

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

CATEGORICAL EXCLUSION REVIEW

A. Background

Project Name: Eugene District Sample Tree Felling, October 01, 2010 – September 30, 2011

Date: November 4, 2010

Categorical Exclusion Number: DOI-BLM-OR-E000-2011-0001-CX

Location: The general project area is the Eugene District Bureau of Land Management (BLM). Individual units where sample tree felling may occur are as described: See attached maps.

Legal Description (Township – Range – Section)	Land Use Allocation*	Resource Area
T. 16 S., R. 1 E., Sec. 33	GFMA	Upper Willamette
T. 17 S., R. 1 E., Sec. 7	GFMA	Upper Willamette
T. 18 S., R. 1 E., Sec. 19	GFMA	Upper Willamette
T. 14 S., R. 1 W., Sec. 25, 31, & 35	GFMA	Upper Willamette
T. 14 S., R. 2 W., Sec. 20, 21, 25, 27, 28, 33, 34, & 35	GFMA	Upper Willamette
T. 15 S., R. 1 W., Sec. 1, 9, 11, 17, 21, 27, & 29	GFMA	Upper Willamette
T. 15 S., R. 2 W., Sec. 1, 3, & 11	GFMA	Upper Willamette
T. 16 S., R. 1 W., Sec. 9 & 21	GFMA	Upper Willamette
T. 16 S., R. 2 W., Sec. 21 & 29	GFMA	Upper Willamette
T. 16 S., R. 3 W., Sec. 13	GFMA	Upper Willamette
T. 16 S., R. 7 W., Sec. 25 & 26	GFMA	Siuslaw
T. 17 S., R. 1 W., Sec. 35	GFMA	Upper Willamette
T. 17 S., R. 7 W., Sec. 9, 21, & 27	GFMA	Siuslaw
T. 18 S., R. 1 W., Sec. 5, 7, & 9	GFMA	Upper Willamette
T. 18 S., R. 6 W., Sec. 3 & 21	GFMA	Siuslaw
T. 18 S., R. 8 W., Sec. 23 & 27	GFMA	Siuslaw
T. 19 S., R. 4 W., Sec. 33	GFMA	Siuslaw
T. 19 S., R. 5 W., Sec. 27	LSR	Siuslaw
T. 19 S., R. 7 W., Sec. 17, 19, & 33	LSR	Siuslaw
T. 19 S., R. 8 W., Sec. 11	LSR	Siuslaw
T. 20 S., R. 4 W., Sec. 5	GFMA	Siuslaw
T. 20 S., R. 4 W., Sec. 33	LSR	Siuslaw
T. 21 S., R. 4 W., Sec. 5	Connectivity	Siuslaw

* GFMA: General Forest Management Area

LSR: Late Successional Reserve

Treatment may occur within Riparian Reserves associated with GFMA and Connectivity land use allocations.

Description of Proposed Action:

The Eugene District BLM proposes to fell, buck, and scale sample trees ("sample tree felling") to ensure accuracy of timber cruises for harvest.

- Trees would only be felled within proposed sale units in the locations shown in the table in Section A.
- Trees would be selected at random from the trees that are eligible for harvest in the sale area.
- The trees would be bucked to standard, merchantable lengths for the direct measurement of volume and the evaluation of the condition and value of the timber.

Sample tree felling would be one of the last activities completed during timber sale preparation, and would occur as part of the timber cruising process.

Project Design Features:

Felling of sample trees within 0.25 miles of un-surveyed suitable habitat for marbled murrelets and/or spotted owls would require incorporation of all applicable design standards and/or terms and conditions of the applicable biological assessment or letter of concurrence. The resource area wildlife biologists will make recommendations for specific projects based on all applicable design standards and/or terms and conditions of the applicable biological assessment or letter of concurrence during implementation.

