Categorical Exclusion Documentation for All Projects Other Than Hazardous Fuels and Fire Rehabilitation Projects

A. Background

BLM Office: Marys Peak Resource Area **Lease/Serial/Case File No:** _____

Categorical Exclusion Number: DOI-BLM-OR-S050-2012-0001-CX **Date:** 1/10/2012

Proposed Action Title/Type: South Fork Lobster Creek Culvert Replacement

Location of Proposed Action: Township 15 S, Range 8 W, Section 25 Lane County

Land Use Allocation(s): Riparian Reserve and private land

Description of Proposed Action: The proposed action is to replace a culvert that is currently undersized and failing. To be in compliance with direction in the Salem District Resource Management Plan (RMP), the culvert will be replaced with one designed to accommodate at least the 100-year flood (RMP, p. 63).

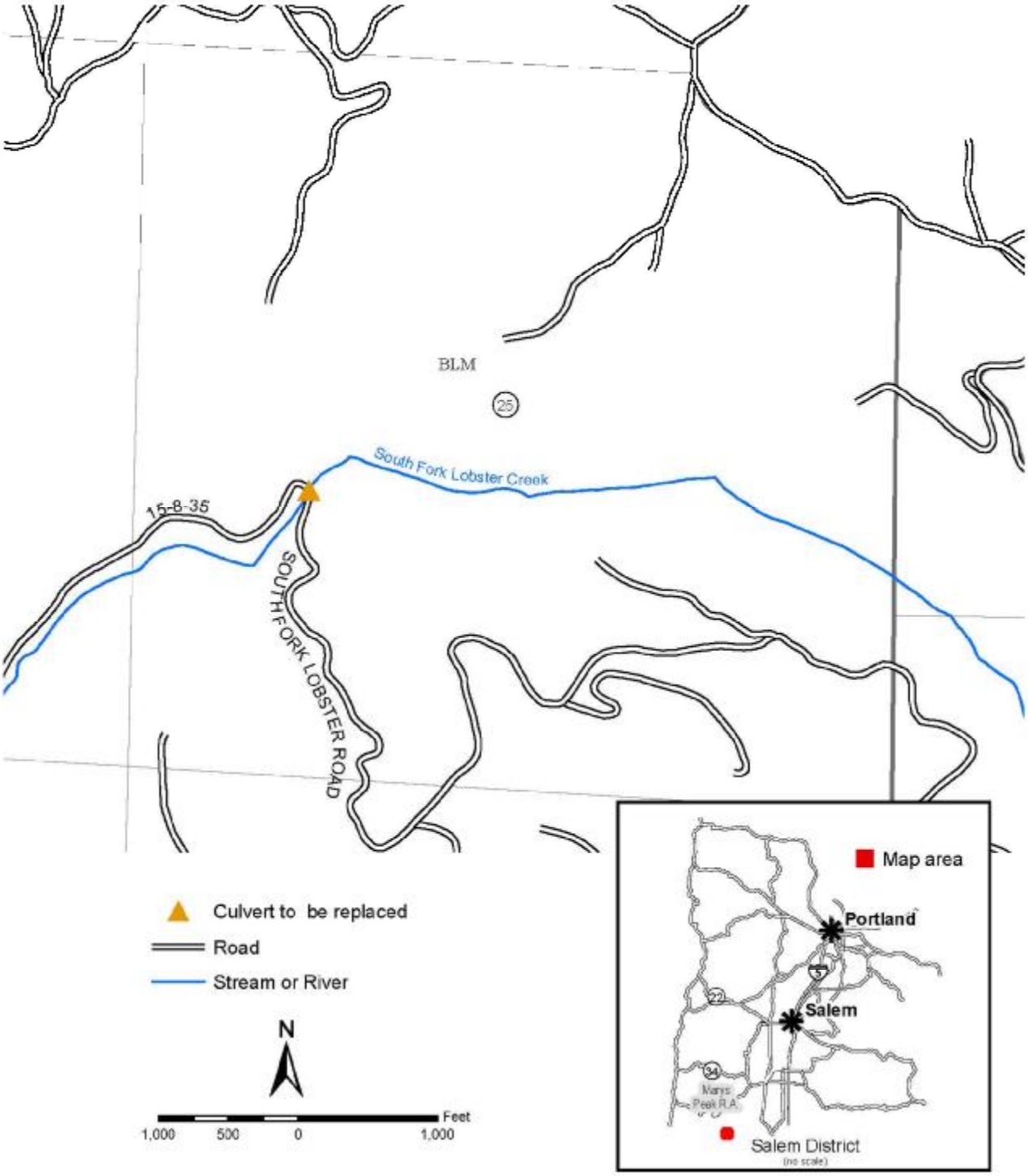
The replacement of the South Fork Lobster Creek culvert with a pipe-arch culvert will restore habitat to approximately 1/2 mile of anadromous fish habitat and approximately 1½ miles of resident fish habitat. The South Fork of Lobster Creek is an anadromous fish-bearing stream with Oregon Coast (OC) Coho Salmon and steelhead trout. The shortage of high quality, aquatic habitat in the Oregon Coast Range, including the Five Rivers-Lobster Creek Watershed, limits recovery of coho salmon and steelhead trout as well as the ability to maintain healthy populations of other aquatic-dependent species, especially other anadromous fish.

