

**RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CX)  
DETERMINATION**

**CX Log #:** DOI-BLM-OR-V060-2014-05-CX

**CE Exemption category:** The exemption falls under the Emergency Stabilization category and is found in the BLM Handbook 1790-1 in:

APPENDIX 4

BLM Categorical Exclusions

The following actions are designated as categorical exclusions (CXs) pursuant to 516 DM 11.9.

I. Emergency Stabilization

1. Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. (BLM Handbook 1790-1, pg. 147)

**BLM Office:** Vale District Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918

**Phone #:** 541-473-3144

**BACKGROUND**

Project Name: ODOT Crooked Creek Channel Cleanout and Highway 95 Culvert Protection

Applicant:

Oregon Department of Transportation,  
ODOT Basque Station  
6725 Hwy 95 South  
Jordan Valley, Oregon 97910

Location of Proposed Action: The locations are where Crooked Creek Channel crosses Highway 95 (Hwy 95) South of ODOT Basque Station and extends from the ROW onto BLM lands and at culverts at Mile Post 89 and 89.3 on Hwy 95 north of Basque Station

**DESCRIPTION OF THE PROPOSED ACTION:** This Categorical Exclusion is for a one time action at the locations identified. Future actions will be reviewed as requested. Oregon Department of Transportation requested clearance to clean the stream channel downstream from where the culverts allow Crooked Creek to cross under US Hwy 95 and debris from the drainage area of culverts directly adjacent to the ODOT ROW boundary at MP 89 and 89.3. Access to the stream channel will be along the east side. The action will be removal of fill and debris from the stream channel as identified in the aerial photos and diagrams attached. The fill material will be placed adjacent to the channel. Debris will be removed from the areas in the drainages above the culverts located at approximately MP 89 and 89.3 along Highway 95. Equipment to be used will be pickup truck, backhoe, loader and grader. The sediment from the culverts will be removed from the location. The area of removal will not exceed the area of deposition of the sediment and material in the drainage above the culvert.

Please see attachments, photos, and diagrams for the specific actions to be taken.

**PLAN CONFORMANCE**

These actions of removing sediment deposition in the Crooked Creek Channel and debris and sediment from the areas above the culverts are in conformance with the Southeastern Oregon Resource Management plan (SEORMP). Support for this action is provided in Appendix O Best Management Practices. In addition to conformance with the SEORMP, the actions are provided for in BLM Manual H-9113-2 ROADS, Inventory and Maintenance.

**DOCUMENTATION OF CATEGORICAL EXCLUSIONS: EXTRAORDINARY CIRCUMSTANCES**

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 extraordinary circumstances described in 516 DM 2, Appendix 2, and listed below apply.

Yes	No	Extraordinary Circumstances	Reviewer (Specialist and/or FM Initials in each box)	Date
		1. Have significant impacts on public health or safety.	<i>HW (Safety; 11/4/13)</i>	<i>11/4/13</i>
		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.		
		3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
		4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
		5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
		6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
	X	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.	<i>CB</i>	<i>10-4-13</i>
	X	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.	<i>SW (Animals) SF (plants)</i>	<i>10/30/13 10/31/13</i>
		9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.		
		10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
	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	<i>CB</i>	<i>10-4-13</i>

Yes	No	Extraordinary Circumstances	Reviewer (Specialist and/or FM Initials in each box)	Date
		sacred sites (Executive Order 13007).		
	X	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).	ls	10-31-13

**DOCUMENTATION OF RECOMMENDED MITIGATION**

For any item(s) above checked "Yes", proposed mitigating measures for those items are listed below. If the CX extraordinary circumstances cannot be mitigated, the criteria required for a CX are not met and BLM must prepare an EA or EIS.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures	Reviewer	Date

**SUMMARY OF FINDINGS AND DETERMINATION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Departmental Manual Categorical Exclusions list, sections of which are cited and quoted above. The proposed action has also been reviewed in relation to the above listed 12 extraordinary circumstances in accordance with the Departmental Manual, and none of these circumstances apply.

