

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO54-2012-0039 CX**

October 2012

Model Airplane Club Buckwheat Research

Location: Gunnison Gorge National Conservation Area

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S054-2012-0039 CX

PROJECT NAME: Model Airplane Club Buckwheat Research

PLANNING UNIT: Gunnison Gorge NCA

LEGAL DESCRIPTION: T51N R9W Section 30

APPLICANT: US Fish and Wildlife Service

DESCRIPTION OF PROPOSED ACTION: The proposed action is to conduct research studying the effects of livestock use on clay-loving wild buckwheat.

Three livestock enclosures would be constructed to study the effects of livestock use to clay-loving wild buckwheat (*Eriogonum pelinophilum*). The three enclosures would span both Bureau of Land Management (BLM) lands and Montrose Model Airplane Association lands. The Montrose Model Airplane Association (MMAA) lands are part of a conservation easement held by the Black Canyon Land Trust. The three enclosures would be roughly 3.6, 5.4, and 4.7 acres, totaling 13.7 acres. They would include the majority of the clay-loving wild buckwheat plants in the area, except for two large sites just south of the central enclosure (see the attached map). Paired plots inside and outside the enclosure would be installed by BLM. These plots would be measured annually to study the effects of livestock use on the species. Measurements would include abundance and size class, and would include measures of plant community attributes such as nonnative invasive plant species. The results of this research would provide managers with the necessary information to better conserve and recover clay-loving wild buckwheat and its habitat.

Livestock enclosures would be constructed out of woven wire to prevent sheep from entering the enclosures and biasing research results. The enclosures would be designed to the following specifications to minimize impacts to native ungulates and clay-loving wild buckwheat:

- 1) A 32" tall woven wire fence would be installed flush with the ground.
- 2) Two barbed wires (12.5 gauge American made) would be installed above the woven wire fence. Spacing of the barbed wire would be 5" and not exceed 42" above the ground.
- 3) Wooden H-braces would be used at the corners and be constructed of posts that meet or exceed 7" diameter.
- 4) Wooden posts would be secured in the ground with tamped road base.

The enclosures would be maintained by the Montrose Model Airplane Association and the Bureau of Land Management, dependent on whose land the repairs occur.

Three competitive bids would be solicited to maximize the budget. The Colorado Natural Areas Program has \$10,000 for the project and the U.S. Fish and Wildlife Service through the Partners for Fish and Wildlife Program and the Western Colorado Ecological Services Office would cover the remaining costs, up to an additional \$10,000. Compliance with the Endangered Species Act has been completed by the Service.

The MMAA supports a population of clay-loving wild buckwheat. Clay-loving wild buckwheat populations at the northern end of the species range are less dense, in different habitats, and have fewer protections than those to the south. This project would provide protections as well as information on livestock impacts to these unique populations in the north. The livestock enclosure would permanently protect occupied habitat by removing threats by livestock and OHV activity, as well as provide a location to study grazing effects. In addition, protection of this property contributes to the recovery plan objectives of securing a sufficient number of healthy populations of the buckwheat in its natural habitat (USFWS, 1988).

DESIGN FEATURES: The following conservation measures are incorporated into the Proposed Action to ensure that the action would further the recovery of clay-loving wild buckwheat.

1. **Avoidance.** Work crews would take measures to avoid ground disturbance within 3 feet of any clay-loving wild buckwheat plant and no posts would be installed within 3 feet of any plant. Crew would access fencing locations through pre-existing roads, or take appropriate measures to minimize ground disturbance in un-occupied habitat. Off-highway vehicle use would be restricted to designated areas around or through occupied habitat (see Figure 1 below). These designated areas would be flagged by a qualified compliance biologist and all plants within 3 meters would be flagged.
2. **Employee Education.** A worker education and awareness program for clay-loving wild buckwheat would be developed and presented by the U.S. Fish and Wildlife Service to all personnel who work on the project. No personnel would be allowed to work on the project until they have completed this orientation. The program would include: (1) Information on the legal and biological status of clay-loving wild buckwheat, (2) what habitats are important to the species, (3) where occurrences are located on the project area, (4) awareness of mandatory conservation measures, (5) information on fines and penalties for damaging or directly impacting clay-loving wild buckwheat, and (6) reporting procedures should any violation occur. If any clay-loving wild buckwheat plants are directly impacted by project activities, construction would be halted immediately and consultation with the Service would be re-initiated.
3. **Biological Monitoring.** The U.S. Fish and Wildlife Service would be on call and present for certain construction activities with the greatest likelihood for impacting adjacent clay-loving wild buckwheat. These activities include the following: (1) Initial fence post location flagging, and (2) fence installation. It is the responsibility of the construction manager to maintain and communicate a construction schedule with the biologist to ensure that monitoring activities are planned for and carried out. Prior to fence construction, a qualified compliance biologist must survey and pin flag all clay-loving wild buckwheat plants along

