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

CATEGORICAL EXCLUSION DOCUMENTATION

PEAVINE LOOKOUT TOWER PROJECT

DOI- BLM-OR-M070-2014-005-CX

A. Background

BLM Office: Grants Pass Resource Area
Case File No: DOI-BLM-OR-M070-2014-005-CX
Proposed Action Title: Peavine Lookout Tower Project
Location of Proposed Action: S.W. ¼, N.E. ¼, Section 21, Township 34 south, Range 8 west, Willamette Meridian, Josephine County, Oregon.

B. Description of Proposed Action

The Oregon Department of Forestry was issued a perpetual right-of-way in 1989. This Categorical Exclusion would amend the right-of-way authorization OR44665 and allow the erection and maintenance of an 80 foot steel tower with a mounted camera. The former structure was the Peavine lookout tower. The tower was condemned and removed in 2006.

The new tower would be located at the same location as the old Peavine lookout tower. The camera site would occupy the previously disturbed lookout tower site with a footprint that is 20 feet by 20 feet. A cement pad would be constructed to embed the 80 foot steel tower. A chain link fence would be erected around the tower site and would be 25 feet by 25 feet in size. The site would be solar powered with a solar panel and a bank of batteries in a vented steel box within the fenced area. Materials for construction would be driven to the site using existing BLM roads.

C. Need/Rationale of the Proposed Action

Since the loss of the Peavine lookout tower in 2006 there has been very little fire detection and smoke monitoring capabilities in this central area of ODF's 900,000 acres of forest land in the Grants Pass Unit of the Southwest Oregon District. The proposed fire detection site will greatly enhance early detection of wildfires to enable rapid initial attach. It is standard procedure for the BLM to approve amendments of right-of-way authorizations where the activity is consistent with federal state and other laws.

D. Project Design Features

Project Design Features (PDFs) are measures included in the site specific design of the proposal to eliminate or minimize adverse impacts to the human environment. The PDFs described below would be included in the right-of-way grant as terms and conditions:

- All ground disturbing equipment used on BLM lands must be washed prior to entering BLM lands to remove all dirt or vegetation to minimize the risk of spreading noxious weeds and the Port-Orford cedar root disease *Phytophthora lateralis.*

- Hauling equipment would not occur on any hydrologically connected roads when water is flowing in the ditchlines or during conditions that would result in the following; surface displacement such a rutting or ribbons; continuous mud splash or tire slide; fines being pumped through road surfacing from the subgrade and resulting in a layer of surface sludge; road drainage causing a visible increase in stream turbidities, or any condition that would result in water being chronically routed into tire tracks or away from designated road drainage during precipitation events. Hauling would not resume for 72 hours following any storm that results in visible ponding/puddling on road surface or until road surface is sufficiently dry to prevent any of the above conditions from reoccurring.

- If Cultural resources are discovered during project implementation the project would be redesigned to protect the cultural resource values present, or evaluation or mitigation procedures would be implemented based on recommendations from the Resources Area Archaeologist, with input from interested federally recognized Tribes, approved by the Field Manager, and with concurrence for SHPO.

E. Plan Conformance Review

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

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 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.

F. Categorical Exclusion Determination

The proposed action qualifies as a Categorical Exclusion as provided in the United States Department of the Interior Departmental Manual 516 DM 11.9 E (16). This section allows for the "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".

Extraordinary Circumstances Review

Title 43, Section 46.205 (c) of the Code of Federal Regulations (CFR) requires the review of this action to determine is any of the following "extraordinary circumstances" (found at 46 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then an otherwise categorically excluded action would require additional analysis and environmental documentation.

