

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-S050-2009-0005-CX Date: 02/10/2009

Proposed Action Title/Type: Botkin Road and Klickitat Tie Road Fish Log Salvage

Location of Proposed Action: Project is located in Township 13 South, Range 6 West, Section 7; Township 13 South, Range 7 West, Sections 13 and 23; Township 13 South, Range 7 West, Sections 7 and 17; and Township 13 South, Range 8 West, Section 12; in Benton County. Down trees are located along Roads 13-6-7.1, 13-7-15 (Botkin Road), 13-7-13.1, 13-7-23.2, and 13-7-10 (Klickitat Tie Road).

Land Use Allocation(s): Timber Management Areas, Deferred Timber Management Areas, Late-Successional Management Areas, and Riparian Management Areas.

Description of Proposed Action: For all project sites remove approximately 50 pieces of fallen timber across or adjacent to the existing road network. Maps 1 and 2 indicate known sites where logs are available for removal. For site 1, in addition to tree across the road, remove up to 7 fallen dead trees from adjacent stand. Logs would be transported to a staging area, either at North Fork Alsea Hatchery or Harlan, for eventual use in aquatic restoration projects.

Project Design Features:

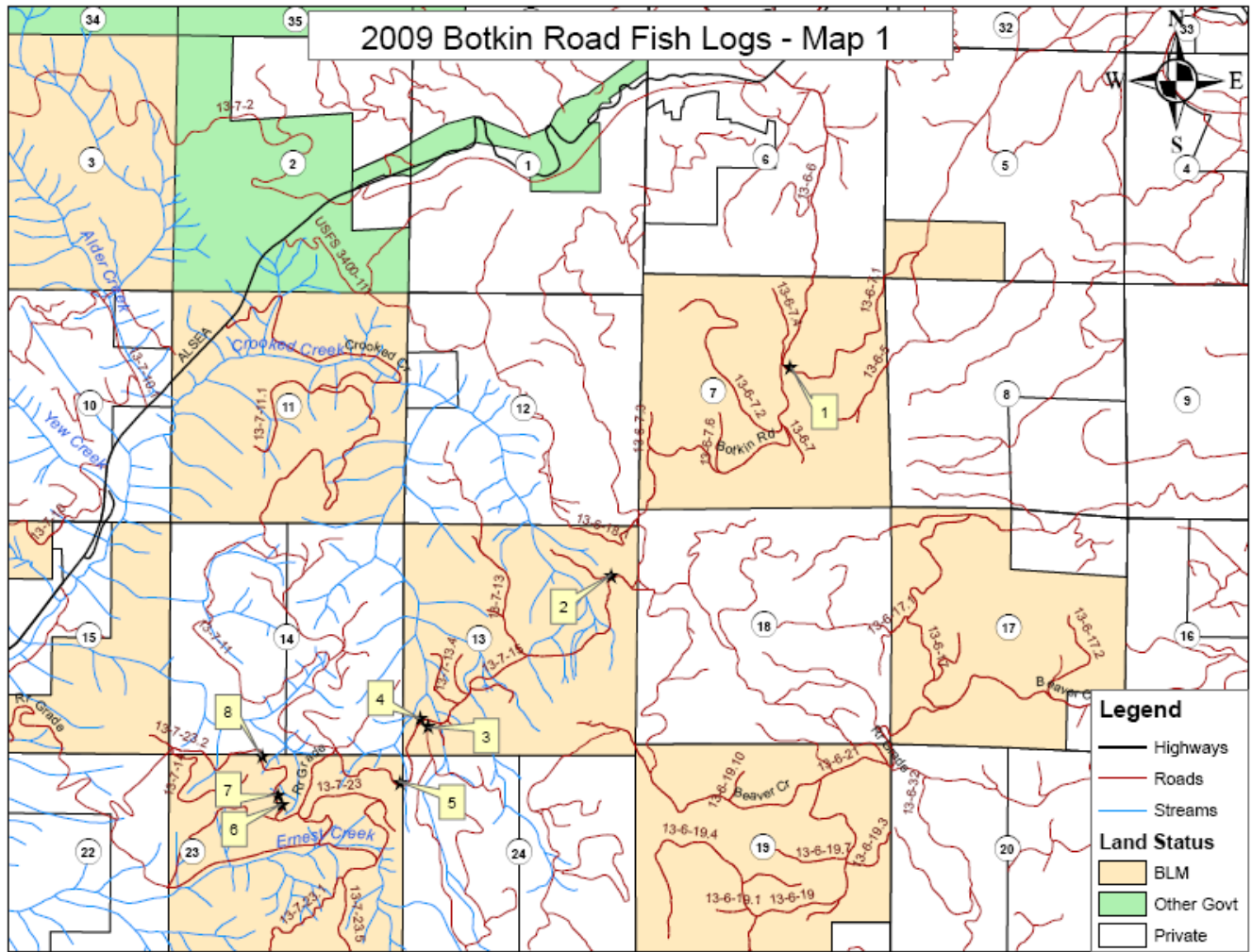
- No heavy equipment is allowed off the existing roads.
- Within 50 feet of streams no removal of down trees allowed from the fillslopes or cutslopes of the road; removal allowed within 50 feet of streams from the running surface of the road so long as removal actions do not disturb stream channels.
- Sow grass seed areas where mineral soil have been displaced. Sow with 100% Oregon Certified (blue tag) *Festuca rubra* (red fescue) at a rate equal to 40 pounds per acre. The Authorized Official will determine the need for sowing based on the amount of soil disturbed.

