

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-S050-2011-0002-CX **Date:**
12/13/2010

Proposed Action Title/Type: Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2011 Add Acres).

Location of Proposed Action: Marys Peak Resource Area

Land Use Allocation(s): (LUA)s are comprised of Late Successional Reserve (LSR), Adaptive Management Area (AMA), General Forest Management Area (GFMA) and Riparian Reserves (RR). Management of young (ages 1-35 years old) forest stands include the following activities:

Description of Proposed Action: This project consists of manual maintenance, pre-commercial thinning (PCT) and pruning in the Marys Peak Resource Area over the period of 2010 through 2014.

Over the five year period, approximately 4,534 acres are planned for treatment allocated as follows: Manual Maintenance of 182 acres; Manual Release of 2,494 acres; Density Management\PCT of 1,405 acres, and 453 acres of pruning. Acres identified for possible treatment in 2010 is approximately 650 acres. Maps and a list of site descriptions for 2011 proposed projects are filed in the Marys Peak Resource Area.

The *Manual Maintenance* portion of this project consists of cutting competing vegetation for conifer stocking maintenance and survival of conifer species in young stands (typically ages 4 to 12 years). The primary purpose is to provide sufficient light for survival of conifers and to increase growing space. In 2011, 25 acres (four units) are proposed for manual maintenance treatment. Ten acres (one unit) are in the GFMA LUA and 15 acres (three units) are in the LSR LUA.

The *Manual Release* portion of this project includes cutting competing vegetation for conifer survival and cutting overstocked conifers in young stands (typically age 10 to 20 years). Trees will be thinned to a 14 x14 foot spacing (approximately 220 trees per acre). Trees larger than 8 inches diameter breast height (DBH) will be reserved regardless of spacing. In 2011, 7 acres (one unit) are proposed for treatment in the GFMA LUA, and 46 acres (five units) are proposed for treatment in the LSR LUA.

The *Density Management/PCT* portion of the project consists of thinning overstocked young conifer plantations 12 to 30 years of age to promote the health and vigor of the stands, provide more light to accelerate growth of selected conifers, and promote species diversity. The trees will be thinned to a 14 x14, 16 x16, or 18 x18 foot spacing (approximately 222, 170, and 134 trees per acre, respectively) or a variable spacing. The 16 foot, 18 foot and variable spacing will be used only on the stands greater than 20 years of age.

In 2011, 37 acres (three units) are proposed for PCT treatment. Six acres are in the AMA LUA and 31 acres are in the LSR LUA. The variable spacing will generally be done by removing trees based on DBH measurements rather than spacing. Trees up to 10 inches DBH may be cut to meet spacing/stocking objectives. Gaps of up to 40 feet in diameter will result. The purpose of the variable spacing is to develop a more structurally complex stand to meet objectives of the LSR LUA. For density management in 2011, 129 acres (six units) are proposed for treatment in the LSR LUA, 18 acres (one unit) are proposed for treatment in the GFMA LUA and 36 acres (two units) are proposed for treatment in the AMA. Density Management/PCT proposed treatment areas total 220 acres.

The *Pruning* portion of this project consists of using hand tools to remove lower branches from conifers up to twenty feet on the bole. In 2011, 274 acres (thirteen units) in the GFMA LUA are proposed for pruning lower branches to improve the wood quality of future lumber products and reduce impacts of disease and animal damage.

B. Land Use Plan Conformance: The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan (RMP)*, dated May 1995 as amended (pp. 7, 11, 16, 17, 21, 32, 46, 47, 63, 71 & Appendix D) and directs the following:

- Conduct silvicultural activity in suitable forest stand according to management actions/direction.
- Control stocking, reestablish and manage stands, and acquire desired vegetation.
- Apply silvicultural treatment to restore large conifer in Riparian Reserve.
- Implement silvicultural practices in LSR that benefit the creation of late successional forest habitat.
- Avoid disturbance to spotted owls and marbled murrelet.

