

Categorical Exclusion Review

A. Background

BLM Office: Marys Peak Resource Area **Lease/Serial/Case File No:** _____

Categorical Exclusion Number: DOI-BLM-OR-S050-2013-0001-CX **Date:** 11/18/2013

Proposed Action Title/Type: Briar Creek Timber Sale

Location of Proposed Action: T. 14 S., R. 8 W., Section 32, W.M. Benton County, Oregon.

Land Use Allocation(s): Late-Successional Reserves and Riparian Reserves

Description of Proposed Action:

The Briar Creek timber sale consists of density management on 53 acres of 78 year old¹ forest in the Late-Successional Reserves (LSR) and Riparian Reserves land use allocations². The project area is located approximately five airmiles southwest of Alsea in Benton County, Oregon.

The purpose of this project is to attain objectives for the LSR as defined in the Salem District Resource Management Plan (RMP). The primary objective for the LSR is to protect and enhance conditions of late-successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth forest-related species (RMP, p. 15).

These stands regenerated naturally over several years after a fire in the 1930s. The BLM collected stand data in 2012 and found that the three stands that make up Briar Creek are very similar: each stand is dense, Douglas-fir dominated, lacking understory conifer regeneration, and is deficient in standing and down coarse woody debris (see Photo 1 and Tables 1 and 2 on the following pages)³.

Treatments will increase structural and species diversity and enhance individual tree characteristics (crown size, branch size, growth and vigor), thereby putting the stand on a trajectory to develop old-growth characteristics, such as large diameter trees of several species, variable spacing including gaps and dense clumps, a multi-level canopy, and sufficient coarse woody debris (CWD) and snag levels. Approximately 51 acres will be harvested by skyline yarding and two acres will be harvested by ground-based methods. The need for fuel reduction treatments will be assessed post-harvest.

Of the 640 acres the BLM manages in the section, only 53 will be treated within the Briar Creek timber sale. Nearly 600 adjacent acres of LSR and Riparian Reserves will be left untreated to develop on a natural trajectory.

¹ Average ages of stands determined during stand examinations in 2012 were 76 and 78 years old. Weighted average of stands in 2013 is 78 years old.

² Approximately 45 acres are in the LSR, 8 are in the Riparian Reserves.

³ The project's silvicultural prescription is included in the project record and contains more detailed stand information.

Table 1

Current weighted average stand attributes, Briar Creek Project (trees > 7" DBH)

<i>Species</i>	<i>Acres</i>	<i>Trees/ac</i>	<i>Basal area/ac (ft²)</i>	<i>QMD¹ (in.)</i>	<i>RDI²</i>	<i>Canopy Cover³</i>	<i>Site Index</i>
Douglas-fir		210	365	17.8	1.02		
Big Leaf Maple		0.7	4	13.5	0.0		
Results	53	211	369	17.8	1.02	89	132

¹ Quadratic Mean Diameter (QMD) – the diameter at breast height (4.5 feet) of the tree of average basal area.

² Relative Density Index (RDI) – the density of trees per acre relative to the maximum density possible (Reineke, 1933). Species RDI do not necessarily sum because maximum density varies per species. RDI from ORGANON model.

³ Canopy cover from stand data analyzed in ORGANON, SMC v 8.4 growth model.

The BLM found fewer than ten trees (less than one-tenth of one percent of the 11,000 trees within the project boundaries) that were much larger than the majority of the stand. Despite their increased size, these trees are similar in age to the rest of the stand. Such trees likely established slightly before the rest of the stand in open conditions and grew quickly in diameter. Unlike diameter growth, height growth is independent of stand density. These large-diameter trees are of the same height as other dominant crown class trees whose ages were determined during the stand examination inventory. These trees, and other trees greater than 24 inches in diameter, are reserved from harvest (see Appendix B – Marking Guide). To reduce competition, maintain the deep crowns, and increase their overall viability, smaller trees nearest the large trees may be removed. Within the rest of the upland and Riparian Reserves, trees will be thinned from below to a variable-density retention.



Photo 1. Briar Creek Timber Sale Unit

This photo is a typical representation of the stands at Briar Creek. Stands are relatively homogenous, crowns are receding, and stands are lacking conifer understory development.

The BLM completed surveys of standing and down coarse woody debris conditions and volume in the project area. Much of the coarse woody debris is less than 10 inches in diameter and is in an advanced state of decay. The Late Successional Reserve Assessment states that young (< 80 year old) stands in the Coast Range are expected to have 1,102 – 3,794 cubic feet per acre of down woody material (1996, p. 61). As shown below in Table 2, the stands at Briar Creek are below this expected range, averaging less than 1,000 cubic feet per acre.

Actions undertaken as part of the Briar Creek timber sale will provide for immediate and long-term increases in high-quality standing and down coarse woody debris. The BLM will fall up to two trees per acre (of stand average diameter or larger) to address the current deficiency and provide immediate inputs of large, hard coarse woody debris. See project design features for further information.

