

U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 SALEM DISTRICT OFFICE, OREGON

CATEGORICAL EXCLUSION DOCUMENTATION

A. Background

Project Name: 2009-2010 Salem District Sample Tree Falling

Date: 09/02/2009

Categorical Exclusion Number: DOI-BLM-OR-S000-2009-0001-CX

Location: The general project area is the Salem District. Individual units occur in the following locations:

Sale Name	Land Use Allocation (LUA)*	Location / Legal Description
Mary's Peak Resource Area		
Buck Roberts	Matrix, LSR	T14S, R7W, Sec 1, 11, 12
Bummer Ridge	LSR/ Matrix	T14S, R7W, Sec 19, 30, 31 and T14S, R8W, Sec 25
Green Peak II	Matrix	T14S, R6W, Sec 7
Bottle Neck	LSR	T7S, R9W, Sec 8, 9
North Fork Overlook	LSR	T13S, R7W, Sec 7, 17, 19
Potter Elk	Matrix	T8S, R8W, Sec 25
Apple Rock	Matrix	T7S, R6W, Sec 31
Cascades Resource Area		
Delph Creek Re-Thin	Matrix	T3S, R5E, Sec 35
Lost Lulay	Matrix	T10S, R1E, Sec 23,21,25,29 T10S, R1W, Sec 25 T10S, R2E, Sec 19 T11S, R1E, Sec 5
Highland Fling	Matrix	T3S, R3E, Sec 35 T4S, R3E, Sec 1, 21, 27 T4S, R4E, Sec 21, 27, 29 T4S, R5E, Sec 18
Gordon Creek	Matrix	T1S, R 5E, Sec 1, 3, 9, 11

Tillamook Resource Area		
Four Corners	Matrix	T1S, R5W, Sec 33
Head East	LSR	T3S, R8W, Sec 3, 11, 13, 14, 15, 24
Jane's Remains	LSR	T3S, R6W, Sec 19, 30 T3S, R7W, Sec 24, 25, 26, 35, 36
Hoag Heaven	LSR	T3S, R7W, Sec 34, 35, 36
Cruiserhorn	Matrix	T2s, R8W, Sec 8, 19

* Treatment may occur within Riparian Management Areas associated with the Matrix land use allocation.

B. Description of Proposed Action

The Salem District Bureau of Land Management (BLM) proposes to fall, buck and scale sample trees (“sample tree felling”) during the 2009 and 2010 calendar years to ensure the accuracy of timber cruises for future forest management actions. Trees would be felled only in areas that have been planned, marked and cruised for commercial timber harvest, and the felled trees would be a subset of the trees designated for removal in the timber harvest area. The proposed action would be implemented on the above listed timber sale projects on the Salem District as a precursor to timber sale contract preparation.

Copies of this Categorical Exclusion and Decision will be placed in the project file for each project prior to implementation of sample tree felling.

Project Design Features

The BLM includes the following project design features as part of the proposed action:

- When adjacent to Riparian Management Areas, trees would be directionally felled away from or parallel to the Riparian Management Area to avoid damage to riparian habitat.
- When operating within Riparian Management Area, trees would be directionally felled away from the stream channel, and no trees within 25 feet of the stream channel would be felled.
- If, during implementation of the proposed action, any BLM Special Status Species are found that were not discovered during pre-disturbance surveys, felling would be suspended until further review by BLM specialists is completed and application of any necessary measures is applied.
- If, during implementation of the proposed action, a raptor nest is found in a tree identified for removal, felling would be suspended until further review by BLM specialists could be completed and necessary measures applied.
- If, during implementation of the proposed action, any cultural resources are found that were not discovered during pre-disturbance surveys, felling would be suspended and appropriate measures would be implemented before felling would be resumed.
- Where felling of a sample tree would be contingent upon the felling of snags greater than or equal to 20 inches diameter at breast height, that particular sample tree would not be felled.
- The resource area wildlife biologist would participate in the planning and design of all stand sampling affecting listed species to preclude a “likely to adversely affect” action or potential “taking”.
- Stand sampling would not include the removal of (1) individual trees with spotted owl or murrelet nesting structure from areas where, in the opinion of the biologist, the loss of such a tree would limit nesting by owls or murrelets, or (2) known owl or murrelet nest trees.
- No stand sampling would occur within 65 yards of any known or predicted owl nest patch or where in the opinion of the biologist could cause disruption of spotted owls. A nest patch is a

985 foot radius circle around a point (known or predicted owl site), where a spotted owl would be likely to select a nesting tree.

