

Categorical Exclusion Documentation

U.S. Department of the Interior
 Bureau of Land Management, Spokane District
 Wenatchee Field Office
 915 Walla Walla Avenue
 Wenatchee, WA 98801

A. Background

BLM Office: Wenatchee Field Office

Lease/Serial/Case File No.: WAOR-58296

NEPA Log Number: DOI-BLM-WAOR-W020-2015-0009

Proposed Action Title: Steve Shiflett Orchard, Inc. Permit Renewal

Location of Proposed Action: T. 21 N., R. 20 E., W.M., Chelan County,
 Section 2: Portions of N½SW¼SE¼.

Proposed Action: The BLM proposes to renew an agricultural permit for Steve Shiflett Orchards, Inc. for a period of three (3) years. The original permit was granted in 2004 to resolve a trespass by Shiflett Orchards, whereby approximately six (6) acres of BLM-administered land were mistakenly incorporated into the orchard’s operations. The need for this action is established by BLM’s responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to requests for agricultural permits. The proposed renewal would authorize ongoing maintenance and harvesting on the six acres of BLM-administered lands containing Sweetheart and Lapin varieties of cherries. No new ground disturbance is proposed or authorized by this permit.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan (RMP)

Date Approved/Amended: Approved 1987/Amended 1992

The proposed action is in conformance with the Spokane RMP because it is specifically provided for in the RMP:

Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns (BLM 1987, p. 12)

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation in an environmental assessment or environmental impact statement. The proposed action is a kind of action that has been determined to fit within a category of actions that do not



individually or cumulatively have significant effects on the human environment. The proposed action falls within category:

516 DM 11.9.E (9): Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 described below:

a. The proposed action would not have significant impacts on public health or safety.

There are no impacts on public health or safety as it is an existing prior disturbance and no new disturbance or activity is proposed or permitted.

b. The proposed action would not 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.

A Class III Cultural Inventory was completed in 1988 and determined that no cultural or historic resources would be affected by activity in the project area. Consultation with the Yakima and the Colville Tribes, and SHPO were completed in 2003. Renewing this agricultural permit would not add any new disturbance to the natural or cultural resources.

c. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

There are no highly controversial environmental effects identified or unresolved conflicts. No alternatives were addressed because this is an existing orchard permit and no additional ground disturbance is involved or permitted.

d. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Renewing the existing agricultural permit would have no uncertain or potentially significant environmental effects or risks involved. The effects of authorizing use of this land as an existing orchard are well understood and no additional ground disturbance is proposed or permitted.

e. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

No precedent is being set by renewing this permit. This type of action is a typical right-of-way action and would not set a precedent for future action.

f. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The renewal of this authorization would continue use of this area as an existing orchard and is not connected to other federal actions with individually insignificant or cumulatively significant environmental effects.

g. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Approval of this permit would entail no additional ground disturbance. The proposed action would not have an impact on properties listed or eligible for listing on the National Register of Historic Places.

h. The proposed action would not 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.

The No impacts to threatened, endangered, or proposed species were identified for this action. No federally listed species or critical habitat is present within the existing agricultural area. Additionally, the proposed action would not change the amount or suitability of wildlife habitat in the project area, nor would it involve additional ground-disturbing activities.

i. The proposed action would not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

This proposed action is in conformance with the direction given for the management of public lands in the Spokane RMP. The proposed action is consistent with Federal, State, and local laws and the agricultural use permit would include standard stipulations for the protection of the environment.

j. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The implementation of this renewal will not affect low income or minority populations in anyway.

k. The proposed action would not 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).

The proposed action would not restrict any existing uses or limit access to federal lands. No traditional cultural properties or sacred areas have been identified within the proposed permit area.

l. The proposed action would not 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).

