

Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute

A. Background

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

Categorical Exclusion Number: DOI-BLM-OR-S050-2013-0005-CX **Date:** 3/18/2013

Proposed Action Title/Type: Marys Peak Resource Area Recreation Site Hazard Tree Management

Location of Proposed Action: Alsea Falls Recreation Site (T. 14 S., R. 7 W., Section 25) Missouri Bend Recreation Site (T. 14 S., R. 9 W., Section 13), and Mill Creek Recreation Site (T. 7 S. R. 6 W. Sections 4 and 9), Valley of the Giants Recreation Site (T. 7 S., R. 8 W., Section 30), and the Yaquina Head Outstanding Natural Area (T. 10 S., R. 11 W., Section 30), Willamette Meridian. Benton, Lincoln, and Polk counties, Oregon.

Land Use Allocation(s): Adaptive Management Area (with LSR overlay), Late-Successional Reserves, Riparian Reserves, and Congressionally Withdrawn

Background and Description of the Proposed Action:

Each year certified Bureau of Land Management (BLM) personnel conduct hazard tree assessments at the Alsea Falls, Mill Creek, Missouri Bend, Valley of the Giants, and Yaquina Head Outstanding Natural Area (YHONA) recreation sites, a process where trees are identified for further evaluation, monitoring, or removal. Such activities were previously covered under the “2008-2012 Marys Peak Resource Area Recreation Site Hazard Tree Removal” Categorical Exclusion (CX). This CX provides updated project design features and expanded coverage for all five designated recreation sites within the Marys Peak Resource Area¹.

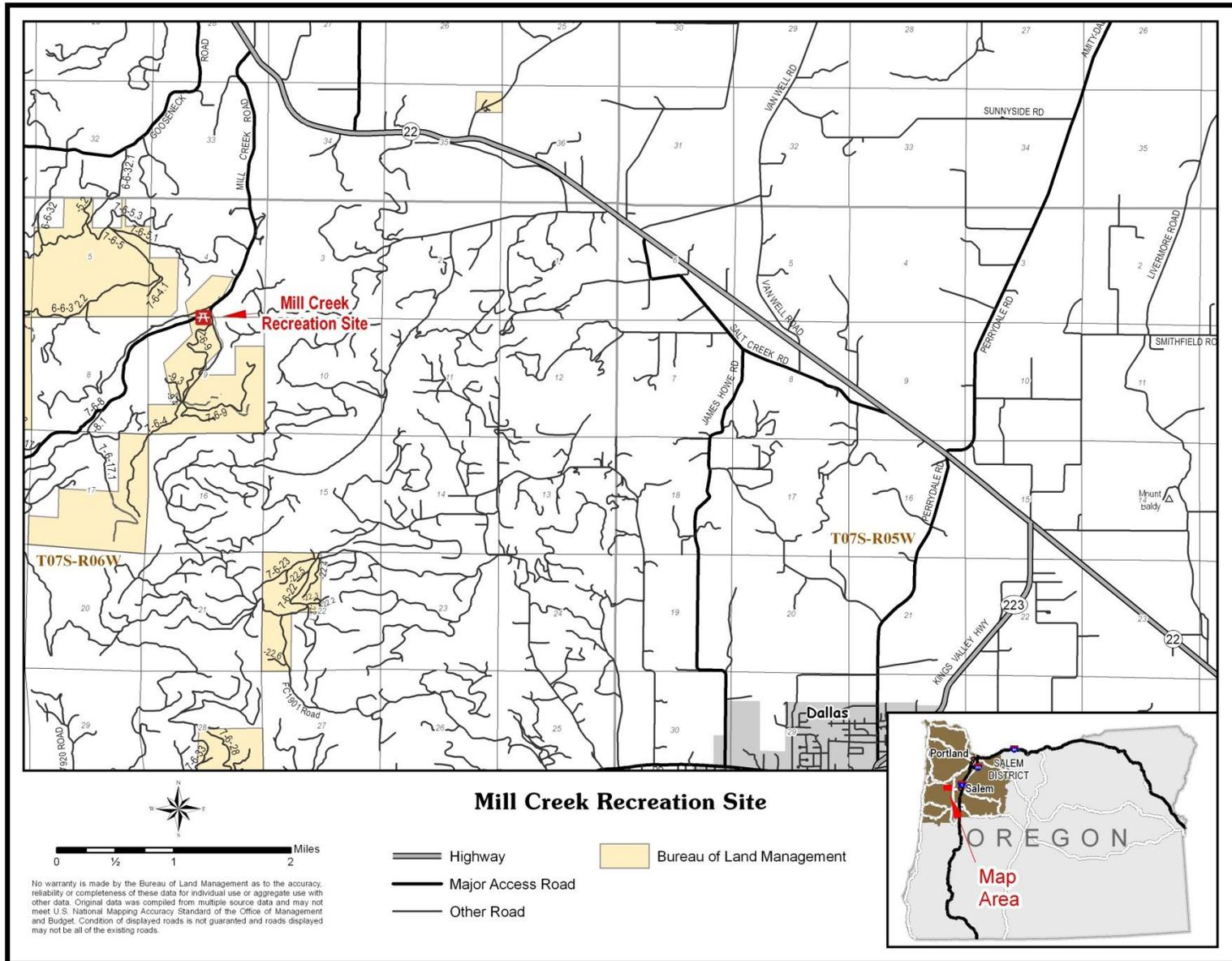
This project entails the maintenance (pruning, limbing, etc.), cutting, and potential removal or disposal of selected trees with damage, disease, or some other characteristic identified as a hazard to public safety, property, or BLM facilities and infrastructure. Care will be taken during the removal process to minimize ground and vegetation disturbance. Existing blown down trees may be removed to further reduce fire risk, potential for spread of diseases, potential theft of wood products, or reduce hazards to public safety.

