

# CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B020-2014-0004-CX

## A. BACKGROUND

**BLM Office:** Bruneau Field Office

**Lease/Serial/Case File No.:** GRN 1104450

**Proposed Action Title/Type:** Temporary electric fence around the perimeter of the Shoofly Fire in East Castle Creek Pasture 12

**Location of Proposed Action:** The Proposed Action involves the East Castle Creek Allotment, located near Grand View, Idaho, 50 miles south of Boise. Township 8 S., Range 1 E., B.M, including several sections of public and State land. Pasture 12 trends from northeast to southwest, is located in the foothills of the Owyhee Mountains, and includes elevations ranging from 4,400 feet to 6,700 feet. The pasture is bisected by Poison Creek and Mud Flat Road and is managed as a riparian pasture to improve conditions primarily along the creek. Mud Flat Road is a designated Backcountry Byway and has one developed recreation site within the affected pasture. The road also forms the boundary of the Little Jacks Creek Wilderness in the lower part of the pasture near the recreation site.

On August 22, 2013, the Shoofly Fire burned 43 acres, all public land, at the southern end of Pasture 12 north of Mud Flat Road. Due to the size, location, and expected limits to ESR funding and approval in FY 2013, the Bruneau Field Office elected not to prepare or submit an ESR plan within the required time limits. However, the green vegetation on burned areas is often particularly attractive to grazing cattle during the first growing season after a fire.

**Description of Proposed Action:** The Proposed Action is to authorize Gilbert King, East Castle Creek permittee, to construct a 0.76 mile long temporary electric fence around the perimeter of the Shoofly Fire. The proposed fence location is displayed on the attached map. This action would be authorized as follows:

- The temporary electric fence would be installed prior to the scheduled Pasture 12 turnout date of May 23, 2014, in accordance with the following stipulations:
  - The temporary electric fence would be installed in the location depicted on the map, which has been flagged on the ground; the fence would tie into existing fencing along the western border of the pasture.
  - The temporary electric fence would consist of 2 smooth wires with plastic insulators on standard metal T-posts with white tops, spaced approximately every 30 feet.
  - Wire spacing would be close enough (3") to complete a circuit with the body of any cattle contacting the wires, with the bottom wire generally over 24" above the ground.
  - Flagging would be put on the 2 wires between posts to alert flying sage-grouse and other wildlife to the presence of the fence. Flagging or other markers on the top wire would be short enough to avoid contact with the ground wire.
- The temporary electric fence would be removed within 5 days after the authorized period of use, or no later than June 12, 2014.
- No road construction or other ground-disturbing activities would occur during installation or removal of the temporary electric fence.

- Motorized travel would be confined to existing routes including the access route from Mud Flat Road; motorized vehicles would not be authorized for cross-country travel.
- The burned area within the temporary fence would be closed to livestock grazing to allow recovery of the burned area.

## **B. LAND USE PLAN CONFORMANCE**

**This proposed Action is subject to the following land use plan:** Bruneau MFP

**Date Plan Approved:** June 1983

**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):** RM-1, RM-1.4, RM-1.5, WS-1, WS-1.1, WL-4, WL-4.4.

## **C: 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).**

### **Category Description:**

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 that would introduce potential 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.

**The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:**

### **1. Have significant impacts on public health or safety.**

*Comments/Explanation:* The temporary fence is located away from the main road through the area, and does not block access to any feature of known public interest. Most casual visitors would recognize an electric fence for what it is and crawl under it, which is easily done with the planned post and wire spacing. Any accidental shock is simply unpleasant, not life-threatening. The temporary fence will only be in place and active for a period of a few days.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

### **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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.**

Specialist Signature/Date: /s/ *Bruce C. Schoeberl*, Wildlife Biologist, 5/5/14

*Comments/Explanation:* There will be no changes in management in this pasture with this project other than the exclusion of livestock use of roughly 40 acres with this temporary fence for roughly one month. Additionally, the temporary fence will be marked to prevent wildlife collisions. Consequently, previous assessments for this allotment, specifying no significant impacts or omission of significant impacts, are still valid (migratory birds, ecologically significant critical areas).

Specialist Signature/Date: /s/ *Holly Beck*, Botanist, 4/30/14

*Comments/Explanation:* No unique botanical resources would be impacted by the temporary electric fence. The botanical resources in the affected area are typical of the Owyhee Uplands and are not considered unique or critical.

Specialist Signature/Date: /s/ *Kari Koleini*, Ecologist, 4/29/14

*Comments/Explanation:*

Authorization would not directly or indirectly affect wetlands or floodplains because the action is proposed in a location that supports no aquatic flora or fauna under normal circumstances. The nearest down-gradient wetland habitat is associated with Poison Creek, located 0.3 miles away. At this distance, any indirect effects of fence construction to wetlands or floodplains associated with Poison Creek would be negligible. Wetlands and floodplains associated with Battle Creek would not be affected either because a watershed boundary separates the Battle Creek watershed from the proposed project area.

