

CATEGORICAL EXCLUSION/DECISION RECORD

Project Name: Road R\W Application, OR 064629 FD (**CE OR116-08-40**)

Location: See description below and attached map, Exhibit A.

BLM Office: Ashland Resource Area (ARA), Medford District. Phone # (541) 618-2345

DESCRIPTION OF THE PROPOSED ACTION:

The proposed action is to authorize a road right-of-way (r/w) grant to a private land owner for use of 1,398 feet of existing BLM road, located in T.38 S., R. 3 E., in Section 23. The r/w would be for the use of BLM road #38-2E-22.1 for legal ingress and egress to and from the applicants private parcel located in T. 38 S., R. 3 E., W.M., Section 14 and 15, tax lot 2502. The r/w would be granted to the applicants on a perpetual basis. This r/w grant is in exchange for a perpetual nonexclusive road easement being granted to the United States from the applicant, over a portion of tax lot 2502.

Project Design Features

1. The road will be maintained in accordance with specifications provided by the Ashland Resource Area's road engineer; year-round access will require rock surfacing to an 8 inch depth.
2. Due to the nature of the use of this area (i.e. potential livestock grazing, logging activity and recreation use by the landowners), the potential for weed introduction does exist. Because the primary use of this road would be by the private landowners, they must be responsible for reporting (to the Ashland Resource Area's weed specialist) any occurrences of the following weeds: yellow starthistle (*Centaurea solstitialis*), dyers woad (*Isatis tinctoria*), Canada thistle (*Cirsium arvense*), Dalmatian toadflax (*Linaria dalmatica*), Tyrol (meadow), diffuse or spotted knapweeds (*Centaurea debeauxii* ssp. *thuillieri*, *C. diffusa* and *C. biebersteinii*, respectively), scotchbroom (*Cytisus scoparius*), teasel (*Dipsacus* sp.), and Himalayan blackberry (*Rubus discolor*). Information on identifying these weed species will be provided, on request, to the landowners.
3. Treatment/eradication of potential future weed populations that may occur on BLM land along road 38-3E-22.1 will be discussed on a case-by-case basis with the Ashland Resource Area's Noxious Weed Specialist.
4. To prevent the introduction of weed species, for operations/activities involving large mechanized equipment (including cattle trucks) and use of the BLM portion of road 38-3E-22.1, no equipment may leave the road while on BLM lands.
5. To prevent the introduction of weed species, for operations/activities involving large mechanized equipment (including cattle trucks) and the use of the BLM portion of road 38-3E-22.1, all equipment must be washed prior to entering BLM lands.

PLAN CONFORMANCE

The proposed action is in compliance with and is tiered to the *Medford District Record of Decision and Resource Management Plan (RMP)* as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994).

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.

CATEGORICAL EXCLUSION REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (16). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2 apply. The proposed action will:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Have significant adverse effects on public health or safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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).

Prepared by: Juanita Wright

Realty Specialist

Date

Reviewed by: Kristi Mastrofini

Environmental Coordinator

Date

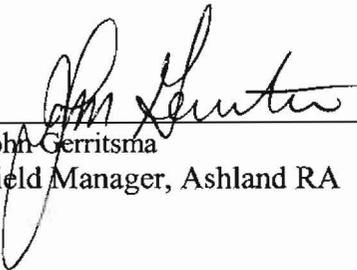
SUMMARY OF FINDINGS

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. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9, E (16).

DECISION

Based on this NEPA CATEGORICAL EXCLUSION REVIEW, I have determined that the proposed action involves no significant impact to the human environment and that no further environmental analysis is required.

It is my decision to authorize the requested road r\w grant (OR 064629 FD) as described above in the Proposed Action.



John Gerritsma
Field Manager, Ashland RA

8/29/08

Date

EFFECTIVE DECISION DATE

This decision is appealable in accordance with 43 CFR Part 4. This decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10(b)).