

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

CATEGORICAL EXCLUSION REVIEW

OFFICE: Eugene District Bureau of Land Management

TRACKING NUMBER: DOI-BLM-ORWA-E050-2016-0001-CX

CASEFILE/PROJECT NUMBER: 2812/OR 68587

PROJECT NAME: O&C Logging Road Right-of-Way permit: McDougal Bros. E-1027

LOCATION/LLEGAL DESCRIPTION: NE¼NW¼ Sec. 20 and E½SW¼ Sec. 17, T. 20 S., R. 5 W., W.M.

APPLICANT (if any): McDougal Bros. Investments

A. Description of Proposed Action and any applicable mitigation measures

The proposed action is issuing an O&C Logging Road Right-of-Way permit to McDougal Bros. Investments for a term of 2 years pursuant to the authority of Title V of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1761), subject to the terms and conditions in 43 CFR 2812 and those additional stipulations in the attached draft permit. The permit would authorize the hauling of approximately 1300 MBF of timber over 0.74 miles of BLM-controlled Road No. 20-5-20.1. BLM's control of the aforementioned road is governed by exclusive easements. No road improvement or new construction is involved. This road has been untouched for approximately 20 years and left in storage post-logging in the 90's. Road maintenance will be performed by the permittee, and will include brushing, blading the road surface, and removal of waterbars. Haul over winter months will also require the road surface to be bladed and shaped to provide drainage, ditches to be pulled/re-established, lift of rock (4" minimum) to be added, and cross drains to be installed using BLM's BMPs. See mitigation measures a-f for full list of requirements.

B. Land Use Plan (LUP) Conformance

LUP Name: Eugene District Record of Decision and Resource Management Plan (RMP), as amended. Date Approved: June 1995.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

"Administrative actions are the day-to-day transactions required to serve the public and to provide optimum use of resources. These actions are in conformance with the plan. They include, but are not limited to... lands and realty actions, including issuance of grants, leases, and permits and resolution of trespass."

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 E (16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

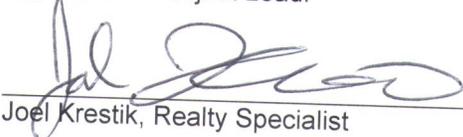
This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in

516 DM 2 apply.

I considered mitigation measures needed to qualify as CE:

D. Signature

Signature of Project Lead:



Joel Krestik, Realty Specialist

Date: 1/21/2016

Signature of NEPA Coordinator:



Sharmila Premdas, NEPA Planner, Siuslaw
Resource Area

Date: 1/23/16

Signature of the Responsible Official:



Michael J. Korn, Field Office Manager, Siuslaw
Resource Area

Date: 2/01/2016

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Joel Krestik, Realty Specialist, (541) 683-6403

EXTRAORDINARY CIRCUMSTANCES CHECKLIST
 DOI-BLM-ORWA-E050-2016-0001-CX
 O. & C. Logging Road Right-Of-Way Permit; McDougal E-1027

Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
<p>1. Have significant impacts on public health or safety. <u>Rationale:</u> The proposed activity includes the use of 0.74 miles of existing BLM road system; With proposed mitigation requirements, there is no expected cause for any drainage problems that would lead to soil instability, increased turbidity in surface water, or other effects to human health of safety in the local area. See mitigation measures a-d.</p>		X
<p>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. <u>Rationale:</u> The proposed action would not have significant impacts on natural resources or unique geographic areas described above. No significant impacts to Survey and Manage species because the Right-of-Way would not impact late successional forest habitats these species require for persistence.</p>		X
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p>		X
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or unique or unknown risks. Mitigation measures will be used to minimize risks, see mitigation measures a-f.</p>		X
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it would not establish a precedent or decision for future actions with potentially significant environmental effects.</p>		X
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> Based upon review of the project, the current conditions on the ground, and proposed mitigation requirements, there is no significant cumulative effect from allowing the haul of approximately 1300 MBF on these well drained aggregate/natural surfaced roads. Therefore the Eugene District did not find any resource issues of concern that would be affected by this action. See mitigation measures a-d.</p>		X
<p>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. <u>Rationale:</u> There are no eligible or listed properties within the proposed treatment areas.</p>		X

