

# Categorical Exclusion Determination and Decision Record for the Roadside Blowdown Salvage Project

DOI-BLM-OR-M050-2015-006-CX

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## A. Background

**BLM Office:** Butte Falls Resource Area

**Document Number:** DOI-BLM-OR-M050-2015-006-CX

**Proposed Action:** Roadside Blowdown Salvage

**Location of Proposed Action:** The project is located in the Big Butte Creek fifth field watershed in Township 34 South, Range 3 East, Section 29 and the Little Butte Creek fifth field watershed in Township 36 South, Range 3 East, Section 29 Willamette Meridian, Jackson County, Oregon.

### **Proposed Action:**

On February 6, 2015 a wind storm blew over a large number of trees scattered throughout the east side of the Butte Falls Resource Area. The Butte Falls Resource Area, Medford District Bureau of Land Management (BLM) is proposing to salvage harvest 23 blown down trees and 2 standing dead hazard trees in the Project Area (see Maps).

Salvage harvest would recover the economic value of trees blown down during the wind storm and eliminate the safety hazards presented by trees lying in roads and leaning over roads, and dead standing trees along BLM road #36-3E-29.

Trees proposed for salvage are currently blocking roads, leaning over roads, or touching the road. Trees would be collected with a self-loading log truck; no vehicles would leave the road surface. Logging residue would be lopped and scattered. Timber hauling may occur during dry conditions in the wet season on rocked roads. No temporary or permanent roads would be constructed.

A total of 7 blown down trees would be removed in the Big Butte Creek watershed along BLM road # 34-3E-29.5. Another 16 blown down trees and 2 dead standing hazard trees would be removed in the Little Butte Creek watershed along BLM road #s 36-3E-29, 36-3E-29.1, and 36-3E-29.5. The trees in the Little Butte Creek watershed are also located within the South Fork/North Fork Little Butte Creek Tier 1 Key Watershed. The Medford District Record of Decision and Resource Management Plan (ROD/RMP, p. 76) allows limited harvest within Tier 1 Key Watersheds.

### **Project Design Features**

The following project design features are included in the site-specific design of the proposal to eliminate or minimize adverse impacts on the human environment. These project design features are a compilation of resource protection measures identified by the BLM's Interdisciplinary Team, Best Management Practices identified in the Medford District Resource Management Plan (RMP), and Best Management Practices incorporated into the 1995 RMP through an RMP plan maintenance action in 2012.

- Suspend project-related activities if conditions develop that cause a potential for sediment-laden runoff to enter a wetland, floodplain, or waters of the state.
- Do not allow motorized vehicles to leave the road surface.
- Remove salvaged trees using a self-loading log truck.
- Do not haul timber on hydrologically connected, natural surface or rocked roads when water is flowing in the ditch lines, or during conditions that would result in any of the following: surface displacement such as 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 results in water being chronically routed into tire tracks or away from designed road drainage during precipitation events.
- Inspect and maintain culvert inlets and outlets, drainage structures, and ditches.
- Lop and scatter logging residue.
- Ensure hydraulic fluid and fuel lines on heavy mechanized equipment are in working condition to minimize potential for leakage into streams. Do not refuel heavy equipment within 190 feet of streams or stream crossings. Absorbent materials are required to be on site to allow for immediate containment of any accidental spills.
- Refuel chainsaws and heavy equipment at least 190 feet from streams or wet areas. If a spill does occur, hazardous materials will be removed from the site and disposed of at an approved disposal site.
- Retain a total of 4 snags per acre 16 inches in diameter at breast height or greater.
- Retain existing coarse woody debris.
- Seasonally restrict salvage harvest activities from March 1 to September 30 according to the northern spotted owl buffer distances in Table 1. The seasonal restriction will be waived if nonnesting is determined. If new northern spotted owls are discovered in harvest units following the sale date, activities will be halted until mitigation options are determined.

<b>Activity</b>	<b>Buffer Distance</b>
Heavy equipment (including nonblasting quarry operations)	105 feet
Chain saws	195 feet
Commercial timber harvest	0.25 mile
Prescribed fire/Activity fuel burning	0.25 mile

- If, during project implementation, the contractor encounters or becomes aware of any objects or sites of cultural value on Federal lands, such as historical or pre-historical ruins, graves, grave markers, fossils, or artifacts, the contractor shall immediately suspend

all operations in the vicinity of the cultural value and notify the Contract Officer Representative so the site can be evaluated by a BLM archaeologist.

