



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

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In Reply Refer To:

5820/1791 (ORC040)

DOI-BLM-OR-C040-2012-0004-CX

Sudden Oak Death Treatments

April 30, 2012

Dear Concerned Citizen:

We have signed the Decision Record for Categorical Exclusion (CX) for Sudden Oak Death (SOD) Treatment (DOI-BLM-OR-C040-2012-0004-CX). The Proposed Action of this CX consists of cutting, piling, and burning infected and host plants to prevent the spread of the pathogen that causes Sudden Oak Death (*Phytophthora ramorum*). Sudden Oak Death Treatments will take place on BLM-administered lands within the SOD Quarantine Area. This document and decision record has been posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/plans/index.php>.

The decision to implement this forest management project may be protested under 43 CFR 5003–Administrative Remedies. As outlined in 43 CFR 5003(a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 p.m.) on May 16, 2012 with the Myrtlewood Field Manager, *Kathy Hoffine*, at the Coos Bay District Office, 1300 Airport Lane, North Bend OR., 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, email, verbal, or facsimile protests will not be accepted.

For further information, contact Aimee Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100, or email at OR_CoosBay_Mail@blm.gov, Attn: Aimee Hoefs.

Respectfully,

/s/ Kathy Hoffine

Kathy Hoffine

Myrtlewood Field Manager

**United States Department of Interior
Bureau of Land Management
Coos Bay District**

Categorical Exclusion Review (CX)

DOI-BLM-OR-C040-2012-0004-CX
Date: April 17, 2012

A. Project: Sudden Oak Death (SOD) Treatments

Location: Various locations throughout the Myrtlewood Field Office, Coos Bay District BLM. All known locations occur within Curry County, Oregon.

Project Description: The Coos Bay District would cut, pile and burn infected and host plants to prevent the spread of the Sudden Oak Death pathogen *Phytophthora ramorum*. Work would take place in eradication zones identified by agency Forest Pathologists. The BLM could conduct treatments on up to 250 acres under this CX. The eradication zone would include vegetation to be cut and burned that is generally located within 300 feet from the nearest infected plant, but could increase to larger distances based on direction from pathologists as they continue to learn more about the disease and continue to adapt accordingly.

Initial treatment would fell all tanoaks, regardless of size, and cut understory brush and fern species. The primary target host species would be tanoak, evergreen huckleberry, and rhododendron. Additional species could be removed when required for safe burn operations. Conifers up to 16" in diameter could be cut when needed to aid in falling tanoaks safely or in order to facilitate safe burn operations. Contractors would not remove these cut conifers from the site. Cut material would be hand piled with follow-up pile burning or cut and broadcast burned after curing. Piled material would include foliage, branches, limbs, and stems up to an 8" in diameter. Contractors would hand pile cut materials at least 15 feet from large conifer logs, stumps, and snags when possible. Hand piles would be constructed in a manner so that the pile does not straddle stream channels. In areas where a closed canopy of conifer overtops tanoak or brush, or tanoak and brush occur in young conifer plantations, contractors would cut and leave tanoak, rhododendron, and evergreen huckleberry. Contractors would cut the entire stems of all infected brush and tanoak trees and pile these stems with cut limbs and foliage.

Broadcast burning would be the preferred method on larger sites, but it is likely that the majority of the treatments would consist of piling and burning cut materials. The use of broadcast burning could be more difficult to plan on due to the many interdependent variables that affect that type of operation including location, slope, aspect, unit size, shape, adjacent ownership, defensible burning boundaries, fuels, fire danger levels, weather, access, and the urgency for treatment as prescribed by pathologists.

The objective in burning would be to achieve complete consumption of all foliage and material under 4" in diameter within the eradication zone. Tanoak stems that are between 4 and 8 inches in diameter would require charring of at least ¼ inch of the stem on all surfaces when burning. All vegetation that is identified as positive for the infection would be burned in its entirety.

The BLM may install four-foot wide access trails to facilitate repeated entries into SOD treatment sites and construct fire trails as needed for burning.

Follow-up treatments could entail cutting, piling, and burning re-sprouts in successive years until the BLM identifies the site as "disease free" whereupon planting of conifer seedlings would be initiated.

Some treatments may occur in riparian areas along stream channels. Therefore, a temporary reduction in stream shade could occur at some sites.

SOD treatments are covered for Endangered Species Act consultation for listed wildlife species and their critical habitat by the Biological Opinion for SOD eradication activities scheduled to occur on federal lands administered by

the Rogue River-Siskiyou National Forest (Forest) and the Coos Bay District Bureau of Land Management (District) (FWS Reference Number 13420-2009-F-0022), January 2, 2009.

SOD activities would not remove suitable marbled murrelet habitat or Northern spotted owl nesting, roosting, or foraging (NRF) habitat. Operations would follow Project Design Criteria (PDC) for marbled murrelets and Northern spotted owls as prescribed on specific treatment sites. All of the new infection or buffer treatment areas to be treated on BLM would be reviewed by the appropriate resource specialists and evaluated for appropriate level of consultation needs with U.S. Fish and Wildlife.

The SOD treatments are covered for Endangered Species Act consultation for listed fish species and their critical habitat by the Aquatic Restoration Biological Opinion, Fiscal Year 2008-2012 Programmatic Biological Opinion (National Marine Fisheries Service, April 28, 2007 P/NWR/2006/06532). The Biological Opinion also covers essential fish habitat for coho and chinook as designated by the Magnuson-Stevens Fishery Conservation and Management Act.

If any objects or sites of possible cultural value such as historic or prehistoric ruins, fossils or artifacts, are found during work described herein, all activities near these objects or sites would immediately be suspended and the authorized officer and District Archaeologist will be notified of the findings. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

B. Land Use Plan Conformance Review: The BLM developed this project to conform and be consistent with the 1995 Coos Bay District Record of Decision and Resource Management Plan (1995 ROD/RMP). The analysis supporting this decision tiers to the Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement (USDI 1994). This 1995 Record of Decision is also supported by, and consistent with, the 1994 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 and its associated Record of Decision (USDA/USDI 1994).

The Coos Bay District is also aware of the decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar on March 31, 2011 to vacate and remand the Secretary of the Interior's July 16, 2009 decision to withdraw the Western Oregon Plan Revisions ROD. This project was evaluated for consistency with both the 1995 RMP and the 2008 ROD and RMP; accordingly, this project is consistent with the Coos Bay District's 1995 RMP and the 2008 ROD/RMP.

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

Manage timber stands to reduce the risk of stand loss from fires, animals, insects, and diseases. (p. 52; 1995 ROD/RMP)

Fall and remove trees as needed, ...for treatment of diseases including but not limited to Port-Orford-cedar root rot disease and sudden oak death outbreaks (p. 35; 2008 ROD/RMP).

C: Compliance with NEPA:

The Proposed Action identified in the CX for the sanitation treatment of commercial and non-commercial trees in controlling insect and diseases. This action qualifies by treating for the Sudden Oak Death pathogen.

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 C (9)

(9) Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities: (a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and (b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing. (c) May include temporary roads which are defined as roads authorized by contract, permit,

lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and (d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to: (a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and (b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian long horned beetle, or sudden oak death pathogen.

This categorical exclusion is appropriate in this situation because the proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM 2 Appendix 2 apply. A summary of the extraordinary circumstances, as referenced in 516 DM 2 Appendix 2, 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.

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: There are no significant impacts to health and safety. OSHA has specific requirements for the operation of chainsaws. All fuel for equipment is kept in proper storage containers.		
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: There are no unique geographic characteristics, park or refuge lands, wilderness or wild and scenic rivers, national landmarks, principle drinking water aquifers, prime farmlands or wetlands, or national monuments. SOD treatments would have no significant effect to the migratory bird population migrating through southwest Oregon. The North Fork Chetco River ACEC is located within the quarantine area; however, conducting SOD treatments would not significantly affect the values for which the ACEC was designated.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102 (2)(E)]		X
Rationale: The treatments to prevent the spread of the pathogen that results in Sudden Oak Death are supported by public and private entities. Site-specific design features are included to protect specific resources as needed.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks		X
Rationale: There are no unknown risks with conducting SOD treatments. There would be potentially significant effects by NOT conducting SOD treatments and controlling the spread of the pathogen.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Conducting SOD treatments has been an ongoing practice since the infection spread into the State of Oregon. This action does not establish a precedent.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: Conducting SOD treatments do not have any cumulatively significant effects as they have been categorically excluded from further NEPA analysis.		
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: The proposed activities would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural or historical resources.		
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: No. SOD treatments are covered for Endangered Species Act consultation for listed wildlife species and their critical habitat by the Biological Opinion for SOD eradication activities scheduled to occur on federal lands administered by the Rogue River-Siskiyou National Forest (Forest) and the Coos Bay District Bureau of Land Management (District) (FWS Reference Number 13420-2009-F-0022), January 2, 2009. The SOD treatments are covered for Endangered Species Act consultation for listed fish species and their critical habitat by the Aquatic Restoration Biological Opinion, Fiscal Year 2008-2012 Programmatic Biological Opinion (National Marine Fisheries Service, April 28, 2007 P/NWR/2006/06532). The Biological Opinion also covers essential fish habitat for coho and chinook as designated by the Magnuson-Stevens Fishery Conservation and Management Act.		
2.9 Violate a Federal, State, Local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: Conducting SOD treatments apply with the State of Oregon regulations to prevent the spread of the pathogen. The proposed action would not violate Federal, State or local laws imposed for the protection of the environment. These include the Endangered Species Act and the Clean Water Act.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Most of the current treatment areas are not accessible to the public as many roads are closed by locked gates. There would be no impact to 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 limit access nor impact the physical integrity of any sacred sites used by Indian religious practitioners.		
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: No. All applicable weed prevention measures would be followed.		

<u>Extraordinary Circumstances</u>	<u>Applies</u> (Yes/No)	<u>Comments¹ and Source²</u>	<u>Initials</u>	<u>Date</u>
(1) Health & Safety Hazardous Materials	No No	Reviewed by Hazardous Materials Coordinator;	<i>JJ</i>	4/24/2012
(2) Unique Resources	No	Reviewed by Port-Orford Cedar Coordinator	<i>JK</i>	4/12/2012
(3) Controversial Effects	No			
(4) Risks	No			
(5) Precedent	No			
(6) Cumulative	No			
(7) Cultural & Historic	No	Reviewed by Archaeologist	<i>SRS</i>	4/24/2012
(8) T & E Species	No	Reviewed by Wildlife Biologists, Fisheries, and Botanist	<i>JH</i> <i>SM</i> <i>TR</i>	4/11/2012 4/9/2012 4/12/2012
(9) Violate Laws	No	Reviewed by Hydrologist	<i>DC</i>	4/24/2012
(10) Environmental Justice	No	Reviewed by Environmental Justice Coordinator	<i>SRS</i>	4/24/2012
(11) Native American Religious Concerns	No	Reviewed by District Native American Coordinator	<i>SRS</i>	4/24/2012
(12) Noxious Weeds	No	Reviewed by Noxious Weed Coordinator	<i>JK</i>	4/12/2012

D. Signature

Authorizing Official: Field Manager /s/ *Kathy Hoffine*

Date: 4/27/2012

E. Contact Person

For additional information concerning this CX review, contact Jim Kirkpatrick, Silviculturist, Coos Bay District, 1300 Airport Lane, North Bend, Oregon 97459, phone: 541-751-4286.

¹ Indicate applicability if the exception.

² List data source on which exception determination is based.

United States Department of Interior
Bureau of Land Management
Coos Bay District

Decision Record for Categorical Exclusion DOI-BLM-OR-C040-2012-0004-CX

Decision:

It is my decision to implement Sudden Oak Death Treatments as described in DOI-BLM-OR-C040-2012-0004-CX.

Decision Rationale:

Field Office staff has reviewed the proposed action and the proposal incorporates appropriate project Design Features as specified. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

This project was initiated and designed to conform and be consistent with the Coos Bay District 1995 RMP. Following the March 31, 2011 decision by the United States District court for the District of Columbia in Douglas Timber Operators *et al.* v. Salazar, which vacated and remanded the administrative withdrawal of the Coos Bay district 2008 ROD and RMP, I evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP and I have determined that the project is consistent with both.

Signature of Authorizing Official:

/s/ Kathy Hoffine

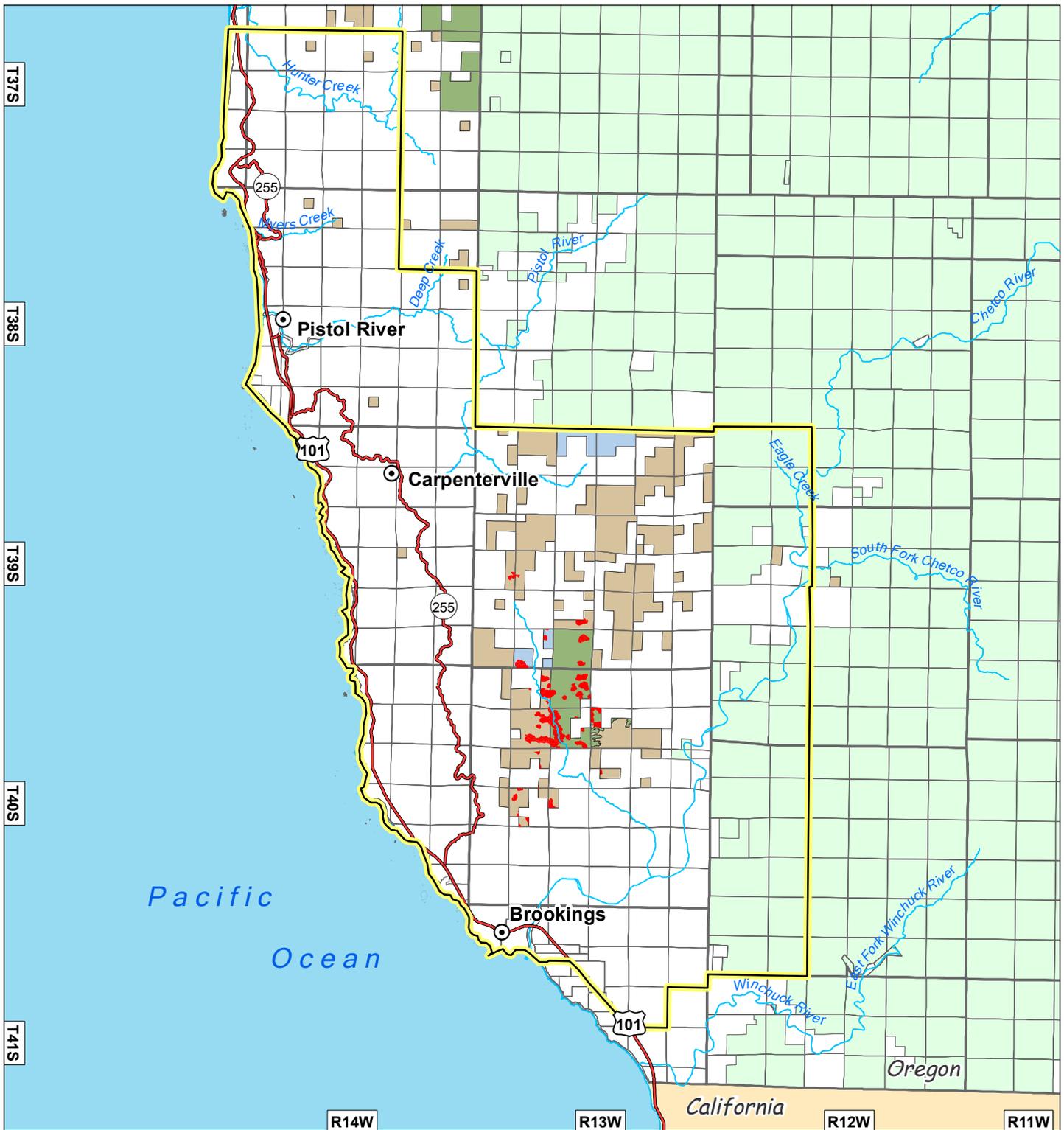
Field Manager

Date: April 27, 2012

Administrative Remedies:

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 subsection (c), a notice of decision will be published in local newspaper(s). Under 43 CFR 5003.3 subsection (a), A protest may be filed with the authorized officer within 15 days of the publication date of the notice of timber sale advertisement. Under 43 CFR 5003.3 (b), a protest filed with the authorized officer shall contain a written statement of reasons for protesting the decision. A decision on this protest would be subject to appeal to the Interior Board of Land Appeals, although, under 43 CFR 5003.1 subsection (a), filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

SOD 2012 CX - Quarantine Area and Known SOD Locations on BLM-Administered Lands



Map Features

- | | |
|-------------------------|---------------------------------|
| Highway 101 | Private / Other Ownership |
| Major Streams | BLM Land Use Allocations |
| Known BLM Sod Locations | GFMA |
| 2012 Quarantine Area | Connectivity |
| U.S. Forest Service | LSR |



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