

RECORD OF PLAN CONFORMANCE AND CATEGORICAL EXCLUSION (CE) DETERMINATION

Project Name: WoodRat Road Side Hazard Tree Removal **BLM Office:** Ashland RA, Medford District
Phone #: (541)-618-2200

Location: Roads 38-3E-23.1 and 38-2-29; T38S - 3W Sections 23, 25, 26 and 36; T38S – 2W Section 31 (see attached map).

Description of the Proposed Action: Roadside Hazard Tree Removal

The purpose of this project is to improve worker and public safety to the heavily used hang glider sites on Wood Rat Mountain. The project will remove road side hazard trees and utilize dead or dying timber along the roadside to provide commercial timber products. The project would remove and sell commercial sized trees that have died along approximately two miles of open BLM road systems in the Wood Rat Mountain area. Five live trees will be cut to increase safety adjacent to the hang glider launch site. The project is limited to 200 feet on either side of open road systems. Roads will be temporarily closed to public travel during removal operations.

The trees described above would be removed and sold commercially only when all the following criteria are met:

- The tree is dead or highly likely to die in the next two years from ‘natural’ causes.
- The tree has fallen across or is within 200 feet of a system “open” road (open refers to a road currently inventoried in the BLM transportation system and includes gated roads).
- The tree is not needed on site for coarse woody debris. Coarse woody debris standards call for a minimum of 120 linear feet per acre greater than or equal to 16” diameter and 16 feet long.
- Removal would have no effect on Heritage Resource sites.
- Removal would have no effect on Threatened, Endangered, or Sensitive species.
- Removal would have no effect on Bureau Sensitive Species.

Trees that meet the above criteria would be sold at market value. Logging method would be cable winch and self-loading log truck. Mechanized equipment would not be allowed off the road surface. Directional falling would be used to the extent possible to minimize disturbance to the ground. Slash would be lopped and scattered or removed from the site. Ditch lines and road surfaces would be cleaned by the operator.

Project Design Features

- No trees are to be sold or removed from Late Successional Reserves or designated Riparian Reserves.
- To prevent erosion, excessive sediment production, and damage to drainage structures, no operations will occur prior to May 1st. This restriction can be waived if a dry weather pattern reduces soil moisture.
- Removing downed trees within 1/4 mile of a nesting northern spotted or great gray owl may require delaying work until after the nesting seasons (nesting season is March 1 to September 30 for spotted owl, and March 1 to 15 July for great gray owls).
- In areas of concentrated standing salvage/hazard trees, retain approximately 1/3 of the dead/dying trees that do not present a hazard.
- Leave all cull material on the forest floor rather than gross yarding and decking it.
- Where possible, avoid falling hazard/salvage trees into green trees or dead ‘save’ trees that have visible nesting structures.
- To prevent the spread of star thistle, equipment will be pressure washed to remove all dirt and debris prior to entering BLM lands.
- To prevent the spread of star thistle, tree removal shall occur on BLM road 38-2W-29 first – working from the furthest point towards Bishop Creek. Subsequently, tree removal on BLM road 38-3-23.1 shall be from the furthest point towards Bishop Creek.
- To prevent the spread of star thistle, when possible avoid yarding trees through known infestation areas.

Definitions

For the purposes of hazard tree projects, the BLM defines a **hazard tree** as any standing tree along an open road that is or has the potential to become a **danger tree** (OR-OSHA) within two years of the time of identification. Oregon OSHA defines a **danger tree** as a “standing live or dead tree, including snags, with evidence of deterioration or physical damage to the root system, trunk, or stem. When determining if a tree is dangerous, the degree and direction of lean shall be an important factor.” For the purpose of identifying hazard and danger trees, the area of consideration is trees, or parts of trees, along open roads, that upon falling, could reach the roadway. This is generally one tree height from the road on flat ground and within one to one-and-one-half the tree height on steeper ground (this ranges from approximately 100 to 200 feet).

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 C (2). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 4.2 apply. 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).

Edward Reilly Environmental Coordinator 4/16/08
 Prepared by Title Date

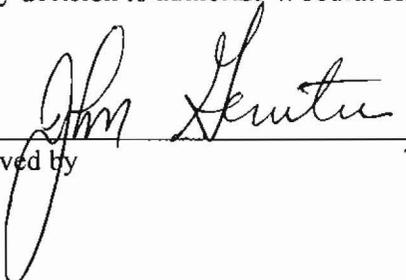
SUMMARY OF FINDINGS

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 2, Appendix 4.2. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9, C (2). This section allows for "Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads".

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 Woodrat Hazard Tree Project as described above in the Proposed Action.

 Field Manager 4/17/08
 Approved by Title Date

EFFECTIVE DECISION DATE

This decision is effective upon signing by the authorized officer and shall remain in effect pending any protest. The action is subject to protest under 43 CFR section 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.