UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B060-2013-0041-CX
Date: June 3, 2013
File Code: 1040
(Project/Serial Number): NEPA Central Files
Preparer: Daryl A. Bingham
Title of Proposed Action: Pueblo Slough Wetlands Restoration

Description of Proposed Action and Project Design Elements

Background

In 1974, the BLM began construction on a multi-phase fish and wildlife habitat enhancement project (OR-020-74-31, 36020-4-31, Pueblo Slough Wildlife Habitat Improvement Project, June 1974) approximately five miles north of the Oregon Nevada border northeast of Denio, Nevada. The project area was divided into two exclosures, Pueblo Slough #1 (111acres), and the adjacent Pueblo Slough #2 (84acres) to the south. The two exclosures are separated by a corridor approximately 50-100 feet in width to accommodate Pueblo Slough Road and allow livestock movement between Colony Seeding on the west of the Proposed Project Area and Colony Winter Pasture to the east. The slough crosses the roadway via three culverts set in the roadway.

In an effort to create a diverse perennial aquatic habitat, BLM drilled nine artesian wells in addition to as many as eight wells privately drilled in the 1920s to supplement surface water in the area. Blasting treatments were employed throughout the original project area in order to crack impermeable soil layers allowing subsurface water to move to the surface. Three dikes were constructed and four ponds were further excavated to create nesting islands for migratory birds. In the late 1980s and early 90s, the ponds were deepened using a dragline, bulldozer and other heavy equipment (OR-020-8-70 Pueblo Slough Dike Construction, September 1988); tailings from pond excavation were used to construct the dike at the northern end of the project area.

Since construction, decreasing water tables, sediment deposition and dense stands of reeds and tules have reduced the designed surface water area (86 acres) to approximately 2.3 acres (87% loss) of perennial water; all dependent on BLM developed artesian wells (See Map 1). Reduced water levels and an increase in sediment deposition have created optimal conditions for proliferation of reeds and tules which trap windblown sediment exacerbating the filling in of the ponds. The reduction of surface area also concentrates bird wastes and other contaminants in the water. In some pools, the dissolved oxygen (DO) content of the water has been measured at nearly 0.00 percent (average DO 7-10%) making the habitat unsuitable and potentially toxic for fishes and animals.

Time and environmental conditions have resulted in the deterioration of the exclosure fences and gates. As designed, the northwest boundary of the southern exclosure is comprised of short (150-300feet) fence sections with five corner rock cribs. This design increases the need for maintenance on fence corners and wire tension, particularly in close proximity to the slough bottom where soils are soft. The corridor associated with this boundary is narrow and difficult to navigate for animals since there is no clear view for passage between the exclosures limiting opportunities for wildlife to find water on the west side of the corridor. Sections of the fence wire and posts are corroded and unserviceable having fallen or been pushed down and require replacement. These fences are necessary to exclude livestock from use in the exclosures during the winter period of authorized grazing for the Colony Winter and Colony Seeding Pastures as well as a portion of privately-owned land along the western boundary of the northern exclosure.

The culverts where Pueblo Slough Road intersects with Pueblo Slough are eroded and have collapsed within the roadway. The culverts have exceeded their life expectancy and have eroded through leaving 1foot deep holes in the roadways and are a hazard to vehicle travel on the Pueblo Slough Road as noted during the 2011 Road Review Condition Assessment.

Pueblo Slough lies within a major north-south flyway for migratory birds in Eastern Oregon. Because of the artesian water source, the ponds rarely freeze creating a reliable year-round water source. Throughout the Alvord subbasin the overall scarcity of available surface water makes this habitat an important stopover, resting and nesting location for many migratory waterfowl and other bird species including: red tail hawk, northern harrier, magpies, ravens, turkey vultures, Brewer's sparrow, sage sparrow, sage thrasher, meadowlark, horned lark, and loggerhead shrike. This water source is also necessary for antelope, deer, and other animals.

