

CATEGORICAL EXCLUSION (CX) DETERMINATION AND DECISION RECORD

Lease or CX Log #: KCER-014-02-15 Serial #: N/A

Project Name: Running Y Ranch Resort Interface Fuels Reduction

Applicant: REACH, Inc. Location: T. 39 S., R. 8 W., Sec. 4 and 9

Address: P. O. Box 1089, Klamath Falls, OR, 97601 County: Klamath

BLM Office: Lakeview District, Klamath Falls Field Office Phone #: 541-883-6916

CX Number from Current Department or Bureau List: 516 DM 6, Appendix 5.4 Section C

I. PROPOSED ACTION

A. Proposed Action Title /Type: Fuel Hazard Reduction in the Wildland Urban Interface/Community Assistance Agreement for Non-Federal Lands - Provide supplemental federal funding to project proponents for the treatment of hazardous fuels on non-federal property within the Wildland/Urban Interface and/or lands identified within a “Communities at Risk” Area under the National Fire Plan. Cooperators in this Ecosystem Workforce Training project are: Running Y Ranch, REACH, Inc. Ecosystem Workforce Training Program, Klamath Community College Community Education Department, and the Klamath Falls Resource Area, BLM, Fire District #1, Chief David Panicook, Oregon Department of Forestry, Danny Benson, Winema National Forest, and Fire District #4.

B. Location: The project site is above Skillet Handle on the shore of Upper Klamath Lake on Kestrel Ridge in T. 38 S., R. 8 E., Sec. 4 and 9.

C. Need / Rationale for the Proposed Action:

This project is focused on protection of life and property from wildland fire on non-federal lands while potentially reducing risk to adjacent federally managed lands. The project is part of the National Fire Plan and identified “Communities at Risk.” The project allows non-federal property owners to reduce the hazard of wildland fire through the reduction of hazardous fuels on such lands using a combination of federal and non-federal funding and equipment, material or labor contributions. The subject project is anticipated to be designed to meet local fuel conditions and fire risks and protect existing non-federal property improvements from secondary environmental effects. The project will require minimal, if any, surface disturbance and will follow guidelines established in a set of recommended Project Design Features.

D. Description of the Proposed Action:

The proposal is to allocate federal funds to reduce or remove hazardous fuels on non-federal lands to protect non-federal property in the area of the Running Y Ranch, which is listed by Region 6 as “High Hazard” due to the increasing number of homes in the Wildland-Urban interface zone. The proposed project would be to remove oak scrub, invasive Western juniper, and various brush species in a concentrated area around Kestrel Ridge. Fuels would be removed by hand, using chain saws, and all residual slash would be hand piled, covered, and burned at a later date. A total of 40 acres, in 3 to 8 acre increments, will be treated below each of the 15 existing homes. Up to 10 additional home sites could also be treated. Restoration work would include planting, seeding, and use of “Eco-blankets” (fiber matting) as determined necessary. All work aside from the burning of slash piles would be done by REACH, Inc. Ecosystem

Workforce Training crew as part of their certification training program. Piles would be burned by qualified individuals from one or more of the cooperating agencies. All operations would be conducted in a manner that minimizes risk of soil erosion, destruction of live vegetation, or other environmental degradation in a manner that minimizes risk of wildfire ignition in accordance with Oregon Department of Forestry, or other applicable Fire Regulations.

II. COMPARISON AND CONSISTENCY WITH SIMILAR FEDERAL LAND TREATMENTS

The proposed action is comparable to existing fuels treatment activity or project plans prepared and implemented in the Klamath Falls Resource Area, Lakeview District, Bureau of Land Management. The types of fuels treatments proposed by the applicants have been subject to analysis under the National Environmental Policy Act on Bureau managed lands. In all instances, the Bureau made a Finding of No Significant Impact and concluded no environmental impact statement was required.

III. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW

The proposed projects are on non-federal lands where the federal land managing agencies have no direct authority to restrict or prohibit fuels treatments or surface disturbing activities. Based on reviews of available project proposals, the vast majority of the fuels treatments will be within 100- 500 feet of occupied residences or other important ancillary structures or improvements. Since the lands are non-federal in character and have been in residential, recreational, agricultural or related uses, we assume most have been subject to surface disturbing and vegetation manipulation activities in the past, including, but not limited to; commercial forest product harvest, livestock grazing or other forms of intensive agriculture, road construction or fuels treatments. Due to the close proximity of the proposed treatment areas to residences and other areas with substantial human activity, past impacts of owner activities on vegetation and wildlife habitats are assumed to have been substantial and essentially irreversible.

