

Big Adobe Mechanical Treatment CX

**Klamath Falls Resource Area
Optional Plan Conformance Review/NEPA Compliance Record
and/or Categorical Exclusion Review**

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**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)**

Project Name: Big Adobe Fuels Reduction **CX Log #:** OR-014-04-27

BLM Unit / County: Klamath Falls Resource Area, Klamath County, Oregon

Location: (Gerber Block) -

- **R15E, T40S**, Section 19 NE of SE, NW of NE, SE of NE; Section 20 SW, NW of NW; Section 18 E1/2, E1/2 of W1/2; Section 17 W1/2 and NE1/4; Section 7; Section 8 W1/2;
- **R15E, T39S**, Section 31 SW
- **R14E, T39S**, Section 35; Section 36
- **R141/2E, T40S**, Section 1; Section 2 E1/2; Section 11 E1/2; Section 12 (Excluding N1/2 of SW, W1/2 of SE); Section 14 E1/2; Section 13; Section 24

DESCRIPTION OF THE PROPOSED ACTION (Including Purpose and Need)

Spot Brush Mowing: The purpose of the proposed fuels reduction action is to restore fire as a natural ecological facet for this parcel of land and reduce areas of hazardous fuels and potential risk of catastrophic wildfire. Due to heavy fuel loads mechanical reduction of fuels must occur before prescribed fire can be utilized on this parcel of land. This will be done by mowing brush and natural fuels and thinning small trees on the Big Adobe East Burn Unit on the Klamath Falls Resource Area. Chainsaws and a mower mounted on a small tractor (Bobcat) on rubber treads will accomplish this work. See Appendix C for brush mowing guidelines. Refer to the attached map for treatment areas.

The attached map shows 30 units. Appendix D lists the maximum treated acres for each unit. Of these, only a few will approach mowing approximately 70% of the unit. The rest will have a smaller percentage mowed or receive no mowing treatment at all. Please note that the enclosed map lists only 1420 acres of the Big Adobe East Burn Unit as available for burning because 209 acres have already been excluded from burning and mowing by biologist Matt Broyles, as they currently provide excellent winter range for ungulates.

PLAN CONFORMANCE

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans or programmatic environmental analyses:

Klamath Falls Resource Area Plans

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

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 1 (1998)
 Wildland and Prescribed Fire Management Policy (1998)
 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:

- a) 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.
- b) 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.
- c) 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.”
- d) shall be conducted in accordance with BLM and DOI procedures and applicable land/resource management plans (refer to Plan Conformance section above).
- e) shall not be conducted in wilderness areas or where it would impair the suitability of WSA’s for preservation as wilderness.
- f) shall not include the use of herbicides or pesticides.
- g) shall not involve the construction of new permanent roads or other new permanent infrastructure.
- h) 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 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	() (X)

Monuments, WSAs, RNAs.	
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 above exceptions. Although none of the conditions for the above exceptions are met, some of the resources discussed are potentially affected. Mitigation measures below are applied to prevent the adverse conditions discussed in the exceptions.

IMPLEMENTATION DATE

This project is expected to be implemented in early FY2005. Depending on funding and environmental parameters this project could last over a period of four to five years.

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 97603-7891 or telephone: 541-883-6916.

Appendix A

Wildlife Project Design Features (PDF's)

General Design Features:

- A wildlife biologist will oversee this fuels reduction plan and fuels personnel will be informed about T&E species and other 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.
- 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.

Actions that will trigger re-initiation or further discussions with USFWS

- If an eagle nest is occupied then spring mowing will not be allowed until site-specific discussions/consultations are completed with FWS.
- If the level or rate of habitat modification or disturbance exceeds any of the levels described in the Fuels Treatment Programmatic BA and associated BO.
- Projects that do not meet the criteria discussed in the fuels treatment programmatic BA or are beyond the scope of the PDF's in that document.

Post-fuels treatments for access roads and temporary fire trails:

- Installing drainage dips, or water bars, in accordance with RMP BMPs to reduce surface run-off is recommended.
- Mulch and seeding or other methods of soil stabilization are to be applied to any exposed soil surfaces prior to the wet season to reduce surface erosion.
- Surfacing roads in accordance with RMP BMP's (Roads C-1-8) is recommended for all naturally surfaced roads not proposed for decommissioning or closure.
- Design blockages (close or decommission) upon completion of treatments to minimize non-authorized use of roads and trails within treatment areas.
- Recommend placement of residual slash on trails upon completion of mechanical treatments.

Appendix B

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 operations shall be mowed to ground level prior to the start of project activities.

Appendix C

Brush mowing guidelines

Prunus spp. (mostly cherry and Klamath plum): Unrestricted mowing inside treatment units.

Birch leaf mahogany: Unrestricted mowing inside treatment units

Ceanothus: Unrestricted mowing inside treatment units

Manzanita: Unrestricted mowing inside treatment units

Rabbit brush: Unrestricted mowing inside treatment units

Juniper reproduction: Unrestricted mowing inside treatment units

Old bitterbrush (generally more than 2.5 feet high): Unrestricted mowing inside treatment units. Would be mowed completely under the dripline of large ponderosa pine; some green branches will be left in open areas.

Young bitterbrush (generally less than 2.5 feet high): Mow only within 2 crown widths of pine trees greater than 8" DBH.

Curl leaf mahogany: Mow only within 2 crown widths of pines greater than 8" DBH.

Big sage: Do not mow.

Aspen: Do not mow.

Willow: Do not mow.

