

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
GLENDALE RESOURCE AREA

**Categorical Exclusion Determination and Decision Record for
the issuance of an
O&C Logging Road Right-of-Way Permit No. M-2205 (OR 063948)
To the Purchaser of a Josephine County Timber Sale
CE-OR-118-08-019**

Location and Name of Applicant:

T. 33 S., R. 5 W., Section: 16
Medford District, Glendale Resource Area, Josephine County
HUC-6 Wolf Creek (Exhibit A Map attached).
Applicant: Josephine County Dept. of Forestry

Background

Under the terms of the Memorandum of Understanding between the United States, Bureau of Land Management, Medford District and Josephine County, dated May 3, 1990, when Josephine County wishes to use BLM roads, the County shall submit their timber sale plan to the BLM and the BLM will determine if it has objections to the County's planned action. When there are no objections, the BLM shall furnish to the County a partially completed O&C Logging Road Right-of-Way permit which will be issued to the successful timber sale purchaser. This partially completed permit contains the terms and conditions for which the purchaser must comply. Upon award of the timber sale, the BLM will issue the permit to the successful purchaser. This document analyzes the impacts of the permit to be issued to the successful purchaser.

Description of Proposed Action:

Josephine County Department of Forestry is planning their Hole-in-the-Bear timber sale to be offered in May of 2009. The proposed action is the issuance of an O&C Logging Road Right-of-Way Permit to the purchaser of Josephine County's timber sale, under the provisions of 43 CFR Subpart 2812, and P.L. 94-579; 90 Stat 2743.

This permit has been designated as Permit No. M-2205 (OR 063948). The requested period of use is for 3 years, with the possibility of one-year extensions at the discretion of the Authorized Officer. The permit will allow commercial hauling of approximately 1,050 MBF of private timber over existing U.S. road(s). Utilization of these roads would, by itself, not facilitate any ground-disturbing actions on federal lands. The permit would not be a determining factor as to whether ground-disturbing actions would occur on private lands.

BLM will retain all maintenance responsibilities for road 33-5-7, 33-5-10, 33-5-10.2, 33-5-10.6, and 33-5-18. Fees will be collected from the permittee for this road maintenance.

The purchaser of the Josephine County timber sale is responsible for dust abatement on road 33-5-7 A.

The area to be harvested is identified as:

Area to Be Harvested			
T.	R.	Sec.	Subdivision
33 S	5 W	16	NE¼NE ¼, S½

The following table identifies the U.S. roads to be used, estimated timber and/or mineral volumes to be hauled over each road and the anticipated haul periods:

BLM Road and Segment No.	Seg. Length	Length to be Used	Present Surface Type	Haul Period	Estimated Timber Volume to be Hauled (MBF)
33-5-7 A	2.23	2.23	PRR	June 2009	950
33-5-10A-C	0.94	0.94	ASC	June 2009	1050
33-5-10.2	2.50	1.80	GRR	June 2009	100
33-5-10.6	1.98	1.98	PRR	June 2009	950
33-5-18A	1.40	1.40	ABC	June 2009	950
33-5-18B	0.80	0.80	NAT	June 2009	950

The haul route and affect roads are located in Josephine County on BLM lands administered by the Glendale Resource Area and crosses federal General Forest Management Area. The specific roads to be used and area to be harvested are located on the attached map labeled as Exhibit A.

Project Design Features

Permittee agrees to comply with the following environmental stipulations:

- A. All provisions of the State and Federal Water Quality Standards as they may apply to any waterway, stream, lake, or reservoir on or near the permit area together with all applicable State and Federal laws and regulations. The Permittee shall also undertake every reasonable measure to minimize damage to waterways, streams, lakes, or reservoirs on or near the permit area in connection with any operation under this permit.
- B. All applicable State and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides, and other similar substances.
- C. All other applicable State and Federal environmental laws, regulations, and standards.
- D. If, in connection with his operations under this permit across the lands of the United States, the Permittee encounters or becomes aware of any objects or sites of cultural value such as historical or prehistorical ruins, graves, grave markers, fossils, or artifacts, the Permittee shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the findings. The Permittee's operations may resume at the discovery site upon receipt of written instructions and authorization by the Authorized Officer.
- E. The Permittee shall discontinue hauling and other operations under this permit upon

written notice of the Authorized Officer that such operations are in violation of this provision.

