

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Sugar Loaf Exclosure

NEPA Number DOI-BLM-AZ-C010-2013-0024-CX

A. Background

BLM Office: Kingman Field Office Lease/Serial/Case File No.:

Proposed Action Title/Type: Sugar Loaf Exclosure

Location of Proposed Action: Township 23 North, Range 19 West, Section 14.

The Sugar Loaf exclosure was originally built in 1984 as a temporary exclosure to facilitate erosion control measures. The exclosure includes a portion of the Detrital Wash headwaters where significant head cuts were developing. In order to stop the head cuts, the BLM fenced the area, seeded portions, and installed gabions to trap sediment. However the control measures didn't work in part because a road passes through the exclosure and the gates of the exclosure have been constantly left open. This has allowed livestock to access the seeding areas and has prevented the seeded plants from becoming established and stabilizing the soil.

Description of Proposed Action: Remove the southwest side of the existing exclosure and reconstruct it on the north side of the existing road. This would become a permanent exclosure to use as reference area to monitor the plant community and hydrological response to the removal livestock grazing and other public land uses. T-posts would be 16-25 ft. apart with 2-4 stays in between. Fence would be 42 inches tall and have 3 strands of barbed wire with a bottom smooth wire. Wires would be 16, 23, 30, and 42 inches off the ground respectively which would conform to BLM fence guidelines for excluding livestock and facilitating wildlife movement.

The fence would be constructed alongside an existing road and little or no vegetation would have to be cleared to install the fence. Some off road UTV travel may be necessary to remove the existing fence. Drivers would be instructed to avoid vegetation when possible and no blading would be allowed. The exclosure is located in desert grass land with small shrubs intermingled. Workers would be advised to avoid any wildlife burrows during off road travel. Workers would also be required to rake out their tracks 100 feet off the road. Workers would be allowed to operate vehicles off road along the existing fence to remove or maintain portions of the fence but only within the existing exclosure fence.

Sugar Loaf Exclosure

DOI-BLM-AZ-C010-2013-0024-CX

Map 1. Location of Existing and Proposed Exclosures.



B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

- GM-41/I Increase forage production and ensure long-term stability of public lands livestock operators (RMP page 461).
- GM-46/V Integrated habitat monitoring would be initiated to determine forage allocations necessary to support a thriving natural ecological balance among all ungulates. Available forage would be allocated for each species (RMP page 563).

C. Compliance with NEPA:

1. The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, [**CX. J. *Other 7. 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 (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the proposed action and determined that implementation of the proposed action would not harm any significant resources. The site was inventoried for archeological resources and no resources would be impacted by the implementation of this proposed action. Vegetative resources would be protected and few if any would be harmed by the proposed action.

D. Signature

Authorizing Official: /s/ Ruben A. Sánchez Date: 07/23/2013
(Signature)

Name:

Title:

Contact Person

For additional information concerning this CX review, contact:

Ammon Wilhelm
Wildlife Biologist
Kingman Field Office
928-718-3758

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No
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.	No – the enclosure was surveyed for cultural artifacts when it was first built. The current Archaeologist reviewed the past survey data and the project proposal and determined that there would be no impact to any cultural resources.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].	No.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
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.	No – the enclosure was surveyed for cultural artifacts when it was first built. The current Archaeologist reviewed the past survey data and the project proposal and determined that there would be no impact to any cultural resources.
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.	No – there are no threatened or endangered species that occur within the project area. The north west corner of the existing enclosure just enters category three tortoise habitat, however based on a field visit no sign of actual tortoise habitat or occupancy were observed. No impact to tortoise is expected.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
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).	No
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or	No

Sugar Loaf Enclosure

actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	
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Attachment 2 Review and Decision

Compliance and assignment of responsibility: Range Program

Monitoring and assignment of responsibility: Range Program

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: /s/ Ammon Wilhelm **Date:** 07/23/2013
Ammon Wilhelm Wildlife Biologist

Reviewed by: /s/ Ramone B. McCoy **Date:** 07/23/2013
NEPA Coordinator

Reviewed by: /s/ Don McClure **Date:** 07/23/2013
Don McClure
Supervisor

DECISION MEMORANDUM

Sugar Loaf Exclosure Reconstruction

DOI-BLM-AZ-C010-2013-0024-CX

U.S. Department of the Interior

Bureau of Land Management

Kingman Field Office, Kingman AZ.]

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Kingman Resource Management Plan (approved March 7, 1995 and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

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 made, your notice of appeal must be filed at the Kingman Field Office of the BLM located at 2755 Mission Blvd., Kingman AZ, 86401, within 30 days from receipt of this decision. The appellant has the burden of showing how they are harmed and how 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 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.

/s/ Ruben A. Sánchez
Ruben Sanchez, Field Manager

07/23/2013
Date

Attachment: Form 1842-1

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 who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to 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..... BUREAU OF LAND MANAGEMENT, LAKE HAVASU FIELD OFFICE, 2610 SWEETWATER AVE, LAKE HAVASU, AZ 86406

WITH COPY TO..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

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..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

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).

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 2801.10 or 43 CFR 2881.10). 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 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401 (a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.