



**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
3040 Biddle Rd.
Medford OR 97504**

Categorical Exclusion Documentation and Decision Record
Medford District Emergency Stabilization and Rehabilitation FY 2013-2016

**DOI-BLM-OR-M000-2013-0001-CX
NEPA CATEGORICAL EXCLUSION REVIEW / DECISION RECORD**

A. Proposed Action Title

Emergency Stabilization and Rehabilitation (ESR) on the Medford District BLM for Fiscal Years 2013 through 2016.

B. Location and Land Use Allocation

Activities could occur across all lands and on all land use allocations on the Medford District BLM which have been damaged by stochastic events such as wildfires, floods, weather events, earthquakes, or landslips.

C. Need / Rationale for the Proposed Action:

Medford District lands are annually subject to wildfire and other stochastic events that damage land and other resources. These events could threaten public health or safety, property, and/or natural and cultural resources, and action is necessary to repair or improve lands unlikely to recover to a management approved condition as a result of the event.

Emergency stabilization and rehabilitation is needed in a timely manner to reduce the potential for adverse impacts to soil, streams and water quality, forest sites, plant communities, and adjacent private property. Potentially adverse safety situations that would arise from working around hazard trees in burned areas also present a need for action. Road drainage systems and catch basins can be filled with debris and rock, and mineral soils may be exposed because of loss of mulch and woody debris, resulting in increased chance of erosion and sediment transport. Vegetation loss and suppression activities provide opportunities for noxious weed introduction and spread. Fires and other stochastic events may increase access points for off-highway vehicles (OHV) through loss of vegetation and because of newly created fire lines; OHVs in turn could exacerbate erosion problems. Previously reforested stands may experience high fire severity or other damage and may be in need of reforestation to reduce erosion and regenerate stands for which there are no available natural seed sources.

D. Description of the Proposed Action

The Medford District is proposing a program of work to accomplish rehabilitation of areas affected by stochastic events and related wildfire suppression efforts. Rehabilitation treatments are needed to timely achieve resource management objectives and would be designed to achieve the objectives of

those land use allocations described in the Medford District Resource Management Plan (RMP)¹. The primary objective of the project is to reestablish desired vegetation so that land use allocation objectives can be met in the future. Each project will be consistent with the authorizations allowed under the categorical exclusion for Emergency Stabilization as described below (Section F. Categorical Exclusion). Projects would be developed and designed based on site-specific assessment by an interdisciplinary team (e.g., soils, water, wildlife, and botanical resource specialists, foresters, silvicultural specialists, engineers).

Project summaries and maps will be posted on the BLM NEPA website:

(<http://www.blm.gov/or/districts/medford/plans/index.php>).

The following activities would be considered and completed if necessary depending on site-specific conditions:

Control erosion and sediment transport

- Dead trees >8 inches dbh would be contour felled to reduce sediment movement in high burn severity areas
- If contour felling would not achieve objectives to reduce erosion and sediment transport slopes would be hydro-mulched if accessible from existing roads or seeded and mulched by hand
- Hydro-mulch, seeding, and straw would be applied in areas prone to erosion or weed invasion such as stream draws, road cut-and-fill slopes, areas newly disturbed by equipment operations and fire lines to reduce erosion and sediment transport.
- Seed would be comprised of native species appropriate to the site.
- Straw would be certified weed free.

Reestablish drainage

- Catch basins and ditches would be cleaned and reconstructed to reestablish drainage and prevent damage to roads,
- Roads would be bladed and spot rocked to correct drainage

Fell hazard trees

- Trees along roads that present a safety hazard would be felled
 - Where needed, felled trees could be left on the contour to provide down wood for stabilization and wildlife.

¹ Riparian Reserves have as primary objectives those of the Aquatic Conservation Strategy. They provide habitat for terrestrial species associated with late-successional forest habitat. They provide dispersal habitat for northern spotted owls. Management of Riparian Reserves includes strategies to achieve the goals established in the BLM's RMP (pp. 26-32). Objectives of the Late-Successional Reserve land use allocation are to protect and enhance conditions of late-successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth forest-related species including the northern spotted owl and marbled murrelet. Late-Successional Reserve objectives also include the maintenance of a functional, interacting, late-successional and old-growth forest ecosystem (RMP pp. 32-36). Matrix objectives include: the production of a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability; provide connectivity (along with other allocations such as riparian reserves) between late-successional reserves; provide habitat for a variety of organism associated with both late-successional and younger forests; provide for important ecological functions such as dispersal of organisms, carryover of some species from one stand to the next, and maintenance of ecologically valuable structural components such as down logs, snags, and large trees; and to provide early-successional habitat (RMP pp. 38-40). Other special areas (e.g., Rogue National Wild and Scenic River, Cascade-Siskiyou National Monument) would follow their specific management plans for this type of activity to protect and retain the values for which they were designated.

