

# Categorical Exclusion Determination and Decision Record for the Bald Mountain Roadside Firewood Project

DOI-BLM-OR-M050-2014-012-CX

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## A. Background

**BLM Office:** Butte Falls Resource Area

**Document Number:** DOI-BLM-OR-M050-2014-012-CX

**Proposed Action:** Roadside Firewood

**Location of Proposed Action:** The project is located in the Evans Creek Fifth Field watershed in Township 34 South, Range 3 West, section 21, S<sup>1</sup>/<sub>4</sub>, Willamette Meridian, Jackson County, Oregon.

**Background:** The proposed firewood cutting area was previously burned in the 1987 Sykes Creek Wildfire. It burned approximately 9,100 acres in the Evans Creek watershed.

### **Proposed Action:**

The Butte Falls Resource Area, Medford District Bureau of Land Management (BLM) is proposing to issue firewood cutting permits. Fire wood would be harvested within 50 feet of the road only on the downhill side. The harvest of 6.6 acres (along 1.1 miles of road) would be of green, dense, standing, small diameter Pacific Madrone and Bigleaf Maple in the Project Area (see Map).

Firewood harvest would: help to meet the demand of local communities for requested firewood, thin the stand reducing competition and promoting conifer growth, and reduce the existing fire hazard.

Firewood would be harvested by hand, lining, or with a winch to the existing road. Harvest residue would be lopped and scattered. No temporary or permanent roads would be constructed.

### **Project Design Features:**

#### *Common to All Project Activities*

- No motorized vehicles would leave the road surface.
- Refuel chainsaws and heavy equipment at least 190 feet from streams or wet areas. If a spill does occur, hazardous materials will be removed from the site and disposed of at an approved disposal site.
- No harvest activities within the riparian reserve. The riparian reserve width is 190 feet on both sides of perennial and intermittent streams.
- Harvest trees will be less than or equal to 16 inch DBH (Diameter Breast Height) of madrone and or maple.
- Harvest trees must be 50 feet or less from the road surface.
- Harvest trees on downhill side of the road only. No harvest above the road.

#### *Activity Fuels Treatments*

- Firewood harvesters would be required to lop and scatter their slash.

- BLM would be responsible for hand piling and burning.
- Burn piles in the fall to spring after one or more inches of precipitation have occurred. Burning piles would be patrolled and mop-up would occur when needed to prevent treated areas from re-burning or becoming an escaped fire.
- Manage prescribed burning in a manner consistent with the requirements of the Oregon Smoke Management Plan administered by the Oregon Department of Forestry and the regulations established by the Air Quality Division of the Oregon Department of Environmental Quality.
- Complete prescribed fire burn plans and obtain smoke clearance before ignition to minimize impacts on air quality.

### ***Northern Spotted Owl***

- No snags would be felled or removed.
- No cutting or removal of coarse woody debris.
- Seasonally restrict salvage harvest activities from March 1 to September 30 according to the buffer distances in Table 1. The seasonal restriction will be waived if nonnesting is determined. If any new owls are discovered in harvest units following the sale date, activities will be halted until mitigation options are determined.

<b>Activity</b>	<b>Buffer Distance</b>
Heavy Equipment (including non-blasting quarry operations)	105 feet
Chain saws	195 feet
Commercial Timber Harvest	0.25 mile
Prescribed fire/Activity fuel burning	0.25 mile

## **B. Land Use Plan Conformance**

**Land Use Plan:** Medford District Record of Decision and Resource Management Plan. Approved June 1995.

The proposed action is in conformance with the Medford District RMP (p. 75) because it is specifically provided for in the following RMP objective: Manage for the production and sale of special forest products when demand is present and where actions taken are consistent with primary objectives for the land use allocation.

This project is consistent with 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*, as incorporated into the Medford District RMP. This project uses the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews with the exception of the red tree vole. For

the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*, 468 F3d 549 (9<sup>th</sup> Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 Standards and Guidelines, which makes the species Category C throughout its range.

