PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION
Categorical Exclusion 516 DM2, Appendix 1, 1.12

Project Name: Burnt River Fuels Reduction **CX Log #**: OR-030-04-06
BLM Office: Vale District
County: Baker County, Oregon **Location: see attached map**

DESCRIPTION OF THE PROPOSED ACTION (Including Purpose and Need)

The purpose of the proposed action is to reduce hazardous fuels and reduce the risk of wildfire(s) threatening the Burnt River area of Oregon, including rural homes and structures. The project area, located in the Burnt River area (see attached map), consists of approximately 3541 acres. As a result of public input received, design features have been incorporated to provide untreated leave areas (primarily north aspect fir thickets) for sensitive species and wildlife hiding cover. Approximately 25 percent of the 3541 acres would not be treated. Pretreatment and Implementation is planned to take place over a 5 year period starting in 2004.

Wildfires in recent years culminated in the year 2003 with severe impacts to public and private land resources, especially to rural communities, across the West. For 2001 and subsequent years, the President asked for budget and actions to support recommendations to reduce impacts in the future. Congress, with the support of the Western Governors Association approved this plan, with Congress providing the needed increase in fire management budgets to begin to address the problems that were identified. The resulting plan is referred to as the National Fire Plan (NFP). The underlying strategy is called "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems: A Cohesive Strategy." In 2001 communities at high risk due to wildfire were identified and a list of these communities was published in the Federal Register. Burnt River was identified as one of those communities at risk.

The Burnt Rivers Fuels Reduction Project consists of approximately 3541 total acres of forested conifer stands. Recent fuels inventory and analysis support the need for hazardous fuels reduction treatments to reduce the areas current susceptibility to high severity stand replacement fires. The majority of the project area is represented by Ponderosa Pine Forest. Mixed conifer and fir is prevalent on the North aspects. The Historic Fire Regime within the Project area is generally classified as a Fire Regime 1, which is reflective of a 0 to 35 low severity, fire return interval. The current condition class within the project area is reflective of condition classes 2 and 3. Condition class 2 sites have missed 2 or more disturbance cycles and require restoration burning and possible mechanical entries to achieve our desired future condition. Condition class 3 sites have missed 2 or more disturbance cycles but require a first entry mechanical treatment prior to any prescribed fire applications.

Approximately 65% (2305 acres) of the project area is reflective of Condition Class 2. Condition Class 2 is best represented by Fuel Model #9 (Aids to Determining Fuel Models For Estimating Fire Behavior by Anderson 1982). Total dead woody fuel loadings average approximately 17 tons per acre. The remaining 35% (1236 acres) of the total project area is reflective of Condition Class 3. Condition Class 3 is best represented by Fuel Model #10 where total dead woody fuel loadings often exceed 30 tons per acre.

The objective is to reduce current fuel loads down to a desired future condition of Condition Class 1 which is best represented by Fuel Model #8. The total dead woody fuel loadings for Fuel Model #8 average less than 10 tons per acre. Under these conditions fires within the project area would be of less severity and be more manageable by initial attack fire suppression resources. The Behave: Fuel Model and Fire Behavior Prediction System reflects an 80% reduction in expected fire Behavior (Flame length) between a Fuel Model #10 and Fuel Model #8. A 65% reduction in fire behavior between Fuel Model #9 and Fuel Model #8 is expected.

The Baker fuels staff has recently inventoried all the forested stands within the project area. The project area has been divided into 11 units. Information on stand structure, composition etc is available at the Baker Resource Area office. Each unit would receive site specific treatments. Six of the eleven units may require a first entry mechanical treatment prior to broadcast underburning. All units would receive a broadcast underburning treatment. Several units are adjacent to Forest Service and Private land. Where possible, cooperative agreements would be entered into to treat these lands in conjunction with BLM administered lands. Agreements with adjacent landowners would serve as a benefit to all parties and allow use

of natural fuels breaks and existing road systems as a prescribed fire control strategy. Lack of cooperation between adjacent landowners would require more handline construction resulting in higher costs per acre. Burning would be applied during Spring/Fall seasons. Spring burning would be the preferred method as natural fuels breaks serve as a more effective control measure during spring green-up conditions. Rugged topography limits road access in much of the project area so both aerial and ground forces would be utilized as prescribed fire application methods. All units would be considered for future maintenance burning to maintain desired conditions and reduce the invasion of juniper and white fir. If necessary for recovery and protection from ungulates, aspen pockets and riparian areas that are treated within the units would be fenced. Fencing or other protective actions necessary to protect burned units from grazing would be designed in conjunction with livestock operators on a case by case basis. Site specific burn plans would have to be approved by the Vale District Fire Management Officer and the Baker Resource Area Field Manager.