- Stand sampling would not occur within 100 yards of known occupied marbled murrelet habitat.
- In unsurveyed suitable marbled murrelet habitat or potential nesting structure, stand sampling implemented between April 1 and September 15 would not begin until 2 hours after sunrise and would end 2 hours before sunset.
- No chainsaw work would occur within 0.25 miles of known spotted owl nest sites or known activity centers from March 1 – July 7, unless current year surveys indicate that northern spotted owls are not present, are present but not attempting to nest, or that nesting attempts have failed.
- No chainsaw work would occur within 100 yards of any marbled murrelet site from April 1 – September 15. Chainsaw work within 0.25 miles of unsurveyed suitable habitat would be subject to daily operating restrictions from April 1 – September 15; these daily operating restrictions prohibit commencement of operations until two hours after sunrise and require operations cease two hours before sunset.
- When operating in critical habitat for northern spotted owls or marbled murrelets, potential nest trees would be retained until consultation with the US Fish and Wildlife Service on the timber sale(s) is completed and a biological opinion issued.
- Falling of sample trees within 0.25 miles of unsurveyed suitable habitat for marbled murrelets and/or spotted owls would require incorporation of all applicable design standards and/or terms and conditions of the applicable biological assessment.

C. Land Use Plan Conformance

The proposed action is in conformance with the *Salem District Record of Decision and Resource Management Plan* (ROD/RMP, 1995), and consistent with the RMP decision to manage forests to achieve a sustainable supply of timber and other forest products (ROD/RMP p.46).

D. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Department of Interior Manual 516 DM 11, 11.9, C Forestry, (6), which allows for “*Felling, bucking, and scaling sample trees to ensure accuracy of timber cruises. Such activities: (a) Shall be limited to an average of one tree per acre or less, (b) Shall be limited to gas-powered chainsaws or hand tools, (c) Shall not involve any road or trail construction, (d) Shall not include the use of ground based equipment or other manner of timber yarding, and (e) Shall be limited to the Coos Bay, Eugene, Medford, Roseburg, and Salem Districts and Lakeview District, Klamath Falls Resource Area in Oregon.*”

The proposed action is consistent with the requirements of this categorical exclusion for the following reasons: (1) there would be an average of not more than one tree per acre felled for each project area, (2) felling would be done by gas-powered chainsaws, (3) no roads or trails would be constructed, (4) the felled trees would not be yarded under this proposed action, and (5) the proposed action only

applies to the Salem District. In the event that a timber sale is then sold and awarded, the felled trees would be yarded under the decision for the applicable timber sale.

Categorical Exclusions – Extraordinary Circumstances Documentation

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 is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	Yes	No
2.1 Have significant impacts on public health or safety		X
Rationale: All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety. The proposed sample tree felling is in remote, forested locations outside of population centers.		
2.2 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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: Trees to be felled are only within the proposed timber sale units; these units are, by design, outside of unique areas such as those discussed above. No tree felling will occur in parks, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands. Felling an average of one sample tree per acre (or less) would not change the overall habitat function of the stand or remove habitat at the species level; as such, the proposed action would not have significant impacts on migratory birds.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
Rationale: Based on past experience, environmental effects of felling individual trees (not to exceed an average of 1 per acre) are not highly controversial. The ROD/RMP establishes the land use allocation and goals for the affected lands; as such, there are no unresolved conflicts regarding other uses of these resources.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The BLM has conducted similar actions throughout the Salem District for years. There is no evidence that felling of sample trees to improve the accuracy of timber cruises has potentially significant environmental effects. Felling of sample trees is a component of cruising timber in preparation of timber sales - it does not commit the BLM to future actions and would not establish a precedent or decision for future actions with potentially significant environmental effects.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	Yes	No
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Sample tree felling has been conducted in the past and this activity had no significant direct, indirect, or cumulative effect. Sample tree felling is a cruising tool used to improve the timber sale process, but this action is not integral to the timber sale process. Trees are felled and measured in sample tree felling, but the action doesn't necessarily entail removal of the felled trees. Removal of trees generally occurs in conjunction with a timber sale decision which has its own NEPA analysis. The District timber sale program was analyzed in the RMP's Environmental Impact Statement (EIS), and individual sales are further analyzed in site-specific NEPA analysis (environmental assessments, or EAs) tiered to the RMP EIS, which historically result in findings of no significant impact (FONSI).		
2.7 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.		X
Rationale: No properties listed, or eligible for listing, on the National Register of Historic Places are located within the areas proposed for sample tree felling.		
2.8 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.		X
Rationale: Surveys, as required for consultation, would be conducted for listed species and species proposed for listing prior to sample tree felling. If sites are found, implementation of the Project Design Features would minimize disturbance effects to individuals. Some proposed units are within critical habitat for northern spotted owl and marbled murrelet. However, felling an average of one sample tree per acre (or less) would not change the overall habitat function of the stand or result in the loss of critical habitat. Project Design Features would prevent removal of primary constituent elements prior to the completion of consultation with the US Fish & Wildlife Service.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action conforms to the direction given for the management of public lands in the ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The felling of individual trees would not affect low income or minority populations – the activity is dispersed across District-administered land which is largely interspersed with private, industrial forest land. Furthermore, this action ensures that the public, including low income and minority populations, receive a fair price for the public resources (timber) being sold.		
2.11 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).		X
Rationale: BLM would conduct cultural resources inventories prior to implementing the proposed action. If cultural resources are found within a unit through pre-disturbance inventories or during implementation of the proposed action, appropriate measures would be applied to avoid impacts. The proposed action would not limit the use of or the physical integrity of Indian sacred sites on Federal lands.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	Yes	No
2.12 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).		X
<p>Rationale: The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds/invasive species. Vehicles accessing the project area would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p>		