### **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 C (7):

*Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:*

- (a) Shall not include even-aged regeneration harvests or vegetation type conversions.*
- (b) May include incidental removal of trees for landings, skid trails, and road clearing.*
- (c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and*
- (d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.*

*Examples include, but are not limited to:*

- (a) Removing individual trees for sawlogs, specialty products, or fuelwood.*
- (b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.*

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

**D. Categorical Exclusion Review**

The BLM has reviewed the proposed action and none of the extraordinary circumstances described in 43 CFR § 46.215 rise to the level of significance. A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

The proposed Categorical Exclusion action will:	YES	NO
<b>2.1 Have significant impacts on public health or safety.</b>		<b>X</b>
<b>Rationale:</b> Firewood harvest operations will follow Occupational Safety and Health Administration standards designed to prevent job-related illness or injuries.	<b>Initials</b>	
	<i>ATEK</i>	
<b>2.2 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.</b>		<b>X</b>
<b>Rationale:</b> This project was designed to avoid the natural resources and unique geographic areas listed above. The firewood site is not located in park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; floodplains; national monuments; and ecologically significant or critical areas. The BLM conducted appropriate cultural resource surveys in accordance with the current protocol.	<b>Initials</b>	
	<i>ATEK</i>	
<b>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</b>		<b>X</b>
<b>Rationale:</b> The project’s interdisciplinary team of resource specialists reviewed the project and did not identify any highly controversial effects or unresolved conflicts concerning this project.	<b>Initials</b>	
	<i>ATEK</i>	
<b>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>		<b>X</b>
<b>Rationale:</b> The BLM interdisciplinary team of resource specialists reviewed the project and determined there is no threat of significant environmental effects or unique or unknown environmental risks.	<b>Initials</b>	
	<i>ATEK</i>	

<p><b>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</b></p>		<p>X</p>
<p><b>Rationale:</b> Firewood harvest has occurred on the Medford District in the past and is likely to occur in the future. Each project contains its own set of conditions that must be evaluated on its own merit, as the BLM has done with this project. Land use allocations and environmental conditions, such as remaining vegetation, slopes, soils, and streams, are unique to each project and must be considered anew as each opportunity for salvage occurs. This action does not represent a decision in principle about the future actions with potentially significant effects.</p>	<p><b>Initials</b>  AEC</p>	
<p><b>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b></p>		<p>X</p>
<p><b>Rationale:</b> The proposed firewood harvest in T34S, R3W, section 21 is located within an area which was burned by wildfire in 1987. The additional harvest of firewood within 50 feet of the road, totaling 6.6 acres along 1.1 miles of road would not lead to significant cumulative effects.</p>	<p><b>Initials</b>  SLS</p>	
<p><b>2.7 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.</b></p>		<p>X</p>
<p><b>Rationale:</b> There would be no significant impacts to properties listed, or eligible for listing, on the National Register of Historic Places. No National Register Listed sites, or sites eligible for listing, were identified in areas of potential effect during archaeological surveys or extensive background research.</p>	<p><b>Initials</b>  AE</p>	
<p><b>2.8 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.</b></p>	<p><b>Plants</b></p>	<p>X</p>
	<p><b>Wildlife</b></p>	<p>X</p>
	<p><b>Fish</b></p>	<p>X</p>
<p><b>Rationale:</b></p> <p><b>Plants:</b> Required plant surveys have been completed. No sites would be disturbed by the salvage of the identified trees.</p> <p><b>Wildlife:</b> Firewood harvest within 50 feet of the road would not change the function of northern spotted owl habitat and project design features provide for seasonal restrictions if owls are found to be nesting in a known northern spotted owl site.</p> <p><b>Fish:</b> No firewood would be harvested near streams containing Southern Oregon/Northern California Coastal Coho critical habitat or essential fish habitat.</p>	<p><b>Initials</b></p>	
	<p><b>Plants</b></p>	<p>mw</p>
	<p><b>Wildlife</b></p>	<p>DR</p>
	<p><b>Fish</b></p>	<p>ASD</p>

