

## Categorical Exclusion Determination and Decision Record for Brumble Trespass Rehabilitation DOI-BLM-OR-M050-2009-0023-CX

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### Description of Proposed Action

In December 2005, the Bureau of Land Management (BLM) discovered a trespass approximately 4 miles north of the town of Rogue River. An adjacent landowner (using a bulldozer) built an unauthorized, full bench road approximately 1.25 miles long and averaging 15 feet wide on BLM-administered lands. The road began and ended on the private property; no other motor vehicle access exists.



The BLM proposes to pull all soil, rock, and vegetative debris back onto the road surface. The road surface would be recontoured and water bars would be constructed. All disturbed surfaces would be seeded and mulched with native grass seed and weed-free mulch. Equipment would operate only on previously disturbed ground.

Project is located in the west half of the southeast half of section 28, Township 35 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

### Plan Conformance Review

The Bureau of Land Management did not scope this proposal and the public was not involved in its development. This proposal is consistent with policy directed by the following:

- *Final Environmental Impact Statement for the Revision of the Resource Management Plans of the western Oregon Bureau of Land Management and Record of Decision and Resource Management Plan for the Medford District* (EIS, 2008 and ROD/RMP, 2008);
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Final-Northwest Area Noxious Weed Control Program Environmental Impact Statement* (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, 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 Resource Management Plan that directs the BLM to:

Riparian Management Area: Maintain and restore water quality (USDI 2008, p. 36)

Botany-Invasive Plants: Avoid the introduction of invasive plants and the spread of existing invasive plant infestations on BLM-administered lands (USDI 2008, p. 43)

Soils: Provide for long-term soil productivity (USDI 2008, p. 61)

Water: Maintain and restore water quality (USDI 2008, p. 63)

Wildlife: Provide for the conservation of BLM special status species (USDI 2008, p. 63)

### **Project Design Features**

1. Motorized vehicles will work on previously disturbed areas only.
2. Motorized vehicles will be washed to remove noxious weed seeds and plant parts prior to driving onto the rehabilitation area.
3. Displaced soil, rock, and vegetative material will be pulled back onto the road surface.
4. Draws, ravines, and ridges will be recontoured to the natural topography.
5. Waterbars will be constructed with spacing appropriate to the slopes.
6. Disturbed areas will be seeded with native grass seed and mulched with weed-free straw mulch.
7. Work will be active only when the soil scientist has determined the soil moisture is appropriate.
8. No rehabilitation work will be done within 50 feet of the stream crossing at the southern end of the trespass.
9. Obstacles will be placed to prevent future motor vehicle use.
10. Equipment will access the site via the adjacent landowner's driveway; no new access will be constructed.

### **Categorical Exclusion Determination**

This proposed action qualifies as a categorical exclusion as provided in 43 CFR section 46.210(f). This section allows for "Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects)."

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

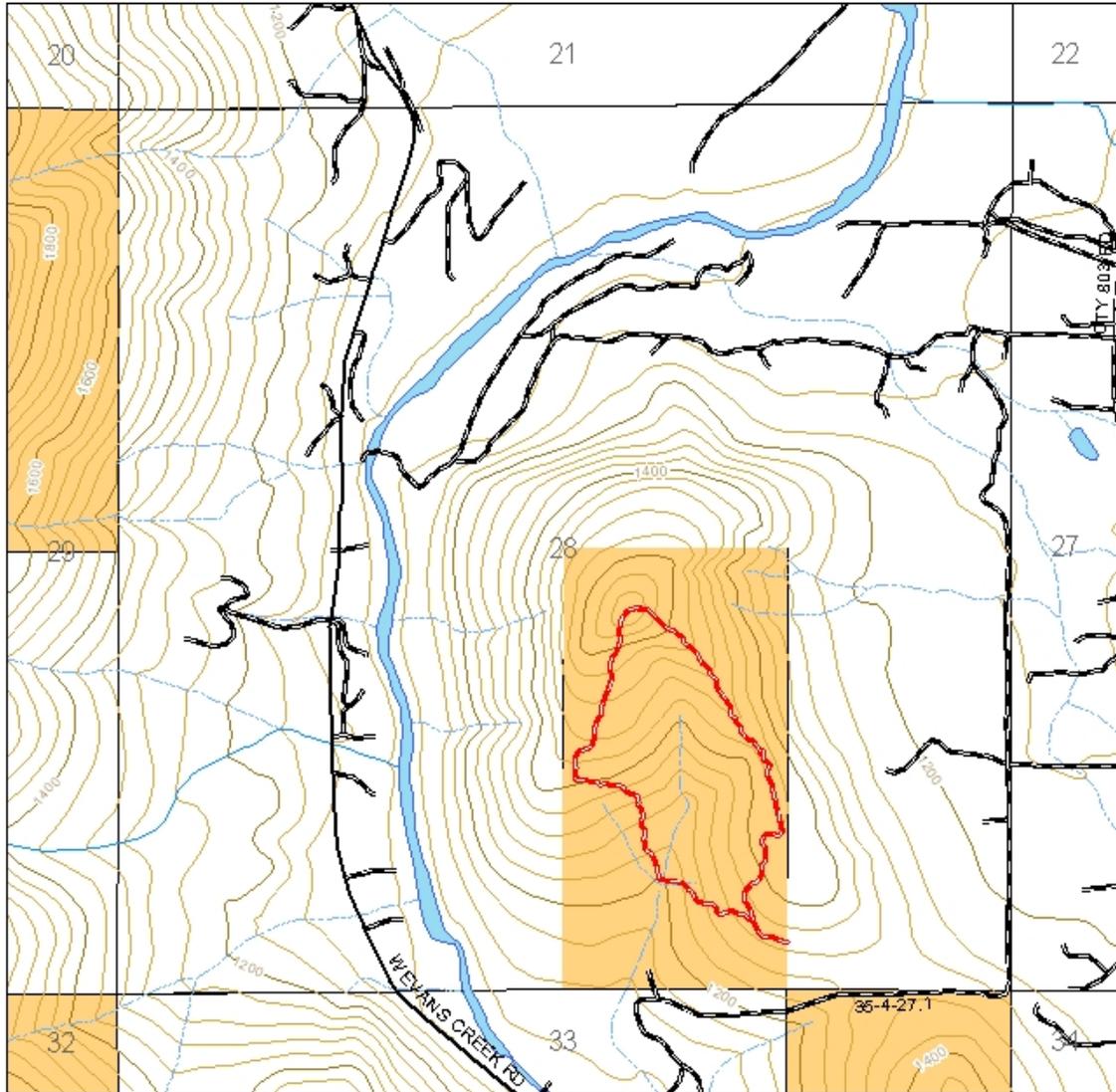
exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

