

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
GRANTS PASS FIELD OFFICE
2164 NE Spalding Ave
Grants Pass, OR 97526**

**Categorical Exclusion Determination and Decision Record
Smullin Visitor Center Gate Electric Arm Bar Installation**

DOI-BLM-OR-M070-2015-0023-CX

A. Background

Description of Proposed Action

The Proposed Action is to install an electric arm bar on the gate at the entrance to the Smullin Visitor Center (VC) employee vehicle parking area.

The proposed project is located in Josephine County along BLM Road 35-8-13 (Galice-Hellgate Back Country Byway), near the town of Galice. The legal description is Township 34 South, Range 8 West, Section 24, Willamette Meridian, Josephine County, Oregon.

The arm bar would be placed on the currently-installed gate on the driveway leading to the employee vehicle parking area. The currently-installed posts would be used and the hinges moved from the far post to the near post (in relation to the Smullin VC building). The posts are approximately 12.1 feet apart and the gate is approximately 11.5 feet wide. An electric arm bar would be placed on the pole closest to the Smullin VC building, and the gate would open towards the employee parking area. The gate would be opened by employees driving government vehicles equipped with remote sensors that automatically open the gate. Employees driving their personally-owned vehicles would open the gate via a numbered keypad powered by a battery placed next to the near post.

Gate installation would require placement of an approximately 38 feet long DC 110 V electrical conduit one the ground surface next to the rock wall leading to the VC building and up under the wooden deck and along the side wall to a pre-existing outlet.

Rand is listed on the National Register of Historic Places (site 39HS11-098). The proposed action is a screened exemption under the 2015 State Protocol, Appendix E, Other Program Actions (12): “Routine maintenance of historic properties utilizing in-kind materials to preserve the historic character of the property where review by BLM’s CRS determines that maintenance will be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR § 68 and applicable guidelines) and relevant Preservation Briefs.”

The arm bar and electrical conduit would be installed in a manner that would have no effects to the historic property. All activities associated with the installation would be in compliance with all Project Design Features listed below.

Project Design Features:

Project Design Features (PDFs) are specific measures included in the Proposed Action to minimize impacts on the human environment. PDFs for this project would include:

- All equipment used to install the gate would be thoroughly washed at an approved location before moving into the project area to remove soil and plant parts to prevent the spread of noxious weeds and disease.
- If new cultural resources or vertebrate fossils are discovered during project implementation, work would be suspended immediately in the area until the BLM is notified.

B. 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* (EIS, 1994 and RMP/ROD, 1995),
- *State Protocol Between the Oregon-Washington State Director of the Bureau of Land Management and the Oregon State Historic Preservation Officer Regarding the Manner in which the Bureau of Land Management will Meet its' Responsibilities Under the National Historic Preservation Act and the National Programmatic Agreement Among the BLM, the Advisory Council on Historic Preservation, and the National Conference on State Historic Preservation Officers* (Protocol, 2015),
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004),
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004),
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001), and
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985).

C. Compliance with NEPA

The proposed action qualifies as a categorical exclusion under 43 CFR 46.210 (f): Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM Appendix 5 apply.

D. NEPA Categorical Exclusion Review

Extraordinary circumstances (CFR § 46.215) provides for a review of the following criteria for Categorical Exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

1. *Have significant adverse effect on public health or safety.*
 Yes No
Remarks: All proposed activities follow established rules concerning health and safety. The arm bar will increase safety and security.
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
Remarks: The arm bar design and proposed installation techniques present no adverse risk to the site.
3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.*
 Yes No
Remarks: Past experience from this type of activity has shown to have no highly controversial environmental effects or result in unresolved conflicts to resources.
4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental effects.*
 Yes No
Remarks: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.
5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
 Yes No
Remarks: Similar actions have taken place on the Medford District and there is no evidence that this type of action would establish a precedent or decision for future action.
6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
 Yes No
Remarks: The BLM has authorized this type of activity in the past with no significant direct, indirect, or cumulative effects.
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.*
 Yes No

Remarks: The project has been analyzed by the Resource Area Archeologist. It has been determined that implementation of project-specific PDFs will prevent significant impacts to the Rand National Historic Site.

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.*

Yes No

Remarks: Resource Specialists have determined that this project will have no impacts on listed wildlife species or any species proposed for listing. The activities proposed in this project have no impact on listed plant species or proposed threatened or endangered species or have an impact on designated Critical Habitat.

9. *Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.*

Yes No

Remarks: This project does not violate Federal, State, local or Tribal law or any requirement for the protection of the environment.