<p><b>2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</b></p>		<p>X</p>
<p><b>Rationale:</b> The BLM’s interdisciplinary team for the Bald Mountain Roadside Firewood Project reviewed the project to ensure compliance with applicable laws including the Federal Land Policy and Management Act, Endangered Species Act, Clean Water Act, National Environmental Policy Act, Clean Air Act, National Historic Preservation Act, and Archaeological Resources Protection Act, among others. The resource specialists found the project conforms to the direction given for the management of public lands in the Medford District RMP, which complies with all applicable Federal and State law.</p>	<p><b>Initials</b></p>	
	<p>AFK</p>	
<p><b>2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b></p>		<p>X</p>
<p><b>Rationale:</b> Based on past projects in the Butte Falls Resource Area, the project would provide a low cost heat source for communities in the southern Oregon region. The project would not have a disproportionately high or adverse effect to low income or minority populations.</p>	<p><b>Initials</b></p>	
	<p>AFK</p>	
<p><b>2.11 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).</b></p>		<p>X</p>
<p><b>Rationale:</b> The removal of dense, small diameter hardwoods within 50 feet of the road would not limit access to or use of Indian sacred sites. The project archaeologist conducted a cultural survey for this project and no such sites were identified that could be affected by this project.</p>	<p><b>Initials</b></p>	
	<p>AFK</p>	
<p><b>2.12 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).</b></p>		<p>X</p>
<p><b>Rationale:</b> The ongoing treatment of noxious weeds in the project area would reduce the risk of introduction or spread of noxious weeds. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds and invasive species. Vehicles accessing the project area would stay on existing roads (no additional permanent or temporary roads are proposed), reducing the potential for picking up and dispersing noxious weeds or seed.</p>	<p><b>Initials</b></p>	
	<p>mw</p>	

**E. Categorical Exclusion Reviewers:**

Name	Title	Date	Initials
Jean Williams	NEPA	9-30-15	AEK <sup>Rev</sup> Jean Williams
Marcia Wineteer	Botanist	9/10/15	MW
Dave Roelofs	Wildlife Biologist	9/2/15	D.R.
AJ Donnell	Fisheries Biologist	9/10/15	AJD
Shawn Simpson	Hydrologist	8/27/15	SLS
Amy Meredith	Soil Scientist	9/3/15	AM
Al Mason	Fire/Fuels Specialist	9/8/15	APM
Aaron Ennis	Archaeologist	9/1/15 8/27/15	AE AG for mason
Jeff Brown	Engineering	9/2/15	JB
Trish Lindaman	Outdoor Recreation Specialist	9/10/15	TL

**F. Decision and Rationale**

BLM staff (listed in section E) has reviewed this project for potential impacts and provided project design features that will be incorporated into this proposal. I have considered the Bald Mountain Firewood project and the required project design features listed in this categorical exclusion documentation in section A. Based on the categorical exclusion review documented in section D, I have determined the proposed action represents no significant impact to the human environment and no further analysis is required.

It is my decision to authorize implementation of the Bald Mountain Firewood project. This project will salvage harvest on 6.6 acres of land located in Township 34 South, Range 3 West, section 21, S¼.

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 9/30/15  
Teresa J. Trulock Date  
Field Manager  
Butte Falls Resource Area

## **G. Administrative Remedy**

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 (c), a notice of decision will be published in the local newspaper. Under 43 CFR 5003.3 (a), protests may be filed with the Authorized Officer within 15 days of the publication date of the notice of timber sale advertisement. Under 43 CFR 5003.3 (b), a protest filed with the Authorized Officer shall contain a written statement of reasons for protesting the decision. A decision on this protest would be subject to appeal to the Interior Board of Land Appeals; although, filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

The 15-day protest period will begin when the timber sale notice for this project is published in the Medford Mail Tribune newspaper. Only written and signed hard copies of a protest received by the BLM within 15 days of the timber sale notice publication will be considered. Electronic (e-mail) or facsimile protests will not be accepted.

Protests may be delivered or mailed to the Bureau of Land Management, Butte Falls Resource Area Field Manager, 3040 Biddle Road, Medford, Oregon 97504. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., closed holidays.

## **H. Contact**

For additional information concerning this categorical exclusion review, contact Dave Orban, Forestry Technician, Butte Falls Resource Area at 541-618-2368.

