

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B0020-2011-0029-CX
File Code (Project/Serial Number): 5297,4216,4135,1635,5066,5651
Preparer: Jana Mort
Title of Proposed Action: Continued Reservoir Maintenance

Date: 5/4/11

Applicant: Jana Mort

Description of Proposed Action and Project Design Elements (if applicable): A continued maintenance action will take place on 7 Reservoirs within the Burns District in accordance with BLM 516 DM, Chapter 11, 11.9.A (2) and 11.9.D (10) so that conditions mandated by the Oregon Water Resources Department (ORWD) can be met. BLM will install meters such as staff gauges, cement markers, and/or suitable measuring devices such as ramp flumes so that measurement, recording, and reporting of water levels and conditions can be conducted annually. In addition, dams will be subject to the installation of outlet pipes, head gates, waterman gates, flashboard risers, or the provision of other means to evacuate the stored water when determined necessary by the Water Resources Director to satisfy prior downstream rights. Additional maintenance will be the removal of trees and brush from dams and also in areas directly above and/or below reservoir areas. Spillways will be maintained by cleaning and/or re-rocking for added stability where needed.

The implementation of water control devices may entail the breaching of dams and/or the draining of reservoirs. In the instance this occurs, drained reservoirs will be cleaned and silt build-up removed at this time to restore the volume of the reservoir to its original "as built" capacity.

The work on spillways, water control, and measuring devices will be implemented by BLM Operations crews, Engineers, and other BLM employees. The removal of trees and brush in dam areas will be conducted by BLM Fire crews, Youth Conservation Crews (YCC), and/or contractors.

Equipment used by BLM Operations crew include: back hoe, dump truck, cement truck, low boy, water truck, track hoe, bull dozer, front end loader, and ground packing devices. Equipment used by Fire crews, YCC crews and/or contractors would be limited to gas powered chain saws and hand tools and will not involve the use of ground based equipment or other manner of timber yarding. All equipment used on these projects will be cleaned before being transported to the work sites to reduce the likelihood of introduction of noxious weeds.

No new or temporary roads will be constructed and work locations do not include Wilderness Study Areas (WSA's). Activities would occur within the original footprint of each reservoir.

Legal Description (attach Location Map):

Poison Creek Reservoir

Dam Location: Located within the Poison Creek Reservoir Enclosure on a tributary of the Silvies River SW ¼ NW ¼ Section 17, T18S, R32E, W.M.; South 00 Degrees 48 Minutes 11 Seconds West 19,477.87 feet from SW corner, Section 32.

Twin Springs Reservoir

Dam Location: Located within the Alder Creek Allotment in the Mountain pasture on an unnamed intermittent stream, a tributary of Little Crane Creek at the SE ¼ SW ¼ of Section 33, T23S, R35E, W.M. Located within the Alder Creek Allotment in the Mountain pasture.

State Reservoir

Dam Location: Located within the Skull Creek Allotment in the Lake Creek pasture on Slicker Creek, a tributary of Skull Creek within the Malheur Lake Basin in the NW ¼ SW ¼ of Section 9, T21S, R29E, W.M. 1640 feet North & 60 feet east from the SW corner, Section 9.

OR020-1791-01

(Revised January 2010)

Frazier Seeding Reservoir

Dam Location: Located within the Frazier Field Allotment in the Lower Seeding #4 pasture on an unnamed stream a tributary of the Donner Und Blitzen River at the SW ¼ NW ¼ of Section 9, T32S, and R32 ½ E, W.M.

Green Spot Reservoir

Dam Location: Located within the Skull Creek Allotment in the Early Turnout pasture on the North Fork of Willow Creek, a tributary of Willow Creek at the SE ¼ of Section 10, T22S, R29E, W.M.; 845 feet North and 1373 feet West from the SE Corner of Section 10.

Mud Ball Reservoir

Dam Location: Located within the Cave Gulch Allotment in the Boulder Canyon #1 pasture on an unnamed tributary of the Silvies River at the NW ¼ SW ¼ of Section 29, T21, R30E, W.M.

Mistake Lake

Location: Located within the Ruby Springs Allotment in the Ruby Springs Seeding #1 pasture not located on a tributary but fed by Ruby Springs and runoff water that collects in the NE ¼ of Section 14, T30S, R32E, W.M.

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(s) (*objectives, terms, and conditions*): Delete if not applicable

B. Conformance with Land Use Plan (LUP) (name): Three Rivers Resource Management Plan

Date Approved/Amended: September 1992

Goal: Water Quality Objective and Rational to improve surface water quality on public lands to meet or exceed quality requirements for all beneficial uses (Page 2.4)

Conformance with Land Use Plan (LUP) (name): Andrews Management Unit Resource Management Plan

Date Approved/Amended: August 2005

Goal: To maintain, restore, or improve water quality and quantity to sustain the designated beneficial uses on public lands.

Objective 1. Comply with State and Federal requirements to protect public waters (Page 17).

Conformance with Land Use Plan (LUP) (name): Steens Mountain Cooperative Management and Protection Area Resource Management Plan

Date Approved/Amended: August 2005

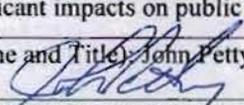
Goal: To maintain, restore, or improve water quality and quantity to sustain the designated beneficial uses on public lands.

Objective 1. Comply with State and Federal requirements to protect public waters (Page 18).

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

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 replacements activities having limited context and intensity (e.g. limited size and magnitude or short-term effects).

