

DECISION RECORD
Remove Extinguishers
OR-135-2009-0018-CX
Bureau of Land Management
Border Field Office
1103 North Fancher Road
Spokane, WA 99212

Decision and Rationale

It is my decision to implement the Remove Extinguishers project as described in the attached document (OR-135-2009-0018-CX). These actions meet the need and will accomplish the purposes for action.

Safety hazards have been identified at Escure Ranch that potentially pose a risk to BLM employees and the general public. The Remove Extinguishers project will eliminate the identified hazards. As described in the attached Categorical Exclusion Documentation, it is not anticipated that the project actions will have significant effects.

_____/S/ June E. Hues_____ 10/6/09____

June Hues,
Field Manager, Border Resource Area

Date

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.

Attachment: Categorical Exclusion Documentation

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: Border Field Office

Lease/Serial/Case File No.: N/A

NEPA Log Number: OR135-2009-0018-CX

Proposed Action Title: Remove Fire Extinguishers

Location of Proposed Action: Escure Ranch Bat Barn

Description of Proposed Action: Approximately 17 glass-globe fire extinguishers are mounted on the rafters of the Escure Ranch Bat Barn. It is suspected that the extinguishers may contain a hazardous substance -- carbon tetrachloride.

It is proposed that a hazardous materials contractor remove the extinguishers from the site, test the contents, and then properly dispose of the extinguishers at an appropriate hazardous waste disposal facility. Ladders will be used to access the extinguishers and they will be removed by qualified hazardous materials workers wearing protective suits and respirators.

To avoid any disturbance to the bats that seasonally reside in the barn, the removal of the extinguishers will take place after October 30, 2009 and before April 1, 2010.

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): This proposed action is subject to the Spokane District Resource Management Plan (1985), its Record of Decision (ROD)(1987), and its RMP Plan Amendment (1992) and ROD (1992), specifically Chapter 2; General Management Objectives: 7: Manage public lands for increasing recreational uses and keep access routes open for a variety of recreational opportunities/experiences, including both motorized and nonmotorized recreation activities.

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

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 shortterm 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"/>
(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"/>
(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/ June E. Hues_____ 10/6/09_____
 (Authorizing Official Signature) (Date)

Name: June Hues
 Title: Border Field Office Manager

G. Contact Person

For additional information concerning this CX review, contact Alex Kwan, District Engineer.

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

