

Categorical Exclusion Documentation

U.S. Department of the Interior
Bureau of Land Management, Spokane District
Wenatchee Field Office
915 Walla Walla Avenue
Wenatchee, WA 98801

A. Background

BLM Office: Wenatchee Field Office

Lease/Serial/Case File No.: WAOR-51974

NEPA Log Number: DOI-BLM-ORWA-W020-2016-0013-CX

Proposed Action Title: Yakama Nation Gaging Station, Cableway, and Access Road Renewal

Location of Proposed Action: Klickitat County, Washington, Willamette Meridian at: T. 6 N., R. 14 E., sec. 31: M & B Portions of Lots 5, 6, 7, and 8. See Exhibit A.

Proposed Action: BLM is proposing to renew an existing authorization for the Yakama Nation to operate and maintain an existing gaging station, cableway, and access road (WAOR-51974). The Yakama Nation utilizes the gaging station on a continuous basis each year collecting data by measuring stream flows and peak flows. The data provides useful information to watershed restoration projects, fishery habitat, water supply forecast, and early flood warning. The maintenance and operation requires a right-of-way total 0.630 acres. The term of the grant would be 30 years. The right-of-way would include standard terms and conditions described in Exhibit B.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan (RMP)

Date Approved/Amended: Approved 1987/Amended 1992

The proposed action is in conformance with the Spokane RMP because it is specifically provided for in the RMP:

Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns (BLM 1987, p. 12).

C. Compliance with NEPA

The proposed action is categorically excluded from documentation in an environmental assessment or environmental impact statement. The proposed action is a kind of action that has been determined to fit within a category of actions which do not individually or



cumulatively have significant effects on the human environment. The proposed action falls within category:

516 DM 11.9.E (9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

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 43 CFR 46.215 apply, as described below:

a. The proposed action would not have significant impacts on public health or safety.

The proposed right-of-way would authorize the use of existing facilities and would not result in any new impacts to public health or safety; no new construction is proposed or permitted. Because there are no new impacts to public health or safety from the authorizing continued use of existing facilities, the effects will not be significant.

b. The proposed action would not 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.

The project area does not contain areas with unique characteristics, or other ecologically critical areas. No new construction is proposed or authorized. The proposed action is not expected to result in any significant impacts on the aforementioned resources because it simply authorizes use of existing facilities.

c. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed authorization to allow the use of existing facilities is a common realty action. The environmental effects of authorizing the use of a gaging station, cable way, and access road are well understood and do not involve any substantial disputes about the size, nature, or effect of the proposal. Other similar projects have been routinely implemented on BLM-administered land and the proposed action does not involve any unresolved conflicts over alternative uses of resource or any highly controversial environmental effects. Because there are no substantial disputes related to the effects of this project, the effects of the project will not be significant.

d. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed right-of-way authorizes use of an existing gaging station, cable way, and access road. The effects of issuing similar rights-of-way have not been demonstrated to be highly uncertain or result in potentially significant effects, or involve unique or unknown risks, and

none are expected with this proposal. Therefore, the effects of this project will not be significant.

e. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Authorization for this type of proposal is a common realty action that is evaluated on a case-by-case basis. The proposed action would authorize the Yakama Nation to continue to use the gaging station, cable way, and access road for their needs. The proposed action would not set precedence for any future actions; therefore, the effects of this project will not be significant.

f. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Authorizing the Yakama Nation to use the existing facilities does not have a direct relationship to other actions. Other than ongoing use of the gaging station, cable way, and access road, there are no other present or reasonably foreseeable future actions that would result in incremental impacts. Because the incremental contribution of this project's minimal effects to the effects of other action is minor, the cumulative effects of this project will not be significant.

g. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

No properties listed or eligible for listing on the National Register of Historic Places are known to exist in the vicinity of the existing right-of-way. The proposed right-of-way renewal does not authorize any new ground disturbing activities. Therefore, the proposed action will have no effect on cultural properties.

h. The proposed action would not 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 impacts to threatened, endangered, or proposed species were identified for this project. The proposed action would not change the amount or suitability of wildlife habitat in the project area because this is an existing right-of-way and no new activities are being proposed or authorized.

i. The proposed action would not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

The proposed action does not threaten to violate any Federal, State, tribal, or local laws or requirements imposed for the protection of the environment. The right-of-way authorization would include standard stipulations for protection of the environment..

j. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Authorizing use of the existing facilities would not result in any disproportionate impacts to any population group and would not change any existing access. This is an existing gaging station, cableway, and access road and historically has had no disproportionately high effects to, nor has

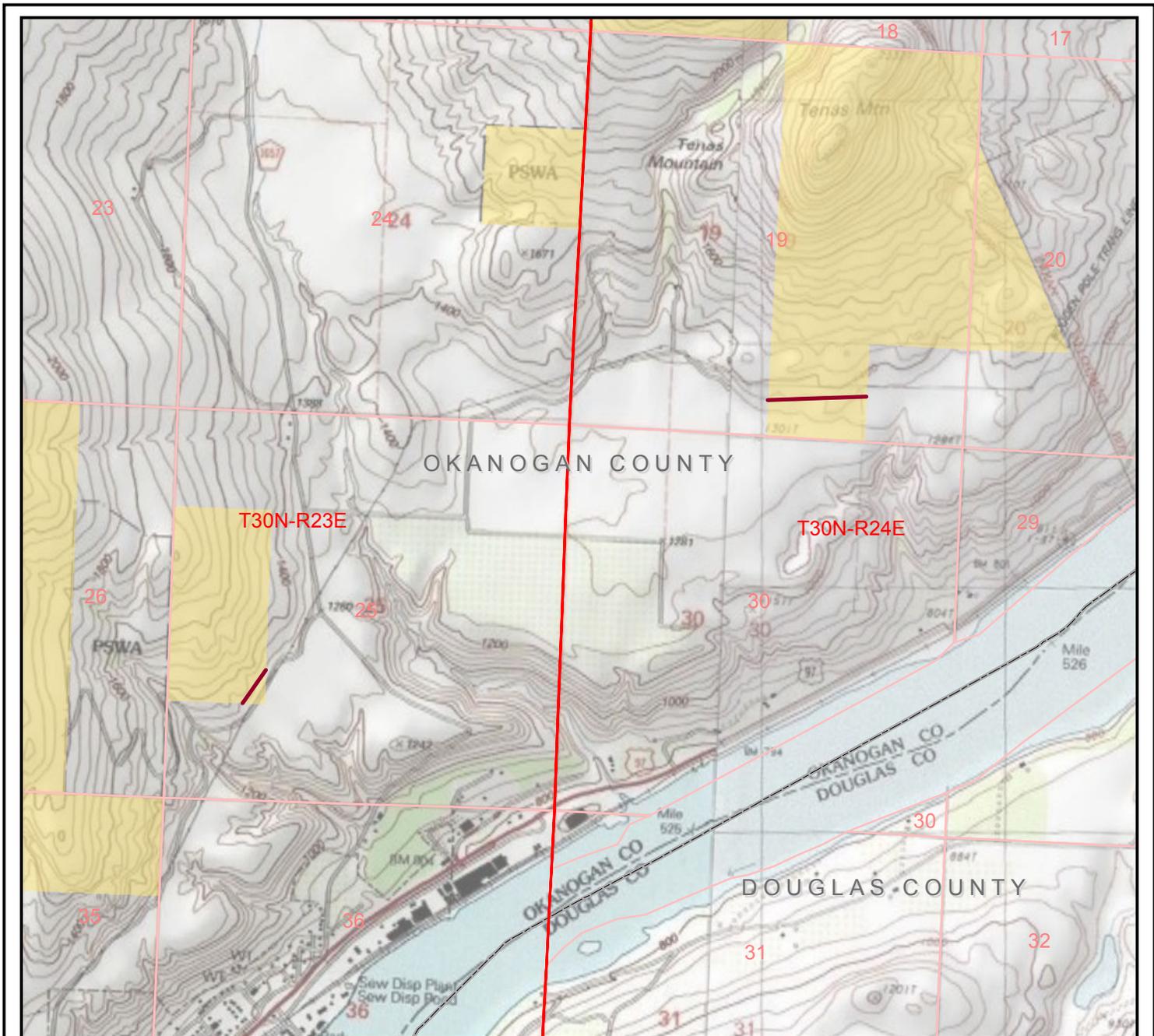
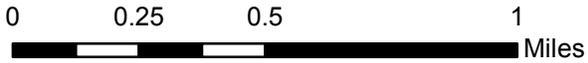


Exhibit A - WAOR-68620

Willamette Meridian, Okanogan County,
Washington
T.30 N., R. 23 E., sec. 25, NWSW; T. 30 N., R.
24 E., sec. 19, SWSE.
1.96 acres.