Alvord chub (*Gila alvordensis*), a BLM Special Status Species has been sampled as recently as 2012 in the northernmost pond (Pond 4). This pond is supplied with water by an artesian well (Well #6) developed by BLM in 1974. The chub population is highly localized near the well with numbers decreasing with distance from the artesian source.

Proposed Action

The Proposed Action is to rehabilitate portions of the historic excavated ponds to restore quality habitat to local wildlife and fish populations as well as enhance suitability of the resource for migratory species. BLM staff (no more than 4) would re-excavate (backhoe/excavator) portions of the ponds in selected locations determined to have the highest probability of remaining perennial, sustaining a healthy riparian vegetative community and sustain adequate water quality for fish and wildlife. Specific pond size and locations would be adaptively created throughout construction but within the original disturbed areas in the Pueblo Slough. The work would start after July 30 and end prior to April 1 in 2014-2015 as funding, staff, and equipment are available.

All work would occur within the known high water mark of each pond with tailings deposited within pond areas to augment existing islands used as habitat by migratory birds. Pond surface areas are expected to be reduced and the depth increased in order to provide a cooler and more reliable perennial surface water habitat and located near developed wells to reduce evaporation caused by a wide expanse of shallow water. The remainder of the playas would be avoided to aid in the preservation of the area as shore/wetland habitat. Ponds would be monitored for water quality during the work period and prior to reconnection to the artesian water source to ensure there is no contamination to the existing habitat. Excavation would be metered to ensure there is minimal reduction in depth to existing ponds.

The north exclosure #1 fence would be repaired along its existing line with gates repaired as necessary.

The northern water gap fence (north boundary of southern exclosure) section would be modified by moving 2000 feet of the existing fence creating a straight fence (approximately 1,400 feet) diagonally northeast-southwest within the originally disturbed area and removing the gate to the southeast corner of the private land that creates the western boundary of exclosure #1 (See Map 3).

Culvert replacement would consist of removal of old and installation of replacement culverts of appropriate diameter and length to provide adequate cross drainage. New culverts will be bedded with material suitable to prevent future erosion and/or washout and the culvert outlets will be armored with riprap to prevent accelerated erosion.

The range of tools utilized for construction would be as small as a hand shovel up to bulldozers and dragline excavators as were used during the original project. It is expected that much of the work will be performed by backhoe/excavator and a typical farm type tractor. Equipment passage into and out of the project area would occur across existing roads where practicable and remain within the playa. All construction equipment would be cleaned prior to beginning work to minimize the potential of spreading noxious weeds.

The project area lies entirely within a previously disturbed area; however, the area is nearby known cultural resources. All work planning would involve BLM Archeological staff to ensure that cultural sites near the project area are not adversely affected. Artifacts uncovered within the project area would be reported to the District

Archaeologist immediately.

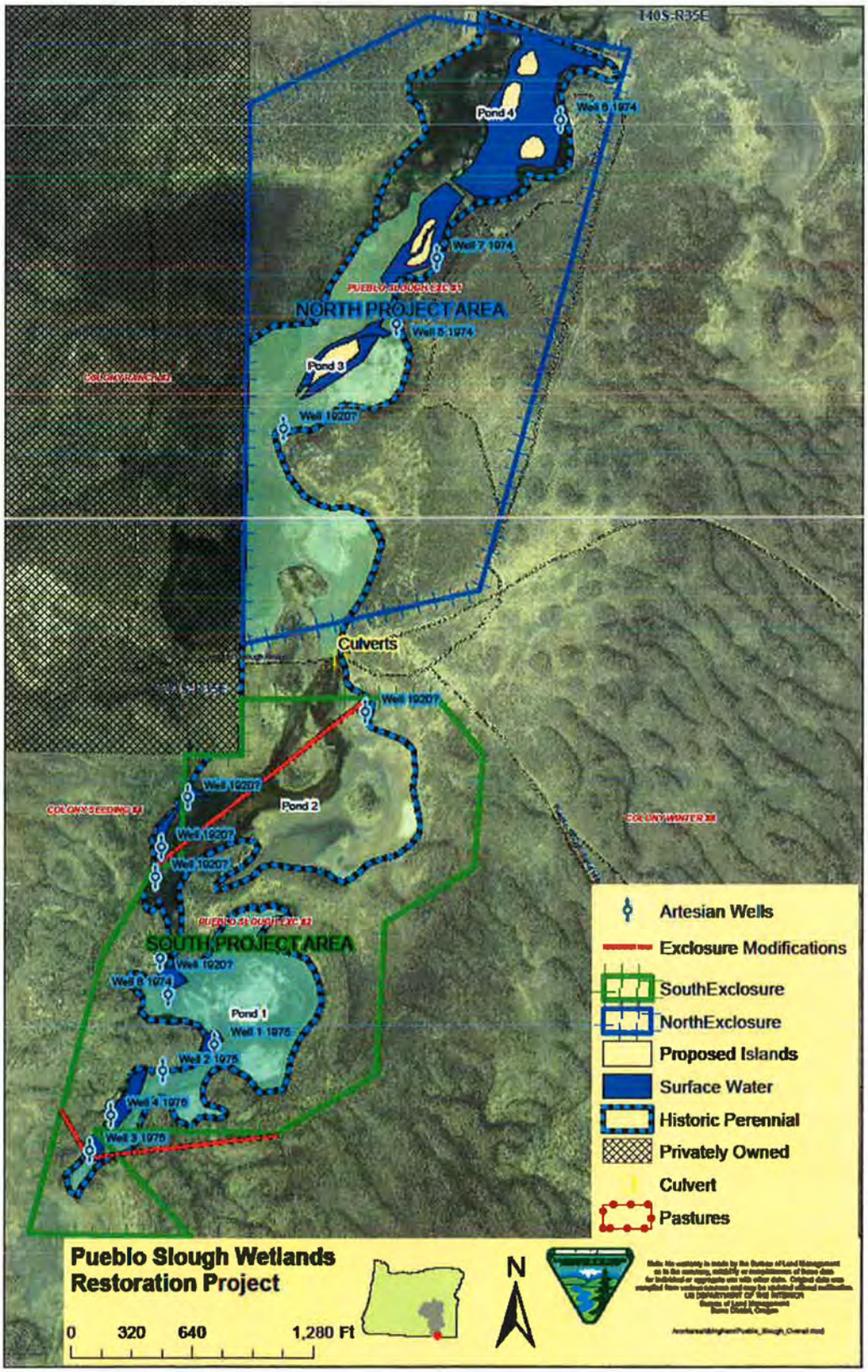
All work would occur after July 30 and prior to April 1. This mid-summer to spring work period would serve to avoid nesting conflicts for migratory birds as well and avoid the spawning period for the local chub population. Additionally, the normal high water mark would be identified and during periods of work, observations would be made of changes in water level to reduce the potential for threats to species and habitat.

Regular and recurring maintenance on the culverts would be performed by the BLM. Maintenance activities would include, but not be limited to:

