



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
MEDFORD INTERAGENCY OFFICE  
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## PROGRAMMATIC INTEGRATED VEGETATION MANAGEMENT PROJECT – BAKER CYPRESS RESTORATION PROJECT FINDING OF NO SIGNIFICANT IMPACT

NEPA# DOI-BLM-OR-M000-2012-0001-EA

### I. INTRODUCTION

The Medford District Bureau of Land Management (BLM) has analyzed integrated vegetation management activities for forest stands located across the Medford District. BLM's interdisciplinary planning team designed the Programmatic Integrated Vegetation Management Project (IVMP) on the Medford District based on current resource conditions in the project area, and to meet the objectives and direction of the 1995 Record of Decision and Resource Management Plan (1995 ROD/RMP). The proposals presented and evaluated in the IVMP Environmental Assessment (NEPA #DOI-BLM-OR-M000-2012-0001-EA) reflect what the planning team believes to be the best balance of resource conditions, resource potential, and competing management objectives. Integrated vegetation management projects authorized under the Decision will be limited to a maximum of 5,000 acres per year and dispersed across the District. No more than 10% of BLM land in a fifth field watershed will be treated under this EA in any one year.

Currently the BLM proposes restoration treatment in a Baker cypress population in the Flounce Rock/Baker Cypress Area of Critical Environmental Concern (ACEC) in the Butte Falls Resource Area. The project would contribute to conservation of the Flounce Rock Baker cypress population by conducting treatments using thinning and prescribed fire on less than 2 acres. There is currently no natural regeneration at the site that would lead to perpetuation of the population. Treatments would thin overly dense patches, thus reducing competition for space and resources among the remaining trees. Thinning and prescribed burning would stimulate seed germination and provide the BLM with useful information on the best method for aiding regeneration in the population.

### II. BACKGROUND

The general planning area for implementation of projects under the IVMP covers lands managed by the Medford District BLM. Lands within the area are a “checkerboard” of federal, private, county, and state ownership totaling approximately 3 million acres. Of those lands, approximately 860,000 acres are lands under the administration of the BLM. These lands are in a variety of land use allocations (e.g., Applegate Adaptive Management Area [AMA], Matrix, and Late-Successional Reserve (LSR)).

The BLM began public outreach for the IVMP EA project on November 14, 2011 by sending a scoping letter to approximately 660 residents and landowners near or adjacent to BLM parcels within the planning area; federal, state, and county agencies; tribal governments; private organizations; and

individuals that requested information concerning projects of this type. All public input was considered by the planning and interdisciplinary team in developing the proposals and in preparing the EA.

The BLM held a public meeting on January 19, 2012 and gathered information through questionnaires, personal discussions, and comment letters, which provided public input to BLM for consideration in the EA.

The EA analyzed treatments of vegetation communities that are not generally viable for commercial timber sales, but exhibit an ecological need (e.g. habitat restoration, enhanced structural complexity, improved forest stand growth and vigor, reduced risk of catastrophic wildfires). The EA proposes activities that address the purpose and need for the Baker Cypress restoration project, such as treatments for habitat restoration to promote species conservation.

The IVMP EA was available for public review from August 25 through September 25, 2012. It incorporated analysis of the proposed actions and addressed issues raised in public scoping comments. During the public review period, the BLM received six comment letters, mainly in support of the project, but expressing several concerns. For a summary of public comments, see Appendix A, Public Comment Summary and Response.

In designing the IVMP to address current resource conditions, the BLM interdisciplinary team was aware of and sensitive to the public's range of views and values while complying with a variety of resource management mandates. As a result, the IVMP is an integrated and multi-faceted plan that balances these factors and objectives.

### **III. CONSULTATION AND COORDINATION**

In accordance with section 7 of the ESA, the BLM analyzed project activities for their potential effects on Threatened and Endangered species. The BLM looked at potential effects of thinning and prescribed burning of the Flounce Rock Baker cypress population to Southern Oregon/Northern California (SONC) coho salmon or their designated critical habitat. The BLM also analyzed these activities for their potential to affect Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The project is outside the range of coho salmon and designated critical habitat and is not expected to affect species or critical habitat; therefore, consultation is not required. The project is a No Effect action for SONC, critical habitat, and EFH.

