

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
IDAHO FALLS DISTRICT  
SALMON FIELD OFFICE  
Categorical Exclusion**

**NEPA (CX) NUMBER:** DOI-BLM-ID-I040-2013-0001-CX

**PROJECT NAME:** Breazeale Springs Enclosures

**APPLICANT:** Carl Taylor of Howard Taylor & Sons, Inc.

**Preparer:** Wendy Jo Hoffman

**PROPOSED ACTION:**

The proposed action is to construct 2 enclosure fences around 2 willow complexes to prevent livestock from accessing the spring sites. Breazeale Springs is located in the Cottonwood Allotment (06311) in the Jump Creek Pasture. The allotment is located 28 miles south of Leadore, Idaho. The legal description for enclosure sites are T. 12 N., R. 28 E. and Sec. 12 (upper), and Sec. 13 (lower). The upper site is a willow complex with running water and would exclude 9.8 acres with 3556 feet of jack and pole fence; and the lower site is a willow complex with running water and would exclude 3.5 acres with 1530 feet of jack and pole fence. Both enclosure fences would include wildlife crossing panels and let-down poles for easy access for large ungulates along known wildlife trails. (See attached map, Figure 1).

**CONSULTATION and COORDINATION:**

A summary description of the proposed project was made available to the public on the Idaho BLM's ePlanning website in November, 2012 and the public was given the opportunity to provide comments or consult on the action. In addition, the project was discussed with the following individuals:

- Carl Taylor, grazing permittee/lessee
- Jim DeMordaunt, base property owner
- Mark Olson, NRCS, Salmon Office
- Beth Waterbury, IDFG, Salmon Office
- Curtis Hendricks, IDFG, Upper Snake Region Office

**FINDING:**

I have considered the environmental effects of the proposed action and find that it is eligible for a categorical exclusion as outlined in Departmental Manual 516 DM 11.9, J.(9) which states, "*Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.*" This action does not qualify as an exception under 516 DM 2, Appendix 2 (Attachment A). This proposed action is in conformance with the Final Lemhi Resource Management Plan and EIS (pg. 30, 1987), as amended.

**DECISION and RATIONALE FOR THE DECISION:**

It is my decision to implement the proposed action as described above by constructing two jack and pole fence enclosures to exclude livestock from Breazeale Spring which consists of two willow complexes on the Cottonwood Allotment, in the Jump Creek Pasture, all within the Birch Creek Valley, at the far southern reaches of Lemhi County. The purpose of these two enclosures

is to exclude livestock from the sites which will provide protection for willow regeneration, preserve water quality and spring bank stability which would prevent bare ground, hummocking, willow degradation and browse, and erosion.

**LAND USE PLAN CONFORMANCE STATEMENT:**

I have determined that the proposed action is in conformance with the existing Lemhi Resource Management Plan dated April 1987, as amended in 2001. Specifically as noted in the Lemhi RMP, Appendix B, page B-4, Structural Improvements, stating “New fences would provide exterior allotment boundaries, divide allotments into pastures, and protect sites having other values from livestock disturbance.”

**RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Linda R. Price, Field Manager, 1206 South Challis Street, Salmon, Idaho 83467, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must also serve a copy of the appeal by certified mail on the U.S. Department of the Interior, Boise Field Solicitor’s Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706 and person(s) named [43 CFR 4.421 (h)] in the Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

/s/ Wendy Hoffman                      04/01/2013  
Preparer signature and Date

/s/ A. Scott Feldhausen              04/01/2013  
NEPA Reviewer signature and Date

/s/ Linda R. Price                      04/02/2013  
Field Manager signature and Date

## Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion (CX) # DOI-BLM-ID-I040-2013-0001-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

### DM # Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).

Figure 1. Map of Breazeale Springs project area