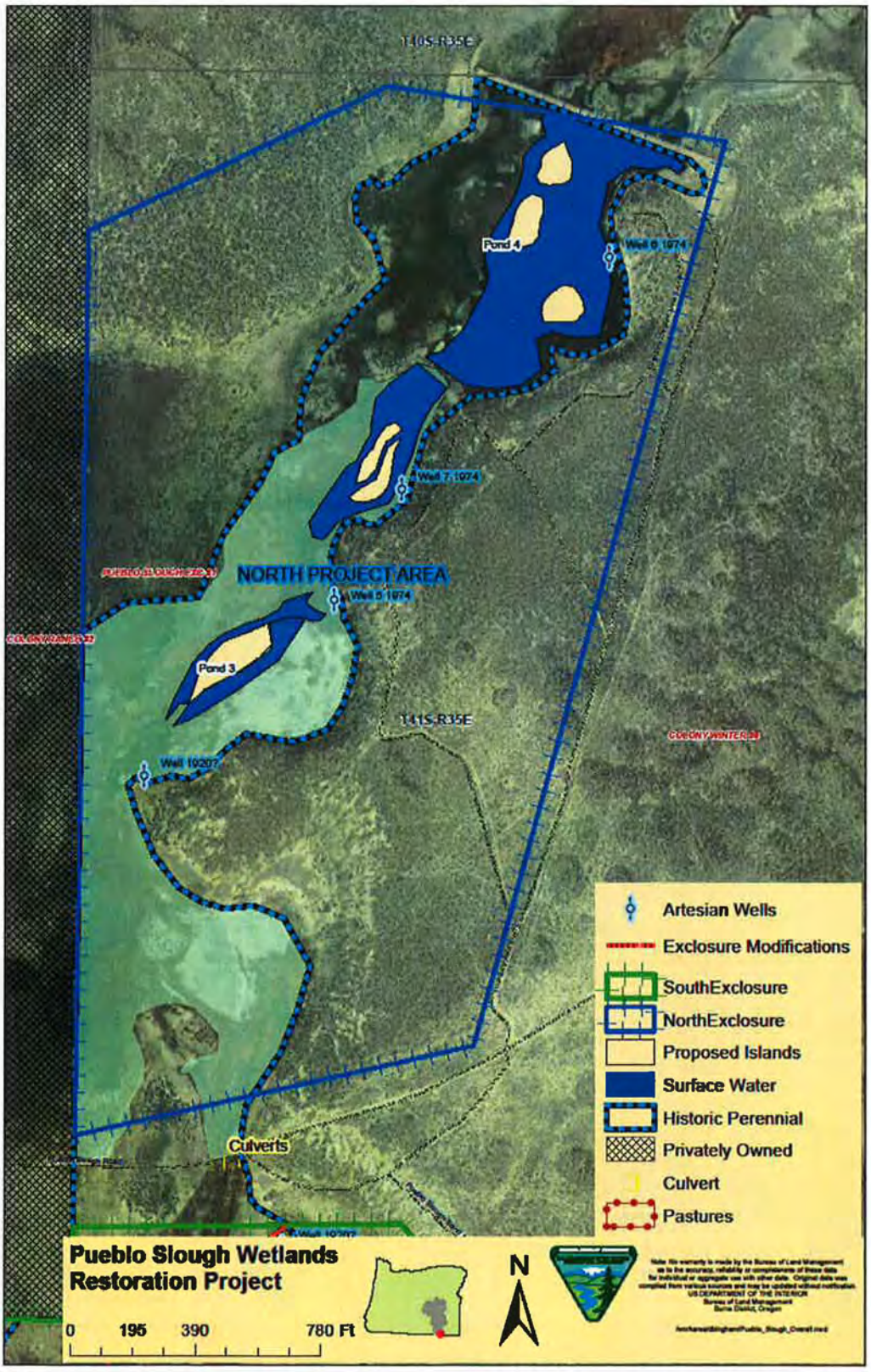
- Cleaning of culvert conduit and sediment removal around inlet and outlet basins.
- Armoring, using locally sourced rip rap materials, of the culvert inlet and outlet.
- Fill material re-compaction and replacement.
- Conduit replacement.

Any mineral materials used on this project will come from certified weed-free pits or sources.