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 (Print Name and Title): John Petty, Safety Manager	
Signature and Date:  8/1/11	
Rationale: Control public accesses when the dams are breach to reduce fall hazard. No impact on public health.	
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 (Print Name and Title): Matt Obradovich and Jason Brewer, Wildlife Biologists
Signature and Date: <i>Jason Brewer 8/1/2011</i> <i>Matt Obradovich 8/04/2011</i>
Rationale: Migratory birds would be disturbed during the installation of headgates and measuring devices and the removal of shrubs and trees on the dams. The area impacted by the actions provides very little habitat for migratory birds compared to the rest of the landscape around the reservoirs (< 1%) so there will be plenty of other habitat for migratory birds to use. The time frame for installation would probably be a week or two but would cause only negligible disturbance to birds. Most of the construction would probably take place outside nesting season (May 1 to July 15) so that there would be no detectable effects to overall population levels. Migratory birds might be more affected by loss of water at these sites but most have springs, creeks or streams within a mile that they would use instead. The loss of water would only last from the time the reservoir is drained until the following winter/spring when the reservoirs would refill. This would not cause any detectable changes to migratory bird populations.
<u>Historic and Cultural Resources</u>
Specialist (Print Name and Title): Scott Thomas, Archeologist
Signature and Date: <i>Scott Thomas 8/1/11</i>
Rationale: No historical or cultural resources would be affected by this project.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>
Specialist (Print Name and Title): Caryn Meinicke, Botanist
Signature and Date: <i>Caryn Meinicke 8-1-11</i>
Rationale: There are no ACEC/RNAs within any of the proposed project areas.
<u>Water Resources/Flood Plains</u>
Specialist (Print Name and Title): Lindsay Davies or Lisa Grant and Daryl Bingham, Fisheries Biologists
Signature and Date: <i>Lindsay Davies 8/1/2011</i> <i>Daryl Bingham 8/1/2011</i>
Rationale: Work would occur within the original footprint of reservoir. No additional impacts would be expected
<u>Soils, Biological Soil Crust, Prime Farmlands</u>
Specialist (Print Name and Title): Caryn Meinicke, Botanist
Signature and Date: <i>Caryn Meinicke 8-1-11</i>
Rationale: There are no prime farmlands within the project areas. Soil disturbance will take place in currently disturbed areas or the areas will be small enough to have an insignificant impact on soils. BSCs may be disturbed; however, the footprint will be small enough as to have an insignificant impact.
<u>Recreation/ Visual Resources</u>
Specialist (Print Name and Title): Mike Kelley, Recreation Planner (Andrews, RA); John Bethea, Recreation Planner (3 Rivers, RA)
Signature and Date: <i>Mike Kelley 8-3-11</i> <i>John P. Bethea 8-4-11</i>
Rationale: For the Three Rivers RA only Poison Creek Reservoir is designated as a Recreation Site. If Poison Creek Reservoir needed to be drained for maintenance it would most likely occur in the Fall months with little impact on fishing or recreation. There wouldn't be any significant impacts to visual resources or recreation with any actions taken in this CX for Three Rivers RA.
<u>Wilderness/Wild and Scenic River Resources</u>
Specialist (Print Name and Title): Eric Haakenson, Wilderness Specialist
Signature and Date: <i>Eric Haakenson 08/02/11</i>
Rationale: There are no wildernesses, WSA's, or WSR's present in the proposed project areas. <i>Also there is no Lands with Wilderness Characteristics in the proposed project area.</i>
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA (Section 1022) (E)].
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <i>Rhonda Karges 8/4/2011</i>
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The reservoirs are existing features on the landscape and implementation of the proposal is to meet ORWD requirements and ensure reservoir reliability.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator
Signature and Date: <i>Rhonda Karges 8/4/2011</i>
Rationale: There are no known uncertain or potentially significant environmental effects or unique or unknown environmental risks. The reservoirs are existing features on the landscape and implementation of the proposal is to meet ORWD requirements and ensure reservoir reliability.

2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title):	Rhonda Karges, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 8/4/2011
Rationale:	Implementation of the proposal would not set a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The reservoirs are existing features on the landscape and implementation of the proposal is to meet ORWD requirements and ensure reservoir reliability.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title):	Rhonda Karges, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 8/4/2011
Rationale:	There are no known individually insignificant but cumulatively significant environmental effects. The reservoirs are existing features on the landscape and implementation of the proposal is to meet ORWD requirements and ensure reservoir reliability.
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 (Print Name and Title):	Scott Thomas, Archeologist
Signature and Date:	<i>Scott Thomas</i> 8/1/11
Rationale:	No National Register eligible or listed 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.
<u>Endangered or Threatened Species-Fauna</u>	
Specialist (Print Name and Title):	Matt Obradovich, and Jason Brewer, Wildlife Biologists
Signature and Date:	<i>Jason Brewer</i> 8/1/2011 <i>Matt Obradovich</i> 8/04/2011
Rationale:	There are no known federally listed endangered or threatened fauna species, or fauna species proposed for listing, in the locations of these projects. There is no designated critical habitat for any listed species in these areas that would be affected by the proposed projects.
<u>Endangered or Threatened Species-Aquatic</u>	
Specialist (Print Name and Title):	Lindsay Davies or Lisa Grant and Daryl Bingham, Fisheries Biologists
Signature and Date:	<i>Lindsay Davies</i> 1 AUG 2011 <i>Dundray Davies</i> 8/1/2011
Rationale:	No T&E Fish species or critical habitat would be effected by the Proposed Action
<u>Endangered or Threatened Species-Flora</u>	
Specialist (Print Name and Title):	Caryn Meinicke, Botanist
Signature and Date:	<i>Caryn Meinicke</i> 8-1-11
Rationale:	There are no T & E plant species or critical habitat within any of the proposed project areas. Areas where Special Status plant species, or critical habitat, exist will be avoided and excluded from disturbance.
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title):	Rhonda Karges, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 8/4/2011
Rationale:	No known laws or requirements for protection of the environment would be violated. The reservoirs are existing features on the landscape and implementation of the proposal is to meet ORWD requirements and ensure reservoir reliability.
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title):	Rhonda Karges, Planning and Environmental Coordinator
Signature and Date:	<i>Rhonda Karges</i> 8/4/2011
Rationale:	Implementation of the proposal would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such 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 (Print Name and Title):	Scott Thomas, Archeologist
Signature and Date:	<i>Scott Thomas</i> 8/1/11
Rationale:	Access to or integrity of 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).

for Specialist (Print Name and Title): Lesley Riehlman, Weeds Specialist

Signature and Date: *[Signature]* 8/5/2011

Rationale: Noxious weeds are known to be present in and in close proximity to these reservoirs. 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):

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, Planning and Environmental Coordinator

Signature: *[Signature]* Date: 8/4/2011

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 (Print Name and Title):

Joan Suther, Andrews Field Manager
Signature: *[Signature]* Date: 8/4/2011

Richard Roy, 3 Rivers Field Manager
Signature: *[Signature]* Date: 8/4/11

Note: A separate decision document may be prepared for the action covered by this Categorical Exclusion following program-specific guidance.

Decision: It is my decision to implement the Proposed Action with Project Design Elements as described above.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

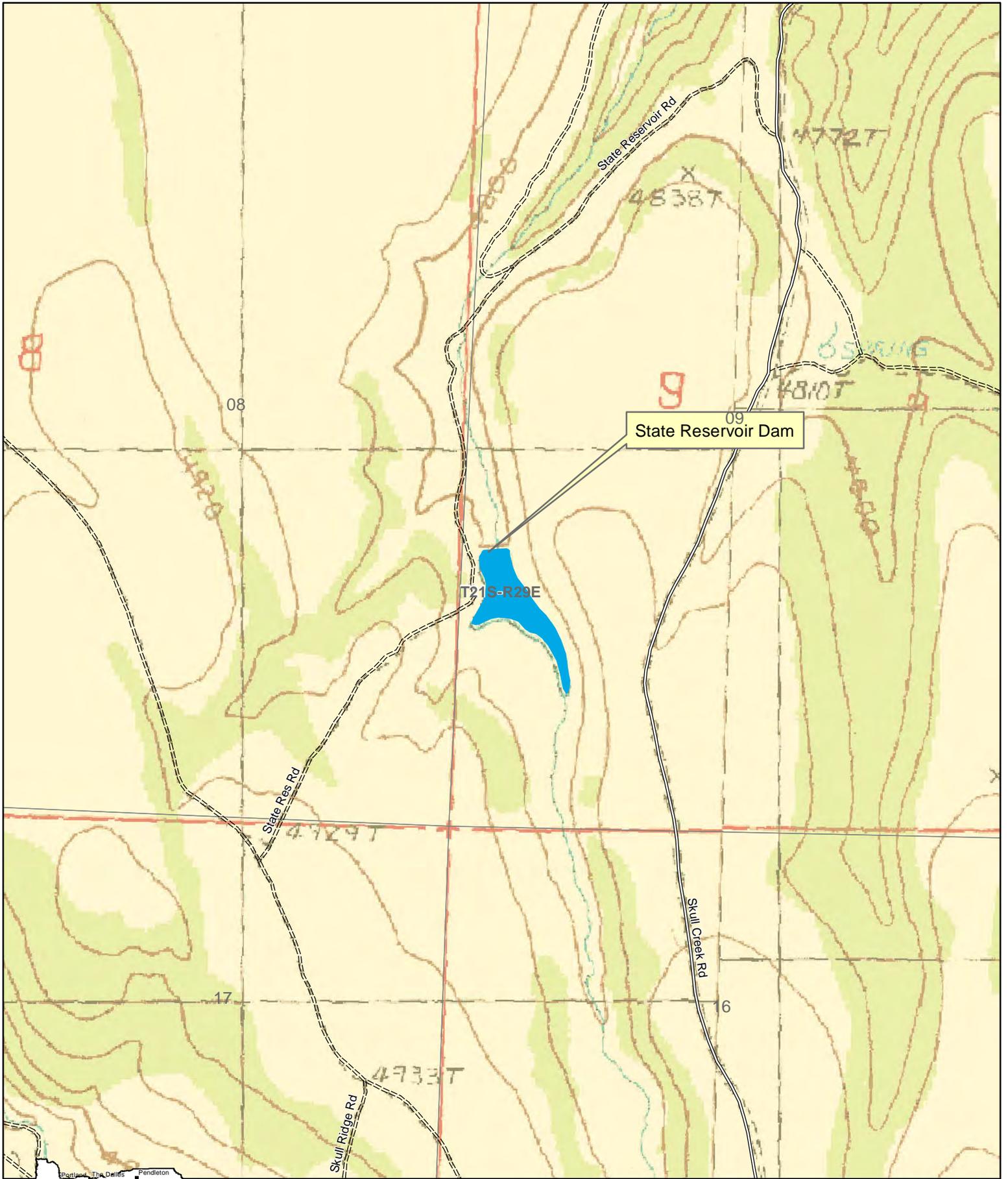
Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

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

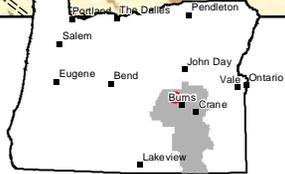
As noted above, the motion for stay must be filed in the office of the authorized officer.

