Categorical Exclusion Documentation and Decision Record for the Howard-Hyatt Road/Campground Clearing and Hazard Tree Removal

DOI-BLM-OR-M060-2015-0014-CX

Proposed Action Title: Howard Hyatt Road/Campground Clearing and Hazard Tree Removal

Location: BLM roads within the Ashland Resource Area in the Vicinity of Howard Prairie and Hyatt Lakes (Outside of the CSNM), Medford District, Jackson County, Oregon

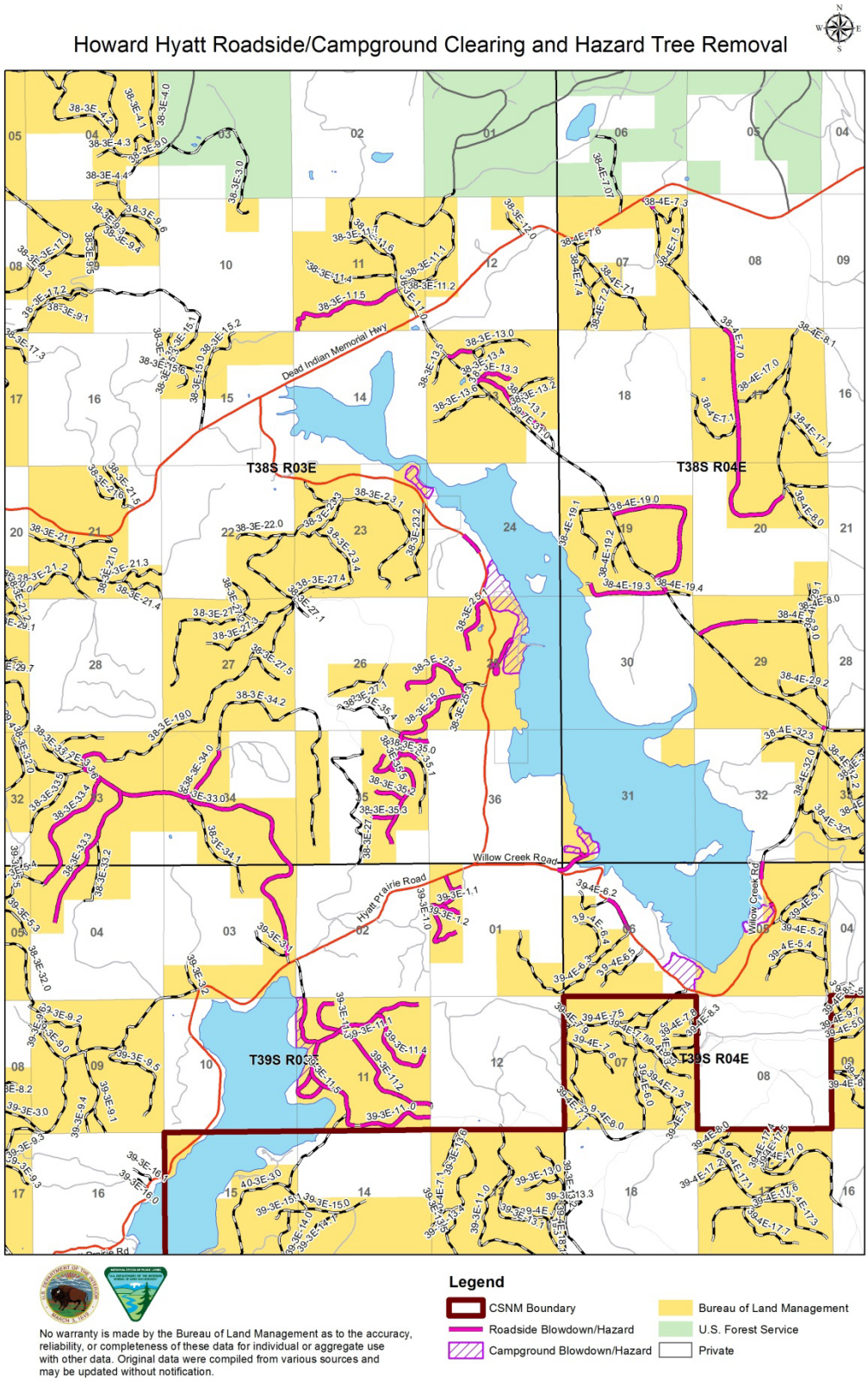
Proposed Action

Multiple warm storm systems moved through the region during the first week of February 2015, delivering record breaking rainfall. The first set of systems broke a daily rainfall total for Medford on the 2nd with 0.67 inches of rain measured that day, followed by another 0.6 inches on the 3rd. This set the stage for significant flooding for the southern and western portions of Jackson County by saturating the ground prior to the next series of storms. Another rainfall record for Medford was broken on February 6th as set of storm systems moved through the area from the 5th through the 9th. Multiple rivers and streams reached minor flood stage along with numerous road washouts around the area. Strong winds accompanied the system that moved through on February 6th (National Weather Service 2015). These winds coupled with already saturated soils resulted in numerous down trees within and around Howard Prairie and Hyatt Reservoirs in the Ashland Resource Area.

The storm blew down numerous trees within two campgrounds (Willow Point and Howard Prairie Campgrounds) at Howard Prairie Reservoir. Some trees are partially uprooted and hung up in other trees in the campgrounds; some are blocking roads and access to campsites and other recreational areas; and those trees that have been cut out of the roadway are now lying within ditches compromising the safety and stability of the road system (Map 1and Figure 1). Since the storm event, a Jackson County arborist has evaluated trees in the two campgrounds and identified 45 additional trees that are either dead or dying and are hazardous to visitors at these campgrounds.

Figure 1. Blowdown trees proposed for salvage.

Map 1. Location of Proposed Blowndown and Hazard Tree Removal.



The BLM is proposing to remove trees blocking or creating safety hazards along system roads, including the removal of hazardous trees leaning toward the road that could fall onto the road. Where trees have been uprooted in the campgrounds, large holes remain leaving uneven and potentially hazardous terrain for the recreating public. These depressions will be filled in with dirt to provide for public safety. These actions would provide private land owners with access to their land and would allow for access to federal lands for resource management and fire protection, and would provide the public with safe passage along roads and in developed campgrounds.

