Decision and Rationale on Action

I have reviewed the documentation for this proposal (DOI-BLM-OR-134-2009-0034-CX), and have determined that SVID's borrow site project would be categorically excluded from NEPA. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in CFR 46.215 and does not meet any exception. It is my decision to implement the Lewandowski Borrow Site project as described in the CX and shown on the attached map. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

I also considered pertinent information submitted by all persons who commented either verbally or in writing during the design of project activities. There are no known adverse impacts to the human or natural environment that would occur from implementing this project.

Implementation Date

This project will be implemented on or after March 15, 2010.

___/S/_Karen__Kelleher_____ _3/11/10_

Karen Kelleher, Date
Field Manager, Wenatchee Resource Area

Administrative Review or Appeal Opportunities

Any party that is adversely affected and determined to be a party to the case, may appeal the implementation of the proposed action to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in this office (at the address below) within 30 days of receipt of this decision. The appellant has the burden of showing that the decision is in error.

An appellant may also file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. The petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. The appellant has the burden of proof of demonstrating 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 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.

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Wenatchee Field Office

Lease/Serial/Case File No.: FU-W-491

NEPA Log Number: DOI-BLM-OR-134-2009-0034 CX

Proposed Action Title: Lewandowski Road Borrow Site.

Location of Proposed Action: T. 10 N., R. 23 E., Section 4, N1/2SW1/4NE1/4

Description of Proposed Action: Sunnyside Valley Irrigation District (SVID) is proposing a new borrow site northeast of Sunnyside, Washington on public land that would require BLM to issue a new Mineral Material Free Use Permit. On September 1, 2009, Don Schramm, Manager of Operations for SVID sent an email inquiring about a BLM parcel located northeast of Sunnyside, Washington, as a basalt source for rip-rap material (large boulders) needed for a proposed re-regulation reservoir associated with an anadromous fisheries project for the Roza Irrigation Canal. The legal description of the parcel is T. 10 N., R. 23 E., Section 4, portion of the N1/2SW¼NE¼. The initial SVID borrow site is proposed along the south side of Sulphur Creek drainage (dry wash) so it would not be visible from Lewandowski Road. A gravel access road (about ¼ mile in length) would be needed from Lewandowski Road to the proposed borrow site. The rip-rap will be used to armor the underlying lining (protect against wave erosion) of the proposed 37.10 re-regulating reservoir along the Roza Irrigation Canal northeast of Sunnyside, Washington. Two thirds of the saved water from this project will benefit fisheries, and other environmental interests, in and along the Yakima River and one third of the saved water will firm up irrigation water supplies, especially in water short years, in the Sunnyside Division. The reservoir is part of a 10 year effort called the Sunnyside Canal Improvement Project (SCIP) to improve the efficiency of the Sunnyside Irrigation Canal System. SCIP is a cooperative effort between the Bureau of Reclamation, WA Dept. of Ecology, the Yakama Indian Nation, and the SVID. Funding for the project is authorized under the Yakima River Basin Water Enhancement Project Act (1994). SVID has made an initial request for approximately 17,000 tons of basalt rip-rap. The new mining area (including the access road) would disturb less than three acres.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan
Date Approved/Amended: Approved 1987/Amended 1992

☒*Option 1 (conforms with LUP):* The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): "Salable minerals, including common varieties of sand, gravel, and stone, will continue to be made availalble for local governments and the general public." (ROD/RMP page 29)

OR

☐*(Option 2: not explicitly provided for in the LUP)* The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions)*:

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.F(10) Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite,cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

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 extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	**YES**	**NO**
(a) Have significant impacts on public health or safety.	☐	☒
(b) 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.	☐	☒
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	☐	☒
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	☐	☒
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	☐	☒

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	☐	☒
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	☐	☒
(h) 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.	☐	☒
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	☐	☒
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	☐	☒
(k) 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).	☐	☒
(l) 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).	☐	☒

