

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Ninemile Creek Emergency Closure (OR-M060-2009-0017-CX)

Prepared By: Jennifer Smith **Title:** Fish Biologist

BLM Office: Ashland R.A., Medford District. Phone # (541) 618-2463

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The Medford District, Bureau of Land Management (BLM) proposes to close the Ninemile Creek drainage to all off-road vehicle (OHV) use. This emergency closure includes all BLM land within the Ninemile Creek basin:

T39S R4W Sections 19, 20, 21, 28, 29, 30, 31, 32
T39S R5W E ½ Section 25

This closure is in response to increased OHV use in the Ninemile Creek basin. OHV use has increased dramatically in the last year with the creation of numerous trails through the Riparian Reserves of Ninemile Creek and associated tributaries negatively impacting Coho Critical Habitat (CCH) and Threatened and Endangered plant and wildlife species. Ninemile Creek supports populations of threatened coho salmon and is considered CCH. OHV use in Riparian Reserves throughout this area is contributing increased sediment in Ninemile Creek, negatively affecting CCH. New trails pass through at least 2 sensitive botanical sites, and very near many more. OHV trails are being established in areas with known noxious weed populations (English ivy) and are passing through areas currently being treated for noxious weeds, causing concern both for weed spread and interference with weed removal contracts. These trails are also located in an area of historic spotted owl activity and are encroaching on an owl core. This potential OHV disturbance is occurring in an otherwise inaccessible area for these vehicles and as a result, this disturbance could have a greater detrimental effect to the unhabituated owls.

Ninemile Creek drainage

This area is closed to all off-highway vehicle use during this emergency closure. BLM will post closure signs at main entry points to this area. You may obtain maps of the closure area and information from the Medford District Office.

PLAN CONFORMANCE

The proposed action described above is in conformance with and tiered to the 2008 *Medford District Record of Decision (ROD) and Resource Management Plan (RMP)* and Environmental Impact Statement for the Revision of Resource Management Plans for the Western Oregon of the Bureau of Land Management. (USDI 2008). The proposed action and alternatives are 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.

CATEGORICAL EXCLUSION REVIEW

The proposed action would not create adverse environmental effects under the categorical exclusion exceptions, unless as noted. The proposed action will:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
()	(X)	1. Have significant adverse effects on public health or safety.
()	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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) 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
- () (X) 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
- () (X) 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- () (X) 6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
- () (X) 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
- () (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.
- () (X) 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- () (X) 10. Have disproportionate significant adverse impacts 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 sacred sites (Executive Order 13007).
- () (X) 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).

SUMMARY OF FINDINGS

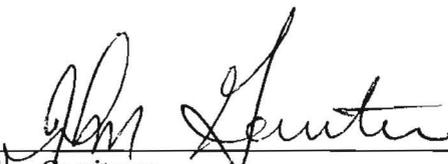
The proposed action has been reviewed against the twelve criteria listed above for an exception to a categorical exclusion and does not fall under any exception as identified in 516 DM 6, Appendix 2. The project qualifies as a categorical exclusion under 516 DM 11.9 G(3).

<u>Jennifer Smith</u>	<u>Fish Biologist</u>	<u>April 13, 2009</u>
Prepared by	Title	Date

<u>Kristi Mastrofina</u>	<u>Environmental Coord.</u>	<u>April 13, 2009</u>
Reviewed and Edited by	Title	Date

DECISION

Based on the Categorical Exclusion Review documented above, I have determined this project proposal involves no significant impact to the human environment. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9 G (3), and no further environmental analysis is required.


John Gerritsma
 Field Manager; Ashland Resource Area

4/22/09
 Date