

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI - BLM - OR – P040 - 2012- 0031 - CX

Project/Lease/Serial/Case File #: OR 67083

Proposed Action Title: NOAA PIT Tag Fish Data Collection System Right-of-Way.

Location: John Day River at Mile 20 south of its confluence with the Columbia River (about 15 miles east of Wasco, Oregon), within BLM land described as:

Willamette Meridian, Oregon
T. 01N., R. 19E.,
Section 02, NW1/4SW1/4;

Description of the Proposed Action:

The proposed action is to grant a 20 year renewal of an existing right-of-way for the installation, repair, maintenance, and utilization of an in-stream Passive Integrated Transponder (PIT) tag fish detection system (the “System”) at John Day River mile 20, about 15 miles east of Wasco, Oregon. The System was installed September 2007 under a three-year BLM right-of-way permit issued to BioMark, Inc., the contractor that was then working for and under the direction of the National Oceanic and Atmospheric Administration (NOAA) for the installation and monitoring of the System. High river flows during 2011 damaged certain components of the System which now require maintenance and repairs. In conjunction with the repair activities, the existing antenna component will be renovated by the addition of two new PVC antennas to the existing antenna arrays. All work on the System will take place within the boundaries of the original right-of-way permit. The renewed right-of-way for the repaired and renovated System would be in the name of NOAA.

The parts and components of the System are described in the paragraphs below. The System was installed to monitor movements of PIT-tagged adult and juvenile salmon and steelhead. Repairs and renovations to the existing System are expected to take five days and are anticipated to occur in August or September 2012 or at such other time that low water levels are reached. The Oregon Department of Fish and Wildlife has designated the in-water work period for this stretch of river from July 15 through August 31, however NOAA would apply for an extension of the in-stream work window through September 30 if work cannot be completed by August 31.

All parts and components of the System described below are located on BLM land, with the exception of the PIT-tag antennas which lay in the John Day River’s bed and the portion of the electric/fiber cable which attaches to the antennas and traverses the river’s eastern bank. The noted antennas on the river bed and the electric/fiber cable that traverses the bank are on land which is under the jurisdiction of the Oregon Division of State Lands (Oregon DSL). Oregon

DSL has jurisdiction of the river's banks and bed, therefore all permitting, environmental compliance and other authorization activities relating to the System's placement and operation in the bed and banks of the John Day River are conducted between NOAA and Oregon DSL and do not involve the BLM. Although the System is not designed to be permanent, it would remain in place year round and is anticipated to remain as long as the data collected is beneficial to the region. It is anticipated that the proposed project would not cause any significant disturbance of any uplands or wetlands in the project's area because all parts and equipment would be carried by hand to the river and be installed by hand labor.

The existing System is comprised of six antennas installed as two arrays of three antennas originating from the east bank. The proposed System renovation would consist of two new PVC antennas installed in line with each of the two existing arrays to extend both arrays the entire width of the river. Each of the new PVC antennas is approximately 20 feet long, 3 feet wide and 0.5 feet high.

Other components of the System consist of an existing satellite dish communications device and power cord that is next to a power pole located adjacent to the John Day River. The power pole was in place before the PIT tag project commenced (the "Power Pole"). The dish communications device and power equipment are used to control and power the above described PIT tag antenna array on the John Day River's bed. The satellite dish communication device consists of a 28" oval satellite dish mounted on a 2 3/8" outside diameter metal pipe pole that is 7' high. It is possible, as part of the proposed project, that the existing satellite dish would be replaced with a smaller dish.

When the System was originally installed in 2007, an electrical meter base was attached to the Power Pole by a certified electrician. Also, a "job box" containing an AC to DC converter, 12-volt batteries and charging-switching hardware was installed then and still remains in place at the base of the Power Pole. The job box is connected to the electrical meter. An AC electrical cord and a fiber optic cable extend 330 ft. from the job box to an electronics enclosure box adjacent to the river. The electrical cord and fiber optic cable are protected by flexible conduit. The conduit is in a shallow trench 4-6" deep and the trench was backfilled and compacted. The project's original electronics enclosure box was damaged by floods in the fall of 2010. The proposed project would replace the damaged interior electronics of the electronics box and would move the electronics box above the 30 year high water mark of 30 kcfs (this placement would be approximately 20 ft. directly up the river bank side from the damaged box's present location). The electronics enclosure box is 18 inches tall by 36 inches wide by 24 inches deep.

Inside the electronics enclosure box are PIT-tag transceivers, antenna controlling units and a communication modem. Antenna communication cables (0.75" diameter) exit the electronics enclosure box and connect to the PIT-tag antennas installed in the John Day River. The antenna cables are secured to the levee and river bottom at 5-10' intervals using re-bar with a link welded to the top. When the System was originally installed, the re-bar was driven to slightly below grade to minimize collection of debris and any tripping hazard. The proposed new 20 ft. long PVC river bed antennas, which would extend the antenna array across the entire river bed, would be anchored to the river bottom using MR-88 anchors and threaded rods. Anchor devices for the

PVC antennas would be driven in using a hydraulic power pack that is filled with non-toxic biodegradable vegetable oil (Mobil EAL 224H).