Extraordinary Circumstances	YES	NO
<p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>Rationale:</u> With appropriate design features, there would be no significant adverse direct effects to listed or proposed species or their critical habitats. Road work and harvest operations during the Marbled Murrelets breeding season may disrupt adjacent suitable habitat, therefore mitigation measures will be provided with permit to avoid adverse impacts to murrelets. See mitigation measures e-f.</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p>		X
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> There would be no adverse effect on low income minority populations. The project will create jobs.</p>		X
<p>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). <u>Rationale:</u> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites.</p>		X
<p>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). <u>Rationale:</u> 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 for the proposed action 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>		X

Mitigation Measures:

- a. The Permittee shall, to the satisfaction of the Authorized Officer, clean up landings and areas on BLM land where equipment has been operated or repaired and shall remove, or otherwise dispose of in a legal manner, all garbage, temporary buildings, trash, litter or other refuse resulting from the Permittee's operations including fuel containers, oil cans, and discarded equipment or parts thereof.
- b. Heavy brushing of the roadway will be required to be completed by permittee, and the road surface will need to be bladed to remove grass and other organics, as well as remove large waterbars. Avoid blading, shaping road surfaces, and machine cleaning of ditches when ditch lines are flowing. Waterbars are to be replaced during the dry season after road use is completed. Avoid undercutting of cut-slopes when cleaning ditch lines. Roll the grade in erodible and unstable soils to reduce surface water volume and velocities. Divert road runoff water away from headwalls, unstable areas, or stream channels.
- c. Haul over winter months will also require the road surface to be bladed and shaped to provide drainage, ditches to be pulled/re-established, lift of rock (4" minimum) to be added, and cross drains to be installed using BLM's Best Management Practices. Specifications and intervals of cross drains will be provided by the BLM, and approval by a BLM Authorizing Officer will be required prior to haul.
- d. Road work must be designed to meet all BLM BMPs for road improvement/renovation standards and also BMPs for summer and winter hauling. Road culverts should be sized to pass 100-year events and follow BLM BMPs for spacing. Haul should be limited during times of heavy precipitation, following BLM BMPs. Proposed culvert installation sites and proposed culverts sizes should be approved by BLM staff. As designated by BLM staff, additional sediment abatement measures may be necessary to prevent delivery of fine sediment, including but not limited to mulch, silt fencing, or check dams. Road surfacing rock should be added to any sections where winter haul will occur. Hauling should cease if road becomes rutted or producing excessive native sediment, until additional rock can be added or conditions dry out.
- e. Timber harvest, as well as use of power tools and heavy equipment shall not be permitted within 110 yards of suitable marbled murrelet habitat from April 1st through August 15th. Additionally, time of day restrictions will be required from August 6th through September 15th, when timber harvest, as well as power tools and heavy equipment use are only allowed between 2 hours after sunrise and 2 hours before sunset. These areas have been delineated on the attached Exhibit A.
- f. Murrelet nesting structure on BLM ownership may be used for guylines or tailholds only if other options are not available, and requires prior approval by the BLM. All attempts shall be made to minimize tree damage when using a murrelet nest structure tree. In limited circumstances murrelet nest structure trees may be felled for operational purposes when approved by the BLM. Any nest structure tree approved for felling will be left on site as dead wood. Any damage to murrelet nest structure trees will be reported to the Authorized Official. To minimize the risk of attracting predators to activity areas, all garbage (especially food products) would be contained or removed daily from the vicinity of any activity.

1791A
CX-16-0001
McDougal Bros.
E-1027

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DECISION RECORD
DOI-BLM-ORWA-E050-2016-0001-CX
McDougal Bros. Permit E-1027

Decision

It is my decision to implement this action as described in the categorical exclusion documentation DOI-BLM-ORWA-E050-2016-0001-CX.

Decision Rationale

The proposed action has been reviewed by BLM staff. The Proposed Action is in conformance with the 1995 Eugene District Record of Decision and Resource Management Plan (as amended). Based on the Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office within 30 days of this decision for transmittal to the Board. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed. A copy of a notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

Signature of the Responsible Official:



Michael J. Korn
Siuslaw Field Manager
Eugene District Office



Date: