Decision Memorandum on Action and for Application of: Categorical Exclusion 516 DM2, Appendix 1, 1.12 – Hazardous Fuel Reduction (PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION) Bureau of Land Management (BLM)

Project Name: Campbell Reservoir Fuels Treatment	CX Log #: <u>OR-014-CX-05-05</u>
Project Location: T.36S R15E Sec. 28 NW,	
BLM Office: Lakeview District, Klamath Falls Resource Area	County: Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (Including Purpose and Need)

This project includes mechanical shearing piling and burning of Western Juniper on approximately 194 acres. The Deming Creek diversion channel lies on the east side of the unit. No mechanical treatment will occur within a 50 foot riparian buffer (each side) for this channel. Treatment within the buffer will include hand cutting and laying of Western juniper at a later date.

The purposes of the proposed action are to reduce areas of hazardous fuels, and restore plant communities to meet the need to reduce the risk of wildfire and enhance the riparian conditions. All juniper greater than 24" DBH and those possessing characteristics described in Appendix A will be reserved.

The unit meets many of the KFRA juniper utilization criteria so the larger severed tree boles will be made available for commercial or personal use (logs, chips, firewood). Although this document authorizes utilization of the cut material a decision as to whether or not the material will actually be utilized or burned on site will be based on market demand, accessibility, timing and other factors. These factors can change quite rapidly prior to and during an operation to influence such a decision.

The specific objectives are to:

- Reduce major losses of sustainable ecosystem resources from catastrophic wildfire, which results from heavy fuel loadings and vegetation changes in the ecosystem.
- Shear and utilize Western Juniper where appropriate.
- Burn remaining Western Juniper but avoid placing shear piles close to Ponderosa pine trees to alleviate torching potential.
- Provide treatments that enhance hydrologic characteristics including hand cutting some Western Juniper but not utilizing or burning. These trees will be left as ground cover near the Deming Creek diversion channel.
- Avoid cultural sites within the project area.
- Avoid disturbance to the two Special Status plant sites near the proposed unit.

IMPLEMENTATION DATE

This project is expected to be implemented within the next 1 to 3 years.

PLAN CONFORMANCE

The proposed project has been reviewed and found to be in conformance with one or more of the

following BLM plans, programmatic environmental analyses or policies:

- Klamath Falls Resource Area Record of Decision and Resource Management Plan (1995), as amended (1999).
- Klamath Falls Resource Area Fire Management EA (OR-014-94-09; 1994)
- Integrated Weed Control Plan (IWCP) and Environmental Assessment (EA) OR-014-93-09
- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Integrated Weed Control Plan (IWCP) 1993
- Lakeview District Fire Management Plan Phase 1 (1998)
- Wildland and Prescribed Fire Management Policy (1998)
- National Fire Plan (A Collaborative approach for reducing wildland fire risks to communities and the environment 10-year comprehensive strategy implementation plan) (2001)

LIMITATIONS

There are a number of limitations on the use of this hazardous fuels reduction CX. The project:

- Shall not exceed 1,000 acres for mechanical methods (crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing) and shall not exceed 4,500 acres for prescribed fire,
- Shall be conducted in wildland-urban interface or in Condition Classes 2 or 3 in Fire Regime Groups I, II, or III outside the wildland-urban interface.
- Shall be identified through a collaborative framework as described in A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan,
- Shall be conducted in accordance with BLM and DOI procedures and applicable land/resource management plans (refer to Plan Conformance section above),
- Shall not be conducted in wilderness areas or where it would impair the suitability of WSA's for preservation as wilderness,
- Shall not include the use of herbicides or pesticides,
- Shall not involve the construction of new permanent roads or other new permanent infrastructure,
- May include the sale of vegetative materials if the primary purpose is hazardous fuels reduction.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM2, Appendix 1, 1.12 (Mechanical Treatment/Prescribed Fire) if it does not meet any of the following Exceptions (listed in 516 DM 2, Appendix 2; IM No. OR-2002-130).

Will the proposed action meet the following Exceptions?

Exception	Yes No
1. Have significant adverse effects on public health or safety?	()(X)
2. Have adverse effects on such unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks. This also includes significant caves, ACECs, National Monuments, WSAs, RNAs.	()(X)
3. Have highly controversial environmental effects (40 CFR 1508.14)?	()(X)

4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?	()(X)
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	()(X)
6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects? This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).	()(X)
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? This includes Native American religious or cultural sites, archaeological sites, or historic properties.	()(X)
8. Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species? This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a "no effect" determination or 2) a "may effect, not likely to adversely effect" determination.	()(X)
9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only)?	()(X)
10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements?	()(X)
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan?	()(X)
12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice)?	()(X)
13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites)?	()(X)
14. Have significant adverse effect on Indian Trust Resources?	()(X)
 15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species)? 	()(X)
16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects)?	()(X)

<u>The proposed action would not create unacceptable adverse environmental effects or meet any of the</u> <u>above exceptions.</u>

DOCUMENTATION OF RECOMMENDED MITIGATION

Note: although none of the conditions for the above exceptions are met, some resources discussed are potentially affected. Mitigation measures and Project Design Features below are applied to prevent the adverse conditions discussed in the exceptions:

Exception <u>No.</u>	Can Be Mitigated	Cannot Be <u>Mitigated</u>	Mitigation Measures and/or <u>Project Design Features</u>
7	YES		Cultural sites will be clearly flagged and avoided.
8	YES		The Criteria and project design features (PDF's) as described in the fuels programmatic consultation (1- 10-02-1-98) will be followed for all federally threatened and endangered species (Bald Eagle) within the project area, if found. Project design features to avoid impact to special status plant species (MIEV, SINUI) will be followed (refer to Special Status Plant and Weed map). See Appendix B for Project Design Features from consultation.
15	YES		See Appendix C for weed mitigation measures.

Additional soils quality mitigation:

Refer to Appendix D for PDFs and BMPs to be implemented to maintain soil quality.

Additional water and fish mitigation:

Refer to Appendix E for PDFs and BMPs to be implemented to protect and enhance water quality and fish.

SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys:	1) are completed	2) will be completed	3) are not needed
Special Status Species Plants Special Status Species Anima Cultural Resources Other Surveys	TC 7/14/2005	· · · · · · · · · · · · · · · · · · ·	
Consultation:	1) is completed	2) will be completed	3) is not needed
SS Animal Consultation Botanical Consultation Cultural Consultation (SS = Special Status)	Sml 7/15/05 TL 7/14/2005		JW 714/05

PERSONS AND AGENCIES CONSULTED

US Fish and Wildlife Service concurrence letter (Section 7 consultation) Klamath Tribes Consulted Via Tim Canaday (541-883-6916) Oregon Department of Forestry Danny Benson (541-882-5681)

SUMMARY OF FINDINGS and CX DETERMINATION

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not meet any Exception. The application of this categorical exclusion is appropriate, as there are no extra ordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

Prepared By: Marc LeQuieu, Heather Shaffer, Don Hoffheins

Reviewed By: Klamath Falls Interdisciplinary Team

Title: Resource Area Manager Jon Raby Date: Approved By: Name: (Signature) 7/14/05 Sting Manager

ADMINISTRATIVE REVIEW OPPORTUNITY

Appeal

Any party that is adversely affected and determined to be a party to the case, may appeal the implementation of the proposed action to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in this office at the address below within 30 days of receipt of this decision. The appellant has the burden of showing that the action is in error.

Address for filing an Appeal: Appeals Coordinator, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, OR 97603.

An appellant may also file a petition for a stay (suspension) of this action during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. The petition for a stay must accompany the 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 be submitted to each party named in this decision, to the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. The appellant has the burden of proof of demonstrating 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 decision pending appeal shall show sufficient justification based on the following standards:

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

CONTACT PERSON

For additional information concerning this project, contact:

Joe Foran, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603 or telephone: 541-883-6916.

Appendix A – Characteristics of Old Juniper

Juniper that originated in the "presettlement" period, before 1870, is desirable for its wildlife and cultural values. It is assumed that these trees are growing on sites that they are adapted to, since they began growing there under "natural conditions" when natural processes (including lightning fires) determined vegetation patterns. Older junipers are usually found in rocky areas where vegetation is sparse and natural fire frequency is low. Some typical characteristics of older juniper are:

- Crown is flat, rounded, broad at top, or irregular (as opposed to the more pointed tops of younger trees)
- Spike top
- Numerous dead branches
- Branches covered with a coarse, bright yellow-green lichen (Letharia, or wolf lichen)
- Large diameter lower branches
- Large diameter trunk relative to height
- Trunk has spirally-twisted bark, deep furrows
- Hollow trunk

It is rare for an older juniper to have all of the above features, but more commonly will have at least three or four. Also, older juniper are not always the largest trees; on drier, rocky sites, they can be short, stubby, gnarly trees.

Appendix B - Project Design Features (PDF's) for Special Status Species

General Design Features:

- A wildlife biologist will approve the annual fuels reduction plan and fuels personnel will be informed about T&E concerns.
- For each selected fuels reduction unit, the wildlife biologist will provide input to the appropriate treatment and provide any T&E concerns associated with that unit.
- For each selected prescribed burn unit, a plan will be completed that details the preferred weather conditions, the range of conditions that will allow burning and the methods of control needed. Emergency and escaped fire conditions and control methods are also discussed.
- An annual monitoring report will be generated to inform USFWS of the proposed fuel treatment projects for the upcoming FY and completed projects from the previous year.

Steps that will trigger re-initiation or further discussions with USFWS:

- If an eagle nest is occupied, then spring burning will not be allowed until site-specific discussions/consultations are completed with FWS.
- If a spotted owl is nesting in an area, then spring burning will not be allowed until site- specific discussions/consultations are completed with FWS on this matter.
- Construction of fire lines directly adjacent to or crossing a stream occupied by fish, especially suckers.
- Emergency situations that go outside planned operations (e.g. escaped fire in eagle or owl areas, retardant spill near riparian zones, newly discovered nest sites near or in burn units).
- If the level or rate of habitat modification or disturbance exceeds any of the levels described in the BA and associated BO.
- Projects that do not meet the criteria discussed in the BA or are beyond the scope of the PDF's.

Roads and temporary fire trail access in riparian reserves:

- No new roads will be constructed within the RR unless they replace an existing road that is causing more resource damage. If possible use new technology construction methods for building temporary roads into treatment units (including but not limited to wood chip constructed roads)
- Use of existing roads and landings within the RR will be reviewed and approved by the resource advisor.
- Minimal or no grading of the existing roads will be done to maintain the existing ground cover and vegetation and to decrease sediment movement.

Appendix C - Weed Mitigation Measures

All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

Noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities.

All equipment and vehicles operating off main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

Appendix D – Soils Quality PDFs and BMPs

Soil Quality PDFs and BMPs (BMPs are from KFRA RMP Page D-11)

- Limit detrimental soil conditions to less than 20 percent of the total acreage within the activity area. Use current soil quality indicators to monitor soil impacts. Sites where the 20 percent standard is exceeded will require treatment, such as ripping, backblading or seeding.
- Retain and establish adequate vegetative cover in accordance with RMP BMP's to reduce erosion.
- Retain enough small woody (dead and down) material to sustain soil nutrients. See RMP BMP's for specifications. In ponderosa pine forest land, nine tons per acre of duff and litter (approximately ½ inch deep).
- Seed and/or mulch exposed and disturbed soil surfaces with native seed when seed is available.
- Recommend placement of residual slash on trail upon completion of mechanical treatments.
- Limit mechanical operations to soil moistures below 20 percent at a six inch depth. Even lower soil moisture levels are preferable on fragile soils.
- Cable yarding and restricted use of mechanized equipment is required on slopes that are greater than 35 percent.
- Construct fireline by hand on slopes greater than 35 percent.
- Hand pile and burn within 100 feet of Riparian Reserves.

Appendix E - Water and Fish Mitigation

For units adjacent to or containing riparian areas or fish habitats:

Objectives of fuels treatments within riparian reserves (RRs) are: protection of vegetation and soils from catastrophic fire, (including overhead canopy for stream shading); restoration of riparian areas to the potential natural community for the site; increased productive vigor vegetation within the riparian areas; and retention and protection of coarse woody debris (CWD) and overhead cover for stream function and aquatic habitats.

