



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Coos Bay District Office

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5400/1792 (ORC040)

Sudden Oak Death Treatments

DOI-BLM-ORWA-C040-2016-0010-CX

DECISION RATIONALE For Sudden Oak Death Treatments

Decision

The Myrtlewood Field Office, Coos Bay District Bureau of Land Management, is choosing to implement Sudden Oak Death (SOD) Treatments as described in DOI-BLM-ORWA-C040-2016-0010-CX.

Decision Rationale

The BLM signed a Record of Decision approving the Northwestern and Coastal Oregon Resource Management Plan (2016 ROD/RMP) on August 5, 2016. The Coos Bay District initiated and designed this project to conform to the Northwestern and Coastal Oregon Resource Management Plan 2016 ROD/RMP.

The proposed action has been reviewed by BLM resource specialists and appropriate project Design Features as specified will be incorporated into the proposal. Based on the NEPA 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

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations under 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Kathy Westenskow, within 15 days of the publication date of the notice of decision/timber sale advertisement in The World newspaper, Coos Bay, Oregon.

43 CFR 5003.3(b) states: "Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay district office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR 5003.3(c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations under 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay district office will issue a protest decision.

For further information contact Racheal Jones at 1300 Airport Lane, North Bend, OR 97459; by phone at (541) 756-0100; or by email at blm_or_cb_mail@blm.gov, Attn: Racheal Jones.

Decision Approved by:

/s/ Kathy Westenskow

October 20, 2016

Kathy Westenskow
Myrtlewood Field Office Manager

Date

**United States Department of Interior
Bureau of Land Management
Coos Bay District**

Categorical Exclusion Review (CX)

DOI-BLM-ORWA-C040-2016-0010-CX

17 October 2016

A. Background

Project: Sudden Oak Death (SOD) Treatments

Location: Various locations throughout Curry County, Oregon on BLM-administered land (Map 1).

Project Description:

The Bureau of Land Management (BLM) proposes to cut, pile, and burn infected and host plants (pathogen carriers not affected) to prevent the spread of the Sudden Oak Death pathogen *Phytophthora ramorum* within Curry County, Oregon. The BLM could conduct treatments on up to 250 acres on BLM-administered land within the Quarantine Area (Map 1). Treatment efforts would be primarily focused on eradication zones, as identified by forest pathologists. Eradication zones are areas identified as infected and are located between the Generally Infested Area (GIA) and the boundary of the Quarantine Area. Treatment in eradication zones would include cutting and burning vegetation that is generally located within 300 feet from the nearest infected plant, but could increase to larger distances based upon direction from forest pathologists as they continue to learn about the disease. The BLM would only conduct treatments on BLM-administered lands.

Initial treatment would target host species, regardless of size. Presently, the primary target host species would be tanoak, evergreen huckleberry, and rhododendron. Additional species, and conifers up to 16 inches, could be cut when required for safe felling or burning activities. All cut materials would be left on site and hand piled, with follow-up pile burning or cut and broadcast burned after curing. Piled material would include foliage, branches, limbs, and stems up to an 8 inches diameter. Contractors would hand-pile cut materials at least 15 feet from large conifer logs, stumps, and snags when possible. Hand piles would be constructed in a manner so that the pile does not straddle stream channels. In areas where a closed canopy of conifer overtops tanoak or brush, or tanoak and brush occur in young conifer plantations, contractors would cut and leave tanoak, rhododendron, and evergreen huckleberry.

The objective of burning would be to achieve complete consumption of all foliage and material under 4 inches in diameter within the eradication zone. Tanoak stems that are between 4 and 8 inches in diameter would require charring of at least ¼ inch of the stem on all surfaces when burning. All vegetation identified as carrying the pathogen would be burned in its entirety. Fire trails would be constructed as needed for burning. The BLM may also install four-foot wide access trails to facilitate repeated entries into SOD treatment sites.

Follow-up treatments could entail cutting, piling, and burning re-sprouts or application of herbicides on re-sprouts in successive years until the forest pathologists identify the site as disease free. The planting of conifer seedlings would be done in areas the BLM determines to be un-stocked.

B. Land Use Plan Conformance Review: The BLM signed a Record of Decision approving the Northwestern and Coastal Oregon Resource Management Plan (2016 ROD/RMP) on August 5, 2016. The Coos Bay District, Myrtlewood Field Office initiated and designed this project to conform to the 2016 ROD/RMP. The analysis supporting this ROD tiers to the 2016 Proposed Resource Management Plan/Final Environmental Impact Statement.

The proposed action is in conformance with the applicable RMP because it is specifically provided for in the following RMP decision(s):

- Treat invasive plants and host species for invasive forest pathogens in accordance with the Records of Decision (RODs) for the Northwest Area Noxious Weed Control Program Environmental Impact Statement and the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in Oregon Environmental Impact Statement (p. 80).
- Apply state-of-the art, integrated pest management prescriptions for the treatment of all identified sudden oak death (*Phytophthora ramorum*) infection sites (p. 80).
- Implement sudden oak death (SOD) eradication activities [in Riparian Reserve] that do not exceed (at the HUC 10 watershed scale)—
 - The removal of > 30 percent canopy cover over a contiguous 0.5 mile stream length or removal of > 50 percent canopy cover over a contiguous 0.25 mile stream length for small perennial streams (active channel width < 27 feet) where a 4,600-foot separation of non-treatment between sequential contiguous treatments would be maintained;
 - The removal of > 50 percent canopy cover over a contiguous 0.5 mile stream length for medium-large perennial streams (active channel width > 27 feet) where a 4,600-foot separation of non-treatment between sequential contiguous treatments would be maintained; and
 - A limit of 3 miles of treatment for any 5-year period and 3 percent of the total Federal perennial stream miles.
 - Implement SOD eradication activities that exceed these limitations only consistent with existing ESA consultation documents that address SOD eradication activities in the decision area (p. 69).

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Department of Interior Manual 516 DM 11.9 (C)(9):

Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities: (a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and (b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing. (c) May include temporary roads which are defined as roads authorized by contract,

permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and (d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to: (a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and (b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian long horned beetle, or sudden oak death pathogen.

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 43 CFR 46.215 apply. A summary of the extraordinary circumstances follows. The action must have a significant or a disproportional adverse effect on the listed categories to warrant further analysis and environmental review.

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
(a) Have significant impacts on public health or safety.		X
Rationale: There are no significant impacts to health and safety. The BLM has conducted SOD treatments for over 10 years without a history of impacts to public health or safety. OSHA has specific requirements for the operation of chainsaws. All fuel for equipment is kept in proper storage containers.		
(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 principle drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (EO 11988), national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: There are no unique geographic characteristics, park or refuge lands, wilderness or wild and scenic rivers, national landmarks, principle drinking water aquifers, prime farmlands or wetlands, or national monuments. SOD treatments would have no significant effect to the migratory bird population migrating through southwest Oregon. The North Fork Chetco River ACEC is located within the quarantine area; however, conducting SOD treatments would not significantly affect the values for which the ACEC was designated.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102 (2)(E)]		X
Rationale: The treatments to prevent the spread of the pathogen that results in Sudden Oak Death are supported by public and private entities. Site-specific design features are included to protect specific resources as needed.		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks		X
Rationale: There are no unknown risks with conducting SOD treatments. There would be potentially significant effects by <i>not</i> conducting SOD treatments and not controlling the spread of the pathogen.		
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Conducting SOD treatments has been an ongoing practice since the infection spread into the State of Oregon. This action does not establish a precedent.		

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: Conducting SOD treatments do not have any cumulatively significant effects as the treatment for SOD has been categorically excluded from further NEPA analysis by the Bureau of Land Management and the U.S. Forest Service.		
(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.		X
Rationale: The proposed activities would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural, or historical resources.		
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Threatened or Endangered Species, or have significant impacts on designated Critical Habitat for these species.		X
Rationale: No. SOD treatments are covered for Endangered Species Act consultation for listed wildlife species and their critical habitat by the Biological Opinion for SOD eradication activities scheduled to occur on federal lands administered by the Rogue River-Siskiyou National Forest (Forest) and the Coos Bay District Bureau of Land Management (District), as amended (FWS Reference Number 13420-2009-F-0022-R001), October 4, 2012. The Coos Bay District annually reports to the USFWS all acres treated for SOD. The SOD treatments are covered for Endangered Species Act consultation for listed fish species and their critical habitat by the Reinitiation of Aquatic Restoration Activities in States of Oregon and Washington (ARBO II) National Marine Fisheries Service Consultation Number: NWR-2013-9664. The Biological Opinion also covers essential fish habitat for Coho and Chinook as designated by the Magnuson-Stevens Fishery Conservation and Management Act. The Coos Bay District annually reports to the National Marine Fisheries Service all acres treated for SOD.		
(i) Violate a Federal, State, Local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: Conducting SOD treatments apply with the State of Oregon regulations to prevent the spread of the pathogen. The proposed action would not violate federal, state or local laws imposed for the protection of the environment. These include the Endangered Species Act and the Clean Water Act.		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Most of the current treatment areas are not accessible to the public as many roads are closed by locked gates. There would be no impact to low income or minority populations.		
(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).		X
Rationale: This project would not limit access nor impact the physical integrity of any sacred sites used by Indian religious practitioners.		
(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).		X
Rationale: No. All applicable weed prevention measures would be followed.		

Extraordinary
Circumstances

<u>Source</u>	<u>Reviewer Name</u>	<u>Initials</u>	<u>Date</u>
(a) Health & Safety/ Hazardous Materials	Reviewed By: Hazardous Materials Coordinator Julia Jackson	<u>/s/ Julia Jackson 10/17/2016</u>	
(b) Unique Resources	Reviewed By: Port-Orford Cedar Coordinator NEPA Coordinator Jim Kirkpatrick Racheal Jones	<u>/s/ Jim Kirkpatrick 10/19/2016</u> <u>/s/ Racheal Jones 10/17/2016</u>	
(c) Controversial Effects	Reviewed By: NEPA Coordinator Racheal Jones	<u>/s/ Racheal Jones 10/17/2016</u>	
(d) Risks	Reviewed By: NEPA Coordinator Racheal Jones	<u>/s/ Racheal Jones 10/17/2016</u>	
(e) Precedent	Reviewed By: NEPA Coordinator Racheal Jones	<u>/s/ Racheal Jones 10/17/2016</u>	
(f) Cumulative	Reviewed By: NEPA Coordinator Racheal Jones	<u>/s/ Racheal Jones 10/17/2016</u>	
(g) Cultural & Historic	Reviewed By: Archaeologist Cheryl Foster- Curly	<u>/s/ Cheryl Foster-Curley 10/19/2016</u>	
(h) T & E Species	Reviewed By: Wildlife Biologist Joyce Sisson Fish Biologist Jeff Jackson Botanist Tim Rodenkirk	<u>/s/ Joyce Sisson 10/17/2016</u> <u>/s/ Jeff Jackson 10/17/2016</u> <u>/s/ Tim Rodenkirk 10/20/2016</u>	
(i) Violate Laws	Reviewed By: NEPA Coordinator Racheal Jones Reviewed By: Hydrologist Teague Mercer Reviewed By: Environmental Justice Coordinator	<u>/s/ Racheal Jones 10/17/2016</u> <u>/s/ Teague Mercer</u>	
(j) Environmental Justice	Racheal Jones	<u>/s/ Racheal Jones 10/17/2016</u>	
(k) Native American Concerns	Reviewed By: District Native American Coordinator Cheryl Foster- Curly	<u>/s/ Cheryl Foster-Curley 10/19/2016</u>	
(l) Noxious Weeds	Reviewed By: Noxious Weed Coordinator Jim Kirkpatrick	<u>/s/ Jim Kirkpatrick 10/19/2016</u>	

D. Signature

Authorizing Official:

/s/ Kathy Westenskow

Kathy Westenskow, Myrtlewood Field Office Manager

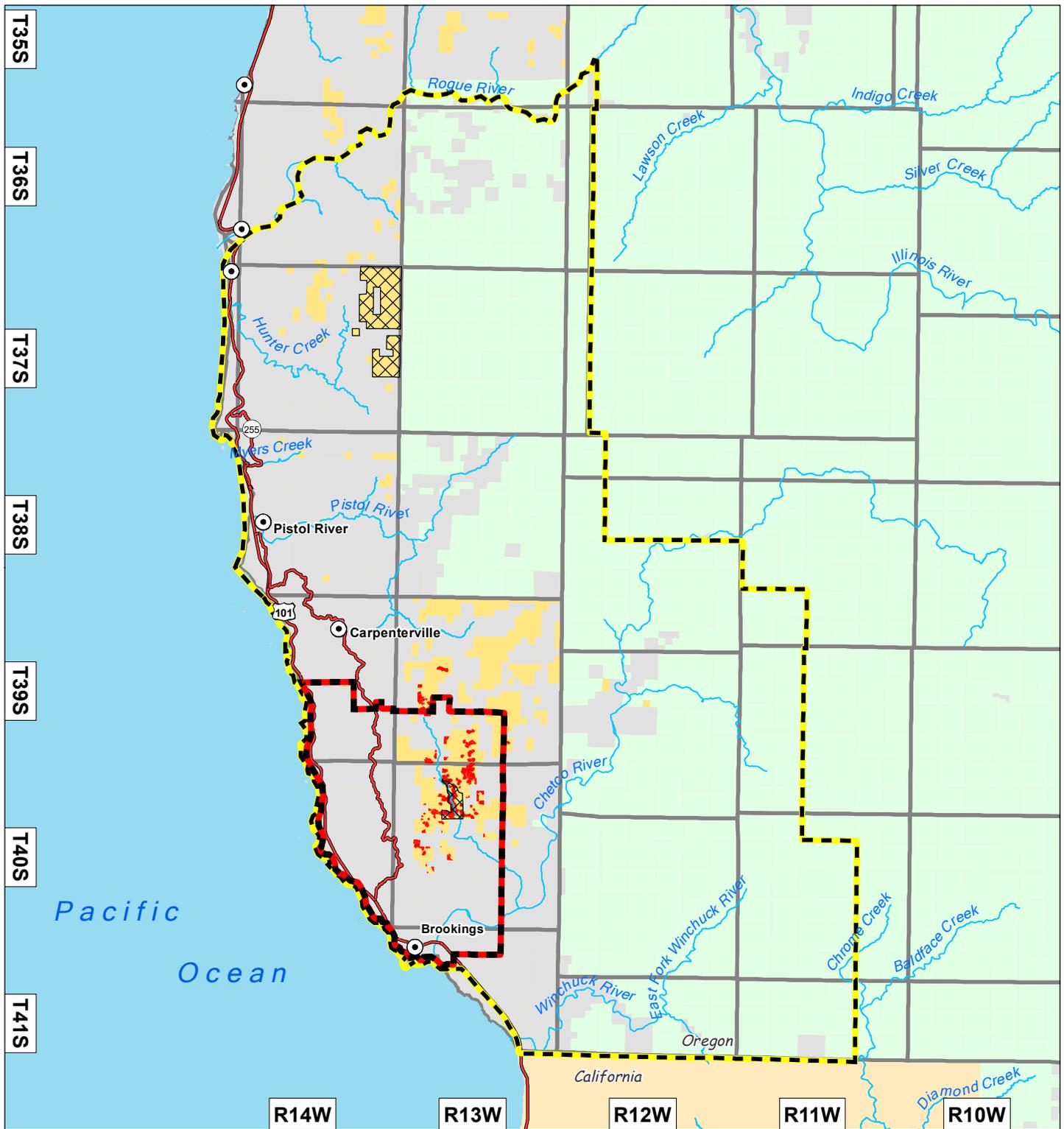
October 20, 2016

Date

E. Contact Person

For additional information concerning this CX review, contact Racheal Jones by phone at 541-756-0100 or by email at blm_or_cb_mail@blm.gov.

Map 1 - Quarantine Area and Known SOD Locations on BLM-Administered Lands



Map Features

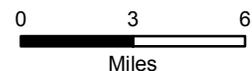
-  Generally Infested Area
-  2015 SOD Quarantine Area
-  Highway
-  Major Streams
-  Known BLM SOD Locations
-  ACEC
-  BLM - Administered Land
-  U.S. Forest Service
-  Private / Other Ownership



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