Design Features

Access- Existing roads would be used for all implementation activities. No new roads would be constructed.

Avoidance of sensitive species habitat – Surveys for sensitive species would be conducted prior to treatment. If northern goshawk or other sensitive wildlife or plant species are found in the project area, treatments would be scheduled and/or modified to avoid or minimize disturbance to these species and their habitat. Modifications would include untreated leave areas, buffers, or modification to treatment timeframes.

Cultural resources – Cultural resource surveys would be conducted prior to surface disturbing activities. Cultural resource properties with historic significance would be avoided by project design.

Fuels Treatment and broadcast burning - Desirable post treatment fuel loadings would not exceed a total of 12 tons per acre with less than 5 tons per acre in the 0 to 3 inch diameter size class. This would include accumulations of both existing and activity generated slash.

All units planned for light intensity broadcast burning may require the construction of temporary perimeter fire lines a minimum of 3 feet wide down to mineral soil to prevent fire spread outside of units. Existing road systems and natural fuel breaks would be used as control lines where available.

Leave Areas - Approximately 25 percent of the 3541 acres (primarily north slope fir thickets) within identified units would not be treated to retain cover for sensitive species and big game.

Mechanical Fuel Treatment - A variety of mechanical fuel treatment methods would be used when treating the fuel loading in the project area. Mechanical treatment would take place on 5 of the 11 units and only remove small diameter ladder fuels to the extent necessary to allow safe, low intensity underburning. Thinning would consist of selectively cutting small diameter trees (generally less than 6" dbh) and retaining larger trees and would not be done within 25 feet of perennial streams. Thinning would be done between July 1 and December 1. Less than 50 percent of the thinning treatment would require the use of mechanized equipment other than chain saws. Mechanized equipment other than chain saws or slashbuster would not be used within 100 feet of perennial streams and 50 feet of intermittent streams. Slashbuster use inside of these buffers would have to be approved by the resource area hydrologist after site specific consideration. In accordance with the Baker RMP guidance to limit compaction from mechanical equipment, machinery passes on any one area would be limited so that skid trails or ways do not develop from repeated travel over the same area. Post treatment fuel loadings would not exceed a total of 12 tons per acre with less than 5 tons per acre in the 0 to 3 inch diameter size class. Methods include:

- *Slashbuster* – A mechanical masticating head is mounted on a variety of tracked devices including feller-bunchers and excavators. The head shreds both live and dead woody debris converting it to mulch, which can be deposited on the ground throughout the project area.

- *Grapple piler* – A grapple piler is mounted to a tracked excavator. Slash can be picked up with the grapple head and piled at pre-determined locations.

- *Hand piling* – Small diameter understory trees are manually felled with a chainsaw and hand-piled in place in areas where mechanical devices aren't an option like rocky sites and slopes greater than 35%.

Noxious Weeds – Yearly, prior to implementation, activities would be coordinated with the resource area weed specialist to identify site specific actions (i.e. vehicle washing, areas to avoid vehicle parking etc.) necessary to avoid spread of noxious weeds. Treated areas would be monitored for noxious weed establishment.

Prescribed Burning - All burning would be done in accordance with resource objectives specific to individual sites documented in burn plans written prior to burning. Objectives include; natural and activity fuels reduction, re-introducing fire into the ecosystem, enhancement of nutrient recycling and soil microflora, and improved growth of shrub and herbaceous understory plants. Burn plans would comply with the parameters and the standard design features listed on page 41 of the Baker RMP and would have to be approved by the Vale District Fire Management Officer and the Baker Resource Area Field Manager.

The BLM would comply with a voluntary smoke management plan which would reduce the probability of prescribed burning contributing to the non-attainment of air quality standards during the critical time period of late fall and winter.

