

CATEGORICAL EXCLUSION REVIEW & DECISION RECORD

(DOI-BLM-OR-M060-2014-0002-CX)

Project Name: North Fork Little Butte ODFW Fish Screen Installation

BLM Office: Ashland Resource Area, Medford District Office

Contact: Chris Volpe, Project Leader @ 541- 618-2462

Location: The proposal includes the installation of two fish screens. Screen #1 will be a new installation and screen #2 will be installed in place of a previously existing screen. Both proposed screen installations will occur in the vicinity of the Heppsie Mountain Rd. bridge crossing over the North Fork Little Butte Creek (T36S-R03E, SE ¼ sec. 31, see map below). Location of screen #1 is proposed to be approx. 40 feet upstream from the bridge, on river left. A piped ditch would be retrofitted with the screen to divert entrained fish from the diversion and back into the creek. Screen #2 would be located approx. 0.25 miles downstream from the bridge on river right, on an open ditch in place of a previously existing fish screen. The locations of screen #1 and #2 will be referred to as sites #1 and #2, respectively.

DESCRIPTION OF THE PROPOSED ACTION:

The proposed action includes the removal of one previously installed, now defunct, fish screen and the installation of two additional fish screens, one of which (screen #2) will serve as a replacement for the previously installed, now defunct, fish screen. Oregon Department of Fish and Wildlife (ODFW) proposes to utilize a mini rubber-tracked excavator to construct the screens. ODFW plans to implement this project late summer/early fall of 2014.

In addition, this project would require the removal of four and six trees within the Riparian Reserve of the North Fork of Little Butte Creek at sites #1 and #2 respectively (total 10 trees). All trees are less than 8" diameter at breast height (DBH), and are marked with blue paint with an "F" and "RMZ" pink flagging. None of the trees are overstory shade producing trees. Marked tree species include ponderosa pine, pacific madrone, incense cedar, and pacific yews. Felled trees would be left on site and slashed and scattered over disturbed soil after construction activities were completed.

Ground disturbance anticipated at site #1 includes walking the mini excavator approximately 40 feet from Heppsie Mountain Rd to the fish screen site on the piped ditch. ODFW estimates only two passes would be required by the excavator to transport and assemble the screen components. A small platform would need to be excavated adjacent to the ditch on the upslope side to accommodate the mini excavator, and the ditch berm would be breached on the downslope (creek) side to allow for the installation of the fish bypass pipe back into the creek.

Ground disturbance anticipated at site #2 includes the reopening of 0.25 miles of old access road, which would consist of bucking out or moving a couple of blow down trees, and brushing out two small spots. Both the mini excavator and pick-up trucks would be used to transport materials and workers down this reopened access road. At the end of the reopened 0.25 miles of road, the mini excavator would be walked approx. 180 feet down a gentle grade across country towards the fish screen site on the ditch. ODFW estimates several passes would be required to transport the components of the fish screen at this location (larger screen than necessary for site #1). A work platform would not need to be excavated at site #2, as the site location is on flat ground.

ODFW proposes to slash, seed, and mulch all disturbed ground. ODFW also agrees to replace the logs currently down across the access road, and to construct a berm at the access road/Heppsie Mt. Road junction to discourage public use of the road. The berm would be located west of a power box to avoid encountering buried power cables. Anticipated time of this project would be less than two weeks from mobilization to completion.

Although authorizing this proposal would allow disturbances in Riparian Reserves of a fish bearing creek, because the nature of the disturbance would be small and not directly connected with the aquatic environment, no effects to fish, fish habitat, or water quality are anticipated to result. Likewise, Aquatic Conservation Strategy objectives would not be meaningfully compromised at any spatial scale.

The Permittee agrees to comply with the following environmental and safety stipulations as required project design features:

- All activities would occur during the dry season.
- Felled trees will be left on site and slashed and scattered over disturbed soil after construction activities are completed.
- All heavy equipment shall be pressure washed to remove all dirt and debris prior to entering BLM lands in the project area.
- Seed or plant highly disturbed areas prior to autumn rainfall with native plant materials as prescribed by BLM Botanists.
- Disturbed areas will be mulched using native grass hay or certified weed-free straw immediately after work is completed to minimize the likelihood that displaced soil would migrate off site.
- Logs will be replaced back over the road and a barricade constructed at its end to deter use by other vehicles upon completion of the project.
- If, during project implementation, the contractor/workers 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 Contracting Officer's Representative (COR). The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the resource area archaeologist and concurrence by the Ashland Field Manager and State Historic Preservation Office.

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan* (RMP). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994).

This project is consistent with the *2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, as incorporated into the Medford District Resource Management Plan. The project area was surveyed for Special Status species, including Survey and Manage species, in the summer of 2013.

The proposed action is consistent with BLM Manual 6840 (USDI 2008), the purpose of which is to provide policy and guidance for the conservation of BLM Special Status species and the ecosystems

upon which they depend on BLM-administered lands. BLM Special Status species include those species listed or proposed for listing under the Endangered Species Act (ESA), as well as those designated as Bureau Sensitive by the State Director(s). The objectives of the BLM Special Status policy are: To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species; and to initiate proactive conservation¹ measures that reduces or eliminates threats to Bureau Sensitive species to minimize the likelihood of and need for listing of these species under the ESA (USDI 2008: section 0.02).

This decision is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990, the National Historic Preservation Act of 1966 as amended, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

- | <u>Yes</u> | <u>No</u> | <u>Categorical Exclusion Exception</u> |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898). |

¹ Conservation: as applied to Bureau sensitive species, is the use of programs, plans, and management practices to reduce or eliminate threats affecting the status of the species, or improve the condition of the species' habitat on BLM-administered lands (USDI 2008, Glossary p. 2).

- () (X) 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).
- () (X) 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).

COMPLIANCE WITH NEPA

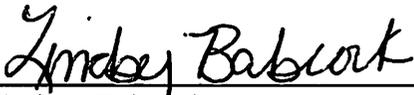
In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9 A (7), which allows for *“installation of devices...to protect animal life.”*

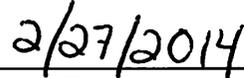
DOCUMENT PREPARATION AND REVIEW

Allison Hass	Clerk	9/24/13
Prepared by	Title	Date
Stephanie Kelleher	Environmental Coordinator	2/25/14
Reviewed & Edited by	Title	Date

DECISION

I have determined that the proposed action, which qualifies as a categorical exclusion under 516 DM A (7) involves no significant impact to the human environment and no further environmental analysis is required. It is my decision to authorize the installation of the two fish screens in the vicinity of the Heppsie Mountain Rd. bridge crossing over the North Fork Little Butte Creek.


Lindsey Babcock,
Field Manager, Ashland Resource Area (Acting)


Date

ADMINISTRATIVE REMEDIES

Notice of this decision will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

North Fork Little Butte Fish Screens

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