

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

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

CX Number: DOI-BLM-OR-B050-2012-0036-CX

Date: 7-6-2012

File Code (Project/Serial Number):

Preparer: Jason Brewer

Applicant: NA

Title of Proposed Action: Spring Creek allotment snag removal for fence maintenance

Description of Proposed Action and Project Design Elements (if applicable): A wildfire in 2007 burned through and killed a dense stand of ponderosa pine trees along the northern boundary of the Spring Creek allotment. Despite a salvage sale in 2008, numerous dead or dying trees remain in the area. Several of these trees fall on the fence each year, requiring extensive maintenance work to remove the downed trees and repair the fence to prevent livestock trespass. The proposed action is to cut standing dead or dying trees along the north and northwest boundary of the Bull pasture in the Spring Creek allotment before they fall on the fence. Private or BLM hand crews with chainsaws would be used to directionally fall the snags away from the fence (see exceptions in Project Design Elements). No heavy equipment or vehicles off-road would be used. The affected area includes portions of approximately 1.5 miles of fence that passes through burned and unburned patches of ponderosa pine forest, within a tree height of the fence. The entire project area is less than forty linear acres. No new roads, including temporary roads, would be created.

Project Design Elements (PDEs) – to minimize impacts to resources and reduce disturbance (time) at this project site:

- 1) Live trees (those not likely to die within the next few years) would not be cut.
Rationale: These trees are not expected to fall and cause maintenance issues in the near future. Retention of these trees would maintain wildlife nesting and hiding cover, natural seed source for future recruitment, and soil stability on steep slopes.
- 2) Snags or dying trees greater than 24 inches diameter at breast height would not be cut.
*Rationale: There are few trees in the project area that exceed this diameter, which results in a minor risk of future fence maintenance. These larger trees tend to support more wildlife use (e.g. more nesting cavities, more loose bark for bat roosting, more surface area for foraging, higher nesting opportunities for raptors), including for BLM special status species such as Lewis' woodpecker (*Melanerpes lewis*).*
- 3) Snags or dying trees that are more than 20ft away from the fence and clearly leaning away from fences would not be cut.
Rationale: These trees are not expected to cause maintenance issues in the near future. If these trees fall, they are generally far enough away to not damage the fence from branches or root wad.
- 4) No cutting would occur from April 1 to July 15 to minimize potential impacts to cavity nesting birds.
Rationale: Avoids most of the breeding through fledging period for migratory birds that may be using the area, including Lewis' woodpecker which are common in this area.
- 5) Snags or dying trees farther than a tree height away from fences would not be cut.
Rationale: When these trees fall, they are not expected to cause fence maintenance issues in the near future.
- 6) Felled trees would be left in place, except where there is potential to block roads.
Rationale: The density of felled trees cut along the fence would not be expected to cause issues with animal passage or other problems in the area. Felled trees and slash would only need to be removed from the immediate fence area or if there is potential to block or create hazards in roads.
- 7) Trees with obvious raptor nests would not be cut.
Rationale: Protects any active and inactive raptor nests in the project area. There are few if any raptor nests in the project area (along the fence), which results in a minor risk of future fence maintenance. Most raptor species show high site fidelity, and will frequently use a nest every year or every other year.

Legal Description (attach Location Map):

T. 20 S., R. 28 E., Sec. 34 NE¼
T. 20 S., R. 28 E., Sec. 34 NW¼
T. 20 S., R. 28 E., Sec. 35 NE¼
T. 20 S., R. 28 E., Sec. 35 NW¼

B. Conformance with Land Use Plan (LUP) (name): Three Rivers Management Unit RMP ROD

Date Approved/Amended: September 1992

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

Objective: GM 1 - Resolve resource conflicts and concerns and achieve management objectives as identified, for each allotment in Appendix 9.

Management Action: GM 1.3 - Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment as shown in Appendix 9 and Map RM-3. Range improvements will be constrained by the Standard Procedures and Design Elements shown in Appendix 12.

Proper maintenance of the fence is required to ensure livestock are not entering and impacting pastures outside the analyzed grazing schedule, especially in sensitive riparian habitat such as along Emigrant Creek in the adjacent allotment.

Objective: SSS 3 – Ensure that BLM-authorized actions within the RA do not result in the need to list special status species or jeopardize the continued existence of listed species.

Management Actions: SSS 3.1 – Protect special status species and their habitat from BLM-authorized surface disturbing activities and land tenure adjustments.

Timing and size restriction PDEs protect two special status species of birds, Lewis' woodpecker (*Melanerpes lewis*) and white-headed woodpecker (*Picoides albolarvatus*), known to occur in the area. Additionally, these elements also minimize effects to potential roost sites for special status species of bats.

BLM Categorical Exclusion Reference (516 DM, Chapter 11):

C. Forestry

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, and where access for the removal requires no more than maintenance to existing roads.

(8) Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction.

