

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-BO50-2011-0024-CX

Date: April 8, 2011

File Code (Project/Serial Number):

Preparer: Chris Bates

Applicant: Oregon Department of Fish and Wildlife

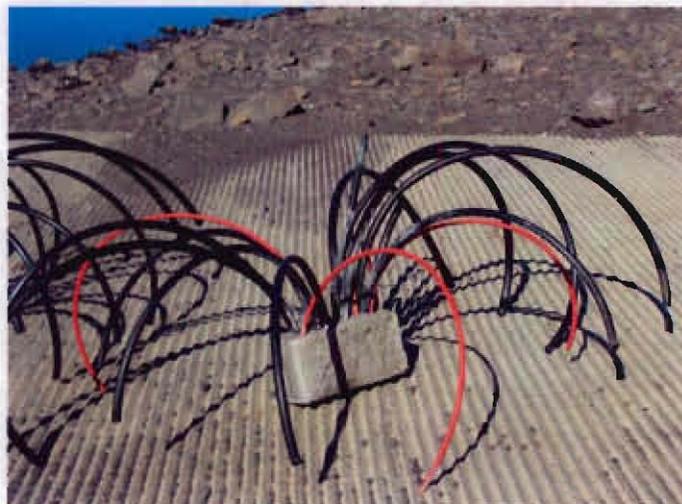
Title of Proposed Action: Oregon Department of Fish and Wildlife's (ODFW) installation of 50 spider block structures in Warm Springs Reservoir in 2011.

Description of Proposed Action and Project Design Elements (if applicable): ODFW's proposes to place 50 spider block structures in Warm Springs Reservoir to provide fish habitat and increase angler success. The design of these structures makes them attractive to fish, provides a complex surface for algal, aquatic plant growth, and colonization by micro and macro-invertebrates. Besides providing benefits to various species, these structures minimize the risk to boaters in a drawdown reservoir, and eliminate potential dam safety issues.

There are large areas of Warm Springs Reservoir that are deficient in habitat appropriate for warm water species. The lack of natural cover, which is critical to all life stages of fish and other aquatic life, is one of the factors limiting the fisheries in Warm Springs Reservoir. Although restoration of cover in the reservoir has long been a priority for ODFW's Warm water Fisheries Program, the local availability of natural cover such as brush, trees, and logs is extremely limited, while transportation and construction costs make using these materials extremely problematic and costly. Conversely, artificial structures like spider blocks are easy to construct, transport, place, and are often comparatively inexpensive.

In addition to providing invaluable fish cover, these structures can serve a dual purpose for they attract fish making them more accessible to anglers. Water level fluctuation at Warm Springs Reservoir often renders the boat ramp unusable; essentially, limiting angler access to bank fishing. Strategic placement of these spider blocks at various elevations in the reservoir will help concentrate fish in areas where anglers can access them.

This project would enhance the reservoir's recreational fishery. The "spider block" habitat structures are comprised of 14 seven-foot lengths of ¾-inch diameter flexible polyethylene pipe placed in an 8"x8"x16" cinder block base and secured with poured concrete. The structures readily sink and rest on the bottom, and function as artificial submerged brush. ODFW has placed 100 structures in Prineville Reservoir and 50 structures in Hagg Lake. ODFW has documented the effectiveness of these structures as fish attractors/cover and, have had no issues regarding movement of these structures. If the structures placed in Warm Springs Reservoir are determined to pose a risk sometime in the future, their design allows for their easy removal and/or relocation.



Spider fish structure on a boat ramp

Warm Springs Reservoir spans both the Malheur Resource Area of the Vale District BLM and the Three Rivers Resource Area of the Burns District BLM. The 50 spider blocks will be spread throughout Warm Springs Reservoir on both Resource Areas. Malheur Resource Area is also completing a Categorical Exclusion (DOI-BLM-OR-VO40-2011-0035-CX) for this same action.

Legal Description (attach Location Map): **Warm Springs Reservoir**

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

(Option 1: conforms to LUP): The proposed action is in conformance with the Three Rivers Resource Management Plan Record of Decision even though it is not specifically provided for, because it is clearly consistent with the following decision: Aquatic Habitat: AH 2: Improve existing warm water fish habitat to good or better condition and provide for increased warm water game fish production by the year 2000. Expand warm water fish habitat, as opportunities arise, and when no conflicts occur with existing game fish populations.