**Contact Person**

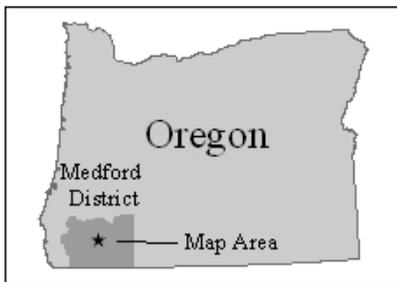
For additional information concerning this project, contact David Orban, Project Leader, at (541) 618-2368.

# Brumble Trespass

## T 35S - R 4W Section 28



- - - Trespass Road    Perennial Stream    Intermediate 40-ft contour    BLM-administered Land
- Road    Intermittent Stream    Index 200-ft contour    Private



1:12,000  
Date: 2/2006

United States Department of the Interior  
Bureau of Land Management  
Medford District Office  
3040 Biddle Road  
Medford, OR 97504



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**Map 2: Section Map**

### NEPA Categorical Exclusion Review

#### Proposed Action:

Rehabilitate an area disturbed by the construction of an unauthorized road.

The Code of Federal Regulations at 43 CFR 46.205(c) provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

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

Yes  No

Initial QW 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 AS 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 QW Remarks:

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

Yes  No

Initial QW 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 QW Remarks:

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

Yes  No

Initial SS 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 AS Remarks: CRM Report OR110-09-40

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: *area has been surveyed - no T&E or sensitive plants*

Animals  Yes  No

Initial DR

Remarks:

Fish  Yes  No

Initial LK

Remarks: *Coho very far downstream*

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

Yes  No

Initial [Signature] Remarks:

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

Yes  No

Initial [Signature] 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 [Signature] 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

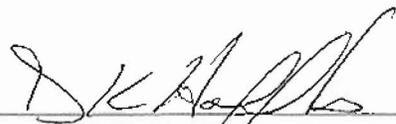
Initial mw Remarks: *not with implementation of PDFs*

## Decision

It is my decision to complete the rehabilitation of this unauthorized road construction, 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.



Donald K. Hoffheins  
Field Manager  
Butte Falls Resource Area

5/5/09  
Date

## Administrative Review or Appeal Opportunities

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

**Categorical Exclusion Reviewers:**

Name	Title	Date	Initials
Jean Williams	NEPA Coordinator	3/27/09	JW
Marcia Wineteer	Botanist	3/12/09	mw
Dave Roelofs	Wildlife Biologist	3/10/09	DR
Steve Liebhardt	Fisheries Biologist	3/12/09	SL
Shawn Simpson	Hydrologist	3/13/09	SS
Ken Van Etten	Soil Scientist	3/18/09	KDV
Alan Mason	Fire/Fuels Specialist	3/9/09	AM
Ann Ramage	Archaeologist	4/24/09	<del>AR</del>
Randy Bryan	Engineer	3/10/09	RRB
Trish Lindaman	Outdoor Recreation Planner	3-13-09	TL