

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
ASHLAND RESOURCE AREA

**Categorical Exclusion Determination and Decision Record for the Issuance of an O&C Logging Road Right-of-Way Permit No. M-5010 (OR 065252)  
CE-OR-116-08-25**

**Location:** T.38S, R.3E, Sections 25 SWSE, SESW, Medford District, Ashland Resource Area, Jackson County, Oregon, W.M. (see Attachment 1).

**Contact Person**

For additional information concerning this project in Jackson County, contact Tanya Dent, Roads and Right-of-Way Specialist, at (541) 618-2200.

**DESCRIPTION OF PROPOSED ACTION**

The proposed action is the issuance of an O&C Logging Road Right-of-Way Permit to a private land owner under the provisions of 43 CFR Subpart 2812, and P.L. 94-579; 90 Stat 2743. This has been designated as Permit No. M-5010 (OR 065252). The requested period of use is for one year, with the possibility of one year extensions at the discretion of the Authorized Officer. The permit will allow for commercial hauling of approximately 30 mbf of private timber over existing BLM road No. 38-3E-25.4. The length of road to be utilized is about 0.05 mile and is surfaced. Utilization of this road would not involve any ground disturbing actions on BLM lands. The permit would not be a determining factor as to whether ground disturbing actions would occur on private lands.

**Project Design Features**

- (1) Hauling will be allowed May 15 to November 15 on adequately surfaced roads; roads with at least six inches of pitrun rock or eight inches of  $\frac{3}{4}$  minus rock. Some variations in these dates may be approved by the BLM dependent upon weather and soil moisture conditions of the roads.
- (2) Hauling on inadequately surfaced roads would be limited to the dry season generally June 15 to October 15.
- (3) Winter hauling would be allowed when at least 4 inches of packed frozen snow is present on the hauling road.

**PLAN CONFORMANCE REVIEW**

The proposed action is in compliance with and is tiered to the *Medford District Record of Decision and Resource Management Plan (RMP)* as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007). 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). 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).

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.

This proposal 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 REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (16). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2 apply. The proposed action will:

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

Yes     No

Remarks:

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:

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

Yes     No

Remarks:

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

Yes     No

Remarks:

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

Yes     No

Remarks:

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

Yes     No

Remarks:

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:

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     Remarks:

Animals    Yes     No     Remarks:

Fish        Yes     No     Remarks:

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

Yes No

Remarks:

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

Yes No

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

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

Remarks:

#### **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. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9, E (16).

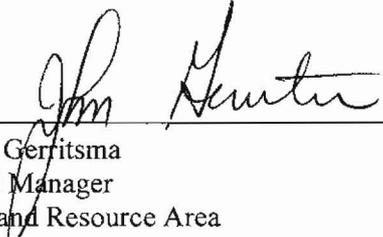
**Prepared by:** Tanya Dent, Road Right-of-Way Specialist, March 2008.

**Reviewed and Edited by:** Kristi Mastrofina, Environmental Coordinator on 3/22/08

**DECISION & RATIONALE**

It is my decision to approve the O&C Logging Road Right-of-Way, Permit No. M-5010 (OR 065252), as described in the Proposed Action above.

The proposed action has been reviewed by the Ashland Resource Area staff and required Project Design Features, as specified above, will be incorporated into the proposal. Based on the 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.

  
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John Gerritsma  
Field Manager  
Ashland Resource Area

5/1/08  
Date

**EFFECTIVE DATE OF DECISION**

This is a lands decision on a right-of-way action in accordance with BLM regulations under 43 CFR Part 2812. All BLM decisions under 43 CFR 2812 will become effective on the day after the expiration of the appeal period (30 days after this decision is signed) 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).