

**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: Stukel Bobcat Piling **CX Log #:** OR-014-CX-04-11

Project Location: T40S R10E Sec. 3,4,5,22,23,24,26,27; T40S R11E Sec. 5,6,7,8,9,18,19,29,30

BLM Office: Lakeview District, Klamath Falls Resource Area **County:** Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (Including Purpose and Need)

The purpose and need for the proposed action is to reduce areas of hazardous fuels and reduce the risk of wildfire(s). A small tractor (Bobcat) on rubber treads (see attached photo) will be used to pile previously cut small trees and limbs for burning on project sites (see attached maps). Residual materials will be made available for utilization where feasible. The Bobcat will not be used on slopes greater than 30%. The project sites total approximately 329 acres.

<u>Unit</u>	<u>Total ACRES</u>	<u>ACRES < 30%</u>
HP5	30.27	20.04
HP6	9.71	9.27
HP7	12.45	12.68
HP8	164.55	6.20
HP9	13.04	3.63
HP10	11.02	7.41
HP12	67.86	66.89
HP13	7.44	5.21
HP74	87.78	86.36
HP75	50.22	35.14
HP86	43.84	40.38
HP87	2.29	2.35
HP96	83.28	33.24
TOTAL	583.72	328.80

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).
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)

Northwest Forest Plan (1994)

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)

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 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?

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)

DOCUMENTATION OF RECOMMENDED MITIGATION

Note: 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, the resources discussed are potentially affected. Mitigation measures below are applied to prevent the adverse conditions discussed in the exceptions:

Exception No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures
7	Yes		Portions of units that have not been surveyed for cultural resources will be surveyed prior to implementation of proposed activities. Known cultural sites will be avoided.
8	Yes		There are bald eagle and golden eagle nests and roosts in the vicinity of the proposed treatment units. Seasonal restrictions on activity near these nests will be implemented January 1 to August 15.
15	Yes		Surveys have been completed throughout the Stukel area. Both weed infestations and special status plant populations occur in the area. Special status plant populations should be protected from the direct effects of physical disturbance and should be flagged and avoided when constructing piles. Also see attached Weed Mitigation Measures in Appendix 1.

Refer also to Appendix 2 for Best Management Practices (BMPs) to mitigate effects to soils and hydrology.

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).

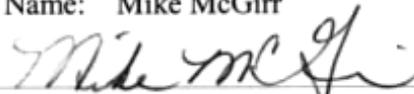
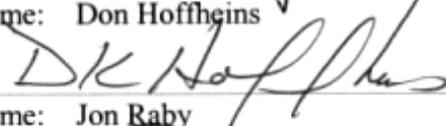
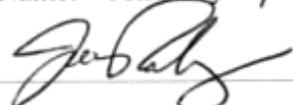
Surveys:	1) are completed	2) will be completed	3) are not needed
Special Status Plants	<u>AW 8/31/02</u>	_____	_____
Special Status Animals	_____	_____	<u>MDR 8/31/04</u>
Cultural Resources	_____	<u>TC 8/31/07</u>	_____
Other Surveys	_____	_____	_____
Animal Consultation	<u>MB 8/31/04</u>	_____	_____
Botanical Consultation	_____	_____	<u>AW 8/31/02</u>
Cultural Consultation	<u>TC 8/31/04</u>	_____	_____

PERSONS AND AGENCIES CONSULTED

US Fish and Wildlife Service (Concurrence letter)
The Klamath Tribes through coordination meetings with Tim Canaday.

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: (Signature)	Name: Mike McGirr 	Title: Fuels Specialist	Date: 8-31-04
Reviewed By: (Signature)	Name: Don Hoffhins 	Title: Planner/ Environmental Coordinator	Date: 8/31/04
Approved By: (Signature)	Name: Jon Raby 	Title: Resource Area Manager	Date: 9/1/04

IMPLEMENTATION DATE

This project is expected to be implemented in the next 3-5 years depending on funding.

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

Appendix 1 - 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.

