

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

**CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL**

**Categorical Exclusion (CX) Number:** DOI-BLM-OR-B050-2014-0027-CX  
**Subject Function Code:** 4100

**Date:** 01/05/2015

**Case File:** Yellow Spot Well Rangeland Improvement Project System (RIPS) File (711021)

**Preparer:** Kyle Jackson, Rangeland Management Specialist

**Applicant:** Bureau of Land Management (BLM) and Warm Springs Allotment (#7002) Permittee (3602819)

**Title of Proposed Action:** Yellow Spot Well Maintenance

**A. Background**

**Description of Proposed Action and Project Design Elements:**

The proposed action would be for the Bureau of Land Management (BLM) and the West Warm Springs Allotment Permittee to maintain, repair, and reconstruct the existing Yellow Spot Well within the Three Rivers Resource Area, Burns District (see attached map). The current output of the Yellow Spot Well is of importance for wildlife, Wild Horses, and livestock in the West Warm Springs Allotment. After replacing the pump in a similar well and seeing a drastic increase in pumping ability; the Permittee has proposed to purchase a new pump for the existing Yellow Spot Well and is requesting the BLM supply the labor under a Cooperative Range Improvement Agreement. Yellow Spot well is an existing well which has been in place since 1959 and all maintenance would consist of down hole work with a drill rig. The activity would be limited to the existing footprint of the original disturbed area with no new disturbance; it would be completed in less than one week by 1-2 individuals in fall/winter of 2015.

To minimize opportunities for spread of noxious weeds by seeds or other plant parts, all equipment would be cleaned prior to beginning work on BLM land. Disturbed sites would be monitored closely for two years post-clean for noxious weeds. Any weeds found would be treated by the most appropriate method. All activities described have limited context and intensity (e.g. limited size and magnitude or short term effects).

**Legal Description:** W.M., T. 27 S., R. 28 E., section 26, NE¼/SW¼. (See Attached Map)

**B. Conformance with Land Use Plan (LUP):** Three Rivers Resource Management Plan (RMP) and Record of Decision (ROD)

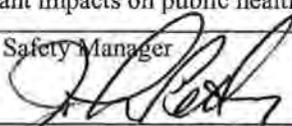
**Date Approved/Amended:** September 1992

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) : Three Rivers ROD/RMP September 1992, Grazing Management Program Objective and Rationale, GM 1.3, page 2-36, "Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment as shown in Appendix 9 and Map RM-3. Range improvements will be constrained by Standard Procedures and Design Elements shown in Appendix 12."

**C. Compliance with NEPA**

**DOI Categorical Exclusion Reference (43 CFR 46.210):** (f) "Routine and continuing government business, including such things as ... maintenance ... and replacement 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	
<b>2.1</b>	Have significant impacts on public health or safety.
Specialist: John Petty, Safety Manager	
Signature and Date:  1/6/15	
Rationale: No significant impacts on public health or safety.	
<b>2.2</b>	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: Matt Obradovich, District Biologist

Signature and Date: *Matthew Obradovich* 01/06/2015

Rationale: The replacement of the pump would have minimal effects to migratory birds especially if the work is performed during fall and winter months since most migratory birds are absent from this area. The work should not take more than a week to complete so there would be no impacts to migratory birds.

Historic and Cultural Resources

Specialist: Scott Thomas, Archeologist

Signature and Date: *Scott Thomas* 1/6/15

Rationale: Maintenance would be within areas previously disturbed, any cultural or historic sites in the vicinity would not be affected by the proposed project.

Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)

Specialist: Caryn Burri, Natural Resource Specialist (NRS) - Botany

Signature and Date: *Caryn Burri* 1/6/15

Rationale: There are no ACECs/RNAs within the proposed project area.

Water Resources/Flood Plains

Specialist: Lindsay Davies, Fisheries Biologist

Signature and Date: *L. Davies* 1/6/2015

Rationale: There are no designated flood plains in the project area.

Soils, Biological Soil Crust, Prime Farmlands

Specialist: Caryn Burri, NRS-Botany

Signature and Date: *Caryn Burri* 1/6/15

Rationale: All disturbances will occur within the original footprint of the proposed project area which is composed of compacted soils with no biological soil crusts; therefore, there will be no new impacts to soils and biological soil crusts. There are no prime farmlands within the propose project area.

