

# Categorical Exclusion Documentation and Decision Record

## Hyatt Divide Blowdown Salvage

**DOI-BLM-ORWA-M060-2016-0002-CX**

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### Location

BLM roads within the Ashland Resource Area in the vicinity of Hyatt Reservoir (outside of the Cascade-Siskiyou National Monument), Medford District, Jackson County, Oregon.

BLM Roads: 38-3E-33.2 in Section 33 and 38-3E-34.1 in Section 34, T. 38 S., R 3 E., W.M.; 38-3E-34.1 in Section 3; 38-3E-32 and 39-3E-5.3 in Section 5, T. 39 S., R. 3 E., W.M.; 39-3E-21.2 and 39-3E-27.5 in Section 21; and 39-3E-27.5 in Section 28, T. 39 S., R 3 E., W.M.

Salvage Units: 21-2, 21-3, 21-4, 21-5 in Section 21, T. 39 S., R. 3 E., W.M.

### Proposed Action

In February 2015, multiple warm storm systems moved through the region delivering record breaking rainfall. 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. 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 6<sup>th</sup> (National Weather Service 2015). These winds coupled with already saturated soils resulted in numerous down trees in and around Howard Prairie and Hyatt Reservoirs in the Ashland Resource Area.

There are also numerous down trees along BLM roads frequented by the general public and used by the BLM for administrative purposes. Leaning or fallen trees are creating a safety hazard, blocking several roads, or are lying within ditches compromising the safety and stability of the road system. Numerous trees also blew down within the power line corridor southwest of Hyatt Reservoir and along the East Hyatt Lake Road (40-3E-3). Some trees were partially uprooted, hung up in other trees and/or in danger of falling into the roads and power lines.

The BLM is proposing to salvage harvest approximately 81 acres of hazardous and blown down trees (see attached map). Hazardous trees leaning toward the roads and power line discovered during operations (and not previously identified for salvage) may also be removed. The selection of such additional trees will be pre-approved by a BLM wildlife biologist to ensure the stand will retain its current northern spotted owl habitat function. Salvaging fallen trees in the power line corridor will reduce the fire hazard in the corridor as part of required maintenance under the terms and conditions of the right-of-way agreement (OR 13745). Timely salvage is critical to capture the remaining merchantable timber values before further deterioration occurs. Salvaging dead or dying trees will allow the BLM to retrieve some economic value from these trees. As directed in the Medford Resource Management Plan (RMP), “[o]nly mortality above the level needed to meet snag retention and other habitat goals and provide desired levels of coarse woody debris would be harvested (USDI 1995, p. 186).”

These actions will also provide private land owners with access to their land; allow for access to federal lands for resource management and fire protection; provide the public with safe passage along roads; and reduce the risk of potential power outages associated with leaning trees falling onto power lines.

Trees will be removed using a ground-based logging system (e.g., tractor, skidder). Existing barricades on BLM Roads 38-3E-33.2, 39-3E-21.2, and 39-3E-27.5 will be removed to access proposed salvage units. New landings will be limited to ¼-acre openings. All units are outside of Riparian Reserves.

The project is in the Upper Jenny Creek and Keene Creek sub-watersheds of the Jenny Creek Tier 1 Key Watershed. The Medford District RMP (USDI 1995, p. 76) allows limited harvest within Tier 1 Key Watersheds.

### **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

- For the roadside salvage, heavy equipment will not leave the road prism.
- Purchaser will 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.

