

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2010-0032-CX
File Code (Project/Serial Number): OR-66320
Preparer: Tara McLain, Realty Specialist
Title of Proposed Action: Silver Creek Water Gauging Station

Date: April 28, 2010

Applicant: Oregon Water Resources

Description of Proposed Action and Project Design Elements (if applicable):

The proposed action is to grant a Federal Land Management Policy Act (FLPMA), Title V, right-of-way (ROW) grant to Oregon Water Resources which would authorize them to construct, operate, maintain, and terminate a water gauging station on public domain land managed by the Bureau of Land Management (BLM). The proposed water gauging station would be installed on the bank of Silver Creek near Riley, Oregon (see attached map) to gauge water temperatures and water levels year round for 20 years. Installation would take place in late September 2010, after water temperatures have cooled. Construction would take approximately 2-3 days and the work would be completed using hand tools such as shovels, wheelbarrows and hand trowels. First a small concrete pad, 4'x4' in size, is constructed and the water gauging box is attached to the concrete pad. A trench, approximately 6" to 12" deep, is dug from the concrete pad to the stream. A 2" diameter galvanized pipe is laid in the trench and covered with concrete and the dirt that was removed from the trench. The data box is solar powered by a small solar panel extending out the top of the data box. If necessary an enclosure would be built around the data box to inhibit vandalism or livestock damage. In addition, a bank operated cable way would be installed for high flow measurements. The bank operated cable way consists of two poles installed on opposite sides of Silver Creek with a cable running between them. Approximately once each year, during high flow, a weight would be manually reeled across the stream for a velocity measurement every foot.

The site would be accessed approximately once each month, year round to collect data. All access, including construction, would be from existing gravel roads and the dirt road that accesses the campsite near where the station would be installed. No off road travel with a vehicle would be authorized and a stipulation for wet roads would be included in the grant.

The proposed ROW is within the Three Rivers Resource Management Area. There are valid existing rights encumbering the lands within the proposed ROW area for a road to the US Forest Service, OR-05039; however, the road does not conflict with the water gauging station. There are no valid mining claims, rights of third parties or other title factors that would prohibit the grant of the ROW. The proposed ROW is located in the Ryegrass grazing allotment No. 7009 and there would be no affect to cattle grazing or livestock management.

The Dry Lake Allotment Ecological Restoration Project surrounds the location of the water gauging station. The two projects would not interfere with each other in any way.

Legal Description (attach Location Map): W.M., T. 22 S., R. 25 E., sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

B. Conformance with Land Use Plan (LUP) (name): Three Rivers Resource Management Plan
Date Approved/Amended: September 1992

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*): Three Rivers Resource Management Plan, Page 2-183, Management Action LR2.6, "Applications for rights-of-way, permits, leases and other realty actions will be processed in a timely manner on a case-by-case basis, utilizing the NEPA process."

BLM Categorical Exclusion Reference (516 DM, Chapter 11): J.3 Conducting environmental monitoring, included are construction, installation, and operation of small monitoring devices such as wells and automatic water samples.

DOI Categorical Exclusion Reference 516 DM 2, Appendix I): N/A

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 Signature and Date: <i>John Petty</i> 6/1/10	
Rationale: No significant impacts on health or safety.	
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.
<u>Migratory Birds</u> Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist Signature and Date: <i>Jason Brewer</i> 6/2/10	
Rationale: The small scale of the project, and temporary disturbance during monthly data collections would not impact migratory bird populations in the area. The project area is by a primitive camp site adjacent to a road, and receives disturbance from frequent use by recreationists. The gauging station itself is small, and would be installed when most migratory birds have already left or are migrating out of the area. Data collection would take less than a day, and any disturbances would be limited to the immediate project area.	
<u>Historic and Cultural Resources</u> Specialist (Print Name and Title): Scott Thomas, District Archaeologist Signature and Date: <i>Scott Thomas</i> 5-1-10	
Rationale: No cultural resources are located within the project area.	
<u>Areas of Critical Environmental Concern/Research Natural Areas</u> Specialist (Print Name and Title): Douglas Linn - ACEC Manager Signature and Date: <i>Mary E</i> 6-2-10	
Rationale: NO RNAs or ACECs would be affected as a result of this proposal.	
<u>Water Resources/Flood Plains</u> Specialist (Print Name and Title): Lisa Grant, NRS riparian Signature and Date: <i>Lisa Grant</i> 6/1/10	
Rationale: Any impacts to water resources or flood plains would be negligible. Disturbance is limited to a small 4x4 area and a small temporary trench. Monitoring activities would not affect water resources./floodplains.	
<u>Soils, Biological Soil Crust, Prime Farmlands</u> Specialist (Print Name and Title): Douglas Linn - Plant Conservationist Signature and Date: <i>Mary E</i> 6-2-10	
Rationale: No significant impacts to these resources would result from this proposal.	
<u>Recreation/ Visual Resources</u> Specialist (Print Name and Title): John Bethea, Outdoor Recreation Planner Signature and Date: <i>John P. Bethea</i> 6-2-10	
Rationale: The project area is within VRM Class III which requires partial retention of the existing character of the landscape. The project area is by a primitive camp site adjacent to a road and the gauging station itself is small. Construction will only take a few days and the site would be accessed approximately once each month, year round to collect data so no significant impacts to these resources would result from this proposal.	
<u>Wilderness/Wild and Scenic River Resources</u> Specialist (Print Name and Title): Signature and Date: <i>Emm Harkness</i> 6/1/10	
Rationale: There are no Wilderness, Wilderness Study Areas, or Wild and Scenic Rivers Present.	
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist (Print Name and Title): Rhonda Karges, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10	
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. Stream monitoring is a common practice on BLM-administered lands. The action is small in scale (4x4 area with buried pipe and cable system) and construction would be temporary (2-3 days). Monthly monitoring effects are not expected to	

add cumulatively to the activities already occurring in the area (next to a campsite and road).
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Specialist (Print Name and Title): Rhonda Karges, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10
Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. Stream monitoring is a common practice on BLM-administered lands. The action is small in scale (4x4 area with buried pipe and cable system) and construction would be temporary (2-3 days). Monthly monitoring effects are not expected to add cumulatively to the activities already occurring in the area (next to a campsite and road).
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, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10
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. Stream monitoring is a common practice on BLM-administered lands. The action is small in scale (4x4 area with buried pipe and cable system) and construction would be temporary (2-3 days). Monthly monitoring effects are not expected to add cumulatively to the activities already occurring in the area (next to a campsite and road).
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Specialist (Print Name and Title): Rhonda Karges, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10
Rationale: There are no known individually insignificant but cumulatively significant environmental effects. The action is small in scale (4x4 area with buried pipe and cable system) and construction would be temporary (2-3 days). Monthly monitoring effects are not expected to add cumulatively to the activities already occurring in the area (next to a campsite and road).
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, District Archaeologist Signature and Date: <i>Scott Thomas</i> 6-1-10
Rationale: No National Register listed or eligible properties are located within the project area.
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): Jason Brewer, Wildlife Biologist Signature and Date: <i>Jason Brewer</i> 6/2/10
Rationale: There are no threatened or endangered species in the project area and there is no designated Critical Habitat for terrestrial wildlife.
<u>Endangered or Threatened Species-Aquatic</u> Specialist (Print Name and Title): Lisa Grant, NRS- riparian Signature and Date: <i>Lisa Grant</i> 6/1/10
Rationale: There are no threatened or endangered species in the project area and there is no designated Critical Habitat for aquatic species.
<u>Endangered or Threatened Species-Flora</u> Specialist (Print Name and Title): Douglas Linn - Plant Conservationist Signature and Date: <i>Douglas Linn</i> 6-2-10
Rationale: No Threatened or Endangered species of Flora or associated Critical Habitat are present.
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, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10
Rationale: No known laws or requirements for protection of the environment would be violated.
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, District Planning & Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 6/2/10
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, District Archaeologist Signature and Date: <i>Scott Thomas</i> 6-1-10

Rationale: No sacred sites or access to sacred sites are known to occur within the project area.

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 (Print Name and Title): Lesley Richman, District Weed Coordinator

Signature and Date: *Lesley Richman* 6/1/2010

Rationale: Noxious weeds are known to be present 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):

RMP conformance and CX review confirmation:

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

Signature: *Rhonda Karges*

Date: 6/2/10

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): *Richard Roy, Three Rivers Field Manager*

Signature: *Richard Roy*

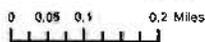
Date: *6/4/10* ^{RRoy} 6/2/10

Note: A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.



OR66320 Water Gauging Station

-  Paved Road
-  Non-Paved Improved Road
-  Primitive or Unknown Road Surface
-  Proposed Water Gauging Station
-  Private Land Status
-  Bureau of Land Management Land Status





 US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon
 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. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
 workarea/tnc/ain/OR66320.mxd, 05/18/2010

Ownership Boundaries are accurate within plus or minus 200 feet

2800 (ORB050)
OR-66320

Enclosed is a copy of a Right-of-Way (ROW) grant, serial number OR-66320, which allows the use of public land for a water gauging station. It was approved by the Bureau of Land Management (BLM) on June 22, 2010.

This ROW grant is exempt from rental fees in accordance with 43 CFR 2806.14(a)(2).

This ROW grant is exempt from monitoring fees in accordance with 43 CFR 2804.16(a).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (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.

If you have any questions, please contact Tara McLain, Realty Specialist, at (541) 573-4462.

Sincerely,

/signature on file/

Richard Roy
Three Rivers Resource Area Field Manager