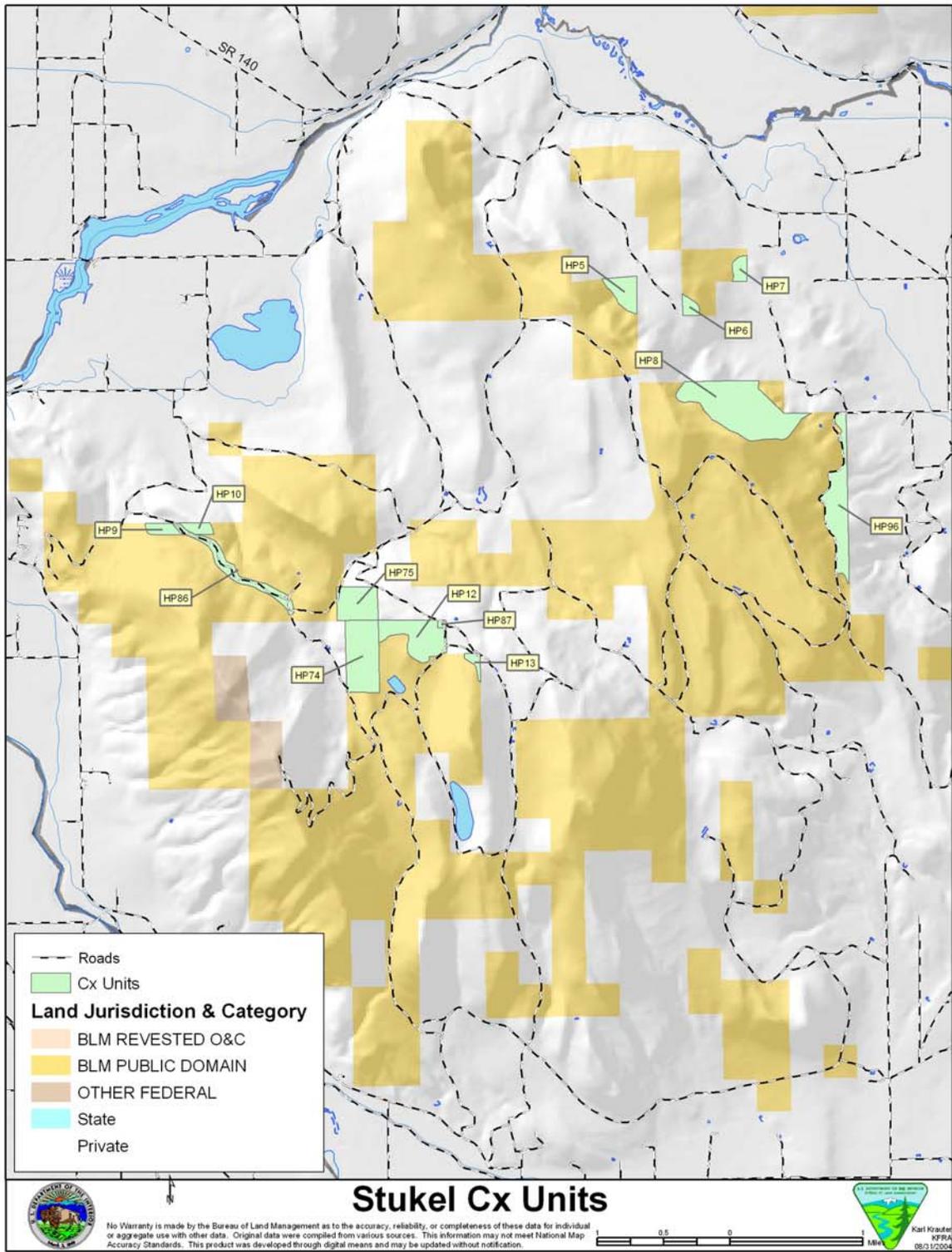
All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a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

