

Categorical Exclusion Determination and Decision Record for Salt Creek Rock Quarry

DOI-BLM-OR-M050-2015-0014-CX

Description of Proposed Action

The Butte Falls Resource Area, Medford District Bureau of Land Management (BLM) is planning to drill, shoot, crush, and remove rock material from the Salt Creek Rock Quarry located on BLM lands. Approximately 6,500 to 8,000 cubic yards of material would be removed from the quarry. All work will occur within the existing quarry limits. The crushed rock would be used for culvert replacements and road surfacing in the BLM's Double Bowen Timber Sale that will be sold in July 2015.

The Salt Creek Rock Quarry is located southeast of the city of Butte Falls, Oregon in the Little Butte Creek fifth field watershed. The legal description is NW1/4NW1/4 of section 3, Township 36 South, Range 02 East of the Willamette Meridian, Jackson County, Oregon.

Plan Conformance Review

This proposal is in conformance with objectives, land use allocations, and management direction of the 1995 *Medford District Record of Decision and Resource Management Plan* (ROD/RMP) and any plan amendments in effect at the time this document is published.

This project also conforms with the 1994 *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)

The proposed action was designed to be consistent with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937, Federal Land Policy and Management Act of 1976, Endangered Species Act of 1973, Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act of 1990 (as amended), and Archaeological Resources Protection Act of 1979.

This proposal is consistent with management direction in the Medford District 2008 ROD/RMP (p. 45) that directs the BLM to "Utilize new and existing quarry and pit sites to provide economical sources of rock and aggregate."

Project Design Features

- Clean all construction, rock crushing, and transportation equipment prior to entry onto BLM lands. Cleaning is defined as the removal of dirt, grease, plant parts, and material that may carry noxious weed seeds into BLM lands. Cleaning may be accomplished using a pressure hose.
- Comply with local, Federal, and State safety codes covering quarry operations, warning signs, and traffic control.
- Comply with Oregon Department of Forestry regulations for fire.
- Conduct operations (during and after completion of work) to minimize erosion and prevent sediment from entering streams or other bodies of water.

- All quarry access roads shall be blocked with oversize boulders. Any remaining oversized material will be placed in the drain area in a manner that prevents the material from rolling or moving after project completion.
- Driving across the meadow North of the quarry will not be allowed unless approved by the Authorized officer.
- If human remains are discovered during project activities, all work must stop immediately and notify the Field Office Manager and the Medford district Archeologist.

Categorical Exclusion Determination

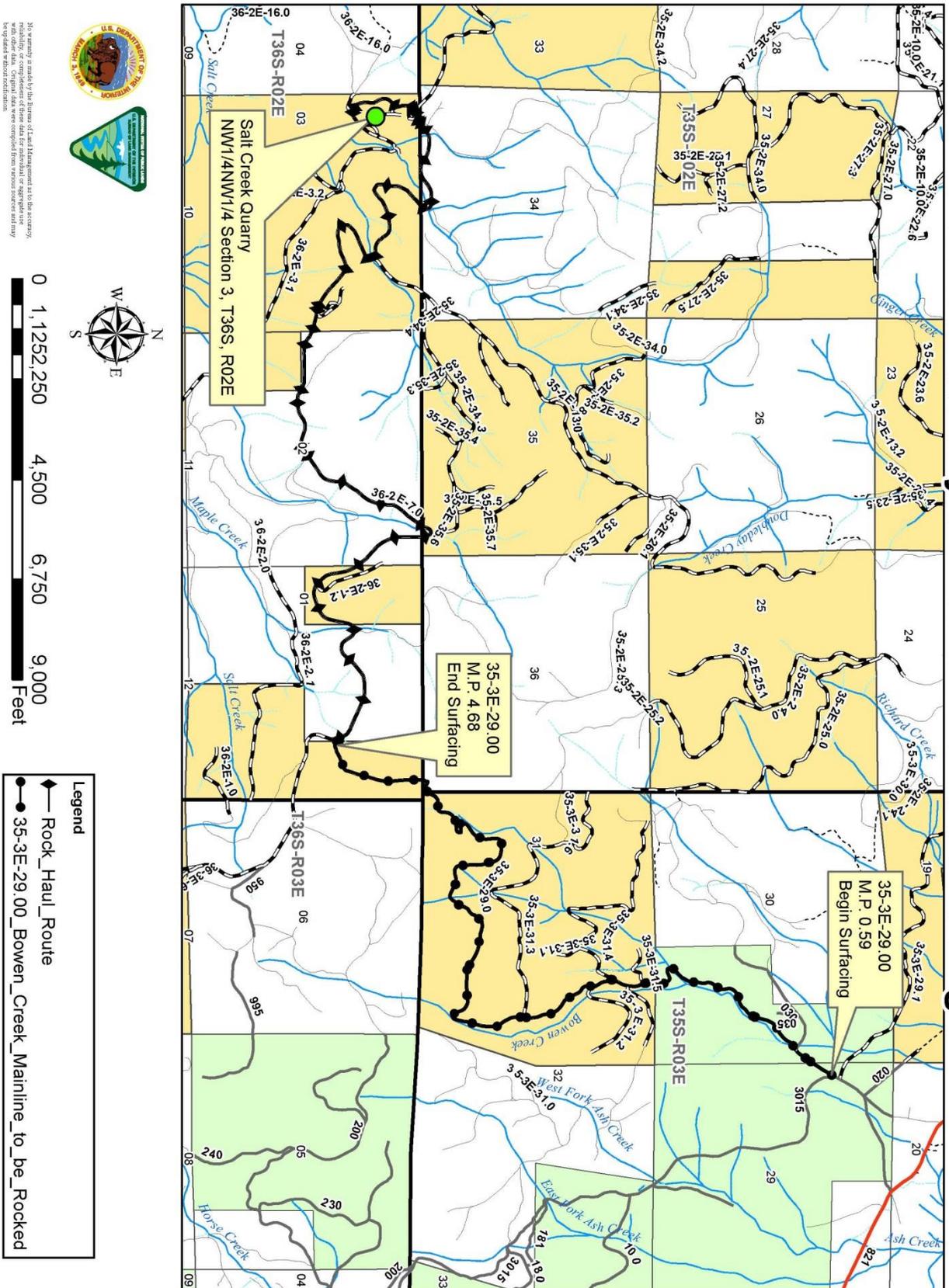
This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 F(10). This section allows for the disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in the Code of Federal Regulations (CFR) at 43 CFR 46.205(c) must be reviewed for applicability. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Jeff Brown, Butte Falls Resource Area Engineer, at 541-618-2322.