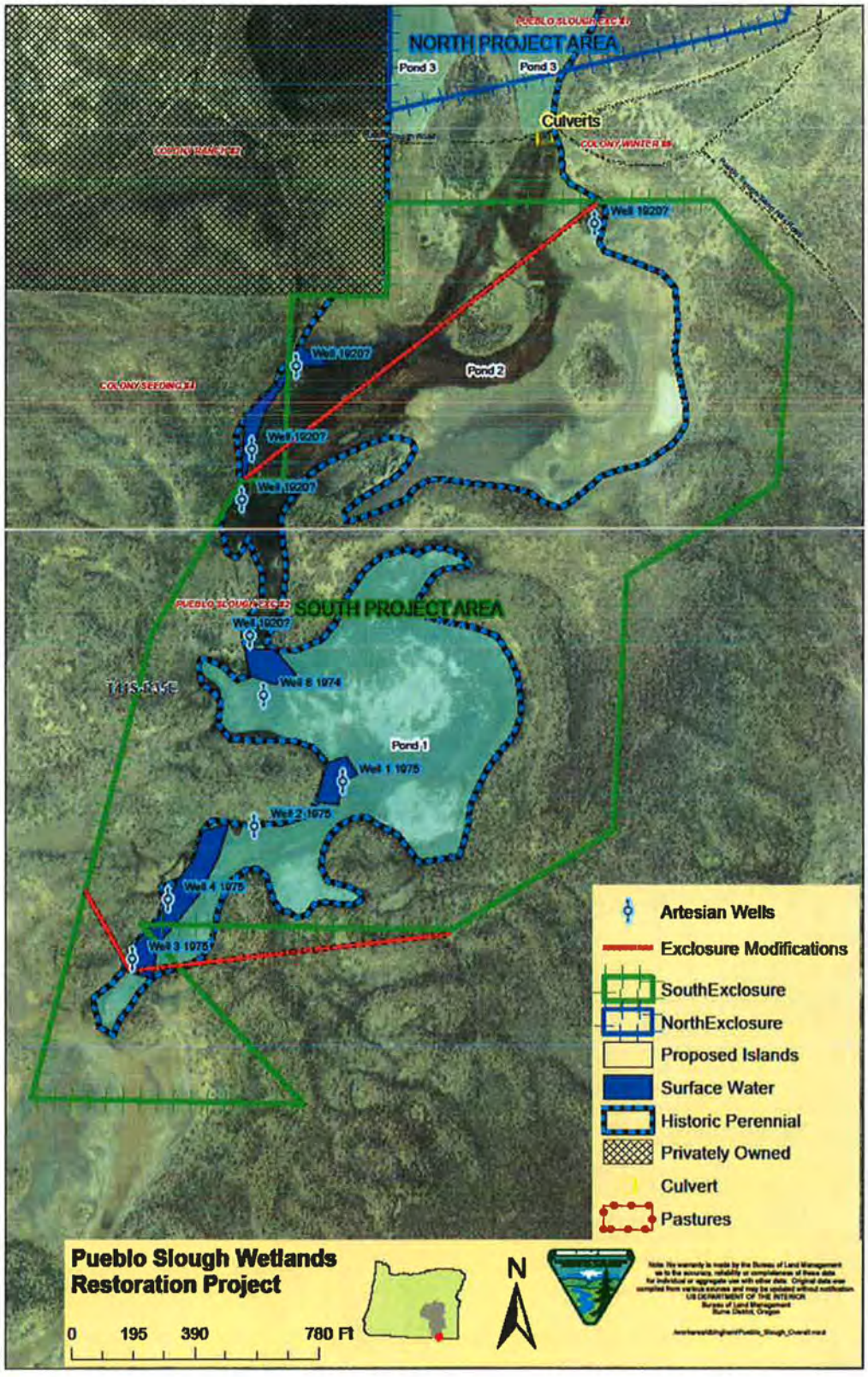
Legal Description (attach Location Map): W.M., T. 41 S., R. 35 E., sections 2 and 11. Pueblo Slough Allotment #6043, Southern Harney County, Oregon.



Map 1; this map shows the overall project area for the Pueblo Slough Wetland Restoration Project. Included is the specific location of the Alvord chub population located within the project area.



Map 2; this map shows the northern exclosure #1 of the Pueblo Slough Wetland Restoration Project.



Map 3; this maps shows the southern exclosure #2 of the Pueblo Slough Wetland Restoration Project.

B. Conformance with Land Use Plan (LUP): Andrews Management Unit Record of Decision and Resource Management Plan, August 2005

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:

Operation and Maintenance Actions (Resource Management Plan Components, Plan Implementation Process, RMP page 15):

Projects and maintenance of existing and newly-constructed facilities will occur; however, the level of maintenance could vary based on annual funding. Normally, routine operation and maintenance actions are categorically excluded from NEPA analysis (with the exception of actions conducted within WSAs). Such activities could include, but are not limited to, routine maintenance of existing roads, ditches, culverts, water control structures, recreation facilities, reservoirs, wells, pipelines, waterholes, fences, cattleguards, seedings, fish and wildlife structures, and signs. These types of actions are part of the implementation of the RMP and should not require further analysis to implement. Maintenance of existing facilities in WSAs will be considered on a case-by-case basis and will require additional NEPA analysis.

