

# Categorical Exclusion Documentation and Decision Record for the Bureau of Reclamation (BOR) Dam Maintenance Project

**DOI-BLM-ORWA-M060-2016-0021-CX**

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**Proposed Action Title:** Bureau of Reclamation (BOR) Dam Maintenance Project

**Location:** The proposed maintenance operations would be performed at the Hyatt Dam in Oregon. Hyatt Dam is on Keene Creek, east of the Cascade Divide approximately 27 miles southeast of Talent, Oregon. The legal location is T39S, R3E, Section 16, SE ¼ Section, SE ¼ ¼ Section and Section 21 NE ¼ Section, NE ¼ ¼ Section in Jackson County, Oregon. The project is located primarily on BOR-administered lands; a portion of the project is located on Bureau of Land Management (BLM) administered lands (Fig. 1).

**Proposed Action:** Reclamation's Pacific Northwest Region Safety of Dams Program (SOD) identified required corrective measures through a Comprehensive Review process. Implementation of this project would replace the obsolete toe drain system ensuring conformance with requirements established under Reclamation Safety of Dams Act, 1978 (as amended).

Project construction would be performed by a Contractor. Project oversight and inspection would be performed by Reclamation. Open Excavation Filter and Drainage System Replacement would be implemented with this project. This method provides an improved downstream filter and drainage system to prevent internal erosion of embankment and foundation materials, and would facilitate collection and measurement of seepage through the embankment and foundation.

The first step would be to install pollution protection measures to protect the stream from sediment, erosion and construction activities. The contractor will then establish crossings in the spillway, below the outlet works and in the toe drain outfall trench. These crossings will allow for passing water through the spillway in case of an emergency, making deliveries from the outlet works, and passing any water collected in the toe drain.

Once all the crossings are constructed, the contractor will begin building a haul road to clear and grub vegetation in the construction zone. On the land denoted as the *Contractor Use Area* on the left side of the dam, and on the land denoted as the *Equipment Turnaround Area* at the bottom of the dam, the contractor will limit the removal of trees and receive written approval from the Contracting Officer's Representative (COR) to remove trees greater the 12-inches in diameter breast height (dbh). However, for purposes of this analysis specialists assumed all trees may be removed.

After the haul road is installed and vegetation removed as needed, the contractor will grade the site and install a contractor-designed dewatering system. The dewatering system will be installed along the new excavated toe of the embankment slope. The contractor will remove the existing inspection well and seepage measurement devices. Once the groundwater level is below the excavation level and the reservoir level is below the elevation of 5012, the contractor will begin excavating the trench at the toe of the embankment slope.

See Figure 1 for construction site diagram.

## **Project Design Features**

### Wildlife

1. Tree removal would occur outside of the nesting period for northern spotted owls, bald eagles and ospreys (September 1<sup>st</sup> to January 31<sup>st</sup>) unless waived by wildlife biologist.
2. No habitat disturbing activities (tree removal) would occur during northern spotted owl nesting period March 1<sup>st</sup> to June 30<sup>th</sup>; this may be waived if surveys are requested in writing and biologists determine no nesting is occurring.
3. Currently no active or previously used bald eagle nests occur within the project area; if nests are detected within ½ mile of project area, no disturbance would occur within ½ mile of bald eagle nest site from February 1<sup>st</sup> through August 15<sup>th</sup>.
4. Currently no osprey nests occur within ¼ mile of the project area; if osprey nests are later detected within ¼ of project, no disturbance would occur between March 1 through August 1/August 31 (end date dependent on actual nesting phenology to be determined by wildlife biologist during the year in which project is to take place).

### Botany/Noxious Weeds

5. Mechanical construction equipment would be power-washed and cleaned of all soil and vegetative material before entering the Project Area.

