

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

**Categorical Exclusion Determination and Decision Record**

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**Issuance of an O&C Logging Road Right-of-Way  
Permit No. M-5089 (OR 068131)  
DOI-BLM-OR-M070-2014-018-CX**

**Location and Name of Applicant:**

T. 36 S., R. 7W., Section(s): 34  
Medford District, Grants Pass Resource Area, Josephine County  
HUC-10 Lower Applegate River (see Exhibit A Map attached)  
Applicant: Round Prairie, LLC

**Description of Proposed Action:**

The proposed action is the issuance of an O&C Logging Road Right-of-Way Permit to Round Prairie, LLC under the provisions of 43 CFR Subpart 2812, and P.L. 94-579; 90 Stat 2743. This has been designated as Permit No. M-5089 (OR 068131). The requested period of use is for 3 years, with the possibility of one-year extensions at the discretion of the Authorized Officer. The permit will allow commercial hauling of approximately 250 MBF of private timber over existing U.S. road(s). Utilization of these roads would, by itself, not facilitate any ground-disturbing actions on federal lands. The permit would not be a determining factor as to whether ground-disturbing actions would occur on private lands.

The area to be harvested is identified as:

<b>Area to Be Harvested</b>			
<b>T.</b>	<b>R.</b>	<b>Sec.</b>	<b>Subdivision</b>
36S	7W	34	Port of SW <sup>1</sup> / <sub>4</sub>

The following table identifies the U.S. roads to be used in the Medford District, estimated timber and/or mineral volumes to be hauled over each road and the anticipated haul periods:

<b>BLM Roads to be Used</b>						
BLM Road and Segment No.	Seg. Length	Length to be Used	Present Surface Type	Haul Period	Estimated Timber Volume to be Hauled (MBF)	Estimated Mineral Volume to be Hauled (CY)
37S-7W-02.1 Seg B	0.37	0.37	NAT	3 Years	250	N/A

The specific roads to be used and area to be harvested are located on the attached map labeled as Exhibit A.

The Permittee shall immediately discontinue specified use upon receipt of written notice from the Authorized Officer that:

- a) Threatened or endangered plants or animals protected under the Endangered Species Act of 1973, as amended, may be affected by the operation and a determination is made that consultation or re-initiation of consultation is required concerning the species prior to continuing operations; or
- b) Federal proposed, federal candidate, Bureau sensitive or State listed species protected under BLM Manual 6840 – Special Status Species Management – have been discovered and a determination is made that continued operations would adversely affect the species or its habitat.

Discontinued operations may be resumed upon receipt of written instructions from the Authorized Officer.

The Right-of-Way Holder may not release any hazardous substances or hazardous wastes (as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et seq.) on the right-of-way area. The Right-of-way Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances or hazardous wastes.

If in connection with any operations within the right-of-way area, the Right-of-Way Holder, its agents or contractors, encounters or becomes aware of any objects or sites of cultural value, such as historical or pre-historical ruins, graves, grave markers, fossils or artifacts, the Right-of-Way Holder, its agents or contractors, shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the Bureau of Land Management of the findings within 24 hours. Operations of the Right-of-Way Holder, its agents or contractors, may resume at the discovery site upon receipt of written instructions and authorization from the Authorized Officer.

This permit may be amended to include additional rights for the Permittee over existing roads controlled by the United States or over roads controlled by third parties limited to land identified as “United States Lands” on the attached Exhibit A map. However, approval of such amendment shall be subject to all regulations and laws current at the time of application. When the Permittee lands served by this permit are sold or transferred to another owner who needs the rights granted by this permit, assignment of the permit is required. Application for assignment shall be made in accordance with 43 CFR 2812.7.

### **Project Design Features**

Permittee agrees to comply with the following environmental stipulations:

- A. All provisions of the State and Federal Water Quality Standards as they may apply to any waterway, stream, lake, or reservoir on or near the permit area together with all applicable State and Federal laws and regulations. The Permittee shall also undertake every reasonable measure to minimize damage to waterways, streams, lakes, or reservoirs on or

near the permit area in connection with any operation under this permit.

- B. All applicable State and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides, and other similar substances.
- C. All other applicable State and Federal environmental laws, regulations, and standards.
- D. If, in connection with his operations under this permit across the lands of the United States, the Permittee encounters or becomes aware of any objects or sites of cultural value such as historical or prehistorical ruins, graves, grave markers, fossils, or artifacts, the Permittee shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the findings. The Permittee's operations may resume at the discovery site upon receipt of written instructions and authorization by the Authorized Officer.
- E. The Permittee shall discontinue hauling and other operations under this permit upon written notice of the Authorized Officer that such operations are in violation of this provision.
- F. The Permittee shall, to the satisfaction of the Authorized Officer, clean up landings and areas on BLM land where equipment has been operated or repaired and shall remove, or otherwise dispose of in a legal manner, all garbage, temporary buildings, trash, litter or other refuse resulting from the Permittee's operations including fuel containers, oil cans, and discarded equipment or parts thereof.

### **Road Usage**

The Bureau of Land Management reserves the right to stop any or all activities authorized under this Permit when the Authorized Officer determines that damage to the road or environment may occur or is anticipated. Use of the following roads is prohibited between the period from October 15th to May 15th, without the written permission of the Authorized Officer:

<b>Road No.</b>	<b>Segment</b>
37-7-2.1	B

No landings shall be located within 25 feet of the road and no yarding shall be allowed in the road. Permittee shall keep the roadway and ditches clear of logging debris. The Permittee is responsible for all damages beyond normal maintenance as determined by the Authorized Officer of the Bureau of Land Management. The Permittee agrees to repair damages to the satisfaction of the Authorized Officer or to reimburse the Bureau of Land Management for repair of such damages. The road(s) must be open for travel at all times.