AND

Resource Goals and Objectives, Rationale, Management Direction, and Monitoring (Fish and Wildlife, RMP page 33):

Goal, *Provide diverse, structured, resilient and connected habitat on a landscape level to support viable and sustainable populations of wildlife, fish and other aquatic organisms.*

Objective 1, *Maintain, restore or improve habitat.*

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):

1.7, Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

BLM Categorical Exclusion Reference (516 DM, Chapter 11):

A.1., *Modification of existing fences to provide improved wildlife ingress and egress.*

A.2., *Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle).*

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION
2.1 Have significant impacts on public health or safety.
Specialist: John Petty, District Safety Officer Signature and Date: 9/9/13
Rationale: BLM Staff assigned to the project will have the required certifications for the equipment that will used in this project and will conduct tailgate safety discussion prior to starting any work.
2.2 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or

critical areas.
Migratory Birds Specialist: Andy Daniels, Wildlife Biologist Signature and Date: Andrew J Daniels 9/9/13
Rationale: Migratory birds use this area as a stopover in their migration route as long as there is standing water. The proposed action of restoring wetlands will provide more surface area of available water and may be beneficial to migratory birds.
Historic and Cultural Resources Specialist: Scott Thomas, District Archaeologist Signature and Date: Scott Thomas 9/9/13
Rationale: No historic or cultural resources would be affected by this proposed project. The project area lies entirely within a previously disturbed area; however, the area is nearby known cultural resources. All work planning would involve BLM Archeological staff to ensure that cultural sites near the project area are not adversely affected. Artifacts uncovered within the project area would be documented and reported to the District Archaeologist.
Areas of Critical Environmental Concern/Research Natural Areas Specialist: Caryn Burri, NRS Botany Signature and Date: 9.9.13
Rationale: There are no ACEC or RNAs within the proposed project area.
Water Resources/Flood Plains Specialist : Daryl Bingham, NRS Fisheries Signature and Date: 9 SEPT 2013
Rationale: In the area of the proposed project, the slough is intermittent with no measurable horizontal flow even during spring runoff. Water that accumulates during the winter remains in ponds until it evaporates or is absorbed into the ground. Restoration of ponds and wetlands within the existing project boundary is not expected to modify hydrology of the slough and thus would not negatively affect water quality. Deepening ponds and removal of excess riparian vegetation would likely improve water quality in localized areas. There is no occupancy (domestic or commercial) on or near the floodplain created by Pueblo Slough.
Soils, Biological Soil Crust, Prime Farmlands Specialist: Caryn Burri, NRS Botany Signature and Date: 9.9.13
Rationale: The Pueblo Slough playa was the site of a long term project to maintain fish and wildlife. Because of the regular disturbance, soils and biological soil crusts have already been impacted within the boundaries of the proposed project area. Improving the bridge site may prevent overland flow and prevent future erosional events which would result in the loss of soils and BSCs. There are no Prime Farmlands.
Recreation/ Visual Resources Specialist: Eric Haakenson, Wilderness and Recreation Signature and Date: Eric Haakenson 09-09-13
Rationale: The proposed area is in VRM Class III, "partially retain the existing character of the landscape," and "activities may attract attention but should not dominate the view." The proposal of removing the bridge and replacing it with two culverts would conform to the aesthetics of the land. There would be no impact to the VRM level. The project would have no effect on recreation.
Wilderness/Wild and Scenic River Resources Specialist: Tom Wilcox, Outdoor Recreation Planner Signature and Date: 9/9/2013
Rationale: In the proposed area there is no Wilderness, WSA, Citizen proposed WSA, WSR or lands with Wilderness Characteristics.
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist: Holly Orr, District Environmental and Planning Coordinator Signature and Date: Holly Orr 09/05/2013
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The excavation in the Pueblo Slough, re-constructing the exclosure fences, and replacing the culverts is all maintenance work on existing facilities on the landscape. The action is to perform routine and continuing maintenance on existing facilities.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist: Holly Orr, District Environmental and Planning Coordinator Signature and Date: Holly Orr 09/05/2013
Rationale: There are no known highly uncertain or potentially significant environment effects or unique or unknown environmental risks. The excavation in the Pueblo Slough, re-constructing the exclosure fences, and replacing the culverts is all maintenance work on existing facilities on the landscape. The action is to perform routine and continuing maintenance on existing facilities.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist: Holly Orr, District Environmental and Planning Coordinator Signature and Date: Holly Orr 09/05/2013
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The excavation in the Pueblo Slough, re-constructing the exclosure fences, and replacing the culverts is all maintenance work on existing facilities on the landscape providing the same condition on-the-ground disturbance as originally analyzed in prior EAs. The action is to perform routine and continuing maintenance on existing facilities.
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist: Holly Orr, District Environmental and Planning Coordinator Signature and Date: Holly Orr 09/05/2013
Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The excavation in the Pueblo Slough, re-constructing the exclosure fences, and replacing the culverts is all maintenance work on existing facilities on the landscape providing the same condition on-the-ground disturbance as originally analyzed in prior EAs. The action is to perform routine and continuing maintenance on existing facilities.
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
Specialist: Scott Thomas, District Archaeologist Signature and Date: Scott Thomas 9/9/13
Rationale: No listed or eligible National Register properties would be affected by this project.
2.8 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.
Endangered or Threatened Species-Fauna Specialist: Andy Daniels, Wildlife Biologist Signature and Date: Andrew J. Daniels 9/9/13
Rationale: There are no listed Endangered or Threatened Species or designated Critical habitat for a listed species in or near the project area. The nearest sage grouse (proposed for listing species) lek (Propeller Meadows) is 3.2 miles away, and the project area is located in an existing road prism within Preliminary General Habitat (PGH).
Endangered or Threatened Species-Aquatic Specialist: Daryl Bingham, NRS Fisheries Signature and Date: 9 SEPT 2013
Rationale: There are no listed Endangered or Threatened aquatic Species or designated Critical habitat for a listed species in or near the project area. Alvord chub, a species of concern are located in Pueblo Slough. This population and habitat, while within the proposed project area would be monitored for effects. Expansion of the habitat would ultimately benefit the population through enhanced water quality and quantity.
Endangered or Threatened Species-Flora Specialist: Caryn Burri, NRS Botany Signature and Date: 9.9.13
Rationale: There are no T & E or Special Status flora species or designated critical habitat within the proposed project area.
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist: Holly Orr, District Environmental and Planning Coordinator

