

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

DOI-BLM-OR-C000-2012-0001-CX

Date: 10/5/2011

A. Background

Project: Fiscal Year 2012 Road Maintenance

Location: Various locations throughout the Coos Bay District.

Project Description:

Annual, seasonal, monthly, weekly, and daily maintenance of nearly 2000 miles of BLM maintained roads. BLM maintenance crews and private contractors maintain these roads in conformance with the Western Oregon Transportation Plan. These roads need routine maintenance activities and emergency repairs to keep the road system functional and drainage systems operational. Routine maintenance includes the following:

- 1) Removing landslides (i.e. rocks, dirt, and trees) that block routes and prevent road use or create a safety hazard.
- 2) Transferring landslide materials to designated disposal areas (e.g. old landings) or disposal sites along roadsides if appropriate. Operators would follow applicable standards and guidelines for activities occurring within the Riparian Reserve land use allocation.
- 3) Removing wind-thrown trees (per District Roadside Salvage IM OR120-2012-001) and slide debris along roadways.
- 4) Burning vegetative waste piles generated from removal actions in fall/winter months (wet season). This action includes waste generated from recreation site maintenance activities.
- 5) Controlling vegetation along roadsides by mechanical or manual methods commensurate with the assigned 'road maintenance intensity level'.
- 6) Maintaining road surfaces (i.e. grading, paving, patching, surfacing, etc.).
- 7) Replacing of culverts up to 35 sq. ft. end area.
 - a) Operators would replace culverts with flowing water within the ODFW in-stream work period (July 1 and Sept 15). NMFS must approve exceptions in writing.
 - b) Within listed fish habitat, operators would install culverts consistent with stream simulation methods based on design input from a fisheries biologist/hydrologist.
 - c) Operators would isolate all work areas within wetted channels from flowing water that are up to 300 feet upstream of coho streams.
 - d) Operators would maintain continuous stream flow downstream from work sites at all times.
 - e) Operators would pile soil and road surfacing material removed on roadway to use as fill material around new culverts. Operators would move excess overburden material (road fill) to a stable site away from riparian areas and floodplains.
 - f) Operators would implement all applicable Best Management Practices (RMP).
- 8) Installation of water bars/dips or other road surface drainage device.
- 9) Cleaning drainage ditches.
- 10) Maintaining bridges as defined by Federal Highway Bridge Inspection Program. This includes keeping drainages, approaches, guardrails and decks clear.
- 11) Maintaining road signs.

The BLM limits these actions to the existing road prism (top of cut-bank to toe of fill), except for 'shotgun' culvert situations, and where slopes (both cut-bank and fill) need to be stabilized to protect the existing road prism from further degradation.

Procedures to prevent the spread of noxious weeds would be implemented in accordance with Coos Bay District Weed Prevention Schedule (ORC000-IM-2010-06).

Wildlife biologists would review individual high noise disturbance projects (noise levels well above ambient noise levels for a short duration or highly variable noises moderately above ambient noise levels), such as blasting or heavy equipment in a specific location for one week or more, for T&E wildlife concerns at that time.

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 LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

2008 Resource Management Plan (RMP) Objectives:

Manage existing roads to protect resource values, provide for safety, protect facility investment, and provide access for management activities. Remove hazard trees and downed trees along roads for safety or operational reasons (page 48).

1995 Resource Management Plan (RMP) Objectives:

Develop and maintain a transportation system that serves the needs of users in an environmentally sound manner. Arterial and major collector roads will form the backbone of the transportation system in the planning area (page 69).

C: Compliance with NEPA:

The National Environmental Policy Act (NEPA) categorically excludes the Proposed Action from further documentation in accordance with 516 DM 2, Appendix 1, §1.7:

Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g. limited size and magnitude or short-term effects.

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>10/15/2011</u>
(2) Unique Resources	Reviewed by Port-Orford Cedar Coordinator	<u>jk</u>	<u>10/12/2011</u>
(3) Controversial Effects	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>10/5/2011</u>
(4) Risks	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>10/5/2011</u>
(5) Precedent	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>10/5/2011</u>
(6) Cumulative	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>10/5/2011</u>
(7) Cultural & Historic	Reviewed by Archaeologist	<u>sks</u>	<u>10/5/2011</u>
(8) T & E Species	Reviewed by: Wildlife Biologist,	<u>kp</u>	<u>10/11/2011</u>
	Fisheries Biologist,	<u>dv</u>	<u>10/5/2011</u>
	Botanist	<u>tr</u>	<u>10/18/2011</u>
(9) Violate Laws	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>10/5/2011</u>
(10) Environmental Justice	Reviewed by Environmental Justice Coordinator	<u>sks</u>	<u>10/5/2011</u>
(11) Native American	Reviewed by District Native American Coordinator	<u>sks</u>	<u>10/5/2011</u>
(12) Noxious Weeds	Reviewed by Noxious Weed Coordinator	<u>jms</u>	<u>10/17/2011</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 routine maintenance of roads would not significantly affect recreation lands, sole or principle drinking water aquifers, wetlands, or migratory birds.		
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 experience, routine maintenance of roads 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 conducted this type of activity over the past several decades. 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 conducted this type of activity 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 that 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 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 when conducting these activities, they would be excavated, reported and curated in accordance with laws, regulations, the Oregon SHPO Protocol and the BLM 8100 Manual specifications.		
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: The District has performed this type of activity over the past several decades. The BLM has completed consultation with U.S. Fish and Wildlife Service for portions of the project that may affect northern spotted owls or marbled murrelets and is specifically listed in the <i>Biological Opinion and Concurrence on the FY 2008-2013 Programmatic Suite of Activities Planned by the District and the Tribe</i> (FWS 13420-2008-F-0118). The BLM has completed consultation with National Marine Fisheries Service for portions of the project that may affect listed anadromous fish species has been completed and is specifically listed in the <i>Endangered Species Act Programmatic Biological Opinion and Magnuson-Stevens Fisheries Conservation and Management Act Essential Fish Habitat Conservation recommendations for the Programmatic Activities of USDA Forest Service, USDI Bureau of Land Management and Coquille Indian Tribe in Western Oregon</i> (NMFS No: 2010/02700(BLM)).		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
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: Road Maintenance activities provide multiple avenues to move weed seed or create conditions to enhance germination. Preventative measures outlined in the Coos Bay District Weed Prevention Schedule would be implemented to minimize introduction and spread.		

D. Signature

Authorizing Official: District Manager: /s/ Mark E. Johnson Date: 10/27/2011

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
Bureau of Land Management
Coos Bay District

Decision Record for Categorical Exclusion DOI-BLM-OR- C000-2012-0001-CX

Decision:

It is my decision to implement road maintenance activities on BLM roads as described in **DOI-BLM-OR-C000-2012-0001-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: 10/27/2011

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.