Appendix 2 – Best Management Practices for Soils and Hydrology

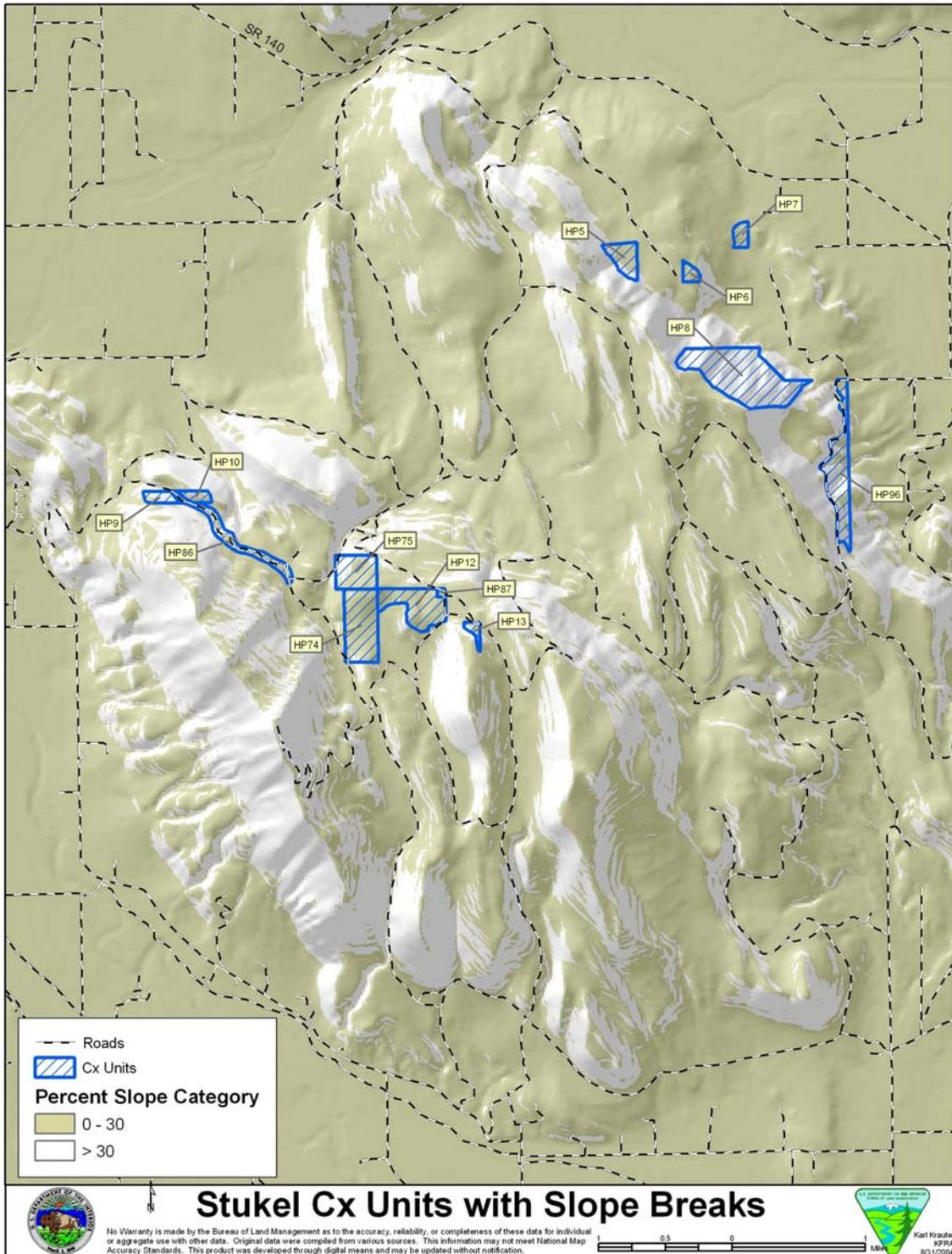
Best Management Practices from the KFRA RMP (Appendix D) should be implemented. The most relevant of these include Tractor Piling (Pages D-26 to D-27) and Prescribed Fire (Page D-30). For the proposed project:

- Equipment paths across stream channels should be limited and should be located in areas where the channel is armored by bedrock or boulders.
- Cut material should not be pushed across stream channels.
- No piles should be built within 50 feet of stream channels. In constrained canyons, this restriction may not be practical; in no case should piles be built within 10 feet of stream channels.
- Piles within 100 feet of stream channels should be kept as small as practical.
- Ignition should occur when soil and duff moisture are high.
- Effort should be made to avoid displacement of soil and duff during piling operations.

Based on monitoring of past projects it is recommended that equipment operations occur when soil moisture in the upper six inches of soil is less than 20% if loamy and less than 15% if silty or clayey.



Map 1 – Stukel treatment units



Map 2 – Slope Category for treatment units



Photo – Example of Tracked Bobcat used to minimize soil compaction