"Riparian Reserves are lands along streams and unstable and potentially unstable areas where special standards and guidelines direct land use" (Klamath Falls Resource Area Resource Management Plan).

Table 0-2. Ripartan res	er ve types and widths KF KA
Riparian Reserve Type	Reserve Width (for each side of streams/wetlands)
Fish-bearing streams	At a minimum, the reserve width will include:
	• Slope distance equal to the height of two site potential trees (240 feet); or,
	• The stream channel and the area extending to the top of the inner gorge;
	or,
	• The area extending to the outer edges of riparian vegetation; or,
	• The 100-year floodplain; or,
	• The extent of unstable or potentially unstable areas, whichever is greatest.
Perennial non-fish-	At a minimum, the reserve width will include:
bearing streams and	• Slope distance equal to the height of one site potential tree (120 feet); or,
Intermittent (seasonal)	• The stream channel (or waterbody/wetland) and the area extending to the
non-fish-bearing streams	top of the inner gorge; or,
and Constructed ponds	• The area extending to the outer edges of riparian vegetation; or,
and reservoirs and	• The 100-year floodplain (for streams) or the extent of seasonally saturated
Wetlands greater than	soil (for waterbodies and wetlands); or,
one acre	• The extent of unstable or potentially unstable areas, whichever is greatest.
Wetlands less than one	At a minimum, the reserve width will include:
acre and	• The wetland and the extent of seasonally saturated soil; or,
Unstable or potentially	• The area extending to the outer edges of riparian vegetation; or,
unstable areas	• The extent of stable or potentially unstable areas, whichever is greatest.
Lakes and natural ponds	At a minimum, the reserve width will include:
	• Slope distance equal to the height of two site potential trees (240 feet);
	and,
	• The body of water or wetland and the area to the edges of riparian
	vegetation;
	 The extent of seasonally saturated soil;
	• The extent of unstable or potentially unstable areas; whichever is greatest.
Springs	Reserve widths vary according to the size of the associated wetland (see
_	above).

<u>Riparian areas</u> are defined as, "lands adjacent to perennial and intermittent streams, springs, lakeshores, wetlands, and reservoirs. Riparian areas have vegetation and soil with physical characteristics showing permanent surface or subsurface water influence.

<u>Streams</u> covered under these PDFs include perennial streams, (streams that generally flow year round) and intermittent streams (streams that generally run for at least 30 days per year and have a definable channel and evidence of annual scour or deposition).

<u>Wetlands</u> are areas that are inundated by surface or ground water and support vegetation adapted for saturated soil conditions.

There will be an opportunity on a case-by-case basis to assess the affect of the buffer width on riparian areas and aquatic species and habitats.

Mechanical fuels treatments in riparian reserves:

- Treatments methods that would disturb the least amount of soil (yarding over snow or frozen ground, limiting activities to the dry season, pulling line to each tree, and minimizing skid trails) would be used in the RRs.
- No ripping, piling, or mechanical site preparation (except for designated skid trails crossings, roads, or yarding corridors) would occur in RRs.
- For slopes along streams that are > 30%, a no mechanical entry would occur from the natural topographic break to the riparian area within the riparian reserve.
- In areas where a topographic break is not evident the following guidelines would be implemented for Intermittent, Perennial, and/or fish bearing streams:
 - \circ Slopes < 20% 50 foot no entry buffer would be established from the edge of the riparian area.
 - Slopes > 20% 50 to 100 foot no entry buffer would be established from the edge of the riparian area depending on slope (hydrologist will define).
- Stream crossings:
 - Cross streams only at designated crossings.
 - Cross stream at right angles.
 - Minimize number of crossings.
 - \circ Locate crossings in areas with minimum relative slope. Crossings should not occur on slopes > 30%.
 - Minimize number of passes.
 - o Rehabilitate (ruts, disturbed soils, etc.)
- Hand treatments would be performed within the no-mechanical-entry zones to meet fuels management objectives.

