

**United States Department of Interior
Bureau of Land Management
Coos Bay District
Categorical Exclusion Review (CX)**

DOI-BLM-OR-C000-2012-0002-CX

Date: 10/20/2011

A. Background

Project: Fiscal Year 2012 Sale of Special Forest Products

Location: Various locations throughout the Coos Bay District.

Project Description:

Under the Special Forest Products Program, the BLM would offer and administer contracts, including permits and tags, for harvesting a variety of special forest products. Contracts may include Form 5450-5 (for the sale of vegetative material up to a value of \$2499.00), Form 5450-1 (for the sale of vegetative material over \$2500.00), Christmas tree tags, and free use permits. Products to be harvested include, but are not limited to; firewood, posts and poles, chips, cedar wood products, transplant stock (tree seedlings, shrubs, and other plants), cut sticks, bear grass, boughs and Christmas trees, other floral greenery, cones, burls, bark, roots, pitch, and fungi. Except for wood products, permittees would manually harvest the items listed in this Categorical Exclusion. Wood products may involve the use of mechanical equipment such as chainsaws, log skidder, cable yarding equipment, helicopter, loader and log trucks; vehicles would be limited to existing roads.

All contracts would include special provisions designed to ensure resource sustainability and protection of other resource values such as special status plant, fungi or animal species. Permittees would follow seasonal restrictions in accordance with programmatic consultation when the BLM determines that harvest activity level disturbance may adversely affect threatened or endangered species. These special provisions would include those listed in the Special Forest Products Procedure Series, BLM Manual Supplement Handbook 5400-2, Rel. 5-242, 9/27/96. The permit may include other provisions to meet project-specific needs. The harvest permit area would be described by legal subdivision or project-specific map.

To prevent the spread of noxious weeds, each permit would include the following stipulation: "avoid driving or parking on roadside vegetation and areas containing noxious weeds."

Coos Bay District reserves the right to limit, change, or exempt the sale amounts of products or species within District boundaries.

Restricted Areas for Special Forest Product Harvest

- X Areas of Critical Environmental Concern – The BLM would not permit harvest of special forest products within ACECs, since the RMP designated most ACEC because of special status flora or fauna sites (or related habitats). The BLM may permit harvest if the harvest of special forest products benefits the ACEC or clearly does not affect any special status flora or fauna site within the ACEC. This policy shall apply until the BLM develops an ACEC plan for an individual ACEC. Then the plan shall provide the over-riding direction.
- X Research Natural Areas – The BLM would not issue contracts for special forest products within the Cherry Creek RNA.
- X Environmental Education Areas – The BLM would not issue contracts special forest products within the Powers Environmental Education Area unless the harvest is determined to be an efficient method to meet resource objectives.
- X Special habitats (e.g. cliffs, talus slopes, meadows) – The BLM may restrict harvest when monitoring or research

- shows that resource damage is occurring due to special forest products harvest.
- X Developed recreation sites – The BLM would not issue contracts for special forest products.
- X Known cultural resource sites and/or known Native American religious sites – The BLM may restrict harvest. The BLM would consult the District cultural resource specialist before issuing contracts that involve ground disturbance including mechanical yarding operations.
- X Wetlands – The BLM would not issue contracts for special forest products except for harvesting of traditional use products by federally recognized Native American Tribes. The BLM may cancel these contracts when monitoring shows that resource damage is occurring due to special forest product harvest.
- X Fragile Soil Areas – The BLM may restrict harvest when monitoring shows that resource damage is occurring due to special forest products harvest.
- X Special Status Species fauna or flora sites – The BLM would not issue contracts for special forest products.
- X Progeny test sites & seed orchards - harvest of boughs, Christmas trees, & firewood is restricted unless specifically authorized.
- X Known or suspected hazardous substance sites – The BLM may restrict harvest. The BLM would consult the District Hazardous Materials Specialist before issuing permits that involve ground disturbance, including mechanical yarding operations.

Plant Species or Groups Restrictions for Special Forest Products

- X Lily family except bear grass - limited harvest pending site review on case by case basis (for example: rights-of-way and future harvest units).
- X Orchid family – The BLM would not permit harvest.
- X Iris – limited to common varieties pending site review and approval (for example, rights-of-way and future harvest units). Yellow flag iris is a state listed noxious weed; transport and propagation are illegal.
- X Truffles/Mushrooms – The BLM restricts harvest to District lands east of Hwy. 101.
- X Lichens/ Mosses – The BLM restricts harvest on case-by-case basis except there are no restrictions within proposed rights-of-way clearing limits.
- X Ferns – The BLM restricts harvest of special status ferns.
- X Conifer boughs – The BLM limits contracts by species and site-specific harvest areas.
- X Conifer wildings – The BLM restricts harvest only to rights-of-way, future harvest units, plantations, and existing right-of-ways clearing limits.
- X Port-Orford-cedar boughs – The BLM restricts harvest only to future harvest units and rights-of-way clearing limits consistent with POC Management Guidelines.
- X Hardwood brush boughs – The BLM limits contracts to common varieties.
- X Hardwood wildings - The BLM restricts harvest only to rights-of-way, future harvest units, plantations and existing right-of-ways clearing limits.
- X Medicinal plants -The District botanist and noxious weed coordinator would review each request.
- X Special Status plant species – The BLM would not permit harvest of any Special Status plant species.

Areas Available for Wood Product Harvest

- X Any alder within 50 feet of the running surface of a surfaced road AND within 30 feet of an established conifer (that which is of comparable height) or releasable conifer (a conifer tree is releasable when it is exhibiting at least 6 inches of height growth).
- X Wind-thrown timber within the Matrix land use allocation.
- X Logging residue within previous timber sale areas.

B. Land Use Plan Conformance Review: On March 31, 2011, the United States District Court for the District of Columbia vacated and remanded the administrative withdrawal of the Coos Bay District's 2008 *Record of Decision and Resource Management Plan* (Douglas Timber Operators et al. v. Salazar). Due to current litigation concerning the 2008 RMP and uncertainty pertaining to court Opinions, this project is designed to conform to both the 2008 Coos Bay District *Record of Decision and Resource Management Plan* and the 1995 *Record of Decision and Resource Management Plan*. Consequently, this project will be consistent with the goals and objectives in both the 1995 RMP and 2008 ROD and RMP.

The proposed action is in conformance with the applicable resource management plan because it is specifically provided for in the following resource management plan decision(s):

2008 Resource Management Plan (RMP) Objectives:

Provide for the harvest and collection of special forest products (page 56).

1995 Resource Management Plan (RMP) Objectives:

Manage for the production and sale of special forest products (SFPs) when demand is present and where actions taken are consistent with primary objectives for the land use plan (page 55).

C: Compliance with NEPA:

The National Environmental Policy Act (NEPA) categorically excludes the Proposed Action from further documentation in accordance with 516 DM 11 §11.9 C (5):

Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds and personal use firewood.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. BLM staff has reviewed the proposed action and none of the extraordinary circumstances described in 516 DM 2 Appendix 2 apply.

<u>Extraordinary Circumstances</u>	<u>Source</u>	<u>Initials</u>	<u>Date</u>
(1) Health & Safety Hazardous Materials	Reviewed by Hazardous Materials Coordinator;	<u>pg</u>	<u>11/03/11</u>
(2) Unique Resources	Reviewed by Port-Orford Cedar Coordinator	<u>jk</u>	<u>11/08/11</u>
(3) Controversial Effects	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11/02/11</u>
(4) Risks	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11/02/11</u>
(5) Precedent	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11/02/11</u>
(6) Cumulative	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11/02/11</u>
(7) Cultural & Historic	Reviewed by Archaeologist	<u>srs</u>	<u>11/14/11</u>
(8) T & E Species	Reviewed by: Wildlife Biologist, Fisheries Biologist, Botanist	<u>kp</u> <u>dv</u> <u>tr</u>	<u>11/07/11</u> <u>11/07/11</u> <u>11/04/11</u>
(9) Violate Laws	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11/02/11</u>
(10) Environmental Justice	Reviewed by Environmental Justice Coordinator	<u>srs</u>	<u>11/14/11</u>
(11) Native American	Reviewed by District Native American Coordinator	<u>srs</u>	<u>11/14/11</u>
(12) Noxious Weeds	Reviewed by Noxious Weed Coordinator	<u>jms</u>	<u>11/07/11</u>

A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional adverse effect on the listed categories to warrant further analysis and environmental review.

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The proposed activity would be in remote, forested locations outside of population centers or areas visited by people. All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety.		
2.2 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 principle drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: The District does not contain refuge lands, wilderness areas, national natural landmarks, prime farmlands, wild or scenic rivers, or national monuments. The removal of understory vegetation or individual trees would not significantly affect recreation lands, sole or principle drinking water aquifers, wetlands, or migratory birds. Removal of special forest products would not be authorized from the Cherry Creek Research Natural Area.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102 (2)(E)]		X
Rationale: Based on past experience, sale of minor amounts of special forest products on BLM lands has not been highly controversial. The ROD/RMP establishes the land use allocation and goals for the affected lands; as such, there are no unresolved conflicts regarding other uses of these resources.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks		X
Rationale: The District has sold minor amounts of special forest products over the past several decades. Past experience has shown no highly uncertain, potentially significant, unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The District has sold minor amounts of special forest products over the past several decades. There is no evidence that this type of activity has potential for precedent-setting for future actions with significant environmental risks involved with this project.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: This project has no relationship with other actions which cumulatively would have significant environmental effects.		
2.7 Have significant impacts on properties listed, or eligible for listing, on the National register of Historic Places as determined by either the bureau or office.		X
Rationale: This type of harvest activity generally does not occur in the proximity of the few places on the District that are listed, or eligible for listing, on the National register of Historic Places. If significant cultural resources are located during this project, they would be excavated, reported and curated in accordance with laws, regulations, the Oregon SHPO Protocol and the BLM 8100 Manual specifications.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Threatened or Endangered Species, or have significant impacts on designated Critical Habitat for these species.		X
Rationale: This type of activity does not remove suitable habitat for northern spotted owls or marbled murrelets. The removal of understory vegetation or individual trees would not significantly affect water quality for listed fish species.		
2.9 Violate a Federal, State, Local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action conforms to the direction given for the management of public lands in the ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: This project would not have a disproportionately high and adverse effect on low income or minority populations.		
2.11 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).		X
Rationale: This project would not act to limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or significantly affect the physical integrity of a sacred site.		
2.12 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)		X
Rationale: This activity provides limited avenues of weed introduction and spread. Collection of special forest products is mostly performed on-foot. Vehicles accessing the project area would stay on existing roads, reducing the potential of picking up and dispersing noxious weed or seed.		

D. Signature

Authorizing Official:

District Manager: /s/ Mark E. Johnson

Date: 11/16/2011

E. Contact Person

For additional information concerning this CX review, contact Steven Fowler; District Planning & Environmental Coordinator; Coos Bay District Office; 1300 Airport Lane; North Bend, OR 97459.

United States Department of Interior
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Coos Bay District

Decision Record for Categorical Exclusion DOI-BLM-OR- C000-2012-0002-CX

Decision:

It is my decision to sell special forest products on BLM lands as described in **DOI-BLM-OR-C000-2012-0002-CX**.

Decision Rationale:

I have reviewed this Categorical Exclusion Documentation, including the plan conformance, NEPA compliance review, and extraordinary circumstances review. Based on that review, I have determined that the action involves no significant impact to the human environment and that no further analysis is required.

Signature of Authorizing Official:

/s/ Mark E. Johnson

District Manager

Date: 11/16/2011

Administrative Remedies:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed with the Coos Bay District Office, Coos Bay BLM, 1300 Airport Lane, North Bend OR, 97459 (43 CFR 4.411 and 4.413). A copy of the Notice of Appeal must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232.

The appellant has the burden of showing that the decision being appealed is in error.

For further information, contact Steven Fowler, Project Lead, at 1300 Airport Lane, North Bend OR., 97459 or (541) 756-0100.