

## **2.4.1 Categorical Exclusion Documentation for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions**

### **A. Background**

BLM Office: U.S. Department of the Interior, Bureau of Land Management, Grand Canyon - Parashant National Monument (GCPNM).

Proposed Action Title/Type: Kelly Dam, CX-AZ-130-2008-020, Vegetation Management.

Location of Proposed Action: Mohave County, AZ., Grand Canyon - Parashant National Monument, GSRM T. 32N., R.12W., sec 14 and 23.

Description of the Proposed Action: The Kelly Dam Treatment is an effort to restore ecosystem condition, create mosaic tree densities by using low intensity prescribed fire plus light mechanical means to prepare the unit. The treatment unit is within the Grand Canyon - Parashant National Monument near the BLM/NPS boundary. The 370 acre unit (attached map) is best characterized by ponderosa pine, pinyon, juniper, oak, shrubs, forbs, and grasses. There is a 36 acre portion of the unit currently dominated by sagebrush.

The BLM contracted the Lake Mead NRA, Cultural Resources Branch to complete a Class III cultural inventory. Sites would be avoided from burning or treatment. The project number is BLM-130-2008-027; the project record contains site location information that is confidential and is exempt from the Freedom of Information Act. A wildlife clearance was completed by the GCPNM biologist, and no special status species were found on site. Sensitive species are Northern goshawk (*Accipiter gentilis*) and Wild turkey (*Meleagris gallopavo*). BLM would then prepare the unit for burning, and then apply low intensity understory fire. BLM also proposes to apply native seed to the unit immediately post-treatment. BLM would rehabilitate surface disturbance after operations are completed, and conduct post-treatment monitoring of effects.

The following actions are necessary to restore rangeland and forestland in the Grand Canyon - Parashant National Monument: restore ecosystem structure in vegetative communities that have been altered by past management activities, increase biodiversity, promote the establishment of native grasses and forbs, aid in preventing soil erosion and increase natural understory.

### Preparation

BLM would use hand tools and chainsaws to prepare the units for burning. Burn preparation consists of removing duff/litter concentrations and ladder fuels around significant features such as fences, signs, pre-settlement trees, snags, and downed logs. Crews would rake, cut, lop, and scatter around these features. Short sections of fire line

## CX-AZ-130-2008-020

would be constructed as necessary to prevent the spread of fire outside of unit boundaries. Fire line is not needed in most areas where bare soil, roads, or trails serve as an effective barrier. Where fire line is constructed (less than one mile for the project), it would be the minimum necessary usually consisting of a 1-3 foot wide hand line with a 10 foot wide saw line on each side. All stumps would be flush cut and camouflaged to reduce visual impacts.

Two polygons for Wild turkey (see map) within the Kelly Dam treatment area would be excluded from any treatment. The polygons were developed from a site visit with the Arizona Game and Fish Department and a Grand Canyon-Parashant National Monument biologist. The two polygons are approximately 39.5 acres in total. The northern polygon is 18.5 acres and the southern is 21 acres.

### Prescribed Fire

BLM would introduce low intensity understory fire during the fall or spring in accordance with an approved burn plan separate from this CX. BLM would analyze smoke production and dispersal patterns and apply for a Smoke Permit from the Arizona Department of Environmental Quality, and would not burn unless a permit is granted by the State.

### Seeding

BLM would use hand seeders to apply native seed mix to the Treatment Unit, using species listed in Table 1. Some variation in seed mix could occur, based on price and availability. OHVs would not be used for seeding. All seed must be noxious weed free certified.

