

**United States Department of the Interior
Bureau of Land Management
Idaho Falls District
Upper Snake Field Office**

**Decision Memorandum on Action and for
Application of Categorical Exclusion 1.12 for:
Tex Creek WMA Aspen Health Project
DOI-BLM-ID-I010-2013-0005-CX**



**Prepared by
Bureau of Land Management
Upper Snake Field Office
1405 Hollipark Dr.
Idaho Falls, ID 83401**



Tex Creek WMA Aspen Health Project
NEPA#: DOI-BLM-ID-I010-2013-0005-CX

Purpose and Need for the Action

The Tex Creek Wildlife Management Area (WMA) is located approximately 16 miles east of Idaho Falls near the communities of Ozone and Bone. In addition to supporting a resident population of moose (*Alces alces*) which utilize the area throughout the year, the area is characterized as important mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*) winter range and supports wintering herds of several thousand animals. Tex Creek is particularly important habitat to mule deer due to their utilization of the area as terminal winter range. Though a majority of the species will winter further north on the south facing slopes of Willow Creek, Deer Creek and Bear Creek, the project area experiences some use during the winter months and also provides important transition range for mule deer coming out of the winter season (Figure 1). Research conducted by the Idaho Department of Fish and Game (IDFG) has shown the importance of healthy aspen (*Populus tremuloides*) stands with diverse, forb-rich understories to mule deer fawn survival. The proposed juniper reduction and associated aspen/understory improvement will improve the transition/fawning range quality of the project area.

Tex Creek WMA is also home to Ruffed Grouse (*Bonasa umbellus*) and is a west-wide stronghold for Columbian Sharp-tailed Grouse (*Tympanuchus phasianellus*). Both of these species seek out aspen or mountain brush stands for winter habitat. The project area is used by both species and improvements to these aspens stands will improve winter range quality. Additionally, aspen stands in eastern Idaho have been shown to be second only to riparian areas in avian diversity. Tex Creek WMA is visited by a myriad of migratory bird species annually. Aspen stand improvements in the project area will have wide-ranging benefits to the avian community.

Historically, aspens populated many of the north facing drainages within the project boundary but have experienced a decrease in abundance due to the expansion and encroachment of Utah juniper (*Juniperus osteosperma*). Utah juniper within the Tex Creek WMA has been expanding due to the modification of the natural fire regime which had historically kept the species confined to south facing slopes. Research conducted by Campbell and Bartos in 2000 indicated that areas where aspens typically occurred had fire return intervals of 20 to 60 years. Fire history and treatment records indicate that the project area has been void of any disturbances for approximately 70 years. Without a constant disturbance regime, junipers have been allowed to encroach into the adjacent aspen stands and to a lesser degree the sagebrush shrublands within the canyons and north facing slopes of the WMA. Currently, many of the aspen stands within eastern Idaho are categorized as even-aged and decadent, being encroached upon by adjacent conifer tree species, and lack the level of reproduction necessary to maintain a healthy clone. Aspens are considered a keystone species and are critical for maintaining biodiversity in western landscapes, where clones regenerate primarily through vegetative reproduction triggered by hormonal stimulation of underground root buds initiated by disturbance (Jones et al. 2005).

Monitoring conducted during the summer of 2012 to determine tree densities and species composition revealed an abundant density of junipers within many of the historic aspen stands.

Junipers accounted for 55% of the live tree density while aspens accounted for 45%. Understory aspen regeneration (aspen 1-5' tall of <1" dbh) was also limited with clones producing an average of only 200 stems per acre. Research has shown that aspen stands experiencing a conifer canopy cover of greater than 25%, aspen cover of less than 40%, and aspen regeneration less than 500 stems per acre are at risk of being lost (Campbell and Bartos 2000). An Aspen Stand Risk Assessment (ASRA) was also conducted at each of the monitoring locations. The ASRA is a qualitative assessment of an aspen stand and the associated biotic and abiotic community (EIAWG 2011). Data from this assessment suggests that the potential for stand loss within the project area would be classified as "Highest" due to the clone being lost from above and not being replaced from below. Juniper encroachment has led to a sharp decline in the once dominant aspen woodlands that populated many of the drainage bottoms, draws and canyon rims. Additionally, in some locations the junipers have become the dominant overstory species and have left much of the understory completely void of any herbaceous vegetation, as well as inhibited any and all natural regeneration of the remaining aspen clones.

