

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROSEBURG DISTRICT

NEPA CATEGORICAL EXCLUSION REVIEW

Background:

BLM Office: Roseburg District
777 NW Garden Valley Blvd
Roseburg, Oregon, 97471
Phone: 541-464-4930

NEPA Document No. DOI-BLM-OR-R000-2014-0001-CX

A. Proposed Action Title:

Brickyard Helipond Repair

Location of Proposed Action:

Brickyard HeliPond is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T. 31 S., R. 9 W., Willamette Meridian in a saddle along the ridge line, and is accessed by BLM Road No. 31-9-1.3. The Roseburg District manages this water source in cooperation with Douglas Forest Protective Association, Coos Forest Protective Association, and private timberland owners.

B. Description of Proposed Action:

Brickyard Helipond has been leaking since originally constructed under the Southwest Rerun timber sale contract in 1988. BLM engineering staff noted the presence of water during excavation of the keyway for the dike embankment and increased the depth of the keyway from six (6) feet to ten (10) feet (F. Meyer, pers. obs. 1988). The following winter, water levels continued to be low and it was determined that water was piping under the keyway. To correct the problem, a contract modification was done to construct an intercept key to seal the transverse water movement.

Recent investigation determined that the intercept key was not adequately compacted to perform effectively. A routine inspection in 2000 noted possible leaking at the toe of the dike embankment. In 2005, District road maintenance personnel excavated out a hole near the toe in the upstream face of the dike embankment, at approximately the same location where the current hole is located, then backfilled with native material and tamped the material with the excavator bucket. BLM wildlife staff have conducted annual aquatic organism surveys at Brickyard Helipond since 2000 (R. McGraw, pers. Comm.). It was first noted that the water level in the helipond began dropping in 2003, and that with the exception of 2005 when District road maintenance personnel attempted to repair the dike embankment, water levels have consistently been around the bottom of the current hole in the dike embankment.

In the summer of 2013, District road maintenance personnel filled the hole in the upstream toe of the dike embankment with drain rock to slow down the rate of degradation of the dike embankment. The water level of the pond was drawn down through the low-level gated outlet and examined for additional indications of leakage. This examination discovered a hole in the floor of the pond connected to an underground stream bed which is believed to be connected to the hole in the upstream toe of the dike embankment and responsible for water piping under the original keyway of the dike embankment and surfacing downstream below the helipond.

Repairs would consist of digging the drain rock out of the hole in the upstream toe of the embankment, pumping controlled density fill (CDF), a low density concrete that is flow-able and dig-able, into the cavity under the embankment, installing a vinyl or steel sheetpile cutoff wall along the upstream toe of the embankment, and replacing the spillway culverts and downspouts in kind.

Water levels in the pond have been drawn down, though some residual ponding persists. This water would be pumped out and work would be conducted between mid-July and mid-September of 2015 when the floor of the pond has thoroughly dried out. Between 20 and 30 cubic yards of material would be excavated at the west end of the dike embankment to remove the drain rock, and 20 to 30 cubic yards of CDF would be pumped into the cavity, depending on the size of the hole through the dike embankment. Unsuitable excavated materials would be wasted on the floor of the pond. Any borrow material required to backfill the hole or spillway culverts, would be acquired from the floor of the pond. The spillway culverts will be embedded in CDF up to the centerline of the haunches to prevent future piping.

The sheetpile cutoff wall will extend about 233 linear feet from the groin of the west abutment, and will be installed using a vibratory driver. A small temporary bench will be excavated along the upstream side of the dike embankment for the excavator to travel when installing the sheet piles. A section of the low level drain pipe (20"±) at the inlet will be removed and replaced to facilitate installing the sheetpiles at this location.

Wildlife

The dike embankment repairs would not remove or modify dispersal or nesting, roosting and foraging (suitable) habitat for the Federally-threatened **northern spotted owl**. The nearest suitable habitat greater than 300 yards away and the nearest known northern spotted owl site is over one-half mile to the southwest (Fuzzy Dice, INDO 46150). The proximity of any suitable habitat or known activity centers is outside of the 35-yard disruption threshold for the operation of heavy equipment operation, and the 65-yard disruption threshold for chainsaw use. Consequently, no seasonal restrictions are required during the critical breeding period of March 1 through July 15. The project area is within critical habitat designated for the survival and recovery of the northern spotted owl, but as noted no dispersal or suitable habitat would be removed.

The dike embankment repairs would not remove suitable nesting habitat for the **marbled murrelet**. The nearest nesting habitat is over 300 yards away and the nearest known occupied marbled murrelet site is over four miles to the northeast. The proximity of any suitable nesting habitat or occupied sites is outside of the 100-yard disruption threshold for heavy equipment operation or chainsaw use, so no seasonal restrictions or daily operating restrictions are required.

Brickyard Helipond, the location of repair activities, is not within ¼-mile of any golden eagle, bald eagle, or peregrine falcon nest site (nearest known sites are over two miles, seven miles, and eight miles away, respectively). Consequently, the potential for disruption during the respective nesting seasons for these species is absent and no seasonal restriction of the repair activities is required.