Table 1. Potential species and application rates

SPECIES	LBS/ACRE
Big bluegrass (Poa ampla)	0.6
Sand dropseed (Sporobolus cryptadrus)	0.5
Sideoats grama (Bouteloua curtipendula)	1.5
Utah serviceberry (Amelanchier Utahensis)	0.5
Fringed sagebrush (Artemisia frigida)	0.5
Wood's rose (Rosa Woodsii)	0.5
Arizona fescue (Festuca Arizonica)	1.75
Prairie Junegrass (Koeleria cristata)	1.0
Bottlebrush squirreltail (Sitanion hystrix)	1.25

**CX-AZ-130-2008-020**

Slender wheatgrass ( <i>Agropyron trachycaulum</i> )	1.25
Mountain brome ( <i>Bromus marginatus</i> )	1.25
Western wheatgrass ( <i>Agropyron Smithii</i> )	1.25

Monitoring/Research

Prior to burning BLM would monitor fuel conditions on the units, measuring fuel moistures, and estimating fuel density. During the burn operations BLM would monitor fire behavior, smoke and weather. The BLM would select and set up photo plots in different vegetation types within the unit. Objectives in the burn plan would also be monitored.

Maintenance of Fire/Prescribed Burn Reentry

The BLM would enter the unit and apply low intensity understory prescribed burning as necessary to complete vegetative objectives.

Mitigation

Measures would be taken to avoid impacts to cultural properties, sensitive species, and visual resources. If any goshawk nest is found to be occupied in or near a treatment unit, the BLM would flag a prescribed avoidance area. All personnel would be notified and restrict activities to outside the avoidance area. These avoidance areas would remain in place until the nestlings have completely fledged. Occupied nest sites would be excluded from the burn treatment by constructing fire line outside the avoidance area. A qualified individual would be on site during all surface-disturbing activities to monitor compliance.

No fire would be allowed on archaeological (historic or prehistoric) sites that may be susceptible to fire damage such as sites containing wooden structures, or features, and rock art. On all other sites, heavy fuels loads would be removed from the sites to keep surface ground fire temperatures low and reducing the potential for destructive thermal alteration of artifacts, rock, or disturbance of subsurface features by prolonged exposure to high temperatures.

Archeological sites located in the proposed burn unit would be flagged for avoidance during any light duty mechanical treatment and would be excluded from the hand line. An archeologist would be required to be present to monitor the area for exclusion from the hand line. Two wooden east/west running fence lines and four wooden fence corners are located in the burn unit. A hand line would be constructed where needed to prevent fire damage to these wooden resources.

If, in connection with this work, any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection Act are discovered, the operation would cease in the area of the discovery. The discovery would be protected and operations would not resume until authorized by the Monument Manager.

Also, if a listed species is observed, all work in the area would stop and would not be allowed to resume if there was any possibility that activities could adversely affect the species. If it is determined that the project would affect any listed species, the project would halt until consultation with the US Fish and Wildlife Service could occur. The area has been inventoried and there are no current T/E species occupying the treatment area.

If a Northern goshawk or Wild turkey active nest is observed during treatment activities, all work in the area would stop and not resume until fledglings have left the nest. The area will not be treated if any goshawks or turkeys are nesting within or immediately adjacent to the unit.

Prior to initiation of burn operations, BLM prescribed fire managers would contact the Arizona Game and Fish Department Region II to schedule burning to avoid conflicts with hunting (burning is not prohibited during a hunting season, but should be avoided if practicable). A BLM qualified wildlife biologist would also be notified prior to burning.

Some patches/clumps of trees and shrubs would remain in the unit leaving horizontal cover and consist of dissimilar parts.

## **B. Land Use Plan conformance**

The proposal is consistent with the Proclamation for the Parashant National Monument (2000), which is silent on the issue of prescribed burning, but does direct the BLM and NPS to manage the Monument to protect Monument objects, which includes ponderosa pine forests that are at risk from catastrophic wildfires.

Land Use Plan Name: Grand Canyon-Parashant National Monument Record of Decision and Management Plan

Date Approved/Amended: February 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Specific RMP Decisions Include:

DFC-WC-02

Areas where wilderness characteristics will be maintained will be ecologically sustainable and resilient to natural and human-caused disturbances.

DFC-VM-07

Each vegetation community is maintained within its natural range of variation in plant composition, structure and function.

DFC-VM-09

The Ponderosa Pine Ecological Zone will consist of a mosaic of tree densities, age classes, and openings (which may contain scattered trees), with health, diverse understories of native shrubs, grasses and forbs.