## **B. Land Use Plan Conformance**

**Land Use Plan:** Medford District Record of Decision and Resource Management Plan. Approved June 1995.

The proposed action is in conformance with the Medford District RMP (p. 72) because it is specifically provided for in the following RMP objective: Provide for salvage harvest of timber killed or damaged by events such as wildfire, windstorms, insects, or disease, consistent with management objectives for other resources.

This project is consistent with the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Stands and Guidelines*, as incorporated into the Medford District RMP. This project uses the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*, 468 F3d 549 (9<sup>th</sup> Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 Standards and Guidelines, which makes the species Category C throughout its range.

## **C. Compliance with NEPA**

This proposed action qualifies as a categorical exclusion in accordance with 516 DM 11.9 C(2) as follows:

*Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following review.

**D. Categorical Exclusion Review**

The BLM has reviewed the proposed action and none of the extraordinary circumstances described in 43 CFR § 46.215 rise to the level of significance. A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

The proposed Categorical Exclusion action will:	YES	NO
<b>2.1 Have significant impacts on public health or safety.</b>		X
<b>Rationale:</b> Salvage operations will follow Occupational Safety and Health Administration standards designed to prevent job-related illness or injuries. Salvage will remove or fell trees that currently represent a hazard to workers and the public.	<b>Initials</b> RW	
<b>2.2 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.</b>		X
<b>Rationale:</b> This project was designed to avoid the natural resources and unique geographic areas listed above. The tree salvage sites are not located in park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; floodplains; national monuments; and ecologically significant or critical areas. The BLM conducted appropriate cultural resource surveys in accordance with the current protocol.	<b>Initials</b> RW	
<b>2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</b>		X
<b>Rationale:</b> The project’s interdisciplinary team of resource specialists reviewed the project and did not identify any highly controversial effects or unresolved conflicts concerning this project.	<b>Initials</b> RW	
<b>2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>		X
<b>Rationale:</b> The BLM interdisciplinary team of resource specialists reviewed the project and determined there is no threat of significant environmental effects or unique or unknown environmental risks.	<b>Initials</b> RW	

The proposed Categorical Exclusion action will:		YES	NO
<b>2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</b>			X
<b>Rationale:</b> Salvage operations have occurred on the Medford District in the past and are likely to occur in the future. Each project contains its own set of conditions that must be evaluated on its own merit, as the BLM has done with this project. Land use allocations and environmental conditions, such as remaining vegetation, slopes, soils, and streams, are unique to each project and must be considered anew as each opportunity for salvage occurs. This action does not represent a decision in principle about the future actions with potentially significant effects.		<b>Initials</b>  RW	
<b>2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</b>			SLS
<b>Rationale:</b> The proposed salvage in T34S, R3E, section 29 are located within the Project Area for the proposed Big Butte Creek Forest Management project. It is currently being analyzed in an environmental assessment. This project would remove 7 blown down trees on roads near proposed small diameter thinning units in the Big Butte Creek project. The removal of 7 blown down trees would not cumulatively cause environmental effects to become significant.		<b>Initials</b>	
<b>2.7 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.</b>			JR
<b>Rationale:</b> There would be no significant impacts to properties listed, or eligible for listing, on the National Register of Historic Places. No National Register Listed sites, or sites eligible for listing, were identified in areas of potential effect during archaeological surveys or extensive background research.		<b>Initials</b>	
<b>2.8 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.</b>	Plants		mw
	Wildlife		DR
	Fish		X
<b>Rationale:</b> <i>Outside the range of T&amp;E plants. Low risk of impacts to Special Status plants because vehicles would stay on roads.</i>		<b>Initials</b>	
<b>Plants:</b> <del>Required plant surveys have been completed. No sites would be disturbed by the salvage of the identified trees.</del>		Plants	mw
<b>Wildlife:</b> Salvage of 25 individual dead or down trees would not change the function of northern spotted owl habitat and project		Wildlife	DR

