

Categorical Exclusion Documentation and Decision Record for the Ferris Gulch Hazard Tree Removal Project

DOI-BLM-OR-M060-2016-0019-CX

Proposed Action Title: Ferris Gulch Hazard Tree Removal Project

Location: BLM Roads within the Ashland Resource Area in the Vicinity of Ferris Gulch, T. 38 S., R. 4 W., Sections 30 and 31, Medford District, Jackson County, Oregon.

Proposed Action

Numerous dead standing trees have been identified adjacent to BLM Roads 38-4W-20, 38-4W-17, and 39-5W-1 near Ferris Gulch (Map 1 and Table 1). The BLM is proposing to remove approximately 40 hazardous trees that are leaning towards these system roads or have the potential to fall on the roads. These trees would be sold as firewood to the public.

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 roads would be removed.
- Trees leaning toward the roads or that could fall onto the roads would be felled and removed.
- Permittee shall provide sufficient warning signs to control traffic on during felling operations.
- Permittee would be required to meet current state fire regulations.

Activity Fuels

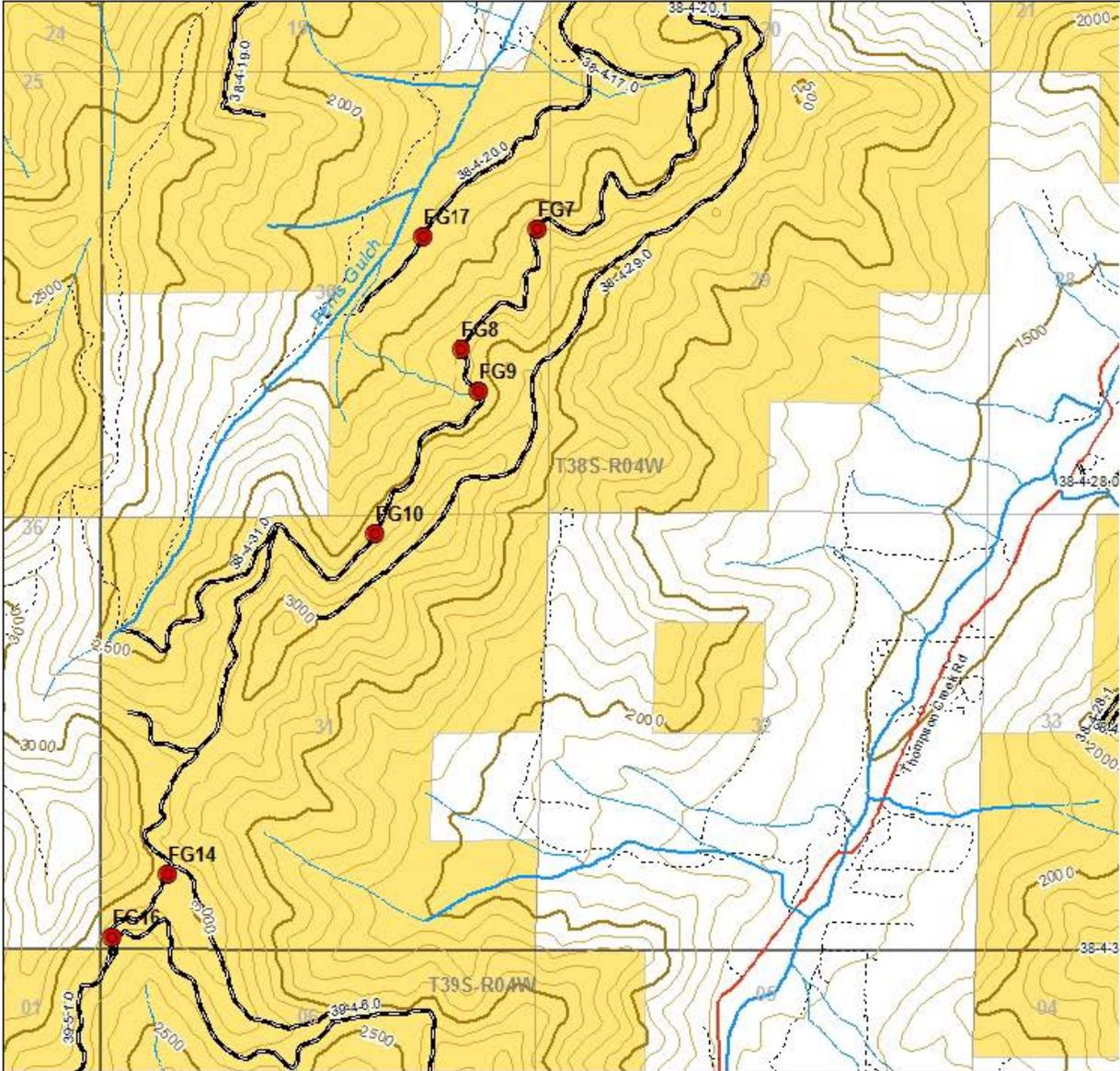
- Slash (branches and any portions of felled trees not taken as firewood) would be lopped and scattered by the Permittee.

