

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DETERMINATION
Bureau of Land Management (BLM)**

Project Name: Gerber Tributaries Riparian Thinning CX Log #: CX-08-09

Project Location: Gerber Reservoir Tributaries, Miller Creek **Lease or Serial #:** N/A

BLM Office: Lakeview District, Klamath Falls Resource Area **County:** Klamath County, Oregon

A. Background

Description of Proposed Action: Approximately 130 acres of conifer thinning in riparian reserves in the Gerber Reservoir watershed will be treated by hand cutting. Approximately 100 acres will be cut and piled or cut and lopped, and approximately 30 acres will be cut and left in place unpiled. Treatment would be focused on riparian areas of perennial and intermittent streams and within areas immediately adjacent to stream channels, springs, and seeps in the Gerber Reservoir watershed.

Purpose and Need for the Project: The purpose of the proposed action is to cut encroaching conifers (western juniper and ponderosa pine trees) within and adjacent to riparian areas to achieve RMP objectives of restoring riparian plant communities and achieve appropriate vegetation composition consistent with potential riparian ecological site conditions. This action will improve riparian condition and improve the hydrologic function of stream channels leading towards attainment of Aquatic Conservation Strategy (ACS) objectives. Thinning trees in riparian floodplain areas will reduce competition with riparian forbs, shrubs, and trees. It is anticipated that over time, recovery of riparian communities will decrease erosion rates, increase channel bank stability and induce higher frequency of floodplain inundation. Additionally, thinning of western juniper in the adjacent uplands will reduce floodplain conifer encroachment and reduce competition with mature ponderosa pine adjacent to riparian areas. These adjacent pine stands are an important source of stream shade and large woody debris for stream channels.

Proposed Implementation timeframe: This project is expected to be initiated in 2008. Depending on funding for this project, implementation could last over a period of several years to complete all treatment activities.

B. Land Use Plan Conformance

Land Use Plan Name, Date Approved: Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995, page 14.

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans, programmatic environmental analyses or policies:

- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- Integrated Weed Control Plan (IWCP) 1993
- Rangeland Reform '94 FEIS and ROD (1995)
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)
- Standards for Land Health for Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1998)
- Interior Columbia Basin Strategy Scientific Documentation (2003)

C. Compliance with NEPA

The proposed action has been identified as a categorical exclusion under Bureau of Land Management Categorical Exclusions, BLM manual H-1790-1, Appendix 4, D 10 – Vegetation management activities, such as seeding, planting, invasive plant removal, installation of erosion control devices (e.g., mats/straw/chips), and mechanical treatments, such as crushing, piling, thinning, pruning, cutting, chipping, mulching, mowing, and prescribed fire when the activity is necessary for the management of vegetation on public lands.

The proposed action is categorically excluded from further analysis or documentation under the National

Environmental Policy Act (NEPA) provided none of the Extraordinary Circumstances listed in 516 Departmental Manual 2, Appendix 2 (5/27/04) are met. The proposed action will:

CX Extraordinary Circumstances Documentation		
The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: The action would not cause any public health or safety risks.		
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: No significant impacts on any resources.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: This is routine work and not highly controversial.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: This is routine work and effects are not uncertain or unknown.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: No precedence is established with this work.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Because of the small number of trees that will be cut, this action will not cumulatively have significant effects when considered with other actions.		
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: No impacts on NHRP properties.		
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: This action is consistent with habitat restoration actions identified to benefit stream dependent endangered species (Programmatic Habitat Restoration Activities in Oregon and Washington Biological Opinion (8330.F0055 (07))). Project Design Features are in place to ensure the project would not have significant effects on endangered species or their habitats		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: This action would not violate laws.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: There should be no effect on low income or minority populations.		
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).		X
Rationale: There should be no change in access to any sacred sites.		
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).		X
Rationale: Standard weed mitigation measures will be applied as necessary (Appendix A). The project area was designed in consideration of known weed populations and is designed to avoid those areas.		