Work will be conducted in cooperation with the Benton County Public Works Department to implement replacement of the existing culvert with a larger, stream-simulated culvert. The Omnibus Consolidated Appropriations Act of 1997, Wyden Amendment, Public Law 104-208, Section 124, as amended by Public Law 105-277, Section 136 (16 U.S.C. 1011(a)) provides authority for the Secretary of Interior to enter into cooperative agreements with other federal agencies, tribal, state, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land.

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management - Salem District - Oregon

SOUTH FORK LOBSTER CREEK CULVERT REPLACEMENT
CONTRACT NO. DOI-BLM-OR-S050-2012-0001-CX

T. 15 S., R. 8 W., W.M. Section 25



Project Design Features

To protect water quality, to minimize soil erosion as a source of sedimentation to streams, to minimize soil productivity loss from soil compaction and loss of slope stability or loss of soil duff layer, and to contain and/or reduce noxious weed infestations on BLM-managed lands using an integrated pest management approach.

All project activities will utilize the Best Management Practices (BMPs) required by the Federal Clean Water Act (as amended by the Water Quality Act of 1987). The BMPs listed below will be applied to this project (Appendix A).

To meet the objectives of the Riparian Reserves

- Culvert replacement activities will occur during the summer period with lowest stream flow (July 1 to August 31), and comply with *Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources*.
- Existing structure will be replaced with a countersunk culvert designed to meet 100-year peak flood events and hydraulic capacity will compensate for expected streambed material deposition in the culvert bottom **(R 11, 16, RST 13)**.
- All soil disrupting equipment will be required to be clean, and free of dirt and vegetation, as directed by the contract administrator.
- No refueling will be allowed within 100 feet of any standing or running water, unless equipment can be located in a containment structure **(SW 8, 9, SP 1, RST 10**).
- During periods of non-use, equipment will be stored a minimum of 200 feet from the stream.
- Excavated fill material removed during replacement of the culvert will be temporarily stored on, or immediately adjacent to, the existing road. Excavated material deemed excess or unsuitable for reuse (waste material) will be end hauled to suitable, stable locations nearby. Waste locations would preclude erosion into or contamination of the stream or floodplain **(R 41)**.
- Waste piles will be sloped with gentle back slopes approximately 2:1.
- All exposed mineral soil areas will be grass seeded with Oregon Certified (Blue Tagged) red fescue (*Festuca rubra*) at a rate equal to 40 pounds per acre, and planted with conifer tree species where appropriate openings exist **(R 97).**
- The area of disturbance for the water diversion will be kept as short as practical to minimize short term disturbance to the stream and long term disturbance to the site.
- If any Special Status or Special Attention Species (vegetation, terrestrial, or aquatic) are found in the project area, appropriate mitigation measures, as described in the Salem District RMP, will be implemented.
- The Resource Area biologist will be notified if any additional sites of federally listed wildlife species are found occupying stands within 0.25 miles of the project area.
- If any cultural and/or paleontological resource (historic or prehistoric site or object) is discovered during project activities all operations in the immediate area of such discovery shall be suspended until an evaluation of the discovery can be made by a professional archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values.
- Some trees may need to be felled to replace the existing culvert. Felled trees, slash and cut brush will be removed and disposed of in the following manner:

- § With approval of the area fisheries biologist, larger material will be placed in the channel, downstream of the culverts or left on site.
- § Minimal amounts of brush will be scattered on site in the areas away from the road surfaces, but no accumulations will be created.
- § Accumulated piles of wood debris will be disposed of by chipping or will be end hauled and deposited at the approved sites.