#### Hydrology/Soils

- There will be no logging operations in the Riparian Reserves (RRs) and trees will be directionally felled away from RR.
- Road surfaces, ditches, and culvert catch basins will be cleaned of slash and debris.
- Any road barricade removed as a result of harvest activities will be re-installed to the same condition that previously existed.
- Avoid road use on native surface (unsurfaced) roads during the wet season (Oct. 15<sup>th</sup>-May 15<sup>th</sup>). Road use on native surface roads is limited to between May 15<sup>th</sup> and Oct 15<sup>th</sup>. Road use may occur between Oct 15<sup>th</sup> – Dec 1<sup>st</sup> and April 1<sup>st</sup> – May 15<sup>th</sup> if the road is sufficiently dry to protect both the road and resource values. Road use will 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 (hydrology, soils, fisheries) will 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 adequately surfaced roads (aggregate, chip seal, paved) as determined by the engineering representative in consultation with a soils or aquatic specialist; however, road use will be suspended when there is potential for causing elevated stream turbidity and sedimentation. Snow plowing is permitted on surfaced roads only, but will 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.
- Signage at the beginning of the power line access route will be installed to inform users that the route is not open to off-highway vehicles (OHVs), outside of snowmobiles, to prevent resource damage from increased OHV activity that may result from harvest operations along the power line access.
- All tractor skid trail locations will be approved by the BLM Contract Administrator prior to construction. Maximum area in skid trails used will be less than 12 percent of the harvest unit. Existing skid trails will be utilized when possible.
- Tractors will be equipped with integral arches to obtain one-end log suspension during log skidding. Tractor operations and skid trail locations on ground with slopes over 35 percent and areas with high water tables will be avoided. The intent is to minimize areas affected by tractors and other mechanical equipment (disturbance, particle displacement, deflection, and compaction) and thus minimize soil productivity loss.
- Tractor yarding on designated skid trails will occur from May 15<sup>th</sup> to October 15<sup>th</sup>. Variations in these dates will be permitted dependent upon weather and soil moisture conditions as determined by the Authorized Officer in consultation with aquatic and/or soils scientists. Tractor yarding on designated skid trails will be allowed when soil moisture content is 30 percent or less to ensure that soil rutting or displacement beyond the trail does not occur.
- All skid trails will be waterbarred according to BLM standards. Where soil erosion is not expected to occur (e.g., flat ground), waterbars will not be necessary. Main tractor skid trails will be camouflaged and blocked by scattering slash and other debris where they intersect haul roads and radiate from landings. Material such as logs and other organic debris will be placed along the length of skid trails where it exists and as determined needed by the Contract Administrator. The intent is to minimize erosion and routing of overland flow to streams by decreasing disturbance (e.g., unauthorized use by OHVs).
- Tractor yarding or other mechanized operations will be allowed over the snow when the snow pack is sufficient to protect the soil. Logging on snow will be allowed when snow depth is 18 inches or greater, and negligible ground surface exposure will occur during operations (USDI 1995, p. 166). If snow depth is less than 18 inches, yarding may be allowed on designated skid trails if soil moisture content is less than 30 percent. Skid trail spacing and soil moisture requirements will be waived if ground-based operations occur over sufficient snow pack (as described above). The intent is to minimize compaction and off-site erosion and sedimentation to local waterways.

### Recreation

- A 50-foot no-cutter buffer will be applied to either side of the Pacific Crest National Scenic Trail (PCNST) (from the centerline) where it intersects Unit 21-4, Unit 21-2, BLM Road 39-3E-27.5 and the power line corridor (USDI BLM 1998\_PCNST SRMA). Skidding logs over the top of the existing trail should be avoided and slash or other debris should not be placed on the edge of the trail as it could lead to damage of the trail.
- When actively working where the PCNST trail crosses the road, a spotter will be used to watch for hikers passing through the work area.

### Wildlife

- Large coarse woody debris of 120 lineal feet (16 inch diameter on the small end X 16 feet long) per acre will be maintained where practical.
- Where trees will be removed in northern spotted owl nest patches and known activity centers, only the portion of the tree within the road prism will 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<sup>th</sup> through September 30<sup>th</sup> for spotted owls, and March 1<sup>st</sup> through July 15<sup>th</sup> 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<sup>st</sup> through July 15<sup>th</sup> will be placed on operations located within great gray owl cores behind closed or gated roads.
- Activities will be prohibited within a 1.0 mile radius of active gray wolf dens and rendezvous sites from April 15<sup>th</sup> through August 31<sup>st</sup>. 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 will be protected from operational activities that may disturb or interfere with nesting using a 0.25 mile seasonal buffer between March 1<sup>st</sup> through July 15<sup>th</sup>.

### Botany/Noxious Weeds

- Locations of Survey and Manage and Bureau Sensitive Species (BSS) plants discovered prior to project implementation will 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, re-vegetated, and/or mulched as requested by the resource area botanist. Only certified weed-free mulch and/or native seed will be used.

- Noxious weed inventory will occur in and near all ground-disturbed areas and appropriate weed control measures taken per the Medford Integrated Weed Management Plan and EA (USDI 1998).

#### 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 will be placed 25 feet from the site perimeter. No disturbance will occur in the buffered areas.
- Trees proposed for salvage removal will be directionally felled away from archaeological and paleontological site boundaries for up to one tree length (160 feet) and no skidding will 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 will 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 will 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. This project utilizes the December 2003 Survey and Manage species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASRs) with the exception of the red tree vole.

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 will 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
<p><b>Rationale:</b> 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.</p>		

CX Extraordinary Circumstances Documentation	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.		X
<b>Rationale:</b> The project is located in Matrix lands and in a portion of the Hyatt Lake Complex. The Proposed Action is not significant as it removes a small number of trees on approximately 81 acres within four small salvage units, the power line corridor, BLM roads or trees leaning toward the roads or power lines with the purpose of providing access, fire hazard reduction, mortality salvage and public safety. Projects will 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.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<b>Rationale:</b> 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 Medford RMP and the corresponding environmental impact statement.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<b>Rationale:</b> 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
<b>Rationale:</b> 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 will establish a precedent or decision for future actions that will have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X

CX Extraordinary Circumstances Documentation	Yes	No
<p><b>Rationale:</b> The Proposed Action salvages blowdown trees and hazard trees in the Hyatt Reservoir/Buck Divide 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 will contribute to the cumulative effects of other projects in the area. The interdisciplinary team determined that the Hyatt Divide Blowdown Salvage project will not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.</p>		
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
<p><b>Rationale:</b> 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.</p>		
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
<p><b>Rationale:</b> 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. No units or roadside salvage areas, or proposed landing locations include any stream channels, springs, or Riparian Reserves. Consultation for the Endangered Species Act (ESA) with the USFWS has been completed (July 2010 NLAA BA) and Letters of Concurrence (13420-2010-I-0178) were issued. The proposed salvage will maintain northern spotted owl habitat and will not exceed the footprint analyzed under the consultation. Consultation with the NMFS for ESA or the Magnuson-Stevens Fishery Conservation and Management Act is not needed as there is no listed fish species within the Planning Area.</p>		
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<p><b>Rationale:</b> 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.</p>		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<p><b>Rationale:</b> Similar actions have occurred throughout the District and there is no evidence that this type of project will have a disproportionately high and adverse effect on said populations.</p>		
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

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CX Extraordinary Circumstances Documentation	Yes	No
<p><b>Rationale:</b> 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.</p>		
<p>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).</p>		X
<p><b>Rationale:</b> 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 non-native 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.</p>		

### Decision and Rationale

Based on the attached categorical exclusion, it is my decision to implement the Hyatt Divide Blowdown Salvage 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.





Kathy Minor

Date

Acting Field Manager

Ashland Resource Area

### 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 [https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do). 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 regulations 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 Michelle Calvert, Planning and Environmental Coordinator, at 541.618.2252.