[Signature]
Richard Roy, Three Rivers Field Manager
[Signature]
Joan Suther, Andrews/Steens Field Manager

[Signature]
Date: 8/4/11
[Signature]
Date: 8/8/11



State Reservoir Dam



Lakes

Perennial Lake

Open Roads

Non-Paved Improved Road

Natural/Unknown Road Surface

Major Streams

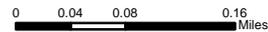
Land Status

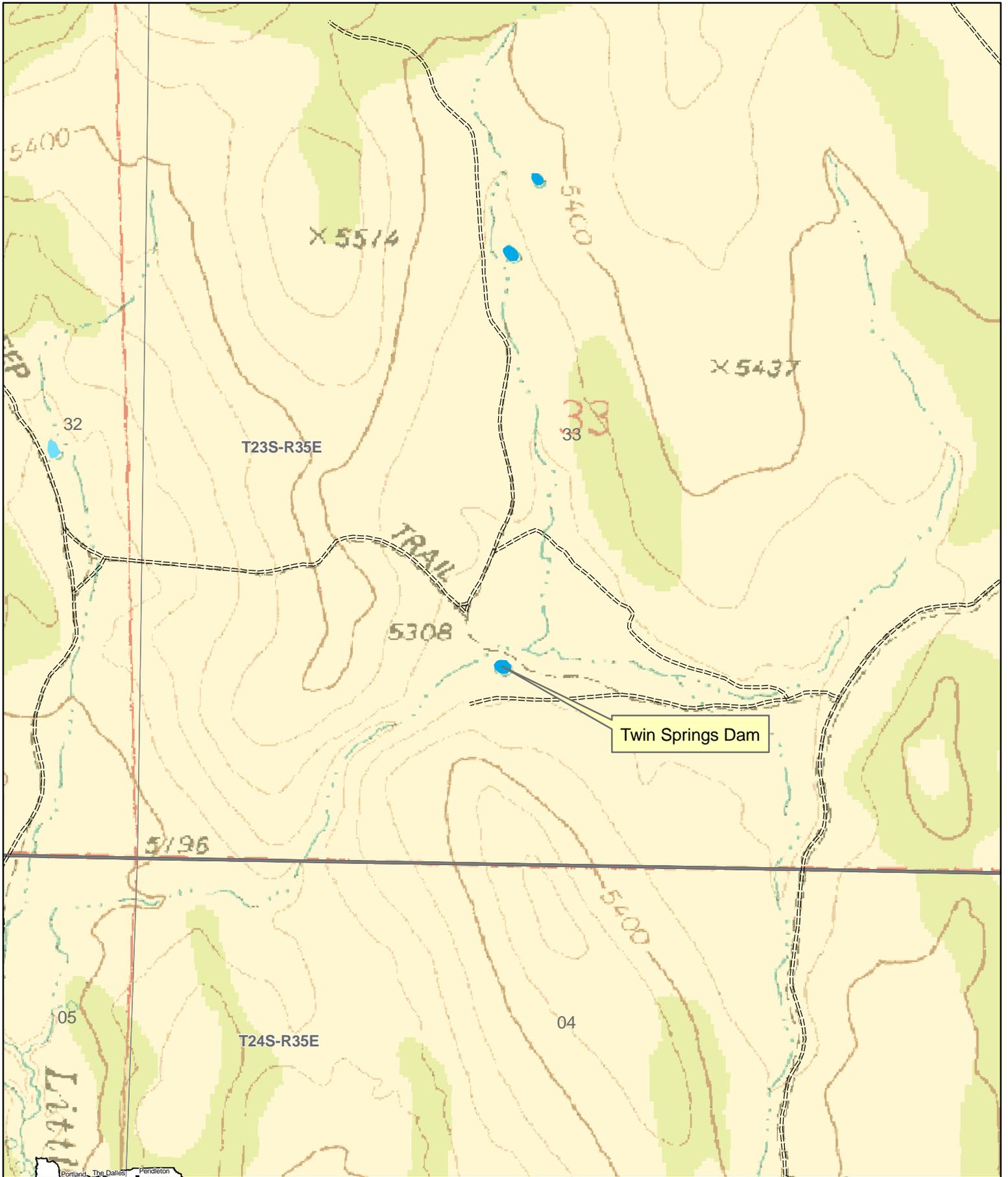
Bureau of Land Management

Note: 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 was compiled from various sources and may be updated without notification.

