

**United States Department of the Interior
Bureau of Land Management**

Decision Record

DOI-BLM-UT-0300-2016-0029-CX

May 2016

Cattle Guard at Willow Tank

Location: Salt Lake Meridian, Kane County Utah
Township 39 South, Range 7 East,
Section 27: SE1/4

Grand Staircase-Escalante National Monument
669 South Highway 89A
Kanab, Utah 84741
Phone: (435) 644-1200
Fax: (435) 644-1250



DECISION RECORD

DOI-BLM-UT-0300-2016-0029-CX Cattle Guard Replacement at Willow Tank

Decision

I have decided to remove, move and install a new Cattle Guard and associated fence as described in Categorical Exclusion DOI-BLM-UT-0300-2016-0029-CX.

BLM will replace the cattle guard along the HTR near Willow Tank. This cattle guard replacement is needed in support for the implementation of the Dance Hall Rock Parking Lot project. The current cattle guard is placed at the top of a hill and the down slope side is very steep creating a dramatic drop off. For the Dance Hall project this cattle guard needs to be moved 50 feet to the north and replaced so the belly-dump trucks can drive across the guard without becoming high centered. The relocation will allow large construction vehicles to access DHR while keeping the cattle in the proper grazing allotment. A short section of fencing will need to be rebuilt to meet up with the new location of the cattle guard. This reroute is considered to limited context and intensity (e.g., limited size and magnitude).

Decision Rationale

I have reviewed the attached Categorical Exclusion documentation, including plan conformance, NEPA compliance review, and extraordinary circumstances review and have determined that the action involves no significant impact to the human environment and no further analysis is required.

1. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. The holder shall be responsible for noxious weed control on disturbed areas within the limits of the rights-of-way. The holder is responsible for consultation with the authorized

officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).

4. In order to reduce the potential for the introduction of noxious weeds, all equipment will be cleaned by pressure washing, prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.
5. Use of pesticides shall comply with applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
6. The rights-of-way shall be maintained in a sanitary condition at all times. Waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
7. Changes to the existing route or facilities beyond routine maintenance would require an amendment document and additional site-specific NEPA before any proposed changes could be authorized.

Administrative Remedies

My decision shall take effect immediately and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay (43 CFR 2931.8(b)).

My decision may be appealed to the IBLA, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Cynthia Staszak, Monument Manager, at 669 South Highway 89A, Kanab, Utah 84741. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Monument Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. 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 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 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Regional Solicitor's Office, Wallace F. Bennett Federal Building, 125 South State Street Mailstop 201, Salt Lake City, UT 84138.

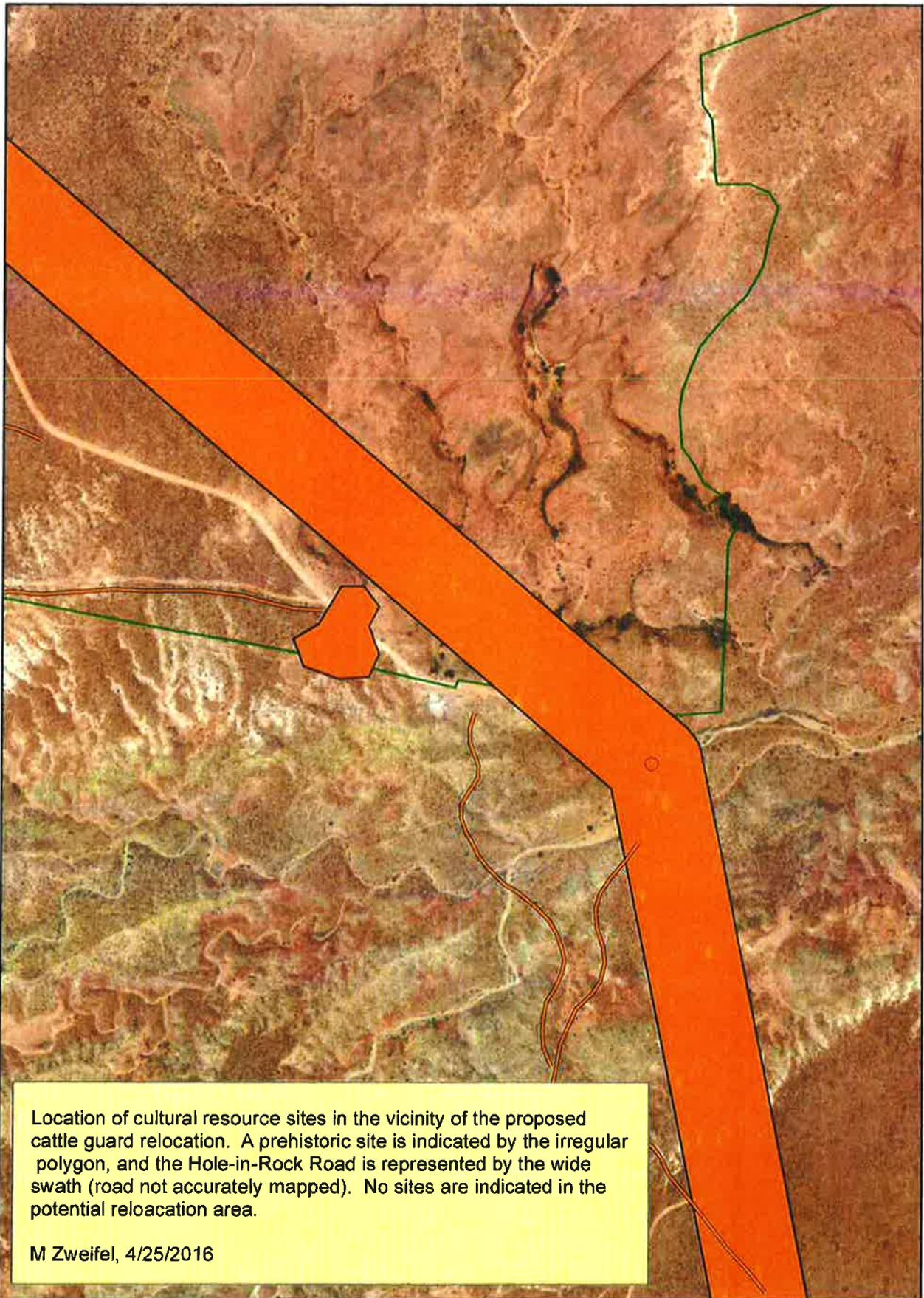
Authorizing Official



Cynthia Staszak
Monument Manager

Foe

5/11/14
Date



Location of cultural resource sites in the vicinity of the proposed cattle guard relocation. A prehistoric site is indicated by the irregular polygon, and the Hole-in-Rock Road is represented by the wide swath (road not accurately mapped). No sites are indicated in the potential relocation area.

M Zweifel, 4/25/2016