United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Folsom Field Office
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EA Number: CA-180-08-81

Proposed Action: Telegraph Fire ES and BAR projects

Location: multiple township/ranges/sections in MDM, Mariposa County, California

1.0 Purpose of and Need for Action

1.1 Need for Action

In July and August 2008 the Telegraph Fire burned more than 21,000 acres of Folsom Field Office (BLM)-administered land in the Merced River watershed. In the aftermath of the fire, BLM is applying for Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) funds through the Department of the Interior to conduct projects designed to address the management and environmental issues caused by the fire. These issues include threats to life and property caused by erosion and drainage; threats to critical cultural resources damaged or exposed by the fire; replacement of destroyed fences and signs; and re-vegetation of areas unlikely to recover on their own.

The following specific threats have been identified:
1. Threats to Burma Grade/Bull Creek Road and the campground access road. BLM considers these roads to be important public assets and has designated them for motorized vehicle use, under the Sierra RMP. The roads provide egress and ingress to the Briceburg area and become critical to public safety when Highway 140 is closed. Post-fire erosion, rock fall, and runoff on the steep, severely burned slopes along these roads is likely to cause culverts to fail and the roads to become blocked by rock fall, which could make the roads impassable. The culvert work, debris removal, and other related minor repairs are necessary to maintaining the roads. The severely burned slopes need to be treated with mulch before the winter rains to help reduce erosion.

2. Threats to life and property from fire-damaged "hazard" trees in BLM's campgrounds, trails, and day-use areas along the Merced River. These trees need to be identified and removed immediately.

3. Threats to water quality and foothill yellow-legged frog habitat from post-fire erosion of steep severely burned slopes in the Sherlock Creek area. These severely burned slopes need to be treated with mulch before the coming winter rains to prevent very high levels of erosion and sedimentation into the creek.

4. Threats to water quality, post-fire recovery of native vegetation, ACEC values, wild and scenic river values, wilderness study area suitability, and critical cultural resources from motorized vehicle use off of routes designated in the Sierra RMP. The fire burned thousands of acres of chaparral, opening undesignated routes and other areas to off-highway vehicle (OHV) use. OHV use was on the increase in the area prior to the fire and the fire has created new opportunities for driving motorized vehicles cross-country, which is not allowed under the Sierra RMP. BLM must carefully manage motorized

vehicle use in these areas to prevent damage to critical environmental resources, especially the Merced River WSA and critical archaeological sites. BLM must install physical strategic closures to balance the need for motorized vehicle use (as specified in the Sierra RMP/Record of Decision) and the need to stabilize critical environmental resources damaged or exposed by the fire. The construction of physical closures at strategic locations is needed before the cooler weather months when OHV use is popular in the area.

5. Threats to the recovery of native vegetation from noxious weeds introduced to the burned area or spread around the burned area during fire suppression work. The fire burned thousands of acres of native vegetation, giving noxious weeds an opportunity to make inroads. BLM needs to treat weed beginning the first year post fire to prevent vulnerable areas from becoming infested. Using this early detection, rapid-response approach, weed spread can be avoided.

6. Threats to the recovery of native vegetation and critical cultural resources from cattle grazing. The fire burned thousands of acres of vegetation within the Merced River allotment. The fire also burned livestock-control fences. BLM needs to implement a grazing closure to give native vegetation a chance to recover. BLM also needs time to reevaluate the fencing system and make repairs, if necessary.

1.2 Conformance with Applicable Land Use Plans

The proposed action is consistent with the Sierra Resource Management Plan's Record of Decision, approved in February 2008. The proposed actions would occur within the Merced River Special Recreation Management Area. Under the Sierra RMP, management objectives for this area include providing for river-oriented and land-based recreation opportunities, protecting cultural resources, and maintaining the visitor center and other visitor facilities to accepted BLM standards. The proposed actions would help protect the visitor facilities and recreational opportunities called out in the ROD (page 27). The proposed actions would also occur in, or would have indirect impacts on, the Merced River Wild and Scenic River, Merced River ACEC, Limestone Salamander ACEC, and Merced River Wilderness Study Area. The Sierra RMP provides management direction for these special management areas. This direction is dictated by existing federal laws, regulations, policies, and activity-level land-use plans (Merced River Wild and Scenic Management Plan and the Limestone Salamander ACEC Management Plan). The proposed actions are consistent with this management direction. They would help to protect wild and scenic outstandingly remarkable values (recreation, cultural, and water quality), ACEC values (limestone salamander and the Merced River), and wilderness study area suitability. The following discusses how specific actions are consistent with applicable land-use plans.

Applying mulch to stabilize soils and prevent erosion is consistent with the Sierra RMP. On page 8 (Section 2.2) of the Record of Decision (ROD) it states that BLM's management objectives are to "maintain soil cover and organic matter" and minimize harmful consequences of erosion and surface runoff".

Constructing vegetation barricades and other physical closures to keep motorized vehicles (including OHVs) on designated routes, and replacing culverts, clearing rock fall, and making other related repairs to the Burma Grade/Bull Creek Road and the campground access road to keep these roads passable, are all consistent with Sierra RMP. On page 30 (Section 2.16) of the ROD, it states that BLM's management goal is to "Provide for appropriate levels of motorized, pedestrian, equestrian, and mountain bike uses commensurate with other uses and resource protection." Under management actions, the ROD states the Merced River WSA is closed to motorized vehicle use and that motorized use on BLM-administered land is generally limited to designated routes. The Burma Grade/Bull Creek Road and the campground access road are both routes designated in the ROD (see Map 6g).

Closing BLM-administered land within the burned area to livestock grazing is not specifically called out in the Sierra RMP. However, it is consistent with the livestock grazing management objectives on page 23 (Section 2.13) of the ROD. An objective is to "Ensure soils exhibit functional biological and physical characteristics appropriate to the soil type, climate, and land form." Under management actions, the ROD states "Reduce or terminate authorized grazing preference if there is excessive soil erosion or poor range conditions to provide forage for wildlife" (page 23). Due to the fire, excessive soil erosion is anticipated and range conditions are too poor to provide forage for both livestock and wildlife.

Treating noxious weeds is consistent with the Sierra RMP. On page 11 (Section 2.4) of the ROD it states that BLM's management objective is to "Control invasive species and increase native plant species using early detection, rapid response, and prevention measures."

Removing hazard trees in high-use recreation areas along the Merced River is consistent with the Sierra RMP. On page 27 (Section 2.15) of the ROD it states that BLM's objective is to "Maintain existing visitor center, campground, trail, and day use facilities to accepted BLM standards."

2.0 Proposed Action and Alternatives

2.1 Proposed Action

For the Telegraph Fire, BLM has identified several ES and BAR projects needed to address these issues. These projects include

1. Hire seasonal employees to patrol the burned area in order to keep motorized vehicles on designated routes; monitor for post-fire related noxious weeds; address unauthorized livestock grazing (if necessary); keep culverts functioning after storm events; and monitor cultural resources for looting, vandalism, and inadvertent off-highway vehicle (OHV)-related damage.

2. Use helicopters and hand crews to broadcast rice straw mulch on the steep, high-severity burned slopes north of Briceburg (42 acres) and in the Sherlock Creek area (151 acres) to help reduce the predicted levels of erosion and runoff. No new roads would be created to apply the treatment. Application of the mulch would not cause ground disturbance.

3. Construct vegetation barricades, gates, tank traps, and other physical closures at strategic locations to keep motorized vehicles including OHVs on routes designated for motorized use, under the Sierra RMP. Many of the physical closures would require using heavy equipment to remove vegetation from one location on BLM-administered and strategically place it in the desired location to create barricades. Of note, the locations where the vegetation would be removed have not been identified. The removal of vegetation from these areas may require additional planning and environmental assessment not covered under this EA.

4. Replace culverts, clear rock fall, and make other related repairs to the Burma Grade/Bull Creek Road and the campground access road to keep these roads passable.

5. Close BLM-administered land within the burned area to livestock grazing.

6. Treat noxious weeds by pulling them by hand and by applying herbicide. The use of herbicide would require additional planning and environmental assessment not covered under this EA.

7. Removal of "hazard" trees in high-use recreation areas along the Merced River damaged by the fire. This work would be done, as needed, by hand crews using chainsaws. No ground disturbance would occur.

2.2 Project Design Features

Treatment stipulations for weed prevention: All materials imported to the site must be weed free. This is of particular importance for vegetative material like straw or wood straw. Straw must be either certified weed free or rice straw. Straw and wood straw should be stored/staged in weed free areas, so that it does not become contaminated with weed seed before application.

All equipment will be cleaned before entering the project area to begin work to remove any adhering soil that might contain weed seed. Similarly if equipment moves between geographically separated projects, it should be cleaned if it has worked in any area that might support weeds. (For burned areas the presumption will be the presence of weeds, unless there is evidence to the contrary.)

2.4 Alternatives Considered but Eliminated from Detailed Analysis

No alternative proposals were considered but eliminated from detailed analysis.

3.0 Affected Environment

The affected environment consists of various project areas located within approximately 21,000 acres of BLM-administered land burned by the Telegraph Fire. This land is located in and around the Merced River canyon. The terrain in is this portion of the central Sierra Nevada consists of low-elevation peaks, narrow stream canyons, and steep brushy hillsides. Elevations range from roughly 3100 ft on Jenkins Hill in the northeastern part of the burned area to 850 ft near the confluence of Sherlock Creek in the southwestern part of the burned area. Telegraph Hill's summit is 3402 ft above sea level. Various tributaries cross BLM-administered land within the burned area including Sherlock Creek, Saxon Creek, Good Gulch, Halls Gulch, and the North Fork Merced River.

Vegetation in the burned area varies depending on elevation, exposure, soils, and other factors. The slopes of the Merced River canyon support several plant communities that intergrade including chamise chaparral; mixed chaparral with Mariposa manzanita, mewukka manzanita, chamise, toyon, birch leaf mountain mahogany, California ash, western redbud, keckiella, poison oak and scattered gray pine; and live oak woodland dominated by interior live oak and canyon live oak and often with an understory of chaparral species. There are patches of blue oak savannah. Riparian vegetation occurs along the Merced River and major tributaries like the North Fork, Good Gulch, Saxon Creek, and Sherlock Creek.

These plant communities provide habitat for a variety of wildlife that is typical for the central Sierra Nevada foothills. Two special status animal species occur within the burned area. These are the limestone salamander (*Hydromantes brunus*) and foothill yellow-legged frog (*Rana boylii*). The frog is a BLM sensitive species and the salamander is listed by the state of California as a threatened species. Potential habitat (elderberry shrubs) for the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), a federally-listed threatened species, also occurs within the burned area but the beetle, itself, has not been documented to occur.

The range of the limestone salamander is restricted to 31 occurrences along a 20-mile stretch of the Merced River between the headwaters of Lake McClure, near the community of Bagby, and the mouth

of Sweetwater Creek. Because the limestone salamander is one of California's rarest native amphibians, BLM designated the Limestone Salamander ACEC in 1986 to include confirmed sites and potential habitat (moss-covered, north and east facing, steep talus slopes). Under the Sierra RMP approved in February 2008, BLM expanded the ACEC to include more confirmed sites and potential habitat. The ACEC now encompasses approximately 2,000 acres of confirmed and potential limestone salamander habitat and adjacent BLM-administered lands along the Merced River and its tributaries. There are eight Limestone Salamander ACEC units within the burned area.

The foothill yellow-legged frog is listed as a BLM sensitive species.There is one known population of foothill yellow-legged frog within the burn perimeter in Sherlock Creek. This population appears to be robust, with tadpoles, morphs, and adults all seen within the stream. The portion of the stream with the largest numbers of frogs extends from Drunken Gulch downstream to the Merced River. However, there are frogs using the stream upstream of Drunken Gulch as well.

Valley elderberry longhorn beetle (VELB) *(Desmocerus californicus dimorphus)* is completely dependent on its host plant, elderberry (*Sambucus* species), and can be found in elderberry bushes up to 3000 ft in elevation. There is only one known occurrence of elderberry shrubs within the burned area. This occurrence is on Black Mountain Road near the North Fork Merced River. There are also known occurrences within areas impacted by fire suppression activities. These are Buckhorn Road, Schilling Road, and Rancheria Road.

The Merced River canyon is a popular recreation destination, especially during the late spring and summer. The area's proximity to Yosemite National Park makes it an attractive alternative to the crowds of summer while still being close enough for daily visits to the park. The area offers outstanding whitewater boating in the spring and excellent camping throughout the year. The Telegraph Fire affected a portion of the Merced Wild and Scenic River and the Merced River ACEC. The outstandingly remarkable values that made the river eligible for wild and scenic status are geology, rare plants, threatened or endangered species, recreation, and cultural resources. BLM designated the Merced River ACEC in the Briceburg area to help protect these values.

The public enjoys some of the more conspicuous cultural resources including the Yosemite Valley railroad grade (1907-1945) which is now the campground access road, the Briceburg Inn building (1927) which is now BLM's visitor center, and the Briceburg Bridge which was part of the greater Ponderosa Way Fire Break project (1930s). There are numerous prehistoric and historic-era archaeological sites in the area that are less known to the public. These resources include aboriginal milling stations and camp sites, and historic-era gold mining related sites.

BLM manages much of the burned area (Merced Wild and Scenic River corridor and North Fork Merced River) in accordance with visual resource management (VRM) class I standards. BLM's management objective for class I is to preserve the existing character of the landscape—in this case, the Merced River canyon. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention. The Merced River WSA is managed in accordance with VRM class II standards, which is less stringent then class I. The class II management objective is to retain the existing character of the landscape. The level of change to the characteristic landscape should not attract attention of the casual observer. Any changes must repeat the basic element of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

4.0 Environmental Effects

The following critical elements have been considered in this environmental assessment, and unless specifically mention later, have been determined to be unaffected by the proposed action: prime/unique farmlands, hazardous waste, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Atmospheric, soil, and water resources would benefit from the proposed actions. The proposed mulching treatments are designed to protect soil resources on steep slopes severely damaged by the fire. The mulching would help prevent high levels of erosion and runoff anticipated during the coming winter rainy season. The BLM soil scientist indicates that the treatment would decrease erosion rates by 75 percent during the first year. The mulching would benefit water quality in the streams below the treated areas. Proposed actions designed to manage OHV use would also benefit soil and water resources. The purpose of these actions is to keep OHV use on routes designated in the Sierra RMP so that soil and water resources are not inadvertently damaged by members of the public riding their dirt bikes, quads, and other OHVs cross-country or on unauthorized routes. On some unauthorized routes, OHV use has led to severe rutting, which causes degradation of soil and water resources in the area. There is also the possibility of route proliferation now that thousands of acres of previously brushy lands have burned, opening up areas, especially stream bottoms, for OHV use. Route proliferation in these areas can lead to degradation of local soil and water resources. Now that lands have been burned by the fire they are more susceptible to erosion.

Vegetation would benefit from the proposed actions. The BLM botanist analyzed the proposed actions to determine whether they would impact special status plants. His analysis involved extensive fieldwork. He prepared a botanical assessment for the Telegraph Fire. The proposed ES and BAR projects (proposed actions) were designed with this assessment in mind. In fact some of the proposed actions were designed specifically to benefit vegetation. With regards to the proposed mulching treatments, the dominant plant communities in the burned area are resilient after a wildfire has swept through, even if the fire burns intensely. However, severe soil loss would have two negative impacts on vegetation: (1) loss of seed in the soil, and (2) loss of growing medium. Mulching, by protecting the soil resource where it is particularly vulnerable to erosion, is likely to help maintain the native plant community. The use of certified weed free straw would guarantee that no new non-native invasive species are introduced. The use of straw at the rate of 2000 lbs/acre, in contrast with higher mulching rates, would allow for microsites where sunlight reaches the soil surface. Some plant species germinate in response to sunlight and would be inhibited at higher mulching rates. No special status plants are known to occur at proposed mulching treatment areas. However no botanical surveys of these sites have been undertaken. The species that grows closest to the project location and would have the most likelihood of occurring there is Mariposa clarkia, an annual species that is not practical to identify from its dried skeleton after it has fruited in the late spring. Because the project sites have burned, even those skeletons are likely to have been consumed. This species is quite common in the Merced River canyon, so even if it occurs at one or more treatment areas, and the projects were to have a negative impact, the overall status of the species in the watershed would be little affected. Mariposa clarkia is a species that tolerates disturbance. Because it normally occupies areas with a relatively high proportion of bare soil, mulching would not be expected to favor the species. However with straw applied at the rate of 2000 lbs/acre, microsites that Mariposa clarkia can occupy would be expected to remain. Beaked clarkia, another BLM sensitive species also grows in the vicinity of the Sherlock Creek project. However no appropriate habitat for this species is found at the project site
The BLM botanist recommended noxious weed monitoring and treatment (if necessary). The proposed

treatments would involve pulling weeds by hand and, in cases, applying herbicides. Herbicide treatment would require additional planning and environmental assessment not covered in this EA. An additional EA may need to be prepared, with appropriate opportunities for public input. Noxious weed treatment would help sustain native plant diversity and overall ecological health. The proposed grazing closure would give native vegetation burned by the fire an opportunity to become reestablished.

BLM also proposes to strictly manage OHV use. Physical closures (i.e., brush barricades and gates) would be built to keep OHV use on routes designated in the Sierra RMP. The BLM botanist has pointed out that these closures would help prevent cross-country OHV use which can damage recovering vegetation, including rare plant populations. No special status plant surveys of the proposed culvert replacement locations and physical closures have occurred. Surveys in late August (the time of year when this EA was being prepared) would not reveal the presence of the most likely special status plants in this vicinity. However, the BLM botanist believes that the proposed culvert replacements and and physical closures would not affect substantial habitat for general vegetation. Similarly this activity would affect so little ground surface that it is highly unlikely that it could meaningfully affect any special status plant species.

Wildlife and fisheries would benefit from the proposed actions. The Merced River canyon contains habitat for numerous special status animals. A BLM wildlife biologist analyzed the proposed action to determine whether any of these animals or their habitats would be affected. She prepared a wildlife assessment for the Telegraph Fire which was used to develop ES and BAR projects (proposed actions) analyzed in this EA. This assessment was based on extensive fieldwork. The BLM biologist found that the special status species most relevant to the proposed actions are the limestone salamander and foothill yellow-legged frog. BLM treats these species as a special status species. BLM created, and recently expanded, the Limestone Salamander ACEC to help protect habitat. The BLM biologist determined that habitat for foothill yellow-legged frog would benefit from the mulching treatments in the Sherlock Creek area where a known population occurs. The treatments would help prevent very high levels of the erosion and runoff anticipated in this area during the coming winter. High levels of erosion and runoff in the Sherlock Creek area could be detrimental the foothill yellow-legged frog. The grazing closure would give habitat burned by the fire an opportunity to become reestablished. The proposed actions aimed at confining OHV use to designated routes would also be beneficial to wildlife, including limestone salamander occurrences on the North Fork Merced River. Cross-country OHV use can degrade habitat and harass wildlife. Of concern are wintering deer herds, which use the upper Good Gulch area for forage.

Cultural resources would either benefit or would not be impacted by the proposed actions. The BLM archaeologist analyzed the proposed actions to determine whether any significant cultural resources would be adversely affected. The analysis involved a background records search, field visits to the areas potentially affected by the proposed actions, and limited Native American consultations. Please refer to the attached cultural resource study for more information. This study was used by BLM to help meet its obligations under Section 106 of the National Historic Preservation Act. The BLM archaeologist also prepared a cultural resource assessment for the burned area, in which he made several recommendations which were then incorporated into proposed ES and BAR projects (proposed actions) analyzed in this EA. One of his highest priority recommendations is to hire seasonal employees to patrol the area. The patrols are crucial to preventing looting, vandalism, unauthorized salvage, and inadvertent OHV-related damage to archaeological sites and historic-era mill sites exposed by the fire.

Culverts along the Yosemite Railroad grade (campground access road) would be replaced, helping to maintain this important public road. In 1990 BLM determined that the railroad grade in its entirety was not eligible for inclusion on the National Register of Historic Places. Culverts along the Burma

Grade/Bull Creek Road would also be replaced. This segment of road is part of the 640-mile-long Ponderosa Way Fire Break built during the 1930s by the Civilian Conservation Corps and the US Forest Service. Neither this segment, nor the entire Ponderosa Way, has been evaluated to determine whether it is eligible for inclusion in the National Register. The BLM archaeologist found well preserved rockwork, culverts, and other engineering features that reflect the Forest Service and CCCs workmanship and ability. The segment is potentially eligible. The culvert repair project has been carefully designed to avoid outstanding examples of the rockwork and other engineering features dating to the CCC era. Some of the damaged or nonfunctioning historic culverts would be replaced with modern culverts in order to keep the road in use. The proposed action would have a net benefit to the resource. BLM reached a finding of no adverse effect under Section 106.

Recreation would benefit from the proposed actions. Campers, whitewater rafters, hikers, and other visitors come to the Merced River canyon to enjoy the scenic beauty, wildlife, and other environmental values. The proposed actions help to restore values damaged by the fire. Mulching applications, grazing closure, weed treatments, and OHV-use management all help to stabilize the environment and protect it against post-fire degradation. The use of the helicopter to apply the mulch would have a temporary negligible impact on recreation in the Briceburg area. The Sherlock Creek area is a low use area and no impacts are anticipated. Culvert repairs and other minor roadwork would help ensure safe public access in and out of canyon. Motorized recreation would be limited to routes designated in the Sierra RMP. This RMP management decision would be strictly enforced, in some cases, by installing gates, brush barricades, and physical closures. These management actions are critical to stabilizing the burned area and preventing post-fire related degradation to environmental resources, such as archaeological sites. Some OHV enthusiasts might look at the management actions as having negative impacts on recreation. It should be noted that the impacts of route designations on motorized recreation in the Merced River area were carefully examined in the Sierra RMP/Final EIS. BLM decided to limit motorized use to particular routes that provided safe, straightforward, and environmentally sound access to public land. BLM's actions are consistent with the Sierra RMP. The proposal to remove "hazard" trees in damaged by the fire in high-use areas is very important to public safety.

The Merced River Wild and Scenic River's outstandingly remarkable values (ORVs) would benefit from the proposed actions. The ORVs include water quality. In some areas, steep slopes and canyon side were severely burned, increasing the potential for very high levels of erosion and runoff during the winter rains. The mulching applications would help to reduce the amount of sediment flowing into the Merced River; thus maintaining the river's outstanding remarkable water quality.

Visual resources would benefit from the proposed actions. Under the Sierra RMP, BLM manages most of the burned area at either VRM class I or class II levels. These are the highest and most stringent VRM standards that BLM uses. The general objective for these classes is to maintain the visual integrity of highly scenic areas. Non-natural impacts to the scenery should be minimized or avoided. The mulching applications would help to prevent landslides and would promote the recovery of native vegetation, which is critical to enhancing and restoring visual integrity lost due to the fire. The patrols would prevent cross-country OHV use and proliferation of OHV routes in key vantage points, which could attract attention. Noxious weed treatment would also help to sustain the scenic beauty, health, and diversity of BLM-administered land in the burned area. Removal of hazard trees would not negatively impact visual resources.

4.2 Impacts of the No Action Alternative

Under the no action alternative, public property and critical environmental resources (i.e., wild and scenic ORVs, WSA suitability, ACEC values, critical archaeological sites, special status species, etc.) burned by the Telegraph Fire would be threatened, especially during the coming winter months.

The proposed actions are designed to keep the Burma Grade/Bull Creek Road and the campground access road in use and passable. With very high levels of erosion anticipated this winter, these roads could become impassible due to culvert failure and rock fall. This would cause the the public to lose key access to BLM-administered lands. When Highway 140 is closed, the Burma Grade/Bull Creek Road serves as vital egress and ingress to the Briceburg area. If the roads become impassible and Highway 140 is closed, threats to public safety are possible. This scenario is unlikely but it has happened in the past. The roads are public roads that must be maintained.

Without the proposed mulching treatments, Merced Wild and Scenic River's water quality ORV could be degraded under certain circumstances (e.g., certain levels of precipitation occur during the coming winter). Severely burned soils could be degraded, potentially causing negative impacts to foothill yellow-legged frog in the Sherlock Creek area. The proposed treatments would help to prevent this degradation.

Without the proposed brush barricades and other physical closures, OHV use is expected off of designated routes. Increased use of unauthorized roads exposed by the fire is also expected. This use could threaten the suitability of the Merced River WSA to become a wilderness area. BLM has observed increasing unauthorized OHV use in the WSA. This use is not allowed under the Sierra RMP because it causes permanent damage to the environment and could jeopardize the WSA's suitability to become a wilderness area (if Congress someday decides to give it this designation), as well as limestone salamander ACEC units in the North Fork Merced River canyon. Critical archeological sites in the upper Good Gulch area would likely be damaged unless the proposed physical closures are built. The proposed seasonal patrols would also be crucial to preventing impacts to the WSA and critical archaeological sites. The patrols would also be critical to keeping culverts functioning during and after major rainstorms.

The proposed noxious weed monitoring and treatments are aimed at preventing infestations. Without the monitoring and treatments, BLM would likely have an increasingly difficult time stopping the spread of noxious weeds. Noxious weeds can lead to the degradation of wildlife forage. Infestations may reach levels that cannot be controlled. This scenario is possible, but not inevitable.

4.3 Cumulative Impacts

The proposed actions would not cause negative cumulative impacts. In fact, the proposed actions would be cumulatively beneficial to the environment. The Merced River canyon, from Lake McClure up to Yosemite National Park, provides miles of nearly continues habitat/migration corridor for wildlife. Congress included the river corridor in the national wild and scenic river system because, in part, of area's outstandingly remarkable water quality and other values. The canyon contains numerous rare plant populations, limestone salamanders (among the rarest amphibians in the world), and a variety of significant cultural resources documenting thousands of years of human history. Prehistoric hunter-gatherer sites are preserved throughout the river corridor and could, through archaeological research, shed light on important questions about the area's prehistoric inhabitants, including their mobility patterns and subsistence strategies. The canyon also provides some of the best outdoor recreation opportunities in the world. The proposed actions are necessary to helping restore and preserve the significant environmental values and public use opportunities in the BLM-administered portion of the canyon. Without the proposed actions, significant environmental values and public use opportunities would still exist on BLM-administered land and other federally managed public lands in the Merced River watershed, but they would likely be degraded. This is not acceptable.

5.0 Agencies and Persons Consulted

5.1 EA preparers

James Barnes, BLM NEPA coordinator and archaeologist

Josh Sorlie, BLM soil scientist

David Greenwood, BLM outdoor recreation planner

Chris Ryan, BLM resource advisor

Mike Phiblin, BLM hydrologist

Al Franklin, BLM botanist

Peggy Cranston, BLM wildlife biologist/range specialist

5.2 Reviewed by BLM Interdisciplinary Team

James Barnes 8/25/08

James Barnes, NEPA Coordinator and Archaeologist Date

D A W. G 8/25/08

David Greenwood, Outdoor Recreation Planner Date

Allen Franklin 8/25/08

Al Franklin, Botanist Date

Peggy Cranston 8/25/08

Peggy Cranston, Wildlife Biologist/Range Specialist Date

Josh Sorlie 8/25/08

Josh Sorlie, Soil Scientist Date

8/25/05

Mike Phiblin, BLM hydrologist Date

5.3 Availability of Document and Comment Procedures

The EA, posted on Folsom Field Office's website (www.blm.gov/ca/folsom) under Information, NEPA (or available upon request), will not be available for the usual 15-day public review period because of the emergency nature of the projects. BLM will still accept comments and try to resolve issues. Comments should be sent to the BLM at 63 Natoma Street, Folsom, CA 95630 or emailed to us at ca180@ca.blm.gov.

United States Department of the Interior

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Telegraph Fire ES and BAR projects CA-180-08-81
Finding of No Significant Impact
August 25, 2008

It is my determination that this decision would not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan and Final Environmental Impact Statement. Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and would not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. The proposed action would not have adverse impacts.

2) The degree of the impact on public health or safety. No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety. In fact, the proposed action is designed to enhance public health and safety by protecting the Merced River's water quality, removing "hazard" trees in high-use recreation areas, and maintaining key ingress and egress roads in the Briceburg area.

3) Unique characteristics of the geographic area. The proposed actions would beneficially affect the Merced Wild and Scenic River, Merced River ACEC, Limestone Salamander ACEC, and Merced River Wilderness Study Area.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects. No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks. The analysis does not show that this action would involve any unique or unknown risks. The proposed actions reduce the risk of impacts to the environment caused by increased erosion and runoff during the coming winter. BLM cannot afford to ignore these risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The proposed action is not precedent setting; similar ES and BAR projects have been planned and implemented to help stabilize and rehabilitate lands burned by wildfire elsewhere in California and the western US.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. No significant site-specific or cumulative impacts have been identified. The proposed actions are consistent with the actions and impacts anticipated in the Sierra RMP.

8) The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources. Impacts to the potentially significant segment of the Ponderosa Way Fire Break (Burma Grade) would be minimized. Historic rockwork, culverts, and other engineering attributes would be preserved. Some of the smaller damaged culverts would be replaced, helping to preserve this cultural resource.

9) The degree to which the action may adversely affect ESA listed species or critical habitat. No ESA listed species (or their habitat) would be affected by the proposed action.

10) Whether the action threatens a violation of environmental protection law or requirements. There is no indication that this decision would result in actions that would threaten such a violation.

William S. Haigh
Manager, Folsom Field Office

8-25-08
Date

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Folsom, CA 95630
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Telegraph Fire ES and BAR projects CA-180-08-81
Decision Record
August 25, 2008

1.0 Introduction and Background

The proposed action is to implement various ES and BAR projects designed to stabilize and rehabilitate the area burned by the Telegraph Fire in July and August 2008. The proposed action is needed to address management and environmental issues caused by the fire. The proposed action includes projects to protect the Merced River's outstandingly remarkable water quality; stabilize severely burned soils; maintain key public roads; remove hazard trees in high-use recreation areas; prevent noxious weed infestations; manage OHV use to protect visual resources, cultural resources, and the Merced River WSA; stabilize critical archaeological and historical sites; and give native vegetation and wildlife an opportunity to recover by suspending grazing use. Based on information in the EA, the project record, and recommendations from BLM specialists, the following constitutes my decision.

2.0 Decision

2.1 Alternatives Considered but not Selected

Under the no action alternative, none of the proposed ES and BAR projects would be implemented. The impacts of the no action alternative could be adverse. During the coming winter, increased erosion and runoff on severely burned soils could lead to damage to Burma Grade and the campground access road, both of which are important public access roads designated for motorized vehicle use under the Sierra RMP. Increased erosion and runoff may also cause negative impacts to the Merced Wild and Scenic River's water quality and habitat for the foothill yellow-legged frog in the Sherlock Creek area. Under the no action alternative, cultural resources including prehistoric archaeological sites face the increased likelihood of degradation from looting, vandalism, and cross-country OHV use. Noxious weed infestations would likely occur and go unchecked, creating long-term environmental problems. Unmanaged OHV use is likely to negatively impact visual resources, vegetation, and the Merced River WSA where, under the Sierra RMP, motorized use is not allowed.

2.2 Decision and Rationale

Based on information in the EA, the project record, and consultation with my staff, I have decided to implement the proposed action as described in the EA. The proposed action is needed to stabilize and rehabilitate BLM-administered land burned by the Telegraph Fire. The proposed action is not expected to have any negative impacts. There is no time limitation on implementation. The proposed ES projects should be implemented before the winter rains. The proposed BAR projects should be implemented as soon as possible. Removal of brush for building motorized vehicle barricades, as proposed in this EA, is not authorized until appropriate environmental analysis is conducted. Proposed herbicide treatments

are not authorized until further planning and environmental analysis, pursuant to BLM policy, is completed.

3.0 Consultation and Coordination

No federally listed animal or plant species (or their habitats) were found; therefore, consultation with US Fish and Wildlife is not necessary. Significant cultural resources would not be adversely affected; therefore, consultation with the State Historic Preservation Officer and his staff to resolve adverse effects, per BLM's statewide Protocol Agreement, is not necessary.

4.0 Public Involvement

The EA was not available for the formal 15-day public comment period due to the emergency nature of the projects. Nevertheless, it was posted on Folsom Field Office's internet website at the time this decision was signed, and BLM will try to address public comments.

5.0 Plan Consistency

Based on information in the EA and recommendations from BLM specialists, I conclude that this decision is consistent with the Sierra Resource Management Plan; Endangered Species Act; National Historic Preservation Act; Executive Order 12898 regarding Environmental Justice; Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution; and other federal environmental laws, regulations, and policies.

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Folsom Field Office) internet website.

William S. Haigh
Folsom Field Manager

8-25-08
Date