the fencing route and all fencing activities must be monitored by the compliance biologist. Crews would be required to work in dry conditions and to avoid any direct impacts to clay-loving wild buckwheat plants.

4. **Protection of Existing Rights.** To protect the Uncompahgre Valley Water Users Association's (UVWUA) Selig Canal and operation and maintenance access road, caution would be taken to ensure no damage to the facilities, or disruption of use or maintenance occurs. A ten-foot buffer area would be provided between the fence and both sides of the canal and the operation and maintenance road to allow the UVWUA sufficient room to stack spoils when performing maintenance on the canal. If damage occurs to the UVWUA's access road through construction or monitoring of the livestock enclosure projects, repairs would be made by the party responsible for the damage.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Gunnison Gorge National Conservation Area RMP

Date Approved: November 2004

Decision Number/Page: SSS-C-17 pg. 2-21

Decision Language: **SSS-C-17** BLM will take special management actions to promote and protect special status species. Special status species include listed species, proposed species, candidate species, state listed species and sensitive species. Actions could include, but will not be limited to modification of existing uses or practices to eliminate or mitigate the negative impact, or closing areas to certain types of use.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number J.9, which allows "Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	_X_
2. Have adverse effects 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_
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available		

- resources. _____ X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. _____ X
 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. _____ X
 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects. _____ X
 7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places. _____ X
 8. 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
 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
 10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
 11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ 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. _____ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Glade Hadden	Archaeologist	Cultural Resources
Alan Kraus	Hazmat Coordinator	Solid and Hazardous Wastes
Linda Reed	Realty Specialist	Lands and Realty
Ken Holsinger	T & E Biologist	Threatened and Endangered Species

REMARKS:

Cultural Resources: The project area has been previously inventoried (BLM 2002-057, Hadden 2008) with negative results. No National Register or otherwise eligible properties will be affected by this project.

Native American Religious Concerns: There are none known or anticipated within the project area.

Threatened and Endangered Species: Because the project involves fencing the federally endangered Clay-loving Wild Buckwheat the US Fish and Wildlife Service conducted an Intra-Service Section 7 Biological Evaluation.

The Service included all areas along and inside the fence as part of the project disturbance, because there likely will be effects, although likely beneficial, inside the fence. However, this causes the analysis to look as if the habitat is being highly disturbed, which is not the case. There will be effects to clay-loving wild buckwheat habitat from this fencing effort; off-road vehicles will be driven along the fence line and will disturb the habitat. However, this disturbance will be minimal, short-lived, and conducted in a way that will minimize effects to the species. In addition, we expect that the project will constitute a net benefit to the species by eliminating off-road vehicle and livestock effects. Therefore, we have determined that the proposed project may affect, but is not likely to adversely affect clay-loving wild buckwheat.

NAME OF PREPARER: Ken Holsinger

NAME OF ENVIRONMENTAL COORDINATOR: Bruce Krickbaum

DATE: 10/09/2012

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, J.9, which allows “Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.” 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.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow
Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 10/16/2012

ATTACHMENTS:

1. Figure 1. Project Vicinity Map
2. Figure 2. Project area map (Access to the fence enclosures)

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Decision Record

(DOI-BLM-CO-S054-2012-0039 CX)

PROJECT NAME: Model Airplane Club Buckwheat Research

DECISION: It is my decision to conduct research studying the effects of livestock use on Clay-Loving Wild Buckwheat.