- In areas where trees can't be felled on the contour or if the amount is greater than desirable, the trees would be yarded and decked on site
 - These trees may be sold or used in riparian restoration projects
- Existing down wood in intermittent streams would be bucked to place more of the log in contact with the ground surface

Road decommissioning or closing

- Firelines and roads opened during fires suppression efforts would be decommissioned or closed to re-establish drainage or prevent OHV use. Proper drainage would be established and/or roads would be blocked with gates, ditches, or placement of material (e.g., rocks, logs).

Site preparation and reforestation

- If necessary, areas with small dead and dying trees killed by fire could be slashed, handpiled, and burned to aid in site preparation for reforestation
- Areas of high to moderate severity burn would be reforested using native seedlings grown from seed sources in the seedling breeding zone of the fire area.
- Formal stocking surveys of planted sites would be completed in the fall after the season planted. These surveys would determine planting success and if needed, include recommendations for further treatment.
- Based on the Land Use Allocation (LUA), additional planting would occur to meet stocking requirements or other LUA objectives

Project Design Features

Project design features (PDFs) are specific measures included in the site-specific design of the action alternatives to minimize adverse impacts on the human environment. Additional PDFs are contained under Best Management Practices (BMP), Appendix D, in the RMP. Additional PDFs may be incorporated into project design based on site-specific assessment.

- Power equipment would be refueled at least 150 feet from streams, ponds, or other wet areas
- Treatments would be timed to reduce sedimentation into nearby streams from use of unsurfaced roads (natural and pit-run surface) that are on highly erosive soils, which are deeply rutted, or would otherwise result in unacceptable levels of sedimentation if used.
 - Scheduling would be determined by the Field Manger in consultation with relevant resource specialists.
 - Treatment of units would be postponed if unacceptable sedimentation is found to be occurring
- No mechanized equipment would be driven off existing drivable roads or firelines
 - Firelines would be driven on only for stabilization and restoration activities
 - Firelines would be rehabilitated and closed after completion of these activities
- When there is a management need to prevent/reduce the import or export of Port-Orford-cedar root disease (*Phytophthora lateralis*), management practices such as scheduling projects during the dry season, use of uninfected water sources for equipment washing, and designate access and egress routes to minimize exposure to the disease would be implemented
- Proposed management activities located on, or near, the boundary of special areas (e.g., Rogue National Wild and Scenic Rogue River, Cascade Siskiyou National Monument) would be coordinated with the appropriate manager of those areas to meet special management

requirements

- Heavy equipment would be washed prior to being transported to, or between locations on federal lands to remove soil and plant parts to prevent the spread of noxious weeds and disease into the project area
- PDFs appropriate to road maintenance would conform with those stipulated in the Medford District BLM Road Maintenance CE, 2012-2016 (DOI-BLM-OR-M000-2012-0001-CX) and are incorporated by reference.

The follow restrictions would be in affect except in cases of emergency. Check with the applicable resource area for location of known nest sites and seasonal restriction dates.

- If marbled murrelet activity or nesting sites exist, chainsaw activity would not occur within 0.25 miles of any occupied stand or unsurveyed suitable habitat within Zone B, as described in the programmatic Biological Assessment for the period of April 1 through August 5.
 - For the period of August 6 through September 15, work activities would be confined to between two hours after sunrise and two hours before sunset
- Chain saw activities would not occur within a 0.25-mile radius of a nest site or activity center of known pairs of spotted owls from March 1 through June 30.
- Activities that produce loud noises above ambient levels would not occur within the specified distance of a nest site or activity center of known pairs of spotted owls from March 1 through June 30, unless protocol surveys indicate the owls aren't nesting
 - Heavy Equipment - 105 feet
 - Chain saws - 195 feet
 - Helicopters below 1,500 AGL - 0.25 miles
- Restrict all chainsaw operations and heavy equipment use up to ¼ mile no line of site and ½ mile line of site around active bald or golden eagle nest sites, from January 1 to August 15, depending on nesting chronology
- Activities that would create noise of high levels and that would disturb nesting raptors and Northern Spotted Owls should not occur during the nesting season
- Required surveys for special status plants, including threatened or endangered (T&E) would be completed prior to treatment as applicable except in emergencies
 - Appropriate protection/management measures for special status plants as well as other important resource values would be implemented as necessary
- Where applicable and except in emergencies, areas where ground disturbing projects would occur would be reviewed by the Resource Area Archaeologist prior to treatment
 - Appropriate protection measures for cultural resources would be implemented as appropriate

E. Plan Conformance

The proposed action is in conformance with the following plans:

- the *Final-Medford District Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- the *Final Supplemental Environmental Impact Statement and 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 FSEIS, 1994 and ROD, 1994);
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the ROD and *Standards and Guidelines for*

Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001);

- the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004); and
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

Specifically, the proposed action is in conformance with the following stipulations in the Northwest Forest Plan and the Medford District RMP:

- *Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*. 1994.

