

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

CATEGORICAL EXCLUSION REVIEW

OFFICE: Eugene District Office:

TRACKING NUMBER: DOI-BLM-ORE050-2014-0022-CX

CASEFILE/PROJECT NUMBER: 2812/OR 68101

PROJECT NAME: O&C Logging Road Right-of-Way permit: Lewis

LOCATION/LLEGAL DESCRIPTION: SW1/4, Sec. 05., T. 16 S., R. 7 W., W.M.

APPLICANT (if any): Gail Marshall / Emma Leyburn

A. Description of Proposed Action and any applicable mitigation measures

The proposed action is issuing an "O&C Logging Road Right-of-Way permit to Gail Marshall / Emma Leyburn for a term of 18 months pursuant to the authority of Title V of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1761), subject to the terms and conditions in 43 CFR 2812 and those additional stipulations in the attached permit. The permit would authorize the hauling of approximately 80 MBF of timber over 0.05 miles of BLM-controlled Road No. 16-7-5. No road improvement or new construction is involved. Road maintenance will be performed by permittee.

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:

"Administrative actions are the day-to-day transactions required to serve the public and to provide optimum use of resources. These actions are in conformance with the plan. They include, but are not limited to...lands and realty actions, including issuance of grants, leases, and permits and resolution of trespass."

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 E (16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

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.

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I considered mitigation measures needed to qualify as CE: Due to disturbance of occupied or unsurveyed northern spotted owl and marbled murrelet habitat. Mitigation in the permit shall consist of hauling activities being allowed only between two hours after sunrise until two hours before sunset. Also notification will be given to the Siuslaw Resource Area Wildlife biologist prior to hauling under the terms of this permit.

D. Signature

Signature of Project Lead:

/S/ Jeff Spring
Jeff Spring
Civil Engineering Technician

Date: 6/2/2014

Signature of NEPA Coordinator:

/S/ Sharmila Premdas
Sharmila Premdas
Environmental Protection Specialist

Date: 6/2/2014

Signature of the Responsible Official:

/S/ Michael J. Korn
Michael J. Korn
Siuslaw Field Manager
Eugene District Office

Date: 6/3/2014

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Jeff Spring, Civil Engineering Technician (541) 683-6682

EXTRAORDINARY CIRCUMSTANCES CHECKLIST
 DOI-BLM-OR-E050-2014-0022-CX
 O. & C. Logging Road Right-Of-Way Permit; Marshall E-1015

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> The proposed activity includes the use of 0.05 miles of existing BLM road system; there is no expected cause for any drainage problems that would lead to soil instability, increased turbidity in surface water, or other effects to human health of safety in the local area.</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> There are no natural resources or unique geographic characteristics that would be affected by this action.</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> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or 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> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it 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> Based upon review of the project, the current conditions on the ground, and proposed mitigations there would be no significant cumulative effect from allowing the haul of approximately 80 MBF on these well drained aggregate/natural surfaced roads. Therefore the Eugene District did not find any resource issues of concern that would be affected by this action.</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> There are no eligible or listed properties within the proposed treatment areas.</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. Critical habitat for Oregon Coast coho salmon has been designated by the National Marine Fisheries Service in stream 123574134420239 for ~ 2,365 stream feet from its' confluence with mainstem Swamp Creek, a tributary of Lake Creek in the Siuslaw River Basin. Of this designation, ~ 1,665 stream feet was designated CH in an overflow channel that begins at a pond located at -123°34'16.701"W 44°12'12.665"N. This channel likely dries up each year during the low flow summer months and would be of no use to rearing coho juveniles. <u>Rationale:</u> See Additional Mitigation Below:</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> There would be no adverse effect on low income minority populations. The project will create jobs.</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> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites.</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.</p>		X

Mitigation measures needed to qualify as CE: Because of the potential for road sediment to stream delivery during a wet weather haul scenario on segments of both road 16-7-7 and 5, haul will be limited to dry season only or based on analysis of soil moisture from the area soil scientist.

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DECISION RECORD

DOI-BLM-OR-E050-2014-0022-CX
Marshall Permit E-1015

Decision

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-OR-E050-2014-0022-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/ Michael J. Korn
Michael J. Korn
Siuslaw Field Manager
Eugene District Office

6/3/2014
Date: