

UNITED STATES OF AMERICA  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT  
GRANTS PASS RESOURCE AREA  
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**CATEGORICAL EXCLUSION DOCUMENTATION / DECISION RECORD**

**State of Oregon R&PP Lease Reauthorization, ORE 010635**  
NEPA# DOI-BLM-OR-M070-2009-0036-CX

**A. Proposed Action**

Oregon State Parks, Parks & Recreation Department, has applied for a Recreation & Public Purposes (R&PP) lease reauthorization for an existing State Park recreation site on the Illinois River in the Grants Pass Resource Area. The facility is located on public land in Section 21, T. 39 S., R. 8 W., Willamette Meridian, Josephine County, Oregon. The BLM is proposing to reauthorize the lease for the existing facility for a 25 year period to provide continued recreational services to the public at Illinois River Forks State Park (IRFSP). The State is working with BLM to: 1) reauthorize the existing facility, and 2) potentially add other public lands to the lease at a future date.

**B. Location/Land Use Allocation**

The existing State Park is located on 80 acres of public land near the community of Cave Junction in southwest Oregon. Access to the Park is from State Highway 199. The State Park website includes the following information on the Park: *“you may want to stop for a picnic at this day-use park. Located at the confluence of the east and west forks of the Illinois River, the park offers picnic tables and restrooms. There is a short walking trail near the picnic area. The Illinois Valley is a unique geologic area with many rare plants. Visit here to enjoy the natural beauty of the area”*. It goes on to say there is no fee for use of the park.

**C. Need / Rationale for the Proposed Action**

The existing park facility has been in place since the 1960's. The original R&PP lease (ORE 010635) was issued in 1962, renewed in 1982, and expired in 2007. It is standard procedure for BLM to approve requests for reauthorizations where the activity is consistent with past practices and local comprehensive plans (RMP p. 82).

## **D. Description of Proposed Action**

Oregon State Park, Parks & Recreation Department (OPRD) would maintain the 80 acre lease area of the Illinois River Forks State Park for public use. Facilities, including but not limited to, a restroom facility with ADA access, picnic tables and garbage cans. The current restroom facility would be replaced with a vault toilet within the same footprint. A maintenance person would remove garbage from the roadway, parking lot and park lands. A fence, running parallel to the road, would be maintained to prevent off-highway vehicle use, and protect sensitive plants and vernal pools. OPRD will work with BLM, and local civic and nonprofit groups to enhance revegetation of the burned area.

## **E. Project Design Features**

The following project design features will be included in the IRFSP ORE 010635 R&PP Lease as terms and conditions.

### **Ground Disturbing Activities**

No ground disturbing activity would occur with prior notification to BLM. See General Terms below for details.

No revegetation would occur without consultation with BLM botanists.

BLM would be provided notice prior to blading of drainage ditches.

### **General Terms of the Lease**

- 1) The Holder shall be prepared to conduct all maintenance concerning the use of this authorization at the Holder's expense. The Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- 2) The Holder shall provide a written work schedule specifically detailing activities for all maintenance and repair of the leased land (vegetative, roads, structural equipment, etc.) six (6) months prior to the proposed commencement of activities. Said written schedule shall describe in detail the type of site specific activity proposed, equipment and work methods to be used, debris disposal options proposed, beginning and ending dates of operation, etc. The Holder shall strictly adhere to any BLM requirements at the Holder's cost. The Holder shall also include the name, address and telephone number of the Holder's delegated representative. The delegated representative is the person who is authorized by the Holder to carry out the terms and conditions of the grant and act on behalf of the Holder.
- 3) The Holder shall notify the BLM Authorized Officer upon discovery of any noxious weed species found in the leased area and is responsible for immediate control and eradication. The Holder shall consult with, and obtain approval from the BLM Authorized Officer for acceptable weed control methods, such as mechanical or chemical. The Holder shall clean motorized vehicles which will be driven off system roads, including tires and undercarriages to remove noxious weed plant parts and seeds to reduce the spread of noxious weeds.
- 4) The Holder shall during the life of this grant, comply with all applicable State and Federal

environmental laws, regulations, and standards. The Holder shall also immediately discontinue all construction or other operations under this lease upon receipt of written notice from the Authorized Officer that such operations are in violation of said provisions.

- 5) The Lease Holder is aware that BLM administered lands in western Oregon are managed in part for timber resource activities which include timber harvesting, reforestation, and tree release programs. BLM forest management activities may also include application of herbicides, firewood cutting, and prescribed burning. Logging operations cause dust and noise. Many of these activities are considered objectionable by residents living on adjacent private lands. BLM roads will be used to haul timber. Other important resources of these lands include wildlife habitat, minerals, soil and water quality, recreation opportunities, and others. The Holder should also be aware that the BLM may grant rights-of-way across BLM lands and may also enter into agreements for exchange or sale of BLM administered lands.
- 6) The Holder or his contractor shall immediately stop all operations and notify the BLM upon becoming aware of, encountering, or discovery of any objects or sites of cultural, historical, or pre-historical value within the project area.
- 7) The Holder shall undertake every reasonable measure to minimize erosion to the roads and surrounding areas, soil disturbances and turbidity to waterways, ground disturbing activity or the introduction of invasive plants.
- 8) The Holder shall promptly remove and dispose of all waste caused by its activities as directed by the BLM Authorized Officer. The term "waste" as used herein means all discarded matter including, but not limited to: human waste, trash, garbage, refuse, petroleum products, ashes, equipment and vegetative materials.
- 9) The holder shall not place signs, gates, or barricades on public land, its resources or improvements without prior written approval from the authorized officer.
- 10) The Holder shall abide by soil and resource protection measures as may be necessary to protect and restore the land and vegetation to the satisfaction of the BLM Authorized Officer.
- 11) The Holder shall comply with applicable Federal and State laws and regulations concerning the use of pesticides, insecticides, herbicides, fungicides, rodenticides, etc. The Holder shall submit a written plan of operation and receive written approval of said plan from the BLM Authorized Officer prior to use of said substances. The plan shall provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and any other information the BLM Authorized Officer requires. Application of said substances by the Holder shall be under the supervision of an appropriately licensed applicator. The Holder's plan shall be submitted no later than October 1 of any calendar year covering the proposed activities for the next calendar year (i.e., December 1, 2008, deadline for calendar year 2009 action). The use of substances on or near the right-of-way shall be in accordance with the BLM approved plan. Said substances shall not be used if the Secretary of the Interior has prohibited its use. Said substances shall be used only in accordance with its registered uses and within any other limitations imposed by the Secretary of Interior. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
- 12) The Holder shall comply with the Endangered Species Act (1973 as amended). There is an existing population of the Federally Endangered plant, Cook's desert parsley (*Lomatium cookii*), occurring on the leased land and on the adjacent State Parks land. Projects occurring

on the leased land must not adversely affect the endangered species and any action must tier to the existing BLM programmatic Biological Assessment (BA) and Letter of Concurrence (LOC) from the US Fish and Wildlife Service (Tails # 13420-2009-I-0045). Specific Project Design Criteria (PDC) are listed in this document, for construction activities on the leased land, surveys must be completed prior to work and plants will be protected with 100 foot no disturbance buffers. Any actions that do not conform to the existing programmatic BA/LOC will need consultation with the US Fish and Wildlife.

For the population occurring on the leased land the following PDCs will be applied:

- No application of herbicide near the population(s). The Holder will work with a BLM botanist to create a weed treatment plan that will not harm the listed plants.
- Roadside fence repairs may occur from July to December if there is no new ground disturbance. If repairs need to be made from January to June a BLM botanist will be on site during repairs to make sure no plants are harmed. If new ground disturbance is needed for repairs the area that would be disturbed will be delineated by the Holder and surveyed by a BLM botanist in the month of May to ensure no plants would be harmed.
- If ditch clearing is to occur in the vicinity of the population the BLM botanist will be notified three (3) months in advance and a plan will be developed to ensure no plants would be harmed, the plan may include no activity within 100 feet of the population(s).

- 13) The Holder shall not destroy or adversely modify the proposed designated Critical Habitat for Cook's desert parsley, *Federal register, Vol 74, No. 143, Tuesday July 28, 2009, pages 37314-37392*. Actions that occur within the Critical Habitat will be reviewed by the BLM botanists and may need to be modified to ensure the habitat is not adversely modified.

## **F. Plan Conformance**

The proposed action is in conformance with the following plans and decisions:

- a) Final Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision (EIS, 1994 and RMP/ROD, 1995)
- b) 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)
- c) Record of Decision and Resource Plan Amendment for Management of Port-Orford-Cedar in southwest Oregon, Coos Bay, Medford, and Roseburg Districts (May 2004) and the Final Supplemental Environmental Impact Statement for the Management of Port-Orford-Cedar in Southwest Oregon (January 2004).
- d) Decision Record and Environmental Assessment for the Medford District Integrated Weed Management Plan (April 1998)
- e) Final Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines (2007)
- f) Record of Decision to Remove the Survey and Manage Mitigation measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl (2007)

This proposal also complies 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.

### G. Compliance with the National Environmental Policy Act

The Proposed Action qualifies as a categorical exclusion under Department Manual 516 DM 11, Appendix 11.5, Section E (16)--Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

### H. Extraordinary Circumstances Review

Title 43, Section 46.205 (c) of the CFR requires the review of this action to determine if any of the following "extraordinary circumstances" (found at 46 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then an otherwise categorically excluded action would require additional analysis and environmental documentation.

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

Yes  No **Remarks:** There is no indication of potentially significant impacts on public health or safety.

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:** The BLM is continuing to provide recreational services to the public at IRFSP by proposing to reauthorize the lease for the existing facility for a 20 year period. No significant effects are expected from ongoing actions.

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

Yes  No

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

Yes  No

5) *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

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

Yes No

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

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:** Populations of the Federally Endangered plant *Lomatium cookii* will not be adversely impacted. The leased area is part of *Lomatium cookii* proposed Critical Habitat Unit IV 7. This Critical Habitat will not be destroyed or adversely modified (see PDF #12 above).

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

Yes No

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

Yes No

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).*

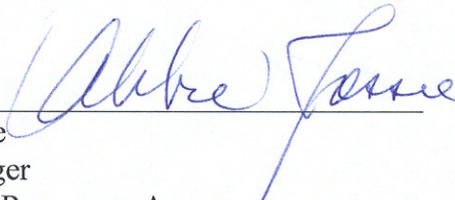
Yes No

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

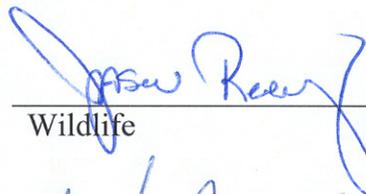
**I. Decision**

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.

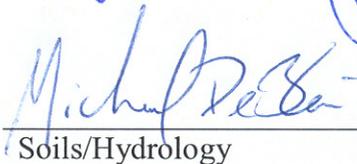
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Abbie Jossie Date  
Field Manager  
Grants Pass Resources Area

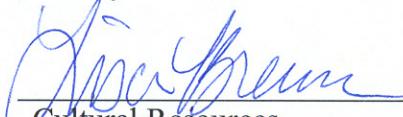
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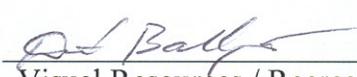
 9-28-09  
Steve W. Schaefer Date  
Silviculture, Vegetation  
Dynamics, & Port-Orford Cedar

 9/24/09  
Jason Reery Date  
Wildlife

 9-24-09  
Dan J. [unclear] Date  
Botany

 9/28/09  
Michael Decker Date  
Soils/Hydrology

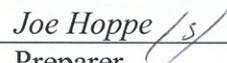
 9-28-09  
Tim Brem Date  
Cultural Resources

 9/28/09  
[unclear] Date  
Visual Resources / Recreation

 9/28/09  
John [unclear] Date  
Fisheries

 9/28/09  
Cindy Wadswold Date  
Engineering

 9/28/09  
[unclear] Date  
Planning Coordinator/NEPA

 9/3/2009  
Joe Hoppe Date  
Preparer