

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2012-0011-CX

Date: 11/16/2011

File Code (Project/Serial Number):

Preparer: Travis Miller, Range Management Specialist

Applicant: BLM

Title of Proposed Action: Smyth Creek Fire Emergency Stabilization Seeding

Description of Proposed Action and Project Design Elements (if applicable): The Smyth Creek Fire (Fire #GCR6) was a fire ignited by lightning on August 24, 2011 and was contained on September 1, 2011. The fire occurred within the Five Creeks Rangeland Restoration Project boundary and burned a total of 1,857 acres, comprising 1,833 acres of BLM-managed land of which 250 acres were within the Steens Mountain Cooperative Management and Protection Area (CMPA) and 25 acres of private land. The majority of the fire, 1,032 acres, occurred in Five Creeks' Unit 4 prescribed burn boundary, 7,614 acres, which was burned September 30, 2011. This fire was also located in the Kiger Mustang Herd Management Area (HMA) and Area of Critical Environmental Concern (ACEC) and the Smyth-Kiger Allotment #5331. There are no Wilderness Study Areas or Wilderness associated within the burned area. The fire was located approximately 6 miles northeast of Diamond, OR in the north Steens Mountain, bordered by the Kiger Mustang Viewing Road to the west and Smyth Creek to the east (Map A and C-2).

The Smyth Creek fire burned across low sagebrush (*Artemisia arbuscula*), mountain big sagebrush (*Artemisia tridentata ssp. vaseyana*), and Wyoming big sagebrush (*Artemisia tridentata ssp. wyomingensis*) plant communities with understories composed of various species of perennial grasses and forbs. The mountain big sagebrush plant communities that were burned receive higher annual precipitation, have high vegetative production, and were not experiencing any known noxious weed infestations prior to the fire. As a result, these areas are expected to recover with desired vegetation naturally following the burn. However, invasive annual grasses medusahead rye (*Taeniatherum caput-medusae*), cheatgrass (*Bromus tectorum*), and Japanese brome (*Bromus arvensis*) were present within and immediately adjacent to the dry-mesic, 10-12 inches annual precipitation, Wyoming big sagebrush plant communities. Due to the presence of these annual grasses prior to the burn, it is unlikely that these plant communities will recover naturally with desired perennial vegetation (Map C-2, Proposed Seeding).

Historical and Current impacts are primarily in the Wyoming big sagebrush plant community. In the early 1900's the Proposed Seeding area (depicted in Map C-2) was likely grazed heavily by sheep. It was called the Lambing Grounds. Archeological findings this fall have found sheep shears, cans, a watch, and other evidence that date back to the early 1900s. The range condition in this area had been depleted allowing invasive annual grasses to establish, and in some areas on the northwest corner of the burn these grasses have begun to dominate the plant community. Currently wild horses use this area, and horse observations prior to the summer 2011 gather and this fall have shown this to be a high preference area year round. In 2010 and 2011 Archeology and Range Management Specialists have documented heavy hoof shear and grazing by horses in this area. Prior to the horse gather there were approximately 25 to 30 horses using the area. Following the gather 15 horses have returned and re-established a territory in the area. Current livestock management grazes cattle in this area in a graze/defer rotation as part of the Smyth-Kiger Allotment. The fire predominantly occurred in Wood Camp pasture of this allotment. In the last two summers cattle have not grazed this pasture because of concerns of heavy wild horse use in 2010 and in 2011 to accumulate fine fuels for the Five Creeks' Unit 4 prescribed burn. This pasture will be rested at a minimum of two growing seasons (May – August) by cattle to provide adequate time for vegetative recovery and establishment as analyzed in the Five Creeks EA and approved in the decision record. However, wild horse use will continue, which could have negative effects on restoration efforts.

The burned area of concern is a dry-mesic ecological site, which makes it desirable for winter and early spring use by domestic and wild animals. Mule deer herds of 30 to 40 animals have been observed in the area in

March and April when higher elevation forages are either covered by snow or early growth is limited due to low temperatures. This area provides critical winter range for wild horses that have been observed to congregate at lower elevations of the HMA including the project area. The burned area has also been classified as Low Density habitat for sage-grouse by the Oregon Department of Fish and Wildlife.

The BLM proposes to drill seed 500 acres in the area (Map C-2) with and threatened by invasive annual grasses. The proposed seeding area is outside the CMPA. The fire consumed 100% of the invasive annual grasses and sagebrush in this area. The fire's intensity will have decreased the survival rate of perennial native grasses. Drill seeding is proposed (versus other seeding methods) to increase the chances for more rapid germination and establishment of the seeded species. The desirable perennial plant species and seeding rate selected include: crested wheatgrass 4 lbs/ac, blue bunch wheatgrass 2 lbs/ac, bottlebrush squirreltail 1 lb/ac, Idaho fescue 1 lb/ac, Sherman big bluegrass ½ lbs/ac, intermediate wheatgrass 1 lb/ac, smooth brome 1 lb/ac, and forage kochia ½ lbs/ac. The species were chosen to match the ecological site, prevent short-term soil loss, and compete with invasive annual grasses. Both a botanical and cultural resource survey will be conducted prior to any surface disturbing activities and any sites found will be avoided.

Legal Description (attach Location Map): See Attached maps

B. Conformance with Land Use Plan (LUP) (name):

Date Approved/Amended: The proposed action is conformance with the CMPA RMP, August 2005, and Three Rivers RMP, September 1992. Although they are not specifically provided for they are clearly consistent with the following RMP decisions:

Three Rivers RMP:

Soil Management 1.2: "Rehabilitate burned areas where erosion hazard is high and/or natural vegetation potential is low."

Vegetation 1: "Maintain, restore or enhance the diversity of plant communities and plant species in abundances and distributions, which prevent the loss of specific native plant community types or indigenous plant species within the RA."

Vegetation 1.6: "...prevent the invasion of noxious weeds into areas presently free of such weeds and to improve the ecological status of sites which have been invaded by weeds...."

Wildlife Habitat 2: "Improve approximately 170,000 acres of deer winter range;...., currently in unsatisfactory condition to satisfactory condition...."

CMPA RMP:

Rangelands: Goal #1- Maintain, restore or improve the integrity of desirable vegetation communities including perennial, native and desirable introduced plant species. Provide for their continued existence and normal function in nutrient, water and energy cycles. Objectives 1,2,3 and 4., Page 30.

Noxious Weeds: Goal – Control the introduction and proliferation of noxious weeds and reduce the extent and density of established populations to acceptable levels. Objectives 1,2 and 3., Page 31.

Wildland Fire Management: Goal 2 – Restore and maintain the integrity of ecosystems consistent with appropriate fire regimes and land uses; Objective 2. Assess burned areas for appropriate biological and physical rehabilitation activities.

Fish and Wildlife: Goal – Provide diverse, structured, resilient, and connected habitat on a landscape level to support viable and sustainable populations of wildlife....; Objective 1. Maintain, restore, or improve habitat.

BLM Categorical Exclusion Reference (516 DM, Chapter 11): I. Emergency Stabilization

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1):

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
2.1	Have significant impacts on public health or safety.
Specialist (Print Name and Title):	John Petty, Health and Safety Specialist
Signature and Date:	<i>[Signature]</i> 11/16/11
Rationale:	No significant impact on public health or safety.
2.2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist (Print Name and Title):	Jason Brewer, Wildlife Specialist
Signature and Date:	<i>[Signature]</i> 11-16-11
Rationale:	: There would be no effects to migratory birds from this action since most migratory birds that use this area for breeding, nesting and fledging will be gone when the seeding is completed.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	Scott Thomas, District Archaeologist
Signature and Date:	<i>[Signature]</i> 11-17-11
Rationale:	Several Historical sites have been found in the proposed rehabilitation area. These sites have been flagged and will be avoided during drill seeding. By following mitigation measures no historic or cultural resources would be affected by this project.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Caryn Meinicke, NRS Botany
Signature and Date:	<i>[Signature]</i> 11-16-11
Rationale:	There are no botanical ACEC/RNAs within the proposed project area. The Kiger Mustang ACEC is in the proposed seeding area. However, it will not disrupt long term wild horse distribution in the seeding area.
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Lisa Grant or Lindsay Davies, Fisheries Biologist
Signature and Date:	<i>[Signature]</i> 11/16/11
Rationale:	Water Resources/Flood Plains within the proposed project area would not be affected.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title):	Caryn Meinicke, NRS-Botany
Signature and Date:	<i>[Signature]</i> 11-16-11
Rationale:	Impacts to the soils and BSCs will be negligible. The long term benefits resulting from reseeding will offset any short term soil loss and BSC disturbance. There are no prime farmlands within the proposed project area.
<u>Recreation/ Visual Resources</u>	
Specialist (Print Name and Title):	Michelle Franulovich, Recreation Specialist
Signature and Date:	<i>[Signature]</i> 11-18-11

Rationale: The Emergency Stabilization Project is not anticipated to have an effect to recreation.

