

Categorical Exclusion  
ID-420-2009-CE-3902

## **Elk Creek Riparian Exclosure Fence Replacement Project**

U.S. Department of the Interior  
Bureau of Land Management  
Coeur d'Alene District  
Cottonwood Field Office, Idaho

### **Background**

BLM Office: Cottonwood

Proposed Action Title/Type: Elk Creek Riparian Exclosure Fence Replacement Project

Location of Proposed Action: The legal description for this project is: T. 29 N., R. 8 E., Section 23: SEGR SUR. The project would occur in Idaho County, Idaho, and occurs adjacent to Elk Creek, near Elk City, Idaho. See Attached Elk Creek Exclosure Fence Replacement Project Map.

Description of Proposed Action: The Bureau of Land Management (BLM) is proposing to replace approximately 3,420 feet of existing barbed wire fence on Elk Creek with a buck and pole fence. The existing fence restricts livestock access to about 2,885 feet of Elk Creek and forms a 5.9 acre exclosure. The barbed wire fence is approximately 3,420 feet in length and is in need of repair or replacement.

Replacement of the old barbed wire fence with a buck and pole fence will reduce future maintenance costs and potential problems with livestock getting inside the exclosure. The BLM constructed the exclosure fences in 1983 (see attached map, exclosure #3) and 1998 (see attached map, exclosure #2) and have maintained them through the years. The replacement fence would use pressure-treated posts and poles. These would be treated with NatureWood<sup>TM</sup> which will not be harmful to people as they do not contain any known carcinogenic chemicals. The treated posts and poles will resist decay and boring by insects providing a long-lasting fence for the exclosure.

The BLM is cooperating with Framing Our Community, a non-profit organization from Elk City, Idaho, on this project. Framing Our Community is a partner for this project and has obtained grant money for restoration of aquatic and riparian habitats.

### **Land Use Plan Conformance**

Land Use Plan Name: Chief Joseph Management Framework Plan (MFP), Coeur d'Alene District

Date Approved: November 1981

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

Chief Joseph Planning Unit, Coeur d' Alene District, Management Framework Plan (1981)

Section II. D., 7, Aquatic Habitat Management

a. Intensive Management (Aquatic Habitat Management Plans)

Management actions, where needed, may include the following:

- (1) Complete fencing of riparian areas.
- (2) Cancellation of grazing authorization.

An Aquatic Habitat Management Plan (HMP), which included Elk Creek, and other streams in the Elk City Township (T. 29 N., R. 8 E.) was prepared (1982). The Elk City Aquatic Zone HMP (ID-6WHA-A10) identified the need for the riparian fencing of Elk Creek to improve riparian and aquatic habitats.

**Compliance with the National Environmental Policy Act:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210 (f), which includes "Routine and continuing government business, including such things as... maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

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 and none of the exceptions described in 43 CFR 46.215 apply.

**Signature**

Authorizing Official: /s/ Will Runnoe  
(Signature)

10/16/09  
Date

Name: Will Runnoe  
Title: Cottonwood Field Office Manager

**Contact Person**

For additional information concerning this Categorical Exclusion review, contact  
Craig Johnson, Fisheries Biologist at:  
Cottonwood Field Office  
1 Butte Drive  
Cottonwood, ID 83522  
Phone #: (208) 962-3688  
Email: Craig\_Johnson@blm.gov

**Attachments:**

- Extraordinary Circumstances List
- Elk Creek Riparian Fence Replacement Project Map

**Categorical Exclusion  
Evaluation and Documentation of Extraordinary Circumstances**

**Elk Creek Riparian Fence Replacement Project  
ID-420-2009-CE-3902  
43 CFR 46.210 (f)**

Extraordinary circumstances do not exist for the proposed action described within the categorical exclusion. The extraordinary circumstances were evaluated and those findings are documented in the following form.

<b>The proposed categorical exclusion action will:</b>	<b>Yes</b>	<b>No</b>
Have significant impacts on public health or safety.		X
Have significant impacts on such natural resources and 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.		X
Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2) (E)).		X
Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Have a direct relationship to other actions with individually insignificant but cumulative significant environmental effects.		X
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.		X
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.		X
Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
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).		X
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).		X

# **DECISION RECORD FOR**

## **Elk Creek Riparian Exclosure Fence Replacement Project**

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COTTONWOOD FIELD OFFICE**

**Proposed Action:** Elk Creek Riparian Exclosure Fence Replacement Project

**CE Number:** ID-420-2009-CE-3920

**Location of Action:** T. 29 N., R. 8 E., Section 23: SEGR SUR

### **I. Decision**

It is my decision to replace an existing barbed wire exclosure fence on Elk Creek with a buck and pole fence. The existing exclosure fence proposed for replacement includes approximately 3,420 feet of barbed wire fence that is in need of repair or replacement. The existing exclosure fence was constructed to restrict livestock access to approximately 2,885 feet of Elk Creek and is 5.9 acres in size. Replacement of the old barbed wire fence with a buck and pole fence will be more effective at keeping livestock out of the exclosure and reduce future maintenance costs.

I have reviewed the management framework plan for conformance and have determined that the proposed action is in conformance with the approved plan and that no further environmental analysis is required.

### **II. Rationale**

I considered the relative small scope of the project and that it would continue existing authorized management for this tract of BLM land and section of Elk Creek (i.e., riparian fence to exclude livestock grazing). The existing exclosure fence was constructed to restrict livestock access to approximately 2,885 feet of Elk Creek and the fenced exclosure is 5.9 acres in size. The exclosure is still needed and the fenced area would remain the same size and have no change in location. The adjacent land owner is also being coordinated with in regards to riparian restoration and fencing to exclude livestock grazing along segments of Elk Creek flowing through his private property, which occurs upstream and downstream of the BLM exclosure. Minimal ground and vegetation disturbance would occur from the fence replacement project.

Elk Creek provides aquatic habitat for special status fish (ESA-listed and BLM sensitive), which includes steelhead trout, spring/summer Chinook salmon, and westslope cutthroat trout. The proposed fence replacement would provide for continued and improved management of Elk Creek and prevent adverse livestock impacts to streambanks and riparian areas. Elk Creek is the municipal watershed for Elk City, and the proposed project occurs upstream from the intake. Actions that improve water quality, such as the riparian exclosure would be beneficial to the Elk

Creek municipal watershed. The proposed project would support achievement of The South Fork Clearwater River Subbasin Assessment and Total Maximum Daily Loads (TMDLs) for water quality-limited streams listed under Section 303(d) of the Clearwater Act (Idaho Department of Environmental Quality et al., 2004), specifically for sediment and temperature TMDLs.

This project is in compliance with BLM's management mandate for this area. Also, the Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with CFR 46.210 (f) and none of the exceptions described in 43 CFR 46.215 apply (Extraordinary Circumstances List).

/s/Will Runnoe  
Will Runnoe  
Field Manager  
Cottonwood Field Office  
1 Butte Drive  
Cottonwood, ID 83522

10/16/09  
Date

### **III. Administrative Review or Appeal Opportunities**

In accordance with Title 43 CFR Part 4, any decision of an officer of the BLM is appealable. Information on filing appeals may be found in Title 43 CFR Part 4, Subpart E. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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Pursuant to 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 Board, the petition for a stay must accompany your notice of appeal. 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 (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.

### **Standards for Obtaining a Stay**

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:

- A. The relative harm to the parties if the stay is granted or denied,
- B. The likelihood of the appellant's success on the merits,

- C. The likelihood of immediate and irreparable harm if the stay is not granted, and
- D. Whether the public interest favors granting the stay.