### **Plan Conformance Review**

This proposed action is consistent with policy directed by the following:

- *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);

- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)
- *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)

The proposed action is 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 of 1972, and the Archaeological Resources Protection Act of 1979.

This proposed action is consistent with management direction in the Medford District Resource Management Plan that directs the BLM to continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon state-wide planning goals and rules, and the exclusion and avoidance areas identified in the Resource Management Plan (USDI 1995, p. 82).

### **Categorical Exclusion Determination**

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9.E.16. This section allows for "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."

Before any action described in the list of categorical exclusions may be used, the "extraordinary circumstances," included in Code of Federal Regulations at 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."

### **NEPA Categorical Exclusion Review**

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

Yes      No

Remarks: All proposed activities follow established rules concerning health and safety.

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.*

Yes      No

Remarks: The BLM has conducted this type of activity in the past with no significant impacts.

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

Yes  No

Remarks: There are no unresolved resource conflicts or controversial environmental effects.

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

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 conducted 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: There are no listed or eligible historic places within the proposed action area.

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

Animals Yes  No

Fish Yes  No

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

Yes  No

Remarks: The BLM has conducted this type of activity in the past. The proposed activities are not anticipated to violate any federal, state, local, or tribal laws or requirements for protecting 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.

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 sacred sites have been identified by federally recognized Native American tribes.

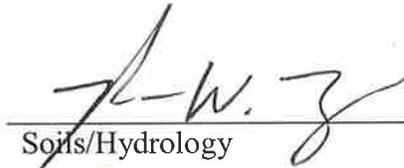
12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*

Yes No

Remarks: The activities involved within this project area would not affect current populations of noxious weeds or increase the risk of introducing new sites due to equipment washing requirements.

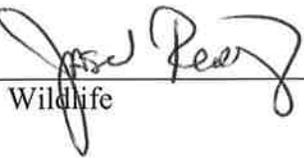
**Reviewers:**

 9/10/14  
Botany Date

 9/10/14  
Soils/Hydrology Date

 9/16/14  
Cultural Resources Date

 9/11/14  
Engineering Date

 9/11/14  
Wildlife Date

 9/16/14  
Planning Coordinator/NEPA Date

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
GRANTS PASS RESOURCE AREA**

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**Decision Record**

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DOI-BLM-OR-M070-2014-018-CX**

**Proposed Action**

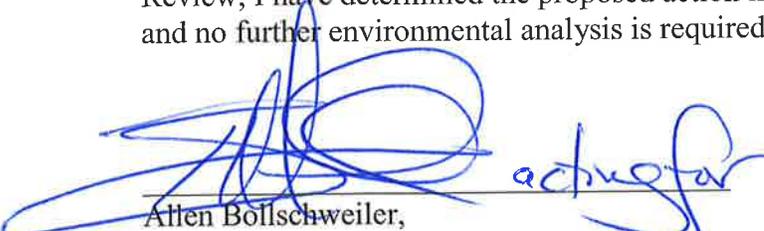
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**Decision**

It is my decision to authorize O&C Logging Road Right-of-Way Permit No. M-5089 (serial No. OR 068131) as described in the Proposed Action. The project is planned for implementation Fall 2014.

**Decision Rationale**

The proposed action has been reviewed by the Grants Pass Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposed action. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.

  
Allen Bollschweiler,  
Field Manager  
Grants Pass Resource Area

  
Date

**ADMINISTRATIVE REMEDIES:**

Administrative review of right-of-way decisions requiring National Environmental Policy Act (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)). Other than the applicant/proponent for the right-of-way action, 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)).

**EFFECTIVE DATE OF DECISION**

This is a land management decision on a right-of-way action in accordance with BLM regulations at 43 CFR Subpart 2812. All BLM decisions under 43 CFR § 2812 will become effective on the day after the expiration of the appeal period (30 days after the date of service) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Director of the Office of Hearings and Appeals or an Appeals Board has determined otherwise in accordance with specified standards enumerated in 43 CFR § 4.21(b).

**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 Resource Area 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 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 addresses 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, the Regional Solicitor and the applicant (at the address 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 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.

Round Prairie, LLC  
9115 SW Oleson Rd.  
Portland, OR 97205

Attachments:  
Form 1842-1  
Exhibit A Map

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

<b>1. NOTICE OF APPEAL.....</b>	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
<b>2. WHERE TO FILE</b>	
NOTICE OF APPEAL.....	U.S. Department of the Interior, Bureau of Land Management Grants Pass Interagency Office 2164 NE Spalding Grants Pass, OR 97526
WITH COPY TO SOLICITOR...	Regional Solicitor, Pacific Northwest Region U.S. Dept. of the Interior Lloyd 500 Building, Suite 607 Portland, OR 97232
<b>3. STATEMENT OF REASONS</b>	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Regional Solicitor, Pacific Northwest Region U.S. Dept. of the Interior Lloyd 500 Building, Suite 607 Portland, OR 97232
<b>4. ADVERSE PARTIES.....</b>	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
<b>5. PROOF OF SERVICE.....</b>	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
<b>6. REQUEST FOR STAY.....</b>	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay <b>must</b> also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.  <b>Standards for Obtaining a Stay.</b> Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)

