

# PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION

**BLM Office:** Vale District

**CX Log #:** OR-030-09-007

**Proposed Action Title/Type:** Tumble Weed Burning

**Location:** Vale District

## **Background, Purpose and Need**

Russian thistle, also known as tumbleweed, is in the goosefoot family (Chenopodiaceae). Its scientific name is *Salsola tragus*, but it also has been known as *S. iberica*, *S. kali*, and *S. australis*. Although tumbleweed is native to the arid steppes of the Ural Mountains in Russia, it is now ubiquitous throughout the western states, growing in disturbed soils such as fields, irrigation canals and roadside shoulders, ditches and fence lines. In late fall and early winter, this troublesome pest becomes conspicuous as it breaks from the soil and is blown across highways and fields. Large plants can reduce highway safety by obstructing views along right-of-ways and causing drivers to swerve their cars in an attempt to avoid colliding with windblown plants. In many areas, plants accumulate along roadways and fence lines, posing a serious fire hazard. It has been reported that wildfires can spread rapidly when ignited balls of burning Russian thistle blow through grasslands.

Within the district the wind blown accumulation of Russian thistle along fence lines and roadways has become a hazard which can obstruct the roadways, make maintenance of fences difficult, obstruct wildlife and livestock movement and create a wildfire hazard. These locations are generally localized to relatively small (<10 acres), isolated locations many times associated with adjacent past or present surface disturbing activities i.e. gravel pits, roadways and cultivated fields. In places this accumulation can be 5-10 feet high, 10-20 feet wide and several miles in length.

The purpose of the project is to reduce the hazard and accumulation of tumble weeds primarily along fence lines and roadways.

## **Description of the Proposed Action**

Wind blown accumulations of tumbleweeds would be burned primarily along fence lines and roadways in the late fall, winter or early spring. The accumulated weeds would be burned in place with a prescribed burn during periods when there is little chance of fire escape to surrounding areas and would not require manual line construction. Treatment during the life of this project would be limited to less than 4500 acres. Areas may be treated more than once during the life of this project as needed. Acres that are treated more than once would only count once toward total project acres treated.

## **Design Features**

Access- Existing roads would be used for all implementation activities. No new roads would be constructed.

Avoidance of sensitive species habitat – Clearances for sensitive species would be conducted prior to treatment. If sensitive wildlife or plant species are found in the project area, treatments would be scheduled and/or modified to avoid or minimize disturbance to these species and their habitat.

Cultural resources – Pedestrian inventories of cultural resources will not be necessary in treated areas since burning light flashy fuels such as tumbleweeds during periods of elevated humidity and cooler temperatures does not have the potential to affect most historic properties or undisturbed ground. The Protocol for Managing

Cultural Resources on Lands Administered by the Bureau of Land Management in Oregon (1998), allows for projects that are considered to be routine maintenance of BLM facilities to be excluded from case-by-case SHPO review so long as they have no potential to impact historic structures or previously undisturbed ground. This is outlined under provisions outlined in Appendix E (Exempt Undertakings) of the protocol. Any potentially significant fire-sensitive cultural resources (wooden structures or structural remains) known to exist in treated areas or discovered during project implementation would be protected through avoidance.

Noxious Weeds – Prior to implementation, activities would be coordinated with the resource area weed specialist to identify site specific actions (i.e. vehicle washing, areas to avoid vehicle parking etc.) necessary to avoid spread of noxious weeds.

Prescribed Burning - Prescribed burning is the controlled application of fire to wildland fuels within a predetermined area during specific environmental conditions in order to attain resource management objectives. All burning would be done in accordance with resource objectives specific to individual sites documented in plans written prior to burning. Site specific plans would have to be approved by the Vale District Fire Management Officer and the appropriate Resource Area Field Manager.

Wilderness Study Areas – Treatment within a Wilderness Study Area would require further NEPA analysis.

Wilderness Characteristics – Treatment through the burning of tumbleweeds would not alter natural or wilderness characteristics as there would be no new surface disturbing activities (road or line construction) allowed.

### **Land Use Plan Conformance**

The proposed action has been reviewed and would contribute to meeting land use plan goals and objectives and is in conformance with direction and objectives as listed below:

Northern and Southern Malheur Management Framework Plans and Preferred Land Use Alternatives (1983); pg 47, ‘Prescribed fire would play a major role in range management improvement and in accomplishing objectives of the land use plan’.

Southeastern Oregon Resource Management Plan (2002); pg 38, ‘use prescribed fire to meet resource and fire hazard fuels reduction objectives’

Baker Resource Management Plan (1989); pg 40, ‘Prescribed fire will be used to meet other resource objectives including to reduce fuel loads and to control unwanted vegetation/weeds’

Vale District Fire Management Plan (2004); pg 55, ‘treat natural fuel accumulations to meet resource management objectives’

### **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, D10 (listed below).

**516 DM 11.9 D. Rangeland Management (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. Such activities:

- (a) Shall not exceed 4,500 acres per prescribed fire project and 1,000 acres for other vegetation management projects;
- (b) Shall not be conducted in Wilderness areas or Wilderness Study Areas;
- (c) Shall not include the use of herbicides, pesticides, biological treatments or the construction of new permanent roads or other new permanent infrastructure;
- (d) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
- (e) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

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 as documented below has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply.

Yes	No	Extraordinary Circumstances	Reviewer	Date
	✓	1. Have significant impacts on public health or safety.	<i>[Signature]</i>	12/13/08
	✓	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.	<i>[Signature]</i>	12/12/2008
	✓	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<i>[Signature]</i>	12-12-08
	✓	4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<i>[Signature]</i>	12-12-08
	✓	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<i>[Signature]</i>	12-12-08
	✓	6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<i>[Signature]</i>	12-12-08

Yes	No	Extraordinary Circumstances	Reviewer	Date
	✓	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.	<i>DR</i>	12/12/2008
	✓	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.	<i>DR</i>	12/15/08
	✓	9. Violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment.	<i>lm</i>	12-12-08
	✓	10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<i>lm sm</i>	12-14-08 12-12-08
	✓	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).	<i>DR</i>	12/12/2008
	✓	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).	<i>ls</i>	12/19/08

**SUMMARY OF FINDINGS AND DETERMINATION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the Departmental Manual Categorical Exclusions list, sections of which are cited and quoted above. The proposed action has also been reviewed in relation to the above listed 12 extraordinary circumstances in accordance with the Departmental Manual, and none of these circumstances apply.

*Randy Eyre* P+EC 12/9/08  
 Prepared By: Title Date

*Eric Mayes* P+EC 12-12-08  
 Reviewed By: Title Date

*David R Henderson* District Mgr 1/13/09  
 Authorizing Official Title Date

## **ADMINISTRATIVE REVIEW OPPORTUNITY**

Parties may appeal for administrative review in accordance with the following procedures.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the office of the authorized officer, as noted above, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

### Request for Stay

Should you wish to file a petition, pursuant to regulation 43 CFR 4.21, for stay (suspension) of the effectiveness of this decision pending the outcome of an appeal, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

## **CONTACT PERSON**

For additional information contact Randy Eyre, Planning Coordinator, 100 Oregon Street, Vale , Oregon 97914 or telephone: 541-473-6279.