

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-S050-2011-0006-CX **Date:** 2/24/2011

Proposed Action Title/Type: Yaquina Head Outstanding Natural Area Native Plant Restoration and Roadside Thinning

Location of Proposed Action: Township 10 S, Range 11 W, Sections 29 and 30, Willamette Meridian, Lincoln County, 3 miles north of Newport, Oregon

Land Use Allocation(s): Congressionally Reserved Area.

Description of Proposed Action:

Project 1: Native plant materials located at Yaquina Head Outstanding Natural Area (YHONA) will be collected, removed and sown/propagated at an off-site location and then replanted at YHONA in areas identified for restoration. Some areas identified for restoration include: bare soil around the lighthouse, historical garden area, areas once occupied by Oregon listed noxious weeds, areas disrupted by past quarry operations, and within areas located around the YHONA Interpretative Center. A list of targeted plant species includes but is not limited to:

Forbs:

<i>Aster chilensis</i>	Aster
<i>Erigeron glaucus</i>	Seaside daisy
<i>Fragaria chiloensis</i>	Coastal strawberry
<i>Lathyrus japonicas</i>	Beach peavine
<i>Lupinus littoralis</i>	Seashore lupine
<i>Potentilla pacifica</i>	Pacific silverweed
<i>Trifolium wormskjoldii</i>	Springbank clover
<i>Viola adunca</i>	Blue violet

Woody shrubs:

<i>Acrtostaphylos uva-ursi</i>	Kinnikinnick
<i>Baccharis pilularis</i>	Chaparral broom
<i>Lonicera involucrata</i>	Black twin-berry
<i>Myrica californica</i>	Pacific wax myrtle
<i>Ribes sanguineum</i>	Red flowering currant
<i>Salix hookeriana</i>	Hooker's willow
<i>Sambucus racemosa</i>	Red elderberry
<i>Solidago spathulata</i>	Goldenrod
<i>Spirea douglasii</i> var. <i>douglasii</i>	Douglas' spirea
<i>Vaccinium ovatum</i>	Evergreen huckleberry

Vaccinium parviflorum

Red huckleberry

Project 2: Conifer (*Pinus contorta* only) density management through thinning is proposed only along right-of-ways (cutbanks, fill slopes) and would involve removing many of the conifers less than 2 inches in diameter. This project would eliminate many of the small diameter suppressed conifers and allow for an increase in sunlight for the development of the shrub/forb layers within a conifer plant association. Also, some conifers generally less than five feet in height in the same roadside locations would be targeted for removal where conifers are directly competing with other desirable native shrubs such as black twin-berry (*Lonicera involucrata*) or California wax-myrtle (*Myrica californica*). In addition, conifer saplings impeding vehicular access to Communication Hill would be removed to maintain access to the towers located at the summit.

To contain and/or reduce noxious weed infestations on BLM-managed lands using an integrated pest management approach

- The implementation of these projects will further reduce noxious weed species by planting native plant species in areas susceptible to the establishment of noxious weeds. The implementation of both projects will have minimal disturbed mineral soil. Ongoing noxious weed control at Yaquina Head will further reduce known infestation of Oregon Department of Agriculture's designated noxious weeds at this site.

To protect ESA Threatened or Endangered Species

- Required pre-disturbance surveys and known-site management for Endangered Species Act threatened or endangered listed botanical, fungal, or animal species will be accomplished in accordance with BLM Manual 6840- *Special Status Species Management*.
- The resource area biologist and/or botanist will be notified if any listed botanical, fungal or animal species are found occupying stands proposed for treatment during project activities. If the species is a federal listed ESA species then all of the known sites will be withdrawn from any habitat disturbing activity.