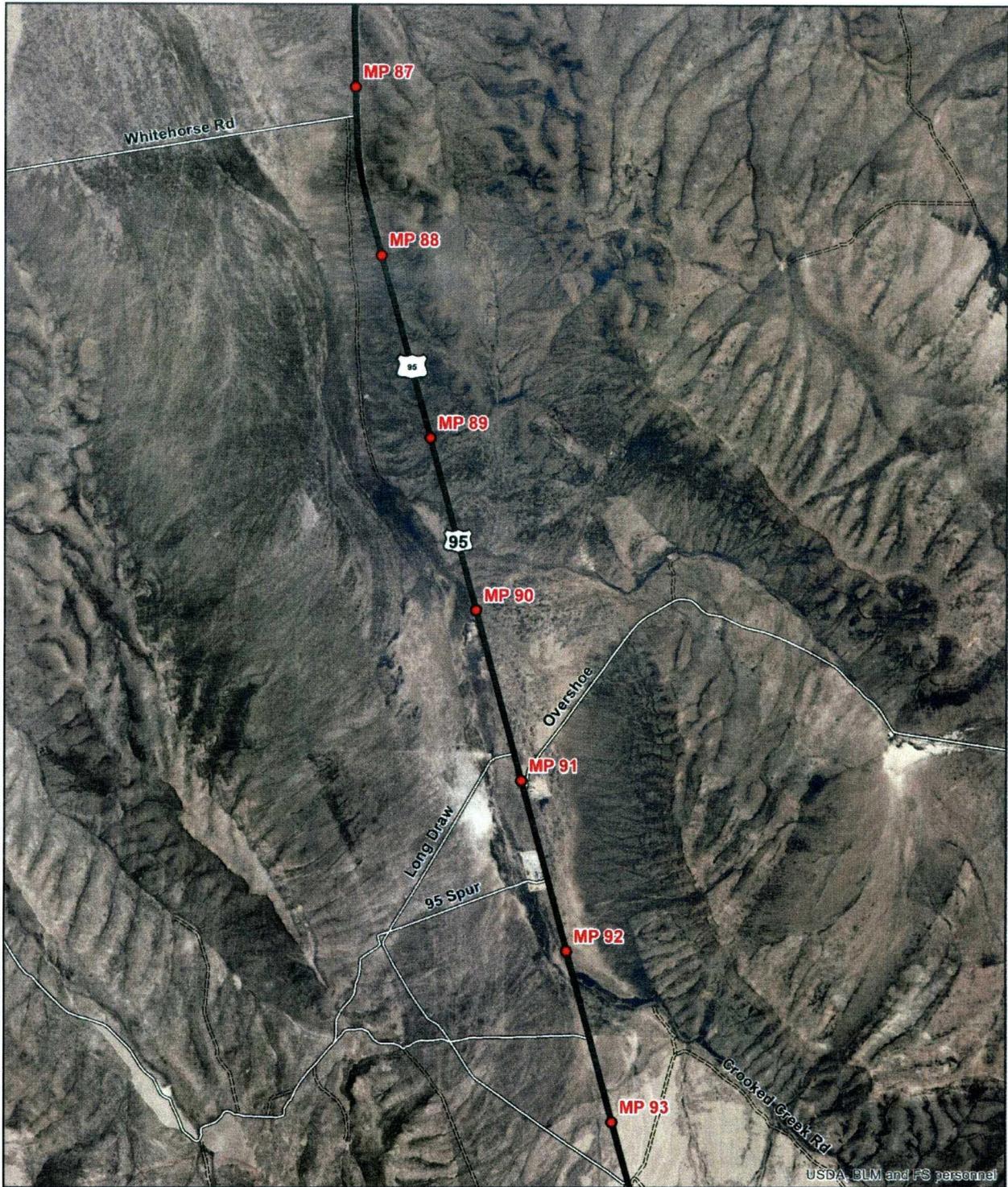
**Decision Record**

Based on the enclosed Categorical Exclusion Documentation, **DOI-BLM-OR-V060-2014-05-CX**, I have determined that the proposed action to clean the Crooked Creek Channel and culvert clean out involves no significant impacts to the human environment and requires no further environmental analysis. It is my decision to authorize this action as proposed. For additional information concerning this project, contact Project Lead Linus Meyer Vale District Office, 100 Oregon Street, Vale, Oregon 97918. Phone (541) 473-3144.

Linus Meyer Natural Resource Spec. 11/04/13  
 Prepared By: Title Date

Reviewed By: Title Date  
 [Signature] Title Date 11/20/13  
 Authorizing Official Title Date