A. Applicable Categorical Exclusion and Categorical Exclusion Exception Review

The proposed actions are comparable to federal land treatments which qualify as some categorical exclusions under Department Manual 516 DM 6, Appendix 5.4 Section C:

- (2) 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 the removal requires no more than maintenance to existing roads.
- (4) Pre-commercial thinning and brush control using small mechanical devices.
- (5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.) cones, seeds and personal use firewood.

The proposed non-federal land projects have been reviewed to determine if any of the exceptions to Categorical Exclusions would apply, assuming a similar action was proposed on Bureau managed lands. The Department of the Interior Manual 516 2.3A(3) and Appendix 2 requires the review of the following exceptions to categorical exclusion. If it is determined that any of the

following exceptions apply to the proposed action, the proposed project is not categorically excluded and environmental documents must be prepared:

Exception 1 - Have significant adverse effects on public health or safety. ()Yes (X) No

Remarks: The project is designed to minimize risk to human health and safety during operational removal, reduction or relocation of fuels and provide significant beneficial effects by reducing risk to public health and safety from wildfires over a period of two to 20+ years, depending on project design, fuel loads, fire risk, vegetation regrowth and future project maintenance by the associated land owners.

Exception 2 - Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principle drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. ()Yes (X) No

Remarks: The identified project is not located on lands which have these values or resources. The fuels treatment programs on comparable federal lands would have no effect on aquifers, wetlands or floodplain function, even if the land had that character. This exception applies to both surface and ground waters. Since the project lands are all non-federal in ownership, they are assumed to be unavailable to the general public for any form of recreation, park or refuge uses. State and local laws, ordinances or regulations would apply if there are any historic or cultural resources which might be irreversibly damaged or destroyed by the fuels treatments.

Exception 3 - Has highly controversial environmental effects. ()Yes (X) No

Remarks: The project is consistent with non-federal land management goals and objectives for all ownerships, since they protect or reduce risk to structures, other improvements and human health and safety. It is assumed adjacent neighbors will either be part of the local project or indirectly benefit by the fuels reduction efforts, creating public support, rather than opposition or controversy.

Exception 4 - Has highly uncertain environmental effects or involves unique or unknown environmental risks. ()Yes (X) No

Remarks: The proposed fuels treatments are very comparable with public lands treatments which have been analyzed and few, if any risks ever identified. Local property owners should be very familiar with their property characteristics and values. The recommended project design Operating Guidelines are intended to reduce and minimize the potential for unknown environmental risks.

Exception 5 - Establishes a precedent for future action or represents a decision in principle about a future consideration with significant environmental effects. ()Yes (X) No

Remarks: In this project, the majority of the treatments would occur on the same lands to some degree, regardless of the availability of federal funding. Landowners were and are already being encouraged by local and state fire officials to treat the vegetation and fuel loads on their lands to reduce fire hazards to avoid catastrophic property damage from future fires. In effect, if landowners do not treat their lands and wildfires enter the area, the untreated areas are likely to have significant adverse environmental effects from total vegetation destruction or removal by

fire and any associated fire suppression activities with heavy equipment which may create significant surface disturbance.

Exception 6 - Is directly related to other actions with individually insignificant but cumulatively significant environmental effects. ()Yes (X) No

Remarks: The federal assistance program represents only a portion of the total land likely to be treated by landowners. Similar projects of federal lands on larger, more contiguous blocks of land have not identified cumulative significant and adverse effects. Due to the nature of the non-federal lands, they are expected to receive high priority fire protection and suppression support in the event of adjacent wildfires. The pre-suppression treatment of fuels will reduce the potential for catastrophic effects from the fires by protecting structures, making local fire line support more efficient, effective, safe and less destructive. Optimally, the protected properties would allow fire suppression efforts to concentrate on actively controlling any fire and thereby reducing overall wildfire impacts to all ownerships.

Exception 7 - Adversely affects properties listed or eligible for listing in the National Register of Historic Places. ()Yes (X) No

Remarks: None of the project properties have identified listed or eligible sites. Since property owners will be guided by local project design to protect their property values, it is likely they are aware of any historic or cultural values and will provide supplemental protection, such as treatment avoidance areas or alternative fuel removal methods, as applicable, to avoid any adverse effects.

