

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-LLCON02000-2013-004-CX

CASEFILE/PROJECT NUMBER: Brands Section 4 Fence - #05013743

PROJECT NAME: Brands Section 4 Fence Modification For Wildlife

LEGAL DESCRIPTION: T. 9 N., R. 81 W.; Sections 4 and 5; 6th P.M., Jackson County, Colorado

APPLICANT: Bureau of Land Management, Kremmling FO

DESCRIPTION OF PROPOSED ACTION: The Bureau of Land Management, Kremmling FO proposes to replace the existing Brands Section 4 Fence with a more wildlife friendly, up to date fence. The existing fence is composed of old woven wire and posts that are no longer effective in holding cattle within the two adjacent allotments (see pictures below).

The rebuilt fence would conform to BLM configurations that accommodate big game passage (BLM Manual Handbook H-1741-1), with a top wire no higher than 40 inches and wire spacing from the ground at 16", 6", 6", and 12". Also, the top wire will be vinyl coated to allow enhanced visibility. The old fence material would be removed and hauled away from the site.

The purpose of replacing this fence is to enhance wildlife passage and keep cattle within their respective permitted allotments.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: : December 19, 1984; Updated February 1999

Decision Number/Page: II-5 Page 8

Decision Language: *"To manage public land habitat to support optimum wildlife population levels as determined by the Colorado Division of Wildlife's Strategic Plan."*

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, A1: *“Modification of existing fences to provide improved wildlife ingress and egress”*.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts 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.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) 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.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 11/19/2012. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns	1/09/2013
Megan McGuire	Wildlife Biologist	Special Status Wildlife and Plant Species	01/07/2013
Zach Hughes	Natural Resource Specialist	Invasive Species	01/11/2013

REMARKS:

Cultural Resources: A Class I and Class III cultural resource inventory CR-13-11 was conducted for the fence construction and maintenance now and into the future. The project is a **no effect**; there are **no historic properties** that would be affected.

Native American Religious Concerns: Tribal consultation was initiated on August 21, 2012, and to date no tribe has identified any area of traditional cultural or spiritual concern.

Special Status Plant and Wildlife Species: Special Status Species would not be impacted by the proposed project.

COMPLIANCE PLAN: On-going compliance inspections and monitoring would be conducted by the BLM Kremmling Field Office staff during and after construction. The operator would be notified of compliance related issues in writing, and depending on the nature of the issue(s), would be provided 30 days to resolve such issues.

NAME OF PREPARER: Neilie Goodwin

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, A1. 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 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel
Associate Field Manager

DATE SIGNED: 1/22/13

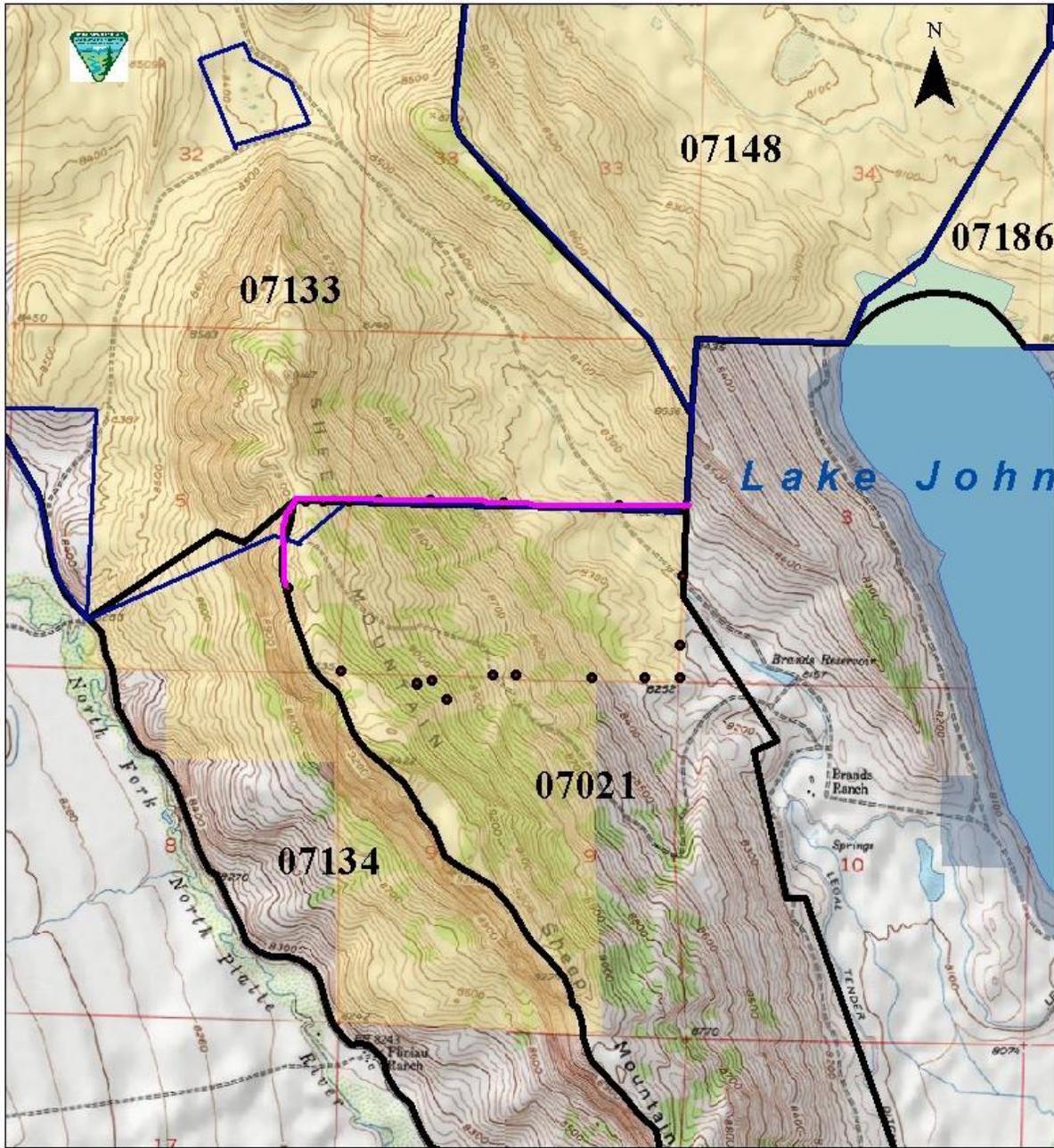
ATTACHMENTS:



Existing Fence as it runs downhill into aspen stand.



Existing Fence on top of hill on the northwest corner of the Brands allotment 7021.



Red box shows map location.



 **fence modification**

1:24,000

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data. Last edited by cll.

BLM, Kremmling FO 2010

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DECISION RECORD

PROJECT NAME: Brands Section 4 Fence Modification For Wildlife

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-LLCON02000-2013-003-CX

DECISION

It is my decision to implement the Proposed Action in DOI-BLM-LLCON02000-2013-003 CX, authorizing the re-construction, operation, and maintenance of Brands Section 4 Fence Modification for Wildlife.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

PUBLIC INVOLVEMENT: the Brands Section 4 Fence Modification for Wildlife project was listed in the Kremmling Field Office NEPA register on 12/10/2012.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, A1. 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 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs

