

**UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Vale District Office
Malheur Resource Area**

Finding of No Significant Impact

Leslie Gulch Emergency Stabilization and Rehabilitation
Environmental Assessment
NEPA Register Number DOI-BLM-OR-V040-2015-045-EA

Introduction

The Malheur Resource Area, Vale District Bureau of Land Management (BLM), has prepared an Environmental Assessment (EA) to analyze the implementation of emergency stabilization and burned area rehabilitation (ESR) actions on the Leslie Gulch Fire. The EA is summarized and incorporated by reference in this Finding of No Significant Impact (FONSI). Both are available at the BLM office listed above, and on the internet at: <http://www.blm.gov/or/districts/vale/index.php>

The Leslie Gulch fire was ignited by lightning on the evening of June 28, 2015. Moderate winds and very dry fuels allowed the fire to escape initial attack. The fire was contained on July 3, 2015 after burning 8,680 acres. Of the total acres burned, 7,851 acres are BLM lands, 634 acres are private land, and 195 acres are Bureau of Reclamation lands.

The project area contains 21% of the Spring Creek Fenced Federal Range (FFR) pasture in the Three Fingers Allotment; 36% of the Honeycombs Wilderness Study Area (WSA); and 87% of the Slocum Creek WSA. Over three-quarters (78%) of the Leslie Gulch Area of Critical and Environmental Concern (ACEC) - designated for high scenic values, special status plants species, and big horn sheep and their habitat- is within the project area. Four special status plant species are within the project area. Three of the species are endemic to the Owyhee Uplands: Ertter's groundsel, Owyhee Clover, and Sterile milkvetch. Packard's mentzelia is primarily located in the Owyhee Uplands in which the project area is located, with one additional isolated population recorded in northern Nevada. Of the known sites of these species on the Vale District, 88% of Ertter's groundsel, 35% of Owyhee clover, 100% of Packard's mentzelia, and 16% of the sterile milkvetch are within the project area.

The project area is currently occupied Greater Sage-Grouse habitat and is within areas designated as Priority and General Habitat Management Areas for Greater Sage-Grouse. There are no leks within four miles of the project area.

The purpose of the actions is to stabilize and rehabilitate the area burned by the Leslie Gulch fire. The need is to analyze the actions necessary to accomplish stabilization and rehabilitation as identified in the Southeastern Oregon Resource Management Plan (2002) for impacts from wildfire, and specifically proposed in the Leslie Gulch Emergency Stabilization and Rehabilitation plan.

Summary of the Actions described in the alternatives

The BLM has prepared the EA to analyze the expected effects of these actions.

Two alternatives were analyzed in the EA. The No Action alternative would treat noxious weeds with the four herbicides currently available, implement a temporary livestock closure on approximately 7,798 acres, repair approximately three miles of management fences, repair the Schoolhouse wildlife guzzler, and install WSA signs along Leslie Gulch Road.

The Proposed Action Alternative would also repair approximately three miles of management fences, repair the Schoolhouse wildlife guzzler, and install WSA signs. The Proposed Action Alternative is different than the No Action Alternative in that it would implement a temporary livestock closure on approximately 1,538 acres, construct approximately one mile of temporary fence, treat noxious weeds with additional herbicides, apply herbicide to invasive annual grasses on approximately 800 acres, and competitively seed approximately 260 acres.

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Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The project area is located in the Malheur Resource Area, in the Leslie Gulch ACEC and the Three Fingers grazing allotment. Actions considered in the alternatives would have local impacts on the affected interests, lands and resources similar to, and within the scope of, those described and considered in the following:

Southeastern Oregon Resource Management Plan/Final Environmental Impact Statement (SEORMP/FEIS, 2000) and Record of Decision (ROD, 2002).

Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS (2010)

Vale District Normal Fire Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (2005)

Oregon Greater Sage-Grouse Final Environmental Impact Statement and Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Oregon Greater Sage-Grouse Sub-Region (GRSG ROD) (September, 2015)

The actions described in the Leslie Gulch EA represent anticipated program actions which comply with management of programs analyzed within the scope and context of the above documents. There would be no broad societal or regional impacts which were not considered in the SEORMP, Herbicide FEIS, NFESRP, and GRSG ROD.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from the implementation of a Decision on this EA relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1))?

No

Rationale: The EA considered potential beneficial and adverse effects. Project Design Features were incorporated to reduce or eliminate impacts. No significant effects are beyond the range of effects analyzed in the Southeastern Oregon RMP, Oregon Vegetation Treatments using Herbicides EIS, NFESRP or the GRSR ROD.

The Proposed Action is expected to restore special status plants and native vegetation communities to pre-burn conditions or better, benefit soil stabilization and biological crusts, protect and restore the relevant and important values of the Leslie Gulch ACEC, and reduce noxious weeds and invasive annual grasses. Physical soil disturbance would occur during competitive seeding when a blanket harrow is pulled across the soil to increase seeding success; however, this impact would disturb the soil surface in the short term, while vegetation recovers. Treatments in the Proposed Action would not adversely impact the WSAs and are considered allowable per BLM Manual 6330 Section D.10.c.i., because disturbances are short-term and expected to benefit the project area.

Under the Proposed Action, the temporary livestock closure would result in a loss of approximately 76 AUMs of forage. This limitation on livestock grazing would be lifted after vegetation is determined to have recovered adequately to allow the return of grazing and the AUMs would be restored to pre-burn numbers.

Under the No Action Alternative, no seeding or aerial spraying will occur, noxious weeds would be treated with only the four approved herbicides, a guzzler will be repaired, three miles of allotment fence will be repaired, and an entire pasture will be closed to livestock grazing. Approximately 30 informational WSA signs will be posted along roadways and important areas. No significant effects from these actions are beyond the range of effects analyzed in the Southeastern Oregon RMP, Oregon Vegetation Treatments using Herbicides EIS, NFESRP or the GRSR ROD.

2. Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2))?

No

Rationale: No aspect of either alternative would have an effect on public health and safety beyond those analyzed in the 2010 Vegetation Treatments using Herbicides on BLM Lands in Oregon FEIS (page 100-101, 348-350, 353).

3. Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers), or ecologically critical areas (ACECs, Research Natural Areas [RNA], significant caves) (40 CFR 1508.27 (b)(3))?

No

Rationale: The Leslie Gulch fire burned through areas that may be Native American Traditional Use Areas. The BLM expects that many cultural or economically important root species will survive the wildfire because they were dormant during the wildfire activity. Tribal users will be notified of the location of spray areas prior to the root gathering season (April). Aerial applications of herbicides will be limited to 800 acres where infestations of

invasive annual grasses were observed. All proposed ground disturbing activities will require Section 106 compliance with Oregon SHPO.

The Leslie Gulch fire burned inside the Slocum Creek and Honeycombs WSA and the Leslie Gulch ACEC. Please see information above under Question 1: “Would any of the alternatives have significant beneficial or adverse impacts”.

4. Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4))?

No

Rationale: Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference between the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the alternatives beyond those analyzed in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS. Treatments within the ACEC and WSAs are compatible with applicable policies and manuals. Treatments near special status plant sites are designed to avoid or have negligible impacts and to restore the surrounding habitat.

5. Would any of the alternatives have highly uncertain effects or involve unique or unknown risks?

No

Rationale: The analysis has not shown there would be any unique or unknown risks, nor were any identified in the 2002 Southeastern Oregon Proposed RMP (SEORMP)/FEIS. The Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS analyzed the effects of the proposed chemicals and associated risks.

6. Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))?

No

Rationale: This project neither establishes a precedent nor represents a decision in principle about future actions. The BLM implements emergency stabilization and rehabilitation on BLM-administered lands on a regular and continuous basis following wildfire.

Implementation is based on fire size, location, and threats to natural resources and public health and safety. No long-term commitment of resources causing significant impacts was noted in the EA or Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS.

7. Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7))?

No

Rationale: The environmental analysis did not reveal any cumulative effects beyond those analyzed in afore mentioned environmental documents. The EA described the current state of the environment (Affected Environment by Resource, Section 3.0) which included the effects

of past actions, and included analysis of reasonably foreseeable future actions identified in the project area.

8. Would any of the alternatives have significant adverse impacts on scientific cultural or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8))?

No

Rationale: The Proposed Action will not adversely affect districts, sites, historic trails, structures, or other objects listed or potentially eligible for listing in the National Register of Historic Places. Based on previous and ongoing cultural surveys and through project design, no adverse impacts to cultural resources will occur.

9. Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9))?

No

Rationale: There are no known threatened or endangered species or their habitat present in the project area. As of September 22, 2015 the U.S. Fish and Wildlife Service concluded the Greater Sage-Grouse did not warrant federal listing.

10. Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))?

No

Rationale: The alternatives do not threaten to violate any law. The alternatives are in compliance with the SEORMP/Record of Decision (ROD), which provides direction for the protection of the environment on public lands.

Statement of Finding of No Significant Impact

On the basis of the information contained in the Leslie Gulch ESR EA and the consideration of the intensity factors described above, it is my determination that: (1) the actions will not have significant environmental impacts beyond those already addressed in the Southeastern Oregon RMP (2002); (2) the actions are in conformance with the Southeastern Oregon RMP ROD; (3) there will be no adverse societal or region impacts and no adverse impacts to the affected interests; and (4) the environmental effects, together with any proposed project Design Features, against the tests of significance (described above and found at 40 CFR 1508.27) do not constitute a major federal action having a significant effect on the human environment. Therefore, an EIS or supplement of the existing EIS is not necessary and will not be prepared.



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9/30/2015
Date