Visual Resource: The VRM Class for this project area is VRM 1 and the intention is to preserve the existing character of the landscape.

Wilderness/Wild and Scenic River Resources

Specialist (Print Name and Title): Michelle Franulovich, Recreation Specialist

Signature and Date:

Rationale: There is no wilderness, WSA, WSR resources or Lands with Wilderness Characteristics within the proposed project area.

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: *Rhonda Karges* 11/18/11

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The BLM routinely seeds areas burned by wildfire to reduce soil erosion and invasion by annual grasses such as cheatgrass. Other wildfire rehabilitation Environment Assessments have shown no significant environmental effects.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: *Rhonda Karges* 11/18/11

Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks associated with implementation. The BLM routinely seeds areas burned by wildfire to reduce soil erosion and invasion by annual grasses such as cheatgrass. Other wildfire rehabilitation Environment Assessments have shown no significant environmental effects.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: *Rhonda Karges* 11/18/11

Rationale: Implementation would not establish precedence for future actions or represent a decision in principle about future actions with potentially significant environmental risks. The BLM routinely seeds areas burned by wildfire to reduce soil erosion and invasion by annual grasses such as cheatgrass. Other wildfire rehabilitation Environment Assessments have shown no significant environmental effects.

2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: *Rhonda Karges* 11/18/11

Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulatively significant effects. The BLM routinely seeds areas burned by wildfire to reduce soil erosion and invasion by annual grasses such as cheatgrass. Other wildfire rehabilitation Environment Assessments have shown no significant environmental effects.

2.7 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.

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date: *Scott Thomas* 11-17-11

Rationale: No National Register eligible or listed historic properties would be affected by this project.

2.8 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.

Endangered or Threatened Species-Fauna

Specialist (Print Name and Title): Jason Brewer, Wildlife Biologist

Signature and Date: *Jason Brewer* 11-16-11

Rationale: – There are no known federally listed Endangered or Threatened species, species proposed to be listed, or designated Critical Habitat in this project area. Therefore there would be no effects to TEPS species or any critical habitat.

Endangered or Threatened Species-Aquatic

Specialist (Print Name and Title): Lisa Grant or Lindsay Davies, Fisheries Biologist

Signature and Date: Lisa Grant 11-16-11

Rationale: There are no Aquatic Threatened or Endangered or special status species or critical habitat in the project area.

Endangered or Threatened Species-Flora

Specialist (Print Name and Title): Caryn Meinicke, NRS-Botany

Signature and Date: Caryn Meinicke 11-16-11

Rationale: There are no documented T&E or special status species or critical habitat within the project area.

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: Rhonda Karges 11/18/11

Rationale: Implementation would not violate any known law or requirement imposed for the protection of the environment.

2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature and Date: Rhonda Karges 11/18/11

Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.

2.11 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).

Specialist (Print Name and Title): Scott Thomas, District Archaeologist

Signature and Date: Scott Thomas 11-17-11

Rationale: Access to and integrity of Indian sacred sites would not be affected by this project.

2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

Specialist (Print Name and Title): Lesley Richman, Weed Specialist

Signature and Date: Lesley Richman 11/16/11

Rationale: Noxious weeds are known to occur in this area. Treatments are on-going. The area burned in the fire will be monitored for noxious weeds for at least 2 years. Any weeds found will be treated using the most appropriate methods.

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, Environmental Specialist

Signature: Rhonda Karges Date: 11/18/11

Management Determination: Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Richard Ray Field Manager

Richard Ray
Three Rivers Resource Area Field Manager

11/21/2011
Date

Joan M. Suther Joan Suther
Andrews Resource Area Field Manager

11/21/2011
Date

Authority

Authority for this decision is found under 43 Code of Federal Regulations (CFR) 4190.1 (a), "...when BLM determines that vegetation, soil, or other resources on the public lands are ... at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. The effective date is date of authorized officer's signature. Wildfire management includes but is not limited to: ... (2) Projects to stabilize and rehabilitate lands affected by wildfire."

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be received by the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision but no later than December 1, 2011. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

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

As noted above, the motion for stay must be filed in the office of the authorized officer.

