

**United States Department of Interior
Bureau of Land Management
Medford District**

**CATEGORICAL EXCLUSION REVIEW & DECISION RECORD
Hazardous Tree Felling/Removal
for Calendar Years 2011-2013**

DOI-BLM-OR-M000-2011-0004-CX

A. Project: Hazardous Tree Felling/Removal within the Medford District BLM

Location: Various locations throughout the Medford District BLM

Project Description: This project will fell hazard trees and leave these trees on site, or utilize them for commercial or noncommercial purposes. Hazard trees will be felled within 1-1/2 tree lengths of roads and adjacent to developed facilities or private property on BLM lands within the Medford District; this distance can extend beyond 1-1/2 tree lengths if the tree is uphill of roads or facilities. Only trees identified as hazardous by the Field Guide for Danger Tree Identification and Response (Toupin et al. 2008)¹ will be felled.

The project is limited to felling trees within 1-1/2 tree lengths on either side of open or seasonally open road systems, or adjacent to developed facilities or private property, and the tree is identified as a hazardous tree. Trees will either be left on site as coarse woody debris or removed; removed trees will be used for habitat restoration projects such as for large woody debris placement in streams, improvement of recreational areas, bridge or trail construction, or sold as firewood or commercial timber. Felled trees will be removed **only** when the tree is not within a Riparian Reserve or needed on site for coarse woody debris. Coarse woody debris retention levels will adhere to the requirements for the particular land-use allocation in which it is located as per the 1995 Medford District RMP (RMP pp. 27, 33, 34, 39, 44, 47), a minimum of 120 linear feet of logs per acres \geq 18 inches in diameter and 16 feet long in all land allocations. In the Late-Successional Reserve (LSR) land allocation, retain coarse woody debris at higher levels if determined to be inadequate by an interdisciplinary review to meet LSR objectives.

Trees identified for removal will be yarded to the road using a cable winch or equivalent, and hauled offsite. Mechanized equipment will not be allowed off the road surface. Directional falling will be used to the extent possible to minimize disturbance to the ground.

Project Design Features

Specific to different types of activities, these processes will occur prior to project activities:

If removal or cutting of hazard trees would result in less than 40 percent of the mean number of snags found in unentered stands (RMP p. 45) (which averages approximately 3 snags per acre across the District), the hazard tree removal may require additional NEPA analysis. The 3 snags per acre would be calculated at the stand level.

¹ Toupin, R., G. Filip. T. Erkert, M. Barger. 2008. Field Guide for Danger Tree Identification and Response. USDA Forest Service, Pacific Northwest Region and USDI Bureau of Land Management.

Resource Area or District Resource Specialists, as noted below, will be notified at least 10 days prior to any tree removal to assess risks to resources, and special status species and their habitats. Project design will be modified to protect these resources using the Project Design Features listed below.

- Cultural Resource Specialists will be notified prior to any removal of trees except for parts of trees immediately within the road prism.
- Cultural resource sites and known Native American religious sites will be protected from disturbance.
- The Resource Area or District Botanist will be notified prior to any removal actions to ensure special status or endangered plants will be protected from direct mortality, disturbance, or significant habitat loss and to facilitate implementation of best management practices such as weed control, and native seed or mulch application for weed and erosion control.
- The Resource Area or District Wildlife Biologist will be notified prior to any removal actions to ensure special status, big game, raptors, neotropical migratory birds, or threatened or endangered wildlife species will be protected from direct mortality, disturbance, or significant habitat loss.
- The Resource Area Soil Scientist or Hydrologist will be notified prior to any removal actions on soils identified as fragile due to gradient (slopes 60 percent or greater), erosion, or groundwater.
- Coordination with recreation staff will occur prior to any felling or removal actions near recreation areas or trails to ensure minimal visitor disturbance and to discuss potential utilization of trees as natural physical barriers or for recreation area improvement.

The following project design features (PDF's) are required conditions for this project:

- No removal from unsurfaced roads will occur during the wet season (generally Oct. 15 – May 15).
- Activities will be suspended when the road surface is wet enough to result in road damage and/or off-site resource damage.
- Slash will be lopped and scattered, as determined by the project administrator.
- Road surfaces, ditches and culvert catch basins will be cleaned of slash and debris.
- No trees are to be sold or removed from areas designated as no-harvest (e.g., withdrawn lands, Riparian Reserves). However, hazard trees that prevent the safe use of roads and developed facilities may be felled and left in place
- All vehicles will be restricted to existing roads; this Categorical Exclusion does not authorize any road improvement or maintenance.
- Ground disturbance will be minimized during yarding. One-end suspension of logs will be required where feasible. If one-end suspension cannot be achieved, then employ erosion control measures as appropriate.
- Erosion control measures such as waterbars, slash placement, mulching and native seeding will be implemented where ground disturbance results in the potential for erosion and sediment delivery to streams, water-bodies, floodplains, and wetlands. All mulch will be certified weed-free.

Project Design for use of ground disturbing equipment

- All yarding equipment that will be used on projects will be washed prior to entering federal lands so that any mud or debris adhering to equipment will not contribute to the spread of non-native invasive species.
- Equipment refueling will not occur within 150 feet of streams or other water bodies to prevent toxic materials from degrading water quality. Equipment will not be stored within 150 feet of

a stream channel. Hydraulic fluid and fuel lines will be in proper working condition to prevent leakage into streams or other water-bodies.