Recreation/Visual Resources

Specialist: Eric Haakenson, Outdoor Recreation Specialist

Signature and Date: *Eric Haakenson* 1-6-15

Rationale: There would be no effect to recreation or a visual resource from the proposed action due to this is an existing project.

Wilderness/Wild and Scenic River (WSA) Resources

Specialist: Tom Wilcox, Wilderness Specialist

Signature and Date: *Tom Wilcox* 1/6/2015

Rationale: There is no Wilderness, Wilderness Study Areas, or Wild and Scenic Rivers (WSR) in the project area. A Citizen Proposed Wilderness Study Area was received by the BLM in 2007. An Interdisciplinary Team was formed to evaluate the proposal. The team found that the amount and distribution of the human modifications throughout the unit were substantially noticeable and the unit was found not to have naturalness. Therefore there are no Lands with Wilderness Characteristics in the project area.

**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, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 1/6/15 hmo

Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The well is an existing feature 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, Planning and Environmental Coordinator

Signature and Date: *Holly Orr* 1/6/15 hmo

Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The well is an existing feature 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, Planning and Environmental Coordinator

Signature and Date:

*Holly Orr*

1/6/15

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The well is an existing feature on the landscape. 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, Planning and Environmental Coordinator

Signature and Date:

*Holly Orr*

1/6/15 hmo

Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The well is an existing feature on the landscape. 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, Archeologist

Signature and Date:

*Scott P. Thomas*

1-6-15

Rationale: Maintenance would be within areas already disturbed, any National Register eligible or listed sites in the vicinity would not be affected by the proposed 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 (T&E) - Fauna

Specialist: Matt Obradovich, District Biologist

Signature and Date:

*Matthew J. Obradovich*

01/06/2015

Rationale: There are no known Threatened, Endangered or proposed species for listing under the Endangered Species Act of 1973, or designated Critical Habitat for any species in the area of this project.

Endangered or Threatened Species - Aquatic

Specialist: Lindsay Davies, Fisheries Biologist

Signature and Date:

*L. Davies*

1/6/2015

Rationale: There are no aquatic Threatened or Endangered Species or Critical Habitat within this watershed.

Endangered or Threatened Species - Flora

Specialist: Caryn Burri, NRS, Botany

Signature and Date:

*Caryn Burri*

1/6/15

Rationale: There are no T&E or Special Status plant 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, Planning and Environmental Coordinator

Signature and Date:

*Holly Orr*

1/6/15

Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The well is an existing feature on the landscape. 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, Planning and Environmental Coordinator

Signature and Date:

*Holly Orr*

1/6/15

Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within 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, Archeologist

Signature and Date:

*Scott P. Thomas, 1-6-15*

Rationale: No ceremonial or sacred sites are known to occur in the project vicinity. Access to or integrity of such 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, Weed Specialist

Signature and Date: Lesley Richman 1/6/2015

Rationale: This area is relatively free of noxious weeds. There are no known infestations in the vicinity. If weeds are found, they would be treated using the most appropriate methods.

**RMP conformance and CX review confirmation:**

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature: Holly Orr Date: 1/6/15

**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: Richard Roy, Three Rivers Field Manager

Signature: Richard Roy Date: 1/6/15

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

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Field Manager, Three Rivers Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

United States Department of the Interior  
Office of Hearings and Appeals  
351 South West Temple, Suite 6.300  
Salt Lake City, Utah 84101

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and person(s) named (43 CFR 4.421 [h]) in the Copies sent to: section of this Decision.

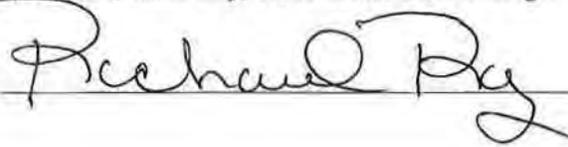
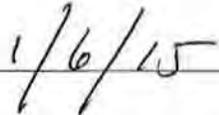
A petition for stay, if filed, shall show sufficient justification based on the following standards (43 CFR 4.21[b]).

- (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.