Disposal of cut hazard trees will vary depending on site, resource, and timing-specific considerations. Disposal options include, but are not limited to: retention at the recreation site as firewood, selling as firewood or sawlog under the Special Forest Products program, or use as part of an in-stream large woody debris project.

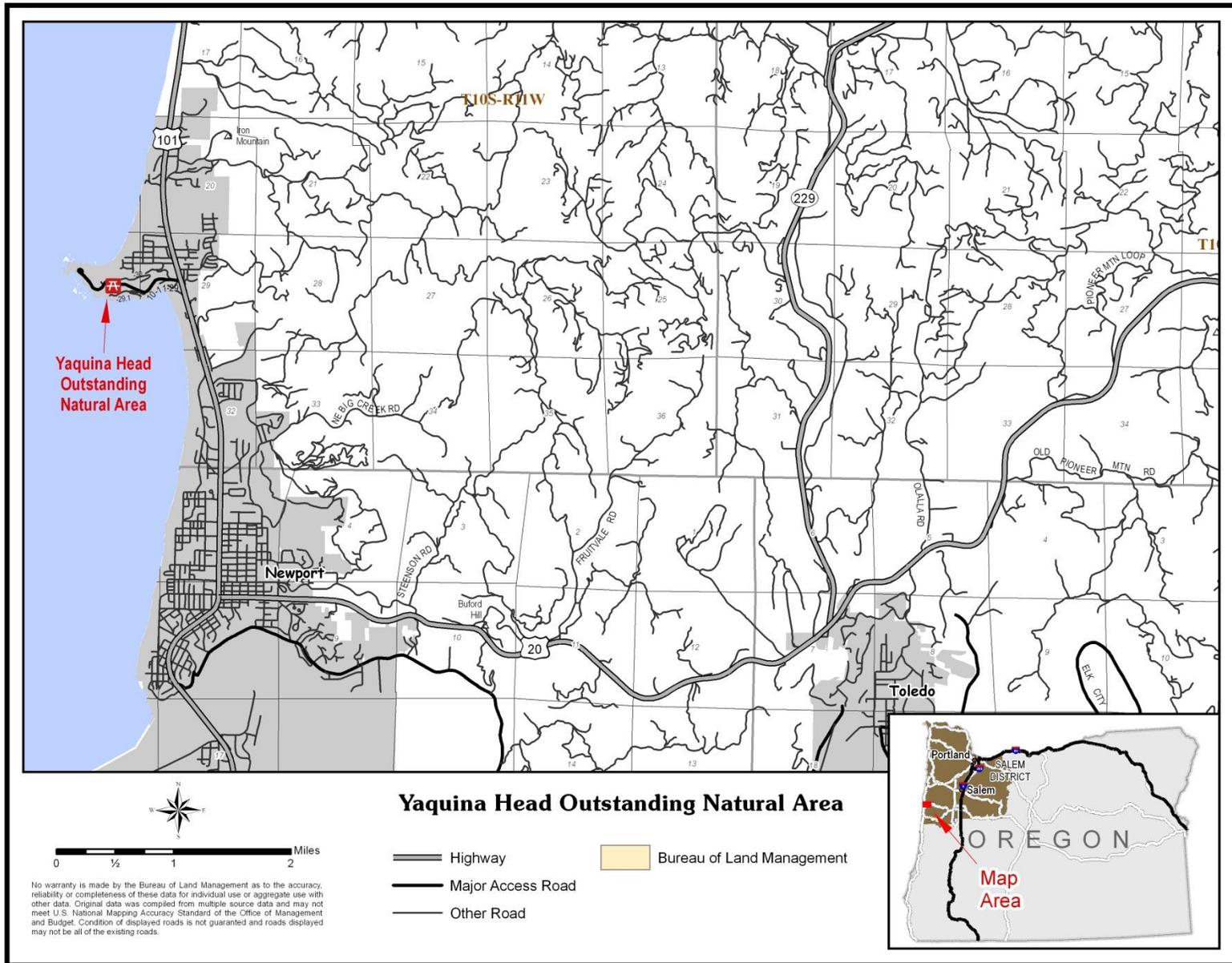
Location maps of the five recreation sites are included on the following pages.