### Archaeological/Paleontological/Cultural Resources

6. If during project implementation the contractor encounters or becomes aware of any objects or sites of cultural value on federal lands, such as historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the COR. The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the Resource Area Archaeologist with concurrence by the Ashland Field Manager and State Historic Preservation Office.

### Water Quality/Aquatic & Fish

7. All trees (preferably with rootwads intact) over 20" dbh removed from the turnaround and contractor use/stockpile area east of the dam shall be stockpiled in a location accessible for haul by a BLM contractor for use in instream aquatic restoration projects or future barricading of decommissioned roads.
8. Where possible locate waste disposal areas outside wetlands, riparian management 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.
9. Use temporary sediment control measures (e.g., check dams, silt fencing, bark bags, filter strips and mulch) to slow runoff and contain sediment from road construction areas. Remove any accumulated sediment and the control measures when work is complete. When long term structural sediment control measures are incorporated into the final erosion control plan, remove any accumulated sediment to retain capacity of the control measure.

10. Locate equipment washing sites in areas with no potential for runoff into wetlands, riparian management areas, floodplains and waters of the state. Do not use solvents or detergents to clean equipment on site. No concrete washout areas will not be located on BLM lands, and hence no concrete cleaning waste or disposal of concrete will be permitted either.
11. Where possible limit road construction, reconstruction, or renovation activities to the dry season. Keep erosion control measures concurrent with ground disturbance to allow immediate stormproofing.
12. Apply native seed and certified weed-free mulch to cut and fill slopes, ditchlines, and waste disposal sites with the potential for sediment delivery to wetlands, riparian management areas, floodplains and waters of the state. Apply upon completion of construction and as early as possible to increase germination and growth. Reseed if necessary to accomplish erosion control. Select seed species that are fast growing, have adequate provide ample ground cover and soil-binding properties. Apply mulch that will stay in place and at site-specific rates to prevent erosion. Implement vegetation monitoring and maintenance plan for a period of one year after the BLM accepts the site at project construction completion.
13. Suspend ground-disturbing activity if projected forecasted rain will saturate soils to the extent that there is potential for movement of sediment from the road to wetlands, floodplains and waters of the state. Cover or temporarily stabilize exposed soils during work suspension. Upon completion of ground-disturbing activities, immediately stabilize fill material over stream crossing structures. Measures could include but not limited to erosion control blankets and mats, soil binders, soil tackifiers, slash placement.
14. Maintain road surface by applying appropriate gradation of aggregate and suitable particle hardness to protect road surfaces from rutting and erosion under active haul where runoff drains to wetlands, riparian management areas, floodplains and waters of the state.

### **Land Use Plan Conformance**

The Proposed Action is in compliance with the 1995 Medford District Record of Decision (ROD) and Resource Management Plan (RMP). The Proposed Action is consistent with Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program Environmental Impact Statement (EIS, 1985) and the 2001 ROD and Standards and Guidelines for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.

The Proposed Action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

**Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9, J (11). Actions where the BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment as documented in the following review. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR §46.215 rise to the level of significance. A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

**NEPA Categorical Exclusion Review**

Department of the Interior Regulations 43 CFR § 46.205 (c) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances found at 43 CFR § 46.215. The Code of Federal Regulations at 43 CFR § 46.215 provide for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

<b>CX Extraordinary Circumstances Documentation</b>	<b>Yes</b>	<b>No</b>
1. Have significant impacts on public health or safety.		X
<b>Rationale:</b> Operations will follow Federal and State Occupational Safety and Health Administration standards designed to prevent job-related illness or injuries and to protect public safety.		
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
<b>Rationale:</b> Implementation of Project Design Features would protect natural resources. A Memorandum of Agreement in place with BOR and Oregon State Historic Preservation Officer concerning this Hyatt Dam Rehabilitation Project. No other unique characteristics are present in the project area. No significant impacts are anticipated by the interdisciplinary team.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<b>Rationale:</b> Based on past experience from these types of activities, there are no predicted environmental effects from the Proposed Action that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X

