

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

**A. Background**

**BLM Office:** Tillamook Resource Area      **Lease/Serial/Case File No:** N/A

**Categorical Exclusion Number:** DOI-BLM-OR-S060-2014-0007-CX      **Date:** 6/5/2014

**Proposed Action Title/Type:** Coast Creek Recreation Trail Right-of-Way / Confederated Tribes of the Grand Ronde

**Location of Proposed Action:** SW ¼, T5S, R7W, Sec 8; W.M.

**Land Use Allocation(s):** Adaptive Management Area (AMA), Riparian Reserve

**Description of Proposed Action:**

The Confederated Tribes of the Grand Ronde is proposing to construct an eight mile non-motorized recreation trail that would cross from tribal lands onto BLM land and loop back onto tribal land. The portion of the trail proposed to be on BLM land would be on portions of existing road beds, some of which are currently drivable (BLM Rd. #s. 5-7-8 and 5-7-9) and some which is not (BLM Rd. # 5-7-8.5). The trail portion on BLM land would be approximately 1 mile total length and would cross Coast Creek over an existing bridge. The 1/3 mile trail length on Rd. # 5-7-8.5 would require minimal clearing, including the bucking of a few down logs, to a width of approximately 36” to provide recreation access and would not involve the cutting or removal of any standing trees. This portion of trail would also cross two small creeks which may require the installation of small foot bridges or culverts to cross. All of the BLM roads proposed for inclusion in the right-of-way grant are also included in other rights-of-way including RWA-S-499 between Hampton Tree Farms and the BLM, and RWA-S-727 between Stimson Lumber Co. and the BLM.

**Project Design Features:**

- In order to preclude disturbance to unsurveyed marbled murrelet habitat, activities generating noise above local ambient levels (such as the use of chainsaws) between April 1 and September 15, shall not begin until 2 hours after sunrise and shall end 2 hours before sunset.
- To protect water quality and downstream sensitive fish habitat, where possible when constructing over-water bridges, avoid the use of lumber treated with pesticidal compounds (including, but not limited to, alkaline copper quaternary, copper boron azole, copper naphthenate, creosote). If treated lumber is used assure that it is coated with a water-proof seal or barrier that will be maintained for the life of the project. Alternatively, consider the use of suitable substitutes to treated wood such as plastic lumber for traffic surfaces, fiberglass-reinforced plastic lumber for structural members, and wood treated only with silica- or alcohol-based products for traffic surfaces and structural members.

**B. Land Use Plan Conformance:**

The proposed action is in conformance with the *Salem District Record of Decision and Resource*

*Management Plan*, dated May 1995; *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 Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*, January, 2001; ESA (Endangered Species Act of 1972, as amended); *Magnuson-Stevens Fishery Conservation and Management Act of 1996*, as amended; and *BLM Manual 6840 Special Status Species Policy*.

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

- “Continue to make BLM-administered lands available to needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this resource management plan.” (1995 RMP p. 55).

**C. Compliance with the Endangered Species Act:**

The proposed action area is not located within the boundaries of critical habitat for any terrestrial species listed under the Endangered Species Act. Suitable unsurveyed (therefore presumed occupied) marbled murrelet habitat (ESA – Threatened species) occurs in the vicinity of the proposed project. This type of project has Section 7 ESA coverage as addressed in the *Biological Assessment Of Activities Proposed During Fy2014-2017 In The North Coast Planning Province, Oregon Which Might Disturb But Are Not Likely To Adversely Affect Northern Spotted Owls Or Marbled Murrelets* (dated August 16, 2013) prepared by the interagency Level 1 Team (terrestrial subgroup) for the North Coast Planning Province. A Letter of Concurrence for this Biological Assessment has been received from USFWS (reference # 01EOFW00-2013-I-0190).

The proposed action would occur in the vicinity of Coast Creek which is included within Evolutionary Significant Unit for Upper Willamette Steelhead, a fish listed as threatened under the Endangered Species Act. Because the project would involve very little ground disturbance along an existing road grade of which none would occur near Coast Creek, the project would not affect Upper Willamette Steelhead.

**D. 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 12, which allows for “Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way”.

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 43 CFR 46.215 apply, as shown on the following table:

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review</b>		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<b>2.1/</b> Have significant impacts on public health or safety? <b>Rationale:</b> The granting of a right-of-way to use existing roads for recreational purposes would not impact public health and safety.		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 unique geographic characteristics or special natural resources located at the proposed right-of-way site. There are no cultural resources previously identified within the area. The use would only be for non-motorized recreation and is intended to enhance visitor use of the lands adjacent to a typical coast range creek.</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 roads that would be used already exist. Using them for non-motorized recreation would not have any controversial environmental effects or result in unresolved conflicts concerning alternative uses of available resources.</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> All effects are known. The non-motorized use of existing roads would not result in highly uncertain or potentially significant effects.</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> Similar actions have taken place throughout the district with no evidence suggesting that this type of project will establish a precedent or decision for future action.</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> Roads 5-7-8 and 5-7-9 are currently open to public access and drivable; road 5-7-8.5 is not drivable but is open to public access. The proposed action would only formalize the use of the BLM roads for uses that are already permitted by the public and therefore would not result in a connection to uses elsewhere on tribal lands. The Confederated Tribes of the Grand Ronde could develop the trail system entirely on tribal lands but believes that including the BLM lands with existing roads would be less expensive and impactful and would result in a better visitor experience.</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> No listed or eligible properties are within the project area.</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> The project area does not include designated critical habitat for any listed species. No suitable habitat for any listed species would be altered by the proposed action. There is unsurveyed suitable habitat for marbled murrelets near the proposed project. The operation of chain saws during initial trail construction and maintenance could disturb murrelets if they are present. The Project Design Feature that limits noise generating disturbance to daily time restrictions during breeding season would minimize potential disturbance and not result in any significant impacts to the species.</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> The granting of a right-of-way would follow all known Federal, State, local, Tribal laws, or requirements imposed for the protection of the environment.</p>	No
<p><b>2.10/</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p>	No

<p><b>Rationale:</b> The proposed action is not anticipated to have disproportionately high or adverse human health or environmental effects on minority populations and low-income populations.</p>	
<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> The action is proposed by the Confederated Tribes of the Grand Ronde for the benefit of tribal members as well as the public. We believe that the Tribe would not propose the action if it would result in adverse impacts to ceremonial use or limit access to Indian sacred sites.</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> The granting of the proposed right-of-way is an administrative action that would formalize uses already permitted. Since the use would be non-motorized we expect that there would not be any additional contribution to the introduction or spread of noxious weeds or invasive species.</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 DM 2 (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 are 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	Coast Creek is Essential Fish Habitat for coho salmon but would be unaffected by the proposed project.
Hazardous or Solid Wastes	Not Affected	There are no hazardous or solid wastes associated with the issuance of the right-of-way.
Special Status (except T/E) species/habitat	Not Affected	Due to the nature and scope of the project, trail use on existing roads, as well as the current condition of the project area, the project would not impact any Special Status species or their habitat(s) including wildlife and plant Bureau Sensitive and/or Survey and Manage species.

The proposed action would not affect the elements of the environment described above; therefore there is no potential for significant impacts. No additional mitigation measures are required.

**E. Signature:**

Specialist Review and Concurrence:  None required

Review Required	Review Not Required	Resource	Name	Initial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aquatic/Fisheries	Matt Walker	<i>MJW</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Botany/Weeds	Kurt Heckerth	<i>KWH</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cultural Resources	Heather Ulrich	<i>HAU</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineering	Joel Churchill	<i>JJC</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance/ Team Lead	Andy Pampush	<i>ATP</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	Steve Bahe	<i>SAB</i>