1) *Have significant impacts on public health or safety.*
( ) Yes (X) No

2) *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park recreation or refuge lands, wildness area; wild and 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 (X) No

3) *Have highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*
( ) Yes (X) No

4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
( ) Yes (X) No

5) *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant effects.*
( ) Yes (X) No

6) *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
( ) Yes (X) No

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 (X) No

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.* out of range for all 3 TE plants on Medford Dist BLM
( ) Yes (X) No No BSS/STM species sites RJ 4/8/14

9) *Violate a Federal law, or State, local, or tribal law or requirement imposed for the protection of the environment.*
( ) Yes (X) No

10) *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*
( ) Yes (X) No

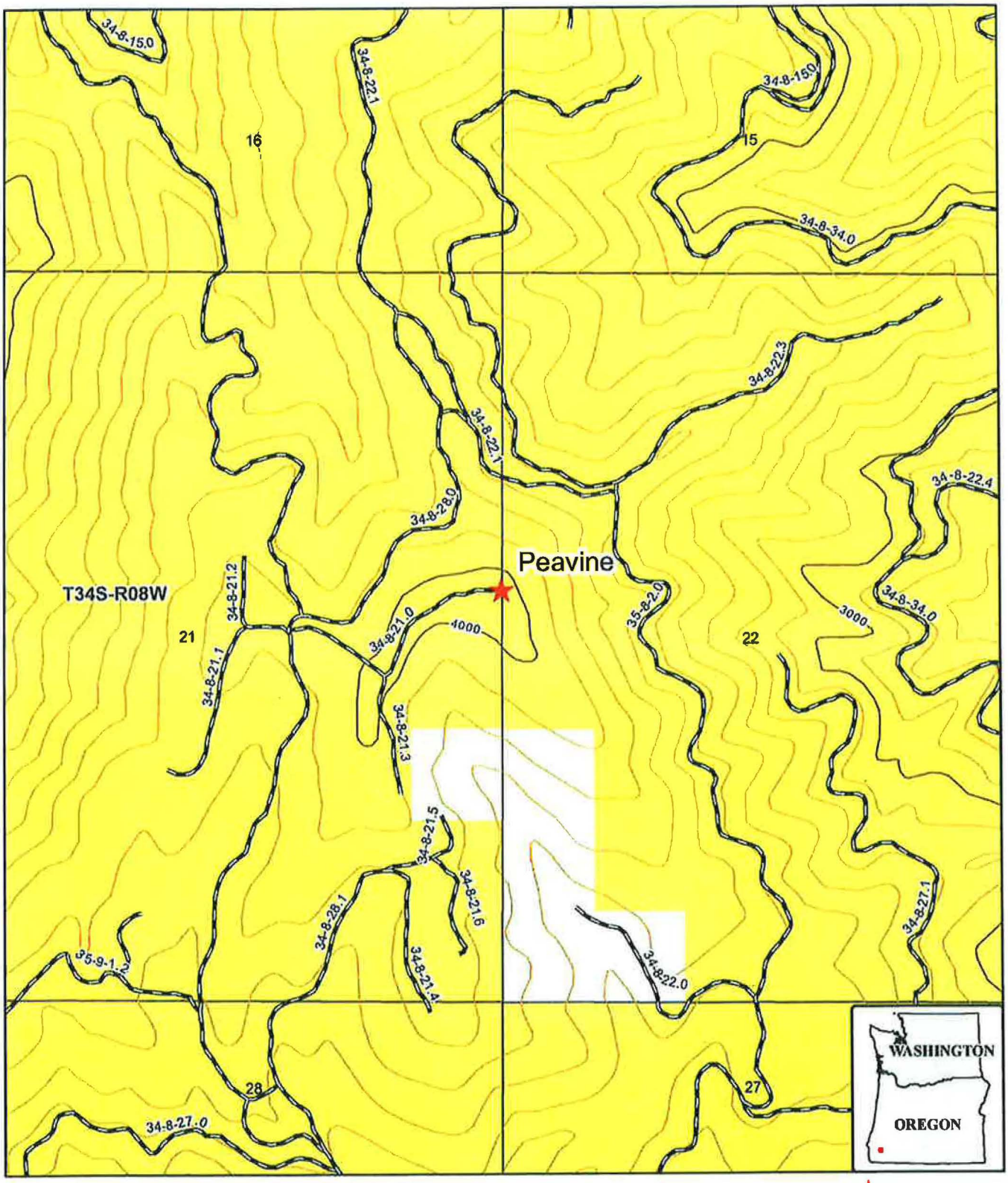
11) *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affects the physical integrity of such sacred sites (Executive Order 13007).*
( ) Yes (X) No

