

## **Categorical Exclusion Documentation for All Projects Other Than Hazardous Fuels and Fire Rehabilitation Projects**

### **A. Background**

**BLM Office:** Marys Peak Resource Area

**Lease/Serial/Case File No:** NA

Categorical Exclusion Number: DOI-BLM-OR-S050-2009-0009-CX

Date: 07/30/2009

**Proposed Action Title/Type:** Mary's Peak 2005-09 (2009 Add Acres) Young Stand Manual Maintenance, Density Management Precommercial Thinning, and Variable Density Precommercial Thinning,/ Silviculture

**Location of Proposed Action:** Multiple locations in Polk, Lincoln, Benton and Lane counties. See list in Mary's Peak Resource Area. Selected areas for 2009 include approximately 50 acres manual maintenance (release with 14 x14 spacing), 37 acres density management precommercial thinning (PCT), and 190 acres variable density PCT.

Land Use Allocation(s): Approximate add acreages for 2009 are Late-Successional Reserve (LSR) – 277 acres; and Adaptive Management Area (AMA) – 157 acres. Riparian Reserves are part of all units.

#### **Description of Proposed Action**

This 2009 add acres project consists of manual maintenance, density management precommercial thinning, and variable density precommercial thinning, in the Mary's Peak Resource Area over the period of October-November of 2009. The added units are similar to units described in the original Categorical Exclusion (CX OR-080-05-02), and all units comply with the project's general description, effect summaries and design features. No ground disturbing action will occur.

All of the 2009 units that are to be added to the young stand management CX (OR-080-05-02) are covered by the Letter of Concurrence from the US Fish and Wildlife Service [reference number: 13420-2007-I-0216 (dated 9/5/2007)] that addressed potential disturbance effects to federally listed wildlife species. Project design standards set forth in this completed consultation include scheduling treatments to reduce potential disturbance as follows for the 2009 treatment units: Four units are to be treated after August 5<sup>th</sup>. Remaining units are not restricted.

Refer to the CX OR-080-05-02 and specialist reports for additional project details. Interdisciplinary team members have reviewed the 2009 add units and have completed the required consultation.

## Project Design Features:

- To retain species diversity, the only tree species to be treated would be western hemlock, Douglas-fir, noble fir, Sitka spruce, cherry, red alder, and big-leaf maple that compete with the leave conifers. All other tree species would be reserved. Species priority for selected leave trees would be noble fir, western hemlock, Sitka Spruce, Douglas-fir, big-leaf maple, and red alder, in that order.
- Red alder and big-leaf maple would be left if not competing with selected leave trees for survival. Hardwoods over 8 inches diameter breast height would be girdled if competing with selected leave trees. Surplus hardwoods less than 8 inches diameter breast height would be cut in a manner to minimize damage to the selected leave trees. Only brush which competes with the selected leave trees would be cut.
- The slash would be pulled back 10-20 feet from edges of all roads and trails in units and to the top of all cut banks, or a 10-20 foot uncut buffer will be left where specified to mitigate fire hazard and scenic value concerns. In some units, the slash would be pulled back 20 feet from the edge of the existing landings and to the top of the cut banks. Additionally, where cutting occurs in south or west facing units above roads and trails an uncut buffer or pullback of slash will be a minimum of 20 feet.
- During severe fire closure periods, roads and trails through recently cut areas may need to be closed to vehicle traffic, to reduce the risk of a fire start, especially on South and West aspects.
- Factors that help to reduce the increase in fire risk and hazard:
  - A tree canopy would be maintained resulting in less heat and drying of fuels and a cooler, more humid micro-site.
  - Hardwood slash will be a large component of the increase in fuel loading in many of the units causing the resulting fuel bed to be less volatile than if the increase came from pure conifer.
- For all units containing noble fir, supply to contractors a copy of a picture and description for the identification of *Bridgeoporus nobilissimus* (noble-fir polypore). If *Bridgeoporus nobilissimus* is located within a unit, all operations would be suspended in that area and contact made with the Marys Peak resource area botanist for further mitigation measures.
- Site management of any Bureau special status botanical and fungal species found as a result of additional inventories would be accomplished in accordance with, BLM Manual 6840-Special Status Species Management and the Record of Decision, To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Forest Service and Resource Management Plans Within the Range of the Northern Spotted Owl (July 2007).