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

D. Surveys and Consultation

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS Animals			SGH 06/19/08
SS Plants	MJB 06/19/08	**	
Cultural Resources	BMB 7/14/08		
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*	SGH 06/19/08		
Botanical Consultation	MJB 06/19/08		
Cultural Consultation	BMB 7/14/08		
*(SS = Special Status)			
** Unsurveyed portions of the Miller Creek unit and the rest of sections 23 & 26 will be surveyed in late summer 2008.			

Remarks:

The BLM determined that this project meets the criteria for aquatic restoration actions covered in the Programmatic Habitat Restoration Activities in Oregon and Washington Biological Opinion (8330.F0055(07)). Therefore, the proposed project “May Affect Likely to Adversely Affect” the Lost River and Shortnose sucker. A “No Effect” determination was made for all other listed species. Endangered Species Act Section 07 consultation was completed with the U.S. Fish and Wildlife Service for the proposed action. A biological opinion was issued June 14th, 2007; Programmatic Habitat Restoration Activities in Oregon and Washington Biological Opinion (8330.F0055(07)).

E. Decision

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for extraordinary circumstances (listed above) as identified in 516 DM 2, Appendix 2. The application of this categorical exclusion is appropriate, as there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

Archeological sites within the project area are flagged and will be avoided during operations.

It is my decision to proceed with the Proposed Action (including the attached project design features).

F. Signature

Authorizing Official: /s/ Donald J. Holmstrom
(Signature)

Date: 9/15/08

Name: Donald J. Holmstrom
Title: Field Manager, Klamath Falls Resource Area

G. Contact Person

For additional information concerning this project, contact:

Andy Hamilton, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916.

Appendix 1 – Definition of Older juniper

Juniper that originated in the “presettlement” period, before 1870, is considered old. It is assumed that these trees are growing on sites that they are adapted to, since they began growing there under “natural conditions” when natural processes (including lightning fires) determined vegetation patterns. Older junipers are usually found in rocky areas where vegetation is sparse and natural fire frequency is low. Some typical characteristics of older juniper are:

- Crown is flat, rounded, broad at top, or irregular (as opposed to the more pointed tops of younger trees)
- Spike top
- Numerous dead branches
- Branches covered with a coarse, bright yellow-green lichen (*Letharia*, or wolf lichen)
- Large diameter lower branches
- Large diameter trunk relative to height
- Trunk has spirally-twisted bark, deep furrows
- Hollow trunk

It is rare for an older juniper to have all of the above features, but more commonly will have at least three or four. Also, older juniper is not always the largest trees; on drier, rocky sites, they can be short, stubby, gnarly trees.

Appendix 2 – Project Design Features

Tree Cutting:

- All western juniper except old juniper or juniper specifically marked as leave trees designated for habitat or erosion protection will be cut and piled.
- All pine in floodplain zones less than 11 inches diameter will be cut and directionally felled.
- Some trees will be specifically marked for directional falling in floodplain and stream channel for habitat enhancement purposes.

Piling:

- No piles shall be constructed within or directly adjacent to any active stream channel.
- Tree cutting shall be limited to areas where cut and piled material would not exceed 10 piles per acre and cut and leave trees will not create excessive ground fuel cover.

Vehicle Use:

- Off road use would be limited to dry or frozen conditions.
- During wet periods vehicles would be limited to existing roads.
- During wet periods vehicle use would be stopped when ruts greater than 4 inches occur on roads.
- No vehicle use within 100 ft of riparian or spring areas.
- No refueling within 100 ft of riparian or springs.

Protection of Range Improvements (Fences):

- During manual tree felling operations, trees will be directionally cut to fall away from fences. This includes allotment and pasture fences and enclosure fences around springs, water developments, and study sites.
- If trees do damage fence components including wires, posts, stays, clips, rock cribs, gates, or brace structures these will be repaired immediately.
- During prescribed burning operations, slash shall not be piled on or next to fence lines.
- If fences have wood posts, all necessary measures will be taken to avoid burning the posts including not piling slash near posts and pulling any concentrations of flammable material away from the posts prior to ignition.
- If any wood posts are burned, they will be immediately replaced with steel posts and the fence wires will be attached to the new post.
- If prescribed burning operations damages fence wires, these will be replaced.

Protection of Cultural Resources:

- If subsurface cultural resources are unearthed during operations, activity in the vicinity of the cultural resource will cease and a BLM representative notified immediately. Pursuant to 43 C.F.R. 10.4 the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, the project leader must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- The operator is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws and regulations.

Wildlife:

- Osprey Nests – No activity associated with this project would occur from May 1st – August 1st within ¼ mile of an active nest site (RMP/ROD pp 34).
- Bald Eagle Nests – No activity associated with this project would occur from January 1st – August 31st within 330 feet or 660 feet line-of-sight of an active nest site (Programmatic Aquatic Habitat Restoration Activities in Oregon and Washington Biological Opinion 8330.F0055 (07)).

Fisheries

To meet criteria in the Programmatic Aquatic Habitat Restoration Activities in Oregon and Washington Biological Opinion 8330.F0055(07), the following Riparian Vegetation/Juniper Treatment (non-commercial) design criteria shall apply:

- Do not cut old-growth juniper (see Appendix 1).
- On steep or south-facing slopes, where ground vegetation is sparse, leave felled juniper in sufficient quantities to promote reestablishment of vegetation and prevent erosion.
- If seeding is a part of the action, consider whether seeding would be most appropriate before or after juniper treatment.
- Where appropriate, move cut juniper stems into the stream channel and floodplain to provide aquatic benefits. Juniper can be felled or placed into the stream to promote channel aggradations as long as such actions do not obstruct fish movement, cover spawning gravels of ESA-listed fish or increase width to depth ratios.
- No roads or landings will be constructed.
- Restore meadow sites along stream corridors or adjacent uplands through removal of conifers which have become established as a result of fire exclusion or other anthropogenic causes.
- Trees felled within riparian area will be used to restore aquatic and terrestrial habitat by returning large and coarse woody debris levels to within the range of natural variability (RNV). Felled trees in excess of the RNV can be removed or piled and burned.
- If other aquatic restoration activities are used as complementary actions, follow the associated design criteria and conservation measures.

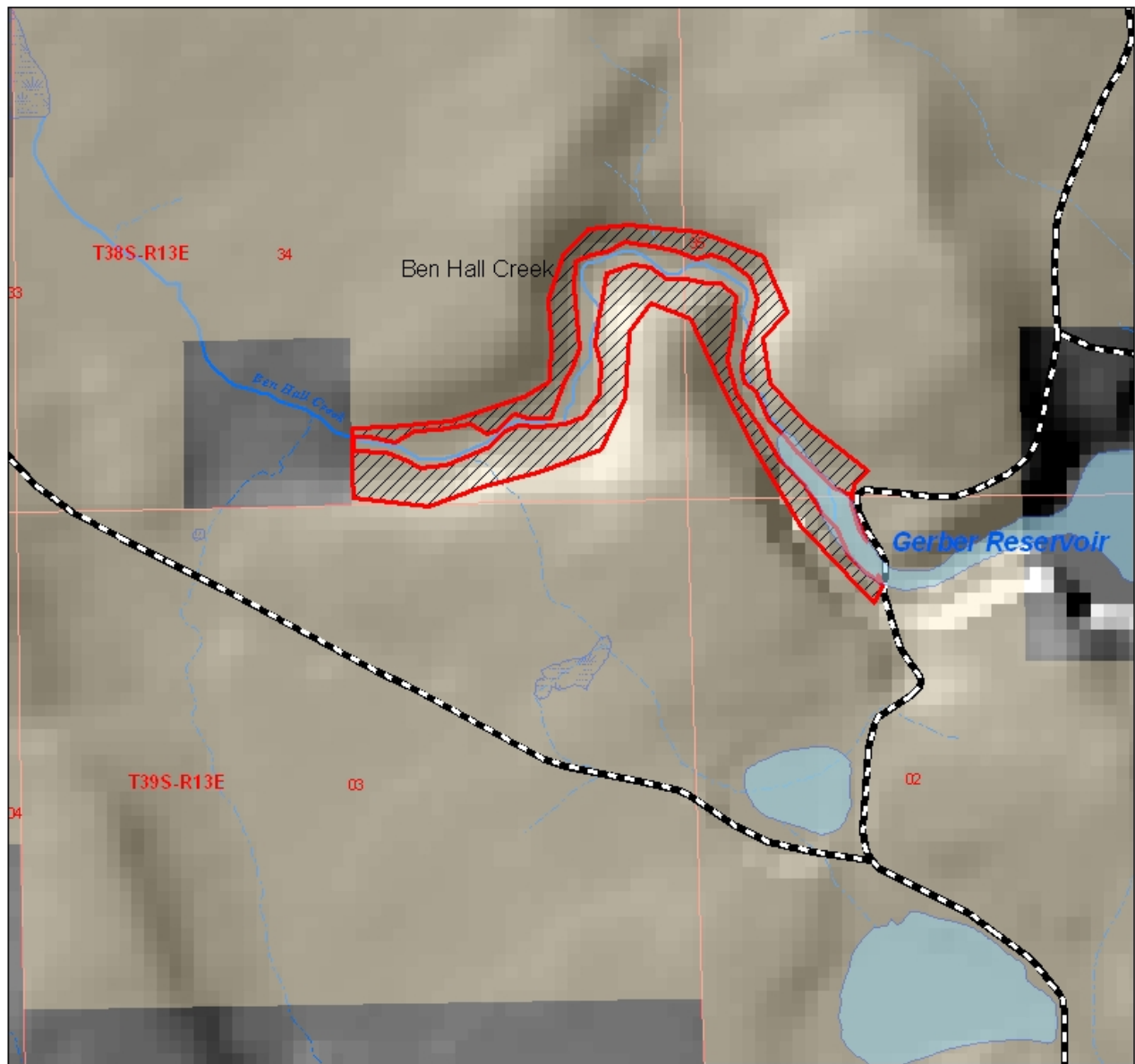
Special Status Species Measures:

