

**U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
CE#OR118-09-003**

NEPA CATEGORICAL EXCLUSION REVIEW

A. Background

Proposed Action Title: Cox Mining Claim Cleanup

Location of Proposed Action: Medford District, Glendale Resource Area, T33S-R4W-Section 21

Description of Proposed Action: The Division of Operations of the Medford BLM is proposing to remove two cars, a trailer, and assorted refuse located on the Porcupine Ridge #2 ORMC160569 claim. The Glendale Resource Area is proposing to pile and burn the wood from a small structure (Cox cabin) located at this claim in the fall or spring when adequate moisture is present to prevent fire from escaping the pile(s).

The holder of the mining claim does not have a current Notice of Intent or Plan of Operations on file with the Medford District for mining operations. The owner of the cabin (Mr. Cox) has given the BLM permission to dispose of the cabin and assorted refuse.

The proposed activities are needed to achieve the resource management objectives stated in the *Medford District Record of Decision and Resource Management Plan* (RMP) “During extended periods of non-operation, the claimant shall remove all structures, equipment, and other facilities and reclaim the site, 43 CFR 3809.3-7.” (p. 215). In this case the BLM is paying for cabin disposal.

Project Design Features: Project design features (PDFs) are specific measures included in the proposed action to minimize impacts on the human environment. All of the following would be considered for the proposed actions.

- Soil contaminated by excessive leakage of diesel, oil, hydraulic fluid and other hazardous materials as a result of equipment failure or human error would be removed from the site and disposed in accordance with Department of Environmental Quality standards.
- Heavy equipment would be washed prior to entering federal lands, removing soil plant parts to prevent the spread of noxious weeds into the project area.
- Seed exposed soils around project site with native or otherwise approved grass/forb mix and provided by the BLM.

- Burning and piling of wood would be no closer than 25' of stream channel
- Prior to burning the pile of wood, a prescribed burn plan would be written, reviewed by a fuels management specialist and authorized by the Field Manager.

B. Land Use Plan Conformance

This proposed action is consistent with policy directed by the following:

- the *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994);
- the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)
- Final Supplement to the *2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (FSEIS, 2007 and ROD, 2007).¹

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.

This proposed action is consistent with management direction in the Medford District Resource Management Plan that directs the BLM to provide appropriate wildfire suppression responses that will help meet resource management objectives (USDI 1995, p. 89).

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 11.9 (I)(10) "Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved."

Department of the Interior Manual 516, Appendix 2 provides for a review of the criteria for categorical exclusion to determine if exceptions apply to this proposed action (see p.1-5).

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 DM2 apply.

I have reviewed the proposed action in accordance with the above criteria and have determined that the proposed action would not involve any significant environmental impacts. Therefore, the actions do not meet any of the criteria for exception and is categorically excluded from future environmental review.

D. Agency Consultation

United States Fish and Wildlife Service (USFWS)

Consultation for the Endangered Species Act with the USFWS is not necessary. The proposed action would have no effect on listed species or their habitat.

National Marine Fisheries Service (NMFS)

Consultation for the Endangered Species Act with the National Marine Fisheries Service is not necessary as there would be no impact to listed species within the Planning Area. Southern Oregon Northern California (SONC) coho salmon and Oregon Coast (OC), listed as threatened, are present within this project area.

Consultation with National Marine Fisheries Service for habitat listed by the Magnuson Stevens Act is not required as there would be no adverse affects to Essential Fish Habitat.

NEPA Categorical Exclusion Review

Department of the Interior Manual 516 DM 2, Appendix 2 provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. Have significant adverse effect on public health or safety. Yes No
Initial: _____ **Remarks:** _____
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. Yes No
Initial: _____ **Remarks:** _____
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. Yes No
Initial: _____ **Remarks:** _____
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental effects. Yes No
Initial: _____ **Remarks:** _____
5. Establish a precedent for future action or represent a decision in principle about a future actions with potentially significant environmental effects. Yes No
Initial: _____ **Remarks:** _____
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Yes No
Initial: _____ **Remarks:** _____
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. Yes No
Initial: _____ **Remarks:** _____
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. Yes No
Initial: _____ **Remarks:** _____
9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment. Yes No
Initial: _____ **Remarks:** _____

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). **Yes** **No**

Initial: _____ **Remarks:** _____

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). **Yes** **No**

Initial: _____ **Remarks:** _____

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). **Yes** **No**

Initial: _____ **Remarks:** _____

**U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
CE#OR118-09-002**

NEPA CATEGORICAL EXCLUSION DECISION

Description of Action: The Division of Operations of the Medford BLM is proposing to remove two cars, a trailer, and assorted refuse located on the Porcupine Ridge #2 ORMC160569 claim. The Glendale Resource Area is proposing to pile and burn the wood from a small structure (Cox cabin) located at this claim in the late winter.

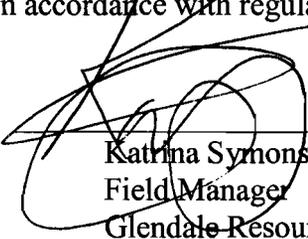
Decision and Rationale: I have decided to implement the Cox Mining Claim Cleanup. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action in accordance with 43 CFR 5003 – Administrative Remedies.

