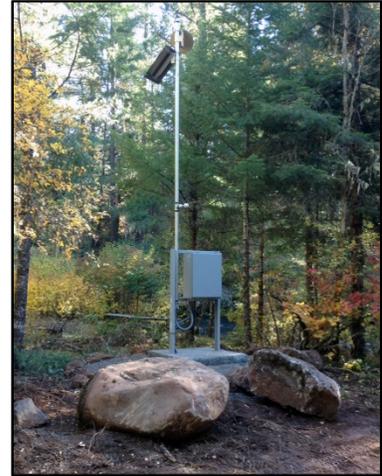


Categorical Exclusion Determination and Decision Record for Oregon Water Resources Department Stream Gage Right-of-Way Grant OR 68251

DOI-BLM-OR-M050-2015-0001-CX

Description of Proposed Action

The BLM received a request from the Oregon Water Resources Department (OWRD) for a 30-year right-of-way grant. OWRD would like to install, operate, and maintain a stream gage on BLM land on Big Butte Creek just downstream of the confluence of North Fork and South Fork Big Butte creeks (see Map). OWRD would construct a gage house, which consists of an electrical enclosure on a metal stand mounted to a 4-foot by 4-foot concrete pad. Two, 1-inch nonmetallic conduits would run approximately 500 feet on the ground surface from the gage house to Big Butte Creek. At the creek, the conduit would terminate at the stage sensor and water temperature sensor. A staff plate would also be installed into Big Butte Creek. Gage installation would be completed using hand tools. No excavation would be needed within the stream.



Gage house.

The stream gage house would be placed at an Eagle Point Irrigation District pump station. Access to the gage house would be via an existing, gated Eagle Point Irrigation District canal road.

The project is located in the Big Butte Creek watershed in Township 35 South, Range 2 East, Section 3, Willamette Meridian, Jackson County, Oregon.

Plan Conformance Review

This proposal is in conformance with objectives, land use allocations, and management direction of the 1995 Medford District Record of Decision and Resource Management Plan (ROD/RMP) and any plan amendments in effect at the time this document is published.



Staff plate.

This project is consistent with the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan).

This project is also consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Stands and Guidelines (Survey and Manage), as incorporated into the ROD/RMP. This project uses the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews, with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*,

468 F3d 549 (9th Circuit 2006) vacated the category change and removal of the red tree vole in the mesic zone and returned the red tree vole to its status as existed in the 2001 Survey and Manage ROD, which makes this species Category C throughout its range.

The BLM designed this project to be consistent with laws, regulations, and policies that include the following: Oregon and California Lands Act of 1937, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990 (as amended), and Archaeological Resources Protection Act of 1979.

This proposal is consistent with the Medford District 1995 ROD/RMP (p. 82) objective to “Continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this RMP.”

Project Design Features

- Buffer cultural sites located within the Area of Potential Effect. Buffers will be established sufficient to protect the features of the site from adverse impacts of any proposed management activities. Buffers will be designed by archaeologists or cultural resource specialists. Not treatments will occur within this buffer.
- If, during project implementation, the contractor encounters or becomes aware of any objects or sites of cultural value on federal lands, such as historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Contract Officer Representative so the site can be evaluated by a BLM archaeologist.
- Protect known Special Status and Survey and Manage wildlife, vascular plant, lichen, bryophyte, and fungi sites. Buffers will be determined based on species, proposed treatment, site-specific environmental conditions, and available management recommendations.