E: Signature

I considered the proposed action and its design features in my evaluation and I find the proposed action would not have significant impacts to the human environment.

Authorizing Official:  Date: 8/27/09
 Aaron Horton,
 Salem District Manager

F. Contact Person

For additional information concerning this CX review, contact Clark Tiecke, District Cruiser/Appraiser, Salem District, 1717 Fabry Road, Salem OR, 97306, (503) 315-5976.

G. Administrative Remedy

The forest management decision to be made on the action described in this categorical exclusion is subject to protest under 43 CFR subpart 5003. Under 43 CFR 5003.2 subsection (b), a notice of decision will be published in local newspaper(s), and this notice shall constitute the decision document. Under 43 CFR 5003.3 subsection (a), protests may be filed with the authorized officer within 15 days of the publication date of the notice of decision. Under 43 CFR 5003.3 (b), protests filed with the authorized officer shall contain a written statement of reasons for protesting the decision. A decision on this protest would be subject to appeal to the Interior Board of Land Appeals, although, under 43 CFR 5003.1 subsection (a), filing a notice of appeal under 43 CFR part 4 does not automatically suspend the effect of a decision governing or relating to forest management under 43 CFR 5003.2 or 5003.3.

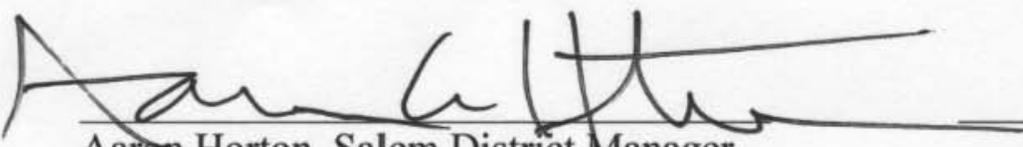
U.S. DEPARTMENT OF INTERIOR
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SALEM DISTRICT

DECISION RECORD

Based upon the attached Categorical Exclusion, DOI-BLM-OR-S0000_2009-0001-CX, I have determined that the proposed action, sample tree falling, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement sample tree falling on commercial timber sales limited to the calendars year 2009 and 2010. Sample tree falling will help ensure accuracy of these timber cruises.

Notice of this forest management decision will be published in the September 2, 2009 edition of the **Salem Statesman Journal** newspaper and posted on the Salem District website at <http://www.blm.gov/or/districts/salem/plans/index.php>. This decision is subject to protest by the public. To protest this decision, a person must submit a written protest to Aaron Horton, Salem District Manager, 1717 Fabry Road, Salem OR, 97306 by the close of business (4:30 P.M.) on September 16, 2008. The protest should clearly and concisely state the reasons why the design or the decision to go forward with the sample tree falling project is believed to be in error. 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 a final decision will be issued which will be implemented in accordance with 43 CFR 5003.


Aaron Horton, Salem District Manager,

8/27/09
Date