

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

**DOI-BLM-OR-C000-2013-0002-CX**

**Date: 11/27/2012**

**A. Background**

**Project:** Fiscal Year 2013 Tailhold and Guyline requests

**Location:** Various locations throughout the Coos Bay District.

**Project Description:**

Use of tailhold trees and guyline anchors to facilitate logging operations is a common occurrence throughout this region. Topography and terrain dictate the location of these trees where they are most advantageous for timber harvest operations. The checkerboard ownership pattern often necessitates that an adjacent landowner must utilize trees on neighboring BLM lands. Use of tailhold trees on BLM would allow the operator to achieve better log suspension thereby reducing impacts to soil and water resources in the harvest area. Guyline anchors are required to stabilize yarding equipment. This CX pertains to requests from adjacent landowners that the BLM does not currently authorize through Reciprocal Right-of-Way Agreements. District staff would keep a copy of the permission notification with the annual CX file, located at the Coos Bay District office.

The BLM may require seasonal restrictions to minimize impacts to T&E species, as outlined in the current Programmatic Biological Opinion from the U.S. Fish & Wildlife Service. In addition, operators would avoid large, old-growth trees (as defined by the RMP p. 93) with potential nest structures (cavities, broken tops, large limbs, epicormic branch platforms, multiple stems).

The BLM requires the use of tree protection devices on tailhold trees; however, bark or skyline slip may result in occasionally damaging trees (partially girdled trees). These partially girdled trees, which may die within a few years, would remain on-site to provide snag or coarse woody habitat for wildlife.

Operators usually fall trees selected as guyline anchors in accordance with Oregon OSHA regulations to minimize danger to workers. In addition, Oregon OSHA requires that “trees and additional siwashes must not interfere with the proper alignment, placement, or tightening of guylines” (437-007-0650 (12)). Therefore, additional trees may be cut that interfere with the guyline. The BLM would dispose of the trees felled to facilitate guyline anchors in accordance with the applicable land use allocation management directions.

**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 Tailhold and Guyline requests** 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 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>jj</u>	<u>11-27-12</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,	<u>kp</u>	<u>12- 5-12</u>
	Fisheries Biologist,	<u>dv</u>	<u>12- 4-12</u>
	Botanist	<u>jls</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
<b>Rationale:</b> 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
<b>Rationale:</b> The District does not contain refuge lands, wilderness areas, national natural landmarks, prime farmlands, wild or scenic rivers, or national monuments. The removal of an individual tree or trees 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
<b>Rationale:</b> Based on experience, use of tailhold or guyline trees 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
<b>Rationale:</b> 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
<b>Rationale:</b> 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
<b>Rationale:</b> 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
<b>Rationale:</b> This type of commercial timber 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.		

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>	YES	NO
<b>2.8</b> 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
<b>Rationale:</b> The District has performed this type of activity over the past several decades. The District 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 these activities (Tailholds and guy-line trees) are 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).		
<b>2.9</b> Violate a Federal, State, Local, or tribal law or requirement imposed for the protection of the environment.		X
<b>Rationale:</b> 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.		
<b>2.10</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<b>Rationale:</b> This project would not have a disproportionally high and adverse effect on low income or minority populations.		
<b>2.11</b> 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
<b>Rationale:</b> 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.		
<b>2.12</b> 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 ( <b>Federal Noxious Weed Control Act and Executive Order 13112</b> )		X
<b>Rationale:</b> Tailhold and guyline placement activities provide little risk of weed introduction and spread. No additional mitigation measures are required.		

#### 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  
Bureau of Land Management  
Coos Bay District**

**Decision Record for Categorical Exclusion DOI-BLM-OR-C000-2013-0002-CX**

**Decision:**

It is my decision to authorize the use tailholds and guylines on BLM lands to facilitate forest logging operations as described in **DOI-BLM-OR-C000-2013-0002-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: **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.