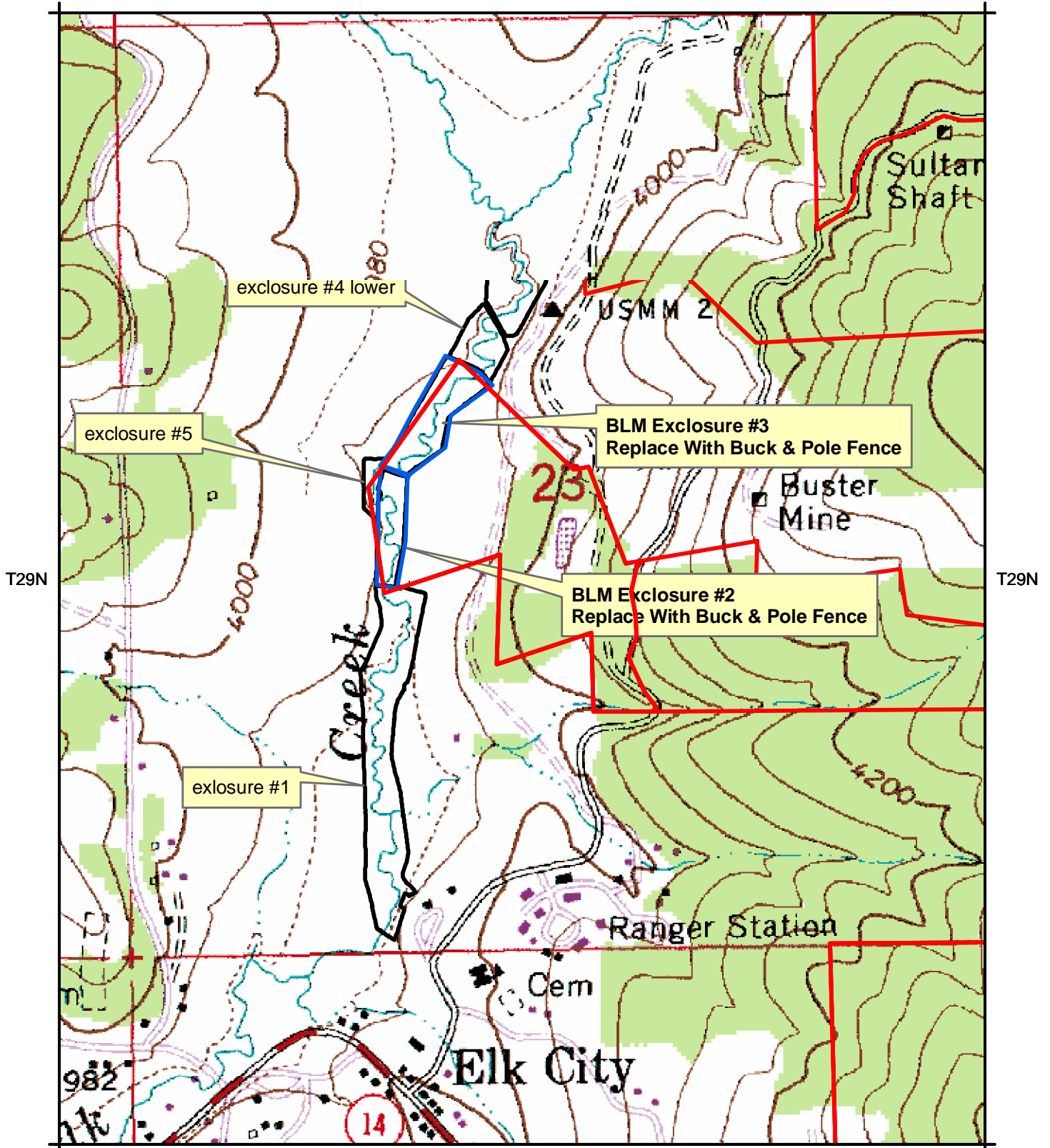
**Contact Person**

For further information regarding this project, contact Craig Johnson in writing at the above address or by calling (208) 962-3688.

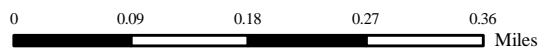
Attachment: Categorical Exclusion – ID-420-2009-CE-3920

# ELK CREEK EXCLOSURE FENCE REPLACEMENT PROJECT

R08E



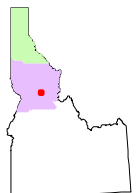
R08E



1 = 9,323

1 inch = 777 feet

Data Displayed in NAD 1983 UTM Zone 11N



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