Administrative Review : This decision is subject to protest by the public. To protest this decision, a person must submit a signed, written protest to Katrina Symons, Field Manager, Glendale Resource Area, 2164 N.E. Spalding Avenue, Grants Pass, Oregon 97526 by the close of business (4:30 P.M.) not more than 15 days after publication of this decision on the Medford District Bureau of Land Management website at <http://www.blm.gov/or/districts/medford/index.php>. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

For additional information concerning this decision contact Michelle Calvert, Planning and Environmental Coordinator, telephone (541) 471-6505, 2164 NE Spalding Avenue, Grants Pass, Oregon 97526.

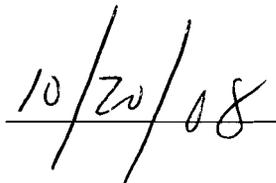
Implementation Date: If no protest is received by the close of business (4:30 P.M.) within 15 days after publication of this decision on the Medford District Bureau of Land Management website at <http://www.blm.gov/or/districts/medford/index.php>, this decision would become final and may be implemented immediately. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued which will be implemented in accordance with regulation.

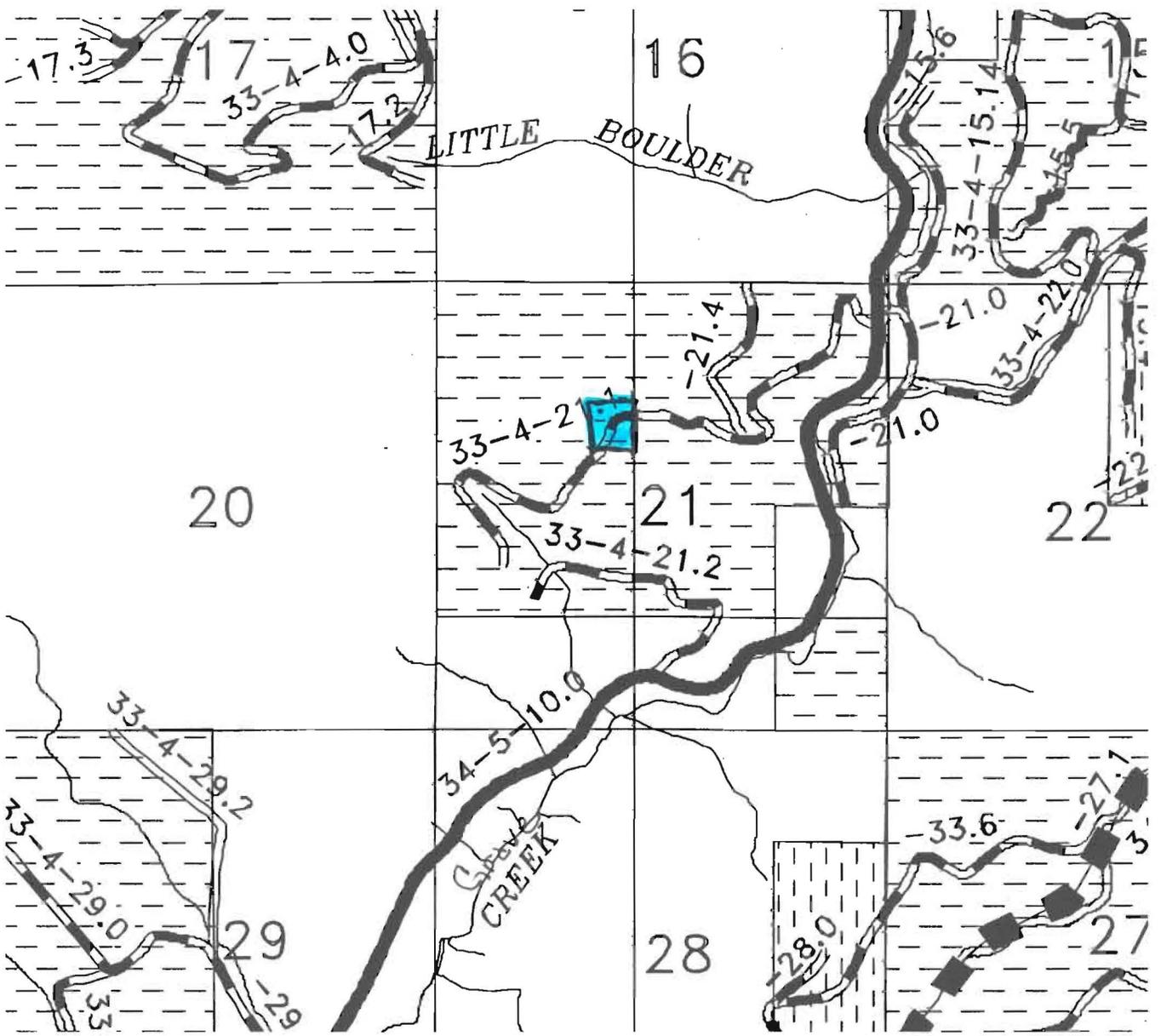
Authorized Official:



Katrina Symons
Field Manager
Glendale Resource Area

Date:





Grave Creek Rd.

33S 4W Sec. 21

BLM RD 33-4-21.1

 COX Mining Claim