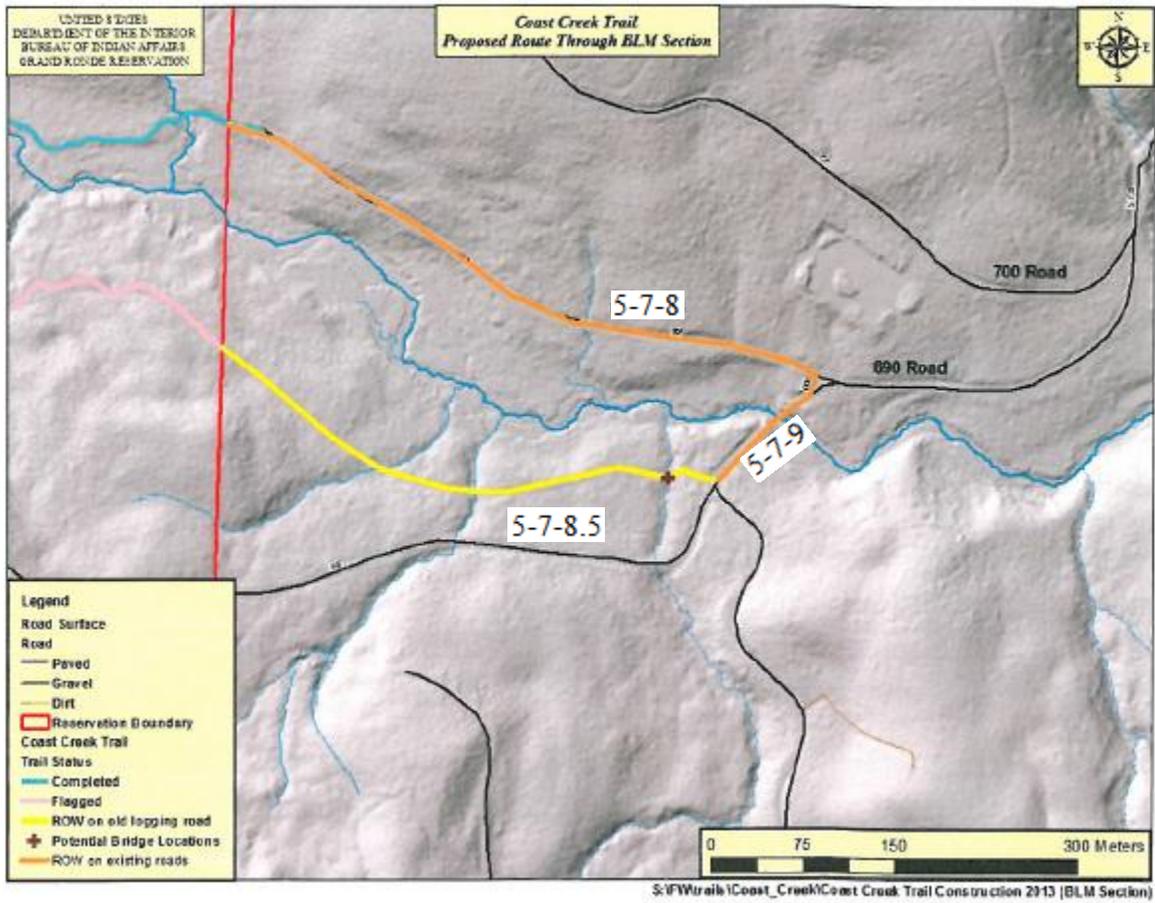
Authorized Official:   
 Name: Karen Schank  
 Title: Tillamook Resource Area Field Manager

Date: 6/5/14

**Contact Person:** For additional information concerning this CX review contact Andy Pampush, Environmental Planner, Tillamook Field Office, Bureau of Land Management, 4610 Third Street, Tillamook, OR 97141, 503-815-1143.

### Map of Coast Creek Trail through BLM property

The proposed right-of-way route for the trail is marked in yellow and orange.



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

**Decision Record**

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2014-0007-CX, I have determined that the proposed action, granting of a Right-of-Way involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the right-of-way grant, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S060-2014-0007-CX.

Implementation: This project will be implemented in the summer of 2014 and will be in effect for 25 years.

Notice of this decision will be posted on the Salem District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.

Authorized Official:



\_\_\_\_\_  
Karen Schank  
Tillamook Resource Area Field Manager

6/5/14

\_\_\_\_\_  
Date