## **CX-AZ-130-2008-020**

### **DFC-VM-12**

Patches of old and/or large trees and standing plus fallen dead trees will be maintained and protected.

### **MA-WC-02**

Restoration, vegetation treatments, wildlife management projects on BLM-administered lands, and other surface disturbing actions can be authorized in areas managed to maintain wilderness characteristics to achieve DFCs.

### **MA-WC-06**

Within areas managed to maintain wilderness characteristics, the BLM and NPS will use minimum impact suppression tactics (MIST) to manage fire. Fire management actions will be consistent with DFCs for wilderness characteristics described in the Fire Management Plan.

### **MA-VM-04**

Treatment methods and tools appropriate to the land use allocation and protection of Monument objects can be authorized to achieve DFCs, DPCs, or Vital Sign standards. Treatment methods can include, but are not limited to mechanical, chemical, biological, and fire or any combination thereof. Vegetation treatments and uses will be monitored as part of an adaptive management process. Seed priming and other enhancement techniques can be used to increase germination rates. Treatments will be designed so that they do not encourage an increase in any invasive species.

### **MA-VM-16**

Vegetation treatments can be used in the Ponderosa Pine Ecological Zone to enhance vegetative diversity, restore native plant communities, maintain or increase wildlife habitat, and reduce or eliminate hazardous fuels. Treatment objectives in Ponderosa pine vegetation communities will focus on restoring natural disturbance processes such as fire; increasing vegetative ground cover of native grasses, forbs, and shrubs; enhancing forest structure, function, and composition; and removing invasive, non-native species.

### **MA-VR-02**

Ecosystem restoration projects will ensure that visual impacts are minimized in the short term (5years) and that VRM objectives in the project area are met in the long term (life of the project) when such projects are a) considered essential for public safety, achieving DFCs, or reducing hazardous fuels build ups and b) expected to be visually prominent.

### **DFC-WF-41**

Vertical structure and understory density will be sufficient in the Ponderosa pine ecological zone to provide nesting and roosting habitat for Merriam's turkey.

### **MA-TE-51**

Existing and potential habitat for special status raptor population continuance and expansion will be identified, protected and improved.

## **C: Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 D (10). The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly

affect the environment. These extraordinary circumstances are contained in 516 DM 2, Appendix 2, and are addressed in the Exceptions Review (see attachment 1).

Persons and Agencies Consulted:

Arizona Game and Fish Department, Region II

NAU Ecological Restoration Institute

Lake Mead National Recreation Area, NPS

Wally Mathis (nearby landowner)

**D: Signature**

Authorizing Official \_\_\_\_\_ Date: \_\_\_\_\_

Name: Tom Edgerton

Title: Grand Canyon - Parashant National Monument Manager

**Contact Person:** For additional information concerning this decision, contact: Brian Bock Fire Ecologist, 345 East Riverside Dr. St. George, UT 84790 435-688-3279 or 435-680-1823 cell.

**Attachment 1**

<b>EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST</b>		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO &amp; RATIONALE (If Appropriate)</b>	<b>STAFF</b>
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	R. Smith
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	NO	J. Beal K. Jensen R. Smith G. Benson D. Van Alfen D. Hawks
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]?	NO	R. Spotts

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	R. Spotts
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	R. Spotts
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	R. Spotts
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	NO	D. Van Alfen
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	NO	L. Hughes K. Jensen
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	G. Benson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	R. Spotts
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	NO	G. Benson
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	NO	L. D. Walker

**DECISION MEMORANDUM**  
Kelly Dam/Vegetation Management  
**CX-AZ-130-2008-020**

U.S. Department of the Interior  
Bureau of Land Management  
Grand Canyon - Parashant National Monument (GCPNM)  
345 East Riverside Dr, St. George, UT 84790

