

DECISION RECORD
Lower Hungate Drift Fence
DOI-BLM-OR-134-2012-0005-CX
Bureau of Land Management
Wenatchee Field Office
915 N. Walla Walla Ave
Wenatchee, WA 98801

Background

The Lower Hungate Drift Fence project, as described in the attached Categorical Exclusion (CX) (*DOI-BLM-OR-134-2012-0005-CX*), will block trails to protect riparian resources that have been used by livestock to access the lower portion of Hungate Canyon. Under 40 CFR 1508.4, a CX is a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (§1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required.

Decision and Rationale on Action

It is my decision to implement the Lower Hungate Drift Fence project as described in the attached CX and shown on the attached map. As described in the attached CX, it is not anticipated that project actions will cause significant effects. 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.



Linda Coates-Markle
Field Manager

1-15-2014

Date

Administrative Review or Appeal Opportunities

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.

Attachments: Categorical Exclusion Documentation
Project Area Map

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-134-2012-0005-CX

Proposed Action Title: Lower Hungate Drift Fence

Location of Proposed Action: T22N R23E SW 1/4 Section 23

Description of Proposed Action: A post and wire fence would be built to restrict access by livestock from a portion of the riparian area in Lower Hungate Canyon. The new fence will be connected to the existing drift fence that crosses the canyon. The total length of new fence is expected to be 0.25 miles. The proposed fence would be built along the breaks of the canyon and would block trails that livestock use to access the lower portion of the canyon. Fence construction would be three strands woven steel wire with T-posts every 16-20 feet apart. The top and bottom wires would be smooth and the center wire barbed. The top wire will be no higher than 42 inches from the ground and the bottom wire no closer than 18 inches to the ground. Corners would be secured using ez-panels connected to T-posts. The top wire will be flagged using two fence flags evenly spaced between each 16-20 foot span of T-posts. No wire stays will be used.

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 proposed action has been reviewed for and found to be in conformance with The Spokane District Resource Management Plan (RMP). The RMP provides for protection of riparian areas on page 52 stating, "management actions within riparian habitat areas and flood plains would include measures to preserve, protect, and restore natural functions, as defined by Executive Orders 11988 and 11990. Management techniques would be used to minimize the degradation of stream banks and the loss of riparian vegetation".

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.J (9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study 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.	<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"/>

The Action Area has been surveyed for cultural resources. The proposed action will have no proximity to and no impact on historic, cultural, recreation, wilderness, wild and scenic, farmland, wetland, or national landmark resources. The proposed categorical exclusion will protect riparian wetland resources.		
(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



 (Authorizing Official Signature)

1.15.14

 (Date)

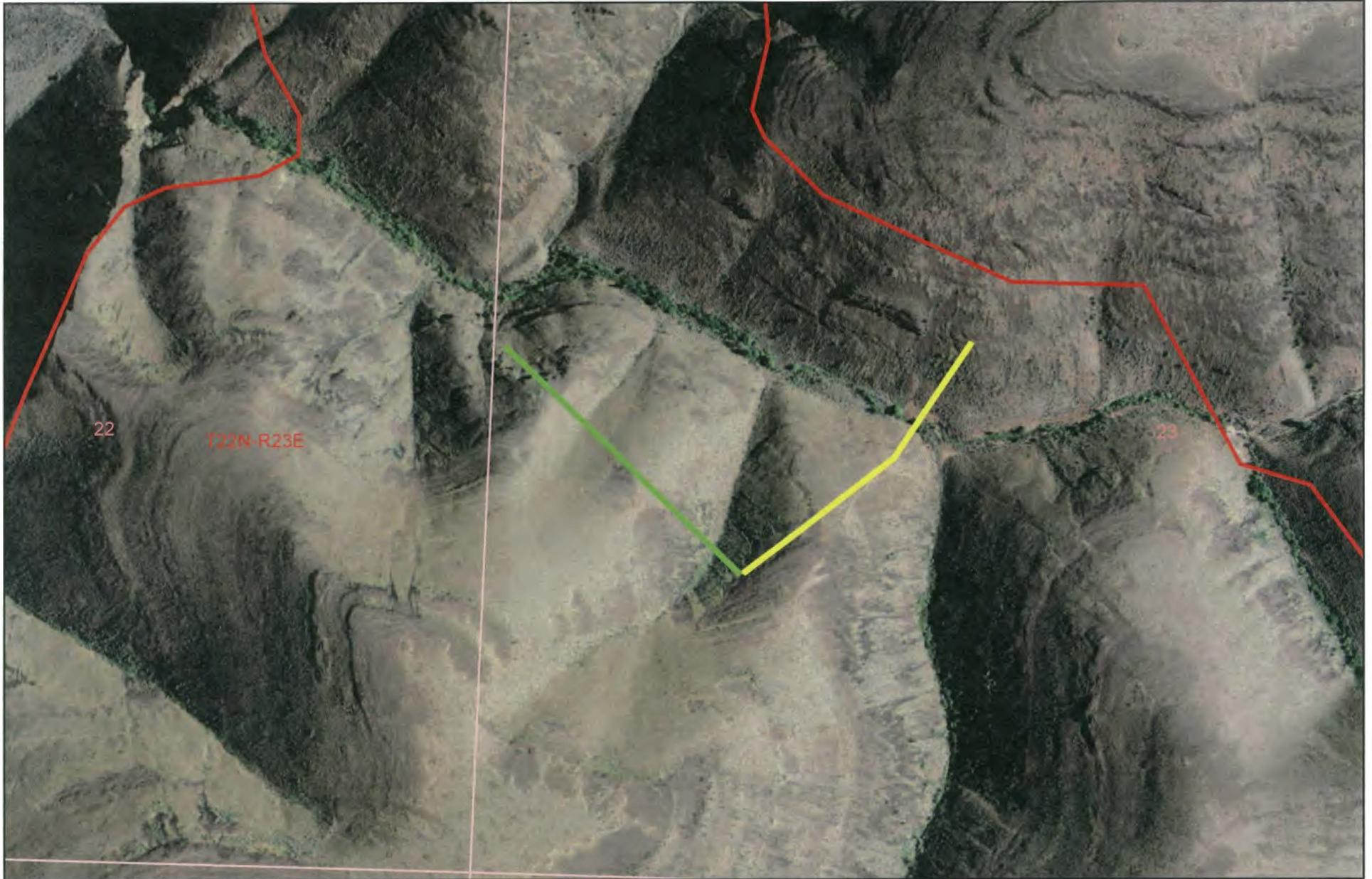
Name: Linda Coates-Markle
 Title: Field Manager

G. Contact Person

For additional information concerning this CX review, contact Nick Stanton, Natural Resource Specialist at 509-665-2122.

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

Lower Hungate Drift Fence



Legend

-  Existing Drift Fence
-  New Drift Fence
-  Grazing Allotment Boundary

0 0.03 0.06 0.12 0.18 0.24 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.

2/13/2012

