

## 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:** \_\_\_\_\_

**Categorical Exclusion Number:** DOI-BLM-OR-S050-2009-0011-CX **Date:** 3/2/2010

**Proposed Action Title/Type:** BLM Road 13-11-23 Road Reconstruction/Decommissioning

**Location of Proposed Action:** Township 13 S, Range 11W, Section 23 Lincoln County

**Land Use Allocation:** Late Successional Reserve

**Description of Proposed Action:** The proposed action is to reconstruct approximately 2,145 feet of BLM controlled existing road (Road 13-11-23) that will provide access to U. S. Forest Service managed lands for the purposes of forest management activities. The road reconstruction will be decommissioned by the U.S. Forest Service or their contractor(s) after completion of operations.

Approximately 10 thousand board feet (MBF) of timber within the existing road prism will be cut, yarded and hauled to provide access for forest management activities on U. S. Forest Service managed land. The timber to be removed is approximately 30 years old.

**Mitigation Measures/Other Remarks:**

**Table 1: Season of Operation/Operating Conditions**

Season of Operation or Operating Conditions	Applies to Operation	Objective
Permitted only during periods of dry weather and low soil moisture, generally between May 1 and October 31	Road reconstruction/decommissioning and timber hauling	Minimize soil erosion

**To minimize soil erosion as a source of sedimentation to streams and to minimize soil productivity loss from loss of slope stability:**

- All locations where mineral soil is exposed (road to be reconstructed and decommissioned after use) will be sown with Oregon Certified (blue tagged) red fescue (*Festuca rubra*), and applied at a rate equal to 40 pounds per acre or sown/planted with other native species as approved by the resource area botanist.

**To reduce fire hazard risk and protect air quality:**

- Accumulations of debris cleared during road reconstruction will be scattered along the length of the right-of-way.

- Large accumulations of debris on or within 30 feet of the edge of the reconstructed road will be machine or hand piled. Logs, tops, and debris will be decked or piled as directed by the contract administrator (except for logs sold and removed from the project area).
- During the late summer before the onset of fall rains, all machine and hand piles to be burned will be covered at least 80 percent with 4 mil black polyethylene plastic.
- All burning will occur under favorable smoke dispersal conditions in the fall, in compliance with the Oregon State Smoke Management Plan.

**To protect Special Status Species:**

- The resource area biologist and/or botanist will be notified if any T & E, Bureau SS (including survey and manage) botanical, fungal and animal species are found occupying stands proposed for treatment during proposed action activities. If the species is a federal listed ESA species then all of the known sites will be withdrawn from any timber harvesting activity. If the species is other than a federal listed ESA species, then appropriate mitigation action will be taken.
- A survey and manage Category E lichen (*Cetrelia cetrarioides*) known site will be protected from harvest. The lichen will be protected by reserving a minimum 6 feet of the bole of the 14 inch dbh Scouler's willow that is growing on. The known site is shown on the EA Map as Lichen Protection Area.

**To minimize noxious weed infestations**

- All soil disrupting equipment moved into the project area would be required to be clean and free of dirt and vegetation as directed by the Authorized Officer.

**To protect Cultural Resources:**

The proposed action area occurs in the Oregon Coast Range. Survey techniques are based on those described in Appendix D of the *Protocol for Managing Cultural Resource on Lands Administered by the Bureau of Land Management in Oregon*. Post-proposed action survey will be conducted according to standards based on slope defined in the Protocol appendix. Ground disturbing work will be suspended if cultural material is discovered during proposed action work until an archaeologist can assess the significance of the discovery.

**B. Land Use Plan Conformance:**

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

The proposed action is in conformance with the Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s): RMP p.55. Continue to make BLM-administered lands available for needed rights-of-way where consistent with local comprehensive plans.

The BLM Road 13-11-23 Road Reconstruction/Decommissioning project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Salem 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.

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 (including timber sales).

The project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because the BLM Road 13-11-23 Road Reconstruction/Decommissioning Project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described below:

T&E and bureau special status and survey and manage:

The project area was surveyed for non-vascular bureau sensitive and survey and manage plant species on March 1, 2010 and one survey and manage lichen species (*Cetrelia cetrarioides*) was found. In addition, there are no known sites of any T & E or other bureau sensitive or survey and manage botanical species within the project area.

