

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-68634 (formerly WAOR-46617)

NEPA Log Number: DOI-BLM-ORWA-W020-2016-0011-CX

Proposed Action Title: Robert J. Holter Permit Renewal

Location of Proposed Action: T. 4 N., R. 18 E., W.M., Klickitat County,
Section 4: Portions of SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Proposed Action: The BLM proposes to renew an occupancy permit for Robert J. Holter for a period of 3 years. The original permit was granted in 1991 to resolve a trespass by Mr. Holter, whereby approximately 1-acre of BLM-administered land was mistakenly constructed upon. 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 occupancy permits. The proposed renewal would authorize the use and maintenance of a hay barn and chaff pens for livestock feeding. No new ground disturbance is proposed or authorized by this permit. See Exhibit A (Map) and Exhibit B (Terms and Conditions).

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 which 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.

The proposed occupancy permit would authorize the use of existing facilities and would not result in any new impacts to public health or safety. No new disturbance or activity is proposed or permitted. Because there are no new impacts to public health or safety from authorizing continued use of existing facilities, the effects will not be significant.

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.

The project area does not contain areas with unique characteristics, or other ecologically critical areas. The proposed action is not expected to result in any significant impacts on the aforementioned resources because it simply authorizes use of existing facilities and does not authorize any new construction.

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)].

The proposed occupancy permit was reviewed by an interdisciplinary team of BLM resource specialists. The team did not identify any highly controversial environmental effects or unresolved conflicts. Other similar projects have been implemented on BLM-administered land and did not involve any substantial disputes about the size, nature, or effect of the proposal. Because there are no substantial disputes related to the effects of this project, the effects of the proposal would not be significant.

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

The proposed authorization to allow the use of existing facilities is a common realty action. The environmental effects of authorizing the use of this land for existing hay and chaff pens were reviewed by an interdisciplinary team. The effects are well understood, are not highly uncertain,

and do not involve any unique or unknown risks; therefore, the effects of this proposal would not be significant.

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. The effects of issuing similar occupancy permits did not involve highly uncertain or potentially significant effects. Allowing continued use of a small amount of BLM-administered for a hay barn and chaff pens does not involve unique or unknown risks. This type of action to resolve a trespass 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 allow the continued use of this area as an existing hay barn and chaff pens. The continued use of these lands is not connected to other actions with individually insignificant or cumulatively significant environmental effects. No new ground disturbance would be proposed or authorized.

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 occupancy permit would entail no new ground disturbance. The proposed action would not have an impact on properties listed or eligible for listing on the National Register of Historic Places, because no new ground disturbance is proposed or authorized by this renewing this occupancy permit.

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.

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 occupancy area. Additionally, the proposed action would not change the amount or suitability of wildlife habitat in the project area because it would not involve any new 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

The proposed action does not threaten to violate any Federal, State, tribal, or local laws or requirements imposed for the protection of the environment. The proposed occupancy permit would include standard stipulations for 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 renewal of this existing permit would not affect low income or minority populations in any way because this is an existing occupancy permit and no new activities are proposed or permitted.

