

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Bratt-Peterson Agricultural Lease Renewal (DOI-BLM-OR-M060-2012-0014-CX)

BLM Office: Ashland Resource Area, Medford District **Contact:** Ted Hass, (541)618-2253

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The Medford District Bureau of Land Management (BLM), Ashland Resource Area, proposes to authorize the renewal of Right-of-Way grant OR 38472 to Christopher Bratt and Joan Peterson for an agricultural lease over BLM land that is adjoining their pasture property. The grass on the 1.3 acres is cut annually along with their own pasture land. Presently there are no animals grazing on the pasture. The Agricultural Lease was renewed 1/09/2002 for a 10 year period and expired 12/31/2011. The legal description of the proposed use of Public Land is Section 7, T. 39 S., R.4 W., Willamette Meridian.

PROJECT DESIGN FEATURES

- 1) Remove the in-stream livestock water source, which is currently located in the tributary in the south-east portion of the leased area, and place it on the side slope at least twenty-five feet from the active stream channel. An overflow drain pipe shall return the unused portion of the water directly to the stream channel. This will keep domestic stock away from the wet area and allow for further riparian/wetland area improvement.
- 2) Develop a rocked crossing, a removable wooden bridge, or other suitable passage for domestic stock through this riparian/wetland area on the tributary. This crossing is to be fenced along the edges to allow livestock to cross the stream but not go up or down the stream at the crossing. This will allow them to cross from BLM leased area onto the private land to the south. The crossing should be only as wide for livestock and/or vehicle access (if vehicle access is needed). Other acceptable alternatives would be to abandon the crossing and fence off the area, or install gates on each side and use the crossing for emergency access only (keeping vegetation brushed sufficiently to make it vehicle accessible).

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan* (RMP) (USDI 1995:63). 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 1995 Medford District Resource Management Plan was later 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*. This project is also consistent with the *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985).

This proposed action 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* (2001 ROD), as modified by the 2011 Settlement Agreement.

The proposed action is also 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

Department of the Interior Regulations (43 CFR §46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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).

COMPLIANCE WITH NEPA

In accordance with 43 CFR § 46.205(c) and § 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9 E (9) which allows for the “[r]enewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

DOCUMENT PREPARATION AND REVIEW

<u>Allison Hass</u>	<u>Administrative NEPA Assistant</u>	<u>April 11, 2013</u>
Prepared by	Title	Date

<u>Ted Hass</u>	<u>Assistant Area Manager</u>	<u>April 11, 2012</u>
Reviewed by	Title	Date

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. The project design features included in this Categorical Exclusion Documentation will further protect those resources from the potential for significant impacts resulting from implementation of the Proposed Action.

It is my decision to renew the agricultural lease for ten years provided that steps one and two listed in the previous lease renewal (and restated in this document as project design features) have been fully implemented.



John Gerritsma
Field Manager; Ashland Resource Area

4/16/13

Date

ADMINISTRATIVE REMEDIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, part 4, and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Medford District Office within 30 days from the decision. The appellant has the burden of showing that the decision is in error.

enclosures: form 1842-1

