



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Jarbidge Field Office
2536 Kimberly Road
Twin Falls, Idaho 83301-7975



In Reply Refer To:
4120

DECISION RECORD

Water Storage Tank Wildlife Exclosure Fence DOI-BLM-ID-T010-2015-0008-CX

The Bureau of Land Management, Jarbidge Field Office has prepared a Categorical Exclusion for the installation of a wildlife exclosure fence surrounding the Juniper Draw (“Hamburger”) water storage tank. The fence is designed and will be built to exclude game animals, thereby by limiting and/or preventing access to the water storage tank. The exclosure fence will consist of steel/t-posts and 6 foot tall field wire, with a gate to allow personnel ingress and egress. The footprint of the exclosure fence will be less than 0.25 acre and installation will take place within a previously disturbed area.

Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and staff recommendations, I have determined that the project is in conformance with Jarbidge Resource Management Plan (RMP), dated March 23, 1987, and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations:

Pursuant to 43 CFR 10.4 (b), the party responsible for project construction must notify the BLM Field Manager, by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal land. Pursuant to 43 CFR 10.4 (c), the party responsible for project construction must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.

Rationale

The construction of the exclosure fence is intended to exclude game animals, thereby limiting and/or preventing access to the water storage tank to avoid mortality issues. Wildlife management actions in the Jarbidge RMP specify that “Localized adverse impacts will be avoided or reduced through interdisciplinary project planning...” This action is designated as a categorical exclusion in the BLM NEPA Handbook 1790-1 (BLM Categorical Exclusion A-7) which states “Installation of devices on existing facilities to protect life, such as raptor electrocution prevention devices.”

Based on my review of the categorical exclusion and consideration of extraordinary circumstances, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision.

Authority

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L.91-190) as amended (72 USC 4321 et. seq.) and the General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA).

Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with me, Elliot Traher, at the Jarbidge Field Office, 2536 Kimberly Road, Twin Falls, Idaho 83301. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., MS 300-QC, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Jarbidge Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition 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.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

Contact Person

For additional information concerning this project, contact Jim Klott, Wildlife Biologist, at (208) 736-2366 or via email at jklott@blm.gov.

/s/ Elliot Traher

May 8, 2015

Elliot Traher
Field Manager

Date

Attachments: Categorical Exclusion Review

cc:

Email:

Toby Boudreau, Idaho Department of Fish and Game
Pat Brown, Idaho Department of Lands
Meribeth Lomkin, Idaho Department of Lands
Jon Marvel, Western Watersheds Project
Travis Bruner, Western Watersheds Project
Ken Cole, Western Watersheds Project
Stan T. Boyd, Boise District Grazing Board
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DJ Schubert, Animal Welfare Institute
John Robison, Idaho Conservation League
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Chad Gibson, Owyhee Range Service
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