

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho Falls District
Pocatello Field Office
4350 Cliffs Drive
Pocatello, Idaho 83204-2105

DECISION RECORD
for the
Curlew Riparian and Archeological Fence Enclosures

I. PROPOSED ACTION

The proposed action is to construct nine small enclosures to protect riparian and/or cultural resources within the Curlew Valley area. The proposed action is needed as result of water conservation actions that have been implemented at springs associated with the proposed enclosures. There is currently or expected to be more water at the spring sites leading to water or riparian vegetation moving outside of the existing protection enclosures. Cultural inventories of the areas showed a need to increase the size of the enclosures to reduce potential impacts from livestock trampling.

The nine proposed enclosures/fences would would replace or augment existing enclosures. Seven enclosures would be constructed using wood posts and rails and two enclosures would be built using barbed wire. Barbed wire fence would be 4 strands with the bottom wire smooth and built to BLM big game wildlife specifications. Reflective tags would be added to the wires to make them more visible to wildlife and birds.

II. PLAN CONFORMANCE / NEPA REVIEW

The proposed action is in conformance with the Pocatello Resource Management Plan and associated Record of Decision, signed April, 2012.

A Categorical Exclusion document (DOI-BLM-ID-I0) was completed and I have determined that the proposed action is categorically excluded and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

III. DECISION

I have decided to implement the Curlew Riparian and Archeological Fence Enclosure project as described in the Categorical Exclusion (DOI-BLM-ID-I020-2015-0040-CX). The project will include all design features described in the proposed action.

It is my decision to implement the following actions:

- 1) Construct 9 enclosures to protect water, riparian and/or cultural resources.
- 2) Existing fencing material will be removed where it is no longer serving a protective purpose.
- 3) Reflective tags will be placed on all wires associated with the Badger, Josephson and Cemetery fences.

- 4) All gates associated with the enclosures will be locked shut

Rational for Decision:

Implementation of the proposed project will help protect sensitive resources. The majority of the existing enclosures that will be replaced or augmented were constructed to protect springs that have been developed for livestock water. Shut off valves were recently installed at all of the spring box's to conserve and store water at the springs when not in use. This water conservation effort has led to increased surface water at the springs resulting in water flowing outside of the existing enclosures. Increasing the size of the enclosures will reduce impacts from permitted livestock to newly saturated soils and will allow riparian vegetation to become established.

All of the proposed enclosures that will be adjacent or immediately surround the spring area and or the associated riparian area will be constructed using wood post and rails. Several existing enclosures are made of barbed wire. The new enclosures would be larger allowing improved access (jumping sites) for big game and would be more visible and made of wood reducing the collision hazard for avian species.

Cultural inventories associated with the proposed project sites has indicated the need for an enclosure to protect existing resources that are often found near natural waters. Increasing the size of the existing enclosures will help to incorporate these resources and provide for a more stable site.

V. APPEALS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the Board). If you wish to appeal, please send your appeal document in writing to David A. Pacioretty, Field Manager, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, Idaho 83204. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within 30 days after the date of service. No extension of time may be granted for filing the notice of appeal.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by §4.412 (b), and any arguments the appellant wishes to make. Form 1842-1(attached) provides additional information regarding filing an appeal.

The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs under § 4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, (Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706). Service must be accomplished as prescribed by regulation (43 CFR 4.401(c)), no later than 15 days after filing the document.

In addition, within 15 days of receipt of this decision, you have the right to file a petition for a stay of the decision together with your notice of appeal in accordance with the regulations at 43 CFR 4.21. Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards (4.21):

- (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.

/S/ David Pacioretty _____
David A. Pacioretty
Pocatello Field Office Manager

8/10/2015
Date