Table 2

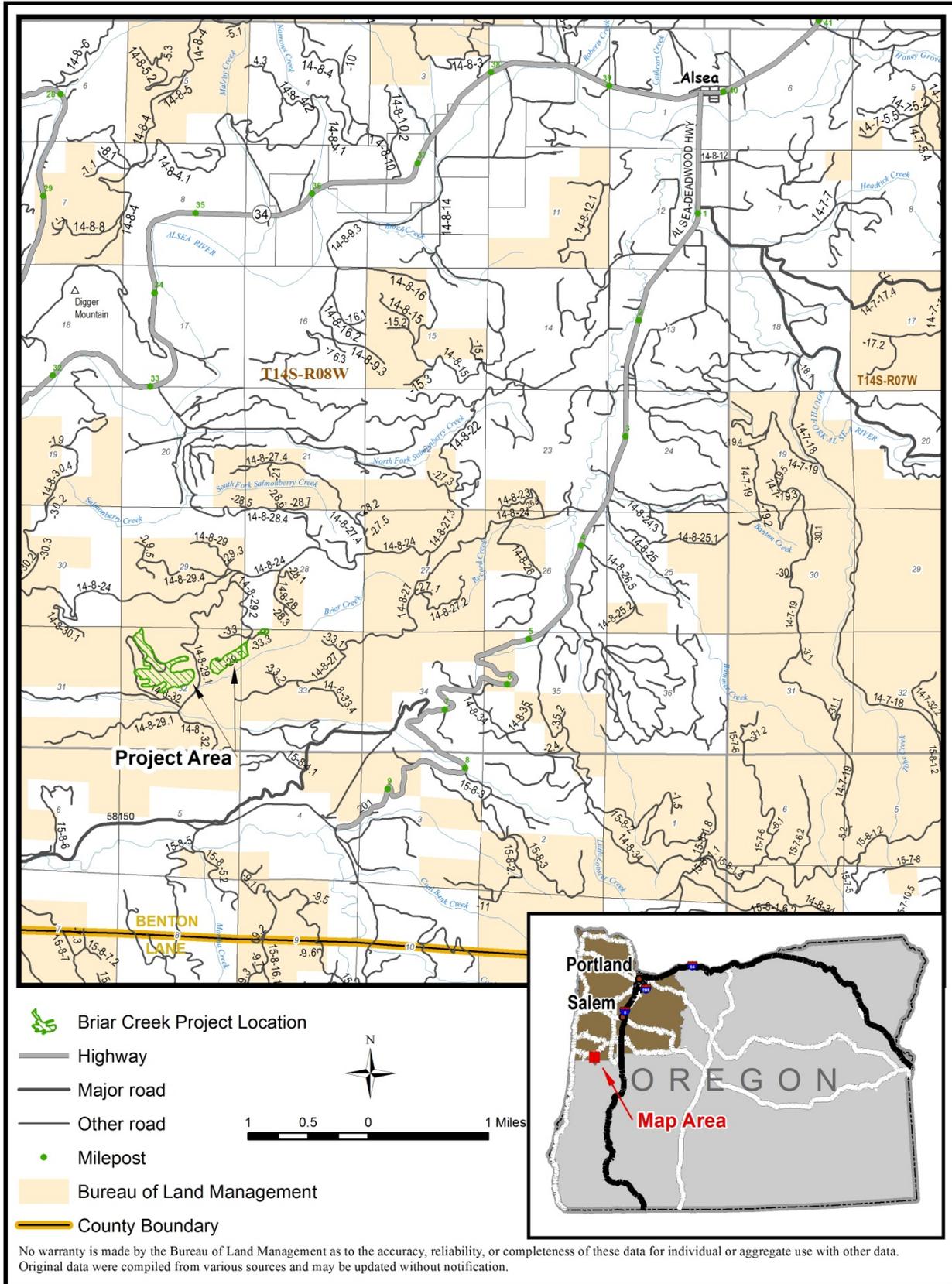
Weighted Average of Coarse Woody Material Volume (conifer only, downed wood over 8' long and 5" diameter, snags over 10" DBH and 10' in height)

Unit	Age (years)	Down wood vol. (ft³/ac)	Snag vol. (ft³/ac)	Total vol. (ft³/ac)	Snags per acre	Snag Avg Ht (ft)	Snag QMD
Briar Creek	78	951	140	1,091	8.8	49	13.8

Three temporary spur roads totaling approximately 1,200 feet will be constructed and approximately 8.42 miles of existing road will be renovated. New road construction will be decommissioned following harvest. Decommissioning entails installing waterbars, blocking the entrances, and applying grass seed or mulch to large areas of disturbed soil.