### **References**

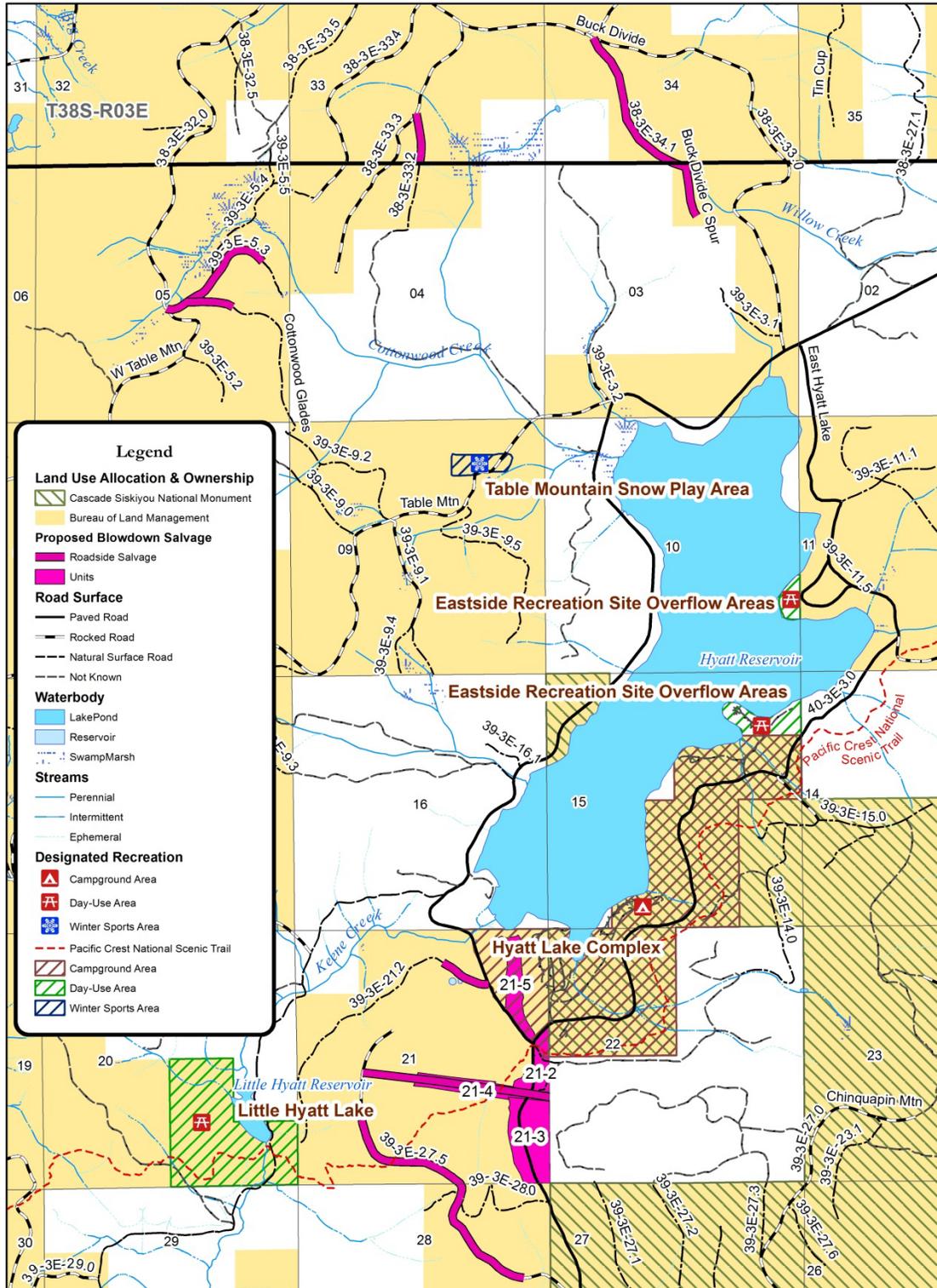
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USDI Bureau of Land Management. 1995. *Medford District Record of Decision and Resource Management Plan*. Medford, OR.

USDI Fish and Wildlife Service. 2010. Letter of Concurrence (July 2010 NLAA LOC TAILS #13420-2010-I-0178).

# Hyatt Divide Blowdown Salvage Project



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