

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: N/A

Categorical Exclusion Number: DOI-BLM-OR-S050-2012-0003-CX

Date: 2/2/2012

Proposed Action Title/Type: Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2012 Add Acres).

Location of Proposed Action: Marys Peak Resource Area

Land Use Allocation(s): Late Successional Reserve (LSR), Adaptive Management Area (AMA), General Forest Management Area (GFMA), and Riparian Reserves (RR).

Description of Proposed Action: This project consists of management of young (ages 1-35 years old) forest stands in the Marys Peak Resource area over the period of 2010-2014. Young stand management includes manual maintenance, pre-commercial thinning (PCT) and pruning.

Over the five year period, approximately 4,534 acres are planned for treatment allocated as follows:

- Manual Maintenance of 182 acres;
- Manual Release of 2,494 acres;
- Density Management/PCT of 1,405 acres; and
- 453 acres of pruning.

Maps and a list of site descriptions for 2012 proposed projects are filed in the Marys Peak Resource Area.

The *Manual Maintenance* portion of this project consists of cutting competing vegetation for conifer stocking maintenance and survival of conifer species in young stands (typically ages 4 to 12 years). The primary purpose is to provide sufficient light for survival of conifers and to increase growing space. In 2012, 30 acres (one unit) are proposed for manual maintenance treatment in the LSR land use allocation (LUA).

The *Density Management/PCT* portion of the project consists of thinning overstocked young conifer plantations 12 to 30 years of age to promote the health and vigor of the stands, provide more light to accelerate growth of selected conifers, and promote species diversity. The trees will be thinned to a 16 x16 or 20 x 20 foot spacing (approximately 170

and 109 trees per acre, respectively). The 16 foot and 20 foot spacing will be used only on the stands greater than 20 years of age. In 2012, 155 acres (nine units) are proposed for PCT treatment; 131 acres (seven units) are in the LSR/AMA LUA and 24 acres (two units) are in the GFMA LUA.

The *Pruning* portion of this project consists of using hand tools to remove lower branches from conifers up to twenty feet on the bole. In 2012, 44 acres (two units) in the GFMA LUA are proposed for pruning lower branches to improve the wood quality of future lumber products and reduce impacts of disease and animal damage.

B. Land Use Plan Conformance:

The Salem District initiated planning and design for this project to conform and be consistent with the Salem District's 1995 Resource Management Plan (RMP). Following the March 31, 2011 decision by the United States District Court for the District of Columbia in *Douglas Timber Operators et al. v. Salazar*, which vacated and remanded the administrative withdrawal of the Salem District's 2008 Record of Decision (ROD) and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the current proposed action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Salem District's 1995 RMP and the 2008 ROD/RMP.

Land Use Plan Name: *Salem District Record of Decision and Resource Management Plan (1995 RMP)* **Date Approved** March 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).

The proposed action is in conformance with the *Salem District Record of Decision and Resource & Management Plan* (RMP), dated May 1995 as amended (pp. 7, 11, 16, 17, 21, 32, 46, 47, 63, 71 & Appendix D), because it is specifically provided for in the following decisions:

- Conduct silvicultural activity in suitable forest stand according to management actions/direction.
- Control stocking, reestablish and manage stands, and acquire desired vegetation.
- Apply silvicultural treatment to restore large conifer in Riparian Reserve.
- Implement silvicultural practices in LSR that benefit the creation of late successional forest habitat.
- Avoid disturbance to spotted owls and marbled murrelet.

The proposed action is consistent with the:

Watershed Analyses in fourteen of sixteen watersheds that have been completed from 1995 to 1999. The recommended actions within the watershed analyses support the proposed action.

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. 4 which allows for precommercial thinning and brush control using small mechanical devices.