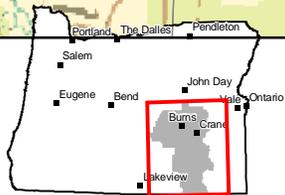


US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon





Twin Springs Dam

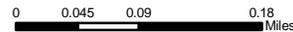


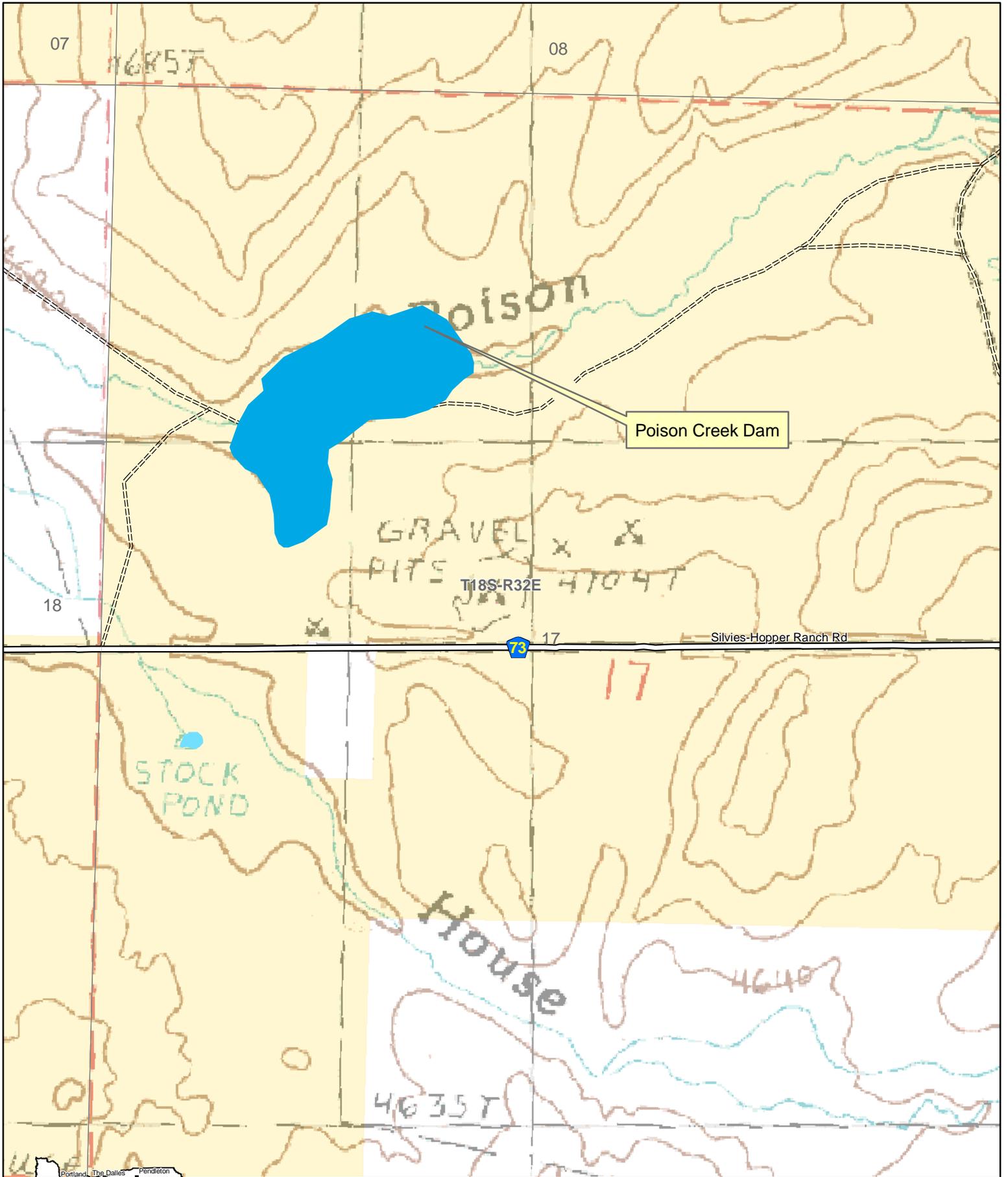
- | | | |
|-------------------|------------------------------|---------------------------|
| Lakes | Open Roads | Land Ownership |
| Perennial Lake | Natural/Unknown Road Surface | Bureau of Land Management |
| Intermittent Lake | Major Streams | |

Note: 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 was compiled from various sources and may be updated without notification.

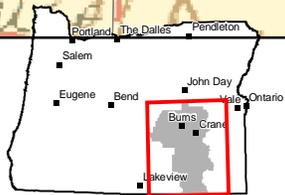


US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



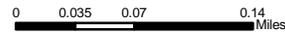
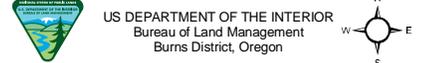


