



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Oregon State Office
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EMS TRANSMISSION 09/05/2007

Instruction Memorandum No. OR-2007-080

Expires: 9/30/2008

To: District Managers: Salem, Eugene, Roseburg, Coos Bay, Medford and Lakeview

From: State Director, Oregon/Washington

Subject: Casual Use for Tailholds on Public Lands in Western Oregon

Program Area: Rights-of-Way

Purpose: To establish policy in responding to requests for the use of tailholds on lands administered by the Bureau of Land Management (BLM) in western Oregon.

Policy/Action: When a request is received for permission to use a tailhold anchor on BLM lands to support a cable logging system (tramway) operating on adjacent private lands, the Authorized Officer shall make every effort to exercise the casual use authority under the right-of-way regulations in 43 CFR 2800. This policy is appropriate in situations where access for timber management and removal is not available to the private landowner under an existing reciprocal right-of-way agreement. Casual use does not provide the user with any interest or rights in or to the affected BLM land. In the event that a tailhold request is expected to cause appreciable disturbance or damage to BLM lands or resources and needs to be controlled, it is not casual use and a tramway permit will be required.

Some examples where there would be no appreciable disturbance or damage include (1) a tailhold proposal that would not involve the cutting of any merchantable trees and which would produce a "no affect" call under the Endangered Species Act (ESA), (2) the use of a "deadman" anchor on a landing as a tailhold, or rigging to a stump may also qualify as casual use if there are no ESA disturbance issues, and (3) where there is no significant change to the appearance of BLM lands used for the tailhold.

A proposal that qualifies as casual use should be acknowledged by a letter that includes language to the effect that "...your proposed activity qualifies as a casual use of public land under the regulations at 43 CFR 2800 and a right-of-way grant or permit is not required." The casual use

determination can be qualified to specify that if the user observes or avoids specific practices, the use will be considered casual use. For example, the letter could include some statements as follows:

1. When changing skyline corridors, the cables will be respooled completely out of BLM lands before attaching to the next tailhold.
2. Whenever a skyline corridor passes through a riparian area and/or plantation located on BLM lands, the skyline will remain stationary and should not be slacked during operations.
3. If damage occurs to standing BLM trees and/or roads, a map showing the location of the damage will be given to the BLM within ten (10) days of when the damage occurred. Compensatory damages will be assessed as determined by the BLM.
4. Tractors will only be allowed on existing BLM spur roads.
5. When attaching cables or other equipment to a standing BLM tree, appropriate protective devices (i.e., tree plates, tires, nylon straps) will be utilized where possible to avoid girdling of the tree. Girdling or notching of a BLM tree must not exceed 60 percent of the tree's circumference.
6. Notify the BLM within ten (10) days whenever a tailhold tree is pulled over.
7. Do not select any tailhold trees with obvious or active bird or mammal nests for threatened or endangered species.

A sample "casual use" letter is attached. Any activity outside of the parameters in the letter would require a right-of-way grant or permit.

Timeframe: Available for immediate implementation.

Budget Impact: Implementation of this policy should reduce administrative expenses incurred by the BLM.

Background: The intermingled ownership pattern and topography of timberlands in western Oregon often requires the BLM to facilitate the harvesting of timber on adjoining private lands, including requests for tailhold anchors. Processing an application for a tramway permit under the right-of-way regulations requires significant staff time and provides minimal cost reimbursement from the applicant. Based on BLM's experience, a tailhold is a temporary use which does not ordinarily cause appreciable disturbances or damage to BLM lands. The FLPMA right-of-way regulations (43 CFR 2800) contain a provision that provides for "casual use" of the public lands. The regulations at 43 CFR 2800.0-5(m) define casual use as follows:

"Casual use means activities that involve practices which do not ordinarily cause any appreciable disturbance or damage to the public lands, resources or improvements and, therefore, do not require a right-of-way grant or temporary use permit under this title."

The use of a tailhold to support private logging operations is a short-term activity which does not require or warrant the granting of a right-of-way interest in the public lands. Implementation of a casual use policy is appropriate to avoid the expenditure of time and funds incurred in issuing a formal permit.

Manual/Handbook Sections Affected: This policy will be incorporated into the O&C Logging Road Right-of-Way Handbook H-2812-1.

Coordination: This policy was coordinated with BLM forestry and engineering staff and representative of private forestland owners in western Oregon.

Contact: John Styduhar, Realty Specialist, Oregon State Office, 503-808-6454

Districts with Unions are reminded to notify their unions of this Instruction Memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
John K. Keith
Acting Associate State Director

Authenticated by
Mary O'Leary
Records Section

Attachment(s)

1- [Sample "Casual Use" Letter](#) (1p)

Distribution

WO-350 (1000 LS)