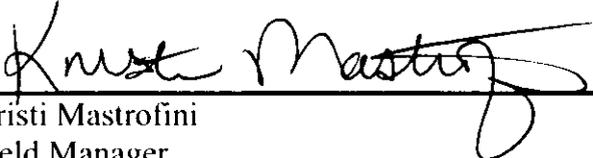
CX Extraordinary Circumstances Documentation	Yes	No
<b>Rationale:</b> The BLM interdisciplinary team of resource specialists reviewed this project and determined there are no highly uncertain, potentially significant, unique, or unknown risks.		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<b>Rationale:</b> The proposed activities are widely used on federal lands throughout Oregon and there is no evidence this type of project would establish a precedent or decision for future actions that would have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<b>Rationale:</b> The BLM interdisciplinary team reviewed the project and incorporated PDFs into the project design to minimize any potential impacts to resources and prevent off-site effects that would contribute to the cumulative effects of other projects in the area. The interdisciplinary team determined that the Hyatt Dam Project would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.		
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
<b>Rationale:</b> There are no significant impacts to properties listed, or eligible for listing, on the National Register of Historic Places. Memorandum of Agreement in place with BOR and Oregon State Historic Preservation Officer concerning this Hyatt Dam Rehabilitation Project.		
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.		X
<b>Rationale:</b> Areas proposed for treatment have been reviewed by the BLM Botanist, wildlife biologist, and fisheries biologist. PDFs have been incorporated into the project to protect listed, or proposed to be listed species and their habitats. Appropriate buffers and seasonal restrictions will be implemented to avoid adverse effects to threatened or endangered species.		
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<b>Rationale:</b> The proposed activities conform to Medford RMPs' direction for management of public lands in the Medford District and comply with applicable laws, rules, and regulations.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<b>Rationale:</b> Similar actions have occurred throughout the District and there is no evidence that this type of project would have a disproportionately high and adverse effect on said populations.		
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 130007).		X

CX Extraordinary Circumstances Documentation	Yes	No
<p><b>Rationale:</b> The BLM's resource area archaeologist reviewed the project. No Native American sacred sites were identified. The project does not significantly or adversely affect the physical integrity of any such sacred sites.</p>		
<p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).</p>		X
<p><b>Rationale:</b> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species in or from the project area. Project Design Features require the washing of construction equipment before moving into the area.</p>		

### Decision and Rationale

Based on the attached Categorical Exclusion, it is my decision to implement the Bureau of Reclamation Dam Maintenance Project as the Proposed Action. In making my decision, I considered the Project Design Features that will be incorporated into the project.

In addition, I have reviewed the plan conformance statement and have determined the Proposed Action is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action as described.