- Wildlife and fisheries or qualified personnel shall review proposed activity plans to define affected areas.
- A 25-foot, uncut stream buffer would be left on each side of ephemeral and non-fish bearing streams and wetland areas, and a 25-foot untreated buffer on perennial streams to prevent any potential adverse effects to stream channel or water quality conditions. Refuel power equipment, or use absorbent pads for immobile equipment, at least 150 feet distance from water bodies or as far as possible from water bodies when local conditions do not allow a 150-foot set-back.
- Wildlife corridors may be identified for additional cutting or clearing along heavily used big game trails.
- Four units would be scheduled for treatment after August 5<sup>th</sup> in 2009 to reduce the possible disturbance to listed wildlife species.
- To reduce potential for disturbance to marbled murrelets, project activities occurring between April 1 and September 15 shall not begin until two (2) hours after sunrise and shall end two (2) hours before sunset.
- The resource area biologist would be notified if any federally listed wildlife species are found occupying stands within 0.25 miles of the proposed units.
- Based on review no units are near any listed fish species and no consultation is required under the Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington CY 2007-CY2012 (April 28, 2007).

**B. Land Use Plan Conformance:**

**Land Use Plan Name:** Salem District Record of Decision and Resource & Management Plan  
**Date Approved/Amended:** May 1995

On July 16, 2009 the U.S. Department of the Interior, withdrew the Records of Decision (2008 ROD) for the Western Oregon Plan Revision and directed the BLM to implement actions in conformance with the resource management plans for western Oregon that were in place prior to December 30, 2008. The analysis documented in the young stand management CX (OR-080-05-02) is site-specific and supplements analyses found in the Salem District Proposed Resource Management Plan/Final Environmental Impact Statement, September 1994 (RMP/FEIS). Since project planning and preparation of National Environmental Policy Act documentation for this project began prior to the effective date of the 2008 ROD, this project had been designed to comply to the land use allocations, management direction, and objectives of the 1995 resource management plan (1995 RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District. All of these documents may be reviewed at the Marys Peak Resource Area office.

**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 which allows for precommercial thinning and brush control using small mechanical devices.