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

1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

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, Safety Officer
Signature and Date:	<i>John Petty</i> 7/25/12
Rationale:	No significant impacts 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 Biologist
Signature and Date:	<i>Jason Brewer</i> 7/25/2012
Rationale:	The timing of the work would occur after most species have fledged young, and birds are highly mobile and able to avoid the immediate area. The work would occur over a short period (<3-4 days), and any birds displaced would likely return to the area upon completion of the work. A negligible amount of foraging/nesting habitat would be altered relative to the remaining similar habitat further than a trees length from the fence. Most large trees that provide suitable nesting habitat for sensitive species, such as Lewis' or white-headed woodpecker, would not be cut.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	Scott Thomas, District Archaeologist
Signature and Date:	<i>Scott Thomas</i> 7-23-12
Rationale:	<i>No historic or cultural resources would be affected by this project.</i>
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Caryn Meinicke, NRS-Botany
Signature and Date:	<i>Caryn Meinicke</i> 7-25-12
Rationale:	There are no ACEC/RNAs within the proposed project area.

Water Resources/Flood Plains

Specialist (Print Name and Title): Lisa Grant/Lindsay Davies, Fish Biologist

Signature and Date: *Lisa Grant* 7-25-12

Rationale: The proposed action would ultimately aid in livestock grazing management along riparian areas as the fencelines being protected from falling trees keep livestock from Spring Creek Allotment from reaching BLM managed portions of Emigrant Creek.

Soils, Biological Soil Crust, Prime Farmlands

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

Signature and Date: *Caryn Meinicke* 7-25-12

Rationale: Soils and Biological Soil Crusts will not be impacted by the proposed action. There are no prime farmlands within the proposed project area.

Recreation/ Visual Resources

Specialist (Print Name and Title): John Betha, Outdoor Recreation Planner

Signature and Date: *John P. Betha* 7-25-12

Rationale: This project area is in a VRM Class 2 and the intention of this class is to "Largely retain the existing character of the landscape". The removal of trees along a fenceline within a larger burned area would be largely unnoticeable and not change the existing character of the landscape. With the short timeframe it would take to remove the trees there would be no significant impacts to recreation.

Wilderness/Wild and Scenic River Resources

Specialist (Print Name and Title): Eric Haakenson, Wilderness Specialist

Signature and Date: *Eric Haakenson* SUPS 7/25/12

Rationale: There is no wilderness, WSA, WSR or Lands With Wilderness Characteristics in the 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, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternatives uses of available resources. This project would generally be considered a fence maintenance project, but at a slightly larger scale than normal. The fence is an existing feature on the landscape. There are numerous other standing dead trees and wood cutting opportunities in this area as well as in adjacent areas.

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

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

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. Salvage of dead trees has occurred in this and other areas, with no unusual or unexpected effects. Implementation would provide the applicant the ability to maintain the fence and use the pasture as authorized.

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, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: Implementation would not establish a precedent for future actions or represent a decision in principle about future actions. Fence maintenance and tree thinning are on-going BLM actions. This particular project is for maintenance of an existing pasture fence.

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

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

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: Implementation would not have any known direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The pasture fence is an existing feature on the landscape. Implementation would provide the applicant the ability to maintain and use this existing feature.

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* 7-23-12

Rationale: *No eligible or nominated 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* 7/25/2012

Rationale: There are no threatened or endangered species or designated Critical Habitat in the area, and none would be affected offsite by the proposed project.

Endangered or Threatened Species-Aquatic

Specialist (Print Name and Title): Lindsay Davies/Lisa Grant, Fish Biologist

Signature and Date: *Lisa Grant* 12-25-12

Rationale: There are no known aquatic T&E Species or Critical habitat within the vicinity of the proposed action.

Endangered or Threatened Species-Flora

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

Signature and Date: *Caryn Meinicke* 7-25-12

Rationale: There are no documented T & E of Special Status flora species or critical habitat within the proposed 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, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: Implementation would not violate any known law or requirement imposed for the protection of the environment as the pasture fence is an existing feature on the landscape.

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, Planning and Environmental Coordinator

Signature and Date: *Rhonda Karges* 7/25/12

Rationale: Implementation would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near 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* 7-23-12

Rationale: *No access to or integrity of Indian sacred sites would 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, District Weed Coordinator

Signature and Date: *Lesley Richman* 7/24/2012

Rationale: *Noxious weeds are known to be present in or in close proximity to this area. Treatments are on-going. The weeds are not present in sufficient quantity to be considered a significant impact at this time.*

Additional review (As determined by the Authorized Officer): None

RMP conformance and CX review confirmation:

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

Signature: *Rhonda Karges* Date: *7/25/12*

Management Determination: Based on 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 Roy, Three Rivers Resource Area Field Manager

Signature: *Richard Roy* Date: *7/26/12*

Decision: It is my decision to implement the Proposed Action with Project Design Elements (if applicable) as described above. This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision. The appellant has the burden of showing the decision appealed is in error.