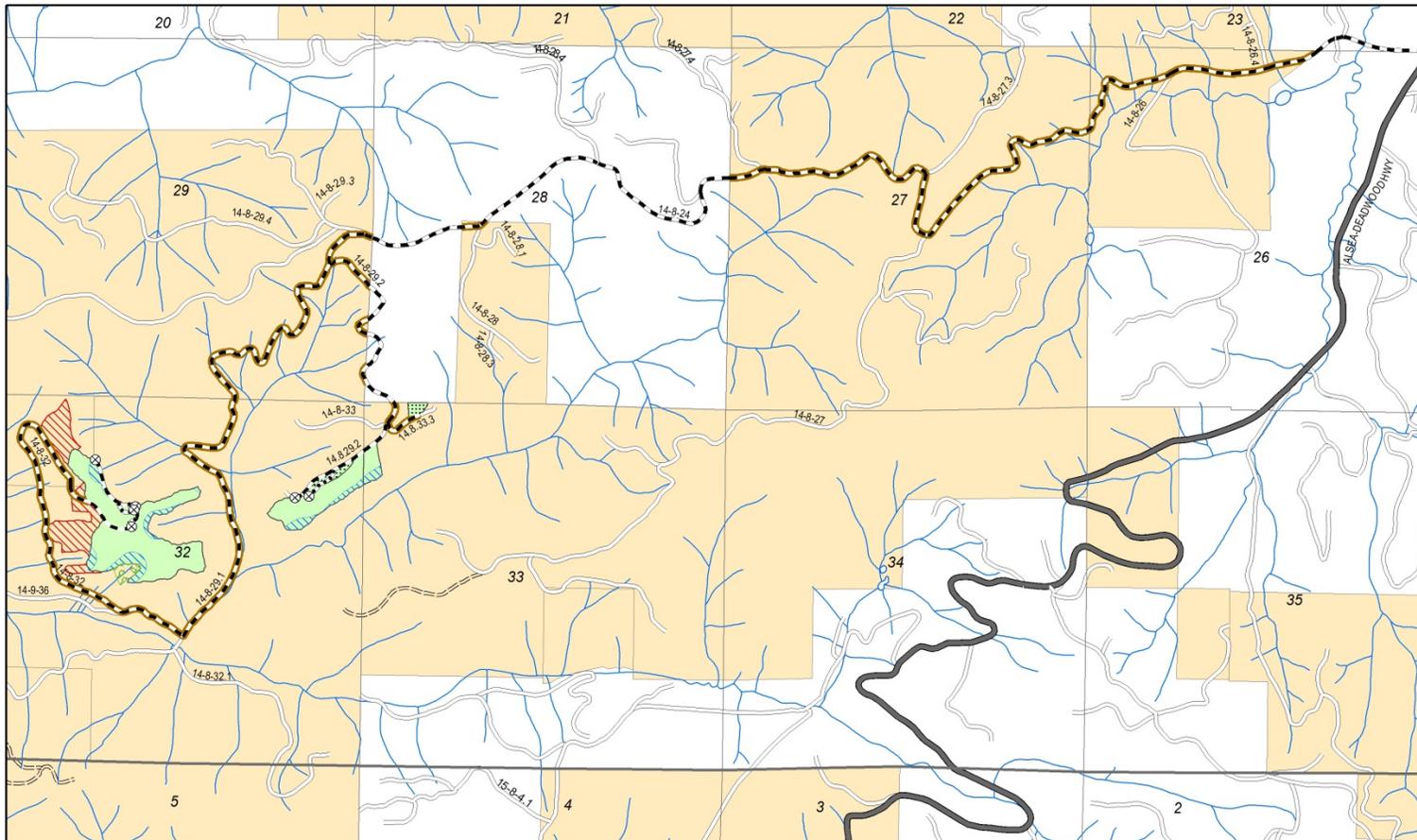
Approximately 8.42 miles of existing road will be renovated. Road renovation is a broad term that encompasses a wide range of actions that occur within or to improve the road prism. Over much of the 8.42 miles, it will include the removal of roadside trees that lean into or over the roadbed and deciduous trees with canopies that overtop the roadway. Renovation may also include brushing, blading and shaping the roadway, cleaning of ditches, catch basins, and existing culvert inlets and outlet channels, replacement of culverts that have met or exceeded their designed life, and placement of aggregate surfacing.

Map 1. Vicinity Map for the Briar Creek Timber Sale



Map 2. Briar Creek Timber Sale

United States Department of the Interior - BUREAU OF LAND MANAGEMENT
Briar Creek Project Map
 T. 14 S., R. 8 W., Sections 26, 27, 28, 29, 32 and 33, W. M. - SALEM DISTRICT - OREGON



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- | | |
|--------------------------------------|-------------------------------|
| Ground-Based Yarding | Riparian Reserve |
| Skyline Yarding | Special Mark Trees |
| Yarding through Reserve Area Allowed | Red Tree Vole protection area |
| Landings | Road to be constructed |
| | Road to be renovated |
| | BLM |

Project Design Features

The table below details the season restrictions that may be imposed during timber sale operations and the objectives of such restrictions.

Table 3

Season of Operation or Operating Conditions

Season of Operation or Operating Conditions	Applies to Operation	Objective
During periods of low tree sap flow, generally July 15 to April 15	Yarding outside of road right-of-ways (skyline)	Protect the bark and cambium of residual trees
During periods of low soil moisture*, generally July 15 to October 15	Ground-based yarding (tractor)	Minimize soil erosion and compaction
During periods of low precipitation, generally May 1 to October 31	Road construction, renovation, decommissioning	Minimize soil erosion
Generally year round	Timber hauling would be allowed year-round on rock-surfaced roads except where the surface is deeply rutted or covered by a layer of mud and where runoff is causing a visible increase in turbidity to adjacent streams and except on roads as noted below.	Minimize soil erosion and stream sedimentation
During periods of dry weather, generally May 1 to October 31	Timber hauling on the following roads: # 14-8-29.1 from milepost 0.16 to milepost 1.76 and # 14-8-32.	Minimize soil erosion/stream sedimentation
July 1 to August 31	In-stream work period (culvert installation)	Minimize soil erosion and stream sedimentation
April 1 to August 5	No felling and yarding within 300 feet of known occupied marbled murrelet sites	Minimize noise disturbance to marbled murrelets during critical breeding period

* Low soil moisture is generally defined as less than 15%

Project Design Features

To protect water quality, minimize soil erosion as a source of sedimentation to streams and to minimize soil productivity loss from soil compaction, loss of slope stability or loss of soil duff layer:

All project activities will utilize the Best Management Practices (BMPs) required by the Federal Clean Water Act (as amended by the Water Quality Act of 1987). The BMPs listed below will be applied to this project (2008, FEIS, Appendix I).