B. Plan Conformance Review:

The proposed action is in conformance with the Eugene District Resource Management Plan (RMP 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. Forestry, (6) – shall meet the following requirements: (a) Shall be limited to an average of one tree per acre or less; (b) Shall be limited to gas-powered chainsaws or hand tools; (c) Shall not involve any road or trail construction; (d) Shall not include the use of ground based equipment or other manner of timber yarding, and (e) Shall be limited to the Coos Bay, Eugene, Medford, Roseburg, and Salem districts and Lakeview District, Klamath Falls Resource Area in Oregon.*

This categorical exclusion is appropriate to this situation because the proposed action will be limited to an average of one tree per acre or less; will be limited to gas-powered chainsaws or hand tools; will not involve any road or trail construction; will not include the use of ground based equipment; and will occur within the Eugene District. The categorical exclusion is also appropriate because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Signatures:

Prepared By: /s/ Michael Hallinan Date: 11/04/10
District Cruiser/Appraiser, Eugene District BLM

Reviewed By: /s/ Sharmila Premdas Date: 11/04/10
Environmental Coordinator

Reviewed By: /s/ Alan Corbin
Field Manager, Upper Willamette Resource Area

Date: 11/04/10

Reviewed By: /s/ William E. Hatton
Field Manager, Siuslaw Resource Area

Date: 11/4/10

Approved By: /s/ Virginia Grilley
District Manager, Eugene District BLM

Date: 11/4/10

Contact Person:

For additional information concerning this Categorical Review, contact: Mike Hallinan, District Cruiser (541) 683-6966.

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

CATEGORICAL EXCLUSION REVIEW
Extraordinary Circumstances Checklist

Proposed Action: Categorical Exclusion No. DOI-BLM-OR-E000-2011-0001-CX Sample Tree Felling

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. The proposed sample tree felling is in remote, forested locations outside of population centers.</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> Trees to be felled are only within the proposed timber sale units. These units are, by design, outside of unique areas such as those discussed above. No tree felling will occur in parks, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; or wetlands. Felling an average of one or fewer sample trees per acre itself would not change the overall habitat function of the stand or remove habitat at the species level; as such, the proposed action sample tree felling itself would not have significant impacts on migratory birds.</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> Sample tree felling has taken place throughout the State of Oregon and the Eugene District for years. There is no evidence that this action, improving the accuracy of timber cruises, has potentially significant environmental effects. Sample tree felling is a discrete action completed as part of timber sale preparation – it does not commit the BLM to pursuing further actions, and as such would not 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> Sample tree felling has been conducted in the past and this activity had no significant direct, indirect, or cumulative effect. Sample tree felling is a cruising tool used to improve the timber sale process, but this action is not integral to the timber sale process. Trees are felled and measured in sample tree felling, but the action doesn't necessarily entail removal of the felled trees. Removal of trees generally occurs in conjunction with a timber sale decision which has its own NEPA analysis. The District timber sale program was analyzed in the RMP's Environmental Impact Statement (EIS), and individual sales are further analyzed in site-specific NEPA analysis (environmental assessments) tiered to the RMP EIS, with findings of no significant impact (FONSI's).</p>		X

Extraordinary Circumstances	YES	NO
<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.</p> <p><u>Rationale:</u> No properties listed, or eligible for listing, on the National Register of Historic Places are located within the units of the proposed action.</p>		X
<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.</p> <p><u>Rationale:</u> Implementation of the Project Design Features would minimize disturbance effects to individuals. Some proposed thinning units are within critical habitat for northern spotted owl and marbled murrelet; however, felling an average of one or fewer sample trees per acre would not change the overall habitat function of the stand or result in the loss of critical habitat. There would be no adverse effects to the species or their critical habitat from this action.</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><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).</p> <p><u>Rationale:</u> The felling of individual trees would not affect low income or minority populations – the activity is dispersed across District-administered land which is largely interspersed with private, industrial forest land. Furthermore, this action ensures that the public, including low income and minority populations, receive a fair price for the public resources (timber) being sold.</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).</p> <p><u>Rationale:</u> In the Upper Willamette Resource Area, cultural resource inventories 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. The units within the Siuslaw Resource Area are 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.</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).</p> <p><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.</p>		X

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DECISION RECORD

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation DOI-BLM-OR-000-CE-2011-01.

Land Use Plan Conformance:

The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended).

Survey and Manage:

The Sample Tree Felling 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.

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 Sample Tree Felling Project in consideration of both the December 17, 2009 and October 11, 2006 order. Because the Sample Tree Felling project entails no regeneration harvest and entails taking samples to support 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 implemented 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.

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.