Categorical Exclusions: Extraordinary Circumstances Review

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? Rationale: Silvicultural treatments will have no impacts on public health or safety. Temporary signage will be properly placed warning residence and visitors of silvicultural activities.</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? Rationale: Recreation: No unique geographical characteristics are within the project area or affected by this project. Geographic locations of the project area would have little to no impact to recreational use. Visual resources of all treatments areas are VRM class 4 (major modification allowed). Cultural Resources: There are no known historic or cultural resources identified within the project areas and therefore will have no impacts.</p>		No
<p>C) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]? Rationale: The effects of these silvicultural treatments are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.</p>		No
<p>D) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? Rationale: Silvicultural treatments 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>E) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p>Rationale: Implementation of silvicultural treatments 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>		
<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 silvicultural treatments.</p>		No
<p>G) 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: No NRHP eligible or listed properties are within the project areas.</p>		No
<p>H) 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>Rationale: <p>Fisheries: Project activities are covered under the <i>Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington CY 2007-CY2012</i> (April 28, 2007). No adverse effects are anticipated. Based on review of 2012 projects actions within Upper Alsea watershed near Tobe Creek (FOI # 936164) may include treatments within 20 feet of small tributary streams within 1/4 mile of listed fish and may affect listed fish species.</p> <p>Wildlife: Potential for short-term noise disturbance is not likely to adversely affect breeding spotted owls and marbled murrelets. This action would include all applicable design standards as required by the Letter of Concurrence (#13420-2009-I-0152) which completed consultation requirements of the Endangered Species Act. No constituent elements of critical habitat would be affected.</p> <p>Botanical and Fungal Species: These project areas are generally considered as too young to support any botanical or fungal T&E species. There are no known locations of any T&E botanical or fungal species within the proposed project areas.</p> </p>		No
<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: Silvicultural treatments follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.</p>		No
<p>J) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p> <p>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.</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 silvicultural treatments within this area have not resulted in tribal identification of concerns.</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	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: Minimal amounts of mineral soil would be disturbed through forestry workers walking within the contract areas ground disturbing action will occur. No other 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.</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 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	Essential Fish Habitat will not be adversely affected.
Hazardous or Solid Wastes	Not present	No hazardous or solid wastes will be produced by the proposed action.
Special Status (except T/E) species/habitat	Not Present	There are no known botanical or fungal special status species sites within the project area. The project areas are generally considered to be too young to support such species. The implementation of this project may 'enhance' the project areas by developing potential habitat for these species through thinning and allowing the development of the forb and shrub layers within the treatment areas. Without treatments these areas in general will develop a 100% canopy closure which limits the development of the understory species by reducing available direct sunlight light.

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 listed below. No additional mitigation measures are required.

Project Design Features

- To retain species diversity, only western hemlock, Douglas-fir, noble fir, Sitka spruce, cherry, red alder, and bigleaf maple that compete with the reserved conifer trees will be cut. All other tree species will be reserved. Species priority for selected leave trees will be noble fir, western hemlock, Sitka Spruce, Douglas-fir, bigleaf maple, cherry and red alder, in that order.
- Red alder and bigleaf maple will be left if not competing with selected leave trees for survival. Hardwoods over 8 inches diameter breast height (DBH) will be girdled if competing with selected leave trees. Surplus hardwoods less than 8 inches DBH will be cut in a manner to minimize damage to the selected leave trees. Only brush which competes with the selected leave trees will be cut.
- Pruning treatment will be done with hand tools only.
- The slash will be pulled back 10-20 feet from edges of all roads and trails in units and to the top of all cut banks, or a 10-20 feet uncut buffer will be left where specified to mitigate fire hazard and scenic value concerns . In some units, the slash will be pulled back 20 feet from the edge of the existing landings and to the top of the cut banks. Additionally, where cutting occurs in south or west facing units, above roads and trails an uncut buffer or pullback of slash will be a minimum of 20 feet.
- To reduce the risk of a fire start (especially on south and west aspects), during severe fire closure periods (Level 4), roads and trails through recently cut areas may need to be temporarily closed to vehicle traffic.
- For all units containing noble fir, the BLM will supply contractors a picture and description of the noble fir polypore (*Bridgeoporus nobilissimus*). If *Bridgeoporus nobilissimus* is located within a unit, all operations will be suspended on that unit. The Marys Peak Resource Area botanist shall be notified and additional mitigation measures incorporated for protection of the known site(s).
- Site management of any Bureau special status botanical, fungal, and animal species found as a result of additional inventories will be accomplished in accordance with, BLM Manual 6840, Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001).