The relevant *Design Criteria* and *Conservation Measures* described as part of the South Fork Lobster Creek Culvert Replacement Project will be followed as outlined in *Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012,* June 27, 2008.

- Fish passage culverts will be designed as a minimum to bankful width conditions.
- Fish passage culverts will be installed at six percent gradient or less **(R 14).**
- Substrate and habitat patterns within the culvert will mimic stream patterns that naturally occur above and below the culvert.
- Closed-bottom culverts (round, pipe-arch, or box culverts) will be countersunk into the streambeds to a minimum of 20 percent of culvert height.
- Stream banks will be stabilized where necessary using on site logs and boulders.
- Use of large rock riprap will be minimized and limited to use as scour protection on the road embankments adjacent to the culverts and placed above bankful height.
- Grade control structures will be used above or below the culverts as needed to prevent head cutting **(RST 13, R 16).**
- To minimize sedimentation downstream of the project sites, stream water will be pumped or piped through the construction areas **(RST 10)**.
- Fish salvage will be conducted at all dewatered reaches.
- All equipment used for instream work will be cleaned and leaks repaired prior to entering the work area. Remove external oil and grease, along with dirt and mud, prior to construction. Equipment will be inspected daily for leaks or accumulations of grease, and any identified problems will be fixed before entering streams or areas that drain directly to streams **(RST 7).**
- Power equipment will be staged and refueled outside the riparian zone (minimum of 100 feet unless in containment structure), at designated locations where no spilled material will reach flowing water **(RST 10).**
- The road running surface will be re-rocked.

B. Land Use Plan Conformance:

The Salem District initiated planning and design for this project to conform and be consistent with the Salem District's 1995 Resource Management Plan (RMP). Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Salem District's 2008 Record of Decision (ROD) and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the current proposed action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD

and RMP. Accordingly, this project is consistent with the Salem District's 1995 RMP and the 2008 ROD/RMP.

Land Use Plan Name: *Salem District Record of Decision and Resource Management Plan* (1995 RMP) **Date Approved** March 1995 **Date Amended:** The 1995 RMP was amended in January 2001 as documented in the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines,* dated January 2001 (SM/ROD).

The proposed action is in conformance with the Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

- Promote the rehabilitation and protection of at-risk fish stocks and their habitat. (RMP p. 27)

- Design and construct new culverts, bridges and other stream crossings and improve existing culverts, bridges and other stream crossings determined to pose a substantial risk to riparian conditions. New structures and improvements will be designed to accommodate at least the 100-year flood, including associated bed load and debris. Priority for upgrading will be based on the potential impact and the ecological value of the riparian resources affected. (RMP p. 63)

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR Part 46, Section 46.210 (F), which allows for "**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".