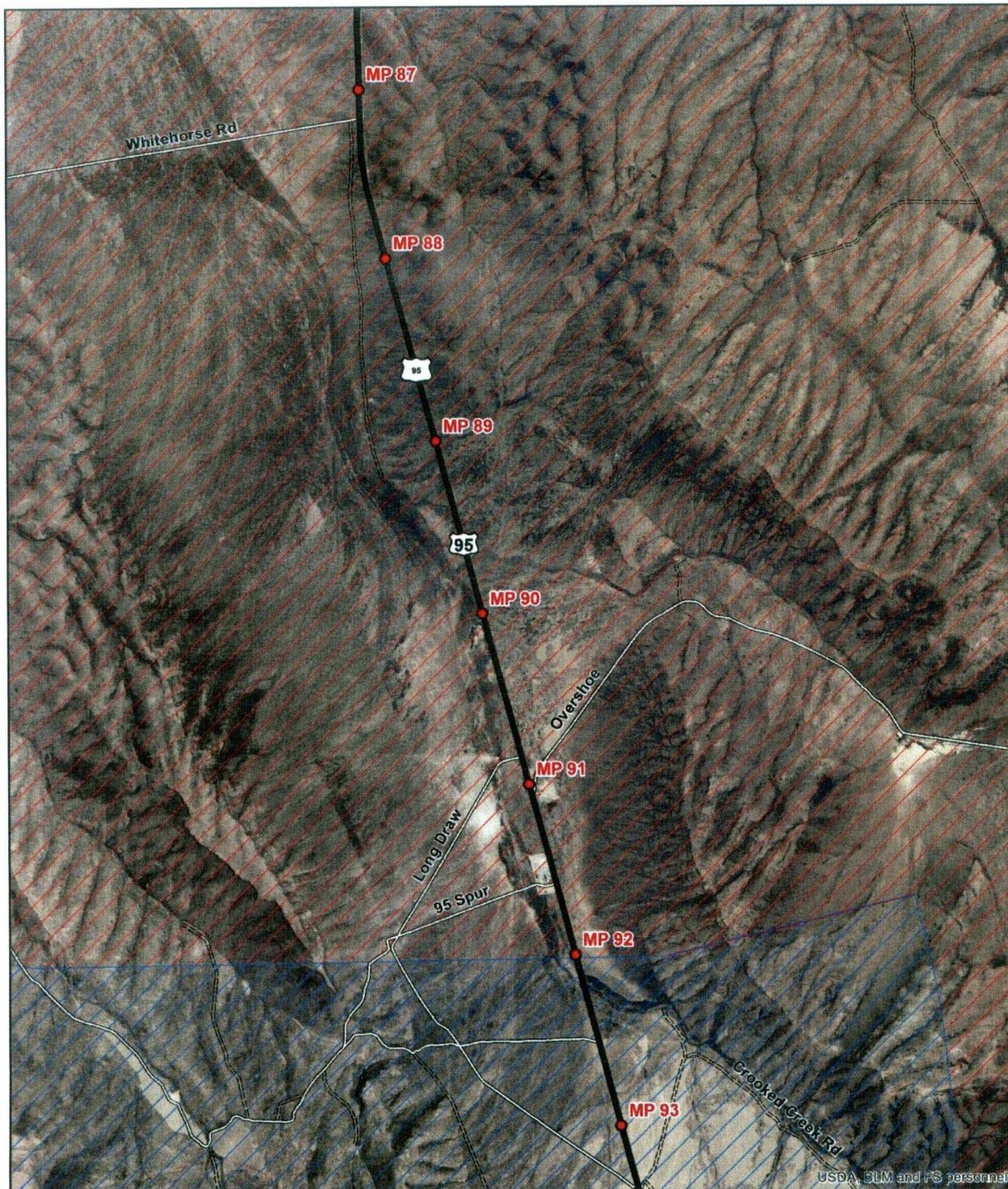
for  
 Thomas Ryan



- Legend**
- MilePosts
  - Highways
  - Paved Road
  - Non-Paved Improved Road
  - Natural/Unknown Road Surface

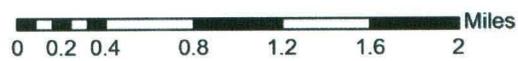


## Vicinity Map: ODOT Channel and Culvert Cleaning



USDA, BLM and FWS personnel

- Legend**
- Mile Posts
  - Highways
  - Paved Road
  - Non-Paved Improved Road
  - Natural/Unknown Road Surface
  - Preliminary General Habitat
  - Preliminary Priority Habitat