G-2 – May be Amended

This permit may be amended to include additional rights for the Permittee over existing roads controlled by the United States or over roads controlled by third parties limited to land identified as “United States Lands” on the attached Exhibit A map. However, approval of such amendment shall be subject to all regulations and laws current at the time of application.

G-4 – Assignability

When the Permittee lands served by this permit are sold or transferred to another owner who needs the rights granted by this permit, assignment of the permit is required. Application for assignment shall be made in accordance with 43 CFR 2812.7.

G-5 – Use of Herbicides

The use of herbicides is prohibited along roads that cross U.S. lands administered by the Bureau of Land Management.

RU-1 - Notification of Periods of Non Use

Before beginning hauling under the terms of this permit for the first time, or after a shutdown of thirty (30) or more days, the Permittee shall notify the Authorized Officer in writing of the date he/she plans to begin operations. The Permittee shall also notify the Authorized Officer in writing if he/she intends to cease operations for any period of thirty (30) or more days. Such written notification may be made by notation on Form OR 2812-6, Report of Road Use.

RU-3 - Stop Activities in Case of Damage

The Bureau of Land Management reserves the right to stop any or all activities authorized under this Permit when the Authorized Officer determines that damage to the road or environment may occur or is anticipated.

RU-4 - Roads Limited to Dry Weather Use

Use of the following roads is prohibited between the period from October 15th to May 15th, without the written permission of the Authorized Officer.

<u>Road No.</u>	<u>Segment</u>
33-5-7	A
33-5-10	A-C
33-5-10.2	
33-5-10.6	
33-5-18	A-B

Should the above roads be needed for hauling during wet conditions, durable rock of sufficient depth would be present across the road surface to prevent road damage, offsite erosion, or stream sedimentation as determined by the Authorized Officer. Durable rock would be from a BLM approved source. Currently the road condition for these roads are adequately surfaced for dry season or extended season hauling only.

RU-5 - Landings, Yarding and Condition of Roads During Use

No landings shall be located within 25 feet of the road and no yarding shall be allowed in the road. Permittee shall keep the roadway and ditches clear of logging debris. The Permittee is responsible for all damages beyond normal maintenance as determined by the Authorized Officer of the Bureau of Land Management. The Permittee agrees to repair damages to the satisfaction of the Authorized Officer or to reimburse the Bureau of Land Management for repair of such damages. The road(s) must be open for travel at all times.

The Permittee shall, to the satisfaction of the Authorized Officer, clean up landings and areas on BLM land where equipment has been operated or repaired and shall remove, or otherwise dispose of in a legal

manner, all garbage, temporary buildings, trash, litter or other refuse resulting from the Permittee's operations including fuel containers, oil cans, and discarded equipment or parts thereof.

DA-1 – Dust Abatement

Prior to your use of the following road, dust abatement shall be performed by the purchaser of the Josephine County timber sale as shown below. Dust abatement is required in addition to payment of maintenance fees.

Road & Segment No.	From M.P.	To. M.P.	Type (water, lignin sulfonate, or bituminous)
33-5-7 A	0.00	0.20	Water or Lignin

Prior to application of dust palliatives, the roadbed shall be bladed and shaped to remove surface irregularities and loose material.

DA-2 – Dust Palliatives Application Specifications

Dust palliatives shall be applied as follows:

Type	Frequency	Application Rate
Watering	Once Each Day of Haul or <u>1/</u>	0.5 Gal./Sq.Yd.*
Lignin Sulfonate	Once per summer season**	0.25 Gal./Sq.Yd.*

* Application rates may be adjusted by the Authorized Officer to accommodate conditions or surface types.

** Additional applications may be required by the Authorized Officer to repair deficient or deteriorating sections of dust palliative.

1/ 1 to 3 Log Truck Loads per Day, dust abatement may be waived by the Authorized Officer.

TE-1 - Threatened or Endangered Species

The Permittee shall immediately discontinue specified use upon receipt of written notice from the Authorized Officer that:

- a) Threatened or endangered plants or animals protected under the Endangered Species Act of 1973, as amended, may be affected by the operation and a determination is made that consultation or reinitiation of consultation is required concerning the species prior to continuing operations; or
- b) Federal proposed, federal candidate, Bureau sensitive or State listed species protected under BLM Manual 6840 - Special Status Species Management - have been discovered and a determination is made that continued operations would adversely affect the species or its habitat.