- Implement erosion control measures such as waterbars, slash placement and seeding in skid trails where the potential for erosion and delivery to waterbodies, floodplains and wetlands exists (BMPs R22, 25, 26, 29, 30, 31, 33, 35, 86). Construct waterbars on skid trails using guidelines in Table I-21, page 289, Appendix I.
- Scatter treatment debris on disturbed soils and water bar any yarding trails that could erode and deposit sediment in water bodies, floodplains, and wetlands (TH 18, 19, S 4).
- Plan use on existing and new skid trails to be less than 10 percent of the harvest area (TH 9).
- Limit width of skid trails to what is operationally necessary for the equipment (approximately 12 foot width) (TH 10).
- Ensure one-end suspension of logs during ground-based skidding (TH 11).
- Limit conventional ground-based equipment to slopes less than 35 percent (TH 14).
- Skid and harvest roads will be blocked where they access main vehicular roads following completion of ground-based yarding (TH 21).
- Other ground-based yarding equipment could be utilized as long as it meets BMPs and results in equivalent or less than the level of impacts analyzed for the project (TH 15).
- Fell harvested trees away from stream channels when possible (TH 17, S 3).
- During periods of rainfall when water is flowing off road surfaces, the contract administrator may restrict log hauling to minimize water quality impacts, and/or require the purchaser to install silt fences, bark bags, or apply additional road surface rock (R 73).
- Repair damaged culvert inlets and downspouts to maintain drainage design capacity (R 43).
- Landings should be kept to the minimum size needed to accomplish the job and use existing road surfaces as much as possible (TH 13, R1, 4, 6).
- Mechanical equipment used for machine piling or biomass production will not operate on slopes steeper than 35 percent unless the equipment is specifically designed to operate on steeper slopes and is approved by the Authorized Officer (TH 15).

To Meet the Objectives of the Riparian Reserves

- Stream protection zones (SPZs) where no cutting, yarding, and/or fuels treatments is permitted will be established along all streams and identified wet areas within the harvest areas. Stream protection zone width has been established through shade sufficiency analysis (available in the

Silviculture report) (TH 7). These zones will be approximately 55 feet from the high water mark.

- To protect water quality, all trees within one tree height of SPZs will be felled away from streams. Where a cut tree does fall within a SPZ, the portion of the tree within the SPZ will remain in place (TH 17, S 3).
- No refueling will be allowed within 150 feet of any standing or running water (SW 8, 9, SP 1).
- Hand piling of fuels intended for burning is prohibited within 100 feet of any stream channel.
- Mechanical fuels treatment will be prohibited within 200 feet of any stream channel.
- Except for approximate two corridors within Unit 32A, yarding will not occur through the SPZ. Within these two corridors, yarding will be accomplished with full suspension. If cutting within the SPZ is determined to be necessary to facilitate yarding, the fish biologist will be consulted with and will approve the cutting of any such trees. Trees cut within the SPZ would be left on site.
- From the SPZ to the upper edge of the Riparian Reserve, stand density will be reduced using the same prescription used on the upland forest. (S 9).
- Unless fisheries personnel determine that large woody debris (LWD) (greater than 24" DBHOB) for streams and Riparian Reserves in the proposed project area are met (as defined by Watershed Analysis and NFP Standards and Guidelines) road maintenance trees that create LWD located within Riparian Reserves and outside the road prism will remain on site.

To Protect Bureau Special Status Species

Discussion: Red tree vole, a Bureau Sensitive and Survey and Manage Species, may be present in the project area. In October 2011, the U.S. Fish and Wildlife Service determined that listing the North Oregon Coast population of the red tree vole was warranted but precluded because of higher priority actions. The U.S. Fish and Wildlife Service found that except for areas north of Highway 20, "federally managed lands are expected to provide for large, well distributed populations of red tree voles throughout most of their range" (U.S. Fish and Wildlife Service, 12-Month Finding, October 2012, p. 63746). The Briar Creek project area is south of Highway 20. Red tree vole surveys were not conducted in the Briar Creek thinning units. The stands are less than 80 years old and do not contain the appropriate structure and habitat characteristics that trigger surveys⁴. Portions of the forest stand were determined to not need commercial thinning and have been excluded from treatment. These areas total 16 acres and will provide a connectivity corridor for red tree voles and to protect suspected nest trees. (These areas are labeled as "red tree vole protection areas" on Map 2.) Red tree voles are known to be common in this watershed and are most likely to persist in large patches of late-seral and old-growth forest habitat that lies outside the sale unit.

⁴ See Red Tree Vole Survey Protocol 3.0 for a complete description of the structural components that would trigger surveys (particularly, p. 9). In this project area, the treatment stands do not contain the two superdominant conifer trees per acre that would trigger surveys.

- For any listed botanical species whose characteristics make locating them with field surveys practical, clearances will generally be done by field surveys using intuitive controlled methods, field clearances, field reconnaissance, inventories, database searches, known site maps and records and/or habitat examinations. Clearances for fungi are considered "not practical" and surveys are not required.
- Site management of any federal Threatened and Endangered (T&E) or bureau special status, including survey and manage botanical or fungal species found as a result of additional inventories or incidental findings would be accomplished in accordance with BLM Manual 6840 (12/12/2008, IM-2009-039), and the *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).
- No suitable northern spotted owl or marbled murrelet nest trees will be cut or damaged to unsuitable conditions.
- A portion of the project area falls within 300 feet of occupied marbled murrelets habitat. Activities within this area will be restricted in conformance with the applicable biological opinion or letter of concurrence concerning federally listed wildlife species. Pertinent terms and conditions from these consultation documents include:
 - ✓ No noise-generating activities (felling and yarding) will occur within 300 feet of occupied suitable marbled murrelet habitat during the critical breeding period (April 1 to August 5).
 - ✓ Noise-generating activities occurring within 300 feet of occupied suitable marbled murrelet habitat during the period of August 6 to September 15 must not begin until 2 hours after sunrise, and must end 2 hours before sunset.

To Protect and Enhance Stand Diversity

- Priorities for tree marking will be based on Marking Guidelines. Tree selection will be designed to leave a range of diameter distribution, maintain or increase the proportion of minor species, create variable density of leave trees, and retain legacy and wildlife tree structure while meeting target densities. Residual tree densities will be 150-160 square feet basal area and approximately 48 trees per acre.
- Understory conifers less than seven inches diameter breast height outside bark (DBHOB) will be excluded from harvest.
- The following special habitat components will be protected and released unless they pose a safety risk or affect access and operability: remnant and stand-age large snags; remnant and stand-age CWD; Large diameter, open grown and dominant stand age trees (wolf), hollow trees (live and dead), large trees with deformities like broken/dead tops, forked tops, or witches' brooms. Any special habitat component felled or moved will remain on site within the project area.
- Additional trees would be cut around the largest diameter trees with the fullest live crowns to maintain their open-grown, wolf- tree structure.

- Any plus trees (trees selected for genetic traits) and their reference trees, and bearing trees would be reserved from harvest.
- Additional trees will be reserved around large snags (greater than 20 inches DBHOB and 40 feet in height) to protect them from logging operations and reduce the likelihood of their cutting for worker safety reasons.
- Except in yarding corridors/skid trails, and road prisms; minor tree species will be retained to maintain tree species diversity and increase the proportion of minor species. With exceptions noted above only Douglas-fir will be removed.
- In areas infected with *Phellinus weirii*, Douglas-fir trees (the most susceptible species) will be removed within 35 feet of dead or symptomatic trees. If openings greater than approximately 0.5 acre are created, the need for planting will be evaluated following harvest. If needed, seedlings of non-susceptible or immune tree species will be planted.
- Any tree found to have a stick or ball nest will be protected, regardless of tree or nest size.

To Protect and Enhance Coarse Woody Debris Conditions

- Existing snags and CWD will be reserved, except where they pose a safety risk or affect access and operability. Any snags or logs felled, or CWD moved for these purposes, would remain on site within the project areas. Additional trees would be reserved around snags greater than 20 inches DBHOB and 40 feet in height to protect them from logging operations and to reduce the necessity of falling them for safety.
- At least two green trees per acre intended to be part of the residual stand will be felled, girdled, or topped to function as CWD at the completion of harvest operations. Trees to be utilized for CWD creation will be stand average DBHOB or larger. Incidentally felled or topped trees (i.e. tail trees, intermediate supports, guyline anchors, hang-ups, etc.) that are left by harvest operations will be counted toward this target. If such incidentally felled trees are removed or sold, additional trees would be felled, girdled, or topped to meet this target.
- The desired input of new CWD to proposed harvest units will follow management strategies described in the Late-Successional Reserve Assessment. An assessment of CWD recruitment resulting from harvest activities (stand damage, limbs and tops, felled/topped trees) and post-harvest processes (windthrow, bug kill, etc.) will be conducted within five years of harvest action. Any units or portions of units that lack the desired CWD input will be available for CWD treatment, dependent upon available funding.

To Maintain a Safe and Efficient Road System (Tree Removal within the Rights-of-Way)

- Right-of-way or road maintenance trees may be removed within 50 feet on each side of BLM-administered roads # 14-8-24.0, 14-8-29.1, 14-8-29.2, 14-8-32.0, and 14-8-33.3 on BLM-managed lands. Trees removed will be less than 80 years old. Trees removed will be defined as:
 - ✓ trees leaning toward or over the roadbed

- ✓ deciduous trees with canopies overtopping the roadway
- ✓ trees with conditions of likely or imminent failure potential identified in the Field Guide for Danger Tree Identification and Response (USDA USDI, 2008)

To Contain and/or Reduce Noxious Weed Infestations on BLM-Managed Lands Using an Integrated Pest Management Approach

- All soil disrupting equipment and other heavy equipment or transportation vehicles (low-boys, trailers, etc.) will be required to be clean and free of dirt and vegetation prior to arriving on BLM-managed lands as directed by the Authorized Officer (SP 1).
- Large areas of exposed mineral soil (roads to be constructed, cutbanks, skid roads, landings, etc.), as determined by the Authorized Officer, will be grass seeded with Oregon Certified (blue tagged) red fescue (*Festuca rubra*) at a rate equal to 40 pounds per acre or sown/planted with other native species as approved by the resource area botanist. (*See botany report-Appendix 1 for justification.*) Prior to applying seed, the contractor will supply the BLM with the seed certification (blue tag) and seed label (R 97).

To Reduce Fire Risk, Protect Air Quality, and Manage Fuels

- A Prescribed Fire Burn Plan will be initiated and signed by the Authorized Officer prior to any prescribed burning activity.
- Burning will be conducted in accordance with the Salem District RMP, Oregon State Implementation Plan, and Oregon Smoke Management Plan as administered by the Oregon Department of Forestry and will comply with provisions of the Clean Air Act. It will be conducted under good atmospheric mixing conditions to lessen the impact on air quality in Smoke Sensitive Receptor Areas.
- Swamper burning, or hand, machine, and landing pile construction and burning may be used individually or in combination in areas where fuel loading is heavy or where the fire risk is determined to be high, or site preparation is required to help facilitate tree planting.
- Large woody debris greater than six inches in diameter (at the large end) will not be piled.
- Hand piles and machine piles will be located at least 10 feet from green trees to minimize damage.
- Landing piles will be located as far as possible from reserved trees to minimize damage.
- Hand, machine, and landing piles will be covered with .004 mil. thick black polyethylene plastic and shall not exceed one hundred (100) square feet in size to facilitate the consumption of fuels during the high moisture fall/winter burning periods.
- Lopping and scattering of fuels will be incorporated in areas where fuel loading is relatively heavy, but not heavy enough to warrant piling and burning.