¹ The previous CX considered hazard tree management within Mill Creek, Missouri Bend, and Alsea Falls Recreation Sites. This CX expands coverage to also include YHONA and Valley of the Giants.

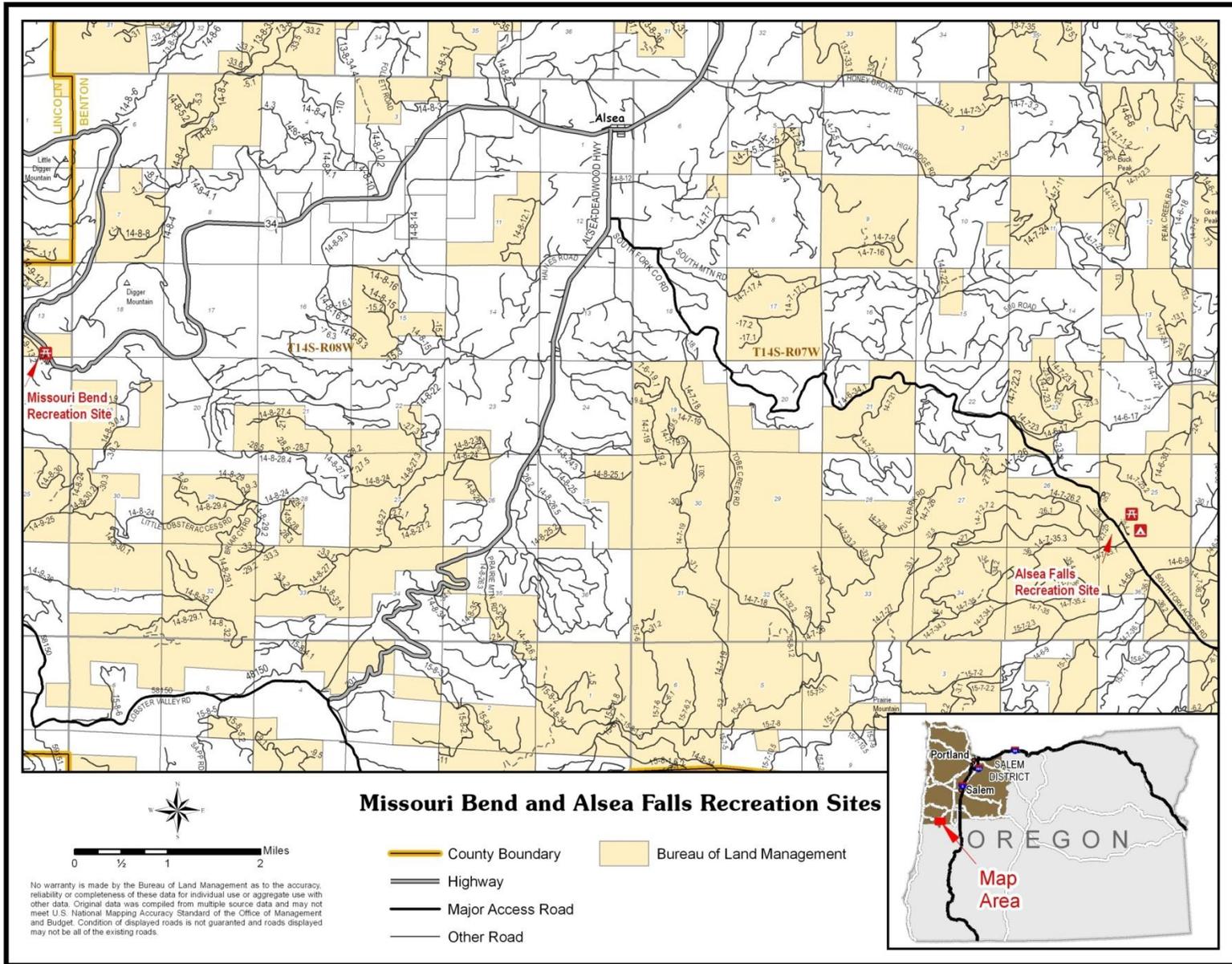
Mill Creek Recreation Site



Yaquina Head Outstanding Natural Area



Missouri Bend and Alsea Falls Recreation Sites



Project Design Features

- As much as practicable, conduct hazard tree removal outside the peak recreation season (generally the summer months) to minimize disturbance to the visitors.
- Minimize observable disturbance associated with tree removal by staying on existing roads or trails as much as possible and low cutting stumps. Debris associated with project activities may be removed from the sites, lopped and scattered, chipped, or piled and burned, or a combination of these treatments depending on the amount of accumulation.
- As an alternative to cutting trees, consider relocating mobile infrastructure away from potential hazard trees, or consider limbing or topping to alleviate the potential hazard.
- When safe and feasible to do so, fall hazard trees in a direction that they can be left entirely or partially in place as coarse woody debris.
- Each hazard tree assessment will be documented for interdisciplinary team review. Such documentation will comprise of a summary and a map of approximate hazard tree locations.

To Protect Special Status Species

Project implementation would be conducted in conformance with the applicable Letter of Concurrence concerning federally listed wildlife species (tracking number: 13420-2009-I-0152). Pertinent terms and conditions from this consultation document include:

- April 1 – August 5 (critical breeding period for murrelets): No project activities would occur at Valley of the Giants, unless a potential hazard tree (or trees) present imminent danger to the public;
- August 6 – September 15 (late breeding period for murrelets): Project activities occurring at Valley of the Giants would not begin until 2 hours after sunrise, and must end 2 hours before sunset;
- Activities during the late breeding period that may affect marbled murrelets shall be scheduled as late in the period as feasible to reduce potential impacts at Valley of the Giants;
- March 1 – July 15 (critical breeding period for owls): No project activities would occur within 300 meters (roughly 1,000 feet) of any spotted owl nest sites (currently none are known in vicinity);
- No blasting shall occur as part of any proposed activity.

Within the Riparian Reserves

- Protect fisheries by not removing down wood from sites unless fisheries personnel determine that large woody material objectives for stream and riparian areas in the proposed project areas are met.
- Take steps to prevent firewood gathering and theft within riparian areas.
- Directionally fall towards the stream channels and riparian areas and leave trees on-site when it is safe and feasible to do so.
- No refueling within 100 feet of any standing or running water (SW 8, 9, SP 1, RST 10). Where local site conditions do not allow a 100-foot setback, refueling must occur as far away as possible from the water body.
- Hand piling of fuels intended for burning will not occur within 100 feet of any stream channel.

To minimize the spread of noxious weeds

- All soil disrupting equipment and 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).
- Any large areas of disrupted soil as determined by the Authorized Officer would be sown with weed free red fescue or a native species mix approved by the resource area botanist.

To protect Cultural Resources

- The project area occurs within the Coast Range Physiographic Province. 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. A post-project survey would 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.

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).