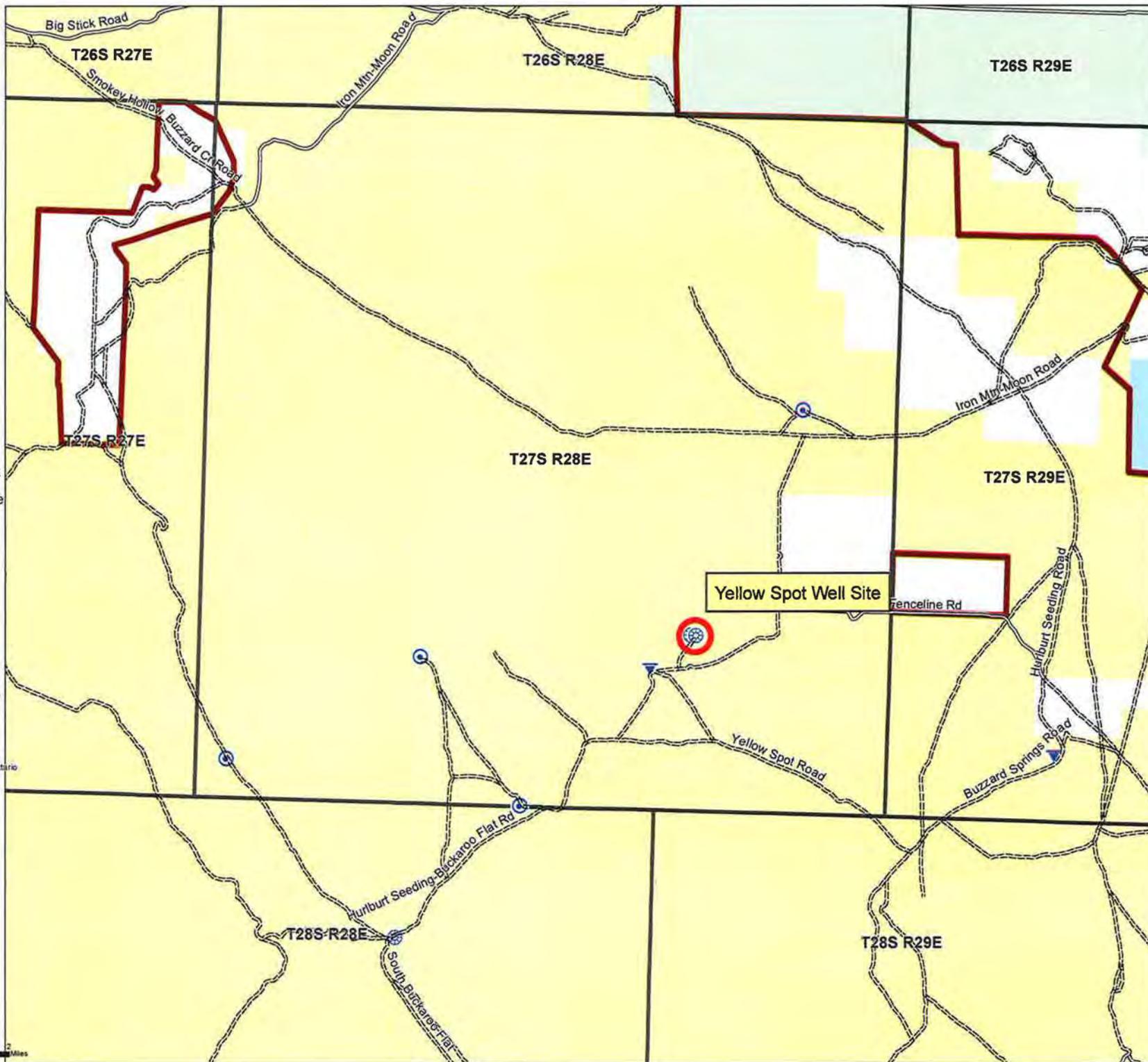
As noted above, the petition for stay must be filed in the office of the authorized officer.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Authorized Officer: Richard Roy, Three Rivers Field Manager

Signature:  Date: 

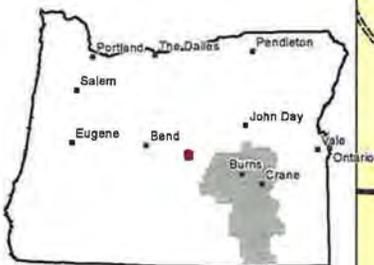
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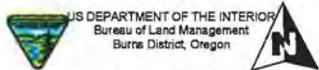
## Proposed Projects Circled in Red

- Well-Water
- Reservoir
- Waterhole
- Allotments

- Bureau of Land Management
- U.S. Fish and Wildlife Service
- 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.



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