12) *Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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 (X) No

Reviewers:

Fisheries	4/11/14 Date	Wildlife	4/11/14 Date
Botany / Noxious Weeds Coord.	4/8/14 Date	Soils/Hydrology	4/11/14 Date
Cultural Resources	4/17/14 Date	Silviculture/Port-Orford Cedar	4/28/14 Date
Fire/Fuels	4/16/14 Date	Engineering	4/11/14 Date
Planning Coordinator/NEPA	4-17-2014 Date		

Peavine Site Map



Peavine

Bureau of Land Management

County route

Intermediate 100-ft contour

Index 1000-ft contour

Ownership

Bureau of Land Management

U.S. Forest Service

State

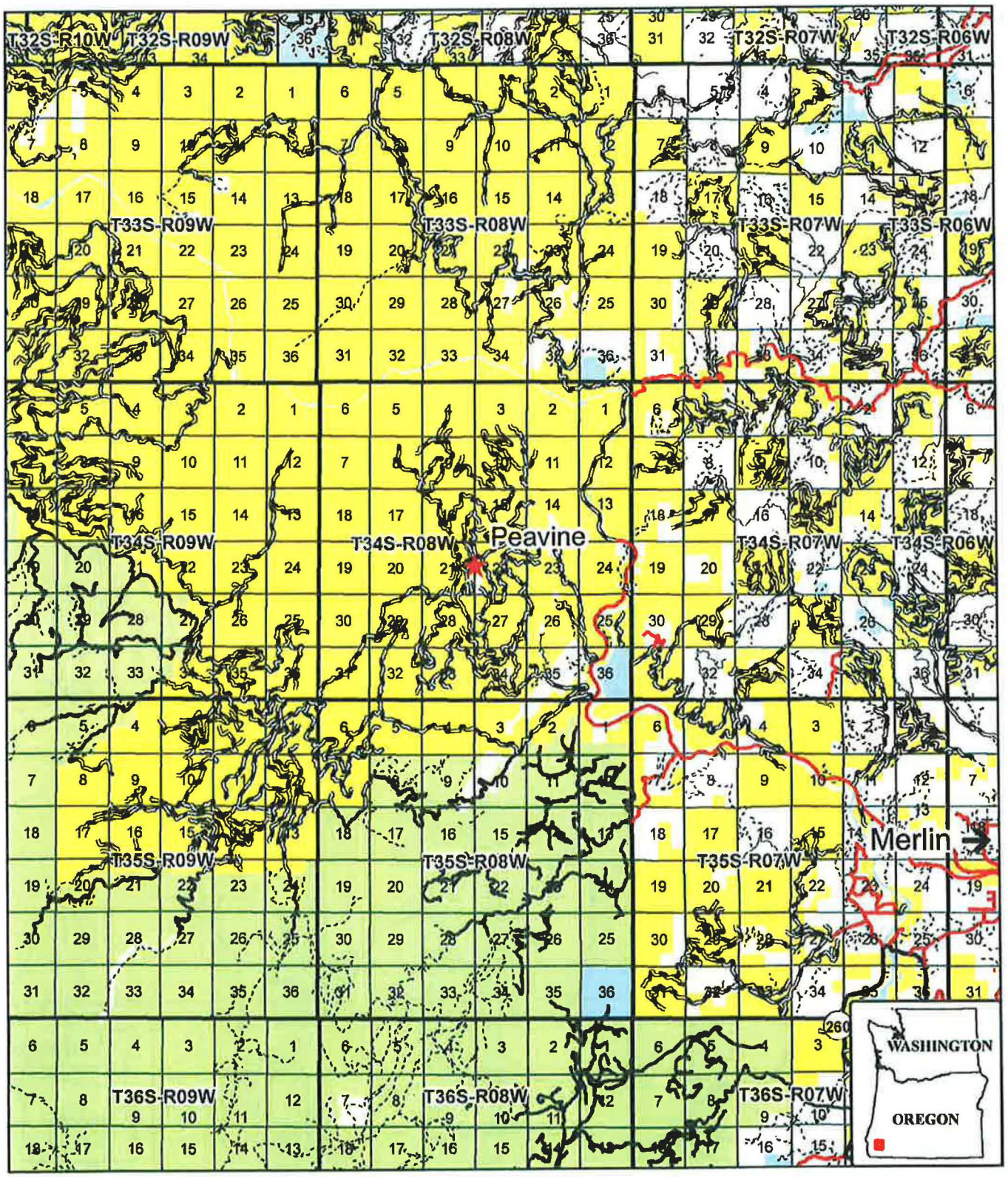
Private Individual or Company

No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of this data for individual or aggregate use with other data

1:12,000

0 0.125 0.25 0.5 Miles

Peavine Vicinity Map



Legend

- Peavine
- Bureau of Land Management
- County route

Ownership

- Bureau of Land Management
- U.S. Forest Service
- State
- Private Individual or Company

No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of this data for individual or aggregate use with other data.

1:165,000

0 1.25 2.5 5 Miles

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CATEGORICAL EXCLUSION DECISION RECORD

PEAVINE LOOKOUT TOWER PROJECT

DOI- BLM-OR-M070-2014-005-CX

Description of Action
The Peavine Lookout Tower Project will amend the right-of-way authorization OR44665 and allow the erection and maintenance of an 80 foot steel tower with a mounted camera. The new tower would be located at the same location as the old Peavine lookout tower. The camera site would occupy the previously disturbed lookout tower site with a footprint that is 20 feet by 20 feet. A cement pad would be constructed to embed the 80 foot steel tower. A chain link fence would be erected around the tower site and would be 25 feet by 25 feet in size. The site would be solar powered with a solar panel and a bank of batteries in a vented steel box within the fenced area. Materials for construction would be driven to the site using existing BLM roads.

Decision and Decision Rationale
