

Categorical Exclusion Determination and Decision Record for Perry Road Fence Construction and Abandoned Fence Removal

DOI-BLM-OR-2011-0012-CX

Description of Proposed Action

Butte Falls Resource Area, Medford District Bureau of Land Management (BLM) proposes to remove and reconstruct 1.1 miles of barbed wire fence on BLM-administered lands along Perry Road. The project is located in section 21 in Township 35 South, Range 2 West in Jackson County, Oregon (see attached map). The project would occur in the Gold Hill-Rogue River fifth field watershed.

Perry Road bisects an 80-acre BLM parcel that contains Special Status plants, unique soils, and vernal wet meadows and drainages within a system of oak woodlands and chaparral. Over the past few years vehicles have driven off Perry Road during the wet months through the wet meadows and drainages, leaving tire tracks and sometimes deep ruts where the vehicles have mired down. This has resulted in trampled vegetation, soil compaction, altered water flow, and a potential increase in noxious weeds.

Fences were constructed in the past along both sides of the road to prevent resource damage. Signs were posted on the east side of the road advising the public that the area was open to foot traffic only. Over time the fences have fallen into disrepair and become ineffective at keeping vehicles out of the meadows. Recent off-road use has occurred mainly on the west side of the road, which is not posted with signs.

Special Status plants in the area that have been or could be negatively impacted by off-road traffic include the following BLM Sensitive plant species: *Meconella oregana* (white fairy poppy), *Plagiobotryhrys figuratus* ssp. *corallicarpus* (coral-seeded popcorn flower), and *Ranunculus austro-oreganus* (southern Oregon buttercup). White fairy poppy is an annual wildflower that grows along the banks of the drainages and under wedgeleaf ceanothus adjacent to the drainages in the Perry Road parcel. Seed germination depends on a specific springtime hydrological regime that occurs between the drier uplands and inundated streams. Coral-seeded popcorn flower grows in the vernal moist drainages in grassland meadows at the Perry Road site. Both species are vulnerable to damage by vehicles and to changes in hydrology. Because they are annuals, damage to populations in one year will result in fewer plants germinating in following years. Southern Oregon buttercup is a perennial that grows in the grassy areas around the Oregon white oaks.

The BLM has treated yellow star-thistle in the parcel over the last four years and has made progress at reducing the infestation. However, seeds of this species persist in the soil for 10 years and treatments need to continue to successfully control this noxious weed. Vehicles driving off road through the meadows at Perry Road may move seed from one area to another or bring in additional weed seeds on muddy tires or carriages.

Soils along the drainages and banks where the white fairy poppy grows are derived from sandstone and are vulnerable to erosion when disturbed. The grassy meadows contain clay soils

that are difficult to rehabilitate; native vegetation is difficult to reestablish once soil is compacted. They become prone to infestation by nonnative species and noxious weeds. The rut creation, soil compaction, and vegetation removal alters hydrology and results in erosion.

The proposed new fence construction would begin and end at the north and south BLM property lines on Perry Road. The fence would be a three-strand barbed wire fence with metal t-posts and wood posts. The wires would be attached to trees where possible. A pedestrian gate would be installed on each side of the road to allow public pedestrian access. Ground disturbance would be minimal and vehicles would not need to drive off road during fence removal or construction.

The fence construction would provide necessary protection for rare and sensitive plant populations and habitats from off-road vehicle use, reduce introduction of noxious weeds, and prevent further soil compaction or erosion.

The project area has been surveyed for BLM Special Status plants. No special status plants are located along the proposed fence line. The project area is not habitat for northern spotted owl.

