

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

Categorical Exclusion Review (CX)

DOI-BLM-OR C030-2011-0010-CX

Date: May 18, 2011

A. Background

Project: Wassen Seed Orchard Fence Removal and Disposal

Location: T21S, R09W, Sec 10

Project Description:

The project consists of removal of all metal fence material used in the construction of the big game wildlife fence surrounding the Wassen Seed Orchard. The seed orchard is a BLM seed production orchard, planted in 1980 and 1981. The area was fenced to protect planted trees from wildlife browse and damage. The site is no longer in danger from wildlife browse or damage. There is an estimated 4,600 feet of fence to be removed from the site.

Fencing materials would be removed by manual methods and the fencing material (metal and wire fence materials) would be removed from the site. All wooden fence posts will be left in place to delineate the orchard boundary. All metal material will be recycled.

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 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):

“...to eliminate impacts associated with habitat manipulation, poaching, and other activities that threaten the continued existence and distribution of native wildlife inhabiting federal lands (1995 RMP, p. 27).”

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.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 A (1):

Modification of existing fences to provide improved wildlife ingress and egress.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed 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>5/23/11</u>
(2) Unique Resources	Reviewed by Port-Orford Cedar Coordinator	<u>rs</u>	<u>5/23/11</u>
(3) Controversial Effects	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>5/19/11</u>
(4) Risks	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>5/19/11</u>
(5) Precedent	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>5/19/11</u>
(6) Cumulative	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>5/19/11</u>
(7) Cultural & Historic	Reviewed by Archaeologist	<u>srs</u>	<u>5/23/11</u>
(8) T & E Species	Reviewed by: Wildlife Biologist, Fisheries Biologist, Botanist	<u>jtc</u> <u>dv</u> <u>js</u>	<u>5/23/11</u> <u>5/24/11</u> <u>5/24/11</u>
(9) Violate Laws	Reviewed by NEPA Coordinator	<u>sdf</u>	<u>5/19/11</u>
(10) Environmental Justice	Reviewed by Environmental Justice Coordinator	<u>srs</u>	<u>5/23/11</u>
(11) Native American	Reviewed by District Native American Coordinator	<u>srs</u>	<u>5/23/11</u>
(12) Noxious Weeds	Reviewed by Noxious Weed Coordinator	<u>mc</u>	<u>5/24/11</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: All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The proposed activity would be in remote, forested locations outside of population centers.		
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 project area is within an established forest plantation that was previously harvested; it is not within any of the unique areas described above.		
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 past experience, removal of unneeded fencing is not 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 removed old fencing from more than 6 such progeny sites over the past several years. Past experience from this type of activity 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 removed old fencing from more than 6 such progeny sites over the past several years. There is no evidence that this type of activity has potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: There is no evidence that this type of activity would have cumulative 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: The project area is within an established forest plantation that was previously harvested; it is not within any of the areas described above.		
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 project area is within an established forest plantation that was previously harvested; it does not contain habitat for listed species, or proposed to be listed. The project would utilize manual methods to remove the old fencing material and is scheduled to be implemented in the fall. This project design would minimize disturbance effects to individual that may inhabit adjacent forest stands.		

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 type of project is not known to 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: The project area is an established forest plantation that was previously harvested. Cultural clearances were performed at the time of original timber harvest; none were located within the project area.		
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: The proposed action does not introduce any vector for spread or introduction beyond such vectors already found. Fencing would be removed via manual methods. Vehicles accessing the project area would stay on existing roads, reducing the potential of picking up and dispersing noxious weed or seed.		

D. Signature

Authorizing Official: _____ Field Manager: /s/ . *Dennis Turowski* Date: 5/24/2011

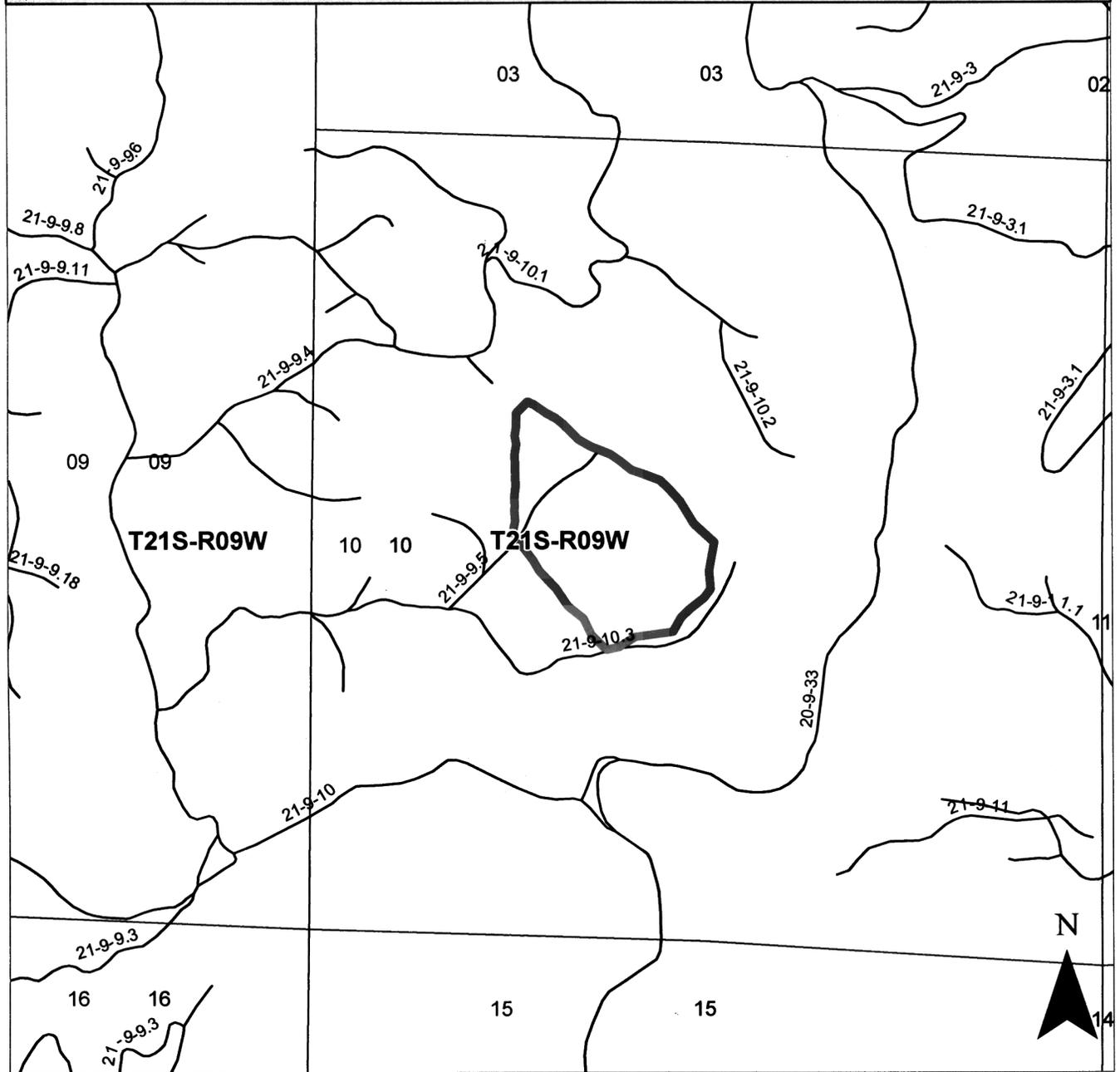
E. Contact Person

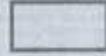
For additional information concerning this CX review, contact Meredith Childs, Forester, Coos Bay District, 1300 Airport Lane, North Bend, Oregon 97459, phone: 541-756-0100.

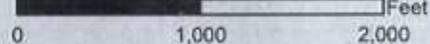
¹ Indicate applicability if the exception.

² List data source on which exception determination is based.

Wassen Seed Orchard Fence Removal Project



 Current Fence
 Roads
 Township
 Section

US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Coos Bay District Office
 Umpqua Field Office
 1 inch = 1,000 feet
 Feet
 0 1,000 2,000
No warranty is made by the Bureau of Land Management as to the security, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

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

Decision Record for Categorical Exclusion DOI-BLM-OR-C030-2011-0010-CX

Decision:

It is my decision to implement Wassen Seed Orchard Fence Removal and Disposal as described in DOI-BLM-OR- C030-2011-0010-CX.

Decision Rationale:

The proposed action has been reviewed by Resource Area Staff. 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.

Signature of Authorizing Official:

/s/ . *Dennis Turowski*

Field Manager

Date: 5/24/2011

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 Umpqua Field 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 Meredith Childs, Project Lead, at 1300 Airport Lane, North Bend OR., 97459 or (541) 756-0100.