Units

Unit #1 Dark Canyon T 12S, R 41E, Sections 5, 6, 7, 8 (1001 acres) – The Dark Canyon unit is dominated by Ponderosa Pine on the south/southwest aspects with mixed conifer/fir on the north aspects. Unit perimeters are adjacent to both Forest Service and Private lands. Treatment would be a first entry broadcast underburn. Existing road systems, natural fuel breaks, and the Dark Canyon Wildfire would serve as control points.

Unit #2 Snowshoe Gulch T 11, 12S, R 41E, Sections 4,5,32 (345 acres) – The Snowshoe Gulch unit is dominated by Ponderosa Pine on all aspects. Unit perimeters are all within BLM lands and natural fuel breaks would serve as effective control during spring burning. The northwest perimeter is adjacent to a Forest Service prescribed burn which would serve as an effective control buffer. Treatment would be a first entry broadcast underburn.

Unit#3 Segundo Spring T 12S, R 40E, Sections 10, 15 (626 acres) – The Segundo Spring unit is dominated by Ponderosa Pine with pockets of fir on North Aspects. Treatment would be a first entry broadcast underburn. The north perimeter is on Forest Service lands and may involve burning approximately 100 acres of their lands to an existing road system. The west perimeter is also adjacent to Forest Service lands but a prescribed fire in 2000 should serve as an effective control measure. East and south perimeters are adjacent to private land but natural fuels breaks and existing road systems should keep fire off private lands.

Unit #4 Stump Spring T 11S, R 41E, Sections 28, 29, 32, (303 acres) – Stump Spring unit is dominated by Ponderosa Pine with scattered pockets of fir along the north boundary. Treatment would be a first entry broadcast underburn and/or a jackpot burn. The north perimeter borders Forest Service land which would require a cooperative agreement to burn on their land and a private 40 adjacent to the northeast perimeter. West and southwest perimeters have existing road systems. The east perimeter has natural fuel breaks to serve as a control measure.

Unit #5 Chicken Peak T 11S, R 41E, Sections 14, 23, 32, 33, 34 (514 acres) – The majority of this unit consists of north aspects dominated by fir. The western edge of unit was previously thinned while the remaining portions of the unit consist of dense stands of fir reproduction and Ninebark. Young fir reproduction in the understory often exceeds 500 trees per acre. This unit would require a first entry thinning prior to the reintroduction of fire. Steep slopes would eliminate equipment and would require thinning and piling by hand. North aspects would not be treated to retain hiding cover for wildlife. Treatment would be limited to a first entry underburn on south aspect Ponderosa Pine stands (25% of the unit).

Unit #6 Blue Spring T 11S, R 41E, Sections 14, 23, 24 (341 acres) – The unit is a mixed conifer stand and is bordered by private lands on three sides. White fir and juniper are encroaching in much of the understory. The north perimeter is adjacent to Boise Cascade lands. Where slopes are less than 35% a first entry mechanical thin and grapple pile to reduce

ladder fuels in the understory would be performed. Slopes greater than 35% may require a first entry thin and handpile. Piles would be burned in late fall/early winter. A second entry would be a broadcast underburn. Approval from private landowners would be needed to allow fire to creep to existing road systems and natural fuel breaks on private lands.

Unit #7 Blue Spring Gulch T 11S, R 41E, Sections 22, 23 (165 acres) – This unit consists of small scattered units dominated by Ponderosa Pine. Fuels outside the unit are dominated by juniper woodlands with very light grass understory. The west perimeter borders 40 acres of private land and the northwest perimeter borders Forest Service lands. The first entry would be a spring broadcast underburn where ladder fuel densities are light. Sites with heavier concentrations of ladder fuels may require first entry hand thinning followed up with a second entry broadcast underburn. Approval to burn on adjacent Private and Forest Service lands would be needed.

Unit #8 Deer Creek T 11S, R 41E, Section 23 (46 acres) – This is a small scattered unit dominated by Ponderosa Pine. The area outside of the unit is dominated by juniper woodlands with light grass understory. Treatment would be a first entry broadcast underburn.

Unit #9 South Kirby Reservoir T 11S, R 42E, Section 19 (47 acres**) –** This is a mixed conifer stand with private land along the north perimeter of the unit. Treatment would be a first entry thin and grapple pile. Piles would be burned during late fall/winter, followed by a second entry broadcast underburn.