<b>The proposed Categorical Exclusion action will:</b>		<b>YES</b>	<b>NO</b>
<p>design features provide for seasonal restrictions if owls are found to be nesting in a known northern spotted owl site.</p> <p><b>Fish:</b> No trees would be salvaged near streams containing Southern Oregon/Northern California Coastal Coho critical habitat or essential fish habitat.</p>	<b>Fish</b>		<p>X AJD 3/23/15</p>
<b>2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</b>			X
<p><b>Rationale:</b> The BLM’s interdisciplinary team for the Roadside Blowdown Salvage Project reviewed the project to ensure compliance with applicable laws including the Federal Land Policy and Management Act, Endangered Species Act, Clean Water Act, National Environmental Policy Act, Clean Air Act, National Historic Preservation Act, and Archaeological Resources Protection Act, among others. The resource specialists found the project conforms to the direction given for the management of public lands in the Medford District RMP, which complies with all applicable Federal and State law.</p>		<b>Initials</b>	
		RW	
<b>2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b>			X
<p><b>Rationale:</b> Based on past projects in the Butte Falls Resource Area, the project would provide job opportunities for communities in the southern Oregon region. The project would not have a disproportionately high or adverse effect to low income or minority populations.</p>		<b>Initials</b>	
		RW	
<b>2.11 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).</b>			X
<p><b>Rationale:</b> The removal of scattered trees from along or within roads would not limit access to or use of Indian sacred sites. The project archaeologist conducted a cultural survey for this project and no such sites were identified that could be affected by this project.</p>		<b>Initials</b>	
		RW	

<b>2.12 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).</b>		X
<b>Rationale:</b> The ongoing treatment of noxious weeds in the project area would reduce the risk of introduction or spread of noxious weeds. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds and invasive species. Vehicles accessing the project area would stay on existing roads (no additional permanent or temporary roads are proposed), reducing the potential for picking up and dispersing noxious weeds or seed.	<b>Initials</b>	<i>mw</i>

**E. Categorical Exclusion Reviewers:**

Name	Title	Date	Initials
Robyn Wicks	Natural Resource Specialist	3/26/15	RW
Marcia Wineteer	Botanist	3/26/15	mw
Dave Roelofs	Wildlife Biologist	3/23/15	D.R.
Aaron Donnell	Fisheries Biologist	3/23/15	ADD
Shawn Simpson	Hydrologist	3/20/15	SLS
Amy Meredith	Soil Scientist	3/23/15	ACM
Al Mason	Fire/Fuels Specialist	3/23/15	APM
Lisa Rice	Archaeologist	3/26/15	LR

**F. Decision and Rationale**

BLM staff (listed in section E) has reviewed this project for potential impacts and provided project design features that will be incorporated into this proposal. I have considered the Roadside Blowdown Salvage project and the required project design features listed in this categorical exclusion documentation in section A. Based on the categorical exclusion review documented in section D, I have determined the proposed action represents no significant impact to the human environment and no further analysis is required.

Therefore, it is my decision to authorize implementation of the Roadside Blowdown Salvage project. This project will salvage harvest a total of 25 windblown and hazard trees on 2 acres of land located in Township 34 South, Range 3 East, section 29 and Township 36 South, Range 3 East, section 29 Willamette Meridian, Jackson County, Oregon.

  
C.D. Johnson  
Acting Field Manager  
Butte Falls Resource Area

3/27/15  
Date

## **G. Administrative Remedy**

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003—Administrative Remedies. Under 43 CFR 5003.2 (a and c), the effective date of this decision will be the publication of the Notice of Decision in the local newspaper. Protests of a decision may be filed with the Butte Falls Resource Area Field Manager (Authorized Officer) within 15 days of the publication date of the Notice of Decision in the *Medford Mail Tribune* newspaper, Medford, Oregon. Under 43 CFR 5003.3 (b), a protest filed with the Authorized Officer shall contain a written statement of reasons for protesting the decision. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

Only written and signed hard copies of a protest received by the BLM within 15 days of the publication of the Notice of Decision will be considered. Electronic (e-mail) or facsimile protests will not be accepted.