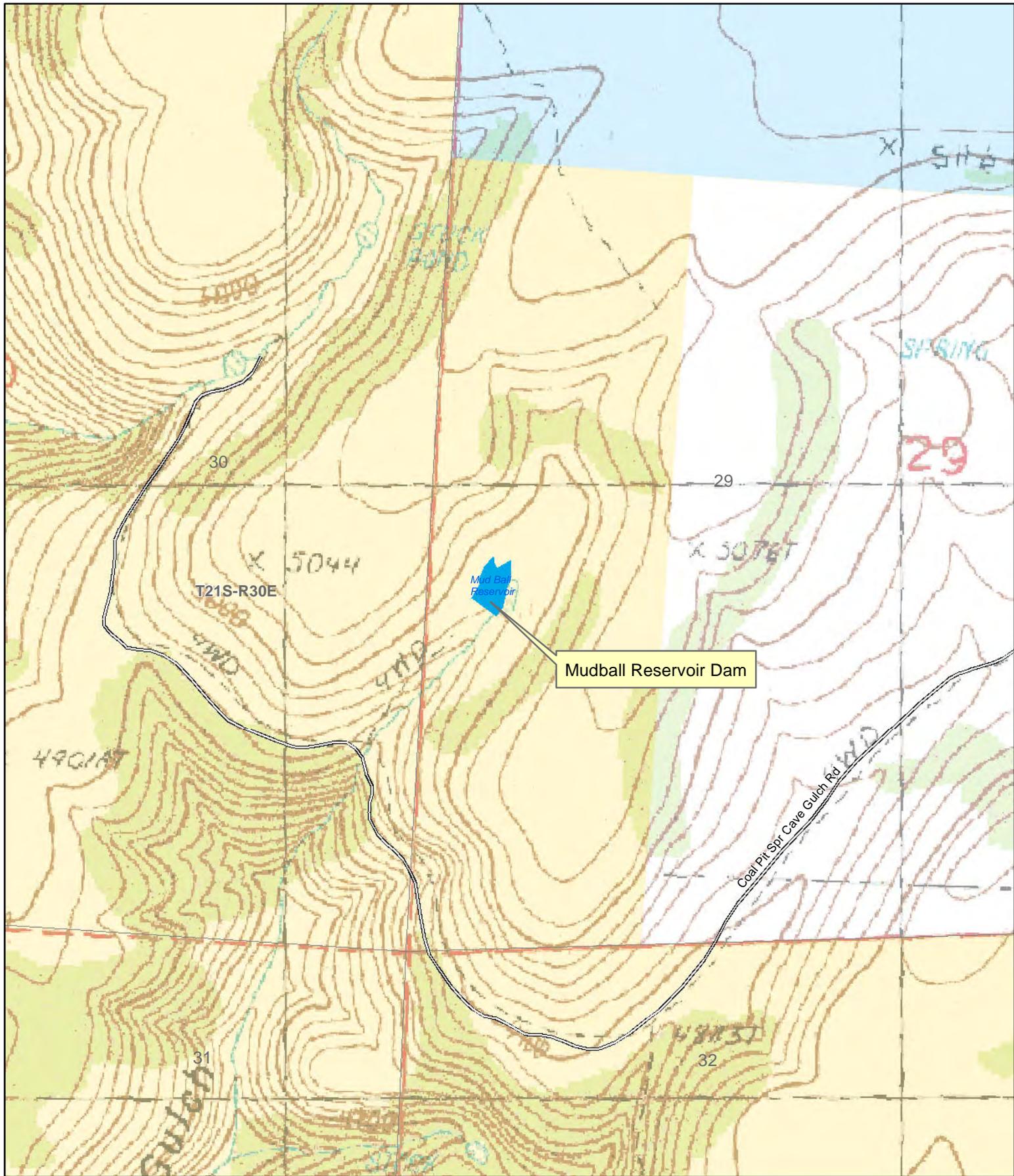
Poison Creek Dam



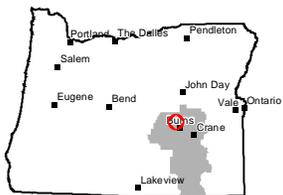
- | | | |
|-------------------|------------------------------|---------------------------|
| Lakes | Open Roads | Land Ownership |
| Perennial Lake | Paved Road | Bureau of Land Management |
| Intermittent Lake | Natural/Unknown Road Surface | Private/Unknown |
| | Major Streams | |

Note: 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 was compiled from various sources and may be updated without notification.





Mudball Reservoir Dam



Lakes

Perennial Lake

Open Roads

Non-Paved Improved Road

Land Ownership

Bureau of Land Management

State

Private/Unknown

Note: 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 was compiled from various sources and may be updated without notification.



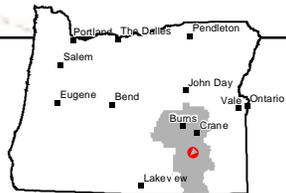
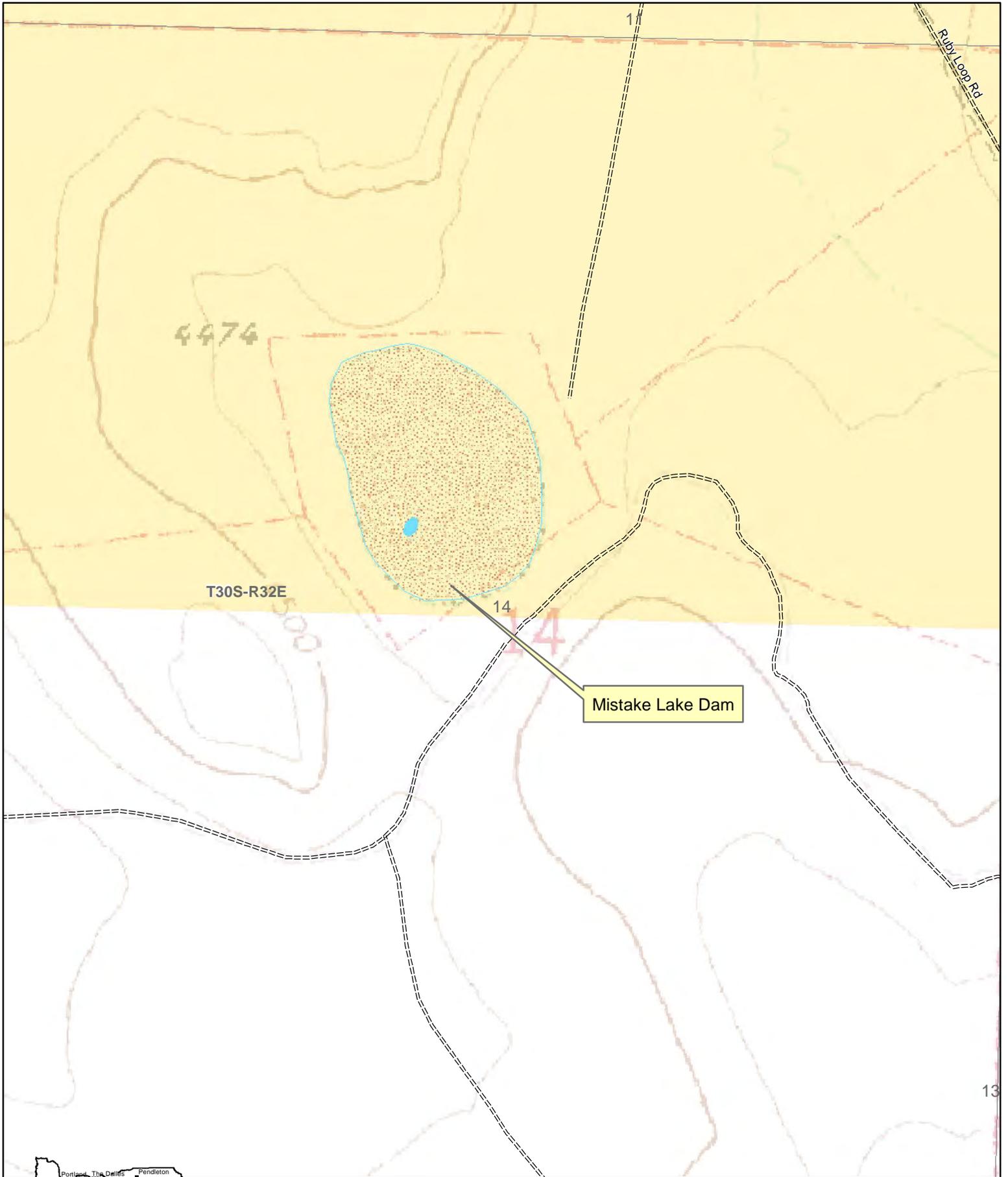
US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