Based upon the attached Categorical Exclusion, it is my decision to implement the Proposed Action. The Proposed Action has been reviewed by the Grants Pass Resource Area staff and appropriate Project Design Features, as specified in the attached Categorical Exclusion, 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 environment and no further environmental analysis is required. It is my decision to implement the action as described and approve the amendment of the existing perpetual right-of-way authorization OR 44665 to Oregon Department of Forestry.

Administrative Review
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." (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 (43 CFR § 4.410 (d)).

Effective Date
This is a land decision on a right-of-way application. All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal (43 CFR § 2801.10). Rights-of-Way decisions that

remain in effect pending an appeal are considered "in full force and effective immediately" upon issuance of a decision. The signing of this document will render this decision in effect.

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 cogizable 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 part to the case (43 CFR § 4.410). To appeal a written notice of appeal must be filed with the BLM authorized officer. Appeals must be filed between 7:30 a.m. and 4:30 p.m., not more than 15 days after the signing date. Only signed hardcopies of a notice of appeal that are delivered or mailed to the Grants Pass Resource Area, 2164 Ne Spalding Grants Pass, OR 97526 will be accepted. Faxed or e-mailed appeals will not be considered.

The appellant has the burden of showing that the decision appealed is in error. The appeal must clearly and concisely state which portion of the decision is being appealed and the reason why the decision is believed to be in error. If your notice of appeal does not include a statement of reason, the statement of reason must be filed with this office and with the Interior Board of Land Appeals within 30 days after the notice of appeal was filed.