As a result of these findings the BLM and IDFG have proposed to remove approximately 70 acres of juniper to stimulate aspen growth within these stands and improve wildlife habitat on a portion of the BLM lands within the WMA. Treatments occurring on the BLM administered lands would complement the juniper thinning projects that are proposed for the adjacent IDFG lands within the area. If no action is taken and the stands are left untreated, junipers will continue to encroach and outcompete the aspen clones leading to a site dominated by junipers, void of an herbaceous understory, and with an increased potential of soil erosion and uncharacteristic fire. This proposal consists of the removal of standing live and dead juniper trees to improve wildlife habitat, stimulate aspen growth, and ensure that aspens within the WMA remain healthy, productive and resilient. Under this proposal no thinning would occur within 100 feet of Willow Creek riparian corridor to mitigate any potential impacts to riparian vegetation and water quality. Additionally, no new roads would be constructed under this action.

Management action(s) are needed to improve forest/woodland health and reduce the loss of the aspen component within the BLM lands of the WMA. The purpose of these actions would be to:

- Ensure a healthy stand of aspen by removing encroaching junipers within and adjacent to existing clones.
- Increase the availability of water, nutrients, and light in those areas where junipers have encroached and removed the historic vegetation.
- Reduce hazardous fuel loading to prevent uncharacteristic wildfires and resultant resource damage, while providing conditions so wildfire can safely take its role again in the ecosystem.
- Improve the health, vigor, and acreage of aspen stands and promote natural regeneration of aspens.

Description of the Proposed Action

The BLM is proposing to thin approximately 70 acres of encroaching Utah juniper out of the existing and historic aspen stands within the Tex Creek WMA. The targeted juniper stands are located on the north facing slopes of the Willow Creek drainage between Kepps Crossing and the confluence of Willow Creek and Tex Creek (Figure 2). The legal location of the project site is within T01N R40E Sec 3, 4, 9 & 10. The thinning would be implemented by hand crews with the biomass being left onsite in the form of 6'x6' hand piles which would be burned at a later date.

Plan Conformance

Medicine Lodge Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) 1985 (ID BLM IFD 1985)

Management Area 8 – Willow Creek/Tex Creek:

“Maintain or improve high quality big game winter range in support of Tex Creek agreement.”

General Forestry:

“Public lands within intensive Forest management Area will be available for a full range of forest management activities. Areas classified as woodland will also be available for limited forest management activities.”

Fire, Fuels, and Related Vegetation Management Direction Plan Amendment and Final Environmental Impact Statement (USDI-BLM 2008a:18)

Objective 4:

“Make Progress toward Desired Future Condition (DFC) in historically frequent fire regimes (Aspen/Conifer, Dry Conifer, Mid-elevation Shrub encroached by juniper, Mountain Scrub) by increasing Wildland Fire Use (WFU) and prescribed fire to create a fire regime within the historical range of variability.”

Management Actions:

“Use mechanical and chemical treatments to prepare areas in FRCC 2 and FRCC 3 for prescribed fire and WFU.”