**Categorical Exclusions: Extraordinary Circumstances Review**

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p><b>2.1/</b> Have significant impacts on public health or safety?                      Rationale: Precommercial thinning these selected units in the Marys Peak Resource Area will have no impacts on public health or safety therefore would have no significant impacts on public health or safety. All activities associated with the proposed precommercial thinning will be conducted in forested locations outside of population centers and will conform to established Occupational Safety and Health Administration rules concerning health and safety.</p>		No
<p><b>2.2/</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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?                       Rationale: No pre-project surveys required as outlined in the Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D-“Coast Inventory Plan.”                      The project areas are not located in any 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, and other ecologically significant or critical areas (ACECs).</p>		No
<p><b>2.3/</b> Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?                      Rationale: The effects of this precommercial thinning are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the environmental effects of precommercial thinning in young forest stands are not highly controversial. The ROD/RMP established the land use allocation and goals for the affected lands.</p>		No
<p><b>2.4/</b> Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?                       Rationale: Precommercial thinning is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.</p>		No
<p><b>2.5/</b> Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?                      Rationale: Implementation of precommercial thinning does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. Precommercial thinning is addressed and authorized under the existing ROD/RMP, and as such, this project will represent implementation of that land use plan decision, not a decision in principle on future actions. Precommercial thinning is a silvicultural</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review	
Will the Proposed Action documented in this Categorical Exclusion	Yes No
practice, the application of which is based on forest stand conditions. It has been widely used on BLM and Forest Service lands throughout Oregon and has not been shown to have potentially significant impacts.	
<p><b>2.6/</b> Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</p> <p>Rationale: There are no cumulative effects associated with precommercial thinning; therefore there are no significant cumulative effects as a result of these actions. Precommercial thinning of these units will not alter the forest age class distribution of BLM lands in the watershed. Precommercial thinning will not create canopy gaps across an area sufficient to alter timing or magnitude of peak and base flows in the watershed. There will be no increase in road density or flow routing by roads which will affect stream flows. "No harvest" buffers on intermittent streams will preserve streamside shading and maintain stream temperatures and filter any sediment-laden over land flow.</p>	No
<p><b>2.7/</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?</p> <p>Rationale: Surveys conducted by the BLM have not identified any cultural or historical resources that will be affected by the proposed precommercial thinning.</p>	No
<p><b>2.8/</b> Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</p> <p>Rationale: <b>Wildlife:</b> Potential for short-term noise disturbance is not likely to adversely affect breeding spotted owls and marbled murrelets. This action will include all applicable design standards as required by the Letter of Concurrence (#13420-2007-I-0216) which completed consultation requirements of the Endangered Species Act. <b>Fish:</b> No constituent elements of critical habitat will be affected. A determination has been made that the proposed project will have 'no effect' on UWR (Upper Willamette River) steelhead trout, Chinook salmon, and Oregon chub and Oregon Coastal Coho Salmon. Generally, the 'no effect' determination is based on the distance upstream of project activities from ESA listed fish habitat and project design criteria that include no harvest activity within stream protection zones</p>	No
<p><b>2.9/</b> Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p> <p>Rationale: Precommercial thinning follows all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment. The proposed action is in conformance with the direction given for the management of public lands in the Salem District ROD/RMP, which complies with all applicable laws such as the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act and others.</p>	No
<p><b>2.10/</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p> <p>Rationale: The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</p>	No
<p><b>2.11/</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)?</p> <p>Rationale: No new ground disturbance is anticipated. Past precommercial thinning within this area have not resulted in tribal identification of concerns.</p>	No
<p><b>2.12/</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,</p>	No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? Rationale: No ground disturbing action will occur. No increase in exposed mineral soil above the current level is expected, subsequently the risk rating for the long-term establishment of noxious weed species and consequences of adverse effects is low.		

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 (see Table 1, above) apply.

I considered and reviewed the effects of the following additional elements of the environment required by management direction. Table 2 shows the effects of the proposed action on these elements of the environment.

Table 2: Additional Elements of the Environment		
Elements of the Environment	Status: Not Present, Not Affected, or Affected	Remarks
Aquatic Conservation Strategy	Not Affected	The project maintains the current conditions with regard to the nine Aquatic Conservation Strategy objectives.
Energy (Executive Order 13212)	Not Affected	There is no known energy resources located in the project area. The proposed action will have no adverse effect on energy development, production, supply and/or distribution.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Present	This action will have no effect on MSA species or EFH.
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes are on the lands proposed to be added to the right-of-way agreement. No hazardous or solid wastes would be produced by the proposed action.
Special Status (except T/E) or other rare or uncommon species/habitat	Not Present	There are no known Special Status Species sites, and no habitat modification would occur. The project will enhance habitat for SSS by reducing conifer density while promoting botanical diversity.

The proposed action has no effect on the elements of the environment described above; therefore there is no potential for significant impacts. Project Design features are described in section A under the description of the Proposed Action. No additional mitigation measures are required.



U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT, CASCADES RESOURCE AREA

**Decision Record**

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2009-0009-CX, I have determined that the proposed action to precommercial thin these units involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to precommercial thin these units, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2009-0009-CX.

Protests: In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this silviculture project will not become effective or be open to formal protest until the decision record is published "in a newspaper of general circulation in the area where the lands affected by the decision are located". Protests of this project must be filed within 15 days of the first publication of the notice. For this project, the decision record will be published in the *Polk County Itemizer Observer* and *Corvallis Gazette* newspapers on or around August 5, 2009.

Implementation: This project will be implemented October-November, 2009.

Contact Person: For additional information concerning this CX review; contact Arlene Roux, Salem District Office, 1717 Fabry Rd. SE Salem, OR and 503 315-5955.

Authorized Official: \_\_\_\_\_

Trish Wilson  
Marys Peak Resource Area Field Manager

Date: \_\_\_\_\_