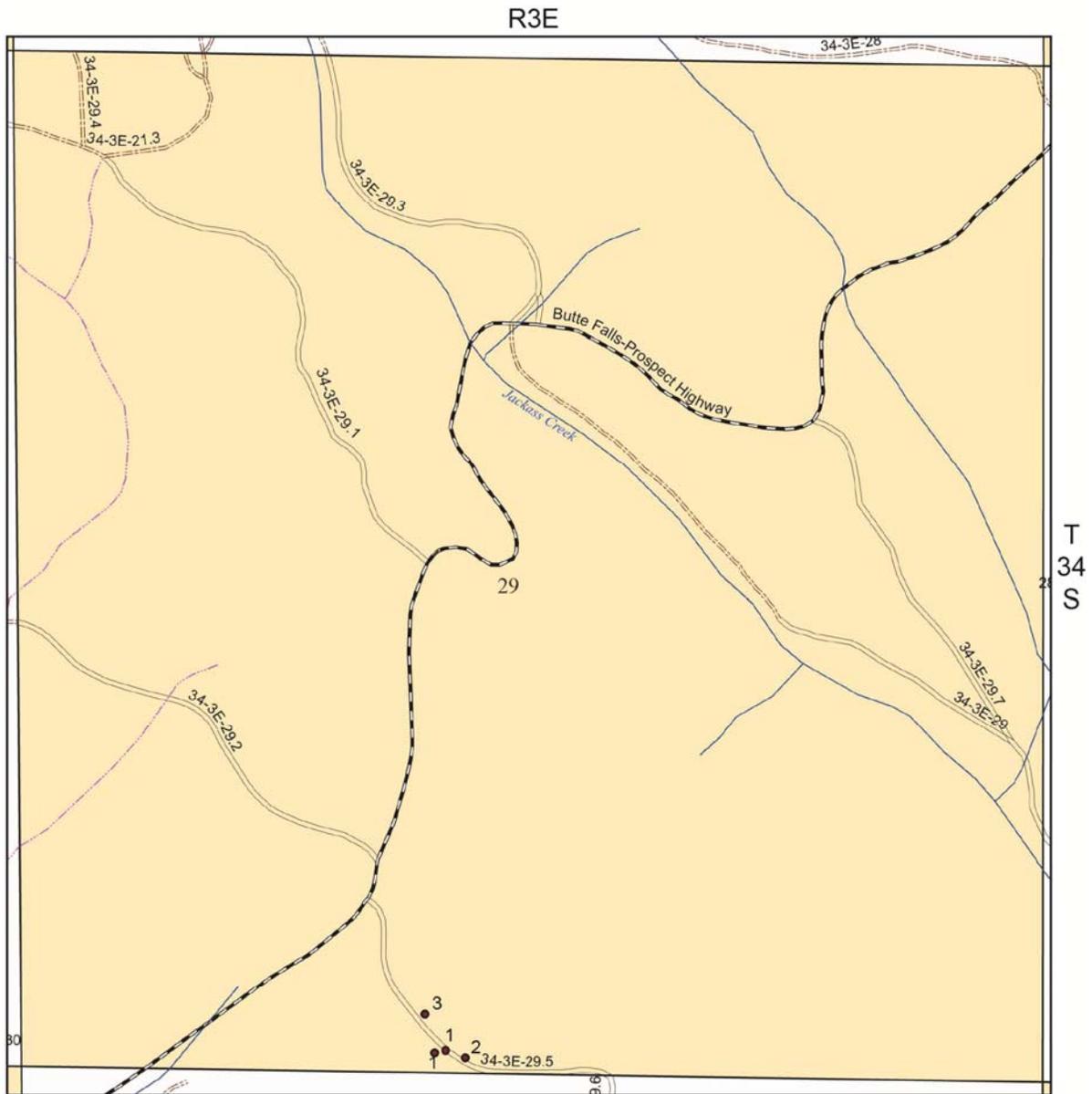
Protests may be delivered or mailed to the Bureau of Land Management, Butte Falls Resource Area Field Manager, 3040 Biddle Road, Medford, Oregon 97504. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., closed holidays.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.” If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of this Notice of Decision, this decision will become final. If a timely protest is received, the Authorized Officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The Authorized Officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

A decision on this protest would be subject to appeal to the Interior Board of Land Appeals; although, filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

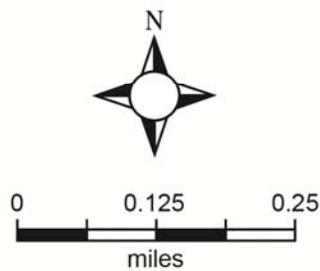
## **H. Contact**

For additional information concerning this categorical exclusion review, contact Dave Orban, Forestry Technician, Butte Falls Resource Area at 541-618-2368.