- Pullback of fuels will be incorporated in areas where fuel loading is relatively light, (especially along roads) and not heavy enough to warrant piling and burning.
- Utilization of small diameter slash for firewood or energy production from biomass will be incorporated where appropriate.
- Whenever possible, alternative waste recycling of slash material will be encouraged. This may be accomplished by: providing firewood to the public, chipping for co-gen power production, chipping for soil amendments, soil protection, etc.

To Protect Cultural Resources

- The project area occurs in the 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-project survey will be conducted according to standards based on slope defined in the Protocol appendix. If any cultural and/or paleontological resource (historic or prehistoric site or object) is discovered during project activities all operations in the immediate area of such discovery shall be suspended until an evaluation of the discovery can be made by a professional archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values.

To Protect Public Health and Safety

- Oregon Occupational Safety and Health Administration and the BLM will require the operator to place signs, temporarily block roads with vehicles or moveable barricades, and/or use flaggers to ensure public safety during active logging, hauling, and fuel treatment operations.

Post-harvest Salvage of Windthrown Trees

If windthrow occurs within or adjacent to the project area following harvest activities, windthrown trees may be salvaged without further NEPA analysis under the following conditions:

- 1) The project Interdisciplinary Team determines them to be in excess of needs for coarse woody debris, consistent with LUA objectives.
- 2) The project IDT determines the action's consistency with the project purpose and need and falls within the expected range of effects.
- 3) Logging system and equipment would be limited to those conditions analyzed for the initial harvest, limited to existing roads, skyline corridors, and skid trails.
- 4) Subject to all applicable project design features contained herein. Affected areas would be surveyed for reforestation needs and may be planted with tree seedlings.
- 5) Utilization of any closed roads would be restored to the condition prior to salvage operations.
- 6) Within the Riparian Reserves: As needed within Riparian Reserves to attain Aquatic Conservation Strategy objectives or maintain public safety.
 - a. Fallen trees originating in the Riparian Reserve would be left on site
 - b. Trees originating outside the Riparian Reserves which fall into the Riparian Reserves may be removed; however, the portion of tree that reaches through the Riparian Reserves and enters the SPZ would be left on site as CWD.

B. Land Use Plan Conformance

Land Use Plan Name: *Salem District Record of Decision and Resource Management Plan (1995 RMP)* **Date Approved** May 1995 **Date Amended:** The 1995 RMP was amended in January 2001 as documented in the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, dated January 2001 (SM/ROD).

The proposed action is in conformance with the Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

- If needed to create and maintain late-successional forest conditions, conduct thinning operations in forest stands up to 80 years of age. This will be accomplished by precommercial or commercial thinning of stands regardless of origin (e.g., planted after logging or naturally regenerated after fire or blowdown) (p. 16).
- Apply silvicultural treatments to restore large conifers in the Riparian Reserves (p. 7).
- Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy Objectives (p. 11).

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, 11.9, C(7), which allows for “harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction.”

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 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215, apply. See Table 4 for more information.

Table 4

Categorical Exclusions: Extraordinary Circumstances Review

<i>Will the Proposed Action documented in this Categorical Exclusion:</i>	Yes	No
a) <i>Have significant impacts on public health or safety?</i>		No
<p>Rationale: The proposed project will have no impacts on public health or safety therefore will have no significant impacts on public health or safety. All activities associated with the proposed action will be conducted in a forested location outside of population centers and will conform to established Occupational Safety and Health Administration rules concerning health and safety.</p>		

Will the Proposed Action documented in this Categorical Exclusion:	Yes	No
<p>b) <i>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?</i></p> <p>Rationale: The project area is not located in any park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, or national natural landmarks. There are no floodplains, prime farmlands, wetlands, national monuments, or other ecologically significant or critical areas present in the project area. There are no known historic or cultural resources located within the project area.</p>		No
<p>c) <i>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</i></p> <p>Rationale: The effects of the proposed action are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the environmental effects of the proposed project are not highly controversial. The ROD/RMP established the land use allocation and goals for the affected lands. As such, there is no unresolved conflict regarding other uses of these resources.</p>		No
<p>d) <i>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</i></p> <p>Rationale: Commercial 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>e) <i>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</i></p> <p>Rationale: The proposed project 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.</p>		No
<p>f) <i>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</i></p> <p>Rationale: There are no cumulative effects associated with the proposed project and therefore no significant cumulative effects as a result of these actions.</p>		No
<p>g) <i>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?</i></p> <p>Rationale: There are no NRHP listed or eligible sites located within the project area.</p>		No

<i>Will the Proposed Action documented in this Categorical Exclusion:</i>	Yes	No
<p>h) <i>Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened (T&E) Species, or have significant impacts on designated Critical Habitat for these species?</i>⁵</p> <p>Rationale:</p> <p><u>Botany:</u> No T&E or Bureau Special Status botanical or fungal species will be affected.</p> <p><u>Wildlife:</u> Spotted owls and marbled murrelets are the only listed wildlife species likely to occur in this vicinity. A vacant spotted owl site, which was last occupied in 2009, lies 1.2 miles west of Unit 1. All harvest units are within recently designated (2012) spotted owl critical habitat. Surveys for marbled murrelets in 2012 and 2013 found occupancy behavior within the older forest habitat which lies about 0.25 miles south of Unit 1. A seasonal restriction on harvest operations has been incorporated into this project design to minimize disturbance to murrelets. This action was included in Biological Assessment sent to the US Fish and Wildlife Service in May 2012. The Service provided a Letter of Concurrence (01EOFW00-2012-I-0124, dated July 17, 2012), that concurred with the finding that this action is not likely to adversely affect spotted owl critical habitat or marbled murrelet critical habitat, and is not likely to result in disruption of breeding marbled murrelets.</p> <p><u>Fish:</u> OC coho salmon are listed under ESA, as amended, as threatened and occur in proximity to the project area. OC coho salmon critical habitat has been designated in proximity to the project area. Nearest treatment unit is 270 feet upslope of critical habitat occupied by OC coho. Nearest stream crossing of proposed haul roads is approximately 50 feet from critical habitat occupied by OC coho. Based on proximity, OC coho salmon and its critical habitat may be affected by the proposed actions. Seasonal use restrictions were applied to haul roads that were found to be at risk of potentially delivering sediment to listed fish habitat. Based on the proposed action, with mitigation applied, no more than immeasurable affects to sediment, substrate, woody debris, and temperatures habitat conditions would occur where listed fish reside. Informal consultation with NMFS for the Briar Creek Timber Sale was implemented and concurrence on Not Likely to Adversely Affect (NLAA) was received from NMFS on June 6, 2013 (# NWR-2013-9860).</p>		No
<p>i) <i>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</i></p> <p>Rationale: The project is in conformance with 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>j) <i>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</i></p>		No