**Approval and Decision**

Based on a review of the project described in the attached Categorical Exclusion documentation and the Grand Canyon - Parashant National Monument staff recommendations, I have determined that the project is in conformance with the Grand Canyon - Parashant National Monument Record of Decision and Resource Management Plan/General Management Plan (approved February 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

**Stipulations and Mitigation Measures**

Short sections of fire line will be constructed as necessary to prevent the spread of fire outside of unit boundaries. Fire line is not needed in most areas where bare soil, roads, or trails serve as an effective barrier. Where fire line is constructed (less than one mile for the project), it will be the minimum necessary (MIST tactics) usually consisting of a 1-3 foot wide hand line with a 10 foot wide saw line on each side. All stumps will be flush cut and camouflaged to reduce visual impacts.

Measures will be taken to avoid impacts to cultural properties, special status species, maintain wilderness characteristics and visual resources. If any goshawk nest is found to be occupied in or near a treatment unit, the BLM will flag a prescribed avoidance area. All personnel will be notified and restrict activities to outside the avoidance area. These avoidance areas will remain in place until the nestlings have completely fledged. Occupied nest sites will be excluded from the burn treatment by constructing fire line outside the avoidance area. A qualified individual will be on site during all surface-disturbing activities to monitor compliance. If burning takes place in the spring of 2009 or past this date, another clearance will be performed by a BLM qualified biologist.

Two polygons for Wild turkey (no burn segments) within the Kelly Dam treatment area will be excluded from any treatment. The polygons were developed from a site visit with the Arizona Game and Fish Department and a Grand Canyon-Parashant National Monument biologist. The two polygons are approximately 39.5 acres in total. The northern polygon is 18.5 acres and the southern is 21 acres.

Also, if a listed species is observed, all work in the area will stop and will not be allowed to resume if there was any possibility that activities could adversely affect the species. If it is determined that the project will affect any listed species, the project will halt until consultation with the US Fish and Wildlife Service could occur. The area has been inventoried and there are no current T/E species occupying the treatment area.

If a Northern goshawk or Wild turkey is observed during treatment activities, all work in the area will stop and not resume until fledglings have left the nest. The area will not be treated if any goshawks or turkeys are nesting within or immediately adjacent to the unit.

Prior to initiation of burn operations, BLM prescribed fire managers will contact the Arizona Game and Fish Department Region II to schedule burning to avoid conflicts with hunting (burning is not prohibited during a hunting season, but will be avoided if practicable). A BLM qualified wildlife biologist will also be notified prior to burning.

Project personnel will adhere to California condor conservation measures at all times.

No fire will be allowed on archaeological (historic or prehistoric) sites that may be susceptible to fire damage such as sites containing wooden structures, or features, and rock art. On all other sites, heavy fuels loads will be removed from the sites to keep surface ground fire temperatures low and reducing the potential for destructive thermal alteration of artifacts, rock, or disturbance of subsurface features by prolonged exposure to high temperatures.

Archeological sites located in the proposed burn unit will be flagged for avoidance during any light duty mechanical treatment and will be excluded from the hand line. An archeologist will be present to monitor the area for exclusion from the hand line. Two wooden east/west running fence lines and four wooden fence corners are located in the burn unit. A hand line will be constructed where needed to prevent fire damage to these wooden resources. If, in connection with this work, any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection Act are discovered, the operation will cease in the area of the discovery. The discovery will be protected and operations will not resume until authorized by the Monument Manager.

Some patches/clumps of trees and shrubs will remain in the unit leaving horizontal cover and consist of dissimilar parts.

The well in the SE corner of the burn will be excluded from fire; fuels removal in a ten foot radius will be completed.

No OHVs will be used to seed the burn. Only noxious weed free certified seed will be used. Only in an emergency (threat to life or property) will OHVs be used off designated routes.

### **Administrative Review or Appeal Opportunities**

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 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Grand Canyon - Parashant National Monument, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your 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 also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor

U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (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.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

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, and
4. Whether the public interest favors granting the stay.

\_\_\_\_\_  
Tom Edgerton GCPNM Manager

\_\_\_\_\_  
Date

Attachment: Form 1842-1