Exception 8 - Affects a species listed or proposed to be listed on the list of endangered or threatened species. ()Yes (X) No

Remarks: None of the project properties have identified critical habitats or are subject to habitat conservation plans. Although listed or candidate species may make intermittent use of similar habitats on federal lands, the proposed project land proximity to residences and associated human activity and assumed history of previous vegetation and surface disturbing activities substantially reduces the probability of inadvertent destruction or modification of critical habitats. In any event, most proposed treatments are not expected to totally remove all habitat values, such as larger over-story vegetation, and the increased fire resistance of the treated lands should reduce fire risk to undisturbed habitats from fires originating on the non-federal lands.

Exception 9 - Requires compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and the Fish and Wildlife Coordination Act. ()Yes (X) No

Remarks: The proposed project is not located on floodplains or wetlands. In addition, the nature of the proposed fuels treatments and minimal surface disturbing activity will not materially influence adjacent floodplain or wetland functions.

Exception 10 - Threatens to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment. ()Yes (X) No

Remarks: All projects are assumed to be conducted in accordance with applicable federal, state and local government laws, ordinances, rules and regulations, such as the Clean Air and Clean

Water Act. Project proponents will agree to acquire any applicable permits, clearances, etc. and comply with their requirements. None of the projects are on tribal lands and directly subject to tribal laws.

In addition, other topics or issues need to be assessed for potential impacts based on US Department of Interior Policy or rule making: This project would:

Yes No

- () (X) a. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.

- () (X) b. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).
Remarks: The proposed project grants include nondiscrimination clauses common to all federal contracts and grants. The grant solicitation effort was aimed at all areas and groups. Projects for the protection of non-federal properties may create short term employment opportunities for minority and low income populations. The treated areas may include minority or low income individuals or families who would not otherwise be able to afford fuel treatment projects or the more complete, coordinated and comprehensive treatments expected on a neighborhood or watershed basis. No adverse impacts to the minority or low income populations are expected and modest beneficial effects are possible, depending on the location, type and employment aspects of individual projects.

- () (X) c. 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) d. Have significant adverse effect on Indian Trust Resources.

- () (X) e. 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).
Remarks: Project proponents are expected to assure, through terms of their agreement, that their fuels treatment activities will comply with State and local guidelines for control and eradication of both listed noxious weeds and invasive species. We assume most non-federal land owners are already aware of their legal responsibilities to control unwanted vegetation and would be making ongoing efforts to control of these species before and after any fuels treatments.

- () (X) f. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects).

DOCUMENTATION OF RECOMMENDED MITIGATION

For any item checked "Yes" identify the mitigating measures proposed. If no mitigating measures are identified that can prevent the potential adverse impacts, the conditions for a categorical exclusion cannot be met.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures
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SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary: (Initial and Date appropriate fields)

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	<u>LW 9/5/02</u>
SS Animals	_____	_____	<u>GS 09-11-02</u>
Cultural Resources	<u>TC 9/5/02 completed by outside consultant</u>		_____
Other Surveys	<u>N/A</u>	_____	_____

<u>Consultation:</u>			
SS Animal	_____	_____	<u>GS 09-11-02</u>
Botanical	_____	_____	<u>LW 9/5/02</u>
Cultural	_____	_____	<u>TC 9/5/02</u>
(SS = Special Status)			

Remarks:

SUMMARY OF FINDINGS

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) under 516 DM 6, Appendix 5.4, Section C, parts (2), (4), and (5). The proposed action has been reviewed against the criteria for an exception to a categorical exclusion (listed above) as identified in 516 DM 2.3 A(3), does not fall under any exception, and is therefore, categorically excluded from NEPA documentation.

CX DETERMINATION

The proposed action and any specified mitigation measure(s) has been determined to meet the criteria for a CX and does not fall under any of the CX exceptions.

Prepared By:	<i>/s/ Kathy Lindsey</i> Name	Writer/Editor Title	9-4-02 Date
Reviewed By:	<i>/s/ D K Hoffheins</i> Name	Planner Title	9/5/02 Date

IV. DECISION

I have reviewed the proposed approvals for allocating federal funds for treatment of hazardous fuels and this Categorical Exclusion review, noted consistency with comparable Bureau land use plans and fuels treatments on federal lands by the Bureau and adjacent neighbors, as noted above and that no further environmental analysis is required. It is my decision to authorize the federal grants to assist in completing the projects.

/s/ Teresa A. Raml
Teresa A. Raml
Klamath Falls Resource Area Field Manager

Date: 9/12/02