Hydrology/Soils

- Motorized equipment will not leave the road prism.
- 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.

Map 1. Location of Proposed Hazard Tree Removal.

Ferris Gulch Hazard Tree Removal Project
Sections 30 and 31, T.38 S., R. 4 W., W.M.



- Hazard Tree Locations
- Other Bureau of Land Management
- Private
- Bureau of Land Management
- County Route
- Private Road (no symbol)
- Not Known



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Bureau of Land Management
Medford District
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No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



Prepared by: Kelly Miller
Cover Date: 01/28/2016

Table 1. Ferris Gulch Hazard Tree Removal Project.

Site #	Approximate # of Dead Trees	Location Description and Associated Restrictions
FG7	8-10	Above road.
FG8	5+	Above road, small group.
FG9	5+	Above road, small group.
FG10	2	Above road.
FG13	5+	Above road, open saddle with old skid roads. The east side of the road will be marked as an avoidance area with orange-glo “Noxious Weed” flagging. Permittee must stay out of this area.
FG16	3	Between two roads on switchback corner.
FG17	4-5	No trees will be removed downslope of the road.

Wildlife

- Large coarse woody debris of 120 lineal feet (16” X 16’) per acre will be maintained where practical.

Botany/Noxious Weeds

- To prevent the spread of noxious weeds, an infestation of Dyer’s woad in FG13 on the east side of the road will be marked as an avoidance area with orange-glo “Noxious Weed” flagging. Permittee shall stay out of this area.

Archaeological/Paleontological/Cultural Resources

- Significant archaeological sites, paleontological sites, or cultural resource sites occurring within activity areas will be avoided and protected.

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.

Compliance with NEPA

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9 C(2) as follows.

516 DM 11.9 C(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.

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 users of public roads.		
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

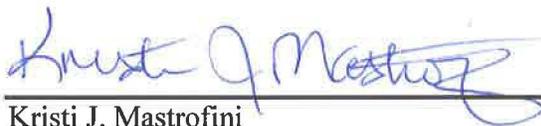
CX Extraordinary Circumstances Documentation	Yes	No
<p>Rationale: A portion of this project is located along BLM roads in matrix lands. The Proposed Action is not significant as it removes a small number of hazardous dead trees that are leaning toward BLM roads which could potentially fall within the 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 and identified an area near FG17 where no trees would be removed in order to protect cultural resources.</p>		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<p>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.</p>		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<p>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.</p>		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<p>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.</p>		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<p>Rationale: The Proposed Action removes hazard trees in the Ferris Gulch 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 Ferris Gulch 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.</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

CX Extraordinary Circumstances Documentation	Yes	No
<p>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.</p>		
<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.</p>		X
<p>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.</p>		
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>		X
<p>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.</p>		
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>		X
<p>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.</p>		
<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).</p>		X
<p>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.</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>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 avoiding the area identified at FG13 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 Ferris Gulch 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.



4/29/16

Kristi J. Mastrofina
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 BLM's ePlanning website at:

<https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=61053>

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, Assistant Field Manager, at 541.618.2245.

References

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