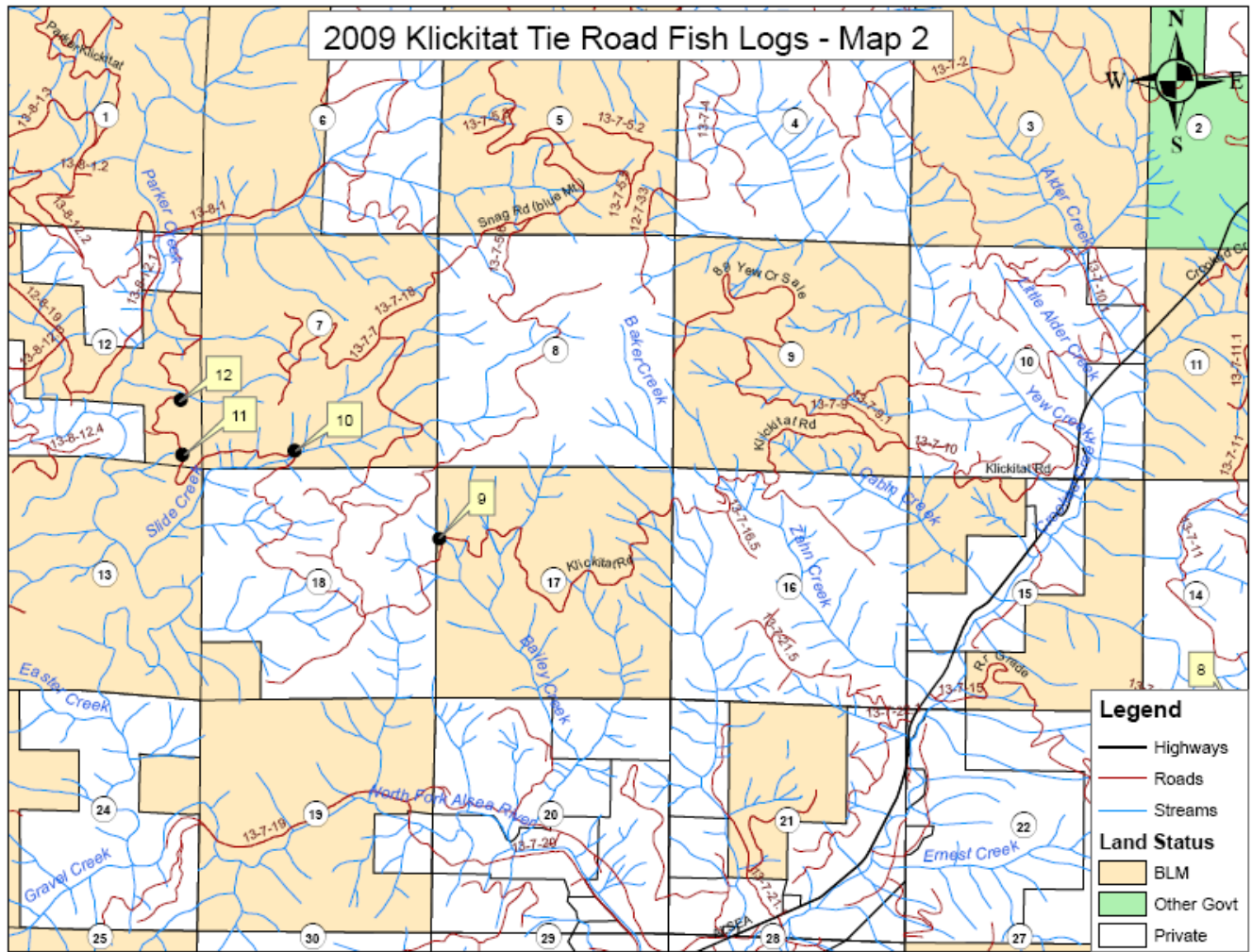
B. Land Use Plan Conformance:

Land Use Plan Name: Salem District Record of Decision and Resource Management Plan (RMP)

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): 2008 RMP pgs. 36, 39, and 40 provides Management Direction for the removal of trees as needed for road maintenance. In addition, the 2008 RMP pg. 39 provides Management Direction for the implementation of stream restoration projects.





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 removal requires no more than maintenance to existing roads.”

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? Rationale: Proposed log removal and transport to a staging area will have no impacts on public health or safety therefore would have no significant impacts on public health or 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? Rationale: No unique geographical characteristics are within the project area or affected by this project.</p>		No
<p>2.3/ Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]? Rationale: The effects of log removal and transport to a staging area are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.</p>		No
<p>2.4/ Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? Rationale: Proposed log removal and transport to a staging area 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>2.5/ Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? Rationale: Implementation of proposed log removal and transport to a staging area do 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>2.6/ Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? Rationale: There are no cumulative effects associated with log removal and transport to a staging area; therefore there are no significant cumulative effects as a result of these actions.</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? Rationale: No eligible or listed properties are affected. See 2.2 above.</p>		No
<p>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? Rationale: Fisheries: There is no ESA listed winter steelhead critical habitat present in the Marys River watershed associated with Botkin Road. Oregon Coast coho salmon</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
critical habitat is designated in Upper Alsea watershed. Due to limited hydrologic connectivity and the substantial distance downstream to occupied habitat no effects to listed coho are anticipated. Wildlife: Since only the lands within the existing road prisms will be effected there will be no 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		
2.9/ Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? Rationale: Proposed log removal and transport to a staging area follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.		No
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 new ground disturbance is anticipated. Past harvest within these areas have not resulted in tribal identification of concerns.		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: 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.

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	This action will have no effect on MSA species or EFH.
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 will be produced by the proposed action.
Special Status (except T/E) or other rare or uncommon species/habitat	Not Present	There are no known Special Status Species sites, and no habitat modification will 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	S. Snedaker	SMS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Botany	R. Exeter	RE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cultural Resources	D. Calver	DC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrology	S. Wegner	SW
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance	G. Humbard	GLH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NRSA	D. Morris	DM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recreation	T. Meredith	TMM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Team Lead	S. Snedaker	SMS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wildlife	S. Hopkins	SH

Authorized Official: Trish Wilson Date: 2-12-09
Name: Trish Wilson
Title: Marys Peak Resource Area Field Manager

Contact Person: For additional information concerning this CX review, contact Scott Snedaker, Fish Biologist, Salem BLM, 1717 Fabry Rd, Salem, Ore. 97306. (503)315-5928.

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-S050-2009-0005-CX, I have determined that the proposed action, proposed log removal and transport to a staging area involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to implement the proposed removal of fish logs and transport to a staging area for future instream restoration, as described in the attached Categorical Exclusion Documentation OR-S050-2009-0005-CX.

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 *Gazette Times* newspaper on **February 17, 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: This project will be implemented **March 2009**.

Contact Person: For additional information concerning this CX review, contact Scott Snedaker, Fish Biologist, Salem BLM, 1717 Fabry Rd, Salem, Ore. 97306. (503)315-5928.

Authorized Official: Trish Wilson
Trish Wilson
Marys Peak Resource Area Field Manager

Date: 2-12-09