Plan Conformance Review

This proposal is consistent with policy directed by the following:

- Final Medford District Proposed Resource Management Plan/Environmental Impact Statement, and Record of Decision and Resource Management Plan (EIS, 1994 and RMP/ROD, 1995)
- 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)*
- Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985)
- Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (FSEIS, 2000 and ROD, 2001)**

*The Medford District initiated planning and design for this project to conform and be consistent with the 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 District's 2008 ROD/RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD/RMP. Based upon this review, the project contains some design features not mentioned specifically in the 2008 ROD/RMP. The 2008 ROD/RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD/RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

This proposal also complies 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), Endangered Species Act of 1973 (ESA), National Environmental Policy Act (NEPA) of 1969, Clean Water Act of 1987 (CWA), Safe Drinking Water Act of 1974 (as amended 1986 and 1996) (SDWA), Clean Air Act of 1990 (CAA), Archaeological Resources Protection Act of 1979 (ARPA), and Healthy Forests Restoration Act of 2003 (HFRA).

Project Design Features

1. All vehicles will remain on existing roads.
2. The project area will be surveyed for historic and prehistoric sites prior to implementing fence construction. If any sites are located, the sites will be avoided by the action.
3. Equipment will be cleaned prior to entering the project area to remove noxious weed seeds and plant parts.
4. All trash and excess fencing materials will be picked up and disposed of properly.
5. No overnight camping will be allowed at the site or in the surrounding area.

Categorical Exclusion Determination

This proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the United States Department of the Interior Departmental Manual 516 DM 11.9, J(9), and J(10) as follows:

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

Removal of structures with 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 (11.9 J[10]).

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in the Code of Federal Regulations (CFR) at 43 CFR 46.205(c), must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contacts

For additional information concerning this project, contact Marcia Wineteer, Botanist, at 541-618-2494 or Ken Van Etten, Soils Scientist, at 541-618-2447

NEPA Categorical Exclusion Review

Proposed Action: Remove and reconstruct 1.1 miles of barbed wire fence on BLM administered lands along Perry Road as described above.

The Code of Federal Regulations at 43 CFR 46.205(c) requires that “any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215” (listed below). Additional analysis and environmental documents must be completed for any normally categorically excluded action which may:

1. *Have significant impacts on public health or safety.*

Yes No

Initial RW 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 RW Remarks:

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Initial RW Remarks:

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Initial RW Remarks:

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Initial RW Remarks:

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

Initial SLS Remarks:

7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.*

Yes No

Initial [Signature] 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.*

Plants Yes No Initial mw Remarks:

Animals Yes No Initial D.P. Remarks:

Fish Yes No Initial [Signature] 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 RW Remarks:

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

Initial RW 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 RW Remarks:

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).*

Yes No

Initial mw Remarks:

Decision

It is my decision to allow the removal and reconstruction of 1.1 miles of barbed wire fence on BLM administered lands along Perry Road, as described in the proposed action.

