

APPENDIX A

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
POCATELLO FIELD OFFICE
Categorical Exclusion
Forage Production Enclosures on the Curlew Allotment
DOI- BLM-ID-I020-2014-0032-CX

Applicant: Michael Kuyper, Supervisory Natural Resource Specialist

Project/Serial No.: NA

Project Lead: Michael Kuyper, Supervisory Natural Resource Specialist

Proposed Action: Small enclosures would be constructed to study forage production on the Curlew Allotment (#16001) in Oneida & Cassia Counties, Idaho (Appendix B). Up to six enclosures would be constructed within each pasture of the Curlew allotment to measure herbaceous forage production of grasses & forbs. Enclosures would be approximately 100 feet by 30 feet, constructed to BLM wildlife-friendly specifications using 4-strand barbed-wire fence, spaced from ground up at 16", 6", 6-8" and 12" (40-42" total above ground). Corners would be constructed using steel posts and/or EZ panels; Tee posts would be spaced 8 feet apart with sage-grouse markers (flags) placed on the top strand of barbed wire, two markers between each pair of tee posts, to deter sage-grouse collisions with the enclosure fence.

Consultation and Coordination: The twenty-two permittees who hold grazing permits on the Curlew Allotment were consulted in meetings between April 3 and 25, 2014.

Land Use Plan Conformance Statement:

Land Use Plan Name: Record of Decision and Approved Pocatello Resource Management Plan
Date Approved/Amended: April 2012

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Livestock Grazing (LG): Goal LG-1. Provide forage for livestock grazing consistent with other resources/uses as part of an ecologically healthy system consistent with multiple use and sustained yield.

Determining forage production and livestock carrying capacity is part of an ecologically healthy system consistent with multiple use and sustained yield on the Curlew Allotment.

Finding or Recommendation:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, **Actions Eligible for a Categorical Exclusion (CX), J. Other (9)** Construction of small protective enclosures, including those to protect reservoirs and springs, and those to protect small study areas; and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

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W. Eric Limbach 4-29-2014

Preparer: W. Eric Limbach signature and date

Blair Neum 5/1/2014

NEPA Reviewer signature and date

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Decision and Rationale for the Decision:

I considered that enclosure fences may impede access for some species of wildlife; therefore fences will be built according to wildlife friendly specifications as described in BLM's Handbook on Fencing No. 1741-1. I also considered that enclosures may impede or impact sage-grouse, therefore the top wires on enclosure fences will be flagged to deter sage-grouse collisions, distances between enclosures within pastures will be greater than ¼ mile, and each enclosure will be small in area (3000 ft²; ~0.07 acres) compared to the Curlew allotment (about 136,000 acres). Therefore potential impacts of construction and location of the forage production enclosures will have none to slight effects on sage-grouse and the human environment.


(Acting) Field Manager signature and date 5/11/2014

Appeals Information:

See Appendix C – FORM 1842-1 for Appeals Information.

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Extraordinary Circumstances Requiring Preparation of an EA or EIS

