

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

CATEGORICAL EXCLUSION REVIEW

OFFICE: Eugene BLM

TRACKING NUMBER: DOI-BLM-OR-E000-2014-0008-CX

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Eugene District T&E Seed Collection and Bureau Sensitive Plant Seed and Propagule Collection and Augmentation

LOCATION/LEGAL DESCRIPTION: The project is within selected areas throughout the Eugene District Bureau of the Land Management (BLM).

APPLICANT (if any):

A. Description of Proposed Action and any applicable mitigation measures

The Eugene District BLM proposes to implement (1) Seed collection for Threatened and Endangered (T&E) Plant Species and/or (2) Seed or propagule collection and augmentation for Bureau Sensitive (BS) Plants in selected areas within the Eugene District.

Threatened and Endangered Seed Collection

The Eugene District BLM proposes to implement seed collection in selected areas for T&E plants which is being collected under Section 10(a)(1)(A) permits (currently issued to The Nature Conservancy and the Institute for Applied Ecology). **Seed collection will follow guidelines established in the Programmatic Intra-Service Formal Section 7 Consultation for the Issuance of Permits for Collection of Plant Materials on Federal Lands for five Listed Species: *Castilleja levisecta* (golden paintbrush), *Erigeron decumbens* var. *decumbens* (Willamette daisy), *Lomatium bradshawii* (Bradshaw's lomatium), *Lupinus sulphureous* ssp. *kincaidii* (Kincaid's lupine), and *Sidalcea nelsoniana* (Nelson's checkermallow) (ref. no. 13420 – 2008-F-0060) (September 10, 2008) See Attachment A.**

This CX does not cover T&E seed/propagule augmentation.

Bureau Sensitive (BS) Seed/Propagule Collection

The Eugene District proposes to collect seed/propagules from the closest wild populations to a project area within the same seed zone. For BS plant species covered under the **Recovery Plan for the Prairie Species of Western Oregon and Southwestern Washington (2010)**, collection will occur within the appropriate Recovery Zone. Seed will be hand collected. During any given collection event no more than 20% of the viable BS seed available will be hand collected, recorded and summarized annually from a population. A site is defined using GeoBob standards where groups of plants separated by 300 feet constitute a new site. Seed collected will be clearly labeled with the species name, location, date and collector. Seed collected will be put into either cloth or paper bags for storage and/or cleaning (unless augmentation occurs commensurate with collection). Collections may be done once per year or multiple times annually depending on the species and site locations. No power equipment will be used for collection. Collections will be done under the direction of a BLM by qualified specialist.

No collection for any BS plant propagules will occur within **5 feet** of T&E plants.

Bureau Sensitive Seed/Propagule Augmentation

Seeding/Augmentation within and around BS plant populations will generally occur after plant populations have senesced for the season and before plant growth starts. Existing plants will be well-marked on the ground to mitigate any possible damage to the existing populations (flag-pins, temporary fencing, etc.). This can be done by direct seeding or may be done by planting plugs. BS seed/propagule augmentation within sites occupied by T&E plants or Fender's blue butterfly must not occur within 5 feet of existing T&E plants.

Project Design Features

Federally-listed Species - General

A wildlife biologist and botanist shall review all treatments prior to implementation and verify, with one exception, that no treatment would adversely affect a federally-listed species or federally-designated critical habitat, or cause the incidental taking of a bald eagle or golden eagle.

The exception: the U.S. Fish and Wildlife Service determined that the collection and storage of seed from federally-listed plants would have short term adverse effects, including incidental take, due to the loss of viability of some seeds. However, the Service also concluded that the proposed action, overall, would be consistent with the recovery strategies for these species because surviving seeds would be propagated and planted to establish new populations; seed collection and storage is a necessary step in species recovery. Therefore, the collection and storage of seed is exempt from this standard.

Treatments affecting federally-listed species or federally-designated critical habitat shall comply with the standards of the appropriate letter of concurrence or biological opinion (Attachment A), and shall not cause effects other than those that are discountable, insignificant or entirely beneficial as defined by the Consultation Handbook.

Northern Spotted Owl, Marbled Murrelet

SIUSLAW RA: No work requiring chainsaws or motorized equipment would be done within 100 yards of 80+ year old forest between 3/1 and 8/5. There will also be daily timing restrictions between 4/1 and 9/15 (no work until 2 hours after sunrise and work stops 2 hours before sunset) – only within 100 yards of stands of 80+ years. The Area Biologist may waive certain restrictions based on specific stand conditions.

UPPER WILLAMETTE RA: No work requiring chainsaws or motorized equipment would be done with 65 yards of 80+ year old forest between the dates of 3/1 and 7/15 except within campgrounds and within the road prism of well-traveled roads. Campgrounds and the road prism of well-traveled roads have no seasonal restrictions for spotted owls. Seasonal restrictions may be waived by a BLM wildlife biologist if the biologist determines the action would not adversely affect spotted owls.

Other Special Status Wildlife

In areas other than campgrounds or roads, area wildlife biologists will review projects where ground-disturbing activities are planned or where power equipment will be used to ensure compliance with the Bald Eagle Protection Act and BLM Special Status Species and/or Migratory Bird policies. Habitat modification at known sites will be designed to avoid or mitigate adverse impacts. Additionally, project activities using power equipment in locations with the potential for noise disruption (other than campgrounds and roads as indicated above) will be seasonally restricted during an appropriate portion of the breeding season (January 1 to September 30).

Cultural Resources

Cultural reviews will be completed for ground-disturbing activities associated with seed augmentation where it is associated with seed drilling or other ground disturbing techniques. Project leads must provide a map of the location for the archeological review:

- In the Siuslaw RA where seeding on sites that are 10% slope or less, in meadows or river terraces.
- In the Upper Willamette RA where seeding on sites that are 20% slope or less and in meadows and river terraces

If during any seeding efforts, archaeological materials are found, the ground-disturbing work needs to stop and will be reported to the District Archeologist.

Any ground-disturbing seeding treatments within the prism (from the top of the cut to the toe of the fill) of an existing road are exempt from cultural reviews.

B. Land Use Plan (LUP) Conformance

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP), as amended. Date Approved: June 1995.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

“Study, maintain, or restore community structure, species composition, and ecological processes of special status plant and animal habitat.” p. 52

“Collect seed/fruit for cryogenic seed storage for all special status plant species for long-term protection of the species, guarding against catastrophic events.” p. 55

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(5) “Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood”.

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 apply.

I considered pertinent design features and incorporated them into the project design as described above. These project design features are commonly used and have shown through past implementation to be effective in preventing undesired impacts.

D. Signature

Signature of Project Lead:

/s/ Cheshire Mayrsohn
Cheshire Mayrsohn, Botanist

Date: 3/17/14

Signature of NEPA Coordinator:

/s/ Francisca Paulete
Francisca Paulete, District Planner

Date: 1/27/14

Signature of the Responsible Official:

Michael J. Korn
Michael J. Korn, Siuslaw Field Manager

Date: 3/20/14

Signature of the Responsible Official:

William O'Sullivan
William O'Sullivan, Upper Willamette Field Manager

Date: 3/19/14

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Cheshire Mayrsohn, Botanist, cmayrsoh@blm.gov, 541.683.6407.

EXTRAORDINARY CIRCUMSTANCES CHECKLIST

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Eugene District T&E Seed Collection and Bureau Sensitive Plant Seed and Propagule Collection and Augmentation

Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
<p>1. Have significant impacts on public health or safety. <u>Rationale:</u> All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety.</p>		X
<p>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 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. <u>Rationale:</u> All proposed activities are designed to improve conditions for sensitive areas or to prevent further degradation of sensitive resources. This action would comply with relevant protection measures under the Bald Eagle Protection Act and the Migratory Bird Treaty Act, and associated federal regulations and BLM policies, and would not measurably affect any of the species regulated by those acts.</p>		X
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> 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.</p>		X
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or unknown risks.</p>		X
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> There is no evidence that this action will establish a precedent or decision for future actions with potentially significant environmental effects.</p>		X
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> Native seed collection and/or augmentation has been conducted in the past and this activity had no significant direct, indirect, or cumulative effect. These actions are used to improve the integrity of BS plant populations and/or communities occurring on the Eugene District.</p>		X
<p>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. <u>Rationale:</u> No properties are listed, or eligible for listing, on the National Register of Historic Places are located within the units of the proposed action.</p>		X

Extraordinary Circumstances	YES	NO
<p>8. 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. <u>Rationale:</u> Except for seed collection, transport and storage, the standards of this exclusion would avoid adverse affects to federally-listed and –proposed species, and federally-designated critical habitat.</p> <p>T&E Seed Collection (authorized under existing USFWS 10(A)(1)(a) permits) will follow guidelines established in the Programmatic Intra-Service Formal Section 7 Consultation for the Issuance of Permits for Collection of Plant Materials on Federal Lands for five Listed Species: <i>Castilleja levisecta</i> (golden paintbrush), <i>Erigeron decumbens</i> var. <i>decumbens</i> (Willamette daisy), <i>Lomatium bradshawii</i> (Bradshaw’s lomatium), <i>Lupinus sulphureus</i> ssp. <i>kincaidii</i> (Kincaid’s lupine), and <i>Sidalcea nelsoniana</i> (Nelson’s checkermallow) (ref. no. 13420 – 2008-F-0060) (September 10, 2008) See Attachment A. Project design features ensure that seed collection will not result in significant impacts on listed plant species or their critical habitat. The U.S Fish and Wildlife Service has concluded that the seed collection may have some short-term adverse impacts (LAA) but are designed to benefit populations of listed plant species and support recovery actions under the Recovery Plan for the Prairie Species of Western Oregon and Southwestern Washington (2010).</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> 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 Federal, State, local and tribal laws.</p>		X
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> The collection and/or augmentation of seed would not affect low income or minority populations.</p>		X
<p>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). <u>Rationale:</u> In any areas where seed drilling or propagule digging would take place, cultural resource reviews would be conducted prior to implementing the proposed action. If cultural resources are found within a unit through pre-disturbance inventories or during activities, appropriate measures would be applied.</p>		X
<p>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). <u>Rationale:</u> The proposed action does 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. 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 proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found. Further, beneficial actions planned for use of the seed collected may be to implement competitive plantings to prevent weed establishment and spread.</p>		X

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DECISION RECORD

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Decision

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-OR-E000-2014-0008-CX.

Decision Rationale

The proposed action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. A copy of a notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

Signature of the Responsible Official:

/s/ Virginia Grilley
Virginia Grilley
District Manager
Eugene District Office

3/21/14
Date