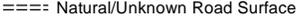
0 0.045 0.09 0.18 Miles

w:\CXMaps\Mudball_Reservoir_Dam_CX.mxd

5/24/11 jm



Mistake Lake Dam

- | | | |
|---|--|---|
|  Intermittent Lake | Open Roads |  Bureau of Land Management |
|  Dry Lake |  Non-Paved Improved Road |  Private/Unknown |
| |  Natural/Unknown Road Surface | |

Note: 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 was compiled from various sources and may be updated without notification.

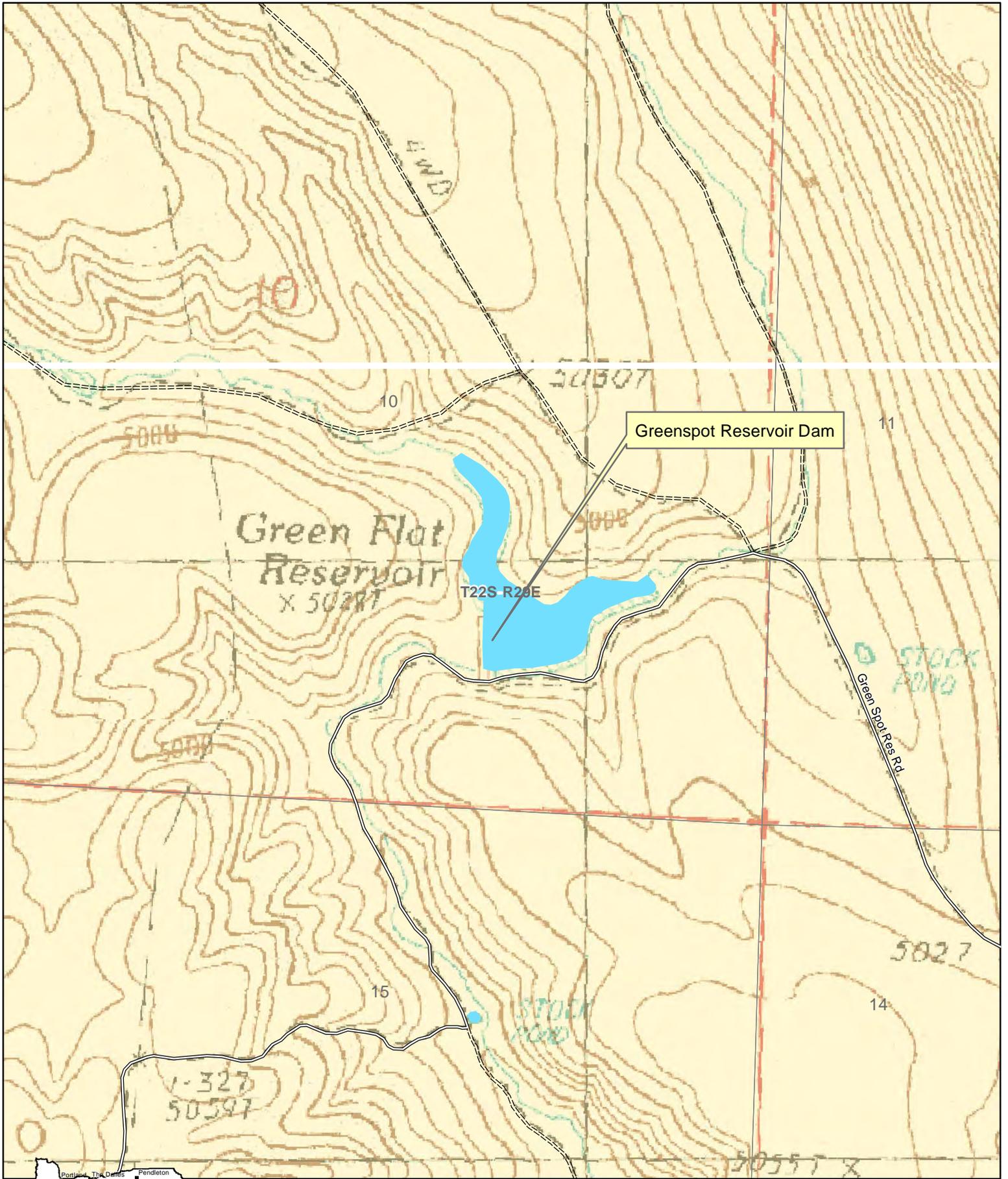


US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



0 0.025 0.05 0.1 Miles

w:\CXMaps\Mistake_Lake_Dam_CX.mxd
5/27/11 jm



Greenspot Reservoir Dam



Lakes

Intermittent Lake

Open Roads

Non-Paved Improved Road

Natural/Unknown Road Surface

Major Streams

Land Status

Bureau of Land Management

Note: 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 was compiled from various sources and may be updated without notification.

