

7/15/10

**Categorical Exclusion**  
Hack Canyon Walk-through Gate Construction  
DOI-BLM-AZ-A010-2010-0015-CX

**A. Background**

BLM Office: Arizona Strip Field Office  
Lease/Serial/Case File No.: n/a

Proposed Action Title/Type:  
**Hack Canyon Walk-through Gate Construction**

Location of Proposed Action: T37N R04W Section 32 SWNE  
The location is the Hack Canyon trailhead which is the main access to the BLM's portion of the Kanab Creek Wilderness.

Description of Proposed Action:  
The proposed action is to add a swinging metal gate to accommodate hikers, backpackers, and equestrians and to prevent unauthorized motorized and mechanized vehicle access (mainly 4 wheelers and ATVs) into the Kanab Creek Wilderness.

The existing wire gate can be unlatched allowing an 8 to 10 foot section of the fence to open giving access to hikers, equestrian-use, and vehicles. The proposed action would reinforce this gate and add a lock to limit the vehicle access to the rancher. Then a metal, 4-ft wide swinging gate would be added allowing easy hiker and equestrian-access while limiting vehicle incursions.

The following mitigations would be incorporated into the proposed action:

- If California condors are encountered while work is underway the on-site supervisor must notify the BLM wildlife team lead at (435) 688-3239. Project activities will be modified or delayed if those activities have adverse effects on condors.
- Project personnel must take care to properly dispose of all waste, including micro-trash. Micro-trash includes small and easily ingestible materials such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic bits, lead bullets, and bullet casings, even food materials. The accidental ingestion of micro-trash is a leading threat to the continued existence of the California condor. Additionally, old food materials can attract unwanted predators and scavengers such as coyotes to the site.
- An active peregrine falcon nest is located nearby. In order to avoid disturbing the nest, no construction activities would occur from March 15 to August 15.

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 Attachment 1: *Extraordinary Circumstances Review and Checklist*.

**D: Signature**

Authorizing Official: Lorraine M Christian Date 7/15/10  
(Signature)

Name: Lorraine M. Christian

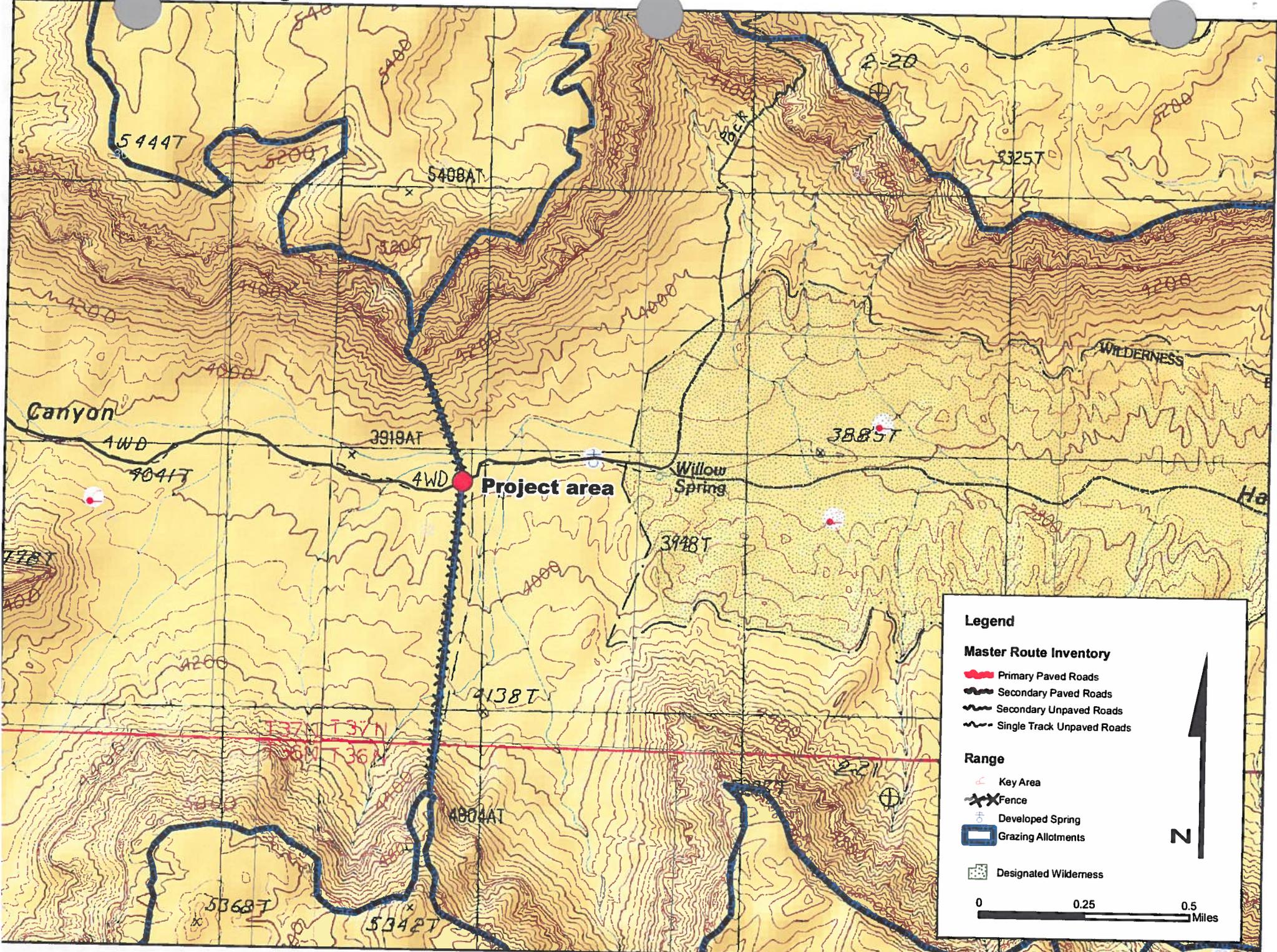
Title: Field Manager, Arizona Strip Field Office