Signature and Date: Holly Orr 09/05/2013
Rationale: Implementation would not violate any known Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. The excavation in the Pueblo Slough, re-constructing the exclosure fences, and replacing the culverts is all maintenance work on existing facilities on the landscape providing the same condition on-the-ground disturbance as originally analyzed in prior EAs. The action is to perform routine and continuing maintenance on existing facilities.
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist: Holly Orr, District Environmental and Planning Coordinator Signature and Date: Holly Orr 09/05/2013
Rationale: Implementation of the proposal would not result in a disproportionately high and adverse effect on low income or minority populations. These populations do not occur in or near the project area.
2.11 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).
Specialist: Scott Thomas, District Archaeologist Signature and Date: Scott Thomas 9/9/13
Rationale: Access to or integrity of Indian sacred sites would not be affected by this project.
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).
Specialist: Lesley Richman, District Weed Coordinator Signature and Date: Lesley Richman 9/9/2013
Rationale: Noxious weeds are known to be present in, or in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.

Additional review (As determined by the Authorized Officer): None

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Holly Orr, District Planning and Environmental Coordinator

Signature: Holly Orr Date: _____

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer: Rhonda Karges, Andrews Resource Area Manager

Signature: Rhonda Karges Date: 10/30/13

Decision: It is my decision to implement the Proposed Action as described above.