

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE**

**CATEGORICAL EXCLUSION REVIEW**

OFFICE: Siuslaw Field Office, BLM Eugene District

TRACKING NUMBER: DOI-BLM-ORWA-E050-2016-0012-CX

PROJECT NAME: Lower Lake Creek Fish Ladder Maintenance

LOCATION/LEGAL DESCRIPTION: T.16 S., R. 07 W., Sec. 19 and 20; Willamette Meridian, Lane County, Oregon

**A. Description of Proposed Action and any applicable mitigation measures**

The goal of this project is to continue to provide fish passage over Lake Creek falls through maintenance of the Lower Lake Creek falls fish ladder system. Lake Creek falls are located on Lake Creek just downstream of Triangle Lake in Lane County, Oregon. The lower Lake Creek falls fish ladder system was installed in 1989 and continues to annually provide access to over 100 miles of habitat for coho salmon, steelhead and cutthroat trout. The fish ladder system includes two steep-pass style ladders with aluminum baffles to create hydraulic roughness, which provides for fish passage. Many of the bolts and anchors that secure the aluminum baffles are damaged or missing and one of the baffles had to be removed. Additionally, two rung ladders need to be installed inside the fish ladders to provide safe access for maintenance workers.

The proposed action is to replace damaged or missing hardware, repair and reinstall a baffle, and install two rung ladders for maintenance access. Work will take place from July 1 to September 15 minimize impact to avian species that may be present and also adhere to the Oregon Department of Fish and Wildlife recommended in-water work period. Activities will be restricted to the time period between two hours after sunrise and two hours before sunset. The work is anticipated to take less than two weeks to complete. The fish ladders will be dewatered during work. Bureau of Land Management fisheries staff will ensure that no fish will be within the ladder prior to dewatering. Presence of salmonids species within the ladders is not expected because of excessive summer water temperatures in this portion of Lake Creek. Workers will use portable electric tools and generators to secure hardware and install ladder rungs. Construction debris will be removed prior to returning flow to the fish ladders.

**B. Land Use Plan (LUP) Conformance**

**LUP Name:** The proposed action is in conformance with the Eugene District Record of Decision (ROD) and Resource Management Plan (RMP), as amended (1995) it is specifically provided for in the RMP under Administrative Actions "the day to day transactions required to serve the public and to provide optimum use of the resources. These actions are in conformance with the plan and include facility maintenance" (p. 6). **Date Approved:** June 1995.

Other applicable documents:

Record of Decision for the Eugene District Aquatic and Riparian Restoration Activities Environmental Assessment. **Date Approved:** August 2010

**LUP Name:** USFS, BLM and BIA Aquatic Restoration Activities in the States of Oregon and Washington (ARBO II).  
**Date Approved:** April 2013.

**C. 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 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).

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 apply.

**D. Signature**

Signature of Project Lead:

/s/ Nich Scheidt

Nick Scheidt  
Fish Biologist, Siuslaw Field Office

Date: 3/15/16

Signature of NEPA Coordinator:

/s/ Chris Woorthington

Chris Worthington  
Eugene District Planner

Date: 3/15/15

Signature of the Responsible Official:

/s/ Michael Korn

Michael J. Korn,  
Field Manager, Siuslaw Field Office

Date: 3/15/16

**Contact Person**

For additional information concerning this Categorical Exclusion review, contact: Nick Scheidt, Fish Biologist Siuslaw Field Office (541) 683-6644

**EXTRAORDINARY CIRCUMSTANCES CHECKLIST**

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Lower Lake Creek Fish Ladder Maintenance

*Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.*

Extraordinary Circumstances	YES	NO
<p><b>1. Have significant impacts on public health or safety.</b>  <u>Rationale:</u> The immediate area will be temporarily closed during the maintenance/repair work period to ensure public safety.</p>		X
<p><b>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.</b>  <u>Rationale:</u> Action will not impact water resources or landforms and one of these resources are present within the area where work will take place</p>		X
<p><b>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</b>  <u>Rationale:</u> There are no conflicts or controversies associated with this site or action.</p>		X
<p><b>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>  <u>Rationale:</u> The effects and risks of actions proposed are well known and do not present a potential for significant effects. The work will be isolated from alluvial stream channels and have no impact.</p>		X
<p><b>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</b>  <u>Rationale:</u> These actions proposed will continue already well-understood work, and will not cause potential for significant environmental effects. Any future Projects within the proposed action area or in surrounding areas will be analyzed on their own merits, independent of the proposed action.</p>		X
<p><b>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b>  <u>Rationale:</u> There are no known similar actions in the drainage.</p>		X
<p><b>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.</b>  <u>Rationale:</u> The fish ladder has no such associated determinations.</p>		X
<p><b>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.</b>  <u>Rationale:</u> The action will not impact listed coho salmon because the summer water temperatures are too warm during the project period and coho will not be present. The electric tools used will likely include an impact drill that would only be used inside the fish ladder. Generators would need to be located somewhere just outside of the fish ladder. Proposed activities are expected to remain below ambient sound levels at this highly used recreation site in suitable habitat for threatened northern spotted owls and marbled murrelets. If proposed activities are implemented during the time of day that most recreation noise occurs, then proposed activities are not likely to disrupt northern spotted owls or marbled murrelets. Activities are restricted to the time period between two hours after sunrise and two hours before sunset.</p>		X
<p><b>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the</b></p>		

Extraordinary Circumstances	YES	NO
<b>protection of the environment.</b> <u>Rationale:</u> The action will not violate any federal, state, local or tribal laws.		X
<b>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).</b> <u>Rationale:</u> There will be no adverse effect on low income minority populations as none are present in the area of consideration.		X
<b>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).</b> <u>Rationale:</u> There are no known ceremonial uses at this site. The action will not impact land forms or water and thus will not impact the physical integrity of the site.		X
<b>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).</b> <u>Rationale:</u> The actions will not involve large equipment that would be more likely to spread noxious weeds. All small tools will be cleaned and inspected before transport to the site.		X  X

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**DECISION RECORD**  
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Lake Creek Fish Ladder Maintenance

**Decision**

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-ORWA-E050-2016-0012-CX.

**Decision Rationale**

The Proposed Action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

**Administrative Remedies**

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. A copy of a notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

Signature of the Responsible Official:

/s/ Michael Korn  
Michael J. Korn  
Field Manager, Siuslaw Field Office  
Eugene District Office

3/15/16  
Date