B. Land Use Plan Conformance

The Proposed Action is in conformance with the following plans:

- 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 Medford District Proposed Resource Management Plan/Environmental Impact Statement, and Record of Decision and Resource Management Plan (EIS, 1994 and RMP/ROD, 1995)
- Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon (FSEIS 2004) and ROD (2004)
- Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985)
- Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan (2008) and PRMP/FEIS (2005)
- Rogue National Wild and Scenic River: Hellgate Recreation Area, Recreation Area Management Plan (2004) and PRMP/FEIS (2003)
- Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (FSEIS, 2000 and ROD, 2001)**

*The Medford District initiated planning and design for this project to conform and be consistent with the District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the project contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP objectives to provide for the safety of forest users by removing hazard trees along utility right-of-ways, roads, recreation areas and other developed areas on BLM-administered lands. This proposal is also in compliance 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 of 1973 (ESA), the Clean Water Act of 1987 (CWA), Safe Drinking Water Act of 1974 (as amended 1986 and 1996) (SDWA), Clean Air Act of 1990, and the Archaeological Resources Protection Act of 1979 (ARPA).

**Due to ongoing litigation, current BLM guidance is for all project to comply with either 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 (without Annual Species Reviews) or one of the four exemptions in the October 11, 2006, Court stipulation in Northwest Ecosystem Alliance v. Rey). None of the exemptions are relevant to the actions authorized by this Categorical Exclusions. However, as settlement agreement on the 2007 Survey and Manage Record of Decision (Conservation Northwest et al. v. Mark E. Rey et al.) is now before the court for approval, any activities completed

under this Categorical Exclusion will comply with any modifications in management direction to comply with stipulations of any court order in place at the time of the action.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, C (2):

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 removal requires no more than maintenance to existing roads.

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.

D. Categorical Exclusion Review

Department of the Interior Regulations 43 CFR § 46.205 (c) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances found at 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

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

Yes **No (X)** Remarks: While no significant impacts on public health and safety are expected, this project will have a positive effect on public health and safety by removing hazardous trees from along roads, other developed facilities, or along private property.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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 (X)** Remarks: Activities may occur within Wild and Scenic River corridors, National Monuments, Areas of Critical Environmental Concern, other land allocations, and other ecologically significant or critical areas; however, resource specialists will review all such projects to assure compliance with applicable regulations and management direction for these areas.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes **No (X)** Remarks:

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
 Yes **No (X)** Remarks:
5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
 Yes **No (X)** Remarks:
6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
 Yes **No (X)** Remarks:
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 (X)** Remarks: While felling of hazard trees may occur within these types of sites, sites will be protected from disturbance that would affect their listing or eligibility for listing.
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 (X)** Remarks:
 Animals Yes **No (X)** Remarks:
 Fish Yes **No (X)** Remarks:
9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*
 Yes **No (X)** Remarks:
10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*
 Yes **No (X)** 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 (X)** 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 (X)** Remarks:

E. Document Preparation and Review

Anthony Kerwin District Environmental Coordinator March 18, 2011
Prepared by Title Date

Reviewers:

CHOT 3/21/11
Recreation / Visual Resources Date

Carole Jorgensen 3/29/11
Wildlife Date

Ann J. J. 3/30/11
Botany Date

L. Lindell 3/21/11
Soils/Hydrology Date

Merry Hayden 3/31/11
Cultural Resources Date

Alan MA 3/21/11
Fire and Fuels Date

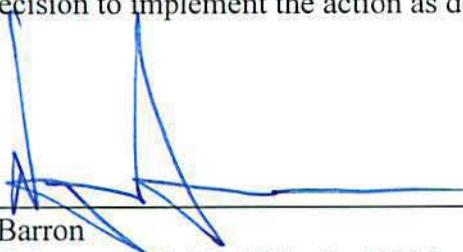
John 3/21/11
Fisheries Date

Blair Moody 3/21/11
Special Forest Products Date

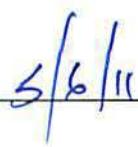
Anthony Kerwin 5/5/11
Planning Coordinator/NEPA Date

F. Decision

I have reviewed this Categorical Exclusion Documentation , including the plan conformance, NEPA compliance review, and extraordinary circumstances review, and have determined the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the action as described.



Dayne Barron
District Manager, Medford District BLM



Date

Contact Person

For additional information concerning this Categorical Exclusion review, contact Anthony Kerwin, District Planning and Environmental Coordinator, 3040 Biddle Road, Medford, Oregon (541) 618-2402.

Administrative Remedies

Notice of this decision will be posted on the 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.

Notice of the forest management decision to be made on the action described is this categorical exclusion will be posted on the District internet website: <http://www.blm.gov/or/districts/medford/plans/index.php>. This decision is a forest management decision. Administrative remedies are available to those who believe that they will be adversely affected by this Decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR – 5003 – Administrative Remedies.

Publication of this notice establishes the date initiating the protest period provided for in accordance with 43 CFR – 5003.3.

Any contest of this decision should state specifically which part of the decision is being protested and cite the applicable CFR regulations.