There is a small population of fringed campion, a BLM tracking species, located outside of the Ben Hall unit project boundary, to the south. This population should be avoided by traffic in and out of the project area, by foot or by vehicle.

Noxious Weed Mitigation Measures:

There is a population of Canada thistle in the Ben Hall unit located close to the creek. Travel through the population and soil disturbance should be avoided in this area to prevent population increase. Junipers should be felled and piled away from this population to prevent soil disturbance. Canada thistle, musk thistle, and St. Johnswort populations adjacent to but outside of proposed units should be avoided. Propagules from these plants should be removed from footwear and vehicles prior to entering the project areas.

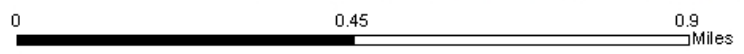
Gerber Tributaries Riparian Thinning Ben Hall Unit



- HYD Water Bodies
- carto_type
 - Island
 - Lake or Reservoir
 - Inundation
 - Mud-flat/swamp/bog
 - Spring or seep
 - Water features

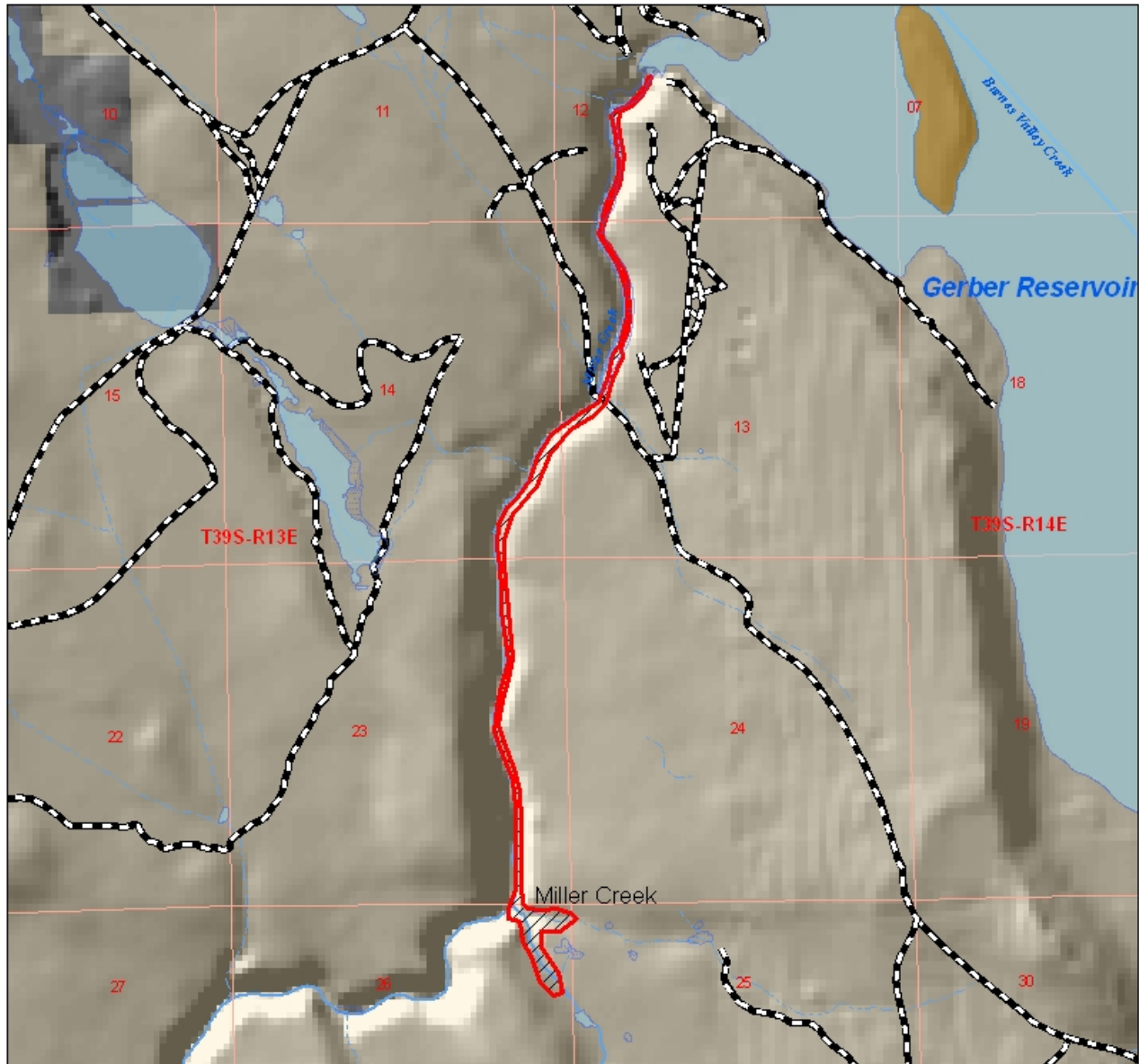
—●— Roads

- Ownership
- PROPERTY_STATUS
- BR
 - State of Land Management
 - Lands Managed by Private Industry
 - U.S. Forest Service
- hillshd
- Value



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Gerber Tributaries Riparian Thinning Miller Creek

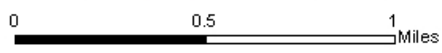


- HYD Water Bodies
carto_type
- Island
 - Lake or Reservoir
 - Inundation
 - Marsh or wetlands/swamp/bog
 - Spring or seep
 - <All other values>