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

- Manage scenic, natural, and cultural resources to enhance visitor recreation experiences and satisfy public land users (RMP, p. 41).

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 (2), which allows for “the sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than routine maintenance to existing roads.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment as documented in the following table. The proposed action has been reviewed in the following table and none of the 12 extraordinary circumstances described in 516 DM 2 apply.

Table 1. Categorical Exclusions: Extraordinary Circumstances Review

Will the Proposed Action documented in this Categorical Exclusion:	Yes	No
<p>a) Have significant impacts on public health or safety?</p> <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>		No
<p>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>Rationale: The project areas are located within designated recreation sites of the Marys Peak Resource Area. Project activities are of small context and intensity and are designed to enhance visitor experiences and safety. Projects are not located in any refuge lands, wilderness areas, wild or scenic rivers, or national natural landmarks. No floodplains, prime farmlands, wetlands, national monuments, or other ecologically significant or critical areas are present in the project areas. There are no known historic or cultural resources located within the project areas.</p>		No

Will the Proposed Action documented in this Categorical Exclusion:	Yes	No
<p>c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</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) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p> <p>Rationale: Cutting and removing hazard trees in recreation areas is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, unique, or unknown risks.</p>		No
<p>e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p> <p>Rationale: The proposed project is authorized under the existing ROD/RMP, and as such, this project represents implementation of that land use plan decision, not a decision in principle on future actions.</p>		No
<p>f) 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 the proposed project and therefore no significant cumulative effects as a result of these actions.</p>		No
<p>g) Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places (NRHP) as determined by either the bureau or office?</p> <p>Rationale: The Yaquina Head Lighthouse, listed on the NRHP, will not be impacted by this project. Appropriate project design features will avoid any impact to these sensitive areas. There are no NRHP listed or eligible sites located within the project area.</p>		No
<p>h) 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?</p> <p>Rationale:</p> <p>Botany: No T&E or Bureau Special Status botanical or fungi will be affected, because none are know from within these recreation sites.</p>		No

Will the Proposed Action documented in this Categorical Exclusion:	Yes	No
<p>Wildlife: Proposed action would have no effect on any T&E or Bureau Special Status wildlife at most sites. At the Valley of the Giants, project activities follow a seasonal restriction that would result in a not likely adverse effect to marbled murrelets. ESA, Section 7 consultation that addressed potential effects to listed species was completed in a 2009 Letter of Concurrence from the U.S. Fish and Wildlife Service, dated issued 8/25/2009 (13420-2009-I-0152).</p> <p>Fish: The project is a “May Affect” on OC Coho Salmon. The “May Affect” determination is based on the proximity of listed fish and designated critical habitat to potential impacts from hazard tree management. Compliance with guidance described in “Endangered Species Act Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Programmatic Activities of USDA Forest Service, USDI Bureau of Land Management, and Coquille Indian Tribe in Western Oregon” (NMFS 2010/02700) provides consultation coverage for “May Affect” actions.</p>		
<p>i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p> <p>Rationale: The proposed 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) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p> <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>	No	
<p>k) 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: Past actions within this area have not resulted in tribal identification of concerns.</p>	No	
<p>l) 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: The risk rating for the long-term establishment of noxious weeds through the implementation of this project is low because: a) the project areas are limited in size, b) the project areas 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 may require sowing grass seed on mineral soil areas which would reduce the amount of potential noxious weed habitat.</p>	No	

D. Interdisciplinary Review and Signature

Interdisciplinary Team Review

Name	Specialty
Debra Drake	Outdoor Recreation Planner
Ron Exeter	Botanist
Scott Hopkins	Wildlife Biologist
Stefanie Larew	NEPA Coordinator
Bruce Stevens	Forester – Silviculture
Scott Snedaker	Fisheries Biologist
Heather Ulrich	Archaeologist
Steve Wegner	Hydrologist and Soil Scientist

Authorized Official: _____ /s/ Rich Hatfield _____ **Date:** _____ 3/18/2013 _____

Name: Rich Hatfield

Title: Marys Peak Field Manager

Contact Person

For additional information concerning this Categorical Exclusion, contact Stefanie Larew, Environmental Coordinator, Salem District Office, 1717 Fabry Rd SE, Salem, Oregon, 97306, (503) 375-5601.