- Appropriate measures will be developed to ensure protection of aquatic and riparian habitats during project design.
- A 20-foot untreated or modified treatment area will be maintained along all intermittent and perennial streams and wetland areas to prevent any potential adverse effects to stream channel or water quality conditions. This will also help protect disturbance to rural interface and the outstandingly remarkable values of eligible recreational wild and scenic rivers.
- Refuel power equipment, or use absorbent pads for immobile equipment, at least 100 feet distant from water body or as far as possible from water body where local site conditions do not allow a 100-foot setback.
- Hydrology, Wildlife and fisheries personnel or other qualified personnel shall review proposed activity plans to define affected areas.
- Wildlife corridors may be identified for additional cutting or clearing along heavily used big game trails.
- 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.
- To reduce potential for disturbance to spotted owls and marbled murrelets, project activities occurring between April 1 and September 15 shall not begin until two (2) hours after sunrise and shall end two (2) hours before sunset. In 2012, two project sites, Spider Salvage, and Tobe West will be scheduled to begin after August 5th.
- The Resource Area Biologist will be notified if any federally listed wildlife species are found occupying stands within 0.25 miles of the proposed units.
- These activities are covered under the Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington CY 2007-CY2012 (April 28, 2007). In order to comply with the programmatic, a project notification report must be sent to National Marine Fisheries Service (NMFS) 30 days prior to implementation for the project. In addition, a completion report must be sent to NMFS within 120 days of completion of each, or all of the treatment units.
- The project notification report must be sent 30 days prior to implementation and must

contain the following information:

- ✓ Location: 6th field HUC, 12 digit code, and name
 - ✓ Timing: Anticipated project start date
 - ✓ Activity Type: Identify all proposed activity types that apply
 - ✓ Project Description: Brief narrative of the project and objectives
 - ✓ Extent: Number of acres
 - ✓ Species Affected: ESA Fish and Wildlife species affected, Critical Habitat and/or Essential Fish Habitat affected by the project
- The project completion report must be sent to NMFS within 120 days of project completion and should contain the following information:
 - ✓ Timing: Actual project start and end dates
 - ✓ The extent of turbidity plume, if relevant/evident
 - ✓ Agency contact information: Agency and Project Lead Name
 - ✓ Post project Assessment: The results of the Agency's actions

D. Signature

Specialist Review and Concurrence:

Review Required	Review Not Required	Resource	Name	Initial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aquatic/Fisheries	Scott Snedaker	<i>SMS</i>
<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"/>	Fuels/Air Quality	Kent Mortenson	<i>KM</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"/>	NRSA	Scott Snedaker	<i>SMS</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recreation	Debra Drake	<i>DLD</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Team Lead	Arlene Roux	<i>AMR</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Silviculture	Hugh Snook	<i>HWS</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	Scott Hopkins	<i>SH</i>

Authorized Official: *Diane Morris*
 Diane Morris
 Marys Peak Resource Area Field Manager

Date: *2/2/2012*

Contact Person: For additional information concerning this CX review contact Arlene Roux, Forester, Salem District Office Bureau of Land Management, 1717 Fabry Rd. SE Salem, Oregon at (503) 315-5955.

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-S050-2012-0003-CX, I have determined that the proposed action, Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2012 Add Acres) involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the Marys Peak Resource Area 2010 to 2014 Young Stand Silvicultural Activities (2012 Add Acres), as described in the attached Categorical Exclusion Documentation DOI-BLM-OR-S050-2012-0003-CX.

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.

Implementation: Project implementation will begin March of 2012.

Contact Person: For additional information concerning this CX review, contact Arlene Roux, Forester, Salem District Office, 1717 Fabry Rd SE, at (503) 315-5955.

Authorized Official: Diane Morris
Diane Morris
Marys Peak Resource Area Field Manager

Date: 2/2/2012