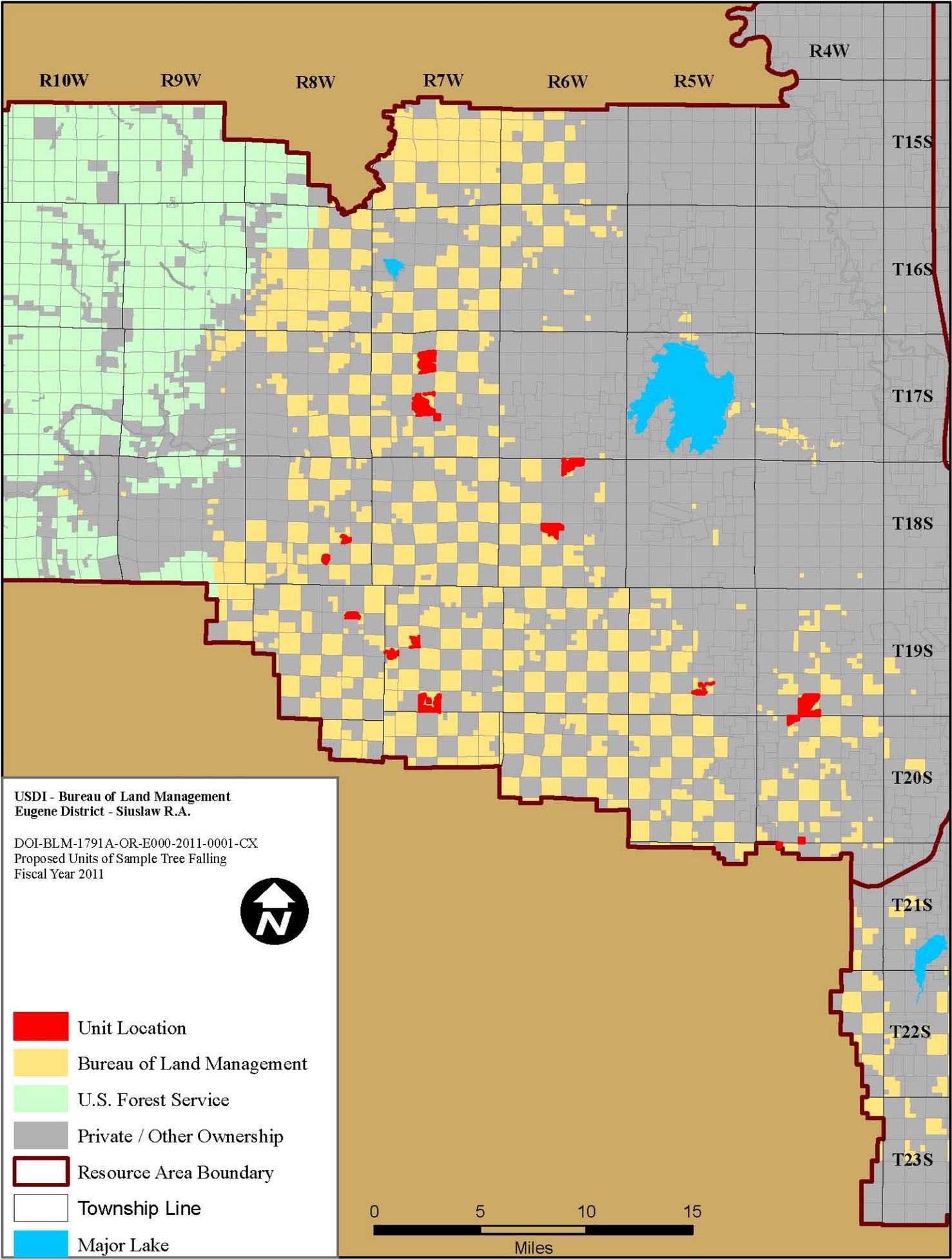
Administrative Remedies

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.

Authorizing Official:

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

 11/4/10
Date:

