

Categorical Exclusion Documentation

A. Background

BLM Office: **Prineville Field Office**

NEPA Log #: **DOI-BLM-OR-P040-2010-0015-CX**

Project/Lease/Serial/Case File #: **E2XC**

Proposed Action Title: **McGinnis Creek Fire Rehabilitation**

Location: **McGinnis Creek Fire area is located approximately 10 air miles northwest of Dayville, Oregon and approximately 8 air miles south of Kimberly, Oregon.**

Background: The McGinnis Creek Fire burned in the last week of July 2009. The fire perimeter contains a combination of 3,416 acres of Bureau of Land Management administered lands and private lands. These lands are located between McGinnis Creek in the north and Squaw Creek in the south. The John Day River forms a portion of the eastern edge and Bull Mountain is the farthest western extent of the fire area. Total BLM acreage within the fire perimeter is 2165 acres with 1251 private lands. Fire intensity varied throughout the interior of the fire burning in a mosaic from no-burn to high intensity. Lands within the perimeter include sagebrush-grasslands, juniper/grassland, mixed conifer, steep rocky slopes with some forb/grass cover, and steep rims. Although the area appears natural and the area may provide some opportunity for solitude, it is not primitive and does not provide unconfined recreational opportunities. There are a few roads into the fire perimeter through private land. There is no easement and therefore, no public access to this area. Private lands are intermingled within the general area of the fire. Special features maybe geologic, but the general area along this segment of the John Day River includes many lands set aside by the National Park Service which contain similar features.

Rehabilitation is needed on the more intensely burned areas of the fire in order to insure adequate vegetative cover to provide for soil protection and reduce erosion potential. Proposed rehabilitation treatments include seeding and mulching. These treatments will be implemented and completed during the fall/winter/early spring of FY 2010.

Description of the Proposed Action: The areas within the fire in the most critical need of stabilization and rehabilitation are high intensity burn areas where perennial bunchgrass crowns have been killed, steep toe slopes where soil stabilization is needed, and areas of noxious/exotic species invasion. Treatments in these areas will include seeding, and seeding/mulching. Implementation of treatments will involve broadcast seeding with ATVs and by hand seed broadcaster. Mulching will include straw and wood chip materials. Fencing that has been used to control livestock movement within and between grazing allotments will be repaired.

Treatments: Seeding. Seeding will be accomplished in a few areas of high intensity burn using ATV seeder/spreaders. Seed mix is native wheatgrass, bluegrass species with a small percentage of penstemon. Total seeding area is 300 acres. Treatment will occur during the fall or spring FY 2010 or both dependent on weather patterns and weed control status. **Mulching.** Straw mulch and wood chip materials will be used to stabilize soil and inhibit weed growth. This treatment will begin as soon as practicable and include approximately 100 acres to be completed by early spring (FY 2010).

Noxious/exotic weed control. Noxious weed control will be accomplished with the use of mulching and seeding. Work will be initiated during the fall and/or spring FY 2010 dependent on weather patterns and weed phenological status. The weed control area is an isolated population of medusa-head less than five acres in size.

Fence repair/reconstruction. Fence repair will be accomplished using suspended stays and metal posts providing fire resistance in the event of future fires. Repair and replacement of burned fence will occur in the same location of pre-existing fence. Approximately 4 miles of fence will be rebuilt. Design is a four wire fence with BLM recommended wildlife specifications for wire spacing, post spacing and stay spacing. Work will be under contract and initiated during the fall and/or spring FY 2010 dependent on availability of labor sources and completion of contract specifications.

B. Land Use Plan Conformance

The McGinnis Creek fire is located within the area covered by the John Day River Plan (JDRP), June 2001, and Record of Decision February 2001, and the Two Rivers Resource Management Plan TR RMP) Record of Decision June 1986.

The proposed action is in conformance with the above plans as follows;

1. Vegetation rehabilitation and restoration that includes restoring sites to better functioning conditions after wildfire. Restoration to prevent noxious weed monocultures (JDRP page 24).
2. Seeding of native and appropriate non-native vegetation after wildfire to provide sufficient vegetation to prevent weed infestations or to provide sufficient vegetation to prevent erosion of soil surface. (JDRP pages 155-160, TR RMP page 31).

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 (l) Emergency Stabilization, Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply. See attached CX Extraordinary Circumstances Documentation checklist below.

D. Signature

Authorizing official: /S/ Jennifer Eberlien
 Jennifer Eberlien
 Acting Field Manager Central Oregon Resource Area

12/30/09
 Date

Contact Person

For additional information concerning this review, contact: Vicki Van Sickle, Rangeland Management Specialist, telephone (541) 575-3145, vicki_van_sickle@blm.gov. or Jenny Martin, Range Technician, telephone (541) 987-2307, jenny_martin@blm.gov. Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754.

<u>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</u> The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: None of the proposed treatments provide significant impacts to public health or safety at the scale they will be applied.		
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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: There are no significant cultural resources within the project area. The lands within the project area are not within special designations such as WSA. There are no drinking water aquifers, prime farmlands, wetlands or floodplains within the project area. A portion of the John Day Fossil Beds National Monument is near the project area, but not within the project area. The John Day River adjacent to the project area is within the range of the Mid-Columbia steelhead. There will be no project treatments within the riparian area or within the aquatic area of the river. Treatments are over ½ mile from the river and on the next two benches above the river. Of the treatments applied to the area, only the fence might be seen from the river and this will be in the same location as the current fence. The project area is identified as Visual Resource Management (VRM) Class II (management activities resulting in changes to the existing character of the landscape may be allowed, provided they do not attract the attention of the casual observer). The public lands contained within the proposed treatment area have been evaluated for wilderness characteristics as part of the Artman Basin Subunit of the Sheep Rock Wilderness Inventory Unit. The evaluation found that the Artman Basin Subunit does not have wilderness character because these lands lack outstanding opportunities for solitude and primitive, unconfined recreation. See Wilderness Characteristics Inventory Update file #OR-054-026.		

2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Proposed treatments do not pose highly controversial environmental effects. Treatments are at a scale and spatial arrangement that will minimize any adverse impacts associated with resource management.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The effects of proposed treatments are known and do not pose significant environmental effects or risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The proposed actions do not represent or establish a precedent from previous land management activities.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: No other actions which may be cumulative are proposed for these lands in the near future.		
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.		X
Rationale: There are no properties eligible for listing on the National Register of Historic Places within the project area.		
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.		X
Rationale: Although the range of mid-Columbia steelhead is included in the portion of the John Day River adjacent to the project area, none of the proposed treatments will have direct or significant impacts on designated critical habitat.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: Proposed treatments within the project area will not violate any Federal law, or a State, local, or tribal law or requirement.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: Although treatments may temporarily affect local public land grazing lessees, there will not be a disproportionately high and adverse effect on low income or minority populations.		

<p>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).</p>		<p>X</p>
<p>Rationale: There are no ceremonial sites within the project area.</p>		
<p>2.12 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).</p>		<p>X</p>
<p>Rationale: The proposed treatments are designed to control the extent and spread of noxious weeds and non-native invasive species within the project area.</p>		