

Appeals of this decision may be made as described in the Administrative Remedies section of the Decision Record within 30 days of the date that the decision was signed.

For the purposes of filing an appeal, the physical address of the Eugene District BLM Office is:

Delivery to site address (Note: DO NOT send mail to this address):

3106 Pierce Parkway, Suite E

Springfield Oregon

By mail:

Bureau of Land Management

P.O. Box 10226

Eugene, Oregon 97440

The address of the Regional Solicitor is:

Office of the Regional Solicitor

U.S. Department of the Interior

805 SW Broadway, Suite 600

Portland, Oregon 97205

If you have any questions concerning this proposal, please call Cheshire Mayrsohn at (541) 683-6407 or William O'Sullivan at (541) 683-6287.

1791A
CX-12-34
Boulder/fence placement at
Horse Rock Ridge

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE
CATEGORICAL EXCLUSION REVIEW

A. Background:

Project Name: Boulder placement and fence extension at Horse Rock Ridge

Date: August, 2012

Categorical Exclusion Number: DOI-BLM-ORE060-2012-0034-CX;

Location: Horse Rock Ridge RNA/ACEC and adjacent lands in 15s 2w 1

Description of Proposed Action:

The Eugene District BLM proposes to place 20-50 3-4' boulders and build a short segment (less than 50') of chain link fence to protect resource values from incursions by motorized vehicles and bicycles.

The boulders would be placed using heavy machinery around the edges of a dirt parking area to prevent motorcycles, ATVs and mountain bicycles from driving on the meadows of Horse Rock Ridge Area of Critical Environmental Concern/ Research Natural Area. The soils are thin, over bedrock and are easily and irreparably damage by vehicles. Vehicles have recently accessed the meadows from this parking area.

A short segment of fence would be added to an existing fence and additional boulders would be placed around a dirt parking area to prevent vehicles (motorcycles and ATVs) from accessing Horse Rock Ridge from closed road 15-2-1. The forest around the parking lot and fence has naturally thinned since the original placement of the fence and boulders. With a small amount of effort motorcycles or ATVS could gain access to Horse Rock Ridge. Additional blockage is needed to prevent this from happening.

B. Plan Conformance Review:

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in Conservation Northwest, et al. v. Sherman, et al., No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The Horse Rock Ridge Boulder/Fence project is consistent with the Eugene District Resource Management Plan as amended by the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001 ROD), as modified by the 2011 Settlement Agreement.

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 (G.2). Installation of routine signs, markers, culverts, ditches, water bars, gates, or cattle guards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

516 DM 11.9 (J.9). Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

The categorical exclusion is appropriate because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Signatures:

Prepared By: /s/ Cheshire Mayrsohn Date: 8/24/2012
Botanist

Reviewed By: /s/ Richard Hardt Date: 8/31/2012
Environmental Coordinator

Approved By: /s/ William O'Sullivan Date: 9/04/2012
Upper Willamette Resource Area

Contact Person:

For additional information concerning this Categorical Exclusion, contact: Cheshire Mayrsohn Upper Willamette Resource Area Botanist 541-683-6407

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT**

CATEGORICAL EXCLUSION REVIEW
Extraordinary Circumstances Checklist

Proposed Action: DOI-BLM-ORE060-2012-0034-CX; Boulder/Fence placement at Horse Rock Ridge

Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
<p>1. Have significant impacts on public health or safety.</p> <p><u>Rationale:</u> All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The proposed Boulder placement and fence construction is located in forested locations outside of population centers. Preventing access by motor vehicle and bicycles will help to prevent accidents and prevent vehicle /hiker use conflicts, making the area safer for hikers.</p>		X
<p>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.</p> <p><u>Rationale:</u> The areas where the boulder placement and fence construction would occur are previously disturbed. The boulders would be placed around a gravel stockpile site that was cleared and graveled in the past. There is currently a fence and this project would extend the existing fence by 20-50'. The fence extension would occur in the right of way of an existing road.</p>		X
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</p> <p><u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p>		X
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p> <p><u>Rationale:</u> There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or unknown risks. The project is limited in size (less than 5 acres).</p>		X
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p> <p><u>Rationale:</u> Boulder placement and/or fence construction is a discrete action and does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects.</p>		X

Extraordinary Circumstances	YES	NO
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> This action is unique to Horse Rock Ridge.</p>		X
<p>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. <u>Rationale:</u> In any areas where ground-disturbing activities occur as a result of boulder placement removal, cultural resource reviews would be conducted prior to implementing the proposed action. If properties that are eligible or listed on the National Register are found within an area through pre-disturbance inventories or during activities, mitigation measures would be applied to avoid or reduce impacts.</p>		X
<p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>Rationale:</u> Actions would occur during times that would not adversely affect spotted owl breeding behavior. There would be no adverse effects to the species or their critical habitat from this action and the action would result in no significant impacts.</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p>		X
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> The placement of boulders or fence construction would not affect low income or minority populations – the activity on District-administered land which is largely interspersed with private, industrial forest land.</p>		X
<p>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). <u>Rationale:</u> Boulder placement or fence construction limits access to foot traffic only. Previous scoping for these types of projects has not identified tribal concerns regarding ceremonial use of Indian Sacred sites.</p>		X
<p>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). <u>Rationale:</u> 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 non-native invasive species in or from the project area. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed. Equipment would be washed prior to arrival on BLM lands.</p>		X

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DECISION RECORD

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation- : DOI-BLM-ORE060-2012-0034-CX;

Land Use Plan Conformance:

The Eugene District initiated planning and design for this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the proposed action is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

Survey and Manage:

The action is in conformance with the 2001 Survey and Manage Record of Decision, as modified by the 2011 Settlement Agreement. The Horse Rock Ridge Boulder/Fence Project applies a 2011 Exemption from the stipulation entered by the court in litigation regarding Survey and Manage species and the 2007 Record of Decision related to Survey and Manage Mitigation Measure in *Conservation Northwest v. Sherman, Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash., July 6, 2011). The project is consistent with Exemptions for Recreation Projects 1b: Projects covering less than five acres that improve an existing recreation site. Therefore, no pre-project surveys are required, and there are no known sites in the project area that require management.

Decision Rationale:

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified, will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

Authorizing Official:

/s/ William O'Sullivan
Field Manager
Upper Willamette Resource Area
Eugene District Office

9/04/2012
Date:

Project Design Features

Northern Spotted Owl, Marbled Murrelet

Treatments affecting federally-listed species or federally-designated critical habitat shall comply with the standards of the appropriate letter of concurrence or biological opinion, and shall not cause effects other than those that are discountable, insignificant or entirely beneficial as defined by the Consultation Handbook.

Other Special Status Wildlife Species

In areas other than campgrounds or roads, area wildlife biologists will review projects where ground-disturbing activities are planned or where power equipment will be used to ensure compliance with the Bald Eagle Protection Act and BLM Special Status Species and/or Migratory Bird policies. Habitat modification at known sites will be designed to avoid or mitigate adverse impacts. Additionally, project activities using power equipment in locations with the potential for noise disruption (other than campgrounds and roads as indicated above) will be seasonally restricted during an appropriate portion of the breeding season (January 1 to September 30).

Special Status Plant Species

The area has been reviewed by the RA botanist. A small population of *Orobanche pinorum* (unusual, no status) is known from this area. The plant is large and easy to locate. Any plants in the area plants will be well-marked on the ground (flagging, flag-pins) so that they would not be damaged by crews and/or equipment, and a qualified specialist would be present to monitor implementation of the project.

Cultural Resources

Cultural reviews will be completed for any ground-disturbing activities associated with ground disturbing activities. Specifically, project leads must provide a map of the boulder and fence placement location for an archeological review.

If during any ground disturbing activities, archaeological materials are found, the ground-disturbing work needs to stop and will be reported to the District Archeologist.