protected with mitigation measures limiting or otherwise restricting mining entry or operations on such lands. In addition, the proposed action does conform with Section 204 of FLPMA in withdrawals from entry under general mining laws.

Land Use Plan Name: John Day Resource Management Plan Date approved: August 1985.

The proposed withdrawal extension is also consistent with the John Day Resource Management Plan, which states "Mining Administration – Areas not specifically withdrawn from mineral entry will continue to be managed through 43 CFR 3809 regulations and the mining laws to help meet demand for minerals while preventing unnecessary or undue degradation of other resource values." Plan at p. 24. The proposed action is for the extension of a withdrawal of the specified public lands from mineral entry.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Department of Interior Manual, BLM Categorical Exclusions, 516 DM 11.9 Actions Eligible for a Categorical Exclusion (CX), Effective Date August 14, 2007, "E. Realty (1) Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use."

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.

D. Signature

I have considered this proposed withdrawal extension action and have found that it would have no significant effect either individually or cumulatively on the human environment.

Authorizing official: H.F. "Chip" Faver

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

Date: 3-6-12

Contact Person

For additional information concerning this review, contact Michael Kroll, Realty Specialist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6752, or email mkroll@blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The proposed action is not predicted to have any 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The proposed action is to extend a public lands withdrawal for the specific purpose of protecting the "Chinese Wall" cultural and historic site in Granite, Oregon. Except as so noted, the proposed action would not have an effect 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. The proposed action does not include any actions for Wilderness Study Areas or for lands being managed for wilderness character.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]		X
Rationale: The proposed action is for the extension of an existing withdrawal that has already been in effect for 20 years under PLO No. 6994. The proposed action would not have highly controversial effects or involve unresolved conflicts with available resources.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: There are no predicted effects on the human environment from this action that are considered to be highly uncertain or involve unique or unknown risks. The proposed action is simply for the extension of an existing withdrawal that has already been in effect for 20 years under PLO No. 6994.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: There is no evidence that this action will have potentially significant environmental effects. This management activity does not commit the United States Dept. of Interior to pursuing further actions, and would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Significant cumulative effects are not predicted to occur with respect to this proposal.		
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
Rationale: Based on the review by of the District's cultural/historic expert, the proposed action wound not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.		

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
Rationale: The proposed action is for the extension of an existing withdrawal that has already been in effect for 20 years under PLO No. 6994, and the proposed action is not expected to cause any physical changes to the public lands affected by the action. Based on the foregoing, the proposed action would not 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.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action is in accordance with the provisions of the Federal Land Policy and Management Act of 1976, as amended; and it is designed to conform with all Federal, State, local and tribal laws and requirements including those relating to the protection of the environment. Accordingly, this proposed action does not violate any Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The proposed action is for the extension of an existing withdrawal that has already been in effect for 20 years under PLO No. 6994, and the proposed action is not expected to cause any physical changes to the public lands affected by the action. The proposed action is not expected to have any noticeable effect on low income or minority populations. Accordingly, the proposed action will not have a disproportionately high and adverse effect 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
Rationale: The proposed action will continue an existing withdrawal for an additional 20 years (beyond the withdrawals expiring current 20 year term). The withdrawal of the noted public lands is for the limited purpose of protecting such lands from location and entry under the U.S.mining laws. Except as so noted, the proposed action does not make any changes to the access and use of Federal lands. Accordingly, the proposed action would not 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.		
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 proposed action is for the extension of an existing withdrawal that has already been in effect for 20 years under PLO No. 6994, and the proposed action is not expected to cause any physical changes to the public lands affected by the action. Accordingly, the project is not expected to 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).		