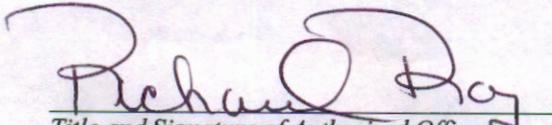
A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for 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

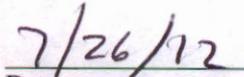
Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- 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.

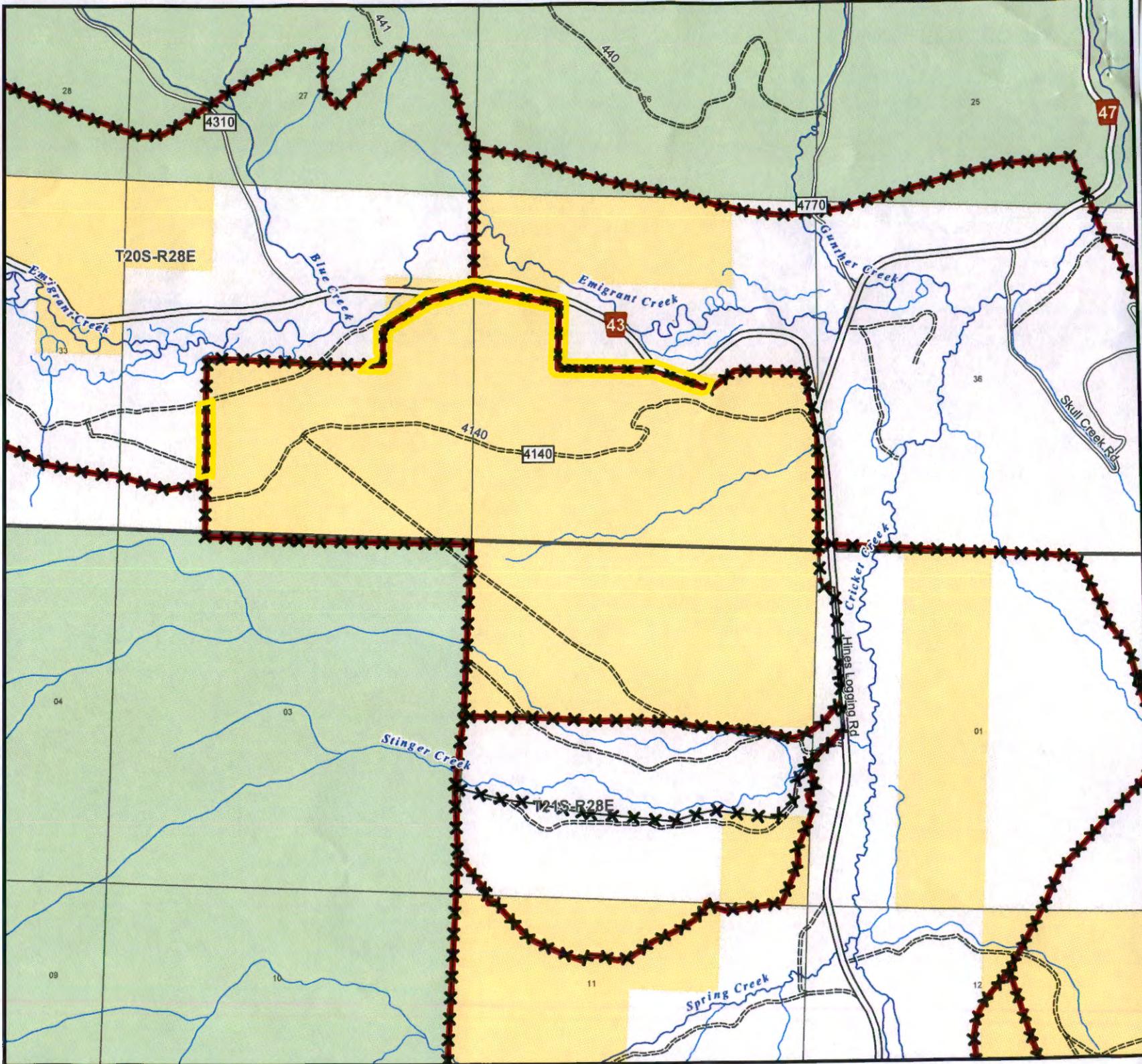


Title and Signature of Authorized Officer

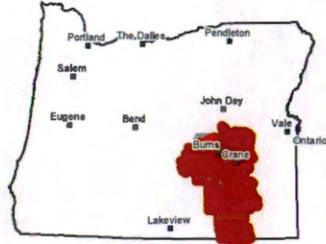


Date

Map A Spring Creek Allotment Snag Treatment Area



-  Snag Falling Area
-  Fences
-  Allotments
-  Bureau of Land Management
-  U.S. Forest Service
-  Private/Unknown



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.

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

\\workarea\blm\erw\SpringCreek\Fence.mxd
7-5-2012

