

## Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute

### A. Background:

**BLM Office:** Tillamook Resource Area , Salem District      **Lease/Serial/Case File No:** N/A

**Categorical Exclusion Number:** DOI-BLM-OR-S060-2012-0008-CX

**Date:** 09/06/2012

**Proposed Action Title/Type:** Panther Creek Destructive Sampling

**Location of Proposed Action:** T. 3 S., R. 5 W., Sec 17 & 29 and T. 3 S., R. 6 W., Sec 13, 24, & 25, W.M., Yamhill County.

**Land Use Allocation(s):** AMA, RR.

### B. Description of Proposed Action:

The project involves the felling and taking of measurements of 18 Douglas-fir trees in six forest stands ranging in age from about 40 -100 years old on BLM land within the upper reaches of the Panther Creek subwatershed of the South Yamhill River watershed. The trees are in groups of three, spaced at least 100 feet apart, associated with six permanent research plots and each plot has a small, medium and a large tree selected for sampling. The smallest tree is nine inches in diameter and the largest is 31 inches in diameter. The trees would be felled by researchers from Oregon State University in order to measure sapwood area and leaf area. The measurement will be used as a means of “ground truthing” leaf area estimates derived from LIDAR data (*light detection and ranging*, an aerial optical remote sensing technique), LI-COR data (a ground based leaf area index measurement tool), and sapwood area measurements. The researchers ultimately hope to use leaf area estimates from remote sensing data, along with other data types, to estimate the growth of Douglas-fir forests in response to silvicultural treatments or other factors such as climate change. The researchers would remove a few limbs and several cross sectional slices of the trunk and leave the remainder of the tree in place for down woody habitat. No heavy equipment would be used. Only chain saws and other hand tools would be used. Vehicle access would be from existing road only and no vehicles would leave the existing road.

The trees are all located in the Adaptive Management Area land use allocation with one possibly also being in the outer edge of the Riparian Reserve land use allocation. Since this project is not exempt from Survey and Manage mitigation requirements, all of the trees in stands which contain suitable habitat and would trigger survey protocols have been surveyed for red tree voles and Survey and Manage lichen species. No red tree voles or S&M lichens were found. This project would not affect fish of any kind or any other sensitive wildlife or botany species.

### C. Land Use Plan Conformance:

The proposed action is in conformance with the 1995 Salem District ROD/RMP, even though it is not specifically provided for, because it is clearly consistent with the following objectives:

- “Develop and test new management approaches to integrate and achieve ecological and economic health and other social objectives.” (Salem District RMP, p. 19)
- “...Adaptive management is a continuing process of action-based monitoring, researching, evaluating and adjusting with the objective of improving the implementation and achieving the goals of the

resource management plan.” (Salem District RMP, p. 69)

**D. Compliance with NEPA:**

While not specifically related to timber cruises the Proposed Action is ultimately aimed at providing the BLM with improved forest inventory data to aid in management activities – very similar to what sampling by felling, bucking and scaling does for timber cruising estimates. Therefore the Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (C) 6. Felling, bucking, and scaling sample trees to ensure accuracy of timber cruises. Such activities:

- a. Shall be limited to an average of one tree per acre or less,
- b. Shall be limited to gas-powered chainsaws or hand tools,
- c. Shall not involve any road or trail construction,
- d. Shall not include the use of ground based equipment or other manner of timber yarding, and
- e. Shall be limited to the Coos Bay, Eugene, Medford, Roseburg, and Salem Districts and Lakeview District - Klamath Falls Resource Area in Oregon.

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)

Will the Proposed Action documented in this Categorical Exclusion...	Yes	No
(a) Have significant impacts on public health or safety?  <i>Rationale:</i> The Panther Creek Destructive Sampling will have no impacts on public health or safety therefore would have no significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) 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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?  <i>Rationale:</i> The Panther Creek Destructive Sampling project will occur in the Panther Creek subwatershed which does provide drinking water to the city of Carlton, Oregon. The project however is of such minor magnitude and is of such a distance from perennial water as to be inconsequential in its impacts to water quality. There are no other unique geographic characteristics of the project area nor are there any identified cultural or historic resources in the project area. Project activities would not have significant impacts on any historic or cultural resources.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?  <i>Rationale:</i> The effects of the Panther Creek Destructive Sampling are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?  <i>Rationale:</i> The Panther Creek Destructive Sampling is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?  <i>Rationale:</i> Implementation of the Panther Creek Destructive Sampling does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. See (d), above.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</p>		X
<p><i>Rationale:</i> There are no cumulative effects associated with the Panther Creek Destructive Sampling; therefore there are no significant cumulative effects as a result of these actions.</p>		
<p>(g) 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?</p>		X
<p><i>Rationale:</i> There are no listed or eligible NRHP properties within or around the Panther Creek Destructive Sampling area.</p>		
<p>(h) 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><i>Rationale:</i> The Panther Creek Destructive Sampling project will not have significant impacts to any species including fish, terrestrial wildlife, or botanical that are listed or proposed for listing on the List of Endangered and Threatened Species.</p>		
<p>The nearest know spotted owl site is approximately 1/2 mile from the nearest tree to be felled and the site has not been occupied to our knowledge since 2006 (it is on private land). The project would be implemented either at the very end of the spotted owl non-critical breeding season or in October, after the breeding season has ended. The project will not result in any adverse effects to spotted owl suitable or critical habitat; the project would result in the creation of down logs, an element of spotted owl habitat, although based on the scale of the project this potentially beneficial impact to spotted owl habitat is considered to be very minor.</p>		
<p>There is no marbled murrelet potential, suitable or critical habitat in or near the project areas.</p>		
<p>Red tree voles have been proposed for listing and were found warranted for listing but the listing was precluded pending other higher priority listings. Nonetheless, all of the potential red tree vole habitat trees were surveyed with negative results.</p>		
<p>The closest potential occurrence of Upper Willamette Steelhead, a listed fish species, is about 3000 feet of stream distance from the nearest tree to be felled. The nearest tree is approximately 220 feet from the stream channel. With only a total of 18 trees being felled in a scattered fashion there is no possibility of the Proposed Action affecting any listed fish.</p>		
<p>There are no listed Threatened or Endangered botanical species in the vicinity of the project area.</p>		
<p>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p>		X
<p><i>Rationale:</i> The Panther Creek Destructive Sampling would follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.</p>		
<p>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p>		X
<p><i>Rationale:</i> The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</p>		
<p>(k) 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)?</p>		X
<p><i>Rationale:</i> The Panther Creek Destructive Sampling project would not limit access to any lands and there have not been any previous identification of concerns for projects of this type.</p>		
<p>(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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

*Rationale:* There would be no ground disturbance associated with the proposed action and there would not be any heavy equipment used that could introduce noxious weeds. Access would be by foot from existing roads and only chain saws and other hand tools would be used. Any increase of light to the forest floor due to the removal of the forest canopy would not be significant enough to allow for an increase in invasive /non-native plant populations especially considering no ground disturbance will occur.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Table 1, above) apply.

I considered and reviewed the effects of the following additional elements of the environment required by management direction. Table 2 shows the effects of the proposed action on these elements of the environment.

Table 2: Additional Elements of the Environment		
Elements of the Environment	Status: Not Present, Not Affected, or Affected	Remarks
Aquatic Conservation Strategy	Not Affected	The Proposed Action does not occur in a Key Watershed and only one tree is possibly within Riparian Reserve. The small magnitude of the project is such that it cannot influence the objectives of the Aquatic Conservation Strategy negatively or positively.
Energy (Executive Order 13212)	Not Affected	There are no known energy resources located in the project area. The proposed action will have no adverse effect on energy development, production, supply and/or distribution.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	Essential fish habitat is at least 3000 feet away from the nearest tree to be felled. There would be no impacts to essential fish habitat from the Proposed Action.
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes are on the lands where the proposed action would occur. No hazardous or solid wastes would be produced by the proposed action.
Survey and Manage, Special Status (except T/E) or other rare or uncommon species/habitat	Not Affected	There are no known terrestrial wildlife or plant Special Status Species or Survey and Manage sites within the project area. Surveys for red tree voles and Survey and Manage lichens were conducted within all stands which contain suitable habitats and/or triggered survey protocols; no target species were found. Based upon the nature and scope of the project as well as the habitats to be impacted, no Survey and Manage or Special Status wildlife or plant species would be impacted.

The proposed action has no effect on the elements of the environment described above; therefore there is no potential for significant impacts. Project Design features are described in Section A. above.

**Additional Mitigation Measures:** None

**E. Interdisciplinary Team Review:**

Specialist Review and Concurrence:  None required or

Review Required	Review Not Required	Resource	Name	Initial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aquatic/Fisheries	Matt Walker	<i>MJW</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Botany	Kurt Heckeroth	<i>KWH</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cultural Resources	Heather Ulrich	<i>HAU</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineering		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydrology		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance	Andy Pampush	<i>ATP</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recreation		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Silviculture	Andy Pampush	<i>ATP</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Team Lead	Andy Pampush	<i>ATP</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Timber		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	Steve Bahe	<i>SAB</i>

**F. Signature:**

Authorized Official:  Date: 9/6/12

Name: Michael B. Brown

Title: Tillamook Resource Area Field Manager (acting)

**G. Contact Person:**

For additional information concerning this CX review; contact Andy Pampush, Planning and Environmental Coordinator at 503-815-1143

**H. Administrative Remedy**

Notice of the forest management decision to be made on the action described in this categorical exclusion will be posted on the Salem District internet website. The action is subject to protest under 43 CFR section 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT, TILLAMOOK RESOURCE AREA

**Decision Record**

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2012-0008-CX, I have determined that the proposed action, Panther Creek Destructive Sampling involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the Panther Creek Destructive Sampling as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2012-0008-CX.

Implementation: The project will be implemented in September or October of 2012.

Contact Person: For additional information concerning this CX review; contact Andy Pampush, Planning and Environmental Coordinator at Bureau of Land Management – Tillamook Resource Area, 4610 Third Street, Tillamook, OR 97141, (503) 815-1143.

Authorized Official:   
Michael B Brown  
Tillamook Resource Area Field Manager (acting)

Date: 9/16/12