Categorical Exclusions: Extraordinary Circumstances Review

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
(a) Have significant impacts on public health or safety? **Rationale**: Culvert replacement will have *no* impacts on public health or safety; therefore will have no *significant* impacts on public health or safety. All activities associated with the proposed culvert replacement will be conducted in a forested location outside of population centers and will conform to established Occupational Safety and Health Administration rules concerning health and safety.		No
(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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas? **Rationale**: The project area is not located in any park, recreation or refuge lands, wilderness areas, wild or scenic rivers, or national natural landmarks.		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
Within floodplain and wetlands areas, waste material will be placed in stable, non-floodplain sites approved by the area hydrology staff. Use stable sites beyond floodplain within riparian areas only if an interdisciplinary process has identified the area as stable and not susceptible to delivery to the adjacent stream. There are no prime farmlands, national monuments, or other ecologically significant or critical areas present in the project areas. Culvert replacement will not alter the ability of the stands to provide habitat for migratory birds, nor alter the function or abundance of forest habitat provided by BLM-administered lands in the watersheds. There are no recorded historic or cultural resources located in the project area.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]? **Rationale**: The effects of this culvert replacement are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the environmental effects of culvert replacements are not highly controversial. The ROD/RMP established the land use allocation and goals for the affected lands. As such, there is no unresolved conflict regarding other uses of these resources.		No
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? **Rationale**: Culvert replacement is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.		No
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? **Rationale**: Implementation of a culvert replacement does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. See (d), above. Culvert replacements are addressed and authorized under the existing ROD/RMP, and as such, this project will represent implementation of that land use plan decision.		No
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? **Rationale**: There are no cumulative effects associated with a culvert replacement; therefore there are no significant cumulative effects as a result of these actions.		No
(g) 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? **Rationale**: There are no listed or eligible National Register Properties within the project area.		No
(h) 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?		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
Rationale **Fish**: Consultation with NMFS is required for all actions which 'may affect' listed fish species and critical habitat under the ESA (Endangered Species Act of 1973) [40 CFR 1508.27 (b) (9)]. Oregon Coast coho salmon (*Oncorhynchus kisutch*) listed as threatened under the ESA, as amended, are present in the project area. Proposed actions which 'May Affect' listed coho will comply with existing programmatic consultation and relevant design criteria, and no additional consultation will be necessary. Culvert replacements for in-stream restoration are covered under NOAA NMFS Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012. **Wildlife**: Since only the lands within the existing road prisms will be affected, there will be no habitat modification associated with the action. Since these are long established and well used roads, future noise levels will not be above ambient road noise levels; therefore the actions will have no effect on spotted owls, marbled murrelets or their critical habitats. **Botany**: There are no known T&E botanical or fungal sites within the project areas. The areas are maintained as right-of-ways and no potential T&E habitat occurs within the project areas. No T&E suitable habitat will be impacted.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? **Rationale**: Culvert replacements follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment. The proposed actions are in conformance with the direction given for the management of public lands in the Salem District ROD/RMP, which complies with all applicable laws such as the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act and others.		No
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? **Rationale**: The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.		No
(k) 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)? **Rationale**: Past culvert replacements within this area have not resulted in tribal identification of concerns.		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
(l) 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)? **Rationale**: All soil disrupting equipment will be required to be clean and free of dirt and vegetation as directed by the contract administrator. In addition the Marys Peak RA has an integrated weed strategy in place which allows for the control of non-native and noxious weeds. In addition all exposed mineral soil would be sown with graminoid species which tends to reduce the establishment of weedy species.		No

This 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 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Table 1, above) apply.

I considered and reviewed the effects of the following additional elements of the environment required by management direction. Table 2 shows the effects of the proposed action on these elements of the environment.

Table 2: Elements of the Environment		
Elements of the Environment	**Status**	**Remarks**
Aquatic Conservation Strategy	Affected	This action will meet the intent and purpose of the Aquatic Conservation Strategy by improving aquatic species viability and movement at all stages of flow in the SF Lobster Creek system.
Energy (Executive Order 13212)	Not Affected	There is no known energy resources located in the project area. The proposed action will have no adverse effect on energy development, production, supply and/or distribution.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Present	Protection of EFH as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NMFS is required for all projects which may adversely affect EFH of coho salmon and Chinook Salmon. Oregon Coast coho salmon (*Oncorhynchus kisutch*) are present in the project area; therefore the project area would affect EFH under the Magnuson/Stevens Fisheries Conservation and Management Act. Programmatic consultation coverage for adverse affects to EFH due to culvert replacements for in-stream restoration projects is covered under NOAA NMFS Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012. No additional consultation is required.

Table 2: Elements of the Environment		
Elements of the Environment	**Status**	**Remarks**
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes are on the lands proposed to be added to the right-of-way agreement. No hazardous or solid wastes would be produced by the proposed action.
Special Status (except T/E) or other rare or uncommon species/habitat	Not Present	There are no known Special Status Species sites, and no habitat modification would occur.

The proposed action has no effect on the elements of the environment described above; therefore there is no potential for significant impacts. Project Design Features are described in section A under the description of the Proposed Action. No additional mitigation measures are required.

D. Interdisciplinary Review

Name	Specialty	Reviewed
Thom Jones	Engineer/Team Lead	*TJ*
Mellissa Rutkowski	Engineering Tech	*MR*
Ron Exeter	Botanist	*RLE*
Scott Hopkins	Wildlife Biologist	*SH*
Stefanie Larew	NEPA Coordinator	*SNL*
Kent Mortensen	Fuels Specialist	*KM*
Scott Snedaker	Fish Biologist	*SMS*
Hugh Snook	Silviculturist	*HWS*
Steve Wegner	Hydrologist	*SJW*
Heather Ulrich	Archeologist	*HU*

Authorized Official: Diane Morris Date: 1/10/2012
Name: Diane Morris
Title: Marys Peak Resource Area Field Manager

Contact Person: For additional information concerning this CX review, contact Thom Jones, Civil Engineer, Salem District Office, 1717 Fabry Rd SE, at (503) 375-5649.

