

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

### **A. Background**

**BLM Office:** Marys Peak Resource Area

**Lease/Serial/Case File No:** NA

Categorical Exclusion Number: DOI-BLM-OR-S050-2009-0004-CX      Date: 2/10/2009

**Proposed Action Title/Type:** Plum Creek Timberland Inc. Amendment to Right-of-Way Agreement S-347 (Valsetz Area)

**Location of Proposed Action:** Marys Peak Resource Area

Land Use Allocation(s): Late Successional Management Area (LSMA) and Riparian Management Area (RMA).

**Description of Proposed Action:** The existing BLM managed land over which the requested access occupies has not been included in RWA S-347 and their addition is therefore discretionary. To minimize future impacts to BLM managed lands, only the lands within the existing 8-6-19.3 segment F road prism will be added by amendment.

### **B. Land Use Plan Conformance:**

**Land Use Plan Name:** *Record of Decision for the Revision of the Salem District Resource Management Plan*, Date Approved/Amended: December 30, 2008.

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 pp. 49.

The analysis in this Categorical Exclusion (CX) is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, October 2008 (PRMP/FEIS).

The above documents are incorporated by reference and are available at the Salem District Office.

**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 H. 12 which grants right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

**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?                      Rationale: Grant of existing right-of-way will have no impacts on public health or safety therefore would have no significant impacts on public health or 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?                      Rationale: No unique geographical characteristics are within the project area or affected by this project.</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)]?                      Rationale: The effect of the right-of-way grant is not controversial and there is no 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?                      Rationale: Right-of-way grants are not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.</p>		No
<p><b>2.5/</b> Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?                      Rationale: Implementation of right-of-way grants does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. See 2.4.</p>		No
<p><b>2.6/</b> Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?                      Rationale: There are no cumulative effects associated with right-of-way grants; therefore there are no significant cumulative effects as a result of these actions.</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?                      Rationale: No eligible or listed properties are affected.</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?                      Rationale: <b>Fisheries:</b> There are no fish bearing crossings associated with the affected road segment. The nearest fish bearing stream is approximately 500 feet downslope from the road segment. Three non-fish stream crossings do occur on the affected road. Road gradients are less than 1 percent and sediment generated by hauling is unlikely to</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
negatively affect fish habitat downstream. ESA listed winter steelhead are located over 8.4 miles downstream from the nearest stream crossing. Due to limited hydrologic connectivity and the substantial distance downstream to occupied habitat no effects to listed fish are anticipated. <b>Wildlife:</b> Since only the lands within the existing road prisms will be added by amendment there will be no current or future habitat modification or destruction associated with the action; since these are long established and well used roads future noise levels will not be above ambient road noise levels; therefore the action will have no effect on spotted owls, marbled murrelets or their critical habitats.		
<b>2.9/</b> Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? Rationale: Right-of-way grants follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.		No
<b>2.10/</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? Rationale: The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.		No
<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)? Rationale: No new ground disturbance is anticipated. Past right-of-way grants within this area have not resulted in tribal identification of concerns		No
<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)? Rationale: No ground disturbing action will occur. No increase in exposed mineral soil above the current level is expected subsequently the risk rating for the long-term establishment of noxious weed species and consequences of adverse effects is low.		No

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 (see Table 1, above) apply.

I considered and reviewed the effects of the following additional elements of the environment required by management direction. Table 2 shows the effects of the proposed action on these elements of the environment.

Table 2: Additional Elements of the Environment		
Elements of the Environment	Status: Not Present, Not Affected, or Affected	Remarks
Energy (Executive Order 13212)	Not Affected	There is no known energy resources located in the project area. The proposed action will have no adverse effect on energy development, production, supply and/or distribution.
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Not Affected	Stream channels designated as EFH are located over 8.4 miles downstream from the nearest stream crossing of the affected road segment. Due to limited hydrologic connectivity and the substantial distance downstream to occupied habitat no effects to EHF are anticipated
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes are on the lands proposed to be added to the right-of-way agreement. No hazardous or solid wastes would be produced by the proposed action.
Special Status (except T/E) species/habitat	Not Present	There are no known Special Status Species sites, and no habitat modification would occur.

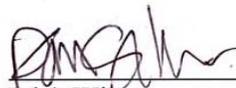
The proposed action has no effect on the elements of the environment described above; therefore there is no potential for significant impacts. Project Design features are described in section A under the description of the Proposed Action. No additional mitigation measures are required.

**D. Signature:**

Specialist Review and Concurrence:  None required or

Review Required	Review Not Required	Resource	Name	Initial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aquatic/Fisheries	Scott Snedaker	SMS 2/10/09
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SSS/Invasive Species	Ron Exeter	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cultural Resources	Dave Calver	DC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuels/Air Quality	Tom Tomczyk	TT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrology/Soils	Steve Wegner	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance	Gary Humbard	GLH 2/12/09
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NRSA	Diane Morris	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recreation	Traci Meredith	TMM 2/12/09
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Team Lead	Russ Buswell	RPB 2/12/09
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Silviculture	Hugh Snook	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	Gary Licata	GAL 01/29/2009

Authorized Official:

  
Trish Wilson  
Marys Peak Resource Area Field Manager

Date:

2/12/2009

**Contact Person:** For additional information concerning this CX review contact Russ Buswell, Engineer, Salem District Office Bureau of Land Management, 1717 Fabry Rd. SE Salem, Oregon and (503) 315-5988.

