

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Pacific Forest Trust Right-of-Way Application OR 66151 (OR-M040-2010-001-CX)

Prepared By: Mary Johnson **Title:** Realty Specialist

BLM Office: Ashland R.A., Medford District **Phone:** (541) 618-2469

DESCRIPTION & LOCATION OF THE PROPOSED ACTION

The proposed action is to authorize an Oregon and California Lands Act of 1937 (O&C Act) right-of-way (R/W) grant to Pacific Forest Trust for legal ingress and egress to their private property located in T. 40 S., R. 3 E., Section 26. The Bureau of Land Management (BLM) controls the roads that access this property. Where the road crosses private lands, BLM has acquired exclusive easements. Access to the property is on existing BLM roads 40-3E-12.0, 40-3E-12.1, 40-3E-24.0, 40-3E-25.1 (see general route map for additional information).

PLAN CONFORMANCE

The proposed action is located on BLM-administered land in the Cascade-Siskiyou National Monument and crosses private lands on BLM-controlled roads. It is in conformance with and tiered to the 2008 *Cascade-Siskiyou National Monument ROD and RMP*. 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, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

The proposed action would not create adverse environmental effects under the categorical exclusion exceptions, unless as noted. The proposed action will:

<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.

- () (X) 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 Categorical Exclusion Exception

- () (X) 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

- () (X) 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).

- () (X) 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).

SUMMARY OF FINDINGS

The proposed action has been reviewed against the twelve criteria listed above for an exception to a categorical exclusion and does not fall under any exception as identified in 516 DM 6, Appendix 2. The project qualifies as a categorical exclusion under under 516 DM 11.5 E (12 and 16).

Mary Johnson	Realty Specialist	October 30, 2009
Prepared by	Title	Date

Kathy Minor	Planning and Environmental Coordinator	October 30, 2009
Reviewed and Edited by	Title	Date

DECISION

Based on the Categorical Exclusion Review documented above, I have determined this project proposal involves no significant impact to the human environment. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.5 E (12 and 16), and no further environmental analysis is required.

It is my decision to authorize the requested right-of-way facility to Pacific Forest Trust as described above. The serialized case file is OR 66151.



John Gerritsma
Field Manager
Ashland Resource Area

11-2-09

Date

EFFECTIVE DATE OF DECISION

This decision is effective upon signing by the authorized officer and shall remain in effect pending any appeal (43 CFR 4 and 43 CFR 2801.10).

REFERENCES

USDI Bureau of Land Management. 2008. *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan*. Medford, OR.

General Route Map

Access to Pacific Forest Trust Property

Section 26, T. 40 S., R. 3 E., W.M.