### **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. (13) which allows for Amendments to existing right-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

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?</p> <p><b>Rationale:</b> The proposed action’s effects to public health and safety will not be significant because the project occurs in a forested setting, removed from urban/residential areas, where the primary activities are forest management and timber harvest. In addition warning signs near logging activities will provide for public 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?</p> <p><b>Rationale:</b> There are no historic or cultural resources, parklands, prime farmlands, wild and scenic rivers, wilderness, or ecologically critical areas located within the proposed action area.</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)]?</p> <p><b>Rationale:</b> The BLM has experience implementing similar actions in similar areas without highly controversial [40 CFR 1508.27(b) (4)], highly uncertain, or unique or unknown risks [40 CFR 1508.27(b) (5)].</p>		No
<p><b>2.4/</b> Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p> <p><b>Rationale:</b> Past experience from this type of activity has shown no highly uncertain, potentially significant, 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?</p> <p><b>Rationale:</b> The proposed action 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 [40 CFR 1508.27(b) (6)]. The BLM has experience implementing similar actions in similar areas without setting a precedent for future actions.</p>		No
<p><b>2.6/</b> Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</p> <p><b>Rationale:</b> There are no cumulative effects associated with road reconstruction/decommissioning therefore there are no significant cumulative effects as a result of these actions. Road reconstruction/decommissioning will not 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.</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><b>Rationale:</b> Surveys conducted by the BLM have not identified any cultural or historical resources that will be affected by the proposed road reconstruction/decommissioning.</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><b>Rationale:</b> <i>Wildlife:</i> Potential for short-term noise disturbance to unsurveyed suitable habitat 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 (FWS # 1-7-06-I-0190) which completed consultation requirements of the Endangered Species Act.</p> <p><i>Fish:</i> The U. S. Forest Service requested consultation with the National Marine Fisheries Service (NMFS), concerning impacts on the proposed ESA listing of Oregon Coast coho salmon and essential fish habitat (EFH). Pursuant to ESA regulation 402.07 U. S. Forest Service is the lead agency for the proposed action.. The NMFS returned a completed Biological Opinion (2008/03437) with terms and conditions for project implementation on September 29, 2008, completing the consultation process. The BO is on file at the Salem District office. The effects of the proposed action to listed Oregon Coast coho salmon are covered in this BO.</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><b>Rationale:</b> Road reconstruction/decommissioning follow 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> <p>All burning will occur in compliance with the Oregon State Smoke Management Plan.</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><b>Rationale:</b> 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><b>Rationale:</b> There are no identified sacred, ceremonial or religious Indian sites within this area.</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, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?</p> <p><b>Rationale:</b> There are several noxious weeds known to occur within the project area, they include: Scot's broom, Armenian blackberry, tansy ragwort, St. John's wort, Canadian and bull thistles. All exposed mineral soil areas would be sown with grass seed to reduce potential habitat for noxious weeds to become established. The risk rating for any adverse affects from the establishment of noxious weeds in the project area is low due to requiring equipment to be cleaned prior to moving into the area and sowing seed on exposed mineral soil. In addition, the area would be monitored for several years post treatment and any noted infestations treated as needed.</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 Present	There is no known energy resources located in the proposed action area.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	The U. S. Forest Service concluded that all activities associated with Alternative 2 in the short term, would have either minor or discountable effects on EFH..
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes are on the lands proposed for road reconstruction. No hazardous or solid wastes will be produced by the proposed action.
Special Status including survey and manage species (except T/E) or other rare or uncommon species/habitat	Not Present	There is one known survey and manage lichen species within the project area. Minimal habitat modification will occur.

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

**D. Signature:**

Specialist Review and Concurrence:  None required or

Review Required	Review Not Required	Resource	Name	Initial
x	<input type="checkbox"/>	Aquatic/Fisheries	Scott Snedaker	SS
x	<input type="checkbox"/>	Botany	Ron Exeter	RE
x	<input type="checkbox"/>	Cultural Resources	Dave Calver	
x	<input type="checkbox"/>	Hydrology/Soils	Steve Wegner	SW
x	<input type="checkbox"/>	NEPA Compliance	Gary Humbard	GH
<input type="checkbox"/>	x	Recreation	Traci Meredith	
x	<input type="checkbox"/>	Wildlife	Gary Licata	gal
x	<input type="checkbox"/>	Fire Hazard/Air Quality	Tom Tomczyk	

**Authorized Official:** Patricia Wilson Date: 3-8-10  
**Name:** Trish Wilson  
**Title:** Marys Peak Resource Area Field Manager