Ignitions within the riparian reserves:

- Ignition of broadcast fires should not occur within a minimum of 50 feet from the stream channel within the riparian reserves. (The specific distance for lighting fires within the RR will depend on topography, habitat, ignition methods, and fuel moisture.)
- Ignition line location nearest the stream should be based on topography and ignition methods and should be sufficient to protect water quality, CWD, and stream overhead cover. If CWD directly touches the high water mark of the stream, or the CWD may be affected by high flows, don't ignite it. If there is a thick vegetation cover that extends out from the stream to the line of ignition then move the line of ignition into the forest stand, away from the stream.
- Mobile ignition methods, i.e. ping-pong ball ignition, ignition distance from the stream

- 50 feet on slopes of 35 percent or less.
- Slopes greater than 35 percent increase ignition distance to 100 feet.
- Ignition line location near large open meadows, associated with the stream channels located at the toe of the slope above the meadow elevation as much as possible to protect meadow vegetation.
- When igniting fuels on the lower end of the window of moisture content, increased ignition spacing from stream would be recommended to further protect CWD and overhead cover components.

Roads and temporary fire trail access in riparian reserves:

- No new roads will be constructed within the RR unless they replace an existing road that is causing more resource damage. If possible, use new technology construction methods for building temporary roads into treatment units (including but not limited to wood chip constructed roads)
- Use of existing roads and landings within the RR will be reviewed and approved by the resource advisor.
- Minimal or no grading of the existing roads will be done to maintain the existing ground cover and vegetation and to decrease sediment movement.







Date Initiated: 12/20	104 Pr	oject Lead/Contact:	Marc Lequien	
Resource or Staff Responsible	Review Priority	Preliminary Review Initials / Date	Comments Attached / Incorporated	Final Review Initials / Date
Manager: Jon Raby	Last	m 7/13		gre 7/13
Branch Chief: Natural Resources	Second to Last	<i>•</i> ••		
Branch Chief: Larry Brooks	Second to Last			
Planner/EC: Don Hoffheins, Kathy Lindsey	Third from Last	DKH 2/24/05	written	519/05 DXA
Range: Bill Lindsey, Dana Eckard	13	BL 3/20		83/28
Wild Horses: Tonya Pinckney		0		N. 1
Fire/Air Quality: Joe Foran	12	W- 3/29/05		N-6/16/05
Silviculture: Bill Johnson	11	BS 3/29/05	in text and a Hached	BJ 5-9/05
Fimber: Mike Bechdolt	10	MB 3/28/05	Afewedits mB)	mB 5-2005
Botany/ACEC//Noxious Weeds: Lou Whiteaker	9	Jew3/15/05	2 special status plant siles	SW Fizos
Cultural: Tim Canaday	8	TC 3/14/2005	Surveys complete - 3 site	5 TC 4/26/200
Minerals/HazMat: Tom Cottingham				10
Lands/Realty: Linda Younger	7	br	MFS road system	143-14-260
Recreation/Visual/Wilderness: Scott Senter	6	V55 31965	Novie	155.5/1/05
Hydrology/Riparian: Liz Berger	5	ap \$13/05	site visit needed to	CUB 6/1/05
Wildlife/T&E: Steve Hayner				
Wildlife/Fuels: Matt Broyles AL	4	WAR 3/1/05		MDB5/4/05
Fisheries/T&E: Scott Snedaker	3	55 3/2/05	Request to redraw ba	Ast 6/1/05
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty	2	BMC 2/28/05	hone	BAN - 5/11/05
Soils/Veg Surveys: Molly Juillerat Amber Knoll	1	Mas 2125/05	HICKING	mas 5/16
Wood River Wetlands: Wedge Watkins				
Clearances/Surveys	Needed	Done/Attached	*This document will not sit	on your desk for
Cultural		TC 3/14/2005	more than 8 hours. Please check on calendar to make sure that the next person will be available to review the document. **Some resource areas may not apply for all	
Botanical	and the second second	103/15/05		
T&E, BA & or Consultation		SMA-3/14/05		

> sites will need tresh flagging tor avoidance prior to project implemented placese coordinate w/me. Give 2 month while Dre!

The area added to the original treatment area has been surveyed for cyllum resources - No additional sites known for this new area. TC 6/23/2005