Specialist Signature/Date: *Lois Palmgren*, Archaeologist, 5/1/2014

*Comments/Explanation:* see # 7

Specialist Signature/Date: /s/ *David Draheim*, Outdoor Recreation Planner, 4/30/14

*Comments/Explanation:* While there will be a minor negative impact to scenic values with the additional of an electric fence near the Owyhee Upland Backcountry Byway. This visual impact would temporary and of short duration while grazing occurs in this pasture.

**3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**

*Comments/Explanation:* This action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]. Time spent by cattle around the fenced area and impacts upon resources in Pasture 12 are limited not only by the current grazing authorizations but by conformance to AICs that are measured at several points along Poison Creek and on at least two upland trend sites and were considered in the 2009 NEPA analyses.

At present, none of these points have any surface water that would attract concentrations of cattle, and numbers of cattle present (375) are much reduced below permitted numbers. It is expected that temporary troughs located downhill at a distance exceeding 1 mile from the fenced area will provide the nearest livestock water. Use in uplands that these watering sites would serve would be dispersed over relatively large areas of still green vegetation at a distance from the burned area. The temporary fence should be sufficient to deter any livestock impacts and allow recovery of burned plants.

All known conflicts and controversial effects (such as climate change and OHV/livestock grazing) would continue to be managed under the Bruneau MFP and within the grazing permit terms and conditions.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

*Comments/Explanation:* The effects of fence construction are well documented. Risks to the environment are well understood. This proposed action would have no significant environmental effects.

Specialist Signature/Date: /s/ *Kavi Koleini*, Ecologist, 4/29/14

**5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.**

*Comments/Explanation:* This action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The Proposed Action would allow for continued use in 2014, as identified in the Bruneau MFP and in the existing permit terms and conditions, while providing for recovery of burned plants and re-accumulation of plant litter on the Shoofly Fire. Future actions would not be affected or set by this action, as the fence would be removed after licensed use ends and construction of the fence would not affect permit terms and conditions.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.**

*Comments/Explanation:* This action does not have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects. Any impacts from small numbers of cattle walking along the fenceline would have no permanent effect and would be of short duration under the existing authorizations for 2014. The impacts of livestock grazing cumulatively with other on-the-ground activities that are already occurring would continue during 2014 at a lesser rate and intensity than existing permitted actions that were analyzed under the February 20, 2009, Final EA and in the October 27, 2009, DNA for the 'Motion and Stipulation to Dismiss Appeals'. The burned plants would not be affected by grazing during the first growing season and would have the opportunity to recover their vigor without hindrance.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**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.**

*Comments/Explanation:* A class III cultural resource inventory was conducted in the area of potential effect (APE). There will be no effect to historic properties resulting from the project. No mitigation measures are needed at this time to protect cultural values. I recommend that the Shoofly Temporary Electric Fence be authorized as planned.

Specialist Signature/Date: /s/ *Lois Palmgren*, Archaeologist, 5/1/2014

**8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.**

Plants Specialist Signature/Date: /s/ *Holly Beck*, Botanist, 4/30/14

*Comments/Explanation:* No special status plants or habitat would be impacted by this action. Special status plant surveys were conducted and the district database was searched for records with no special status plants identified.

Wildlife Specialist Signature/Date: /s/ *Bruce C. Schoeberl*, Wildlife Biologist, 5/5/14

*Comments/Explanation:* Following the signature of the last grazing decision for the East Castle Creek allotment (2009), the status of greater sage-grouse changed during 2010 from Type 2 to Type 1 (Candidate for Federal Listing), and no other changes have occurred to Special Status wildlife species found in this allotment. With the exception of the exclusion of cattle from roughly 40 acres in Pasture 12, there will be no changes in management relative to the 2009 Decision for this allotment. The actions associated with the temporary electric fence includes its erection and take down within roughly a month and flagging wires to preclude wildlife collisions. Consequently, this project would result in no change in any effects on threatened, endangered, proposed, or candidate species under ESA, as well as other Special Status wildlife species analyzed in the 2009 Final Decision.

Aquatics Specialist Signature/Date: /s/ *Kari Koleini*, Ecologist, 4/29/14

*Comments/Explanation:* No fish species designated as threatened, endangered, or proposed for listing or their critical habitat are found on the allotment or near the proposed project area.

**9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.**

*Comments/Explanation:* This action does not violate any Federal, State, local or tribal laws or requirements imposed for the protection of the environment.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

*Comments/Explanation:* This action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). Low income or minority visitors to the area would not be affected any differently by the proposed activity than any other visitors.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**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).**

*Comments/Explanation:* This action does not 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) because it does not restrict access to public land. Most visitors would recognize an electric fence for what it is and crawl under it, which is easily done with the planned post and wire spacing. The temporary fence will only be in place and active for a period of a few days.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/1/2014

**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).**

*Comments/Explanation:* No noxious weed species are known to occur in the area of the temporary fence.

Specialist Signature/Date: /s/ *Lonnie Huter*, Noxious Weed Specialist 4/29/2014

**D: SIGNATURE**

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official:                      Date: 5/13/2014

Tanya M. Thrift  
Field Manager  
Bruneau Field Office

Signature: /s/ *Tanya Thrift* Bruneau Field Office Manager

**Prepared By/Contact Person:** Michael Boltz (208) 384-3346