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RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, J.9. 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.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Gunnison Gorge National Conservation Area RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Ken Holsinger

NAME OF ENVIRONMENTAL COORDINATOR: Bruce Krickbaum

DATE 10/09/2012

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 10/16/2012

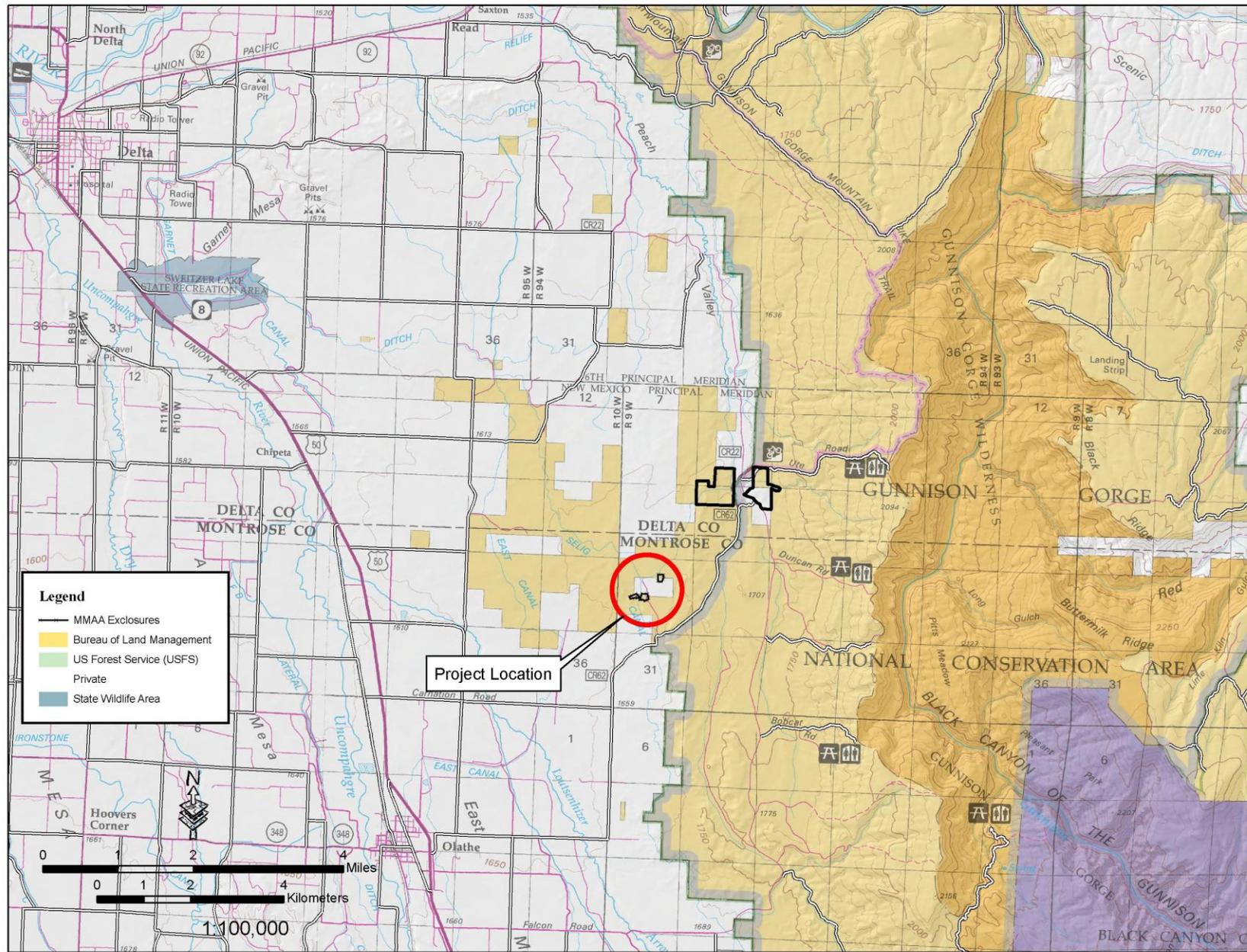


Figure 1. Project Vicinity Map

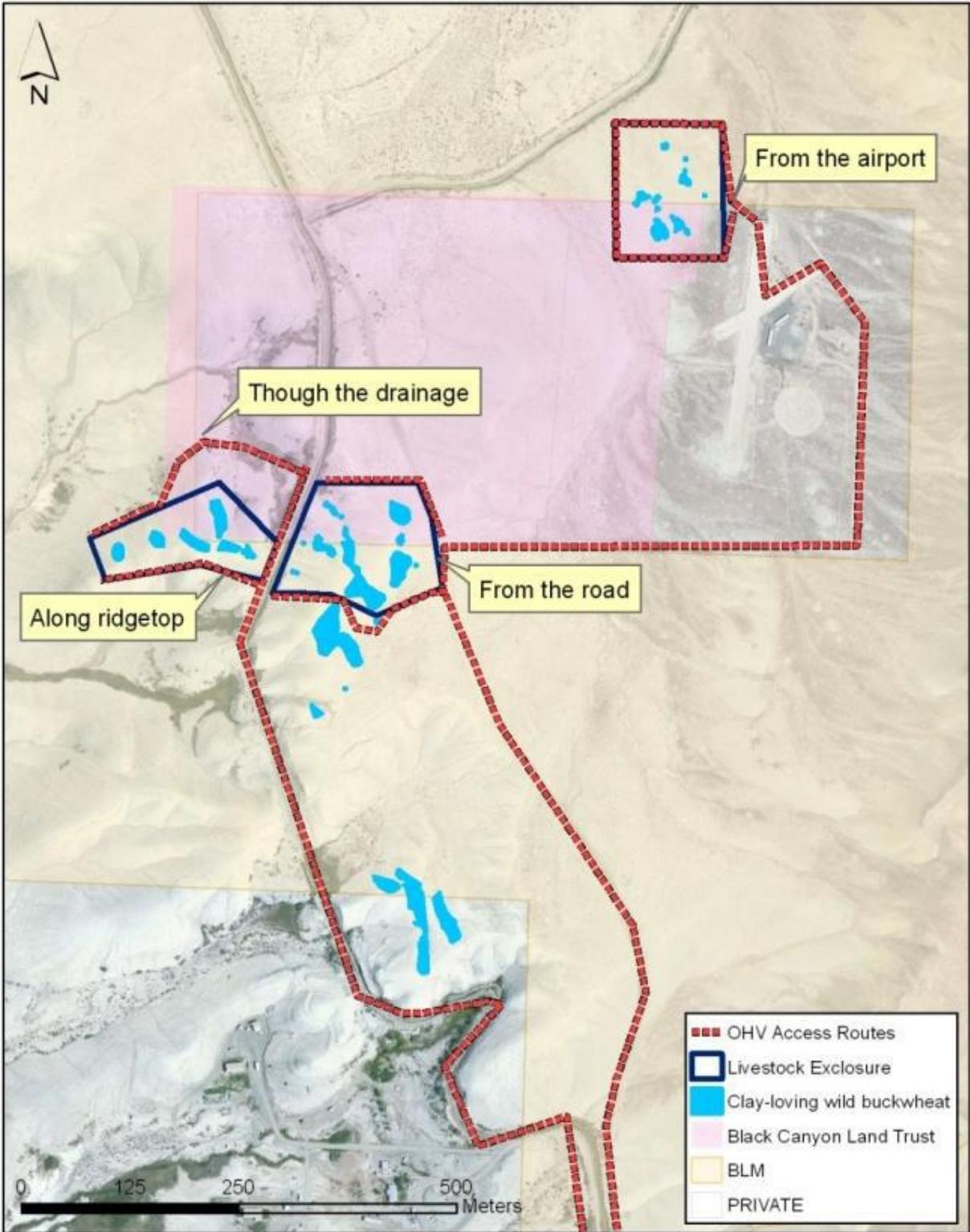


Figure 2. Access to the fence exclosures