

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 PALM SPRINGS-SOUTH COAST FIELD OFFICE

**CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD**

**CX Number:** CA-660-05-22

**Name of Proposed Action:** Ostracod Research in Whitewater Canyon

**Legal Description:** T.2 S., R. 3.E., Sec. 27

**Land Use Plan conformance:** In compliance with 43CFR1610.5-3 and BLM MS1617.3, the proposed action is in conformance with the *California Desert Conservation Area Plan (1980 as amended)*.

**Description of Proposed Action:** See attached Study Proposal.

**Categorical Exclusion Reference:** 516 DM 2, Appendix 1- 1.6, “Non-destructive data collection, inventory, study, research, and monitoring.”

**Screening for Exceptions:** The following exceptions apply to individual actions within categorical exclusions (516 DM, Appendix 2). The preparer and/or indicated specialist must verify that the Proposed Action does not:

2.1	Have significant adverse effects of public health or safety?	No
2.2	Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farm lands, wet lands, flood plains, or ecologically significant or critical areas, including those listed on the Department’s National Register of National Landmarks?	No
2.3	Have highly controversial environmental effects?	No
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No
2.5	Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects?	No
2.6	Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?	No
2.7	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	No
2.8	Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?	No
2.9	Require compliance with Executive Order 11988 (Floodplain Management), Executive	No

	Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	
2.10	Threaten to violate a Federal, State, or local or tribal law or requirement imposed for the protection of the environment?	No

**Prepared by:** Elena Misquez, Associate Field Manager

**Reviewed by:** \_\_\_\_\_  
Environmental Coordinator

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**DECISION:** It is my decision to approve the proposed action as described in Categorical Exclusion (CX) number CA-660-05-22. I find this action conforms with 516 Departmental Manual (DM) 2 and DM 6 with no exceptions. I further find this action in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. Conditions of approval, if attached, are incorporated by reference as the decision of the Bureau of Land Management regarding this action. A copy of this Decision Record and attendant conditions of approval shall be in the possession of the on-site operator during all undertakings approved herein.

**APPEALS:**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258, 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 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, 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 appropriate Office of the Solicitor (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.

Standards for Obtaining a Stay

Except as otherwise 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.

An appeal from this decision may be taken to the State Director, California State Office, Bureau of Land Management in accordance with the provisions at Title 43 Code of Federal Regulations 3160. If an appeal is taken, the notice of appeal must be filed with the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258 within thirty (30) days from receipt of this decision. Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director by the Field Office. The appeal to the State Director must contain: (1) the name and mailing address of the appellant; (2) where applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Part 3833 of this title which are subject to appeal; and (3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department as it affects the mining claim(s). No appeal, protest or petition for reconsideration will be entertained from this decision after the appeal period has expired.

**APPROVED BY:**

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Field Manager  
Palm Springs-South Coast Field Office  
Bureau of Land Management  
U.S. Department of the Interior  
690 W. Garnet Avenue; P.O. Box 581260  
North Palm Springs, CA 92258-1260

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Date