Roads

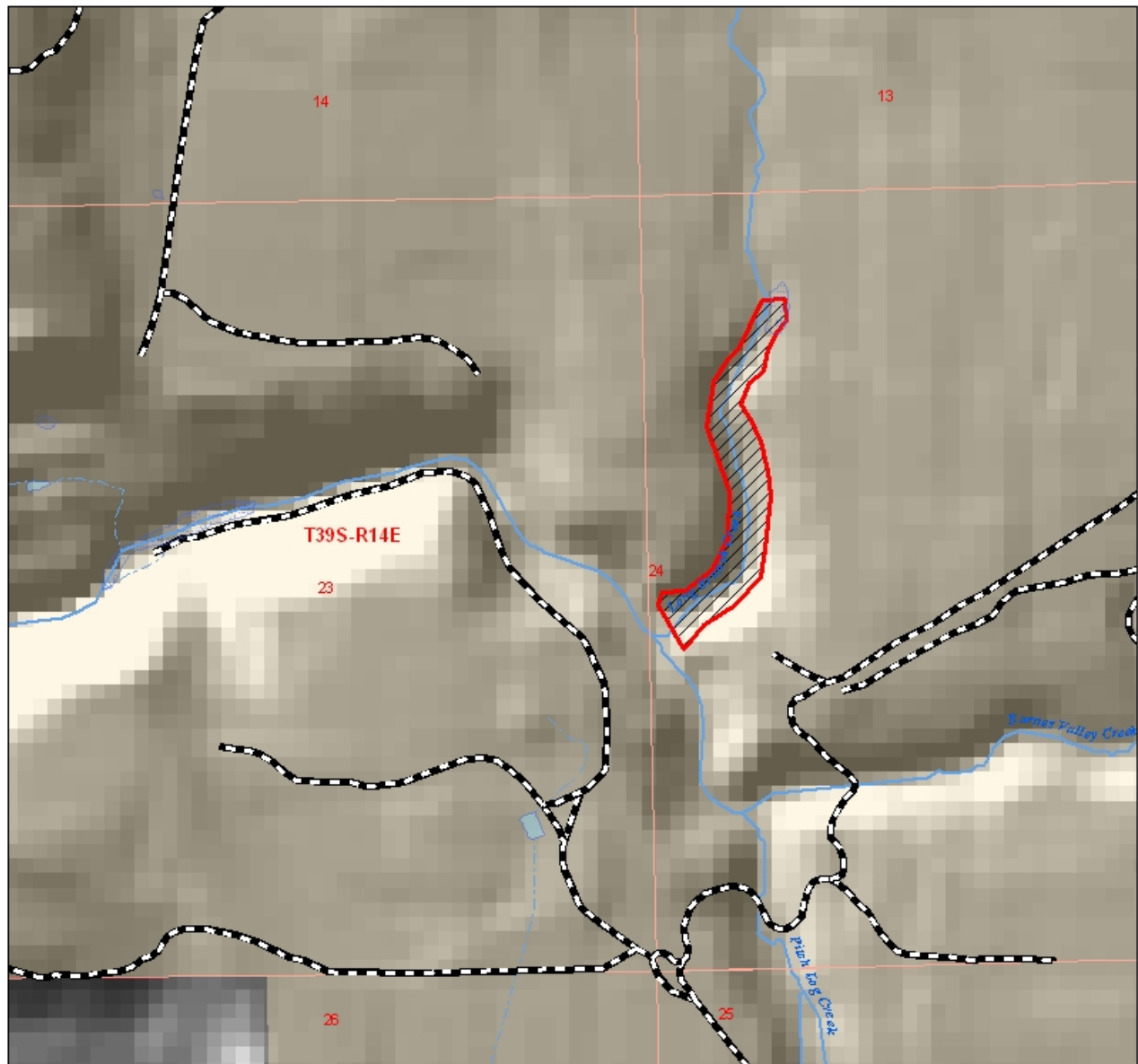
- Ownership
PROPERTY_STATUS
- BR
 - Boreal Land Management
 - Lands Managed by Private Industry
 - U.S. Forest Service

hillshd
Value
High : 254
Low : 0



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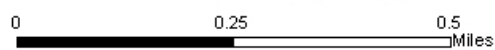
Gerber Tributaries Riparian Thinning Long Branch Unit



- HYD Water Bodies
carto_type
- Island
 - Lake or Reservoir
 - Irrigation
 - Marsh or Wetland-swamp-bog
 - Spring or seep
 - Long Branch Creek Unit