Discontinued operations may be resumed upon receipt of written instructions from the Authorized Officer.

HM -1 –Hazmat

The Right-of-way Holder may not release any hazardous substances or hazardous wastes (as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et seq.) on the right-of-way area. The Right-of-way Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances or hazardous wastes.

CL -1 –Cultural

If in connection with any operations within the right-of-way area, the Right-of-way Holder, its agents or contractors, encounters or becomes aware of any objects or sites of cultural value, such as historical or pre-historical ruins, graves, grave markers, fossils or artifacts, the Right-of-way Holder, its agents or contractors, shall immediately suspend all operations in the vicinity of the cultural value and notify the Authorized Officer of the Bureau of Land Management of the findings within 24 hours. Operations of the Right-of-way Holder, its agents or contractors, may resume at the discovery site upon receipt of written instructions and authorization from the Authorized Officer.

Plan Conformance Review

This proposed action is consistent with policy directed by the following:

- the *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994);
- the *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- the *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)
- Final Supplement to the 2004 *Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (FSEIS, 2007 and ROD, 2007).¹

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.

This proposed action is consistent with management direction in the Medford District Resource Management Plan that directs the BLM to continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon state-wide planning goals and rules, and the exclusion and avoidance areas identified in the Resource Management Plan (USDI 1995, p. 82).

Categorical Exclusion Determination

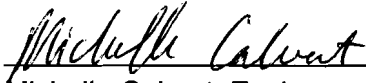
This proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9.E.16. This section allows for "Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."

Before any action described in the list of categorical exclusions may be used, the "extraordinary circumstances," included in 516 DM 2, Appendix 2, must be reviewed for applicability (See attached review). After review, the BLM determined no extraordinary circumstances exist that would cause the proposed action to have a significant environmental effect. The action will not require additional analysis.

Contact Person

For additional information concerning this project, contact Michelle Calvert, Project Leader, at (541) 476-2195.

Prepared by:

 10/21/08
Michelle Calvert, Environmental Planner
Glendale Resource Area

Decision

It is my decision to authorize O&C Logging Road Right-of-Way Permit No. M-2205 (serial No. OR 063948) as described in the Proposed Action. The project is planned for implementation summer 2009.

Decision Rationale

The proposed action has been reviewed by the Glendale Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the proposal. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.


Katrina Symons, Field Manager
Glendale Resource Area

10/27/08
Date

ADMINISTRATIVE REMEDIES:

Administrative review of right-of-way decisions requiring National Environmental Policy Act (NEPA) assessment will be available under 43 CFR Part 4 to those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a "party to the case." (See 43 CFR § 4.410 (a) – (c)). Other than the applicant/proponent for the right-of-way action, in order to be considered a "party to the case" the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a "legally cognizable interest" and the decision on appeal has caused or is substantially likely to cause injury to that interest (See 43 CFR § 4.410(d)).

EFFECTIVE DATE OF DECISION

This is a lands decision on a right-of-way action in accordance with BLM regulations at 43 CFR Subpart 2812. All BLM decisions under 43 CFR 2812 will become effective on the day after the expiration of the appeal period (30 days after the date of service) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Director of the Office of Hearings and Appeals or an Appeals Board has determined otherwise in accordance with specified standards enumerated in 43 CFR 4.21(b).

RIGHT OF APPEAL

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have

established themselves as a "party to the case." (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Only signed hard copies of a notice of appeal that are delivered to:

*BUREAU OF LAND MANAGEMENT
GRANTS PASS INTERAGENCY OFFICE
2164 NE Spalding
Grants Pass, OR 97526*

will be accepted. Faxed or e-mailed appeals will not be considered.

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor and Josephine County Department of Forestry at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations. 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

HOW TO FILE AN APPEAL

See the attached Form 1842-1 for complete instructions on Filing an Appeal

CONTACT INFORMATION

For additional information contact:

Katrina Symons, Field Manager, Glendale Resource Area
Grants Pass Interagency Office
Bureau of Land Management
2164 NE Spalding
Grants Pass, OR 97526
(541)471-6653
or Michelle Calvert (Glendale Resource Area Environmental Planner) at (541)471-6505.

Additional contact addresses include:

- U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203
- Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
805 S.W. Broadway, Suite 600
Portland, Oregon 97205
- Josephine County Department of Forestry
County Courthouse, Department 8
500 N.W. 6th Street
Grants Pass, OR 97526

Enclosures:
Exhibit A Map
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
<hr/>	
2. WHERE TO FILE	
NOTICE OF APPEAL.....	U.S. Department of the Interior, Bureau of Land Management Grants Pass Interagency Office 2164 NE Spalding Grants Pass, OR 97526
WITH COPY TO SOLICITOR....	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 600 Portland, OR 97205
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3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	U.S. Department of the Interior Office of the Regional Solicitor, Pacific Northwest Region 805 S.W. Broadway, Suite 600 Portland, OR 97205
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4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

NEPA Categorical Exclusion Review

Proposed Action:

The proposed action is the issuance of an O&C Logging Road Right-of-Way Permit to Josephine County Department of Forestry, under the provisions of 43 CFR Subpart 2812, and P.L. 94-579; 90 Stat 2743. This has been designated as Permit No. M-2205 (OR 63948). The requested period of use roads 33S-5W-7, 33S-5W-10 (Seg A - C), 33S-5W-10.2, 33S-5W-10.6, 33S-5W-18 (Seg A & B) for 3 years, with the possibility of one-year extensions at the discretion of the Authorized Officer. The permit will allow commercial hauling of approximately 1,050 MBF of private timber over existing U.S. road(s). Utilization of these roads would, by itself, not facilitate any ground-disturbing actions on federal lands. The permit would not be a determining factor as to whether ground-disturbing actions would occur on private lands.

Department of the Interior Manual 516 DM 2, Appendix 2 provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the proposed action based on actions which may:

1. *Have significant impacts on public health or safety.*

Yes No

() Remarks: All proposed activities follow established rules concerning health and safety.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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.*

Yes No

() Remarks: The proposed action entails the use of approximately 10 miles of existing BLM-roads. No unique natural resources or geographical characteristics are within the project area or affected by this project.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].*

Yes No

() Remarks: Based on past experience from this type of activity, there are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. Similar work has been completed on the Medford BLM District.

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

() Remarks: Past experience from this type of activity has shown 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.*

Yes No

() Remarks: Similar actions have taken place throughout the district and there is no evidence that this type of action would establish a precedent or decision for future action.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

() Remarks: The BLM has conducted this type of activity in the past with no significant direct, indirect, or cumulative effects.

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.*

Yes No

() Remarks: Properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office are not present within the Project Area.

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.*

Plants Yes No

() Remarks: No new construction; hauling on existing roads only. Threatened or Endangered plant sites have not been in this vicinity, and would not be affected by hauling activity.

Animals Yes No

() Remarks: Does occur not in critical habitat. No historic spotted owl nests occur within the disturbance distance of this haul route. This is outside the known geographic range of the marbled murrelet. There are no known fisher in the immediate area, and any that do occur are not likely to be affected by this hauling activity.

Fish Yes No

() Remarks: Southern Oregon Northern California coho salmon (federally listed as threatened) are present within the vicinity of the proposed haul route. The closest points the haul road crosses a stream containing coho salmon is along the 33-5-7 and 33-5-10 Road. On the West haul route (T33S-R5W-7), the 33-5-7 road parallels Board Tree Creek (steelhead) then crosses over Wolf Creek (coho). The east route, using 33-5-10 road, again crosses Wolf Creek (T33S-R5W-10) and coho habitat. The proposed haul is not expected to affect coho or coho critical habitat because hauling would be limited to dry season use or roads would have sufficient durable rock present to support extended haul outside of the dry season minimizing sediment to streams.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

() Remarks: The proposed action consists of hauling on existing BLM roads. Through this process it has been determined that the proposed action will not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

() Remarks: The proposed action consists of hauling on existing BLM roads and as such is not expected to have a disproportionately high and adverse effect on low income or minority populations, nor are any such populations in the vicinity of the Project Area.

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 13007).*

Yes No

() Remarks: The proposed action would not create new ground disturbance so archaeological surveys are not required and no impacts to historic or cultural resources are expected, including access to, ceremonial use of, or physical integrity of Indian 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).*

Yes No

() Remarks: The proposed action entails the use of existing BLM roads. The proposed action is not anticipated to result in the spread of invasive, nonnative species. Since no new ground disturbance would occur, no openings would be created. Openings and disturbance provide the greatest opportunity for the establishment of noxious weeds.

HOLE-IN-THE-BEAR

O&C PERMIT REQUEST

SEC. 16, T 33, R 5