**Contact Person**

For additional information concerning this CX review, contact:

Jon Jasper  
Outdoor Recreation Planner  
Arizona Strip Field Office  
jonathan\_jasper@blm.gov  
435-688-3264 office

# Hack Canyon Walk-through Gate



**Legend**

**Master Route Inventory**

- Primary Paved Roads
- Secondary Paved Roads
- Secondary Unpaved Roads
- Single Track Unpaved Roads

**Range**

- Key Area
- Fence
- Developed Spring
- Grazing Allotments
- Designated Wilderness

0 0.25 0.5 Miles

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

**1. NOTICE OF APPEAL**..... A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE NOTICE OF APPEAL**..... U.S. Dept. of the Interior  
Bureau of Land Management  
4100 E. Winnemucca, Blvd.  
Winnemucca, NV 89445      And      U.S. Dept. of the Interior  
Office of Hearings & Appeals  
Interior Board of Land Appeals  
801 N. Quincy St., MS 300-QC  
Arlington, VA 22203

**WITH COPY TO SOLICITOR**..... U.S. Dept. of the Interior  
Office of the Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-2753  
Sacramento, CA 95825-1890

**3. STATEMENT OF REASONS** Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

**WITH COPY TO**..... U.S. Dept. of the Interior  
Office of the Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-2753  
Sacramento, CA 95825-1890      And      U.S. Dept. of the Interior  
Bureau of Land Management  
4100 E. Winnemucca, Blvd.  
Winnemucca, NV 89445

**4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

**5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

**6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

**DECISION MEMORANDUM**  
**Hack Canyon Walk-through Gate Construction**  
**DOI-BLM-AZ-A010-2010-00015-CX**

U.S. Department of the Interior  
Bureau of Land Management  
Arizona Strip Field Office

**Approval and Decision**

Based on a review of the project described in the attached Categorical Exclusion documentation (DOI-BLM-AZ-A010-2010-00015-CX) and Arizona Strip District staff recommendations, I have determined that the proposed action is in conformance with the Arizona Strip Field Office Resource Management Plan and is categorically excluded from further environmental analysis. My decision is to approve the proposed action.

**Administrative Review or Appeal Opportunities**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Lorraine M. Christian 7/15/10  
Lorraine M. Christian - Field Manager, Arizona Strip Field Office Date

**Contact Person:**

Jon Jasper  
Outdoor Recreation Planner  
Arizona Strip Field Office  
(435) 688-3246 office  
jonathan\_jasper@blm.gov

Attachment: Form 1842-1