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

### Decision Record

Based on the attached Categorical Exclusion Documentation OR-S050-2009-0004, I have determined that the proposed action, Plum Creek Timberland Inc. Amendment to Right-of-Way Agreement S-347 (Vassetz Area) involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the Plum Creek Timberland Inc. Amendment to Right-of-Way Agreement S-347 (Vassetz Area), as described in the attached Categorical Exclusion Documentation OR- S050-2009-0004.

**Right to Appeal:** This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the attached Form 1842-1.

*If you appeal:* A public notice for this decision is scheduled to appear in the *Polk County Itemizer Observer* newspaper on February 18, 2009. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Trish Wilson, Marys Peak Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (43 CFR 4.411 and 4.413). A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor, Pacific Northwest Region, 500 NE Multnomah St. Suite 607, Portland, OR 97232.

The decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice Of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

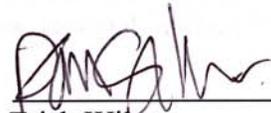
Statement of Reasons: Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

**Implementation Date:** If no appeals are filed, this decision will become effective and be implemented 15 days after the public notice of this Decision Record appears in the *Polk County Itemizer Observer* newspaper.

Implementation: This project will be implemented May, 2009.

Contact Person: For additional information concerning this CX contact Russ Buswell, Engineer, Salem District Office Bureau of Land Management, 1717 Fabry Rd. SE Salem, Oregon and (503) 315-5988.

Authorized Official:



Trish Wilson

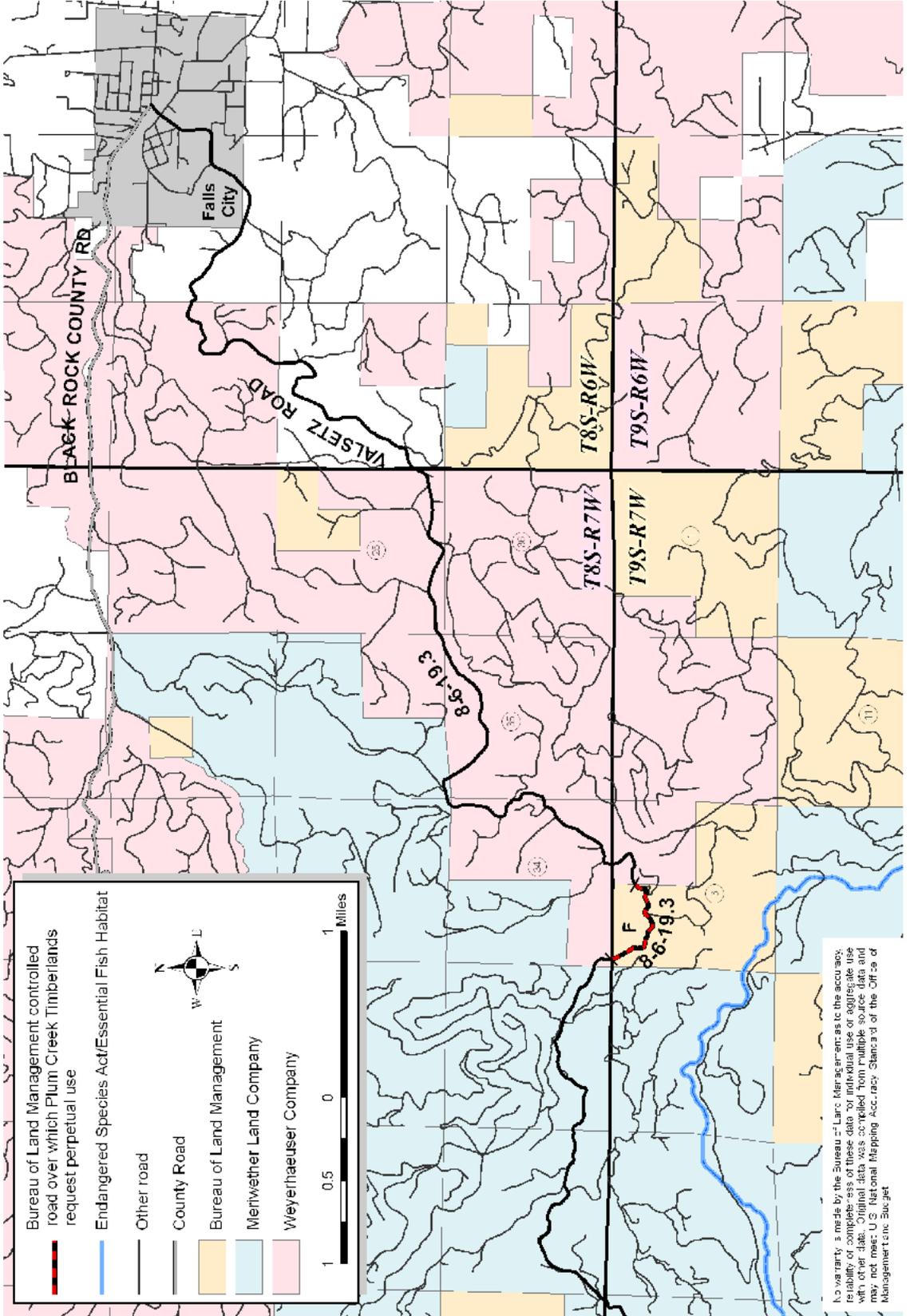
Marys Peak Resource Area Field Manager *Acting*

Date:

2/12/2009

United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
**PLUM CREEK TIMBERLANDS AMENDMENT TO AGREEMENT S-347 EA MAP**  
 Valselt Mainline and Railroad Grade Road  
 Salem District - Oregon

February 10, 2009



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