Project Design Features

Project Design Features (PDFs) are an integral part of the Proposed Action and have been developed to avoid or reduce the potential for adverse impacts to resources. The following PDFs are included in this project.

General Operations

- Only trees impacting the safety and functionality of the campgrounds or lying fully or partially within the road prisms will be removed.
- Uprooted or broken trees leaning toward the road that could fall onto the road or within the campground will be felled and removed.
- Purchaser shall provide sufficient warning signs to control traffic on all major haul roads where they pass through the contract area whenever harvest operations are occurring.
- Purchaser will be required to meet current state fire regulations.

Activity Fuels

- Slash will be lopped and scattered, or chipped and taken to a pre-determined disposal area, as determined by the sale administrator.
- No handpiling or burning of slash would occur within Riparian Reserves.

Hydrology/Soils

- Motorized equipment will not leave the road prism except in previously disturbed recreational areas (campgrounds and cabins) as determined by the sale administrator.
- Decommissioned roads and roads with existing earth barricades will not be salvaged unless access is necessary for other management needs.
- Road surfaces, ditches, and culvert catch basins will be cleaned of slash and debris.
- Limit road use during the wet season on native surface (unsurfaced) roads to between May 15th and Oct 15th. Road use may occur outside this period if the road is sufficiently dry to protect both the road and resource values. Road use shall be suspended during precipitation events or if monitoring indicates that saturated soils exist to the extent that there is potential for causing elevated stream turbidity and sedimentation. No snow plowing of native surface roads will occur. Consultation with appropriate resource specialists (hydro, soils, fish) shall occur if road use is proposed during the wet season to determine if additional mitigation is required or use is appropriate for the conditions.
- Road use is permitted during the wet season on surfaced (aggregate, chip seal, paved) roads; however road use shall be suspended when there is potential for causing elevated

stream turbidity and sedimentation. Snow plowing is permitted on surfaced roads only, but shall occur in a manner that will protect roads and adjacent resources by removing or placing snow berms to prevent concentration on the roadway or on erodible side slopes and soils.