Pine reproduction:

- Maximum cut tree is 8" dbh.
- Thin clumps to 12'X 12' to 16' X 16'spacing.
- Leave larger, healthier, straightest trees.
- Mow brush around single, isolated, small pine trees with above guidelines.
- Cut/mow all pine reproduction within 2 tree heights of any aspen trees/reproduction.

Pine overstory: For all trees 24" dbh or greater:

- The duff collar will be raked backed beyond the dripline.
- Understory ladder fuels will be cut or mowed following the above guidelines.

Appendix D

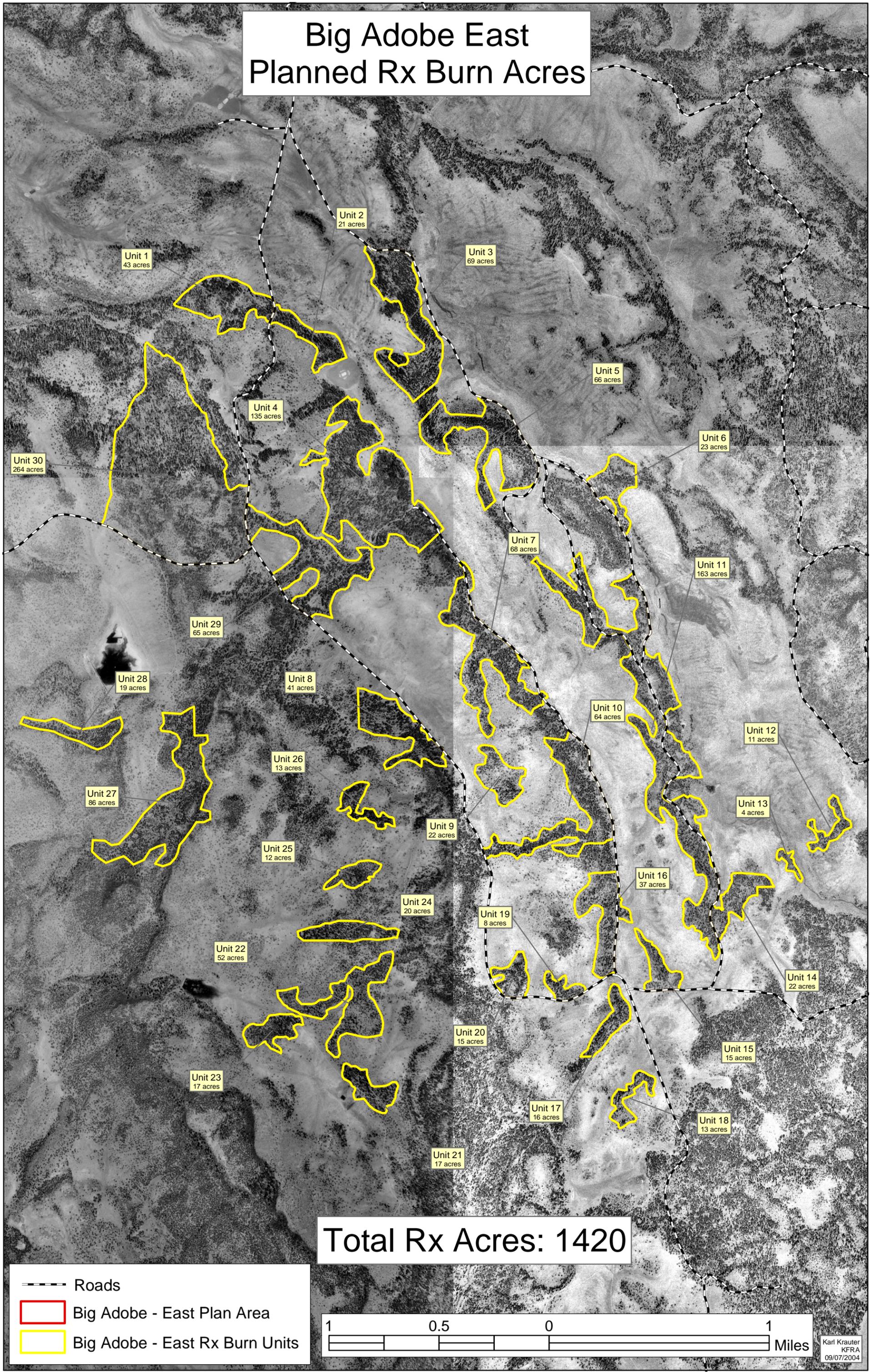
Treatment Unit Summary

The proposal is to spot mow within units to be burned. Most units will have some mowing, most will be well below 70% mowed, and some will probably not need any mowing. The table below indicates the maximum number of acres to be mowed in each unit (unit acres X 70%).

TREATMENT SUMMARY TABLE: BIG ADOBE - EAST PRE-BURN SPOT MOWING

UNIT NUMBER	TOTAL UNIT ACRES	MAXIMUM ACRES TO BE MOWED
1	43	30
2	21	15
3	69	48
4	135	94
5	66	46
6	23	16
7	68	48
8	41	29
9	22	15
10	64	45
11	163	114
12	11	8
13	4	3
14	22	15
15	15	11
16	37	26
17	16	11
18	13	9
19	8	6
20	15	11
21	17	12
22	52	36
23	17	12
24	20	14
25	12	8
26	13	9
27	86	60
28	19	13
29	65	45
30	264	189
Totals	1420	998

Big Adobe East Planned Rx Burn Acres



Total Rx Acres: 1420

- Roads
- Big Adobe - East Plan Area
- Big Adobe - East Rx Burn Units