The proposed 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 and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994;
- *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001)*

Watershed Analysis in fourteen of sixteen watersheds have been completed from 1995 to 1999. The recommended actions within the watershed analysis support the proposed action.

- 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>2.1/ Have significant impacts on public health or safety? Rationale: Silvicultural treatments will have no impacts on public health or safety. Temporary signage will be properly placed warning residence and visitors of silvicultural activities.</p>		No
<p>2.2/ 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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas? Rationale: No unique geographical characteristics are within the project area or affected by this project. Fall Creek in T13S, R8W is an eligible recreational wild and scenic river. The BLM must protect the outstanding remarkable values, which are fisheries and wildlife. The Luckiamute River in T9S, R7W (manual release only) is an eligible recreational wild and scenic river. It has other outstanding remarkable values to protect. Manual maintenance would thin some trees however longterm values on the rivers would remain unchanged. Visual resources of all treatments range from VRM class 2 (retain characteristic landscape) to VRM class 4 (major modification allowed). Project design features will minimize irreparable damage and protect visual resources.</p>		No
<p>2.3/ Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]? Rationale: The effects of these silvicultural treatments are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.</p>		No
<p>2.4/ Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? Rationale: Silvicultural treatments are 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>2.5/ Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p>Rationale: Implementation of silvicultural treatments 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. See 2.4.</p>		
<p>2.6/ 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 silvicultural treatments.</p>		No
<p>2.7/ 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>Rationale: No eligible or listed properties are within the project area.</p>		No
<p>2.8/ 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: Fisheries: Project activities are covered under the <i>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</i> (April 28, 2007). No adverse effects are anticipated. Based on review of 2011 projects actions within Luckiamute watershed (FOI # 924082), Lower Alsea watershed (FOI #931185), Upper Alsea watershed (FOI#s 932261, 933292, and 936058), and Five Rivers - Lobster watershed (FOI#s 934630 and 936077) may include treatments less than 150 feet from listed fish habitat or within 20 feet of small tributary streams within 1/4 mile of listed fish and may affect listed fish species. Wildlife: Potential for short-term noise disturbance is not likely to adversely affect breeding spotted owls and marbled murrelets. This action would include all applicable design standards as required by the Letter of Concurrence (#13420-2009-I-0152) which completed consultation requirements of the Endangered Species Act. No constituent elements of critical habitat would be affected.</p>		No
<p>2.9/ Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p> <p>Rationale: Silvicultural treatments follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.</p>		No
<p>2.10/ 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>2.11/ 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>Rationale: No new ground disturbance is anticipated. Past silvicultural treatments within this area have not resulted in tribal identification of concerns.</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p>2.12/ 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>Rationale: Minimal amounts of mineral soil would be disturbed through forestry workers walking within the contract areas ground disturbing action will occur. No other 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.</p>		No

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
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 Affected	Essential Fish Habitat will not be adversely affected.
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes will be produced by the proposed action.
Special Status (except T/E) species/habitat	Not Present	There are no known Special Status Species sites. The implementation of this project will "enhance" the project areas for future potential habitat for these species.

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 listed below. No additional mitigation measures are required.

Project Design Features:

- To retain species diversity, the only tree species to be cut will be western hemlock, Douglas-fir, noble fir, Sitka spruce, cherry, red alder, and bigleaf maple that compete with the reserved conifer trees. All other tree species will be reserved. Species priority for selected leave trees will be noble fir, western hemlock, Sitka Spruce, Douglas-fir, bigleaf maple, and red alder, in that order.
- Red alder and bigleaf maple will be left if not competing with selected leave trees for survival. Hardwoods over 8 inches diameter breast height will be girdled if competing with selected leave trees. Surplus hardwoods less than 8 inches DBH will be cut in a manner to minimize damage to the selected leave trees. Only brush which competes with the selected leave trees will be cut.
- Pruning treatment will be done with hand tools only.
- The slash will 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 feet uncut buffer will be left where specified to mitigate fire hazard and scenic value concerns (in visual resource class 2 areas). In some units, the slash will 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.
- To reduce the risk of a fire start (especially on south and west aspects), during severe fire closure periods (level 4), roads and trails through recently cut areas may need to be temporarily closed to vehicle traffic.
- For all units containing noble fir, the BLM will supply contractors a picture and description of the noble fir polypore (*Bridgeoporus nobilissimus*). If *Bridgeoporus nobilissimus* is located within a unit, all operations will be suspended on that unit. The Marys Peak Resource Area botanist shall be notified and additional mitigation measures incorporated for protection of the known site(s).
- Site management of any Bureau special status botanical, fungal, and animal species found as a result of additional inventories will be accomplished in accordance with, BLM Manual 6840, Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001).
- Resource Area Hydrologist or other qualified personnel will review proposed activities to define the affected areas.