Categorical Exclusion Determination

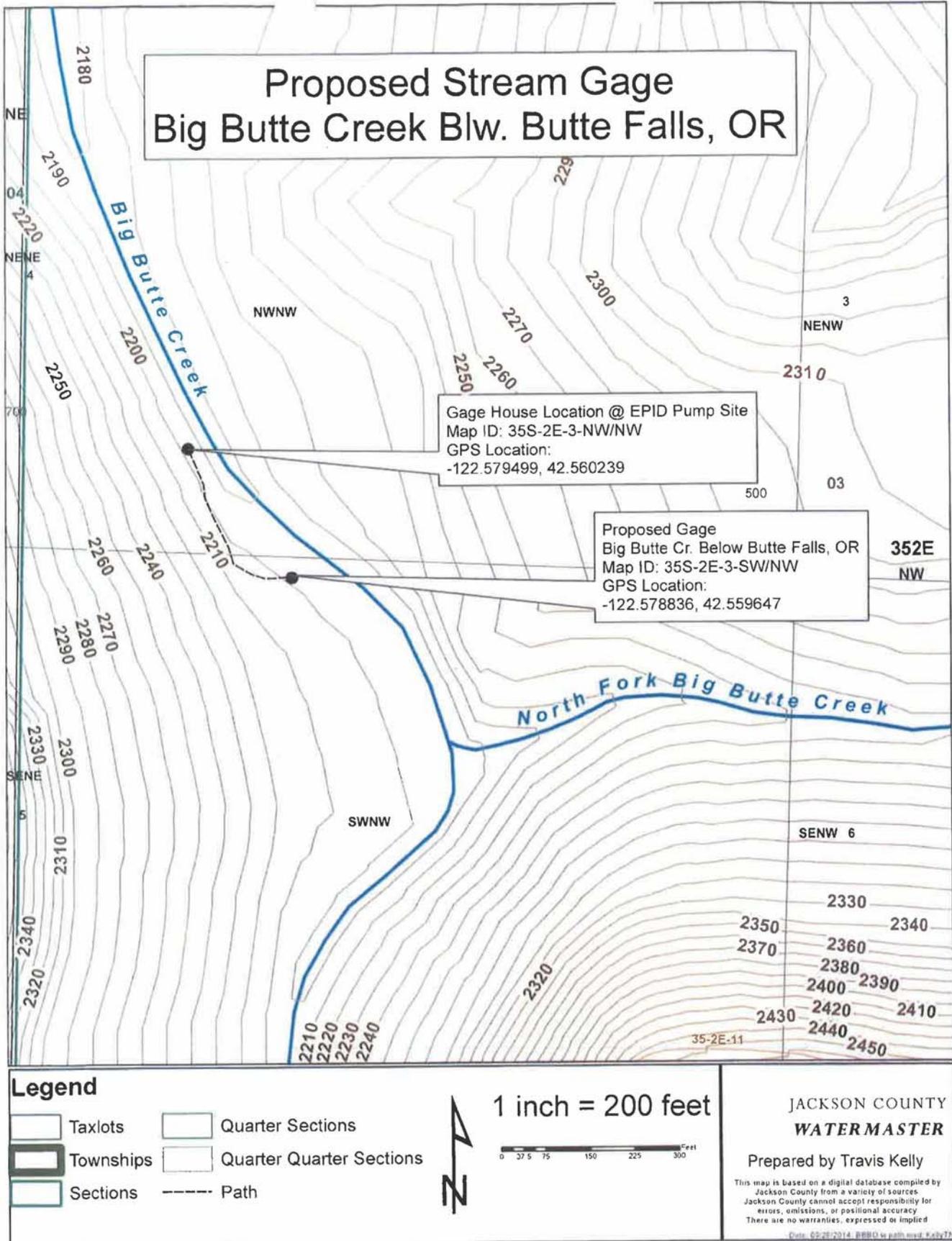
This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 E(16). This section allows for acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

The action is also categorically excluded in the Code of Federal Regulations (CFR) under 43 CFR §46.210(e), “Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.”

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances” included at 43 CFR 46.205(c) must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Juanita Wright, Project Leader, at (541) 618-2345.



NEPA Categorical Exclusion Review

Proposed Action: Authorize a 30-year right-of-way on BLM land in T35S, R2E, section 3 to the Oregon Water Resources Department. Allow installation, operation, and maintenance of a stream gage, stream gage house, stage sensor, 500 feet of above-ground conduit, and staff plate.

The Code of Federal Regulations at 43 CFR 46.205(c) requires that "any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215" (listed below). Additional analysis and environmental documents must be completed for any normally categorically excluded action which may:

1. Have significant impacts on public health or safety.

Yes No Initial RW

Remarks:

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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Yes No Initial SJ

Remarks:

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Yes No Initial RW

Remarks:

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes No Initial RW

Remarks:

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Yes No Initial RW

Remarks:

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes No Initial SLS

Remarks:

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes No Initial ML

Remarks:

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.

Plants Yes No Initial mw Remarks:

Wildlife Yes No Initial OR Remarks:

Fish Yes No Initial JR Remarks:

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Yes No Initial RW

Remarks:

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No Initial RW

Remarks:

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).

Yes No Initial ML

Remarks:

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).

Yes No Initial mw

Remarks:

Categorical Exclusion Reviewers:

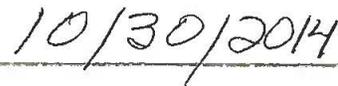
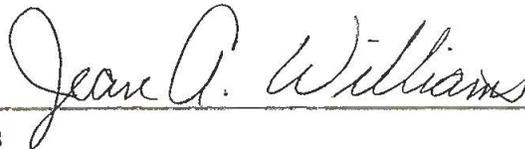
Name	Title	Date	Initials
Robyn Wicks	NEPA Coordinator	10/30/2014	RW
Marcia Wineteer	Botanist	10/27/14	mw
Dave Roelofs	Wildlife Biologist	10/20/14	DR
Jon Raybourn	Fisheries Biologist	10/30/14	JR
Shawn Simpson	Hydrologist	10/21/14	SLS
Amy Meredith	Soil Scientist	10/20/14	AM
Al Mason	Fire/Fuels Specialist	10/20/14	AM
Stephen Summers	Archaeologist	10/20/14	SS
Jeff Brown	Engineer	10/22/14	JB
Trish Lindaman	Outdoor Recreation Planner	10/24/14	TL

Decision

It is my decision to authorize a 30-year right-of-way grant to Oregon Water Resources Department, as described in the Proposed Action.

Decision Rationale

The proposed action has been reviewed by Butte Falls Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.



Jean A. Williams
Acting Field Manager
Butte Falls Resource Area

Date

Administrative Review or Appeal Opportunities

Notice of the right-of-way decision to be made on the action described in this categorical exclusion will be posted on the Medford District Web site. The action is subject to appeal under 43 CFR 2801.10 in accordance with 43 CFR part 4. This decision will remain in effect pending appeal. You may petition for a stay of a BLM decision with the Office of Hearings and Appeals, Department of the Interior.