Salt Creek Quarry and 35-3E-29.00 Surfacing



This warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for purposes of or application to the specific project for which these data were collected. It may be updated without notification.



Legend

- ◆ Rock_Haul_Route
- 35-3E-29.00_Bowen_Creek_Mainline_to_be_Rocked

NEPA Categorical Exclusion Review

Proposed Action:

Drill, shoot, crush, and remove approximately 6,500 to 8,000 cubic yards of material from the Salt Creek Rock Quarry. All work will occur within the existing quarry limits.

The Code of Federal Regulations at 43 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" (listed below). Additional analysis and environmental documents must be completed for any normally categorically excluded action which may:

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

Yes No Initial JW

Remarks:

- 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 Initial JW

Remarks:

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

Yes No Initial JW

Remarks:

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

Yes No Initial JW

Remarks:

- 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Yes No Initial JW

Remarks:

- 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes No Initial SL

Remarks:

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes No Initial AWE

Remarks:

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 Initial mw Remarks: no TEE or Sensitive

Wildlife Yes No Initial DR Remarks:

Fish Yes No Initial ADD Remarks:

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

Yes No Initial JW

Remarks:

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

Yes No Initial JW

Remarks:

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 Initial AWE

Remarks:

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 Initial mw with PDFS

Remarks:

Categorical Exclusion Reviewers:

Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	7/9/15	JW
Marcia Wineteer	Botanist	6/29/15	mw
Dave Roelofs	Wildlife Biologist	6/30/15	D.R.
AJ Donnell	Fisheries Biologist	6/30/15	ASD
Shawn Simpson	Hydrologist	6/29/15	SLS
Amy Meredith	Soil Scientist	6/29/15	ACM
Jessica Gallimore	Fire/Fuels Specialist	6-29-15	AG
Aaron Ennis	Archaeologist	6/29/15 7/7/2015	AWE
Jeff Brown	Engineer	6/30/15	JB
Trish Lindaman	Outdoor Recreation Planner	7/6/15	TL

Decision and Rationale

It is my decision to drill, shoot, crush, and remove rock material from the Salt Creek Rock Quarry. Approximately 6,500 to 8,000 cubic yards of material would be removed from the quarry. All work will occur within the existing quarry limits. The crushed rock would be used for culvert replacements and road surfacing in the BLM's Double Bowen Timber Sale that will be sold in July 2015.

The action will occur in NW1/4NW1/4 of section 3, Township 36 South, Range 02 East of the Willamette Meridian, Jackson County, Oregon.

The proposed action has been reviewed by Butte Falls Resource Area staff. After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. Project design features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.



Teresa J. Trulock
Field Manager
Butte Falls Resource Area

7/9/2015

Date

Administrative Review or Appeal Opportunities

This decision is subject to appeal under 43 CFR §3601.80. This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and form 1842-1. If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made this decision by close of business (4:30 p.m.) not more than 30 days after this decision is approved. Only signed hard copies of a notice of appeal that are delivered to the Bureau of Land Management, Butte Falls Field Manager, 3040 Biddle Road, Medford, Oregon 97504 will be accepted. Faxed or e-mailed appeals will not be considered.

The person signing the notice of appeal has the burden of showing that the decision appealed from 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 and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Par 4, you have the right to petition the Board 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:

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.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor, and the applicant at the same time such documents are served on the deciding official at this office. Service must be accomplished within 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 (43 CFR §4.410[c] and 4.413) and specify the date and manner of such service.

The Board will review any petition for a stay and may grant or deny the stay. If the Board 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 Board makes a final ruling on the case.

Form 1842-1
(September 2006)

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

1. NOTICE OF APPEAL	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).
2. WHERE TO FILE	
NOTICE OF APPEAL.....	U.S. Department of the Interior, Bureau of Land Management Medford District Office 3040 Biddle Road Medford, OR 97504
WITH COPY TO SOLICITOR...	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 600 Portland, OR 97205
3. STATEMENT OF REASONS	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.....	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 600 Portland, OR 97205
4. ADVERSE PARTIES	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).
5. PROOF OF SERVICE	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)).
6. REQUEST FOR STAY	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 must 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. Standards for Obtaining a Stay. 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.

(Form 1842-1, September 2006)