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

Yes No

Remarks: Similar actions have taken place on the Medford District and there is no evidence that this type of action would have a disproportionately high or adverse effect on low income or minority populations. There would be no economic gain or loss due to this project.

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

Remarks: No traditional use areas or sacred sites have been identified within the Project Area; no known ceremonial or religious sites will be affected by proposed project activities.

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).*

Yes No

Remarks: The activities involved within the Proposed Action would not affect current populations of noxious weeds or increase the risk of introducing new sites. Listed PDFs will prevent the spread of noxious weeds and non-native invasive species.

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MEDFORD DISTRICT

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Decision Record

Smullin Visitor Center Gate Electric Arm Bar Installation

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Proposed Action

The Proposed Action is to install an electric arm bar on the gate at the entrance to the Smullin Visitor Center employee vehicle parking area.

The arm bar is to be placed on the currently-installed gate on the driveway leading to the employee vehicle parking area. Adequate posts are already installed on both sides of the driveway. The posts are 12.1 feet apart and the gate is approximately 11.5 feet wide. The electric arm bar would be placed on the pole closest to the Smullin VC building, and the gate will open towards the employee parking area. The gate will be opened by employees driving government vehicles equipped with remote sensors that automatically open the gate. Employees driving their personally-owned vehicles will open the gate via a numbered keypad powered by a battery placed next to the near post.

An approximately 38 feet long DC 110 V electrical conduit will be placed on the ground surface next to the rock wall leading to the VC building and up under the wooden deck and along the side wall to a pre-existing outlet. Activities associated with the arm bar installation would be in compliance with all Project Design Features listed in the Categorical Exclusion documentation.

Decision and Rationale

Based upon the attached Categorical Exclusion, it is my decision to install the arm bar as described in the Proposed Action.

The Proposed Action has been reviewed by the Grants Pass Field Office staff and appropriate Project Design Features, as specified in the attached Categorical Exclusion, are incorporated into the Proposed Action. Based on the attached National Environmental Policy Act (NEPA) Categorical Exclusion review, I have determined the Proposed Action involves no significant impact to the environment and no further environmental analysis is required.

Administrative Review

Administrative review of routine and continuing government business decisions requiring NEPA assessment will be available under 43 CFR Part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized would cause injury,

and who have established themselves as a “party to the case” (see 43 CFR § 4.410 (a) – (c)). In order to be considered a “party to the case” the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (see 43 CFR § 4.410(d)).

For additional information concerning this decision contact Ferris Fisher, Planning and Environmental Coordinator, telephone (541) 471-6639, 2164 NE Spalding Avenue, Grants Pass, Oregon 97526.

Implementation Date

This is a land decision regarding routine and continuing government business. All BLM decisions under 43 CFR Part 46.210 (f) remain in effect pending an appeal unless the Secretary of the Interior rules otherwise. ROW decisions that remain in effect pending an appeal are considered “in full force and effective immediately” upon issuance of a decision. Thus, this decision is now in effect.

Right of Appeal

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (IBLA) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case” (see 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM Authorized Officer in the Grants Pass Field Office by close of business (4:30 p.m.) not more than 30 days after the effective date. Only signed hard copies of a notice of appeal that are delivered to 2164 NE Spalding Ave, Grants Pass, OR 97526 will be accepted. Faxed or e-mailed appeals will not be considered.

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the IBLA under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office (at the address listed above) and with the IBLA (at the address listed below) within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the IBLA to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- The relative harm to the parties if the stay is granted or denied,
- The likelihood of the appellant’s success on the merits,
- The likelihood of immediate and irreparable harm if the stay is not granted, and

- Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the IBLA and the Regional Solicitor (at the addresses listed below) at the same time such documents are served on the Authorized Officer at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations (43 CFR § 4.413(a)). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service. The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until the IBLA makes a final ruling on the case.

U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203

Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
805 S.W. Broadway, Suite 600
Portland, Oregon 97205

Appeal Format Requirements: The following are some of the formatting requirements for an appeal. A document filed in a case before IBLA must, in general, be double spaced (43 CFR § 4.401(d)(2)(v)) and a Statement of Reasons may not be longer than 30 pages (43 CFR §§ 4.412(a) 4.414(b)(1)). Unless the IBLA orders otherwise, the text of a statement of reasons may not exceed 30 pages, excluding exhibits, declarations, or other attachments (43 CFR § 4.412(a)). See 43 CFR §§ 4.401, 4.412, and 4.414 for more detail and other formatting requirements.

for Michelle Cyp

Allen Bollschweiler,
Field Manager
Grants Pass Field Office

9/10/15

Date