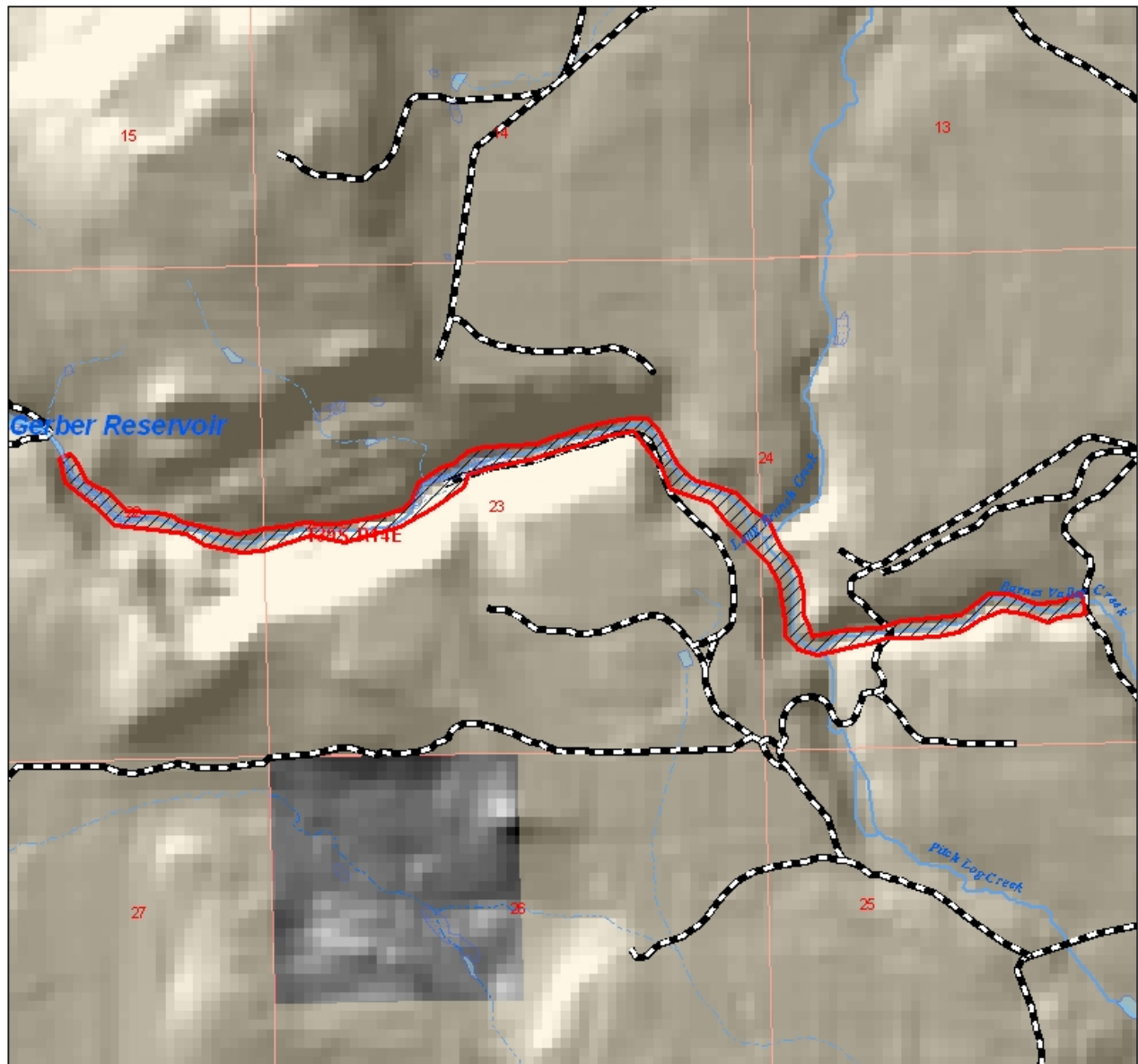
Roads

- Ownership
PROPERTY_STATUS
- BR
 - Boreal Land Management
 - Lands Managed by Private Industry
 - U.S. Forest Service



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Gerber Tributaries Riparian Thinning Barnes Valley Creek Unit



- HYD Water Bodies
carto_type
- Island
 - Lake or Reservoir
 - Inundation
 - Marsh or wetland-swamp-bog
 - Spring or seep
 - Barnes Valley Creek Unit