The proposed repair of the Brickyard Helipond dike embankment is consistent with the Roseburg District Resource Management Plan as amended by 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*.

Activities associated with repairs of the dike embankment of the helipond would be limited to the dike and the interior of the drained helipond. Repairs to the dike embankment dike would not remove trees or other vegetation that provides habitat for the great gray owl (*Strix nebulosa*) and red tree vole (*Arborimus longicaudus*). The dike embankment and normally inundated helipond floor do not provide habitat for the Oregon shoulderband snail (*Helminthoglypta hertleini*) and Chace sideband snail (*Monadenia chaceana*). The repair activities are not considered habitat-disturbing and pre-disturbance surveys are not required.

Guidance for meeting agency responsibilities under the Migratory Bird Treaty Act is provided through WO IB 2010-110 (August 31, 2010): *Memorandum of Understanding between the BLM and U.S. Fish and Wildlife Service to promote the conservation of migratory birds* (MOU). The MOU provides guidance that the BLM shall, as needed, modify conservation measures to be more effective in reducing unintentional take and, as practicable, to restore and enhance the habitat of migratory birds (pg. 6). The dike embankment repair would not affect nesting migratory birds as the repair work would be limited to the dike and interior of the drained pond behind the dike embankment, would not remove any vegetation used by migratory birds for nesting and foraging, and would occur after mid-July toward the end of the nesting and fledging season.

The project is consistent with the 2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the District Resource Management Plan.

This project utilizes the December 2003 species list which incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASR) 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 Cir. 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 ROD Standards and Guidelines, which makes the species Category C throughout its range.

In addition, routine maintenance of improvements and existing structures is not considered to be a habitat-disturbing activity (*2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures*, Standards and Guidelines pg. 22). Documentation on file.

Botany

No populations of threatened, endangered or Bureau Sensitive botanical species are recorded in the vicinity of Brickyard Helipond.

The activities associated with the repair of the dike embankment would be restricted to the dike and/or interior of the drained pond, and hence would not impact late-successional and old-growth habitat and Survey and Manage botanical species associated with those types of habitat.

Fish

Corporate data in GIS indicates that Brickyard Helipond is approximately 2.4 miles above the closest fish-bearing stream reach, with estimated occupancy by Oregon Coast coho salmon and Oregon Coast steelhead trout further downstream. Repair activities would be limited to the dike embankment and interior of the helipond. The pond has been drawn down, silt fences would be installed, and work would occur during the summer so that the risk of sediment transport to occupied downslope stream reaches would be effectively eliminated.

All equipment would be inspected daily to assure that there is no leakage of fuel or hydraulic fluid. All equipment would be refueled a minimum of 150 feet from the helipond and streams to avoid potential water contamination.

Noxious Weeds

Noxious weed infestations would be inventoried and documented so that appropriate control measures may be implemented. If practicable, noxious weed infestations would be brushed prior to seed set. Weeds that are flowering or fruiting would be bagged and properly disposed of at a landfill. Weeds along access roads may be sprayed with BLM-approved herbicides, but weeds within 25 feet of water (inflow, water impoundments, and outflow) would be treated by pulling or cutting.

Heavy equipment used for excavation, repair and compaction of the dike embankment, and installation of the sheetpile cutoff wall would be steam-cleaned or pressure-washed prior to move-in to prevent the introduction of seed or other propagative materials that may establish new weed infestations.

Any areas of disturbed or displaced soil would be mulched and seeded with native grasses in a timely manner to prevent erosion and discourage weed establishment.

C. Land Use Plan Conformance:

Roseburg District Record of Decision and Resource Management Plan

Approved: June, 1995

The Proposed Action is in conformance with the 1995 ROD/RMP because it is specifically provided for in the following ROD/RMP decision (p. 6), Administrative Actions - facility maintenance.

D. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.7, “Routine and continuing government business including . . . maintenance, renovations, and replacement activities having limited context and intensity (i. e., limited size and magnitude of short-term effects).”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment as documented in the following table. The proposed action has been reviewed in the following table, and none of the extraordinary circumstances described in 516 DM 2 apply.