Fire/Fuels Management Standards and Guidelines, page C-35

Immediately establish an emergency team to develop a rehabilitation treatment plan needed to attain Aquatic Conservation Strategy objectives whenever Riparian Reserves are significantly damaged by wildfire.

- *Medford District Resource Management Plan*. 1995.

Fire Management, p. 30, 90.

“Immediately establish an emergency team to develop a rehabilitation treatment plan needed to attain Aquatic Conservation Strategy objectives whenever Riparian Reserves are significantly damaged by wildfire.”

Watershed and Habitat Restoration in Riparian Reserves, p. 31.

“Design and implement watershed restoration projects in a manner that promotes long-term ecological integrity of ecosystems...and attains Aquatic Conservation Strategy and riparian reserve objectives.”

Fish and Wildlife Management, p. 31.

“Design and implement fish and wildlife habitat restoration and enhancement activities in a manner that contributes to attainment of Aquatic Conservation Strategy and riparian reserve objectives.”

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs’ motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the Northern Spotted Owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

This project is consistent with the Medford District Resource Management Plan/Forest Land and Resource Management Plan as amended by 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* (2001 ROD), as modified by the 2011 Settlement Agreement. All projects will be surveyed as necessary for Special Status Species including Survey and Manage Species.

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.

F. Categorical Exclusion : The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM categorical exclusion 516 DM 11.9 I. Emergency Stabilization:

(1) Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. These activities:

- (a) Shall be completed within one year following the event;*
- (b) Shall not include the use of herbicides or pesticides;*
- (c) Shall not include the construction of new roads or other new permanent infrastructure;*
- (d) Shall not exceed 4,200 acres; and*
- (e)* May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and*
- (f) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.*

** While the CX authority allows for construction of temporary roads, this CX does not authorize temporary road construction.*

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

1. Have significant impacts on public health or safety. Yes No

Remarks: This project will have beneficial impacts on public health and safety by restoring damaged lands and resources and returning hazardous areas to safe conditions for public use. Effects will be beneficial but will not rise to the level of significance because project activities would help to

restore areas to previous conditions and were anticipated and analyzed in the EISs to which this project tiers.

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

Remarks: Restoration activities will occur within many of these areas; however, PDFs will prevent significant effects and the project will adhere to special management guidance in other Resource Management Plans (e.g., CSNM RMP, RAMP) on the District.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. Yes No

Remarks: No such controversial effects or unresolved conflicts have been identified.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental effects. Yes No

Remarks: Following stochastic events, activities authorized under this Categorical Exclusion have occurred on the Medford District for many years and no highly uncertain, unique, unknown, or potentially significant environmental effects have been identified.

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. Yes No

Remarks: Restoration work has occurred on the Medford District for many years; this does not set a precedent for future action or represent a decision about future actions.

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Yes No

Remarks: No cumulative effects have been identified and none are expected.

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:** No such effects are anticipated.

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.

Yes No **Remarks:** Project-specific assessment and design will prevent significant impacts on proposed or listed species.

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. Yes No

Remarks: Emergency stabilization and restoration will not violate any Federal, State, local or Tribal laws.

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). **Yes** **No**

Remarks: No such effects are anticipated.

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: Emergency stabilization and restoration will not limit access to such sites.

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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: Emergency stabilization and restoration, along with implementation of PDFs in this project will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species

Reviewers:

<i>Sury Sanbamba</i> 11/19/12 Silviculture Date	<i>Robin G Swider</i> 11/19/12 Wildlife Date
<i>Bryann</i> 11/13/12 Botany /ACEC Values Date	<i>Kathleen P. Minor</i> 11/19/12 Soils/Hydrology Date
<i>[Signature]</i> 11/19/12 Engineering Date	<i>Rod Johnson</i> Date 11/19/12 Fisheries
<i>Chel Foley</i> 11/19/12 Archaeology Date	
<i>[Signature]</i> 11/19/12 Planning & Environmental Coordinator Date Preparer / Reviewer	

Decision

I have reviewed the proposed action in accordance with the above criteria and have determined that the proposed action would not involve any significant environmental impacts. Therefore, the actions do not meet any of the criteria for exception and are categorically excluded from future environmental review.

[Signature]

Medford District Manager

11/19/12

Date

Administrative Remedy

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to protest under 43 CFR section 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.

Contact Person

For additional information concerning this CE review, contact Tony Kerwin, Medford District Planning and Environmental Coordinator, 3040 Biddle Road, 97504, 541-618-2402.