- Appropriate measures will be developed to ensure protection of aquatic and riparian habitats during project design.
- A 20-foot, untreated or modified treatment area will be maintained along all intermittent and perennial streams and wetland areas to prevent any potential adverse effects to stream channel or water quality conditions. This will also help protect disturbance to rural interface and the outstandingly remarkable values of eligible recreational wild and scenic rivers.
- Refuel power equipment, or use absorbent pads for immobile equipment, at least 150 feet distant from water body, or as far as possible from water body where local site conditions do not allow a 150-foot setback.
- Wildlife and fisheries personnel or other qualified personnel shall review proposed activity plans to define affected areas.
- Wildlife corridors may be identified for additional cutting or clearing along heavily used big game trails.
- 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. In 2011, four project sites, Klickitat Road (FOI#935019), Gold Goose (FOI#925252), Rock Pit Cr #3 (FOI#925332), and Depoe Bay Overlook (FOI# 925350) will be scheduled to begin after August 5th.
- The Resource Area Biologist will be notified if any federally listed wildlife species are found occupying stands within 0.25 miles of the proposed units.
- These activities are covered 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). In order to comply with the programmatic, a project notification report must be sent to National Marine Fisheries Service (NMFS) 30 days prior to implementation for the project. In addition, a completion report must be sent to NMFS within 120 days of completion of each, or all of the treatment units.
- The project notification report must be sent 30 days prior to implementation and must contain the following information:
 - ✓ Location: 6th field HUC, 12 digit code, and name
 - ✓ Timing: Anticipated project start date
 - ✓ Activity Type: Identify all proposed activity types that apply
 - ✓ Project Description: Brief narrative of the project and objectives

- ✓ Extent: Number of acres
- ✓ Species Affected: ESA Fish and Wildlife species affected, Critical Habitat and/or Essential Fish Habitat affected by the project
- The project completion report must be sent to NMFS within 120 days of project completion and should contain the following information:
 - ✓ Timing: Actual project start and end dates
 - ✓ The extent of turbidity plume, if relevant/evident
 - ✓ Agency contact information: Agency and Project Lead Name
 - ✓ Post project Assessment: The results of the Agency's actions

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

Decision Record

Based on the attached Categorical Exclusion Documentation OR-S050-2011-0002, I have determined that the proposed action, Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2011 Add Acres) involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2011 Add Acres), as described in the attached Categorical Exclusion Documentation OR- S050-2011-0002.

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 subsection (b), a notice of decision will be published in local newspaper(s), and this notice shall constitute the decision document. Under 43 CFR 5003.3 subsection (a), protests may be filed with the authorized officer within 15 days of the publication date of the notice of decision. Under 43 CFR 5003.3 (b), protests filed with the authorized officer shall contain a written statement of reasons for protesting the decision. A decision on this protest would be subject to appeal to the Interior Board of Land Appeals, although, under 43 CFR 5003.1 subsection (a), filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

Implementation: This project will begin implementation March in of 2011.

Contact Person: For additional information concerning this CX review, contact Arlene Roux, Forester, Salem District Office, 1717 Fabry Rd SE, at (503) 315-5955.

Authorized Official: Patricia Wilson
Patricia Wilson
Marys Peak Resource Area Field Manager

Date: 1/27/2011

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(July 2008 Revised)