To protect Cultural Resources

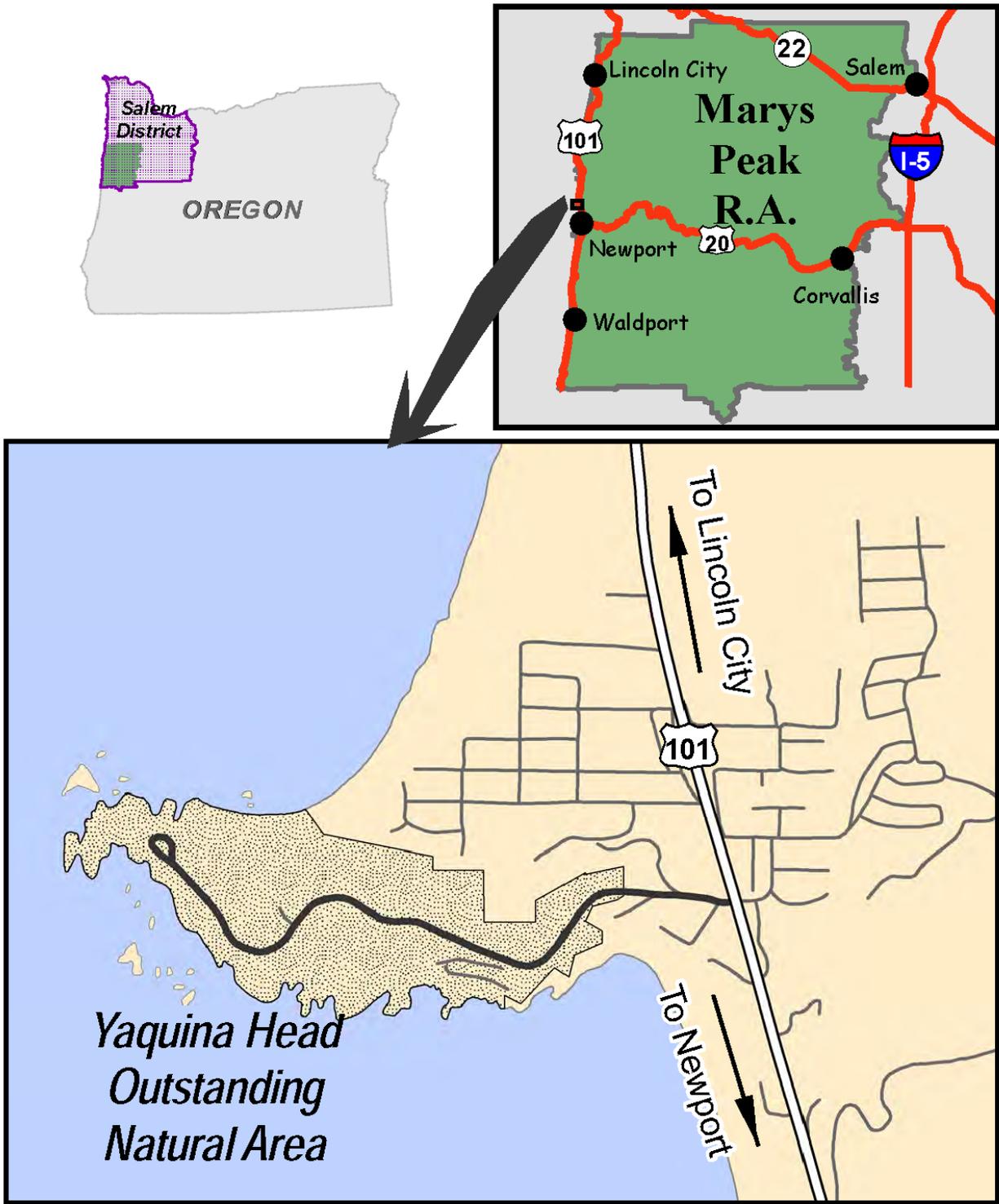
- Archaeological sites that are eligible for the National Register of Historic Places (NRHP) occur near the project area. The District Archaeologist will monitor all planting activity that takes place near the archaeological site unless ground disturbing activities are clearly outside the boundaries of the known archaeological site.
- If during project implementation any cultural resources are encountered, all activity will cease until the archaeologist can assess the significance of the discovery.
- Project activities will not impact the historic lighthouse.



United States Department of the Interior - BUREAU OF LAND MANAGEMENT



Yaquina Head Outstanding Natural Area Location Map



B. Land Use Plan Conformance

Land Use Plan Name: Record of Decision and Resource Management Plan - Salem District

Date Approved/Amended: May, 1995

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

Manage scenic, natural, and cultural resources to enhance visitor recreation experiences and satisfy public land users (ROD/RMP page 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. (5) which allows for the disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as wildings, floral products (ferns, boughs, etc.) and seeds. In addition, the Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 D. (10) which allows for vegetation activities such as seeding, planting, invasive plant removal when the activity is necessary for the management of vegetation on public lands.