⁵ Red tree voles are a “candidate” species and are not included in this extraordinary circumstances review. See p. 8 for a discussion of red tree voles in the project area.

<i>Will the Proposed Action documented in this Categorical Exclusion:</i>		Yes	No
<p>Rationale: The project is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</p>			
<p>k) <i>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)?</i></p>			No
<p>Rationale: Past actions within this area have not resulted in tribal identification of concerns.</p>			
<p>l) <i>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)?</i></p>			No
<p>Rationale: The risk rating for the long-term establishment of noxious weeds through the implementation of this project is low because: a) the project area is limited in size, b) the project area will be monitored for the establishment of noxious weed species, c) the resource area has a weed management plan in place which allows for control of non-native and noxious weed species and d) the Authorized Officer will require sowing grass seed on mineral soil areas which will reduce the amount of potential noxious weed habitat.</p>			

D. Interdisciplinary Team Review and Signature

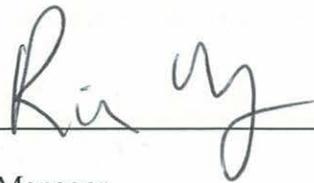
Interdisciplinary Team Review

Name	Specialty
Ron Exeter	Botanist
Cory Geisler	Forester
Scott Hopkins	Wildlife Biologist
Stefanie Larew	NEPA Coordinator
Kent Mortensen	Fuels Technician
Mellissa Rutkowski	Engineer
Scott Snedaker	Fish Biologist
Bruce Stevens	Forester – Silviculturist
Heather Ulrich	Archaeologist
Steve Wegner	Hydrologist and Soil Scientist

Authorized Official: _____

Name: Rich Hatfield

Title: Marys Peak Field Manager



Date: _____

11-18-13

Contact Person

For additional information concerning this Categorical Exclusion, contact Sandra Stevens, Forester, Salem District Office, 1717 Fabry Rd SE, Salem, Oregon, 97306, or (503) 375-5644.

Appendix A – Water Quality Management Plan

Introduction

Water Quality Management on BLM-administered lands that are covered under the Briar Creek timber sale is based on the site specific application of Best Management Practices (BMPs) and disclosed as Project Design Features (PDFs).

Best Management Practices

Best Management Practices are required by the federal Clean Water Act as amended to mitigate the potential for non-point source pollution. Non-point source pollution is pollutants detected in concentrated water (e.g. stream or lake) from a wide range of forest management activities on federal lands administered by the BLM. Best Management Practices are considered the primary methods for achieving Oregon’s water quality standards.

The overall goal is not to strictly adhere to the wording of the BMP, but rather to implement its intent. That is to protect, promote and enhance water quality in order to meet federal and state water quality objectives. In that matter, BMPs are site-specific and the implementation of the BMP is tailored to the on-the-ground conditions. The following BMPs are site specific application to road management activities undertaken by the Briar Creek timber sale on the Marys Peak Resource Area.

Table 1

Best Management Practices

BMP No.	Roads
R1	Locate roads and landings on stable locations that minimize sediment delivery potential to streams (e.g., ridge tops, stable benches or flats, and gentle-to-moderate side-slopes).
R4	Locate roads and landings outside of jurisdictional wetlands.
R6	Located landings in areas with low risk to landslides
R22	Drain the road surface by using crowning, insloping, or outsloping. Road surfaces, regardless of traffic volume, may use a combination of these methods for effective road drainage into nonerodible areas.
R25	Locate surface water drainage measures where they will drain the road surface without delivering sediment to a stream or waterbody, and at frequencies that are sufficient to prevent damage or serious erosion of the road surface. Install during the dry season.
R26	Divert road and landing runoff water away from headwalls, unstable areas or stream channels.
R29	Shape landings to spread surface water runoff to well vegetated, stable ground.
R30	Prevent diversion of water from streams into road ditches or upon road surfaces.
R31	Locate cross drains such that runoff and sediment is not discharged to a stream. Use measures such as ditchline settling basins, culvert endcaps and perforated flex pipes to disperse culvert discharge near streams and waterbodies.

