

**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: Smith Reservoir Fuels Reduction and Range Improvement CX Log #: OR-014-CX-05-01

Project Location: Bryant Mountain T40S, R 12E, Sections 12, 13 and T40S, R13E Sections 7, 8, 17, 18.

BLM Office: Lakeview District, Klamath Falls Resource Area (KFRA), Klamath County, Oregon

DESCRIPTION OF THE ACTION (Including Purpose and Need)

The action would consist of cutting, either piling and burning and cutting with subsequent utilization (removal) of invading western juniper generally younger than 130 years old, in six units totaling 813 acres. Work would be performed with mechanized equipment or by hand (with chainsaws) and could include yarding of merchantable material to several central landings within the units.

The purpose and need for the action includes:

- 1) The purpose of the fuels treatment is to decrease hazardous fuels to meet the need to reduce the risk of wildfire(s), and,
- 2) The purpose is to remove invasive western juniper to meet the need to improve rangeland habitat for a variety of values.

A deeply incised stream channel and wetland are present in unit #4. The wetland area around the incised channel would be treated by hand under the guidance of the resource area hydrologist.

All junipers greater than 24 inches diameter at breast height (DBH), and smaller junipers with old tree characteristics such as wildlife cavities, dead tops, hollow boles, large lower limbs, or gnarled growth form would be retained.

All lands proposed for treatment have been surveyed for cultural resources and all cultural sites will be avoided. Surveys for special status plants and noxious weeds are partially completed. The remainder of the area will be surveyed in the summer of 2005 and will be completed prior to start of treatment activities. Any special status plant sites would be marked on the ground and either buffered within the units or excluded from the units. Weed sites would be treated as discussed in the Mitigation Measures section below. Any fences or other improvements damaged by operators in performance of this project work would be repaired immediately.

Although this document analyzes and authorizes utilization of the cut material, a decision as to whether or not the material will actually be utilized or burned on site will not be made at this time. Market demand, accessibility, timing, and other factors that can change quite rapidly during and after an operation can influence such a decision. A decision about utilization will be made at a later date and will not be subject to further NEPA analysis, review, or public comment.

In order to utilize the material, some spot rocking and or minimal road maintenance would likely be performed on the main access road (see attached maps). This road work would be confined to the existing road prism. Yarding, product hauling, and road maintenance work would be performed when soils are dry to avoid unacceptable impacts.

PROPOSED IMPLEMENTATION

This project is expected to be implemented in fiscal year 2006 or 2007.

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 Plans

Klamath Falls Resource Area Record of Decision and Resource Management Plan (1995), as amended (1999) (RMP).

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

District and Regional Plans

National Fire Plan (A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan) (2001)

Klamath Interstate Habitat Management Plan (1982)

Western Oregon Transportation Management Plan (1996; Updated 2002)

Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)

Supplement to the Northwest Area Noxious Weed Control Program FEIS and ROD (1987)

Lakeview District Fire Management Plan – Phase I (1998)

Wildland and Prescribed Fire Management Policy (1998)

Emergency Fire Rehabilitation Plan (see Interagency Burned Area Emergency Stabilization and Rehabilitation Handbook (2001))

Rangeland Reform '94 FEIS and ROD (1995)

Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)

Standards for Land Health for Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1998)

Interior Columbia Basin Strategy (2003)

LIMITATIONS

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

- 1) 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,
- 2) 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.
- 3) 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*,
- 4) shall be conducted in accordance with BLM and DOI procedures and applicable land/resource management plans (refer to Plan Conformance section above),
- 5) shall not be conducted in wilderness areas or where it would impair the suitability of WSA's for

- preservation as wilderness,
- 6) shall not include the use of herbicides or pesticides,
- 7) shall not involve the construction of new permanent roads or other new permanent infrastructure,
- 8) 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?

<u>Exception</u>	<u>Yes</u> <u>No</u>
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)

The proposed action would not create adverse environmental effects or meet any of the exceptions.

DOCUMENTATION OF RECOMMENDED MITIGATION / PROJECT DESIGN FEATURES

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

<u>Exception No.</u>	<u>Can Be Mitigated</u>	<u>Cannot Be Mitigated</u>	<u>Mitigation Measures and/or Project Design Features</u>
6	X		Other similar projects in the area could have cumulative effects on wildlife thermal and hiding cover, and other resources. Mitigation includes separating the projects in time and space, and leaving portions of the landscape untreated.
7	X		Cultural surveys have been completed. There are 11 sites to be avoided. Cultural Resources staff will be notified before unit layout so they can mark known sites on the ground for avoidance.
8	X		There is a Bald Eagle nest near the west shore of Smith Reservoir. Mitigation includes a seasonal restriction on activities within ¼ mile, or within ½ mile line-of-sight from the nest in years when the nest is active. Seasonal Restriction would be from Jan. 1- Aug. 15.
15	X		Equipment can transport weed seeds into the project area, and disturb soil thus increasing the probability of weed population increase. Weed mitigation measures are detailed in Appendix A.

