

**DECISION RECORD**  
*Minors Flat Hazard Tree Removal*  
*OR-134-2009-CX-0027*  
Bureau of Land Management  
Wenatchee Field Office  
915 N. Walla Walla Ave  
Wenatchee, WA 98801

**Decision and Rationale on Action**

It is my decision to implement the Miners Flat Hazard Tree project as described in OR-134-09-CX-0027 and shown on 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, as indicated on the attached Categorical Exclusion Documentation.

**Implementation Date**

This project will be implemented on or after May 14, 2010.

\_\_\_\_/S/ Karen Kelleher \_\_\_\_\_ 4/30/10 \_\_\_\_

Karen Kelleher,  
Field Manager, Wenatchee 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: Wenatchee Field Office*

*Lease/Serial/Case File No.:*

*NEPA Log Number: OR-134-09-0027*

*Proposed Action Title:* Removal of six to ten dead cottonwood trees at Miners Flat.

*Location of Proposed Action:* Portion of NW¼ Section 10, T.40N., R.26E., WM, Okanogan County

*Description of Proposed Action:* Remove six to ten dead cottonwood trees (approx. 12 to 18" DBH ) on a BLM parcel at Miners Flat. The trees are dead and have been standing dead for a more than a year. The trees are located within an area frequently used by recreationists for camping and pose a hazard to campers. (See attached photos.) Trees will be felled with low stumps, and piled just to the north of the stumps. Hand cutting and piling will minimize ground disturbance to cause negligible effect.

### **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):

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*): The Record of Decision (ROD) for the 1992 RMP Amendment states: "Various types of administrative actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan." The proposed action is one of the types of administrative actions referred to by the RODS.

### **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.C (2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

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:

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b> The proposed categorical exclusion action will:	<b>YES</b>	<b>NO</b>
(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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<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/ Karen Kelleher              4/30/10      
 (Authorizing Official Signature)      (Date)

Name: Karen Kelleher  
 Title: Field Manager

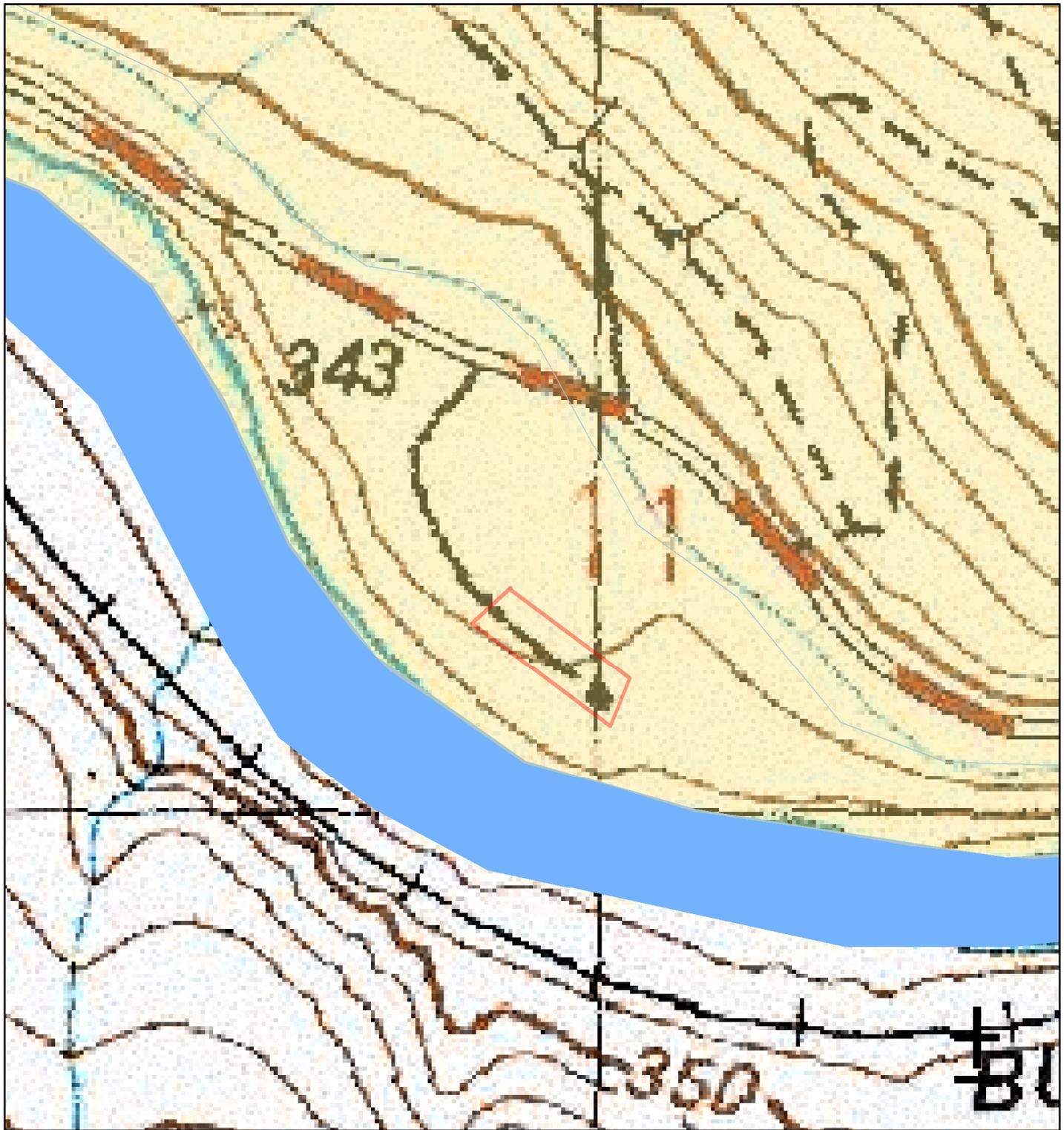
**G. Contact Person**

For additional information concerning this CX review, contact Tim Murphy, 509-665-2100

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

# Miners Flat Hazard Trees

R26E



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40  
N

## Legend

-  Miners Flat Hazard Trees
-  BLM
-  WA State Parks and Recreation



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.

Miners Flat Hazard Tree Removal

NEPA #OR-134-09-0027



Dead cottonwood trees at Miners Flat (Photos: T. Murphy- Nov 2008)

