

**DECISION RECORD**  
**Ibapah Cattle Guard Project**  
**DOI-BLM-UT-W010-2015-0026-CX**

In accordance with 43 United States Code 1701 et seq., it is my decision to approve the Ibapah Cattle Guard project, based on the information contained within Categorical Exclusion DOI-BLM-UT-W010-2015-0026-CX (Enclosure 1).

Conditioned through the protective measures stated below, I find that this action will not result in significant impacts on the human environment pursuant to Title 40 Code of Federal Regulations 1508.27 (a) and (b) (1) through (10) and that an Environmental Impact Statement is not required.

Decision

Specifically, the approved action consists of installing a cattle guard and associated 4-strand barbed wire wing fencing on each side, with a livestock access gate within BIA Highway 1, near Ibapah, Utah on public lands located at Township 10 South, Range 19 West, SLM, Section 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ . The project site will be accessed via BIA Highway 1. It is estimated that up to 0.0013 acre of public land would be directly impacted by the project.

Currently, the boundary fence between the BLM administered lands within the Ibapah allotment and the private lands to the north remains open to livestock movement at BIA Highway 1. The cattle guard will prevent livestock trespass between private and BLM administered pastures. A cattle guard will also facilitate vehicular travel along BIA Highway 1. The wing fencing will tie in with the adjacent fence corners bordering private lands and the Ibapah grazing allotment. The east wing would include a wire gate for livestock access.

The following protective measures will be applied:

- Proponent will be responsible for controlling invasive and noxious weeds due to installation and maintenance actions.
- Proponent will have a qualified archaeologist (BLM or one who meets the Secretary of Interior Standards for a "Professional Archaeologist") on site during installation. Should subsurface cultural resources be discovered, installation would cease and the authorized officer would be contacted.
- Bird deflectors would be installed if birds are observed colliding with the fencing or barbed wire.
- If construction activities occur within the migratory bird breeding seasons, migratory bird surveys should occur within 0.5 mile radius of the project area no more than 7-10 days prior to project initiation/reclamation.
  1. If no migratory birds are found nesting in the project area, then project activities may proceed as planned.
  2. If migratory birds are present and nesting in the project area, the following measures would be incorporated during the project construction phase:
    - i. Neotropical bird nests would be flagged and avoided by 100 feet from March 1 to July 15 or until birds have fledged.
    - ii. If occupied, raptor nests would be avoided by the spatial and temporal buffers specified in the Utah U.S. Fish and Wildlife Utah Field Office's Guidelines for Raptor Protection From Human and Land Use Disturbances (Romin and Muck 2002).

3. If nests cannot be avoided or if take as defined by the Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act, is likely to occur, the project proponent must contact the U.S. Fish and Wildlife Service's Utah Field Office (801.975.3330) or the Migratory Bird Permit Office (303.236.8171) for guidance on appropriate avoidance, minimization, and mitigation measures. Any exceptions to this requirement must have prior written approval from the authorized officer.
- In accordance with the Utah Greater Sage-Grouse Approved RMP Amendment (BLM September 2015) this project falls within a Priority Habitat Management Area (PHMA) and the following seasonal restrictions would be applied to prevent disturbance to greater sage-grouse populations and habitat during seasonal life cycle periods:
    1. In brood rearing habitat from Apr 15 – Aug 15
    2. In winter habitat from Nov 15 – Mar 15
  - Construction activities would minimize/impacts to mule deer and pronghorn during crucial time periods by avoiding construction activities between December 1 - April 15 for mule deer and April 15-July 1 for pronghorn. Any exceptions to this requirement must have prior written approval from the authorized officer.

### Public Involvement

This project is being developed in cooperation with the grazing permittee and the Confederated Tribes of the Goshute Reservation. This project was posted to the NEPA/Planning Register on 8/12/2015. Concerns or comments from the public were not brought to the Salt Lake Field Office's attention. The Public Lands Policy Coordination Office (PLPCO) was also notified of this project on 10/5/2015 via email. Six Native American Tribes were also consulted via certified letter sent on 8/18/2015. Comments were not received and concerns were not expressed by these Tribes.

### Rationale for the Decision

I have reviewed Categorical Exclusion (DOI-BLM-UT-W010-2015-0026-CX) for the Ibapah Cattle Guard project. I have determined that the proposed project is in conformance with the Pony Express Record of Decision (ROD) and Resource Management Plan (PE ROD/RMP, January 1990, as amended) and it will not cause unnecessary or undue degradation.

### Right of Protest and/or Appeal

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to Bekee Hotze, Field Office Manager, Bureau of Land Management, Salt Lake Field Office, 2370 South Decker Lake Blvd. West Valley City, UT 84119.

In the absence of a protest, this proposed decision shall constitute my final decision without further notice unless otherwise provided for in the proposed decision, in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be

filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Salt Lake Field Office as noted above. The BLM does not accept appeals by facsimile or email.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant 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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 125 South State Street, Ste. 6201 Salt Lake City, UT 84138 in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have questions concerning this decision please contact Rebecca Hotze at the Salt Lake Field Office at (801) 977-4300.

Authorized Officer:     /s/ Rebecca Hotze    02/16/2016    

Salt Lake Field Manager

Enclosure:

Categorical Exclusion DOI-BLM-UT-W010-2015-0026-CX

Mailing List: (by certified mail)

Western Watersheds Project  
c/o Jonathan Ratner  
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Pinedale, WY 82941

Bryan Dixon  
10 Heritage Cove  
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State of Utah-SITLA  
c/o Scott Chamberlain  
130 North Main  
Richfield, UT 84701

UT Division of Wildlife Resources  
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Tooele County  
Roads Department