

## **Categorical Exclusion Determination and Decision Record for Antioch Trespass Rehabilitation DOI-BLM-OR-M050-2010-0009-CX**

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### **Introduction**

A private property owner in the Antioch Road area trespassed onto adjacent BLM (Bureau of Land Management) -administered land. During the trespass, the landowner used a bulldozer to clear two acres of land down to bare soil. The landowner bulldozed brush and small diameter trees and piled the debris in a stream channel. In addition, the landowner constructed 700 feet of benched, natural surface road adjacent to an intermittent stream, constructed 400 feet of benched, rocked road, and installed a septic tank and drain field.

### **Description of Proposed Action**

The BLM proposes the following rehabilitation activities:

- Seed 1.5 acres of scarified land with grass seed;
- Remove debris from the stream channel;
- Rip on contour the 400 feet of benched, rocked road and seed with native grass;
- Pull back the fill slope on the 700 feet of benched, natural surface skid road, rip the surface, and seed and mulch;
- Remove the septic tank; and
- Reestablish the *Fritillaria gentneri* population.

The proposed project is located within the Rogue River-Gold Hill 5<sup>th</sup> field watershed in the Butte Falls Resource Area, Medford District BLM (see map). The proposed project would occur in the NE¼, SE¼, NW¼ of section 34, Township 34 South, Range 2 West.

### **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 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 1995 ROD/RMP that directs the BLM to “Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations” (ROD/RMP, p. 22), “Maintain and restore the sediment regime under which aquatic ecosystems evolved” (ROD/RMO, p. 22), and “Protect and conserve Federal listed and proposed species, and manage their habitats to achieve their recovery . . .” (ROD/RMP, p. 50).

## **Project Design Features**

Project design features are an integral part of the proposed action and have been developed to avoid or reduce the potential for adverse impacts to resources. The following project design features are included in this project:

1. Clean all equipment prior to arrival on site to minimize the introduction of noxious weeds.
2. Refuel and maintain equipment outside of riparian reserves and locate fueling areas so accidental spills will be contained and will not drain into the stream system.
3. Weed free straw/mulch will be used and provided by the government.
4. Material staging and disposal sites for excess material will be preapproved.
5. Use appropriate traffic control signs and devices for public safety while work is in progress.
6. Stop work and notify the BLM within 12 hours if an archaeological site is discovered during the project.
7. No ripping or re-contouring is permitted when soil moisture content at six (6) inch depth exceeds twenty-five (25) percent by weight as determined by the oven-dry method.
8. Roads will be ripped to a depth of eighteen (18) inches utilizing winged tooth rippers.
9. Obstacles will be placed to prevent future motor vehicle use.

## **Categorical Exclusion Determination**

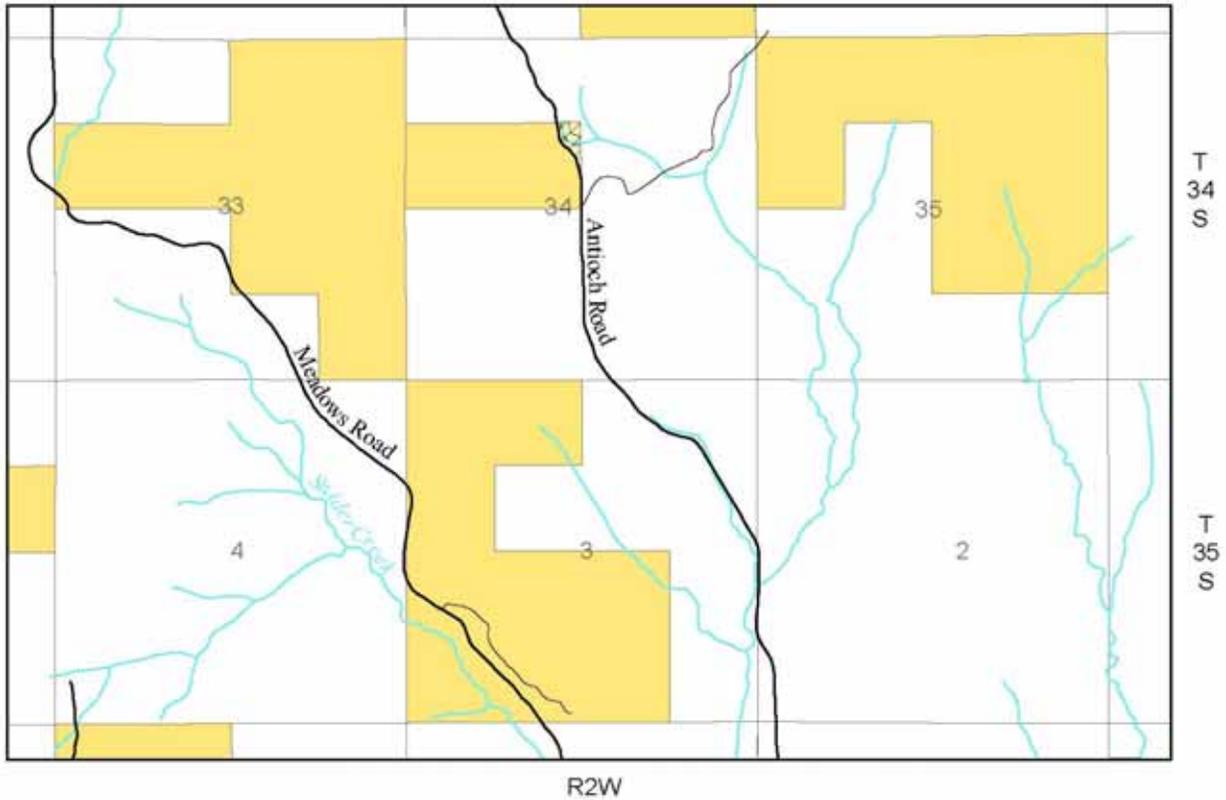
This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 2, Appendix 1 (1.7). This section allows for routine and continuing government business, including such things as supervision, administration, operations, maintenance, 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 Dave Orban, Project Leader, at (541) 618-2368.

# Antioch Road Trespass



- BLM-administered Land
- Road
- Stream
- Project Area
- Rocked Road
- Dirt Road



US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Butte Falls Resource Area  
Medford District  
Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

### NEPA Categorical Exclusion Review

#### Proposed Action:

The BLM proposes to restore a 1.5 acre trespass by ripping, re-contouring, mulching, seeding, removal of a septic tank and reestablishing a *Fritillaria gentneri* population as described above.

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 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 RJA 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: *survey completed - restoration will have positive impact on T&E population and habitat*

Animals  Yes  No

Initial DR

Remarks:

Fish  Yes  No

Initial AS

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 JW 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 *with PDFs*

Initial mw Remarks:

## Decision

It is my decision to restore the 1.5 acre trespass 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

5/5/10  
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	5/5/10	JW
Marcia Wineteer	Botanist	4/29/10	mw
Dave Roelofs	Wildlife Biologist	4/9/10	D.R.
Angela San Filippo	Fisheries Technician	4/12/10	AS
Shawn Simpson	Hydrologist	4/13/10	SLS
Ken Van Etten	Soil Scientist	4/12/10	KBU
Al Mason	Fire/Fuels Specialist	4/12/10	Apm
Ron Gregory	Archaeologist	5/5/10	R24
Randy Bryan	Engineer	4/21/10	RRB
Trish Lindaman	Outdoor Recreation Planner	4/9/10	TL