Categorical Exclusions: Extraordinary Circumstances Review

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p>2.1/ Have significant impacts on public health or safety?</p> <p>Rationale: Native plant restoration and roadside thinning 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 native plant restoration will conform to established Occupational Safety and Health Administration rules concerning health and safety.</p>		No
<p>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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</p> <p>Rationale: The project area is located in the YHONA, an oceanic headland with a historic lighthouse that is listed on the National Register. The nature of the project will not impact the lighthouse. Implementation of project design features will avoid impacting other known cultural resource sites located in the YHONA. The small amount of ground disturbance and vegetation removal may result in minor amount of impacts.</p> <p>The project area is not located in any 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. The project area does not provide habitat for migratory birds. It does provide resting spots.</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p>2.3/ 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 this native plant restoration and roadside thinning are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the environmental effects of native plant restoration 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>2.4/ Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p> <p>Rationale: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.</p>		No
<p>2.5/ Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p> <p>Rationale: Native plant restoration 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. Native plant restoration and roadside thinnings have been used on BLM and Forest Service lands throughout Oregon and has not been shown to have potentially significant impacts.</p>		No
<p>2.6/ 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 native plant restoration or roadside thinning; therefore there are no significant cumulative effects as a result of these actions. Native plant restoration and roadside thinning will not create exposed soil areas across an area sufficient to cause soil erosion. Soil disruption would be minimal with the implementation of this project.</p>		No
<p>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?</p> <p>Rationale: The Yaquina Head Lighthouse, listed on the National Register of Historic Places, will not be impacted by this project. Two other archaeological sites eligible for the National Register will not sustain significant impacts from project activities. Appropriate project design features will avoid any impact to these sensitive areas.</p>		No
<p>2.8/ Have significant impacts on ESA listed species listed, or proposed to be listed as Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</p> <p>Rationale:</p> <p>Fish: No potential impacts upon species listed, or proposed to be listed, under the ESA or designated Critical Habitat have been identified.</p> <p>Wildlife: No potential negative impacts to species listed, proposed to be listed species, or to designated Critical Habitats. Potential positive impact to Oregon silverspot butterfly (<i>Speyeria zerene hippolyta</i>) if the existing population of host plant blue violet can be expanded through propagation and plantings.</p>		No
<p>2.9/ 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 action follows all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment. The proposed action is in conformance with the direction given for the management of public lands</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
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.		
2.10/ 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
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)? Rationale: No sacred, ceremonial or religious sites were identified during scoping for this project.		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)? Rationale: All soil disrupting equipment will be required to be clean and free of dirt and vegetation prior to use.		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: Elements of the Environment

Elements of the Environment	Remarks
Energy (Executive Order 13212)	This project is in compliance with this direction because this project will not interfere with the Energy Policy (Executive Order 13212).
Essential Fish Habitat (Magnuson-Stevens Fisheries Cons. /Mgt. Act)	Protection of Essential Fish Habitat (EFH) as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with National Marine Fisheries Service (NMFS) is required for all projects which may adversely affect EFH of Chinook and coho salmon. The proposed YHONA native plant restoration is not expected to adversely affect EFH due to distance of all activities associated with the project from occupied habitat. Consultation with NMFS on EFH is not required for these projects.
Hazardous or Solid Wastes	This project will have no effect on this element because no Hazardous or Solid Waste will be stored or disposed of on BLM lands as a result of this project.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Aquatic/Fisheries	Scott Snedaker	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Botany	Ron Exeter	<i>RLE</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cultural Resources	Heather Ulrich	<i>HAU</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrology/Soils	Steve Wegner	<i>SJW</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance	Stefanie Larew	<i>SNL</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recreation/Rural Interface/Visuals	Traci Meredith	<i>TMM</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	Gary Licata	<i>GAL</i>

Authorized Official: _____ **Date:** _____

Name: Patricia Wilson

Title: Marys Peak Resource Area Field Manager

Contact Person: For additional information concerning this CX review, contact Ron Exeter, Botanist, Salem District Office, 1717 Fabry Rd SE, at (503) 315-5963.

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

Decision Record

Based on the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2011-0006-CX, I have determined that the proposed action, native plant restoration and roadside thinning, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to perform culvert replacements, as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2011-0006-CX.

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 Form 1842-1. Form 1842-1 can be obtained from the Salem District website at <http://www.or.blm.gov/salem/html/planning/index.htm>.

If you appeal: A public notice for this decision is scheduled to appear in the *Newport News Times* newspaper on March 2, 2011. Within 15 days of these notifications, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Marys Peak Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. 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 Board and to the appropriate Office of the Solicitor (see 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 otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

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

Statement of Reasons: Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

If no appeals are filed, this decision will become effective and be implemented 15 calendar days after the public notice of the Decision Record appears in the *Newport News Times*. The public notice is scheduled to appear in the *Newport News Times* on March 2, 2011.

Implementation: This project will be implemented starting in March 2011 and will continue until vegetative propagation funding runs out in 2015.

Contact Person: For additional information concerning this CX review, contact Ron Exeter, Botanist, Salem District Office, 1717 Fabry Rd SE, at (503) 315-5963.

Authorized Official: _____
Patricia Wilson
Marys Peak Resource Area Field Manager

Date: _____