## Sage Grouse PPH & PGH

October 29, 2013



Figure 1. Ownership Map

\*Note figure source ODOT

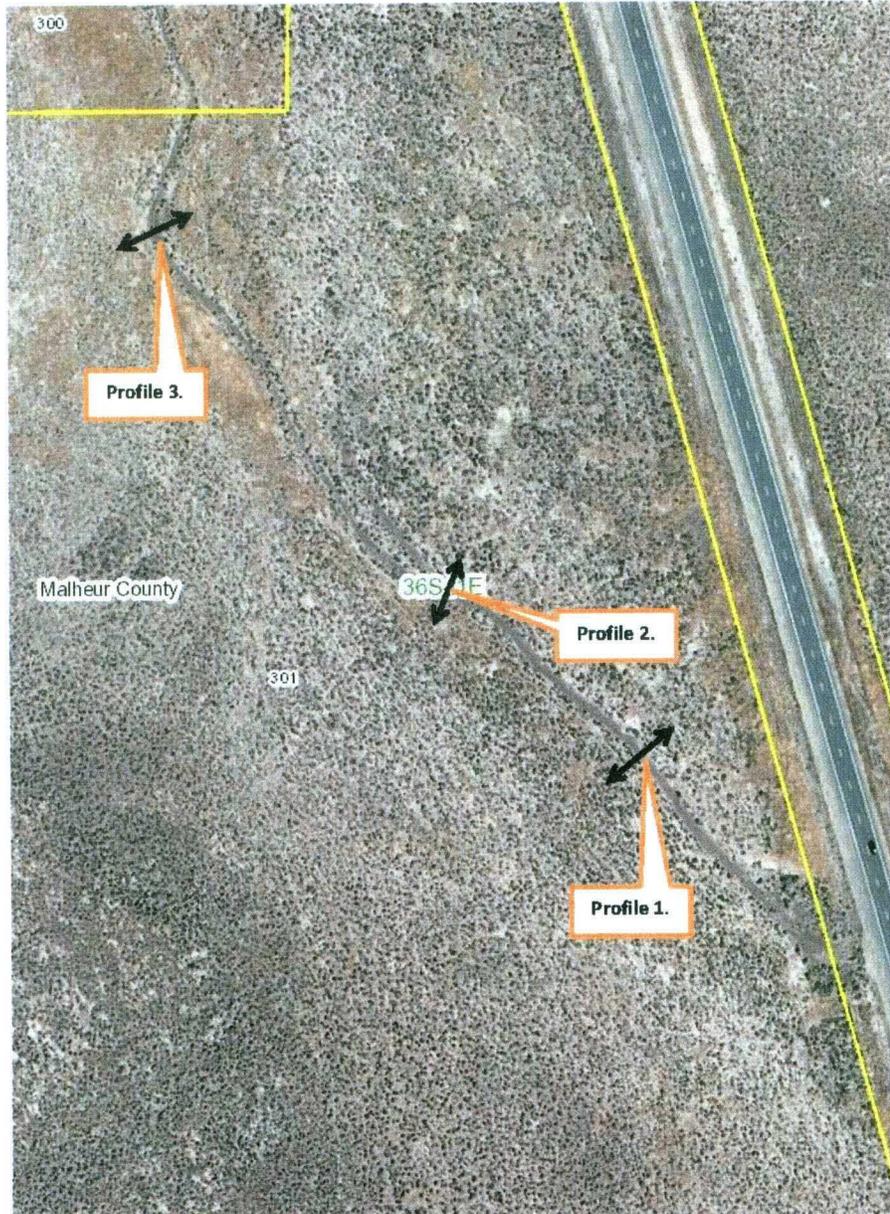


Figure 2 Profile Locations

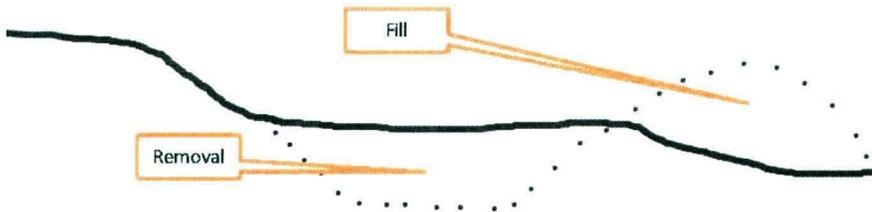
\*Note figure source ODOT

Three areas of the channel need to have deposited material removed to restore carrying capacity;

**Profile 1.** 6.5 cubic yards of native material will be removed from an area 12' wide by 30' long by 6" deep.



**Profile 2.** 29.5 cubic yards of native material will be removed from an area 16' wide by 50' long by 1' deep.



**Profile 3.** 6.0 cubic yards of native material will be removed from an area 21' wide by 30' long by 3" deep. In addition, 3.0 cubic yards will be placed in Profile 3 to prevent high water from accessing the side channel which leads directly to the houses.

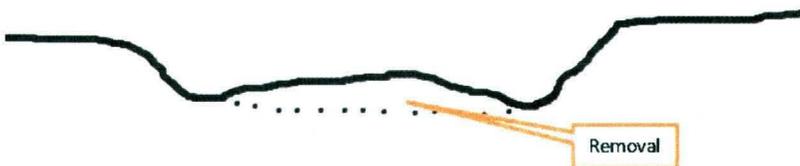


Figure 3 Channel Removal and Fill Diagrams

the figure source ODOT



Figure 4 Photo of sediment on BLM leading into culvert at MP 89.3, photo is facing east.



Figure 5 Photo shows sediment on BLM leading into culverts at MP 89. Photo is facing east.