

**DECISION RECORD**  
*Selah Butte Public Safety Fence*  
*OR-134-2009—0022-CX*

Bureau of Land Management  
Wenatchee Field Office  
915 N. Walla Walla Ave  
Wenatchee, WA 98801

**Decision and Rationale**

It is my decision to implement the Selah Butte public safety fence project as described in the attached document (OR-134-2009-0022-CX) which states that a 1/4 mile public safety fence will be constructed along the east side of an existing road leading up Selah Butte, As shown on attached map. The fence will be constructed of steel fence posts and barbwire to exclude cattle from entering a new housing development on private land west of the road, and accessing the Yakama River Canyon road. This action meets this need and will accomplish the purposes for action.

Safety hazards have been identified on the Selah Butte road that pose a risk to BLM employees and the general public. The safety fence will eliminate the identified hazards. As described in the attached Categorical Exclusion Documentation, it is not anticipated that the project action will have significant effects.

/s/ Dana Peterson

7/24/09

For \_\_\_\_\_

\_\_\_\_\_

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.: 3600803*

*NEPA Log Number: DOI-BLM-OR-134-2009-0022 CX*

*Proposed Action Title: Selah Butte Public Safety Fence.*

*Location of Proposed Action: Burbank Creek Allotment T14N R19E Sec: 9*

*Description of Proposed Action: 1/4 mile public safety fence along the east side of an existing road leading up Selah Butte. The fence will be constructed of steel fence posts and barbwire to exclude cattle from entering a new housing development on private land west of the road, and accessing the Yakama River Canyon road.*

## 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*):

## 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 11.9J. (8)

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>
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(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"/>

(1) 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"/>

Currently the opening between the boundary fence and the cattleguard creates a threat to public safety by allowing cattle to access the new housing development roads and the Yakima Canyon Road . Constructing the fence will protect the public and domestic livestock from potential hazards.

**F: Signature**

/s/ Dana Peterson

7/24/09

For \_\_\_\_\_

(Authorizing Official Signature)

\_\_\_\_\_

(Date)

Name: Karen Kelleher

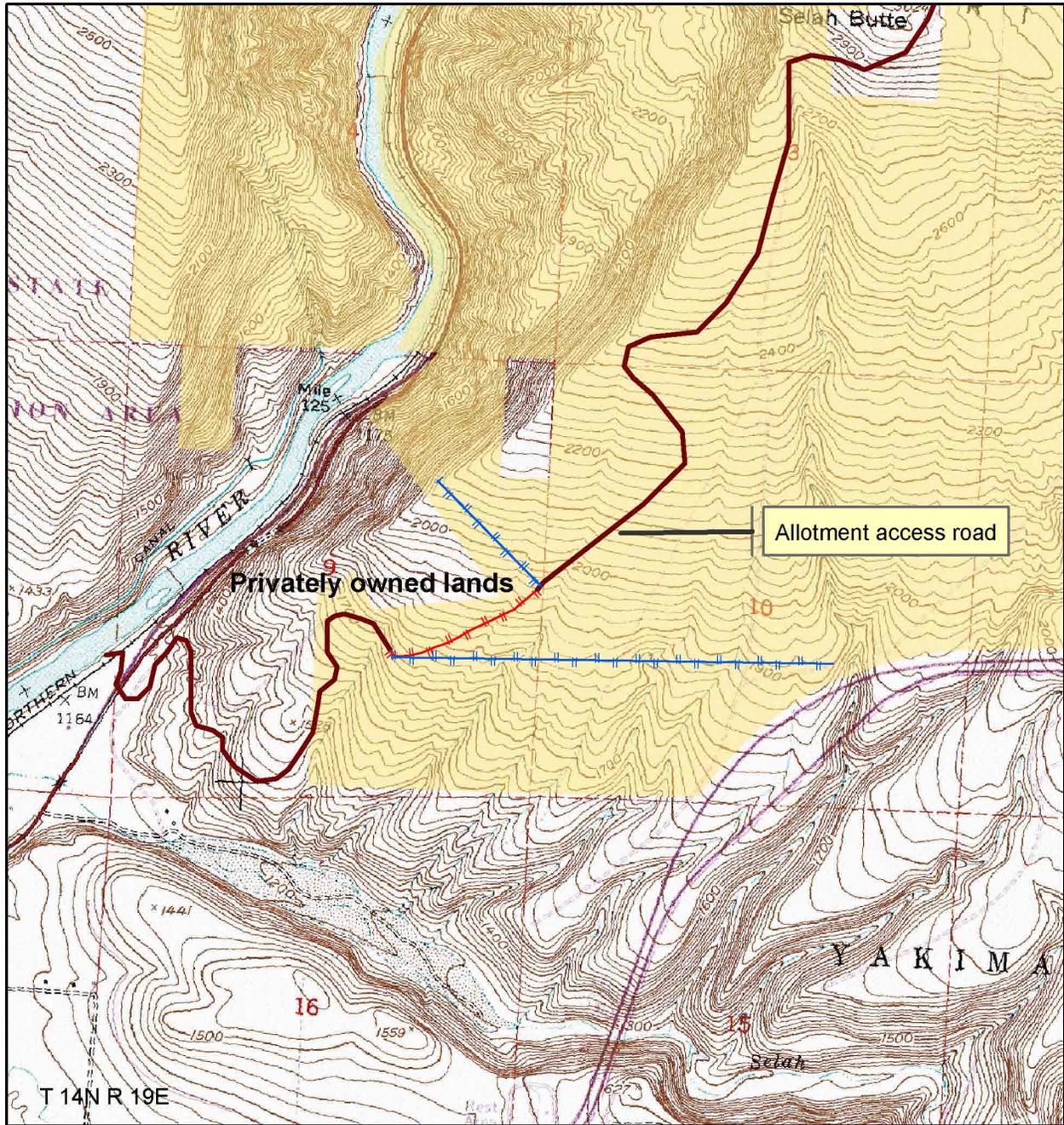
Title: Field Manager

**G. Contact Person**

For additional information concerning this CX review, contact Angela Link - Wenatchee Field Office 509-665-2100

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

# Proposed Public Safety Fence in Allotment #0803



1:24,000

## Legend

- BLM Lands
- Allotment access road
- Proposed fence-line
- Existing fence lines



BLM Bureau of Land Management  
Spokane District  
1100 N. Franklin  
Spokane, WA 99212  
(509) 326-2200

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