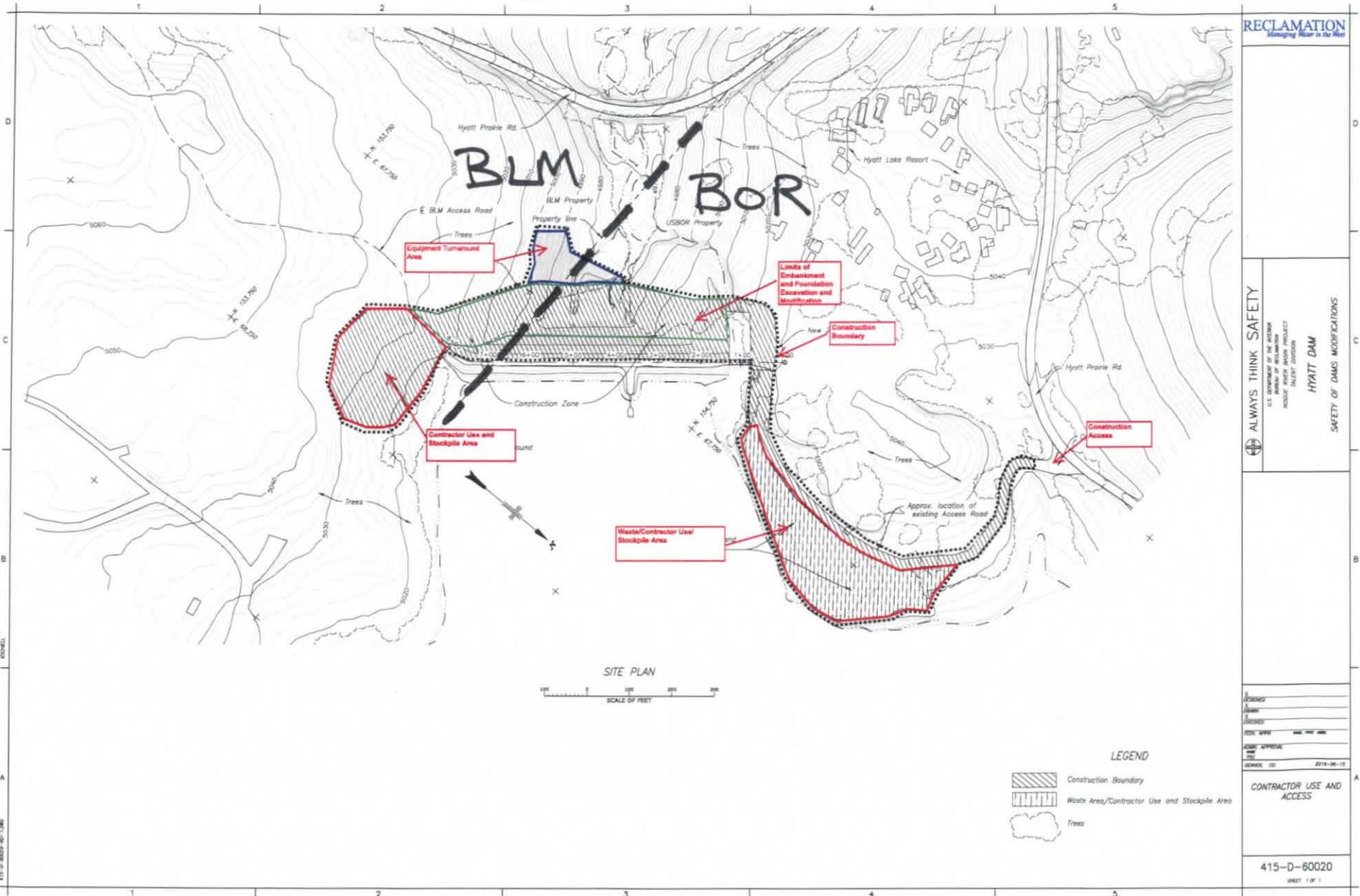
  
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 Kristi Mastrofini  
 Field Manager  
 Ashland Resource Area

6/17/16  
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 Date

### Contact Person

If you have questions or comments, please contact Kathy Minor, Assistant Field Manager, at 541.618.2245.

# Figure 1: Project Map



**RECLAMATION**  
Managing Water in the West

**ALWAYS THINK SAFETY**  
 U.S. DEPARTMENT OF THE INTERIOR  
 BUREAU OF RECLAMATION  
 FIDDLE SPRING DAM PROJECT  
 JULY 2008  
**HYATT DAM**  
 SAFETY OF DAMS MODIFICATIONS

DESIGNED BY	
CHECKED BY	
DATE	
SCALE	
APPROVED BY	
DATE	
PROJECT NO.	415-D-60020-12

**CONTRACTOR USE AND ACCESS**

415-D-60020  
SHEET 1 OF 1

- LEGEND**
-  Construction Boundary
  -  Waste Area/Contractor Use and Stockpile Area
  -  Trees

DATE AND TIME PLOTTED: 11/11/08 11:11 AM  
 PLOTTED BY: KJW/MLL