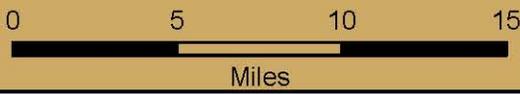


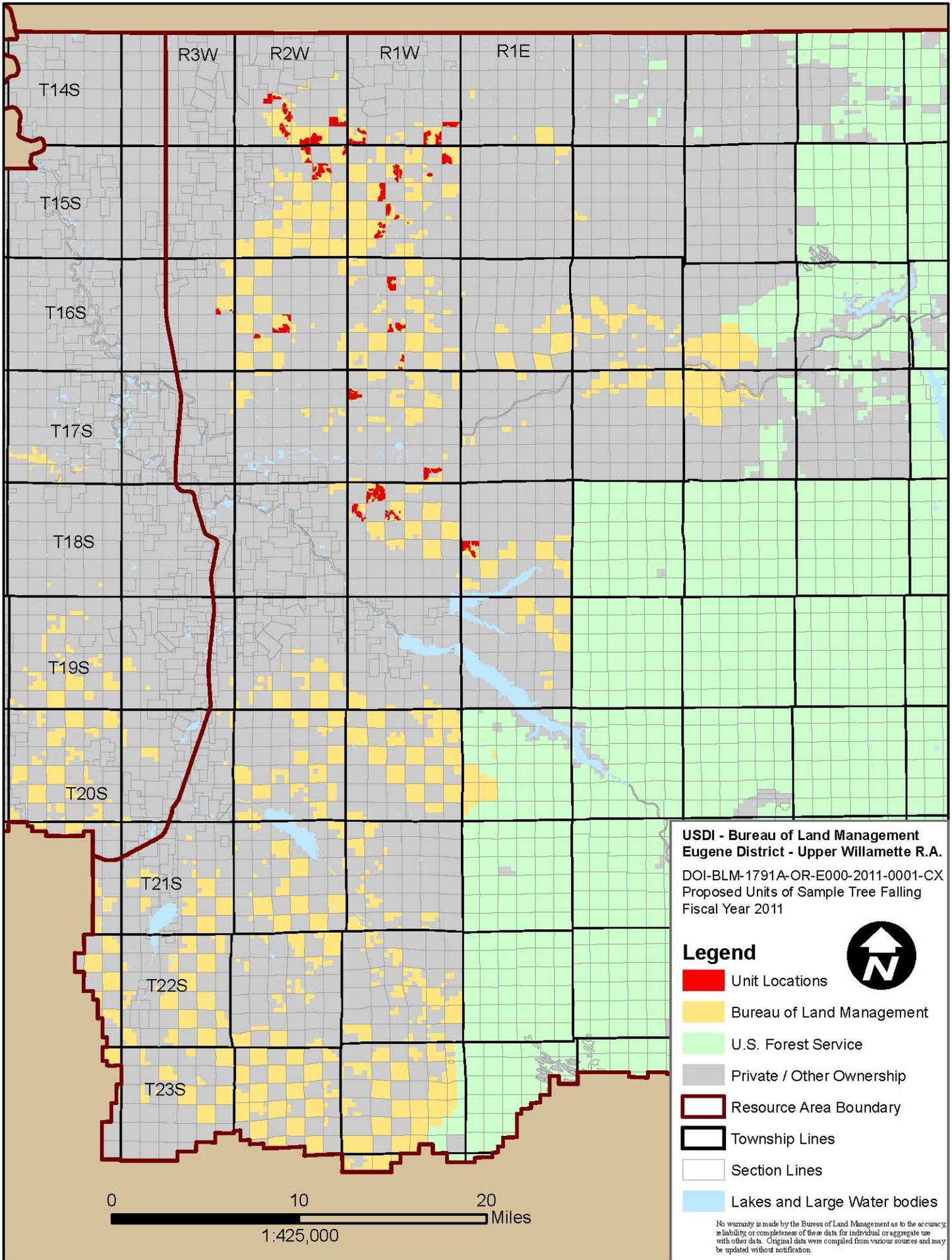
USDI - Bureau of Land Management
 Eugene District - Siuslaw R.A.

DOI-BLM-1791A-OR-E000-2011-0001-CX
 Proposed Units of Sample Tree Falling
 Fiscal Year 2011



- Unit Location
- Bureau of Land Management
- U.S. Forest Service
- Private / Other Ownership
- Resource Area Boundary
- Township Line
- Major Lake





**USDI - Bureau of Land Management
Eugene District - Upper Willamette R.A.**
DOI-BLM-1791A-OR-E000-2011-0001-CX
Proposed Units of Sample Tree Falling
Fiscal Year 2011

Legend



- Unit Locations
- Bureau of Land Management
- U.S. Forest Service
- Private / Other Ownership
- Resource Area Boundary
- Township Lines
- Section Lines
- Lakes and Large Water bodies

0 10 20 Miles
1:425,000

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