Additional Mitigation For Wildlife and Fish (Not Addressed in the Exceptions)

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

- Fuel treatment objectives within the Riparian Reserves (RRs) are to protect the overhead canopy from catastrophic fire and increase the productive vigor of trees and plants within the riparian areas. At the same time retain and protect the CWD and overhead cover important to stream function and aquatic habitats. The 50 foot boundary that's used for various PDF's is not necessarily biologically based but rather used to set a minimum standard that both protects aquatic habitat and simplifies designing treatment units. In areas where a 50-foot boundary does not make practical sense, and some other boundary is more appropriate, there should be an opportunity on a case-by-case basis to assess the affect of the new boundary on aquatic species and habitats.

Ignitions within the riparian reserves:

- In general terms, 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 it's wet don't pour fuel on it. 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, e.g. ping-pong ball ignition, recommend an increased ignition distance from the stream of at least 50 feet on slopes of 35 percent or less. On slopes greater than 35 percent increase ignition distance to 100 feet.
- Recommend the ignition line location near large open meadows, associated with the stream channels, be located at the toe of the slope above the meadow elevation as much as possible in order 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.

Chemical fire retardants and fueling in riparian reserves:

- No use of chemical retardants would occur within the full width of the Riparian Zone (per KFRA RMP).
- In cases of escaped or wildfire control soap based retardants may be applied to within 50 feet of a stream that contains water.
- No refueling within the riparian reserves, unless approved by a resource advisor.
- No staging areas will occur in the riparian reserves, unless approved by a wildlife biologist.

Additional Mitigation For Soils (Not Addressed in the Exceptions)

- 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, 9 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.

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):

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	<u>JW 7/6/05</u>	_____
SS Animals	_____	_____	<u>WDB 7/6/05</u>
Cultural Resources	<u>TC 7/11/2005</u>	_____	_____
Other Surveys	_____	_____	_____

<u>Consultation:</u>	1) is completed	2) will be completed	3) is not needed
SS Animal Consultation	<u>WDB 7/6/05</u>	_____	_____
Botanical Consultation	_____	_____	<u>JW 7/6/05</u>
Cultural Consultation	<u>TC 7/11/2005</u>	_____	_____
(SS = Special Status)			

PERSONS AND AGENCIES CONSULTED

US Fish and Wildlife Service (programmatic consultation, Letter of Concurrence # 1-10-02-I-098)

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: Matt Broyles, KFRA Fuels Program Wildlife Biologist