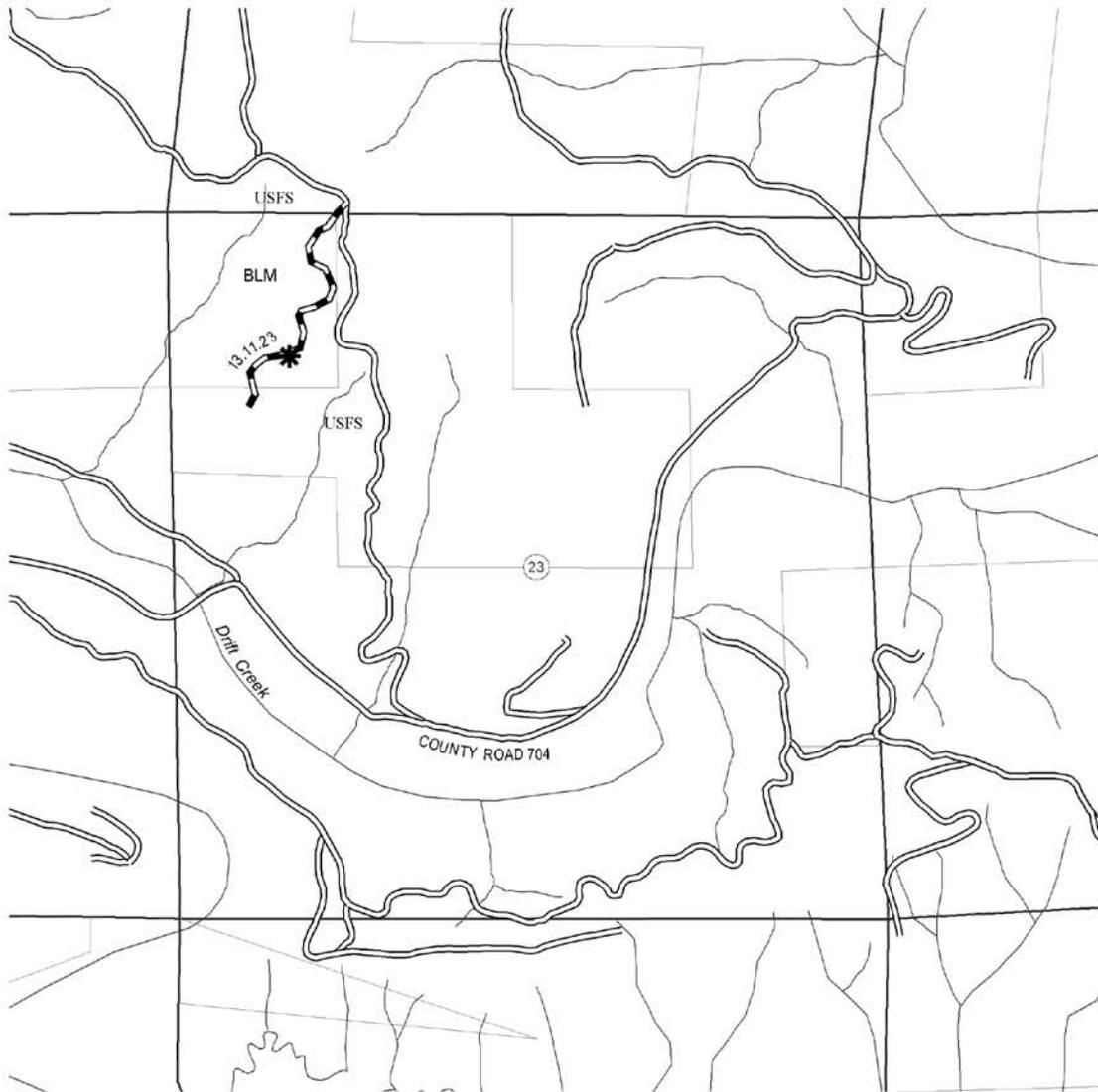
**Contact Person:** For additional information concerning this CX review, contact Gary Humbard Environmental Coordinator, Salem District Office, 1717 Fabry Rd SE, at (503) 315-5981.

March 4, 2010

United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
**BLM Road #13-11-23**

**SELECTED ACTION**  
Reconstruction/Decommission

T. 13 S., R. 11 W., Section 23, W. M. - SALEM DISTRICT - OREGON



-  Road to be Reconstructed/Decommissioned after use
-  Known site of Survey and Manage lichen species
-  Existing road
-  Stream

1,000 500 0 1,000  
Feet



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

**Decision Record**

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2009-0011-CX, I have determined that the proposed action, reconstruction/decommissioning approximately 2,145 feet of existing road involves no significant impacts to the human environment and requires no further environmental analysis.

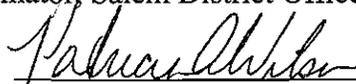
It is my decision to reconstruct/decommission approximately 2,145 feet of existing road and harvest approximately 10 MBF of timber located within the existing right-of-way, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2009-0011-CX.

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 proposed action will be implemented [June, 2010].

Contact Person: For additional information concerning this CX review, contact Gary Humbard, Environmental Coordinator, Salem District Office, 1717 Fabry Rd SE, and (503) 315-5981.]

Authorized Official:



Trish Wilson

Marys Peak Resource Area Field Manager

Date:

3-8-10