Richard O. Ray
Three Rivers Resource Area Field Manager

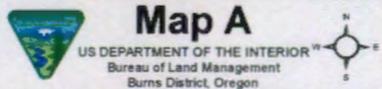
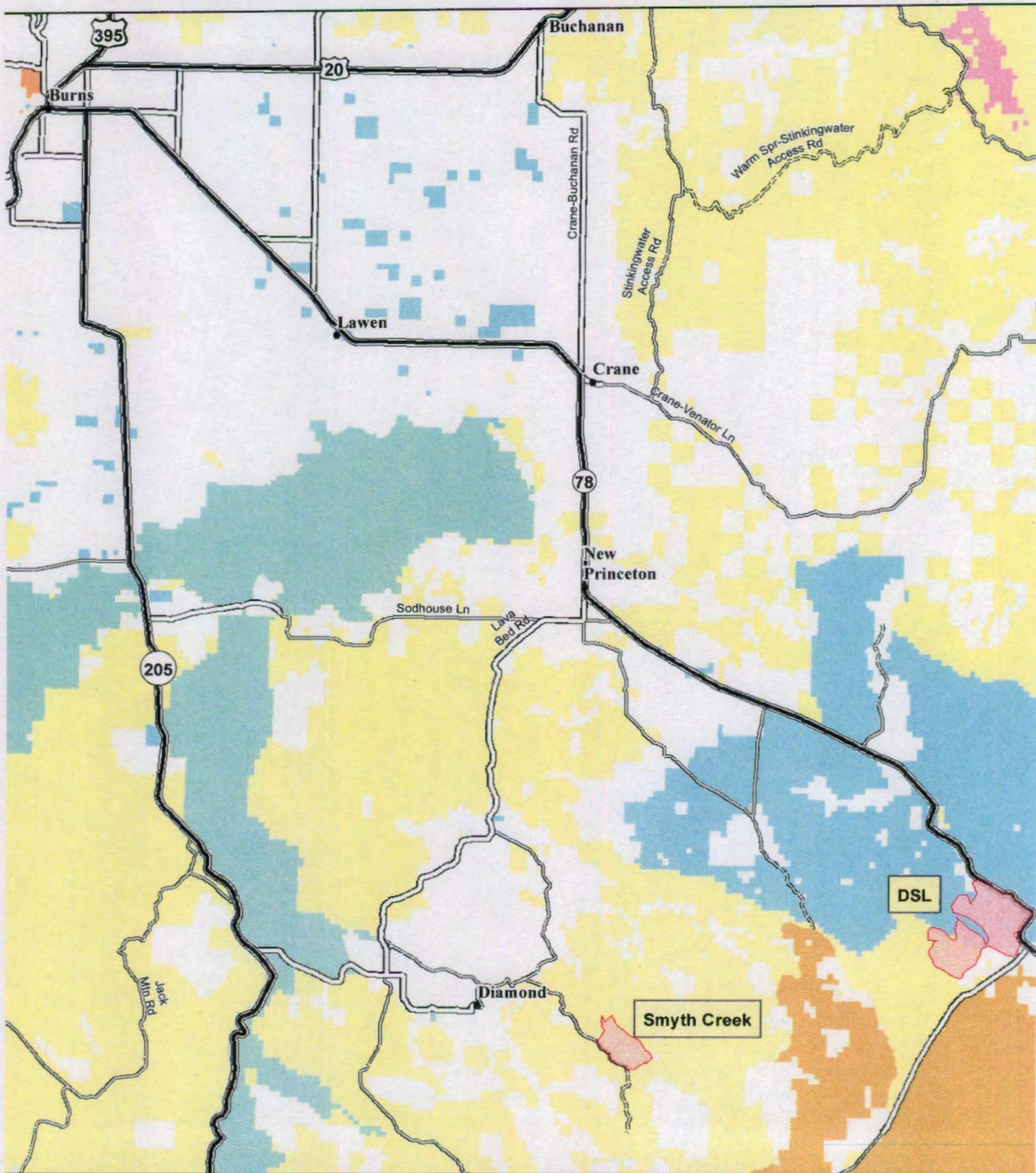
11/21/2011
Date

Joan M. Suther
Andrews Resource Area Field Manager

11/21/2011
Date

VICINITY MAP

DSL/Smyth Creek Fires

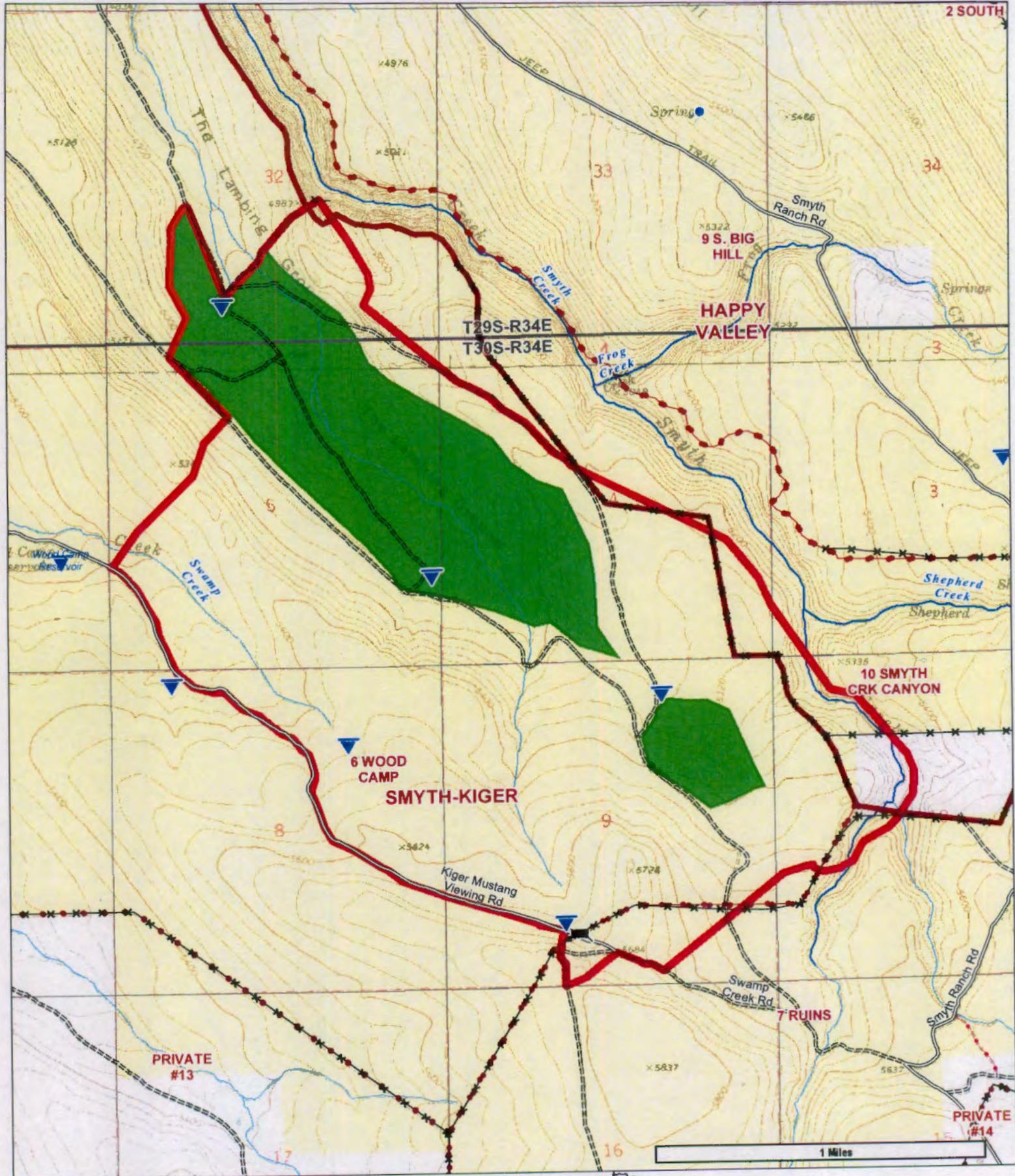


Map A

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.
10/25/2011 slenton

- | | | | |
|--------------------------------|---------------------------|------------------------------|--------------------------------|
| Fire Perimeters | BLM Wilderness Study Area | Bureau of Indian Affairs | Not All Roads Are Shown |
| Bureau of Land Management | Other Federal | Private/Unknown | Paved Road |
| U.S. Fish and Wildlife Service | State | Natural/Unknown Road Surface | Highways |
| | | | Non-Paved Improved Road |



- Legend**
- Proposed Seeding
 - Fire Perimeter
 - Cattle Guard
 - Reservoir

- Fence
- Open Roads**
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface
- Highways

- Bureau of Land Management
- Private/Unknown
- Allotment Boundary
- Pasture Boundary

- Perennial Streams
- Intermittent Streams
- Intermittent Lake

Smyth Creek Fire



Map C-2

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

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10/25/2011 sfenton