Wildlife

- Large coarse woody debris of 120 lineal feet (16" X 16') per acre will maintained where practical.
- Only the portion of the tree within the road prism within Riparian Reserves and northern spotted owl nest patches and known activity centers would be removed.
- Seasonal restrictions for Threatened and Endangered and Special Status Species will apply as follows: Removing downed trees within ¼ mile of a nesting northern spotted or great gray owl may require delaying work until after the nesting seasons (nesting season is March 15 to September 30 for spotted owl, and March 1 to 15 July for great gray owls). If no nesting is taking place, restrictions may be modified upon field review by a resource area wildlife biologist.
- A seasonal restriction from March 1 to 15 July will be placed on operations located within great gray owl cores behind closed or gated roads.
- The Proposed Action activities would be prohibited within a 1.0 mile radius of active gray wolf dens and rendezvous sites from April 15 to August 31. Prior to the spring, communication between U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, and the BLM will occur to determine if any wolf activity has expanded or moved into the project area.
- A variety of raptors (e.g., bald eagle, osprey) occur across the landscape within, or near, the Proposed Action. Any active nest sites located prior to or during harvest would be protected from operational activities that may disturb or interfere with nesting using a 0.25 mile seasonal buffer between March 1 to July 15.

Botany/Noxious Weeds

- Known locations of Bureau Sensitive Species (BSS) plants would be protected as recommended by the resource area botanist.
- To prevent the spread of noxious weeds, all equipment will be washed prior to entering BLM lands and free of mud and debris.
- Highly disturbed log removal areas will be seeded, revegetated, and/or mulched as requested by the resource area botanist. Only certified weed-free mulch and/or native seed will be used.

Archaeological/Paleontological/Cultural Resources

- Significant archaeological sites and paleontological sites occurring within activity areas will be flagged for avoidance and identified to the project proponent/operator as reserve areas where no activity will occur. Site flagging would be placed twenty-five feet from the site perimeter. No disturbance would occur in the buffered areas.
- Trees proposed for salvage removal would be directionally felled away from archaeological and paleontological site boundaries for up to one tree length (160 feet) and

no skidding would occur through the site boundary.

- If during project implementation the contractor encounters or becomes aware of any objects or sites of paleontological or cultural value on federal lands, such as fossils, historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the findings. The project may be redesigned to protect the cultural resource values present, or evaluation and mitigation procedures would be implemented based on recommendations from the resource area archaeologist with concurrence by the Ashland Field Manager and State Historic Preservation Office.

Land Use Plan Conformance

The Proposed Action is in compliance with the 1995 Medford District Record of Decision (ROD) and Resource Management Plan (RMP). The Proposed Action is consistent with Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985) and the 2001 ROD and Standards and Guidelines for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.

The Proposed Action is in conformance 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.

The project is in conformance with the Medford RMP, because it is specifically provided for, "Mortality of entire stands or of scattered trees that result from disturbance would be harvested in salvage operations (Medford RMP, p. 186).

Compliance with NEPA

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9 C (8) as follows.

516 DM 11.9 C(8) Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(b) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(c) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after

the termination of the contract.
(d) For this CX, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, and that in the judgment of an experienced forest professional or someone technically trained for the work, is likely to die within a few years.
Examples include, but are not limited to:
(a) Harvesting a portion of a stand damaged by a wind or ice event.
(b) Harvesting fire damaged trees.

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.

NEPA 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. The Code of Federal Regulations at 43 CFR § 46.215 provide for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

CX Extraordinary Circumstances Documentation	Yes	No
1. Have significant impacts on public health or safety.		X
Rationale: Operations will follow Federal and State Occupational Safety and Health Administration standards designed to prevent job-related illness or injuries. Operations will remove or fall standing trees that currently represent a hazard to workers and the public.		
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.		X
Rationale: A portion of this project is located within Howard Prairie Recreation Area and along BLM roads in matrix lands. The Proposed Action is not significant as it removes a small number of trees within two designated campgrounds and removes trees blocking BLM roads or trees leaning toward the roads that could potentially fall within the road prism with the purpose of providing for public safety. Projects would not be implemented in prime farmlands, wetlands, or ecologically significant or critical areas. The BLM resource area archaeologist evaluated the project. All eligible or potentially eligible sites within the proposed area will be flagged for protection prior to project implementation.		