E. Categorical Exclusions - Extraordinary Circumstances Documentation:

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The Brickyard Helipond is located in an isolated rural setting on a forested landscape outside of populated areas. Reconstruction of the helipond dike would not pose a public health or safety risk. The helipond provides a source of water for road construction and maintenance, and is essential for rapid suppression and extinguishment of wildland fire to the benefit of private and public property.		
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
Rationale: There are no unique geographic characteristics, historical or cultural resources, parks, recreation or refuge lands, etc. that would be affected by the proposed repairs to the dike embankment. There are no drinking water aquifers in proximity to Brickyard Helipond and project design features, such as drainage of the pond, conducting repairs during the dry season, and installing a sand filter would prevent any degradation of water quality. No potential effects to migratory birds would be expected as no habitat would be removed or modified and repairs would be undertaken at the end of the breeding, rearing and fledging season		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Repair of the dike of Brickyard Helipond does not entail any unknown or controversial environmental effects. The helipond was originally constructed for the purpose of providing water for road construction and maintenance, and wildfire suppression. Continued use of the impoundment for these purposes does not involve unresolved conflicts over other uses of the water they provide.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: There are no highly uncertain environmental effects associated with the proposed repairs to Brickyard Helipond, whose purpose is to provide water for road construction and maintenance, and for use in wildfire suppression. Under circumstances such as these where the helipond has served no other purpose but to supply water, there are no unique or unknown environmental risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: A decision to repair leaks in the dike of Brickyard Helipond, designated as a source of water for road construction and maintenance, and for use in fire suppression efforts would not establish any new precedent or represent a future decision regarding the commitment of resources. The water impoundment would continue to serve the role for which it was constructed, and any future proposal for actions extending beyond the dike repair would be subject to an independent analysis of effects under the tenets of the National Environmental Policy Act, and a separate decision.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Repair of the dike on the Brickyard Helipond is a stand-alone activity that is unrelated to any other approved or proposed management actions. Effects of the action on the local environment would be negligible and discountable, of short duration, and spatially dispersed. As such, no cumulative effects are anticipated.		
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
Rationale: There are no recorded cultural/historical sites located in proximity to Brickyard Helipond and all work would be limited to the area within the existing footprint of the helipond.		
2.8 Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X

Rationale: There would be no risk for disruption to nesting northern spotted owls or marbled murrelets because the location of the dike embankment where excavation and reconstruction would occur is not within disruption thresholds for the northern spotted owl or suitable habitat for the marbled murrelet. No existing or potential habitat for either species would be modified or removed. Although seasonal restrictions for the northern spotted owl are not required, repair and replacement work would occur between July 15 and September 15, outside of the critical breeding period for the northern spotted owl. Brickyard helipond is located within designated critical habitat for the northern spotted owl (Klamath West 1 SubUnit), and repairs to the helipond was one of the actions described in the Biological Assessment for *FY2014-2015 Programmatic Activities and Timber Sales on the Roseburg District BLM* submitted to the U.S. Fish and Wildlife Service June 11, 2013. The U.S. Fish and Wildlife Service anticipates no disruption or spotted owl or marbled murrelet breeding, feeding or sheltering activities and that the action will not adversely affect designated critical habitat for the northern spotted owl (Letter of Concurrence, TAILS #: 01EOFW00-2014-I-0003; pgs. 12-13).

The location of Brickyard Helipond is greater than two miles from any known bald eagle, golden eagle or peregrine falcon nest sites and no risk of disruption to any of these species would be expected or anticipated.

The repair work would not involve removal of nesting and foraging habitat for migratory bird species. Scheduling work after July 15 toward the end of the breeding and fledging season would lessen risks nestlings or fledglings.

The estimated distance to stream reaches occupied by Oregon Coast coho salmon and steelhead trout is greater than 2.4 miles downstream from the helipond. Repairs would not remove any trees with the potential for recruitment into the stream network as functional small or large wood, nor affect streamside shading or stream temperatures on site or downstream. The pond has been drawn down and residual water would be pumped out during repairs made between July 15 and September 15, 2015. Silt fences and hay bales would be used to trap any sediment that might be mobilized during excavation. Consequently, the potential for downstream transport of sediment that could affect fish in stream reaches well-removed from the project area is negligible and would not affect critical habitat for the Oregon Coast coho salmon, or Essential Fish Habitat designated for Oregon Coast coho salmon and Oregon Coast Chinook salmon.

There are no Federally endangered or threatened botanical species located in proximity to the helipond or documented populations of aquatic Bureau Sensitive plant species that would be affected by the proposed repairs.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
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Rationale: The proposed action conforms to direction from the Roseburg District ROD/RMP for management of public lands on the Roseburg District. The ROD/RMP complies with all applicable laws, including the Federal Land Policy Management Act, Clean Water Act, Endangered Species Act, and others.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
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Rationale: No potential impacts have been identified by the Roseburg District BLM, either internally or through public involvement, indicating that maintenance activities of this nature would have a disproportionate impact on low-income or minority populations in Douglas County, Oregon.

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).		X
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Rationale: No Indian sites of sacred, religious or ceremonial value have been identified that could be affected by proposed repairs to Brickyard Helipond.

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).		X
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Rationale: With implementation of the project design features that include equipment washing and re-establishment of native vegetation in disturbed areas, it is not anticipated that repairs to Brickyard Helipond would create conditions or circumstances favorable to the establishment of new infestations or spread of existing infestations of noxious weeds or non-native invasive plant species.

F. Deciding Official

Bev Machab
FOR Abbie Jossie
District Manager
Roseburg District

8-25-14
Date

G. Contact Person & Reviewers:

For additional information concerning this Categorical Review, contact:

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Reviewers	Resource Expertise	Initials	Date
Paul Ausbeck	Environmental Coordinator - Planner	PGA	8/25/14
Susan Carter	Botanist	SCC	8/25/14
Rex McGraw	Wildlife Biologist	RIM	08-19-2014
Cory Sipher	Fisheries Biologist	CS	8/19/14
Molly Casperson	Archaeologist	MCC	8/19/14