



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Oregon State Office  
P.O. Box 2965  
Portland, Oregon 97208  
<http://blm.gov/or>

JUN 23 2014

IN REPLY REFER TO:  
2800/2812 (OR936/931) P

EMS TRANSMISSION 06/23/2014  
Instruction Memorandum No. OR-2014-039  
Expires: 9/30/2015 **Extended 09/30/2016 Extended 09/30/2017**

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

From: State Director, Oregon/Washington

Subject: Casual Use for Tail Holds on Public Lands in Western Oregon

**Program Area:** O&C Reciprocal Rights-of-Way

**Purpose:** To reissue the previously issued Instruction Memorandum (IM) OR-2007-080 that established policy in responding to requests for the use of tail holds 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 tail hold anchor on lands administered by the BLM 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 land administered by the BLM. In the event that a tail hold request is expected to cause appreciable disturbance or damage to BLM-administered 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 tail hold 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 "dead man" anchor on a landing as a tail hold 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-administered lands used for the tail hold.

A proposal that qualifies as casual use should be acknowledged by a letter that includes language such as: "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 re-spoiled completely out of BLM-administered lands before attaching to the next tail hold.
2. Whenever a skyline corridor passes through a riparian area and/or plantation located on BLM-administered 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 the date that 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 or you may be subject to trespass.
6. Notify the BLM within ten (10) days whenever a tail hold tree is pulled over.
7. Do not select any tail hold 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 require the BLM to facilitate the harvesting of timber on adjoining private lands, including requests for tail hold 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 the BLM's experience, a tail hold is a temporary use which does not ordinarily cause appreciable disturbances or damage to BLM-administered lands. The Federal Land Policy and Management Act 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 tail hold 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) in Release 2-167.

**Coordination:** This policy was coordinated with the Branch of Land, Minerals and Energy Resources (OR936), Branch of Forest Services and Special Status Species (OR931), Branch of Engineering and Facilities Management (OR959) and representatives of the Industry/BLM subcommittee.

**Contact:** Dustin Wharton, Reciprocal Right-of-Way Program Lead, Branch of Lands, Minerals, and Energy Resources, Oregon State Office, at 541-471-6659 or [dwharton@blm.gov](mailto:dwharton@blm.gov).

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

Signed by  
Theresa M. Hanley  
Associate State Director

Authenticated by  
Rhondalyn J. Darnell  
Records Section

Attachment  
1 – Sample letter, 1 p

Distribution  
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SAMPLE LETTER

(Please Use Official Government Letterhead)

In Reply Refer To:  
2800 (Office Code)

Requestor's Name  
Street Address  
City, State, Zip Code

Dear Name:

You have requested permission to use tail holds on Bureau of Land Management (BLM) land in (T.), (R.), (Section), (Subdivision), W.M., for the harvest of private timber located in (T.), (R.), (Section), (Subdivision), W.M. 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, providing that you observe the following conditions:

1. When changing skyline corridors, the cables will be re-spoiled completely out of BLM lands before attaching to the next tail hold.
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) will be utilized 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 tail hold tree is pulled over.
7. Do not select any tail hold trees with an obvious or active bird or mammal nest for threatened or endangered species.

Permission to use tail holds is granted subject to the above conditions. Should you have any questions, feel free to contact (BLM Authorized Officer and phone number).

Sincerely,

BLM Authorized Officer's Signature  
Title