You have the right to petition the Interior Board of Land Appeals to stay the implementation of the decision. Should you choose to file an appeal your stay request should accompany your notice appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decisions 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 Interior Board of Land Appeals, the Regional Solicitors and the Right-of-Way applicant at the same time such documents are served on the deciding officals at this office. Service must be accomplished within 15 days after filing in order to be in complicnace with appeal regulations at 43 CFR § 4.413(a). You must sign a certification that service has been or will be made in accordaence with the applicable rules (43 CFR § 4.410(c) and 4.413) and specify the date and manner of such service.

The Interior Board of Land Appeals 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 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 Streets, Suite 300
Arlington, Virginia 22203

Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
805 S.W. Broadway, Suite 600
Portland, OR 97205

Oregon Department of Forestry
5375 Monument Drive
Grants Pass, OR 97526

Contact Information
Allen Bollschweiler, Field Manager, Grants Pass Resource Area
Grants Pass Interagency Office
2164 NE Spalding
Grants Pass, OR 97526

Or Leah Schofield, Grants Pass Planning and Environmental Coordinator, (541) 471-6504

Implementation Date

If no protest is received by the close of business (4:30 P.M.) within 15 days after publication of this decision on the Medford District Bureau of Land Management website at http://www.blm.gov/or/districts/medford/index.php, this decision would become final and may be implemented immediately. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued which will be implemented in accordance with regulation.

5/16/14

Allen Bollschweiler
Field Manager
Grants Pass Resource Area

Date

Port Orford Cedar Risk Key Analysis for Peavine Lookout Tower Project

(Risk Key is from Alternative 2 of the FSEIS for Management of Port Orford Cedar in Southwest Oregon, and the Record of Decision)

QUESTION		DOI- BLM-OR-M070-2014-005-CX						
1a.	Are there uninfected POC within, near[1], or downstream of the activity area whose ecological, Tribal, or product use or function measureably contributes to meeting land and resource management plan objectives?	N						
1b.	Are there uninfected POC within, near[1], or downstream of the activity area that, were they to become infected, would likely spread infections to trees whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?	N						
1c.	Is the activity area within an uninfested 7th field watershed[2] as defined in Alternative 6	Y						
			If the answer to all three questions, 1a, 1b, and 1c, is no, then risk is low and no POC management practices would be required.					
	If the answer to any of the three questions is yes, continue.							
2.	Will the proposed project introduce appreciable additional risk[3] of infection to these uninfected POC?	Y						
			If no, then risk is low and no POC management practices are required.					
			****Management Practices by Road/Road System**					
	If yes, apply management practices from the list below [within FSEIS] to reduce the risk to the point it is no longer appreciable, or meet the disease control objectives by other means, such as redesigning the project so that uninfected POC are no longer near or downstream of the activity area. If the risk cannot be reduced to the point it is no longer appreciable through practicable and cost-effective treatments or design changes, the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project.	T34S-R8W-Sec. 21 Mitigation measures: 1 and or 11						

1 - In questions 1a and 1b, "near" generally means within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routs; farther for drainage features; 100 to 200 feet in streams.

2 - Uninfested 7th field watersheds are listed on Table A12-2 [*of FSEIS*] as those with at least 100 acres of POC stands, are at least 50% federal ownership, and are free of PL except within the lowermost 2 acres of the drainage.

3 - Appreciable additional risk does not mean "any risk." It means that a reasonable person would recognize risk, additional to existing uncontrollable risk, to believe mitigation is warranted and would make a cost-effective or important difference (see Risk Key Definitions and Examples for further discussion.)

*Activites within these sections should incorporate management activities regardless of POC occurrence within the individual stand due to access routes containing POC

**Management practices: 1) project scheduling, 2) utilize uninfested water, 3) unit scheduling, 4) access, 5) public information, 6) fuels management, 7) incorporate POC objectives inot prescribed fire plans, 8) routing recreation us, 9) road management measures, 10) resistant POC planting, 11) washing project equipment, 12) logging systems, 13) spacing objectives for POC thinning, 14) non-POC special forest products, 15) summer rain events, 16) roadside sanitation, and 17) site-specific POC management