B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan Record of Decision (“Two Rivers RMP/ROD”).

Date approved: June 1986; and amended by the Record of Decision John Day River Management Plan, Two Rivers, John Day, and Baker Resource Management Plan Amendments approved February 2001 (referred to herein as the “John Day River Plan ROD”)

The proposed action is in conformance with the above Two Rivers RMP/ROD: See Page 11 of the Two Rivers RMP/ROD, which provides, “Wildlife and Fish Habitat –.... Streams will be monitored to ensure maintenance of water quality and riparian conditions and to evaluate the effectiveness of stream improvement practices. This monitoring includes ... fish census” The fish census data resulting from the installation and operation of the System directly supports the foregoing Direction and Implementation planned management actions.

Also see page 3 of the John Day River ROD, which provides, “Federal Wild and Scenic River – The three John Day river segments designated as Wild and Scenic are: Lower John Day River main stem (Tumwater Falls upstream to Service Creek), classified as Recreational. The outstandingly remarkable values include scenic, recreation, fish, wildlife” The proposed project is within the John Day River area described in the preceding sentence. The proposed action is intended to assist in the protection and enhancement of the “outstandingly remarkable ... fish” resource in the river. Also see pages 12-13 which provide, “In order to protect and enhance fish in the John Day River we have decided to continue to support ongoing implementation of conservation measures by federal, state, count, tribal, and private entities within the John Day basin.” The proposed action directly supports fish conservation and enhancement activities of the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and of the Oregon Department of Fish and Wildlife (ODF&W) relating to the John Day River and its tributaries.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 516 11.9, Effective Date August 14, 2007, E. Realty, “(9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations” and “(13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary”. The repairs and renovations to the System under the proposed project are within the boundaries of the original BLM permit granted for the project in 2007.

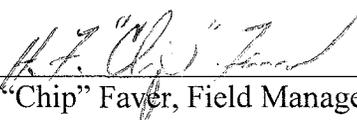
In addition, The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Departmental Categorical

Exclusions, 516 DM 2, Appendix 1, Effective Date June 21, 2005 . . . “1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects.)”, and “1.11 Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public”. With regard to this last citation, the monitoring data collected by the NOAA System is provided to the Oregon Department of Fish and Wildlife (ODF&W) and is instrumental in the ODF&W’s efforts to manage salmon and steelhead fish populations within the John Day River and its tributaries.

Each above noted categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply. See attached CX Extraordinary Circumstances Documentation checklist.

D. Signature

I have considered this proposed right-of-way grant OR 67083 and have found that it would have no significant effect either individually or cumulatively on the human environment.

Authorizing official: 
H.F. “Chip” Faver, Field Manager, Central Oregon Resource Area

Date: 6-12-12

Contact Person

For additional information concerning this review, contact Michael Kroll, Realty Specialist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6752, or email mkroll@blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	YES	NO
The proposed categorical exclusion action will:		
2.1 Have significant impacts on public health or safety.		X
Rationale: The proposed action is not predicted to have significant impacts on public 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
<p>Rationale:</p> <p>The monitoring System has been in place on the John Day River for nearly five years and has had no significant impacts on the items identified in 2.2 above, and the repaired and renovated System is also not expected to have any such significant impacts. The proposed project is within an area of the John Day River designated as Federal Wild and Scenic River and the proposed action is consistent with Federal Wild and Scenic River values as it is intended to assist in continuing the “outstandingly remarkable ... fish” resource in the river. The proposed action directly supports fish conservation and enhancement activities of the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and of the Oregon Department of Fish and Wildlife (ODF&W) relating to the John Day River and its tributaries.</p> <p>The proposed project is not located in park or refuge lands; therefor the proposed action will not have a significant effect on any such lands. Regarding recreation activities, since the BLM issued the original ROW in 2007, recreation use of the John Day Crossing Recreation Site at McDonald Crossing (the project site) has increased considerably. The recreation site is primarily used for angling access, and also provides opportunities for dispersed camping, boat access, and historical exploration of the Oregon Trail. In order to protect resources, the BLM recently responded to increased recreation pressure by installing a toilet, gravel parking area, picnic table, interpretive displays, and an information kiosk. The project proposal and this proposed action would not be expected to conflict with current recreation use of the site or the river.</p> <p>The proposed action does not include any actions for Wilderness Study Areas or for lands being managed for wilderness character. The wilderness character inventory for the public lands contained within the project area has been recently updated by the BLM. The evaluation found that this public land parcel does not possess wilderness character because the parcel lacks sufficient size and does not meet any of the exceptions to the size criteria.</p> <p>The project proposal is not located on or in the vicinity of any national natural landmarks, national monuments, sole or principal drinking water aquifers, or prime farmlands and thus this proposed action would have no significant effect on any such ecologically significant or critical areas. The project is located in, and on the eastern bank and border of, the John Day River and therefore may have some effect on wetlands (Executive Order 11990), floodplains (Executive Order 11988), and migratory birds; however, any such effect on such ecologically significant or</p>		

critical areas is not expected to be significant. For example, portions of the project System have been damaged by flooding in the past. While the flooding has damaged project equipment, the project itself has caused no damage to the natural environment in which the project is located.