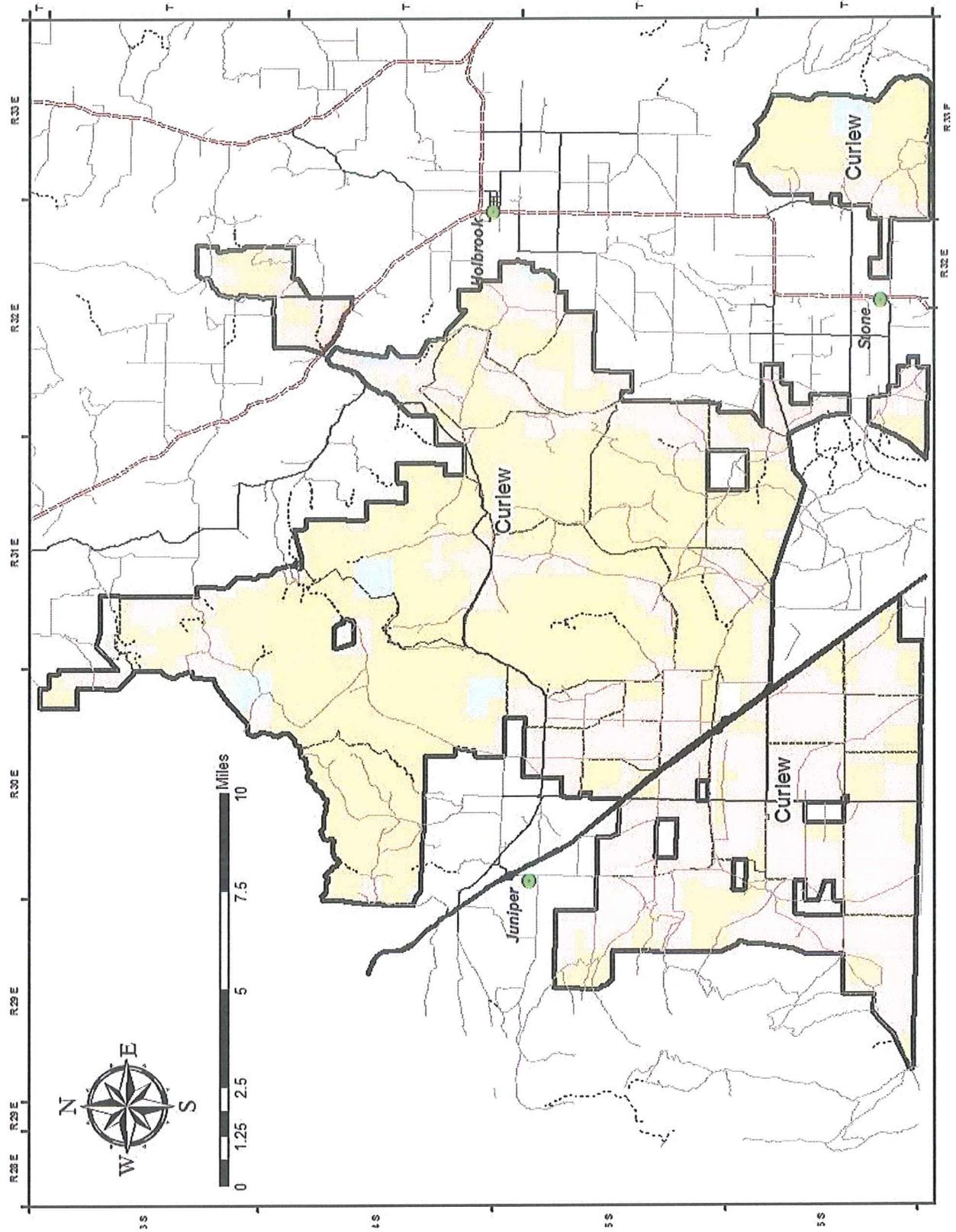
The action described in categorical exclusion DOI-BLM-I020-2014-0032-CX has been reviewed to determine if any of the following extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215). A rationale for why the circumstance does not apply is included below:

Extraordinary Circumstance	
1.	Have significant impacts on public health or safety <i>The proposed action would have no significant impacts on health or safety of the public.</i>
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. <i>No wilderness, wilderness study areas, or wild and scenic rivers are present near the project area. This project is not located within an Area of Critical Environmental Concern (ACEC) or Research Natural Area (RNA). No known historic or cultural resources are located within the project area. The proposed action would not impact recreation in the project area.</i>
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.</i>
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>There would be no uncertain or potentially significant environmental effects or involve unique or unknown environmental risks. Fences would be built to BLM wildlife-friendly specifications and markers would be placed on top-wires to deter sage-grouse collisions.</i>
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future actions. This action is specific to forage production on the Curlew allotment.</i>
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</i>
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. <i>There are no known historic properties listed or eligible for listing on the NRHP located in the project area. The proposed action would have no significant impacts to NRHP properties.</i>
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

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Extraordinary Circumstance	
	<p>critical habitat for these species. <i>The proposed action would have no significant effects on sage-grouse, a candidate species under the Threatened & Endangered Species Act. Mitigating measures would include BLM wildlife-friendly spacing of fence strands and markers on top wires to deter or preclude bird-fence collisions.</i></p>
9.	<p>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated .</i></p>
10.	<p>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effect on low income or minority populations.</i></p>
11.	<p>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). <i>There are no sacred sites known to occur in the project area. Furthermore, the project will not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i></p>
12.	<p>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). <i>The proposed action will have no on the ground changes to the pastures in the Curlew allotment. The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i></p>

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FORM 1842-1

Form 1842-1
(September 2004)

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 a decision for being appealed must transmit the <i>Notice of Appeal</i> in time to file it 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 <i>Notice of Appeal in Time for it to be filed</i> within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL	US Dept. of the Interior, BLM, Pecosillo Field Office, 4550 Cliff Drive, Pecos, NM 87729; AND a copy to: US Dept. of the Interior Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincey Street, Arlington, VA 22203
WITH COPY TO SOLICITOR	US Department of Interior, Office of the Solicitor, University Plaza, 240 Rectorway Ave., Suite 408, Fort Collins, CO 80526
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR	Within 30 days after filing the <i>Notice of Appeal</i> , 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. Quincey Street, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
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 situation in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE	Within 12 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Offices of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincey Street, MS 200-C, Arlington, Virginia 22203. This may consist of a certificate or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401 (5)).
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect, or provide for an automatic stay, the discharge business of the appeal. The examination of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.411). 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 <i>Notice of Appeal</i> (43 CFR 4.2 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 <i>Notice of Appeal</i> 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 sure 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.

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