Unit #10 West Kirby Reservoir T 11S, R 42E, Section 18 (57 acres) – This unit consists of mixed conifer stands and is adjacent to private land on three sides. Treatment would be a first entry thin and grapple pile on gentler slopes. Slopes greater than 35% would require hand felling and piling. Piles would be burned in late fall/winter.

Unit #11 North Kirby Reservoir T11S, R42E, Sections 17, 18 (103 acres) – This unit consists of mixed conifer stands. Unit perimeters are surrounded by natural fuel breaks and a road system. Treatment would be a first entry thin and grapple pile on slopes <35% and may require some hand felling and piling on steeper slopes. Piles would be burned in late fall/winter. A second entry would be a broadcast underburn.

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:

Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991), Vale District Fire Management Plan (1998), Wildland and Prescribed Fire Management Policy (1998), 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), and Standards for Land Health for Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1998). The proposed project is also is conformance with the management direction in the Baker Resource Management Plan (1989).

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. The application of this categorical exclusion for the removal of hazardous fuels, is appropriate, as there are no extra ordinary circumstances potentially having effects which may significantly affect the environment. The proposed action would not create adverse environmental effects or trigger an exception. None of the following exceptions apply. (The exceptions mentioned below are contained 516 DM 2, Appendix 2) The proposed action will:

Yes	No	Exception
( )	(X)	1. Have significant adverse effects on public health or safety.
( )	(X)	2. Have significant, adverse effects on 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; or prime farmlands. This also includes ecologically significant or critical areas, such as significant caves, ACECs, National Monuments, WSAs, RNAs, and those listed on the National Register of Natural Landmarks.

( ) (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). Note: the proposed project would remove a small quantity of woody material that could potentially be used to generate energy in the form of biomass production in the future. However, there is no operating biomass facility within an economically feasible distance currently that could utilize this material, nor is none expected to be constructed in the foreseeable future.

RECOMMENDED MITIGATION

For any item checked "Yes" identify the mitigating measures to be implemented. If not, the conditions for a categorical exclusion cannot be met.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures

PERSONS AND AGENCIES CONSULTED and PUBLIC SCOPING

The following public and private landowners and interested publics were consulted via personal contacts and letter:

Baker County Empowerment Committee
Oregon Department of Fish and Wildlife
Adjacent Private and Public Landowners
Identified interested publics

Input received was used in developing the design features incorporated into the project design.

Decision and Rationale

I find the proposed action can be categorically excluded because there were no extraordinary circumstances identified for this proposal. Ground disturbance would be minimal. There would be no adverse impacts to the critical elements of the human environment including; steep slopes, highly erosive soils, cultural and heritage resources, threatened and endangered species, wetlands, wild and scenic rivers or wilderness. The use of heavy equipment would be minimal. In the long term, where wildfire burn severity is reduced, there would be reduced sediment and improved site stability due to project implementation. The project would not affect any sensitive, threatened or endangered plant, fish or wildlife species.

I have decided to implement the actions as described above. The proposed action would meet the requirements described in the purpose and need statement and would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) under 516 DM 2, Appendix 1. The proposed action has been reviewed against the sixteen criteria for an exception to a categorical exclusion (listed above) as identified in 516 DM 2.3 A(3) and other guidance, does not fall under any exception, and is, therefore, categorically excluded from further NEPA documentation. The proposed action and any specified mitigation measure(s) has been determined to be in conformance with existing land use plans and meet the criteria for a categorical exclusion.

IMPLEMENTATION DATE

This project is expected to be initiated in 2004 and take several years to implement.

s/Penelope Dunn Woods

Penelope Dunn Woods, Baker Resource Area Manager January 23, 2004

Approved By	Title	Date

ADMINISTRATIVE REVIEW OPPORTUNITY

Parties may appeal for administrative review in accordance with the following procedures.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the office of the authorized officer, as noted above, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Request for Stay

Should you wish to file a petition, pursuant to regulation 43 CFR 4.21, for stay (suspension) of the effectiveness of this decision pending the outcome of an appeal, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

CONTACT PERSON

For additional information concerning this project, contact, Dale Ekman, Fuels Specialist, Vale District, BLM, Baker, Oregon or telephone: 541-523-1322.

Burnt River Treatment Units