

**United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office**

**Categorical Exclusion Documentation**  
Categorical Exclusion No. DOI-BLM-ORE050-2012-0023-CX  
Precommercial Thinning

**A. Background**

Location of Proposed Action: Eugene District—Siuslaw Resource Area

Description of Proposed Action: The proposed action is to implement a program of precommercial thinning on approximately (218) acres within the Siuslaw Resource Area. This project will be accomplished primarily by contracting for the manual cutting of surplus conifer trees in young Douglas-fir stands using small mechanical devices (chainsaws).

**B. Land Use Plan Conformance**

This action is consistent with the “Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl” (April 1994), and the “Eugene District Record of Decision and Resource Management Plan” (June 1995) as amended.

**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(C)(4): “Precommercial thinning and brush control using small mechanical devices.”

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 DM2 apply.

**C. Categorical Exclusions Extraordinary Circumstances Documentation**

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>		<b>YES</b>	<b>NO</b>
<b>1.</b>	Have significant impacts on public health or safety.  Rationale: All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The proposed precommercial thinning is in remote, forested locations outside of population centers.		<b>X</b>
<b>2.</b>	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 principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.  Rationale: The project areas are not within and do not contain any of the natural or geographic areas described above. The areas do not contain habitat for any of the migratory birds listed on the Migratory Bird Treaty Act Review form; there would be no effect to migratory birds.		<b>X</b>
<b>3.</b>	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		<b>X</b>

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>		<b>YES</b>	<b>NO</b>
	Rationale: The proposed action manually cuts surplus conifer trees on approximately 218 acres of young Douglas Fir stands. There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.		
<b>4.</b>	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		<b>X</b>
	Rationale: The proposed action would cut surplus conifer trees on 218 acres of young Douglas Fir stands. There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or involve unknown risks.		
<b>5.</b>	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		<b>X</b>
	Rationale: Manual cutting of young Douglas Fir stands has taken place throughout the State of Oregon and the Eugene District for years. There is no evidence that this action has potentially significant environmental effects; it does not commit the BLM to pursuing further actions; and it would not establish a precedent or decision for future actions with potentially significant environmental effects.		
<b>6.</b>	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		<b>X</b>
	Rationale: Based upon review of the project, and given current conditions on the grounds, the Eugene District did not find any resource issues of concern that would be affected by this action.		
<b>7.</b>	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.		<b>X</b>
	Rationale: There are no eligible or listed properties within the proposed treatment areas.		
<b>8.</b>	Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		<b>X</b>
	Rationale: The areas to be treated will have no significant impacts to species listed or proposed to be listed as an Endangered or Threatened Species, nor have significant impacts on designated Critical Habitat for these species. The following mitigation measures for reducing impacts to an Endangered or Threatened Species or Critical Habitat for these species would be implemented as necessary:		
<b>9.</b>	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		<b>X</b>
	Rationale: The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable laws, such as the Clean Water Act and others.		
<b>10.</b>	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		<b>X</b>
	Rationale: There would be no adverse effect on low income minority populations.		
<b>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).		<b>X</b>

<b>THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:</b>		<b>YES</b>	<b>NO</b>
Rationale: The project is located within the Oregon Coast Range Physiographic Province, and the terms of Protocol D as defined in the National Programmatic Agreement in Oregon (USDI,1998) apply.			
<b>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 (Federal Noxious Weed Control Act and Executive Order 13112).		<b>X</b>
<p>Rationale: The proposed action would not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area.</p> <p>Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds/invasive species. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads are proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action would not introduce any vector for spread or introduction beyond such vectors already found.</p>			
<b>Mitigation:</b> No additional mitigation needed relative to disruption of Marbled Murrelets or Northern Spotted Owls since the action would occur in the fall outside nesting seasons (Oct. 1 – Mar. 14), and no habitat would be impacted.			

**D. Review**

During the planning of this Proposed Action consideration has been given to the potential for impacts to: threatened and endangered or bureau sensitive species of fish, wildlife, and plants; cultural resources; noxious weeds; and soil/hydrologic resources. The appropriate specialists in the above mentioned areas of potential impacts will be consulted about this Proposed Action and will provide their inputs about the project. Mitigations will be implemented to address any issues of concern that may arise.

I have reviewed this CE and have determined the proposed project is in conformance with the approved land use plan, and that no further environmental analysis is required. It is my decision to implement the project as described.

/s/Alan D. Corbin  
Authorized Official

8/01/2012  
Date

**E. Contact Person and Reviewers**

For additional information concerning this Categorical Exclusion review, contact Chris Finn, Siuslaw Resource Area Forester, (541) 683-6421

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE**

**DECISION RECORD**

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation DOI-BLM-OR-E050-2012-0023-CX

Decision Rationale:

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified, will be incorporated into the proposal. 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.

The 2012 Pre-commercial Thinning project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Eugene District Resource Management Plan. In January, 2008 a lawsuit was filed, and in December, 2009 the presiding judge issued an Order granting Plaintiffs motion for partial summary judgment.

A settlement agreement between the parties was approved by the court on July 6, 2011. The agreement stipulates that projects within the range of the northern spotted owl are subject to the survey and manage standards and guidelines in the 2001 ROD without subsequent 2001-2003 Annual Species Reviews as modified by the 2011 Settlement Agreement. The Settlement Agreement modifies the 2001 Survey and Manage species list; establishes a transition period for application of the species lists; acknowledges existing exemption categories (2006 Pechman Exemptions); and establishes exemptions from surveys for certain activities. The settlement agreement is in effect until the BLM conducts further analysis and decision making pursuant to the National Environmental Policy Act and issues a Record of Decision to supersede the Survey and Manage mitigation measure.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) ( Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Previously, in 2006, the District Court (Judge Pechman) had invalidated the agencies' 2004 RODs eliminating Survey and Manage due to NEPA violations. Following the District Court's 2006 ruling, parties to the litigation had entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs: "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- A. Thinning projects in stands younger than 80 years old;
- B. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- C. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement

work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and

D. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.”

Following the Court’s December 17, 2009 ruling, the Pechman exemptions are still in place. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects. Nevertheless, I have reviewed the 2012 Pre-commercial Thinning project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the 2012 Pre-commercial Thinning project entails no regeneration harvest and entails thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption A of the Pechman Exemptions (October 11, 2006 Order), and therefore may still proceed to be offered for sale even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision since the Pechman exemptions would remain valid in such case.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

For additional information concerning this Categorical Exclusion review, contact Chris Finn at (541) 683-6421.

Authorizing Official:

/s/ Chuck Fairchild (acting)

Alan D. Corbin,  
Field Manager,  
Siuslaw Resource Area, Eugene District Office

8/20/2012

Date