

DECISION RECORD

Elk Springs Exclosure and Spring Maintenance

DOI-BLM-OR-134-2014-0006

Bureau of Land Management

Wenatchee Field Office

915 Walla Walla Avenue

Wenatchee, Washington

1. Background

Kittitas County fires in the summer of 2013 burned the top and most of the sides of the Elk Springs water development in the Burbank Allotment (#0803) located in T15N-R19E Section 36 SW1/4 SE1/4. The exclosure fence around the spring development was also destroyed and needs to be repaired because the open water box creates a safety hazard to humans, livestock, and wildlife. As a result of the fire, an Emergency Stabilization and Rehabilitation (ESR) plan was developed to address these issues. In response to the plan, the area surrounding the spring development was surveyed for, and found to contain sensitive resources. The proposed exclosure fence, necessary to mitigate safety hazards, is also needed to protect these sensitive resources from the effects of livestock trampling. Currently, the spring and subsequent pipe and trough system is in very poor condition resulting in the cattle being forced to utilize surface water leaking from the water box.

2. Decision

It is my decision to implement the Elk Springs exclosure and spring maintenance project as described in the attached Categorical Exclusion (DOI-BLM-OR-134-2014-0006). The project will consist of constructing a 1/4 mile (1.5 acre) exclosure fence. The fence will be flagged with two fence flags between t-posts to reduce collisions by sage-grouse and other wildlife or humans.

The existing spring box will be cleaned out and a new galvanized metal spring box with lid will replace the old wooden structures. An impervious cutoff wall will be installed along the outlet pipe where it joins the collection system. Gravel will be used to fill in around the collection system (see Figure 1 attached). A 150' trench one foot deep will be dug from the spring to the trough. The poly pipe will be placed in the trench followed by backfill. The trough will be placed on the existing road using a backhoe to level the site as needed. The trench and trough disturbed areas will be seeded using native bunch grass in the fall of 2014. Cultural resource monitoring will take place during project implementation.

3. Authority

The following authority is applicable to this decision:

- 1) The Spokane Resource Management Plan Record of Decision (1987) which on page 24 gives direction to "implement range improvements such as fences,

pipelines, water developments, springs, seedings, and brush control actions in Improve (I) allotments to benefit range and riparian habitat conditions."

- 2) The 1999 Allotment Management Plan and Environmental Assessment for the Burbank Allotment specifically states on page 2: "The existing spring development at Elk Springs would be improved to provide a more reliable source of water."
- 3) 43 CFR 46.210(f) Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

4. Protest and Appeal

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. To appeal you must file a notice of appeal at the BLM Wenatchee Field Office, 915 N. Walla Walla Ave., Wenatchee, Washington 98801, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Wenatchee Field Office as noted above. The BLM does not accept appeals by facsimile or email. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) 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. 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.

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 Office of the Solicitor (see 43 CFR 4.413); Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205; at the same time the original documents are filed with this office.

/s/ Linda Coates-Markle

Linda Coates-Markle
Field Manager

04-21-2014

Date

Attachments: Categorical Exclusion Form
Project Map and Drawings

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.:

NEPA Log Number: DOI-BLM-OR-134-2014-0006

Proposed Action Title: Elk Springs Enclosure and Spring Maintenance

Location of Proposed Action: Burbank Allotment #0803 T15N-R19E Section 36 SW1/4 SE1/4

Description of Proposed Action: The Elk Springs water development (see attached map) was destroyed by fire in 2013 burning the top and most of the sides of the spring box used to contain the water from the spring. The enclosure fence around the spring development was also destroyed and needs to be repaired because the open water box creates a safety hazard to humans, livestock, and wildlife. As a result of the fire, an Emergency Stabilization and Rehabilitation (ESR) plan was developed to address these issues. In response to the plan, the area surrounding the spring development was surveyed for, and found to contain sensitive resources. The proposed enclosure fence, necessary to mitigate safety hazards, is also needed to protect these sensitive resources from the effects of livestock trampling. Currently, the spring and subsequent pipe and trough system is in very poor condition resulting in the cattle being forced to utilize surface water leaking from the water box. Numerous attempts have been made by the lessee to restore the old pipes that feed the concrete troughs nearby. The proposed enclosure will block off access to the surface water and concrete troughs resulting in the need to relocate the troughs outside the enclosure. The current spring box and pipeline will be modified in order to supply the trough with a reliable and adequate supply of water.