CX Extraordinary Circumstances Documentation	Yes	No
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Based on past experience from these types of activities, there are no predicted environmental effects from the Proposed Action that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. This project's Categorical Exclusion Authority allows for the removal of dead and dying trees not to exceed 250 acres. Land use allocations and goals for the affected lands were established and analyzed under the ROD/RMP and the corresponding environmental impact statement.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The activities proposed in this CX are long-standing practices on BLM-administered lands. The BLM interdisciplinary team of resource specialists reviewed this project and determined there are no highly uncertain, potentially significant, unique, or unknown risks.		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The activities proposed in this CX are addressed and authorized under the 1995 Medford ROD/RMP. This project will implement decisions made in that land use plan. The proposed activities are widely used on federal lands throughout Oregon and there is no evidence this type of project would establish a precedent or decision for future actions that would have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The Proposed Action salvages blowdown trees and hazard trees in the Howard-Hyatt area. The BLM interdisciplinary team reviewed the project and incorporated PDFs into the project design to minimize any potential impacts to resources and prevent off-site effects that would contribute to the cumulative effects of other projects in the area. The interdisciplinary team determined that the Howard-Hyatt Road/Campground Clearing and Hazard Tree Removal project would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.		
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.		X
Rationale: There are no significant impacts to properties listed, or eligible for listing, on the National Register of Historic Places. No National Register Listed sites, or sites eligible for listing, were identified in areas of potential effect (APE) during archaeological survey or extensive background research.		

CX Extraordinary Circumstances Documentation	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.		X
Rationale: Areas proposed for treatment have been reviewed by the BLM botanist, wildlife biologist, and fisheries biologist. PDFs have been incorporated into the project to protect listed, or proposed to be listed species and their habitats. Appropriate buffers and seasonal restrictions will be implemented to avoid adverse effects to threatened or endangered species or designated critical habitat.		
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed activities conform to Medford RMPs' direction for management of public lands in the Medford District and comply with applicable laws, rules, and regulations.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Similar actions have occurred throughout the District and there is no evidence that this type of project would have a disproportionately high and adverse effect on said populations.		
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 130007).		X
Rationale: The BLM resource area archaeologist reviewed the project. No Native American sacred sites were identified. The project does not significantly or adversely affect the physical integrity of any such sacred sites.		
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).		X
Rationale: The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species in or from the project area. The implementation of PDFs such as washing equipment prior to entry to the project area and not working in weed infested areas and the ongoing treatment of noxious weeds in the project area will reduce the risk of introduction or spread of noxious weeds.		

Decision and Rationale

Based on the attached Categorical Exclusion, it is my decision to implement the Howard-Hyatt Road/Campground Clearing and Hazard Tree Removal project described in the Proposed Action within the Ashland Resource Area. In making my decision, I considered the Project Design Features that will be incorporated into the project.

In addition, I have reviewed the plan conformance statement and have determined the Proposed Action is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action as described.

3/13/15

John Gerritsma
Field Manager
Ashland Resource Area

Date

Administrative Remedies

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 subsection (a), a notice of decision will be published in local newspaper(s). Notification of this decision will be published in the *Mail Tribune* newspaper of Medford, Oregon and on the Medford District Web site at http://www.blm.gov/pr/districts/medford/plans/index.php. Under 43 CFR 5003.3 subsection (a), protests may be filed with the authorized officer within 15 days of the publication date of the notice of the decision.

43 CFR § 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Medford District office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

Regulations at 43 CFR §5003.3(c) state, "Protests received more than 15 days after the publication of the notice of decision are not timely filed and shall not be considered." If no protest is received by close of business (4:30 p.m.) within 15 days after posting the decision, this decision will become final. Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting parties. Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulation s 43 CFR §5003.3(f).

A decision on this protest would be subject to appeal to the Interior Board of Land Appeals, although, under 43 CFR 5003.1 subsection (a), filing a notice of appeal under 43 CFR part 4

does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

Contact Person

If you have questions or comments, please contact Kathy Minor, Planning and Environmental Coordinator, at 541.618.2245.

References

National Weather Service. 2015. *Medford Oregon Weather Review: February 2015.* Medford, OR.

USDI Bureau of Land Management. 1995. *Medford District Record of Decision and Resource Management Plan.* Medford, OR.