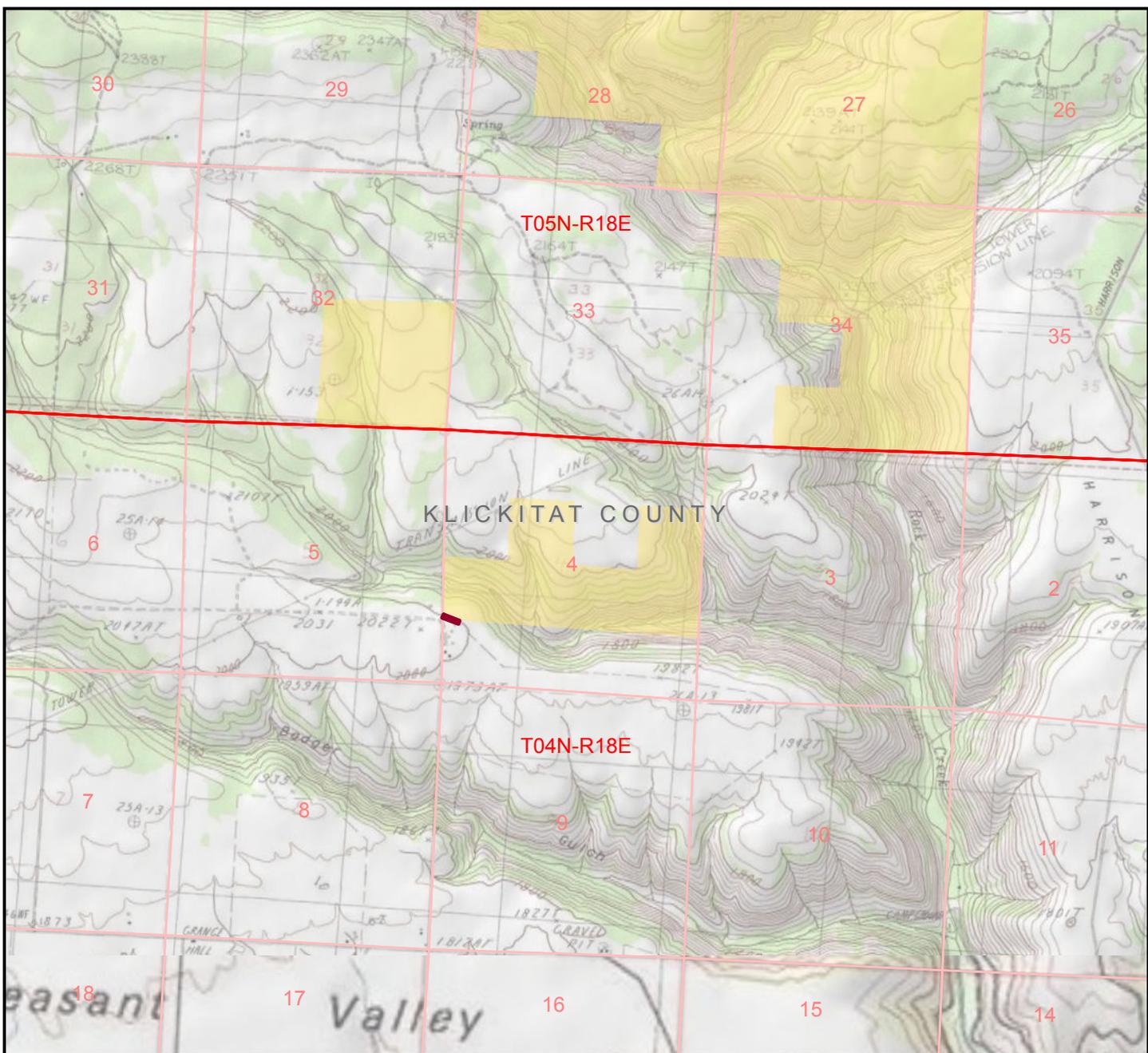


Exhibit A - WAOR-68634

Willamette Meridian, Klickitat County,
Washington
T.4 N., R. 18 E., sec. 4, Portions of the
SWNESW.
1.00 acre.

— ROW
 Bureau of Land Management

Holter Permit Renewal



Dated: 05/10/2016



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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.

Exhibit B

Stipulations for Occupancy Permit WAOR-68634

1. The permittee agrees:
 - (a) Except for maintenance and repair of existing facilities, no other improvements, buildings, or structures, or travel houses shall be constructed or placed on the permitted lands without the written consent of the Authorized Officer of the Bureau of Land Management (BLM). Plans must be submitted to the office which issued the permit for approval in advance of any new construction or remodeling.
 - (b) To pay rental annually, in advance, 30 days prior to the anniversary date of this permit.
 - (c) Not to commit waste or injury to the land, or to use it for any other purpose than the authorized use.
 - (d) Not to close or obstruct in any manner, or erect or maintain signs, buildings, or other structures on any highways, roads or trails commonly in public use.
 - (e) To be responsible for weed control within the permit area, and shall consult with the Authorized Officer or local authorities for acceptable weed control methods.
2. The rental charged on this permit may be adjusted periodically to reflect the current fair market value.
3. The United States reserves the right to use the public lands or to authorize the use of the public lands by the general public in any way compatible or consistent with the authorized land use.
4.
 - (a) This permit is being used as an intermediate solution to resolve a trespass. Therefore, no new developments on the subject public land are authorized.
 - (b) Nonuse of the land for a period of 1 year will result in cancellation of the permit.
 - (c) If the existing improvements, or a substantial portion thereof, are destroyed or damaged for any reason to the extent that they become unusable, as determined by the Authorized Officer of the BLM, they will not be replaced and the permit will be canceled.
 - (d) Unless otherwise provided herein, upon the termination or cancellation of this permit, the permittee shall have 60 days to remove all improvements from the land and shall restore the land as directed by the BLM's Authorized Officer. If the permittee fails to

remove all improvements within a reasonable period, they shall become the property of the United States. Failure to remove improvements and restore the site as appropriate shall make the permittee liable for the cost of such removal and restoration.

5. The permittee agrees to comply with all applicable State and Federal laws and regulations concerning the use of pesticides, including insecticides, herbicides, fungicides, rodenticides, and other similar substances. Prior to the use of such pesticides on the permit area, the permittee shall obtain from the Authorized Officer of the BLM, approval, in writing of a written plan for such use. The plan shall state the type and quantity of material to be used, the pest to be controlled, the method of application and such other information as the BLM Authorized Officer may require. All use of pesticides on or near the permit area shall be in accordance with the approved plan. If the use of a pesticide is prohibited by the Secretary of the Interior, it shall not be used.
6. The permittee may not release any hazardous substances or hazardous wastes (as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq.) on the permit lands, and hereby agrees to indemnify the United States against any liability arising from their release of any hazardous substances or waste thereon.
7. This permit is subject to termination by the BLM for failure of the permittee to perform or observe any of the terms and conditions hereof, in accordance with the provisions of 43 CFR 2920.9-3.