The BLM proposes to construct a 1/4 mile (1.5 acre) enclosure fence consisting of four strand woven steel wire with the top and bottom consisting of smooth wire and the middle two being two point barbed wire. T-posts will be spaced 16.5 feet apart. The top wire will be at a height no greater than 42" off the ground and the bottom wire no less than 18" off the ground. Corner braces will consist of ez-panels secured by t-posts. The fence will be flagged with two fence flags between t-posts to reduce collisions by sage-grouse and other wildlife or humans. Brush will be cut only as needed to install the fence. The existing spring box will be cleaned out and a new galvanized metal spring box with lid will replace the old wooden structures. The design of the metal spring box will allow for more reliable catchment and distribution of the water available at the spring. An impervious cutoff wall will be installed along the outlet pipe where it joins the collection system. The cutoff wall will be of concrete at least 8 inches thick, tamped clay at least 2 feet thick or a plastic membrane of at least 10 mill. The minimum projection of the cutoff wall will be 2 feet and will be installed perpendicular to the centerline of the outlet pipe. Gravel will be used to fill in around the collection system (see Fig. 1 attached). A 150' trench one foot deep will be dug from the spring to the trough. The poly pipe will be placed in the trench followed by backfill. The trough will be placed on the existing road using a backhoe to level the

site as needed. The trench and trough disturbed areas will be seeded using native bunch grass in the fall of 2014. See attached map for the location of the new pipeline and trough in relation to the spring. Cultural resource monitoring will take place during project implementation.

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): The proposal for the enclosure, spring maintenance and trough have been reviewed and found to be in conformance with the Spokane Resource Management Plan (RMP) Record of Decision (1987). Specifically in Chapter 2, page 24 where it states: "implement range improvements such as fences, pipelines, water developments, springs, seedings, and brush control actions in Improve (I) allotments to benefit range and riparian habitat conditions." The 1999 Allotment Management Plan and Environmental Assessment for the Burbank Allotment specifically states on page 2: "The existing spring development at Elk Springs would be improved to provide a more reliable source of water."

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

The enclosure is being constructed to protect the spring development as well as the sensitive resources and therefore is covered under the following:

516 DM 11.9.J.(9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

The spring is being maintained and renovated to increase reliability. The pipeline, spring box and trough placement are located in previously disturbed areas. The effects of the project will be short term noise during heavy equipment operation to dig the spring box and pipeline trench. Therefore the spring maintenance, pipeline installation and trough relocation are covered under the following:

43 CFR 46.210(f) Routine and continuing government business, including such things as supervision, administration, operations, 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 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The proposed project is within the Priority Area for Conservation for the Yakima Training Center population of greater sage-grouse, but is not expected to have significant impacts on the species for the following reasons: would not disturb lek sites because the nearest lek is across Interstate 82 over 5 kilometers away, recent fire likely to limit grouse use of project area in short-term, project installation would have short duration and low intensity of disturbance, and fences would be installed with visibility markers which have been shown to decrease sage-grouse collisions and recent fire will increase visibility of the fence. New fences typically cause the most collisions so over time the likelihood of collisions should also decrease.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Greater sage-grouse is a Candidate but has not yet been proposed for listing in the State of Washington.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

F: Signature

/s/ Linda Coates-Markle

04-21-2014

(Authorizing Official Signature)

(Date)

Name: Linda Coates-Markle

Title: Field Manager

G. Contact Person

For additional information concerning this CX review, contact :

Nick Stanton

Natural Resource Specialist

nstanton@blm.gov

(509)665-2122

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

Elk Springs Exclosure and Spring Burbank Allotment 0803



Legend

- DOT Fence
- New Pipeline
- ✕✕ New Exclosure Fence

0 0.0050.01 0.02 0.03 0.04
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.

4-1-2014

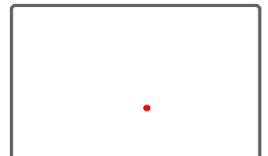


Figure 1.

Drawing of new spring box collection and distribution system

