

Categorical Exclusion Review and Decision Record

DOI-BLM-OR-M050-2011-0007-CX

Project Name: O&C Logging Road Right-of-Way Permit No. M-5040 (OR066650)

BLM Office: Butte Falls Resource Area, Medford District Office

Contact: Dave Allen, Project Leader, 541-618-2472

Location: The haul route and affected roads are located on BLM-administered lands in T. 33 S., R. 1 W., sections 29 and 30, Willamette Meridian, Jackson County, Oregon (Map 1).

Proposed Action

The Medford District Bureau of Land Management, Butte Falls Resource Area (BLM) proposes to authorize 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. The permit is designated as Permit Number M-5040 (OR066650). The requested period of use is for three years, with possible one-year extensions at the discretion of the Authorized Officer. The permit will allow commercial hauling of approximately 300 thousand board feet (MBF) of private timber over 1.38 miles of existing BLM roads. Use 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.

Table 1 identifies the BLM roads to be used, estimated timber volumes to be hauled over each road, and anticipated haul periods.

Table 1. BLM Roads to be Used under Permit Number M-5040

BLM Road and Segment Number	Segment Length (miles)	Length to be Used (miles)	Surface Type	Haul Period	Estimated Timber Volume to be Hauled (MBF)	Estimated Mineral Volume to be Hauled (CY)
33-1-29.1A	0.33	0.33	ASC*	5/15-10/15	300	0
33-1-29.2A, B	1.05	1.05	ASC	5/15-10/15	300	0

*ASC-Aggregate Surface Coarse

Project Design Features

The Permittee agrees to comply with the following environmental and safety stipulations as required project design features:

- The Permittee shall discontinue hauling under this permit upon written notice of the Authorized Officer that such operations are causing damage to the existing facilities.
- The Permittee shall be responsible for maintenance of the BLM roads used under this permit.

- The Permittee shall limit use of the roads under this permit to dry weather, generally from May 15 to October 15. This restriction could be waived by the Authorized Officer, in consultation with BLM resource specialists, under dry conditions.

Plan Conformance

The proposed action is in conformance with the *1995 Medford District Record of Decision and Resource Management Plan (RMP)*, as amended, and is consistent with the RMP objective to “*Continue to make BLM-administered lands available for needed rights-of-way . . .*” (RMP, p. 82). The proposed action is also in conformance with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

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.

Categorical Exclusion Determination

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) as provided in Departmental Manual 516 DM 11.9 E (16). This section allows for “. . . *issuance of leases, permits, or right-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.*”

NEPA Categorical Exclusion Review**Proposed Action:**

Authorize issuance of O&C logging road right-of-way permit number M-5040 (OR066650) to a private landowner for three years with possible one-year extensions. The permit would allow the private landowner to haul about 300 MBF of private timber over the 1.38 miles of BLM roads listed in Table 1.

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 RW 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 RW 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 RW Remarks:

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

Yes No

Initial RW 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 RW Remarks:

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

Yes No

Initial SLS 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 AB 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:

Animals Yes No

Initial DR Remarks:

Fish Yes No

Initial DR 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 RW Remarks:

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

Yes No

Initial RW 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 RW 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 Remarks:

Categorical Exclusion Reviewers

Name	Title	Date	Initials
Robyn Wicks	NEPA Coordinator	4/5/11	RW
Marcia Wineteer	Botanist	3/31/11	mw
Dave Roelofs	Wildlife Biologist	3/28/11	DR.
Dale Johnson	Fish Biologist	3/31/11	DJ
Shawn Simpson	Hydrologist	4/5/11	SS
Ken Van Etten	Soil Scientist	4/5/11	XBL
Al Mason	Fire/Fuels Specialist	3/29/11	AM
Lisa Brennan	Archaeologist	3/29/11	LB
Randy Bryan	Engineer	3/29/11	RRB
Trish Lindaman	Outdoor Recreation Planner	3/28/11	TL

Decision

It is my decision to authorize the issuance of O&C Logging Road Right-of-Way Permit Number M-5040 (OR066650) to the private land owner, as described in the Proposed Action.

Decision Rationale

The proposed action has been reviewed by Butte Falls Resource Area staff and appropriate 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.



Jon K. Raby
Field Manager
Butte Falls Resource Area

4/8/11

Date

Administrative Review or Appeal Opportunities

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the Medford District Web site. 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).

Map 1. Roads proposed for O&C ROW permit number M-5040.

T. 33 S., R. 1 W.