R33	Install downspout structures and/or energy dissipaters at cross drain outlets or drain dips where water is discharged onto loose material or erodible slopes.
R35	Cross drain culverts should be a minimum of 18 inches in diameter.
R43	Where debris or sediments may plug cross-drains, use slotted risers, oversized culverts, or build catch basins.
R73	Suspend timber hauling during wet weather when road run-off delivers sediment at higher concentrations than existing conditions in the receiving stream.
R86	Retain low-growing herbaceous ground cover and brush on cut-and-fill slopes, and ditchlines to the maximum possible extent.
R97	Erosion control treatments such as seeding, sediment traps, mulching, and shrub planting should be applied where directed by Hydrologist or soil scientist to stop delivery of sediment to waters of the US.
BMP No.	Timber Harvest
TH9	Plan use on existing and new skid trails to be less than 10 percent of the harvest area.
TH10	Limit the width of the skid trails to be what is operationally necessary for the equipment.
TH11	Ensure one-end suppression of logs.
TH13	Use ground based equipment on existing compacted surfaces.
TH14	Limit conventional ground-based equipment to slopes less than 35 percent.
TH15	When specialized ground-based mechanical equipment is used on slopes greater than 35 percent, monitor use, and restrict where water and sediment could channel overland.
TH16	Designate skid trails where water from trail surface would not be channeled into unstable areas adjacent to water bodies, floodplains, and wetlands.
TH17	When hand falling, directionally fall trees towards skid trails. When mechanically harvesting allow activities to facilitate skidding.
TH18	Apply erosion control practices to skid roads and other disturbed areas with potential for erosion and subsequent sediment delivery to water bodies, floodplains, or wetlands.
TH19	Construct waterbars on skid trails using guidelines in Table C-5.
TH21	Block skid trails that intersect haul routes at the end of season use.
BMP No.	Silvicultural Activities
S3	Fell thinned trees away from stream channels when possible. If not possible that portion of the tree within the buffer must be left on the ground.
S4	Scatter treatment debris on disturbed soils that could erode and deliver sediments to waters of the US.
BMP No.	Surface Source Water for Drinking Water
SW8	Avoid loading or storing chemical, fuel, or fertilizer in sensitive zones in surface source watersheds.

SW9	Conduct equipment maintenance outside site-specific sensitive zones in surface source watersheds.
BMP No.	Spill Prevention and Abatement
SP1	Inspect and clean equipment before it reaches the site. Refuel all equipment a minimum of 100 feet away from streams. Immediately remove waste or spilled materials and contaminated soils near any stream or waterbody in accordance with the applicable regulatory standard. Notify Oregon Emergency Response System of any spill over the material reportable quantities within 24 hours.

Appendix B – Marking Guidelines for Briar Creek Timber Sale

Unit/ Stand Exam Number	Total Acres (est.) ¹	Treatment Prescription (post-treatment values)		
		Leave Trees per Ac. ² (> 7" DBH)	Basal Area of Douglas-fir (Ft)	Comments
Briar Creek Unit 32A	36	47	160	Retain all minor species.
Briar Creek Unit 32B	13	57	150	Retain all minor species.
Briar Creek Unit 33A&B	4	57	150	Retain all minor species

¹ Includes road acres.

² Leave Trees per Acre: estimated remaining overstory trees (>7"DBH) of all species after thinning.

³ Basal Area Range: Minimum and maximum total basal area per sampling plot. Maximum basal area may be exceeded for snag protection and un-thinned clumps described below.

Briar Creek Silvicultural Prescription T14S-R08W Sec 32 & 33, 53 Acres

General Tree Marking Guidelines

1. Vary the leave tree spacing as needed to generally select and mark the larger diameter trees with the larger more vigorous live crowns.
2. Leave trees should be of good form and relatively free of defect and disease.
3. Hardwoods, yew trees and snags shall not be marked. They shall not be tallied for residual stand basal area.
4. "Plus" trees located along roadsides identified with orange paint and a metal tag shall be marked as leave trees. Bearing trees will also be marked as leave trees.
5. "Character Trees" are trees larger than the DBH limit. They often have: multiple or missing tops; are open grown and /or "wolfy": Do not paint any leave trees smaller than 24" DBH within a 40 foot radius of Character Trees.
6. Do not paint any trees less than 24" DBH within 35 feet of a tree with of *Phellinus weirii*.
7. All leave trees will be marked with orange paint.
8. Do not mark trees less than 7" DBH.
9. Predominately, conifer trees greater than 24" DBH will be marked. This requirement supersedes the Unit basal area/acre residual targets.

Unit 32A: 160 Sq. Ft BA/AC

Unit 32B, 33A, 33B: 150 Sq. Ft BA/AC

Select Douglas-fir leave trees to reserve an average of the **Unit defined** square feet, basal area per acre. Paint all vigorous hemlock, grand fir and cedar trees; include these species in basal area target.

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

Decision Record

Based on the attached Categorical Exclusion Review, DOI-BLM-OR-S050-2013-0001-CX, I have determined that the proposed action, harvesting 53 acres of forest stands, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to authorize the implementation of the proposed action, as described in the attached Categorical Exclusion Documentation.

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR 5003, protests of this decision may be made within 15 days of the publication of a notice of decision in a newspaper of general circulation. The notice of decision will be published in the Benton County Gazette-Times newspaper on November 20, 2013.

To protest this decision a person must submit a written protest to Rich Hatfield, Marys Peak Field Manager, 1717 Fabry Rd SE, Salem, Oregon 97306 by the close of business (4:30 p.m.) on December 4, 2013. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

The protest must clearly and concisely state the reasons why the decision is believed to be in error. Any objection to the project design or my decision to go forward with this project must be filed at this time in accordance with the protest process outlined above. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and the BLM shall serve a decision in writing on the protesting party (43 CFR 5003.3).

Implementation

If no protest is received within 15 days after publication of this Decision Record, this decision will become final. The planned sale date is December 18, 2013. For additional information, contact Sandra Stevens (503) 375-5644, Marys Peak Resource Area, Salem BLM, 1717 Fabry Road SE, Salem, Oregon 97306.

Authorized Official: Rich Hatfield **Date:** 11-18-13
Rich Hatfield
Marys Peak Field Manager