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT, MARYS PEAK RESOURCE AREA

Decision Record

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2012-0001-CX, I have determined that the proposed action, a culvert replacement, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to perform a culvert replacement, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2012-0001-CX.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the Salem District internet website. The action is subject to protest under 43 CFR section 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.

Implementation: This project will be implemented July, 2012.

Contact Person: For additional information concerning this CX review, contact Thom Jones, Civil Engineer, Salem District Office, 1717 Fabry Rd SE, at (503) 375-5649.

Authorized Official: Diane Morris Date: 1/10/2012
Name: Diane Morris
Title: Marys Peak Resource Area Field Manager

Water Quality Management Plan
Appendix A

Introduction

Water Quality Management on BLM-administered lands that are covered under the South Fork Lobster Culvert Replacement Project is based on the site specific application of Best Management Practices (BMPs) and disclosed as Project Design Features (PDFs).

Best Management Practices

Best Management Practices are required by the federal Clean water Act as amended to mitigate the potential for non-point source pollution. Non-point source pollution is pollutants detected in concentrated water (e.g. stream or lake) from a wide range of forest management activities on federal lands administered by the Bureau of Land Management (BLM). BMPs are considered the primary methods for achieving Oregon's water quality standards.

The overall goal is not to strictly adhere to the wording of the BMP, but rather to implement the intent of the prescribed BMP. That is to protect, promote and enhance water quality in order to meet federal and state water quality objectives. In that matter, BMPs are site specific and the implementation of the BMP is tailored to the "on the ground" conditions. The following BMPs are site specific application to road management activities undertaken by the South Fork Lobster Culvert Replacement Project on the Marys Peak Resource Area.

Table 1.0 Best Management Practices

BMP No.	Roads
R 11	Design culverts, bridges, and other stream crossings for the 100-year flood event including allowance for bed load and anticipated floatable debris.
R 14	On new construction, install culverts at their natural grade.
R 16	Place instream grade control structures above or below the crossing structure, if necessary, to prevent stream headcutting, culvert undermining and downstream sedimentation. Employ bioengineering measures (e.g., large wood for gradient control) to protect the stability of the streambed and banks.
R 41	Locate waste disposal areas outside wetlands, riparian areas, floodplains and unstable areas to minimize risk of sediment delivery to waters of the state. Apply surface erosion control prior to the wet season. Prevent overloading areas which may become unstable.
R 97	Apply erosion control, such as seeding and mulching, to all hydrologically connected road related bare soil surfaces, where erosion could occur, including stream banks and stream-adjacent side slopes following culvert removal. Place sediment trapping materials such as straw bales and jute netting at the toe of stream-adjacent side slopes following culvert removal. Complete seeding and mulching erosion control work by October 15 of each year. When straw mulch or rice straw mulch is used; require certified weed

	free, if readily available. Mulch shall be applied at no less than 2000 lbs. /acre. Vegetative cuttings, shrubs and trees may be considered as needed for erosion control. Planting of shrubs and trees should occur during the winter dormant season.
BMP No.	**Surface Source Water for Drinking Water**
SW 8	Avoid loading, or storing chemical, fuel, or fertilizer in sensitive zones in surface source watersheds.
SW 9	Conduct equipment maintenance outside site-specific sensitive zones in surface source watersheds.
BMP No.	**Restoration**
RST 7	Inspect all mechanized equipment daily for leaks and clean as necessary to help ensure that toxic materials, such as fuel and hydraulic fluid, do not enter the stream.
RST 10	Refuel equipment, including chainsaws and other hand power tools, at least 100 feet from water bodies to prevent direct delivery of contaminants into a water body. This distance can be less if the equipment is contained within a spill containment structure.
RST 13	When replacing culverts, install grade control structures (e.g., boulder weirs) where excessive scour would occur.
BMP No.	**Spill Prevention and Abatement**
SP1	Inspect and clean equipment before it reaches the site. Refuel all equipment a minimum of 100 feet away from streams. Immediately remove waste or spilled materials and contaminated soils near any stream or water body in accordance with the applicable regulatory standard. Notify Oregon Emergency Response System of any spill over the material reportable quantities within 24 hours. This distance can be less if the equipment is contained within a spill containment structure.