The proposed action would not have any significant effect on historic or cultural resources. The current location of this project was surveyed in 1988 during a trespass survey (05050400103P) with negative results. The same area was again surveyed in 2010 (report in progress) with negative results for the installation of a pit toilet. Based on the latter survey it becomes apparent that this location is influenced greatly by being on the outside bend in the river and is regularly inundated by flooding. In addition, the location is at the mouth of an unnamed side canyon that has periodic outwash events that deposit large amounts of gravel and boulders (information gained while watching the pit excavation for toilet installation). As the project will occur at the edge of the river in the active floodplain and previous surveys have resulted in negative results, the location is considered very low potential for significant cultural resources. It is recommended that the project proceed as planned with the SOP being that any cultural resources observed during installation will necessitate a halt to operations and contacting the authorized officer until the situation can be assessed.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]		X
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Rationale: The proposed ROW grant is for the renewal of a prior permit for the System to allow repairs, renovations and replacements of System components and continued use of the System. The System that has been in place for about five years has not had, and the proposed action to allow continued use and repair and renovation of the System, would not have highly controversial effects or involve unresolved conflicts with available resources.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
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Rationale: There are no predicted significant environmental effects from the repair, renovation and continued use of the System that are considered to be highly uncertain or involve unique or unknown risks. The System has been in place for nearly five years and has had no such effects to date.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
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Rationale: There is no evidence or expectation that this proposed action will have potentially significant environmental effects. This proposed management action does not commit the BLM to pursuing future similar actions, and would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
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Rationale: There are no other actions known to be occurring in the project area that would be expected to have a noticeable cumulative effect; therefore significant cumulative effects are not predicted to occur with respect to this proposal.

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.		X
<p>Rationale: The proposed action would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.</p> <p>With respect to cultural or historical resources, the current location of this project was surveyed in 1988 during a trespass survey (05050400103P) with negative results. The same area was again surveyed in 2010 (report in progress) with negative results for the installation of a pit toilet. Based on the latter survey it becomes apparent that this location is influenced greatly by being on the outside bend in the river and is regularly inundated by flooding. In addition, the location is at the mouth of an unnamed side canyon that has periodic outwash events that deposit large amounts of gravel and boulders (information gained while watching the pit excavation for toilet installation). As the project will occur at the edge of the river in the active floodplain and previous surveys have resulted in negative results, the location is considered very low potential for significant cultural resources. It is recommended that the project proceed as planned with the SOP being that any cultural resources observed during installation will necessitate a halt to operations and contacting the authorized officer until the situation can be assessed.</p>		
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.		X
<p>Rationale: The System is in place on a portion of the John Day River that could be expected from time to time to have Mid-Columbia Steelhead and Bull Trout present, both of which species have certain protections under the Endangered Species Act. Based on the findings of the District fishery biologist, the System has not had any (and is not expected in the future to have any) of the significant impacts identified above in 2.8. There are no other known Endangered or Threatened species, or special status species, within the boundaries of the proposed right-of-way for the System. Based on the foregoing, there would not be 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.</p>		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p>Rationale: The proposed ROW grant is for the renewal of a prior permit for the System to allow repairs, renovations and replacements of System components and continued use of the System. The System has been in place on the John Day River for nearly five years. The issuance of the original permit for the System and of this renewal of the permit for the System is in accordance with the provisions of the Federal Land Policy and Management Act of 1976, as amended; and the proposed action is designed to conform with all Federal, State, local and tribal laws and requirements including those relating to the protection of the environment. Accordingly, this right-of-way grant does not violate any Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.</p>		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<p>Rationale: The proposed action is not expected to have any noticeable effect on low income or minority populations.</p>		

<p>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).</p>		X
<p>Rationale: The proposed action does not make any changes to the access and use of Federal lands by Indian religious practitioners or by any other individuals. Accordingly, the proposed action would not 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 any such sacred sites.</p>		
<p>2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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).</p>		X
<p>Rationale: The System has been in place on the John Day River for nearly five years. The original installation of the System and its past and future operation has not contributed and is not expected to contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. The repair, renovation and future operation of the System will be done by hand and with walk-in portable gear -- this low impact installation method is expected to minimize the likelihood of the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area. The AC electrical cord and a fiber optic cable that extends approximately 330 feet from the job box to an electronics enclosure box adjacent to the river is already in place and thus the proposed project will not require any new trenching activity. This existing cord/cable will simply be shortened and spliced into the electronics box at the new box location; therefor there will be no significant contribution to the introduction or spread of noxious weeds in the vicinity of the electronics box.</p>		