

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

**DOI-BLM-OR-C000-2013-0001-CX
Date: 11/28/2012**

A. Background

Project: Fiscal Year 2013 Fire Line Construction

Location: Various locations throughout the Coos Bay District.

Project Description:

Adjacent forest landowners commonly perform fire line construction in support of prescribed burning operations throughout the region. The topography and terrain often dictate where the location for fire lines is most beneficial. The checkerboard ownership pattern often necessitates that an adjacent landowner locate fire lines on neighboring BLM lands. Fire managers strategically locate fire lines on both BLM and privately owned lands thus maximizing prescribed fire managers opportunities to safely contain and control the prescribed burn. Proper location of fire lines reduces the chance of an escaped fire and thereby helps reduce potential impacts to watershed resources in the general area of the burn operations.

Fire personnel would clear lines of vegetation to a width of eight (8) feet. Within the fire line, they would clear the fire trail to mineral soil to a width of three (3) feet.

The BLM may require seasonal restrictions to minimize impacts to T&E species, as outlined in the current Programmatic Biological Opinion.

Fire personnel would construct water bars across all fire trails following the slope guidelines below. Water bars would consist of a six-inch deep trench oriented at a 30- to 45-degree angle with respect to the fire line. Water bars would extend approximately six inches beyond the width of the fire trail. Fire personnel would also construct water bars in the portion of fire line where mineral soil ends to direct surface water flow away from stream channels.

Trail Slope:	0% to 9%	1 water bar every 300 feet
	10% to 29%	1 water bar every 200 feet
	30 % to 100 %	1 water bar every 100 feet

The BLM would not allow fire trail construction within 20 feet of any stream channel on BLM-managed lands. Also, the BLM would permit removal of non-coniferous vegetation (brush and shrubs) at stream crossings within the fire line clearing limits; however, cutting of any trees along stream banks would be avoided.

Refueling of power equipment including chainsaws would occur at locations at least 150 feet from any body of water; under no conditions would power tools be re-fueled over a stream channel or at a streamside. Vehicles and equipment that disturb soils or vegetation would be cleaned to remove all soil, mud, grease, and other material that can contain weed seed prior to entry on BLM managed lands.

After the completion of burning operations, fire personnel would rehabilitate fire lines. Rehabilitation could include re-construction of water bars, replacement of bucked out log sections and pulling litter and cut vegetation back onto exposed soil portions of the fire trails.

The BLM requires the avoidance of cutting snags and green trees during the course of constructing fire lines. Exceptions to this restriction would occur only when the safety of personnel or fire would compromise the

effectiveness of the fire lines. Residual impacts (if any) to BLM-managed lands would consist of short-term loss of vegetative cover and possibly snags.

B. Land Use Plan Conformance Review: This project is tiered to and in conformance with the *Coos Bay District Resource Management Plan/Final Environmental Impact Statement* (USDI BLM 1994) and its *Record of Decision* (ROD/RMP), as supplemented and amended. The Coos Bay ROD/RMP is supported by and consistent with the *Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan [NFP])(USDA/USDI 1994) and its *Record of Decision* (USDA/USDI 1994a).

The proposed action is in conformance with the land use plan, even though it is not specifically provided for, because it is clearly consistent with the following plan decision(s) (objectives, terms, and conditions):

Continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans (p. 65).

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The **2013 Fire Line Construction** Project is consistent with the Coos Bay District Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement.

C: Compliance with NEPA:

The National Environmental Policy Act (NEPA) categorically excludes the Proposed Action from further documentation in accordance with 516 DM DM2, 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>jj</u>	<u>11-28-12</u>
(2) Unique Resources	Reviewed by Port-Orford Cedar Coordinator	<u>jk</u>	<u>12- 6-12</u>
(3) Controversial Effects	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11-27-12</u>
(4) Risks	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11-27-12</u>
(5) Precedent	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11-27-12</u>
(6) Cumulative	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11-27-12</u>
(7) Cultural & Historic	Reviewed by Archaeologist	<u>sks</u>	<u>11-27-12</u>
(8) T & E Species	Reviewed by: Wildlife Biologist, Fisheries Biologist, Botanist	<u>kp</u> <u>dv</u> <u>jls</u>	<u>12- 5-12</u> <u>12- 4-12</u> <u>12- 4-12</u>
(9) Violate Laws	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>11-27-12</u>
(10) Environmental Justice	Reviewed by Environmental Justice Coordinator	<u>sks</u>	<u>11-27-12</u>
(11) Native American	Reviewed by District Native American Coordinator	<u>sks</u>	<u>11-27-12</u>
(12) Noxious Weeds	Reviewed by Noxious Weed Coordinator	<u>jms</u>	<u>1/8/13</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 and the construction of a 3-foot wide trail would not significantly affect recreation lands, sole or principle drinking water aquifers, wetlands, migratory birds, or ecologically significant or critical areas.		
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 previous experience, fire trail construction 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 performed 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 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.		
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 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; seasonal/daily timing restrictions would be implemented to minimize disturbance effects. The project design feature not allowing trail construction across streams is sufficient to minimize sediment delivery to streams containing listed fish. Therefore, this project would not have significant effects on listed 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 disproportionally 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: Most firetrails are constructed by crews using hand tools; this type of activity does not introduce new avenues of introduction. In the event that equipment is used, preventative measures such as vehicle washing prior to entry on BLM lands would occur. Crew vehicles accessing the project area would stay on existing roads.		

D. Signature

Authorizing Official: District Manager: /s/ Mark E. Johnson Date: 1/25/2013

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- C000-2013-0001-CX

Decision:

It is my decision to allow firetrail construction on BLM lands as described in **DOI-BLM-OR-C000-2013-0001-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: *1/25/2013*

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.