Compliance with the National Environmental Policy Act

The proposed action is designated as a Categorical Exclusion (CX) under US Department of Interior manual part 516 DM 11.9, Subject C: *Forestry - Action 7: Harvesting live trees not to exceed 70 acres, requiring no more than 0.5mile of temporary road construction. Such activities:*

- a) Shall not include even-aged regeneration harvests or vegetation type conversions.*
- b) May include incidental removal of trees for landings, skid trails, and road clearing.*
- c) 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*
- d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or 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.*

Examples include, but are not limited to:

- a) Removing individual trees for sawlogs, specialty products, or fuelwood.*
- b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.*

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

Extraordinary Circumstances Requiring Preparation of an EA or EIS (516 DM 2, Appendix 2)

The action(s) described in this categorical exclusion have been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM# Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety.
- 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.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 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.
- 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 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).
- 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).

Persons and Agencies Consulted

Idaho Department of Fish and Game

Shane Roberts – Habitat Biologist, Tex Creek Habitat District
Upper Snake Regional Office, Idaho Falls, ID

Bureau of Land Management

Glen Guenther – Botany
Jordan Hennefer – Rangeland Management Specialist
Marissa Guenther – Archaeologist
Channing Swan – Zone Forester
Dan Kotansky – Hydrologist
Devin Englestead – Wildlife Biologist
Ben Dyer – Fire Ecologist

Recommendation and Rationale

I have decided to implement the Tex Creek WMA Aspen Health Project. Mechanical and manual removal will be used to achieve project goals. Prescribed fire, in the form of pile burning, may be used, if necessary, following the completion of the thinning operation to reduce further fuel loading. These actions meet the needs for the project. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation of the proposed action would help increase the health and regeneration of the aspen woodlands in question, reduce the probability of uncharacteristic wildfire, and improve wildlife habitat.

Implementation Date

This project will be implemented on or after May 30, 2013.

Jeremy Casterson, Field Manager,
Upper Snake Field Office, Idaho Falls District.

Date

Josh Gibbs, NEPA Reviewer,
Upper Snake Field Office, Idaho Falls District.

Date

Ben Dyer, Fire Ecologist, CX Preparer,
Upper Snake Field Office, Idaho Falls District.

Date

Administrative Review or Appeal Opportunities

This decision is subject to appeal consistent with 43 CFR Part 4. Refer to attached form 1842-1 for further information regarding the appeal process.

Contact Person

For additional information concerning this decision or project, contact Ben Dyer, Fire Ecologist, Upper Snake Field Office, 1405 Hollipark Dr. Idaho Falls, Idaho 83401. (208) 524-7534. You may also contact Channing Swan, Forester, Pocatello Field Office 4350 Cliffs Dr. Pocatello, Idaho 83204. (208) 478-6389.

Referances

Eastern Idaho Aspen Working Group. 2011. Aspen Stand Risk Assessment Protocol. Idaho Falls, ID: 14p.

Campbell, R.B., and Bartos, D.L. 2000. Aspen Ecosystems: Objectives for Sustaining Biodiversity. USDA Forest Service Proceedings RMRS-P-0.

Jones, B.E., Rickman, T.E., Vazquez, A., Sado, Y., and Tate, K.W. 2005. Removal of Encroaching Conifers to Regenerate Degraded Aspen Stands in the Sierra Nevada. *Restoration Ecology* **13**(2): 377-379.

Maps

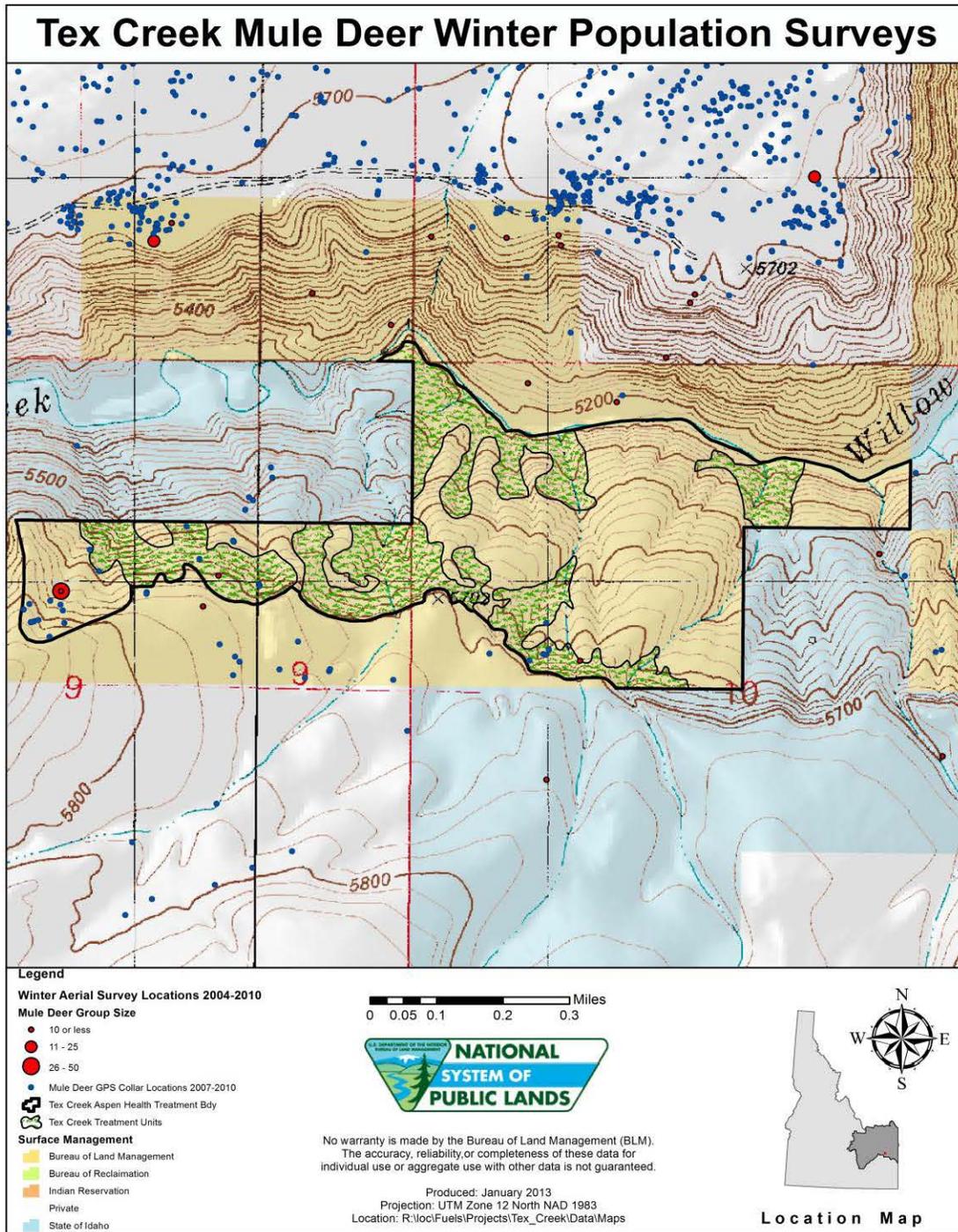


Figure 1. IDFG Winter Aerial Survey Locations of mule deer groups and mule deer GPS collar locations within the Tex Creek Juniper thinning project.

