

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

DOI-BLM-OR-C000-2012-0005-CX

Date: 10/5/2011

A. Background

Project: Fiscal Year 2012 Removal of Hazard Trees and Roadway Salvage

Location: Established recreation sites, areas, and trails and various locations adjacent to roads on BLM managed lands throughout the Coos Bay District.

Project Description:

This project consists of the removal and disposal of hazard trees from established recreation sites, areas, or trails. Trees within recreation sites would be disposed in a variety of ways; these include being sold to contractors or utilized as firewood. Alternatively, the BLM may elect to keep these trees on-site after being felled.

Trees identified as hazards adjacent to roadways, are blocking roads, or interfere with normal road use would be removed in accordance with Coos Bay Instruction Memorandum OR120-2012-01. This categorical exclusion limits the sale of trees to less than 50 Mbf per occurrence.

The District utilizes the definitions put forth in *Long-Range Planning for Developed Sites in the Pacific Northwest: The Context of Hazard Tree Management* (USDA 1992) and the *Field Guide for Danger Tree Identification and Response* (USDA 2008) to determine which tree constitutes a safety hazard.

Procedures to prevent the spread of noxious weeds in accordance with Coos Bay District Weed Prevention Schedule (ORC000-IM-2010-06) would be implemented. Heavy equipment would be cleaned to remove all soil, mud, excess grease and any other material that can contain weed seed prior to entry or working on BLM lands. Vehicles and heavy equipment would be kept on existing roads.

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:

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).

Maintain recreational developments, including sites and trails (page 49).

1995 Resource Management Plan (RMP) Objectives:

Manage timber within developed or proposed recreation sites/areas for the purpose of removing hazard trees.... (page 49).

Provide opportunities for firewood cutting along roadsides where trees are obstructing sight distance, are a safety hazard, or are creating road maintenance problems (page 55).

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 11 §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 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, Fisheries Biologist, Botanist	<u>kp</u> <u>dv</u> <u>tr</u>	<u>10/11/2011</u> <u>10/5/2011</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
<p>Rationale: The project proposes to remove trees that may present a hazard to property and persons in and around the District recreation sites and adjacent to active BLM roadways. Historically, the District removes several dozen trees every couple of years from these areas. All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety.</p>		
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
<p>Rationale: The project is located within established recreation sites or adjacent to roadways; these are not within any of the unique areas described above.</p>		
2.3 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 experience, removal of hazards trees 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.</p>		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks		X
<p>Rationale: The District has performed this type of activity over the past several decades. Experience has shown no highly uncertain, potentially significant, unique or unknown risks.</p>		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<p>Rationale: The District has performed 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.</p>		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
<p>Rationale: This project has no relationship with other actions, which cumulatively would have significant environmental effects.</p>		
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
<p>Rationale: The project area is located within established recreation sites or adjacent to roadways; these are not within any of the areas described above.</p>		

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: The District has performed this type of activity over the past several decades, generally removing several dozen trees every couple of years. 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). Consultation with National Marine Fisheries Service pertaining to 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)).		
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: Hazard tree removal and salvage activities provide limited avenues of weed introduction and spread. Heavy equipment used to remove felled trees 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: 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- C000-2012-0005-CX

Decision:

It is my decision to allow the removal and disposal of hazard trees from established recreational sites, areas, or trails from BLM lands as described in **DOI-BLM-OR-C000-2012-0005-CX**.

Trees within recreation sites would be disposed in a variety of ways, from being sold to contractors, cut into firewood for campers, or remain on-site for wildlife purposes. Trees identified as hazards adjacent to roadways, blocking roads, or interfering with normal road use would be removed in accordance with Coos Bay Instruction Memorandum OR120-2012-01. This action will assist in the maintenance of the Bureau's road system for access and safe travel and allow the opportunity to support the special forest products program.

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.