Reviewed By: KFRA Interdisciplinary Team

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

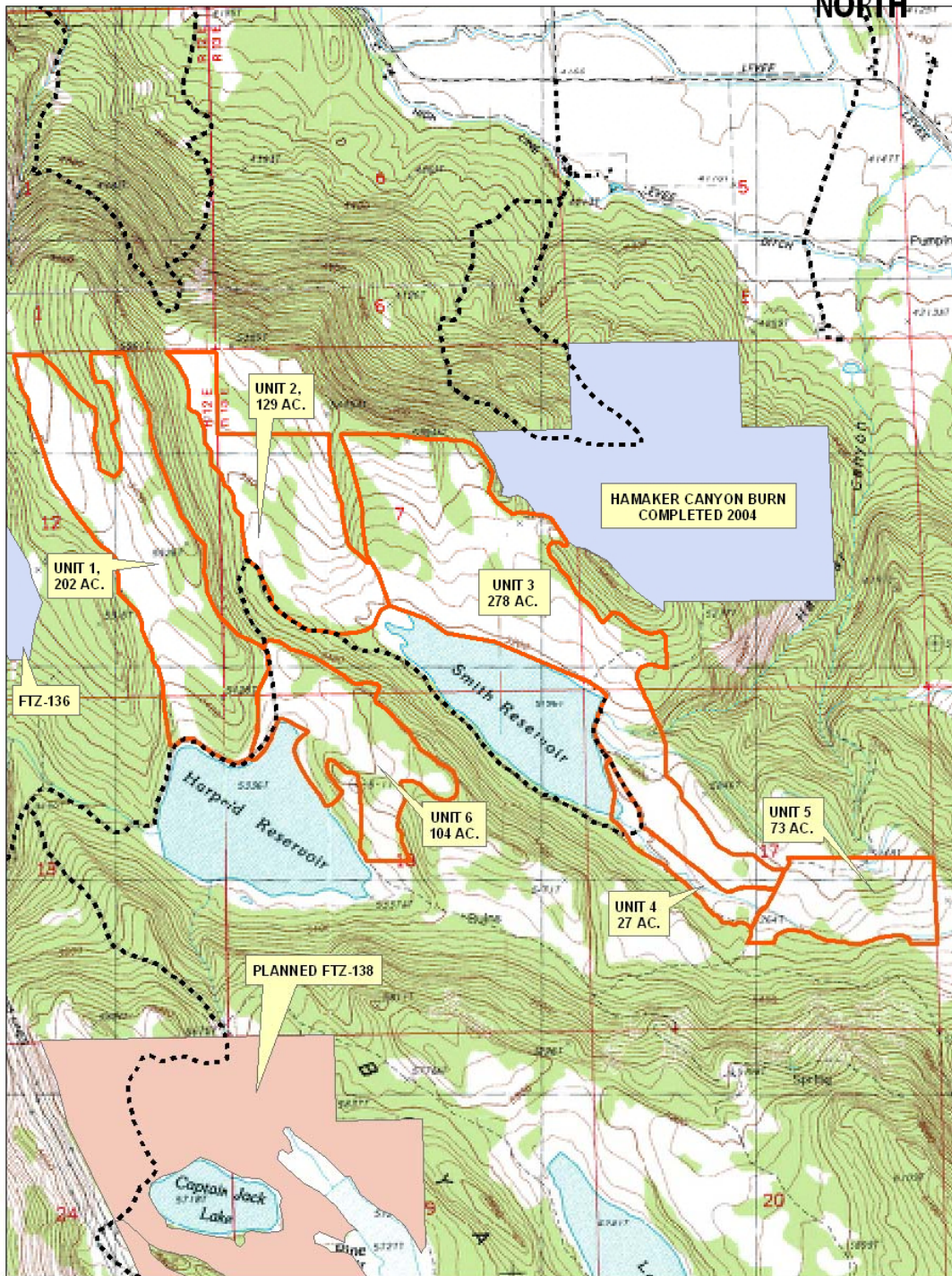
Appendix A - Weed Mitigation Measures

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.

SMITH RESERVOIR PROPOSED RANGELAND RESTORATION / JUNIPER REMOVAL UNITS



0 0.125 0.25 0.5 0.75 1 Miles

PROPOSED UNIT BOUNDARY

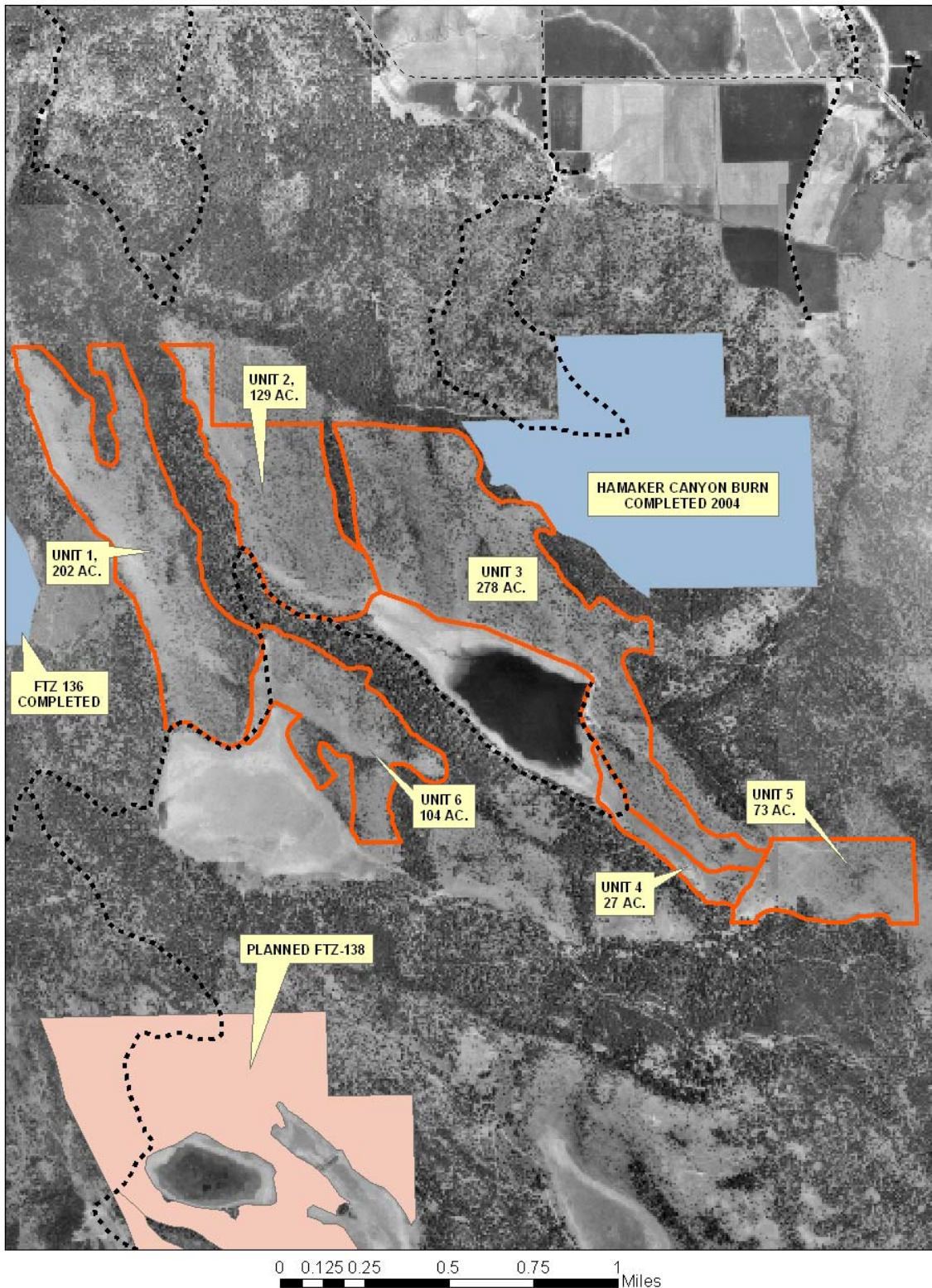
MAIN ACCESS ROADS



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Shel, T. New. Fuel treatment and range improvement.
Prepared for submission.
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SMITH RESERVOIR PROPOSED RANGELAND RESTORATION / JUNIPER REMOVAL UNITS



PROPOSED UNIT BOUNDARY

.... MAIN ACCESS ROADS



The accuracy of this map is not guaranteed. The Bureau of Land Management is not responsible for any errors or omissions. This map is for informational purposes only and should not be used for legal or financial decisions.

Map: U:\New Folder\smithreservoir.mxd
 Prepared by: mfrancis
 Current Date: 8/22/2014 4:47:50 PM
 Creation Date: 6/16/2014 2:30:07 PM
 Last Modified: 9/22/2014 4:33:08 PM

OR-014-JX-05-01

Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review

Project Name: SMITH RESERVOIR RANGE IMPROVEMENT + FUELS REDUCTION
 Date Initiated: NOV. 30 '04 Project Lead/Contact: M. BROYLES

Resource or Staff Responsible	Review Priority	Preliminary Review Initials / Date	Comments Attached / Incorporated	Final Review Initials / Date
Manager: Jon Raby	Last	JLR 5/24/05		JLR 7/7/05
Branch Chief: Natural Resources	Second to Last	MA 5/24/05		MA 5/21/05
Branch Chief: Larry Brooks	Second to Last			(LS) 5/27/05
Planner/EC: Don Hoffheins, Kathy Lindsey	Third from Last	DH 12/17/04		DH 5/27/05 DLH 3/8/05 7/8/05
Range: Bill Lindsey, Dana Eckard	6	BL 12/8	ADDED SOME TO MIKE'S EMAIL NOTES	BL 12/8
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran	5	JCF 12/16		JCF 12/16
Silviculture: Bill Johnson	4	BJ 12-3		BJ 2/28/05
Timber: Mike Bechdolt	4.5	MB 12-7	EMAIL & BROWNS COMMENTS ATTACHED	MB 2/24/05
Botany/ACEC/Noxious Weeds: Lou Whiteaker	7	LW 12/13/04	lots of weed sites - see map - need more detail on weed mitigation	LW 2/24/05
Cultural: Tim Canaday	8	TC 12/7/2004	Incorporated	TC 12/7/2004
Minerals/HazMat: Tom Cottingham				
Lands/Realty: Linda Younger	9	LY 12/8/04	OR 9/8/04 4.5	LY 12/8/04
Recreation/Visual/Wilderness: Scott Senter	10	SS 12/15/04	NONE	SS 12/15/04
Hydrology/Riparian: Liz Berger	3	LB	Incorporated	LB 2/24/05
Wildlife/T&E: Steve Hayner				
Wildlife/Fuels: Matt Broyles	PREPARED			
Fisheries/T&E: Scott Snedaker	1	SS	Post it.	SS 2/23
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty	2	BM 12-2		BM 12-2
Soils/Veg Surveys: Molly Juillerat Amber Knoll				
Wood River Wetlands: Wedge Watkins				
Clearances/Surveys	Needed	Done/Attached	*This document will not sit on your desk for 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 projects. If so, just mark "N/A" in "Review Priority" column.	
Cultural		TC 12/7/2004		
Botanical	LW 7/13/04			
T&E, BA & or Consultation				
R-O-W Permits				

→ Cultural surveys have been conducted. There are eleven sites that will need to be avoided. Please let me know when you plan to implement so that I can schedule my fieldwork - most of the sites will need fresh flagging prior to the start of the project. Tim