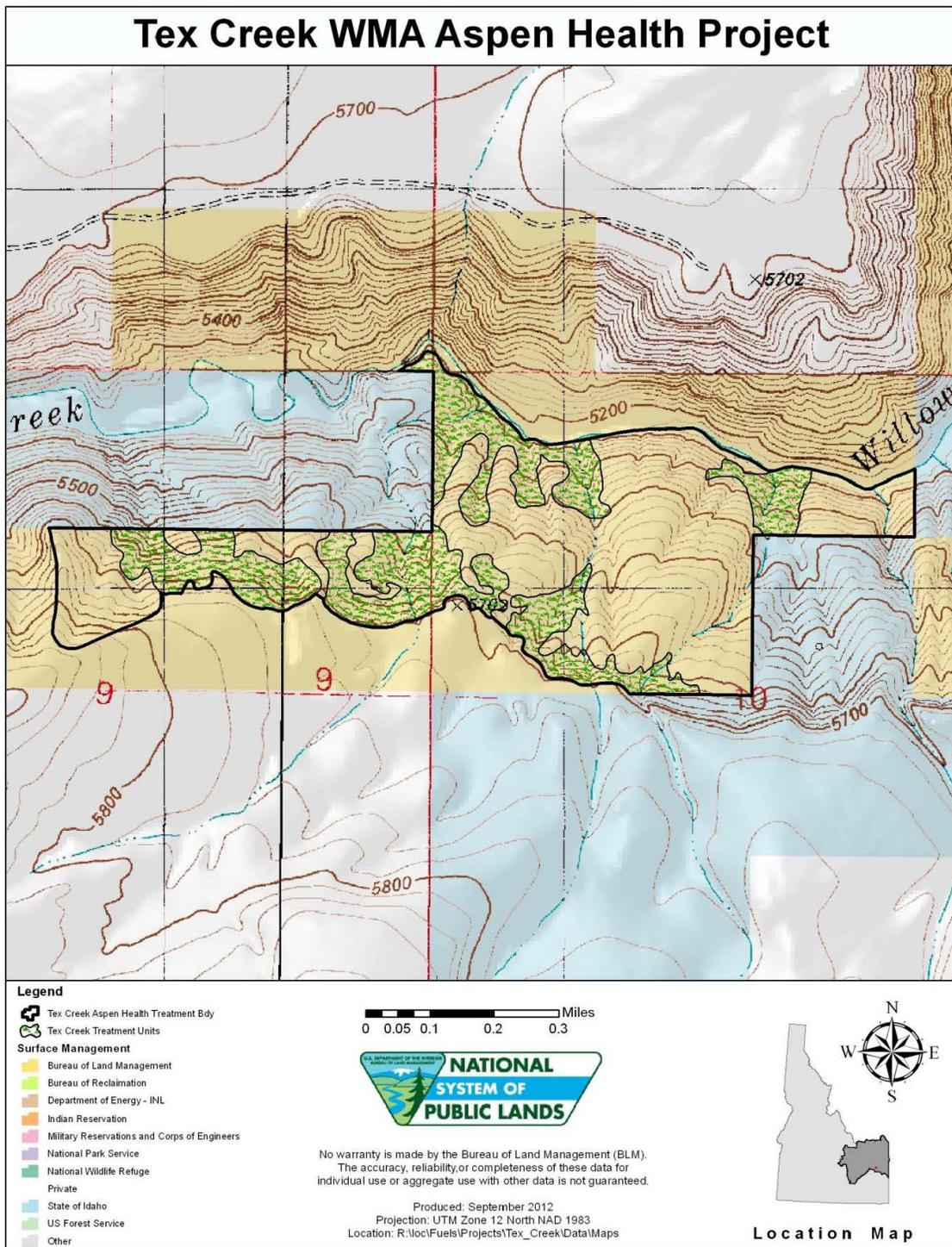


Figure 2. Tex Creek Aspen Health Project Boundary and Corresponding Treatment Units.

Appeal Form 1842-1

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE	U.S. Department of the Interior Bureau of Land Management
NOTICE OF APPEAL.....	Upper Snake Field Office 1405 Hollipark Dr. Idaho Falls, Idaho 83401
WITH COPY TO SOLICITOR...	U.S. Department of the Interior, Office of the Solicitor University Plaza 960 Broadway Ave., Suite 400 Boise, Idaho 83706
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	U.S. Department of the Interior, Office of the Solicitor University Plaza 960 Broadway Ave., Suite 400 Boise, Idaho 83706
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> 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 (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. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall 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, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

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