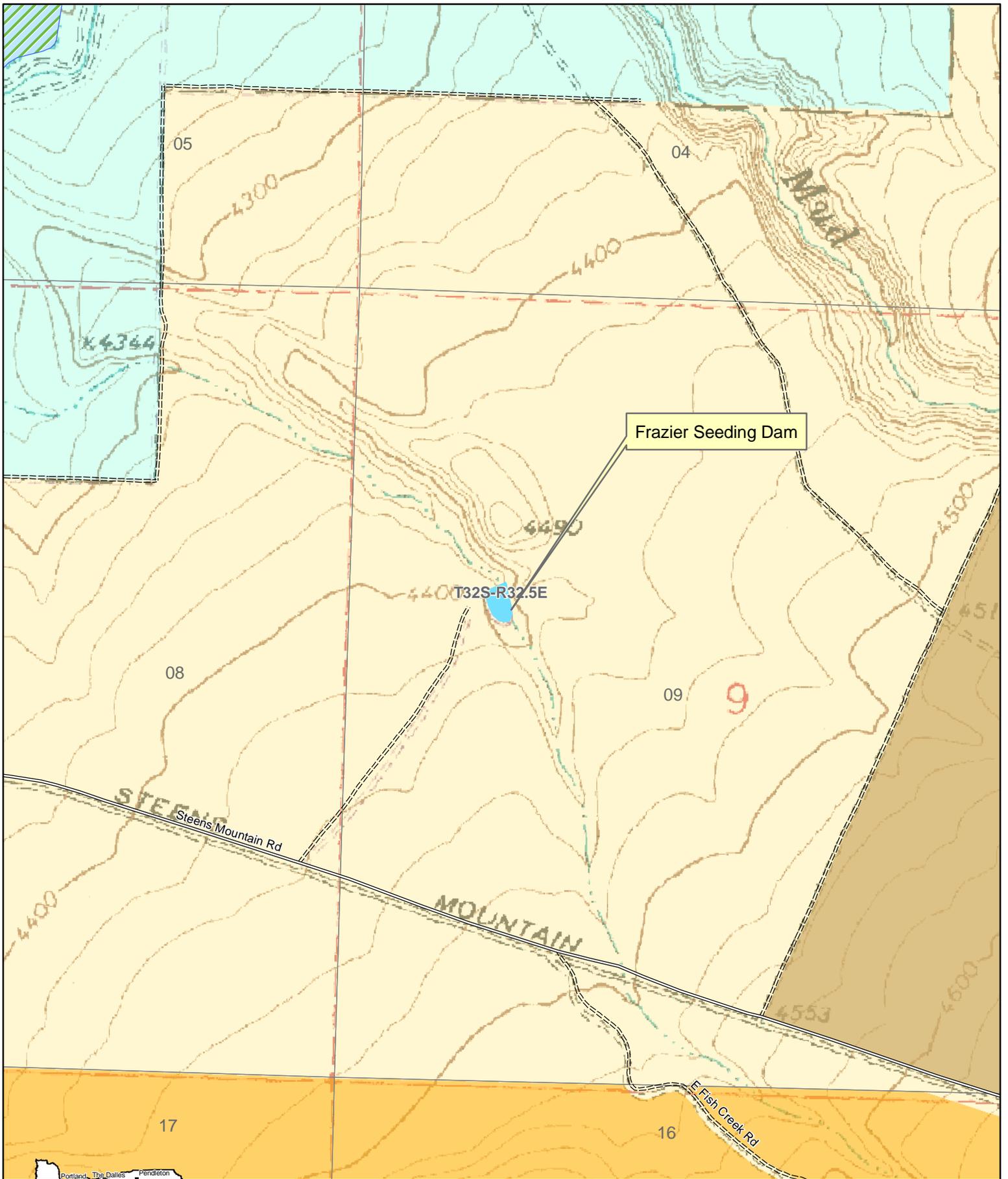


US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

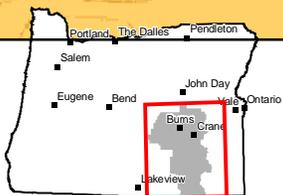


0 0.0375 0.075 0.15 Miles

w:\CXMaps\Greenspot_Reservoir_Dam_CX.mxd
5/24/11 jm



Frazier Seeding Dam



0 0.045 0.09 0.18 Miles

Lakes

-  Intermittent Lake
-  Marsh

Open Roads

-  Non-Paved Improved Road
-  Natural/Unknown Road Surface
-  Major Streams

Land Ownership

-  Bureau of Land Management
-  U.S. Fish and Wildlife Service
-  BLM Wilderness Study Area
-  Steens Mtn Wilderness

Note: 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 was compiled from various sources and may be updated without notification.



US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon



w:\CXMaps\Frazier_Seeding_Dam_CX.mxd
5/24/11 jm