F: Signature

___/S/ Karen Kelleher_____ _____3/11/10_____
(Authorizing Official Signature) (Date)

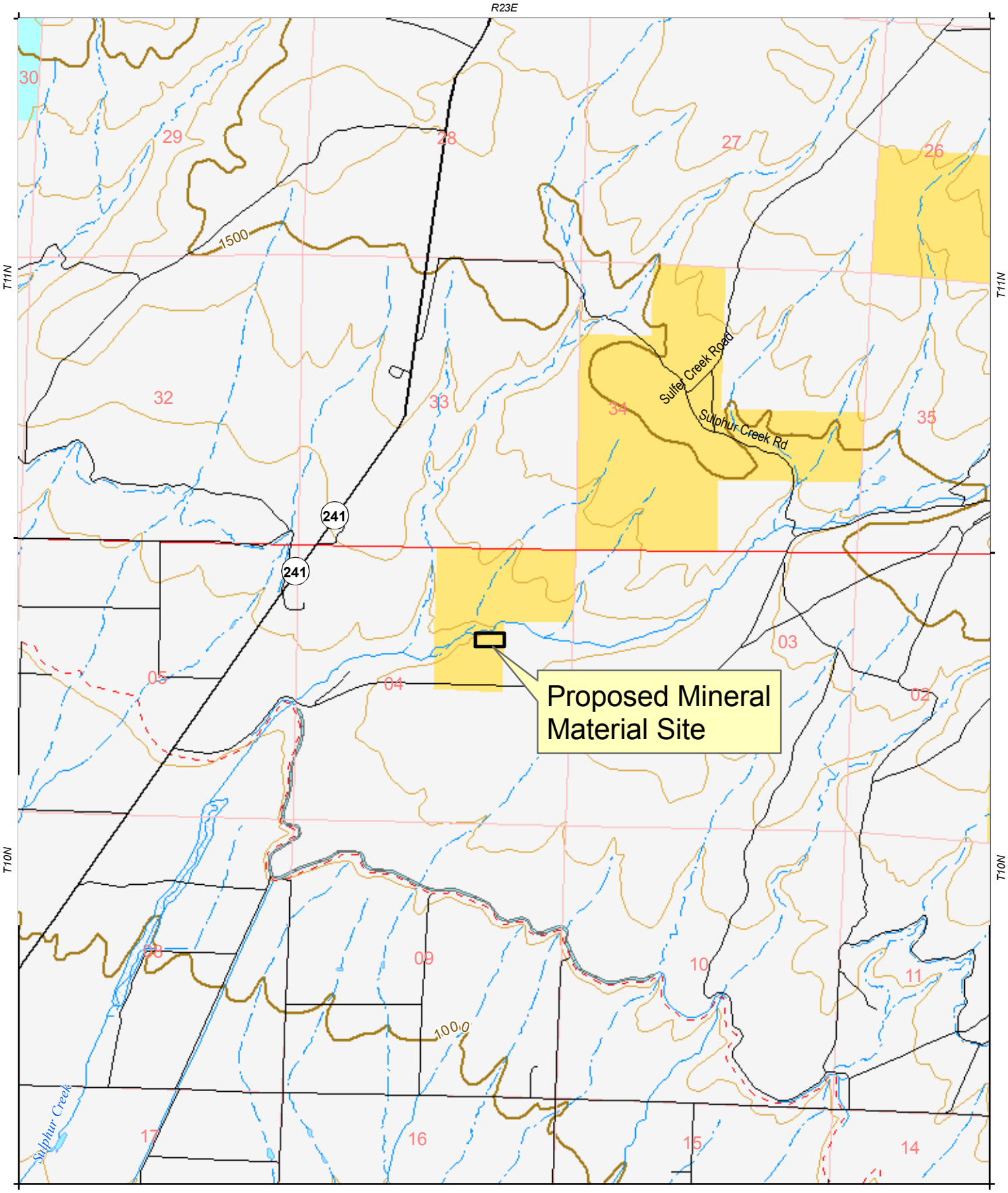
Name: Karen Kelleher
Title: Field Manager

G. Contact Person

For additional information concerning this CX review, contact Brent Cunderla - Wenatchee Field Office Geologist

Note: A separate decision document must be prepared for the action covered by the CX.

Sunnyside Valley Irrigation District-Lewandowski Mineral Material Site



Legend

- Bureau of Land Management
- WA Dept. of Natural Resources

0 0.1 0.2 0.4 0.6 0.8 Miles

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

12/23/2009

N