Decision Rationale

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



Jon K. Raby
Field Manager
Butte Falls Resource Area

7/5/11

Date

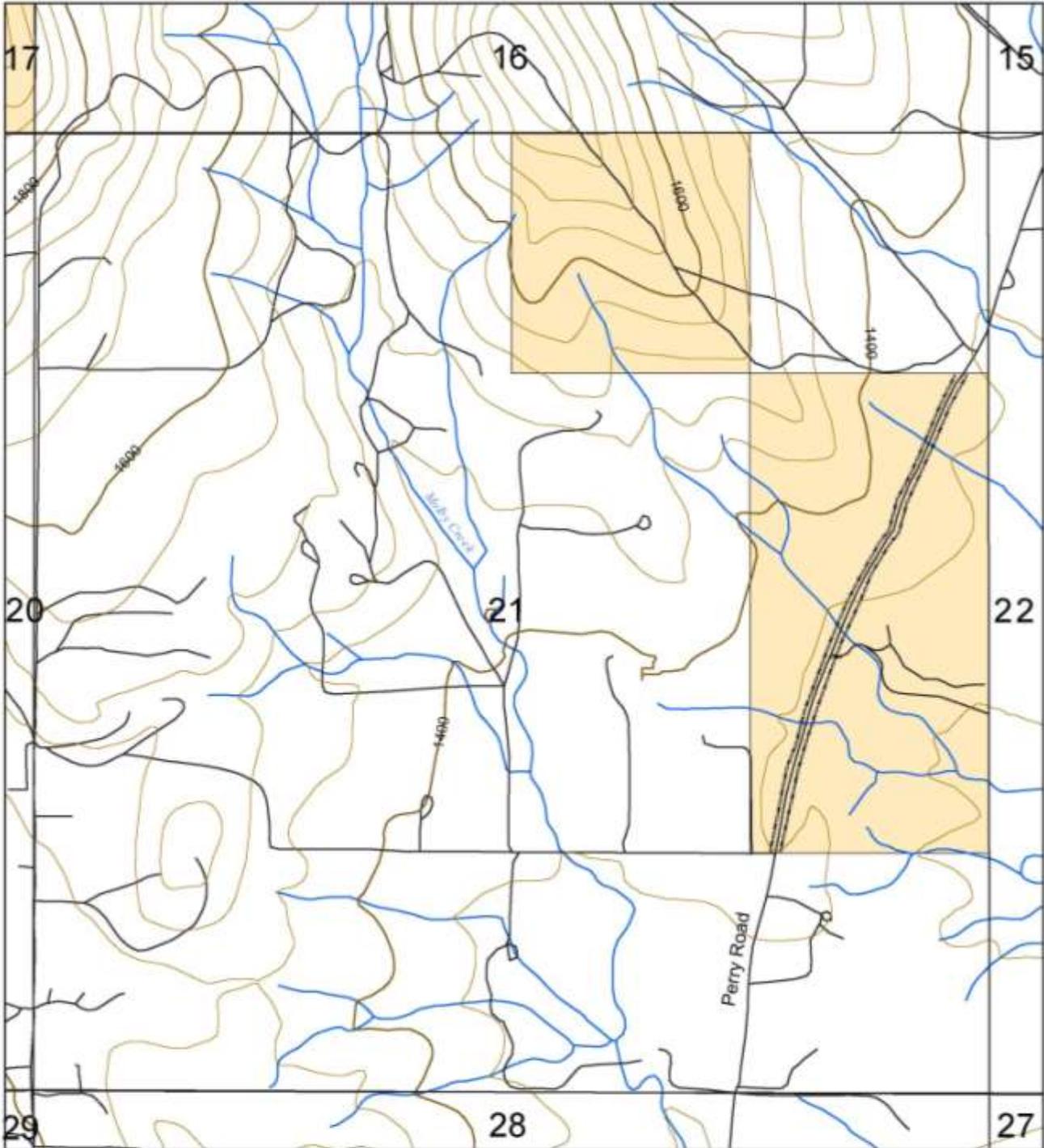
Administrative Review or Appeal Opportunities

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 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.

Categorical Exclusion Reviewers:

Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	7/1/11	RW
Marcia Wineteer	Botanist	6/28/11	mw
Dave Roelofs	Wildlife Biologist	6/29/11	D.R.
Dale Johnson	Fisheries Biologist	6/28/11	DJ
Shawn Simpson	Hydrologist	6/28/11	SS
Ken Van Etten	Soil Scientist	6/28/11	KVE
Alan Mason	Fire/Fuels Specialist	6/28/11	AM
Lisa Brennan	Archaeologist	6/28/11	LB
Randy Bryan	Engineer	6/28/11	RRB
Trish Lindaman	Outdoor Recreation Planner	6/27/11	TL

Robyn
Wicks



Legend

Fence Project	BLM
Road	Private
Stream	
200-foot Contour	
40-foot Contour	

N

0 0.2 0.4
Miles

Perry Road Fence Project
T35S, R2W, section 21



Butte Falls Resource Area
June 2011

M. Winteer 5/13/2011
North American Datum 83/Zone 10