- ROW
- Bureau of Land Management

Okanogan PUD Renewal



Dated: 05/10/2016



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No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Exhibit B

Yakama Nation Gaging Station, Cableway, and Access Road, WAOR-51974 Terms and Conditions

T. 6 N., R. 14 E., Willamette Meridian, Klickitat County Washington Section 31: M & B Portions of Lots 5, 6, 7, and 8.

- a. This grant is issued subject to the provisions, limitations, and conditions of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 R.S.C 1761).
- b. This grant is renewable; subject to Holder's satisfactory compliance with all grant requirements. If renewed, the grant will be renewable for a period of thirty (30) years.
- c. The stipulations, plans, maps, or designs set forth in Exhibits A (Map) and B (Terms and Conditions), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
- e. The lands affected by this grant are withdrawn as Power Site Reserve No. 46. If the withdrawn land is required for reservoir or hydroelectric development, any improvements thereon interfering with such development shall be removed or relocated to eliminate such interference at no cost to the United State, its permittees or licensees.
- f. The Holder shall not initiate any construction, repair, or other surface disturbing activities on the right-of-way without prior written authorization of the Authorized Officer. Such authorization shall be a written notice to proceed issued by the Authorized Office. Any such notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described. The Authorized Officer may, upon recommendation by a cultural resource specialist, require a fully qualified archaeologist be present to monitor ground disturbing activities.
- g. Holder shall apply for amendment of this right-of-way grant at any time additional land, equipment and/or new uses are proposed which are beyond the scope of the rights herein granted.
- h. The Secretary of the Interior, or his lawful delegate, reserves the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to this grant.
- i. If an archaeological resource (historic or prehistoric site or object) is discovered by Holder or any person working on the Holder's behalf, on federal lands, Holder shall immediately stop all operations in the area, immediately notify the Authorized Officer (AO: Field Manager Wenatchee Field Office) verbally, and follow such verbal notification with a written confirmation (certified mail recommended). In accordance with 43 CFR §10.4 (c)(d) and (g), if the discovery includes human remains, funerary items, sacred objects, or objects of cultural patrimony, operations shall remain suspended and the discovery protected for thirty (30) days or until a written notice to proceed is issued by the Authorized Officer. An evaluation of the resource or remains will be made by the Authorized Officer and appropriate mitigation actions will be identified in consultation with the SHPO, consulting tribes, and Holder. Holder shall be responsible for evaluation and mitigation costs. All archaeological materials shall remain the property of the United States.
- j. Holder shall protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness

- points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. Holder shall be responsible to all federal and non-federal survey costs.
- k. Holder shall be responsible for weed control within the right-of-way, and shall consult with the Authorized Officer or local authorities for acceptable weed control methods.
 - l. Pesticide use shall comply with applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to pesticide use, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency pesticide use shall be approved in writing by the Authorized Officer prior to such use.
 - m. Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
 - n. Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
 - o. Holder shall inform the Authorized Officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
 - p. Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release (leaks, spills, etc.) of toxic substances in excess of the reportable quantity established by 40 CFR, Part 117, shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq., or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release is wholly unrelated to Holder's activity on the right-of-way). This agreement applies to releases caused by Holder, its agents, or unrelated third parties. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
 - q. Holder of right-of-way WAOR-51974 agrees to indemnify the United States against any liability arising from the release or threatened release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to Holder's activity on the right-of-way). This agreement applies to releases caused by Holder, its agents, or unrelated third parties.

- r. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800], including any rights to have Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way Holder.
- s. Non-use of this right-of-way for five (5) consecutive years shall be deemed abandonment, and the grant shall be terminated.
- t. Upon termination of the grant, whether by default, abandonment, or the running of the term, Holder shall remove its personal property or improvements of any kind and restore the land to its original condition, within six (6) months. Thereafter the grantor may return the land to its natural condition, and resort to any other available legal remedy. Improvements not removed shall be considered abandoned and disposed of accordingly. Holder shall remain liable for costs of removal and/or restoration of the land.
- u. At least 120 days prior to termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan.