

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

CATEGORICAL EXCLUSION/DECISION RECORD

**"FUEL HAZARD REDUCTION FOR MATTHEW MOLYNEAUX"
DOI-BLM-OR-M070-2009-0006-CX**

I. PROPOSED ACTION

A. Proposed Action Title / Type: Removal of Hazardous Fuels on BLM Administered Lands Adjacent to Private Property within the Wildland/Urban Interface and/or Lands Identified within a "Communities at Risk" Area under the National Fire Plan.

B. Location: BLM Land Adjacent to 854 Logan Cut Dr., Cave Junction, OR. See attached map.

Township/Range/Section

T40S-R8W-S3

Adjacent Property Owner

Matthew Molyneaux

Land Use Allocation: Matrix

C. Need / Rationale for the Proposed Action:

Landowner, Matthew Molyneaux, has requested permission to reduce current fuel loadings on BLM land adjacent to his property. This project is focused on protection of life and property to private citizens from wildland fire on BLM lands while, conversely, reducing risk to BLM lands from fire originating on private property. The project will allow the private property owner to reduce the wildfire hazard on BLM lands through the reduction of hazardous fuels. It would complement fuel hazard reduction work the landowner has undertaken on his own land.

The project is consistent with National Fire Plan and identified "Communities at Risk".

D. Description of the Proposed Action:

Hazardous fuels on 1.5 acres of BLM administered lands within 100 feet (100' x 640') immediately adjacent to private property would be cut and removed. This includes the cutting, mowing, and removal of hazardous, flammable fuels in accordance with the Permit Stipulations noted below. All operations would be conducted according to Oregon Department of Forestry Fire Regulations and in a manner that minimizes risk for the ignition of wildfire, erosion of soil, destruction of residual live vegetation, or other environmentally-degrading activity.

Permit Stipulations:

1. Removal of hazardous, flammable fuels will **only** be permitted on BLM administered land identified on attached map.
2. Only **hand tools** will be used: “weed eaters”, hand saws, small chain saws, hand winches, and come-alongs are acceptable.
3. **Dead vegetation less than six inches in diameter** may be removed.
4. **Live vegetation with trunks less than three inches in diameter** at breast height (4.5 feet) above the ground may be removed. **Shrub and tree trunks** will be severed **four inches or less** from the ground. **Ladder fuels** (limbs or branches) will be removed by pruning the lower third of trees and shrubs up to a maximum of eight (8) feet above the ground.
5. Vegetation clearing / hazard reduction work must retain a canopy closure of 50% or greater of the pre-treatment canopy condition. In forest communities, canopy refers to the tree canopy. In shrub communities, this refers to shrub canopies. This does not apply to grasslands.
6. **Grasses and forbs** may be cut as long as **stubble of at least four inches** is remaining.
7. All severed material, except grasses and forbs, must be disposed of on the permittee’s private property by the permittee. Clearing of vegetation by **mechanical vehicles** or equipment is prohibited. **Wheelbarrows** and **small four wheelers** (ATV’s) with trailers, maybe used **if approved in advance** by the authorized officer, as long as the use is compatible with decisions in the Resource Management Plan (e.g, sediment, erosion, root rot disease, protection of aquatic resources, etc.).
8. All mechanized equipment (chain saws, ATV’s etc.) must meet Oregon Department of Forestry standards and applicant must have an Oregon State Forestry operations permit for approved spark arresters. The permittee must obtain an ODF operations permit. Permittee must comply with all ODF fire restriction requirements. Fire suppression tools will be kept at hand during clearing operations (ax, shovel, water, bucket).
9. The use of **herbicides** is **prohibited**.
10. All **survey monuments, witness corners, reference monuments, and bearing trees** will be protected against destruction, obliteration, modification, or damage during the operation.
11. If the permittee discovers, encounters, or becomes aware of any **objects or sites of cultural, historical, or paleontological value** (grave markers, historical or prehistorical ruins, graves, old dumps, etc.) on the project area, the land owner will stop all operations and notify the authorized officer **immediately**.
12. Permittee will undertake every reasonable measure to **minimize erosion, soil disturbances, ground disturbing activity or the introduction of noxious weeds.**
13. Permittee will undertake every reasonable measure to **minimize disturbance to live vegetation** not removed for fuel hazard reduction.
14. Permittee will not block or close roads or trails used by the public. Existing telephone, television cable, or electrical transmission structures and lines or existing fences, ditches, roads, trails, or other improvements on the public lands will be protected.
15. No thinning or burning would occur within 50’ of any stream.
16. Burning on BLM land is **not** authorized.

II. PLAN CONFORMANCE

This proposed action is consistent with policy directed by the following:

1. Final EIS for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management (2008)
2. Record of Decision for the Medford District Resource Management Plan (RMP) (2008)
3. Medford District Noxious Weed Environmental Assessment (1998).
4. ROD for Management of Port-Orford Cedar in Southwest Oregon (2004)

III. NEPA REVIEW

A. Applicable CE / CE Exclusion Review

This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9

C. Forestry

(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 the removal requires no more than maintenance to existing roads.

(4) Pre-commercial thinning and brush control using small mechanical devices.

(5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood.

Tim Gonzales 1-12-09
Preparer(s) / Date

Anthony K... 1/12/2009
Reviewer(s) / Date

IV. DECISION

I have reviewed this CE, plan conformance and NEPA compliance review and have determined that the proposed project is in conformance with the approved land use plan(s) noted above and that no further environmental analysis is required. It is my decision to implement the project as described.

Althea Jossie
Field Manager
Grants Pass Resource Area

Date: 1-12-09

NEPA COMPLIANCE
CATEGORICAL EXCLUSION REVIEW
DOI-BLM-OR-M070-2009-0006-CX

**"FUEL HAZARD REDUCTION FOR RURAL RESIDENTIAL FIRE PROTECTION"
MATTHEW MOLYNEAUX**

The Code of Federal Regulations requires the review of the following "extraordinary circumstances" (43 CFR 46.215) to determine if an otherwise categorically excluded action would require additional analysis and environmental documentation (43 CFR 46.205(c)).

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

Yes No

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

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

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

Reviewer(s):

Tim Gonzales Date: 12-4-08
Fire Mitigation Specialist / Preparer

Robin M. Sayle-Davenport 12/5/2008
Botanist

J.M. U. 12/4/08
Cultural Resources

Jan W. [Signature] 12/4/08
Fisheries Biologist

Jaso Riej 12/4/08
Wildlife Biologist

Concetta [Signature] 12/9/08
POC Coordinator

Michael DeBlas 12/4/08
Soils/Hydrology

Jens Roper 1/12/09
ENGINEERING

J.M. U. 12/7/08
VISUAL RESOURCES/RECREATION