Roads

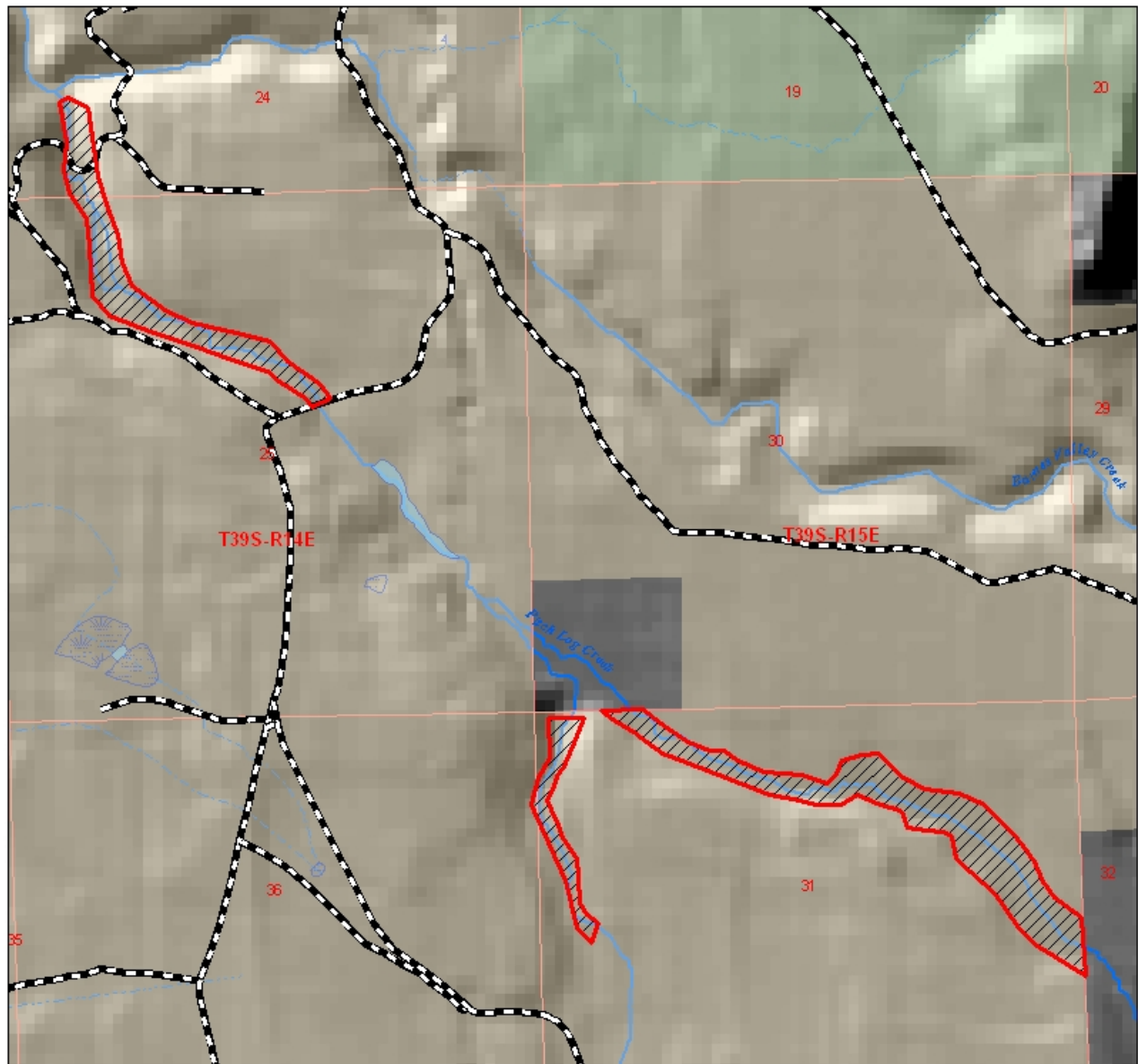
- Ownership
PROPERTY_STATUS
- BR
 - Bureau of Land Management
 - Lands Managed by Private Industry
 - U.S. Forest Service
- hillshd
Value

N
High: 254
Low: 0

0 0.375 0.75 Miles

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Gerber Tributaries Riparian Thinning Pitch Log Units



- HYD Water Bodies
carto_type
- Island
 - Lake or Reservoir
 - Inundation
 - Moss-wetlands-swamp-bog
 - Spring or seep
 - Pitch Log II Unit
 - Pitch Log Unit

— Roads

- Ownership
PROPERTY_STATUS
- BR
 - Bureau of Land Management
 - Lands Managed by Private Industry
 - U.S. Forest Service
- hillshd
Value
- High : 254
 - Low : 0

0 0.5 1 Miles



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