BLM Categorical Exclusion Reference (516 DM, Chapter 11): APPENDIX 4 BLM Categorical Exclusions:

A. Fish and Wildlife 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 (Print Name and Title):	<i>John Petty</i> Safety Manager
Signature and Date:	<i>[Signature]</i> 4/20/11
Rationale:	<i>No significant impacts on public health or safety</i>
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):	Christine Bates, Fish and Wildlife Biologist
Signature and Date:	<i>[Signature]</i> 20 April 11
Rationale:	This design of fish habitat is not considered dangerous for diving birds; therefore, there should be no potential affects to migratory birds.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	<i>Steve P. Thomas</i> 4/21/11
Signature and Date:	<i>[Signature]</i>
Rationale:	<i>The proposed action would not affect cultural resources.</i>
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Douglas Linn – Plant Conservationist
Signature and Date:	<i>[Signature]</i> 4/22/11
Rationale:	No RNAs or ACECs would be affected by this proposal.
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Christine Bates, Fish and Wildlife Biologist
Signature and Date:	<i>[Signature]</i> 20 April 11
Rationale:	No impacts to water resources and flood plains would be expected from this proposed action.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title):	Douglas Linn – Plant Conservationist
Signature and Date:	<i>[Signature]</i> 4/22/11
Rationale:	Potential effects to these resources would be minimal in nature and would not be considered significant.
<u>Recreation/ Visual Resources</u>	
Specialist (Print Name and Title):	<i>Mike Petty</i> 4/21/2011

Signature and Date:
Rationale:
<u>Wilderness/Wild and Scenic River Resources</u> Specialist (Print Name and Title): Eric Haakenson, Outdoor Recreation Planner Signature and Date: <i>Eric Haakenson</i> 4-20-11 Rationale: No wilderness, WSR, WSA or Lands with Wilderness Characteristics would be effected.
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 and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 4/26/11 Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. Implementation has occurred within two reservoirs with good success.
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 and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 4/26/11 Rationale: There are no known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. Implementation has occurred within two reservoirs with good success.
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 and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 4/26/11 Rationale: No precedent for future actions or decisions in principle about future actions with potentially significant environmental effects would occur. Implementation has occurred within two reservoirs with good success.
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 and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 4/26/11 Rationale: There are no known direct relationships to other actions with individually insignificant but cumulatively significant environmental effects. Implementation has occurred with two reservoirs with good success. Implementation is site specific.
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> 4/21/11 Rationale: <i>The proposed action would not affect NR eligible and listed sites.</i>
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): Christine Bates, Fish and Wildlife Biologist Signature and Date: <i>Christine Bates</i> 20 APR 11 Rationale: No Threatened or Endangered species of Fauna or associated Critical Habitat are present.
<u>Endangered or Threatened Species-Aquatic</u> Specialist (Print Name and Title): Christine Bates, Fish and Wildlife Biologist Signature and Date: <i>Christine Bates</i> 20 APR 11 Rationale: These structures would improve habitat for the Endangered Bull trout (<i>Salvelinus confluentus</i>).
<u>Endangered or Threatened Species-Flora</u> Specialist (Print Name and Title): Douglas Linn – Plant Conservationist Signature and Date: <i>Douglas Linn</i> 4/22/11 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 and Environmental Coordinator Signature and Date: <i>Rhonda Karges</i> 4/26/11 Rationale: No known law or requirement imposed for the 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 and Environmental Coordinator

Signature and Date: <u>Rhonda Karges</u> <u>4/26/11</u>
Rationale: Implementation 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): <u>Scott Thomas, District Archaeologist</u>
Signature and Date: <u>Scott Thomas</u> <u>4/26/11</u>
Rationale: <u>Access to or integrity of sacred sites will not be affected by this activity</u>
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): <u>Lesley Richman - Weed Coordinator</u>
Signature and Date: <u>Lesley Richman</u> <u>4/20/11</u>
Rationale: <u>This project will not impact noxious weeds.</u>

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

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

Signature: Rhonda Karges

Date: 4/26/11

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: 4/26/11

Decision: It is my decision to implement the Proposed Action with the approved 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.

Richard Roy
Richard Roy, Three Rivers Field Manager

Date: 4/26/11