

## **RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX) DETERMINATION**

**CX Log # DOI-BLM-OR-V060-2015-27**

**CE Exemption category:** The following actions are designated as categorical exclusions pursuant to 516 DM 11.9.

- Placement and use of temporary (not to exceed one month)...water troughs, providing no new road construction is needed.

**BLM Office:** Vale District Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918  
**Phone #:** 541-473-3144

### **BACKGROUND**

Project Name: Ten Mile Allotment temporary livestock watering trough placement

Applicant: None

Location of Proposed Action: The project is located in the South Ten Mile pasture of the Ten Mile Allotment in southern Malheur County at T.41S.; R.43E.; Section 17.; SWNW.

**DESCRIPTION OF THE PROPOSED ACTION:** The proposed action is to place a livestock watering trough in the South Ten Mile Pasture of the Ten Mile Allotment. The trough location is along an existing road. The drought conditions have limited livestock watering sources which limit the effective dispersal of livestock throughout the pasture. Once the troughs are placed water will piped approximately 150 feet above ground to the trough. No road construction will be necessary nor will it be authorized for this project. Troughs will not be authorized beyond 30 days and will be removed from the site immediately after use.

### **PLAN CONFORMANCE**

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists (43 CFR 1610.5-3, 516 DM 11.9). Although it is not a NEPA requirement, the BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan (LUP). The BLM's planning regulations state that the term "conformity" or "conformance" means that "... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment" (43 CFR 1601.0-5(b)).

The proposed action is also in conformance with the management objectives of the Southeastern Oregon Resource Management Plan (SEORMP, Sept. 2002), *General Planning Criteria*, cited on page 9 of the RMP. The proposed action conforms to program-specific objectives of the SEORMP which are cited on page 38 where it states that, "Restore, protect, and enhance the diversity and distribution of desirable vegetation communities including perennial native and desirable introduced plant species." Additionally, on page 56 it states, "Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations."

**DOCUMENTATION OF CATEGORICAL EXCLUSIONS: EXTRAORDINARY CIRCUMSTANCES**

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, Appendix 2, and listed below apply.

Yes	No	Extraordinary Circumstances	Reviewer (Specialist and/or FM Initials in each box)	Date
	X	1. Have significant impacts on public health or safety.	BJ	5/27/15
	X	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.	BJ	5/27/15
	X	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	BJ	5/27/15
	X	4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	BJ	5/27/15
	X	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	BJ	5/27/15
	X	6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	BJ	5/27/15
	XX	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.	CB	4/21/15
	X	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.	MM (Wildlife) SF (Botany)	4/27/15 4/28/15
	X	9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.	BJ	5/27/15
	X	10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	BJ	5/27/15
	XX	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).	CB	4/21/15
	X	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).	LS	05/27/15

**DOCUMENTATION OF RECOMMENDED MITIGATION**

For any item(s) above checked "Yes", proposed mitigating measures for those items are listed below. If the CX extraordinary circumstances cannot be mitigated, the criteria required for a CX are not met and BLM must prepare an EA or EIS.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures	Reviewer	Date

**SUMMARY OF FINDINGS AND DETERMINATION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Departmental Manual Categorical Exclusions list, sections of which are cited and quoted above. The proposed action has also been reviewed in relation to the above listed 12 extraordinary circumstances in accordance with the Departmental Manual, and none of these circumstances apply.

**Decision Record**

Based on the enclosed Categorical Exclusion Documentation, CX, DOI-BLM-OR-V060-2015-27. I have determined that the proposed action to place a temporary watering trough for livestock watering purposes along an existing road involves no significant impacts to the human environment and requires no further environmental analysis. It is my decision to authorize this action as proposed. For additional information concerning this project, contact Project Lead, Bryce Jones, Vale District Office, 100 Oregon Street, Vale, Oregon 97918. Phone (541) 473-3144.

*[Signature]*  
 Prepared By: Title Date  
*RMS* *5/27/15*

*[Signature]*  
 Reviewed By: Title Date  
*P/EC* *5/29/15*

*[Signature]*  
 Authorizing Official Title Date  
*Field Manager* *5/27/2015*