**Legend**

- Salvage Tree and Number of Trees
- Paved Road
- Gravel or Rocked Road
- - - Natural Surface Road
- Perennial Stream
- · - · Ephemeral Stream
- BLM Land

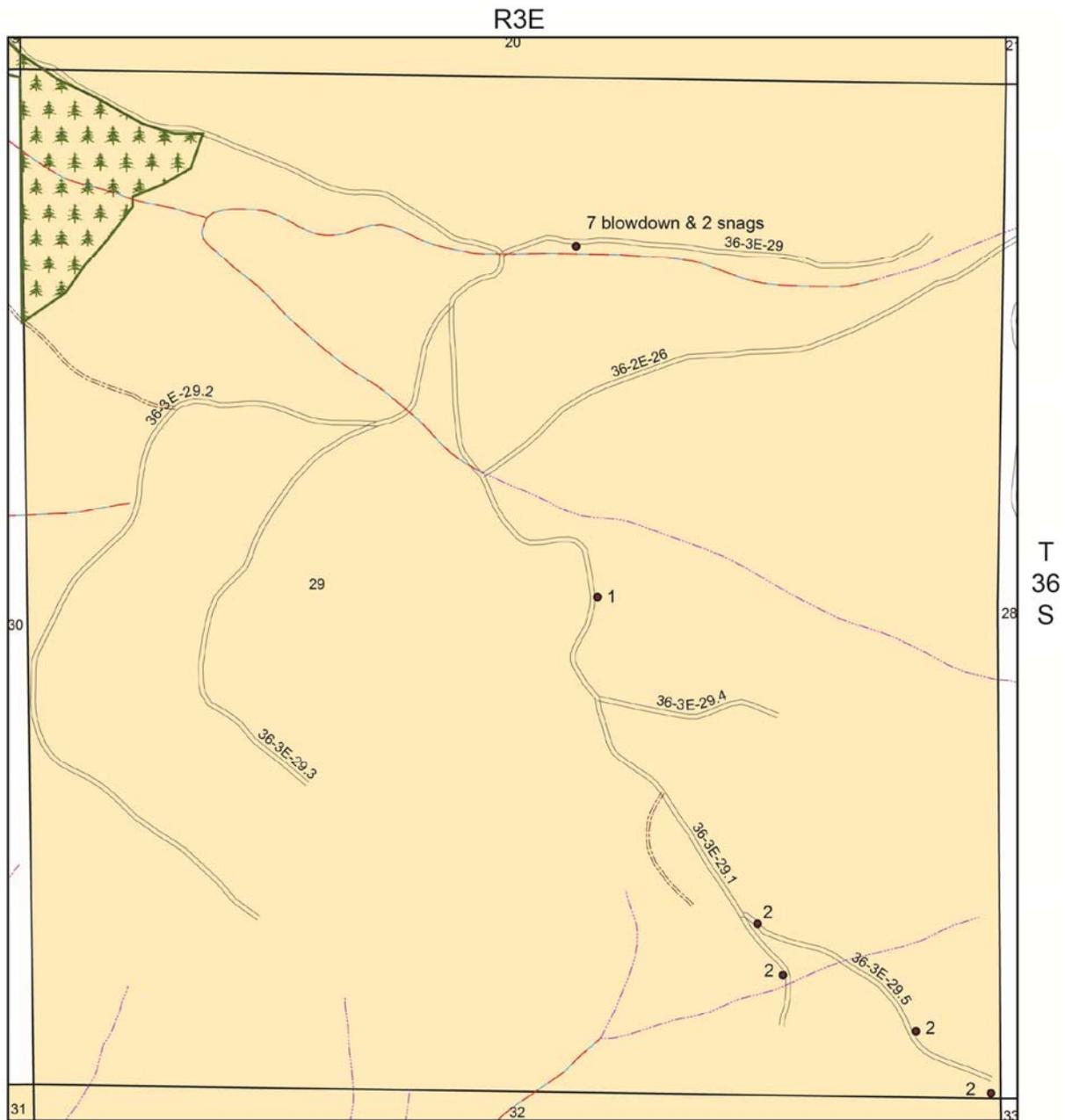


**Roadside Blowdown  
Categorical Exclusion**



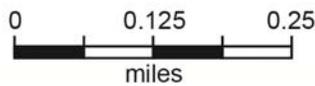
Medford District  
March 2015

**Map 1. Salvage Trees in T34S, R3E, section 29**



**Legend**

- Salvage Tree and Number of Trees
- Gravel or Rocked Road
- - - Natural Surface Road
- Perennial Stream
- - - Intermittent Stream
- - - Ephemeral Stream
- BLM Land
- ▨ Known Northern Spotted Owl Activity Center



**Roadside Blowdown  
Categorical Exclusion**



Medford District  
March 2015

**Map 2. Salvage Trees in T36S, R3E, section 29**