Cultural resource surveys were completed for the Baker Cypress restoration project pursuant to the Protocol for Managing Cultural Resources on Lands Administered by the Bureau of Land Management in Oregon. Archaeological surveys of the project area identified no cultural or paleontological resources. As such, State Historic Preservation Office (SHPO) consultation is not required. In addition, the BLM has coordinated and consulted with the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, and the Confederated Tribes of the Siletz Indians of Oregon with regard to the 2012 Programmatic Integrated Vegetation Management Project (IVMP) Environmental Assessment (EA). Because the Baker Cypress restoration project area is very small in size and does not have the potential to affect any prehistoric cultural resources or traditional cultural properties (TCPs), Tribal consultation is not required. Nonetheless, the project and the results of BLM's archaeological investigation therein will be reviewed with Tribal representatives during upcoming quarterly meetings. This project would have "no effect" to cultural or paleontological resources, and SHPO and Tribal consultation is not required.

The Baker Cypress restoration project area is outside the range of the three federally endangered plants, Gentner's fritillary (*Fritillaria gentneri*), Cook's lomatium (*Lomatium cookii*), and Large flowered meadowfoam (*Limnanthes pumila* ssp. *grandiflora*), that occur in the Butte Falls Resource Area. Therefore, this project would have "no effect" on T&E plants.

The project does not encompass potential denning or resting habitat for fisher. The fisher is proposed to be listed as threatened, but no critical habitat units have been proposed for fisher. The project is about 5 miles from the edge of a known area of use of gray wolves in Oregon. If they were to use the area, the proposed treatments would benefit wolves by creating more new browse for deer and elk, prey species for wolves. The treatment area is classified as non-habitat for Northern Spotted owls in the District's Biomapper and McKelvey GIS layers, is outside of designated critical habitat, and is about 0.6 miles from the nearest spotted owl site (seasonal restriction for work not required). The treatments would occur outside of potential habitat and outside of the current, known range and critical habitat for Oregon spotted frogs and vernal pool fairy shrimp. Therefore, this project would have a "no effect" on T&E wildlife and consultation is not required.

#### **IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

##### **A. Plan Conformance**

Based on the information in the Integrated Vegetation Management Project EA and project record, I conclude that this project is in conformance with the 1995 Medford District RMP and subsequent plan amendments that include:

1. Record of Decision and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Coos Bay, Medford, and Roseburg Districts (2004)
2. Medford District Noxious Weed Environmental Assessment (1998)
3. Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (1994)
4. ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and its attachment A entitled Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (WFP) (1194)
5. Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendments to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001) and the 2003 Annual Species Review.

The ACS Consistency Review found that the project is in compliance with the Aquatic Conservation Strategy as originally developed under the NWFP.

This decision is also consistent with the Endangered Species Act; Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply, and/or distribution.

## **B. Finding of No Significant Impact**

I have considered the intensity of the impacts anticipated from the projects analyzed under Alternative 2 in the IVMP EA relative to each of the 10 areas suggested by the Council on Environmental Quality (CEQ).

*1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.*

The BLM included project design features (PDFs) in the proposed actions for the purpose of reducing anticipated adverse environmental impacts which might otherwise stem from project implementation. There are no significant effects expected from project activities.

The following is a synopsis of the effects expected from implementation of activities detailed in the Decision Record.

Thinning dense patches of the Baker cypress stand would improve habitat conditions for this Sensitive species by reducing competition for space and resources. Using prescribed fire would create favorable conditions for regeneration and would reduce the amount of cut material that contributes to hazardous fuel conditions. Although the treatment would remove some Baker cypress trees, it would benefit the population in the long term (EA, p. 104) by creating more favorable growing conditions for the remaining trees and by promoting regeneration of new trees where none has occurred in recent history. The BLM would protect birdfoot cliffbrake (*Pellaea mucronata* ssp. *mucronata*) sites in the adjacent meadow by implementing a PDF to avoid piling and burning slash on plants.

The proposed treatments would not contribute to the spread of noxious weeds in the District because no noxious weeds occur in the treatment area and no wheeled or tracked equipment would be brought off road into the area.

The BLM would implement PDFs during prescribed and pile burning to prevent impacts to soils and soil productivity.

There would be no effects to fisheries because the project is outside the range of coho and coho critical habitat. The project is not near riparian areas, there would be no reduction in streamside shade, and therefore no increase in water temperature. The potential for large, instream wood recruitment would not be reduced.

The project would not impact T&E or Sensitive wildlife. The area does not encompass potential denning or resting habitat for fisher. The closest known area of use by gray wolves is 5 miles away and the proposed treatment would benefit wolves by creating more new browse for deer and elk, prey species for wolves. The treatment area is classified as non-habitat for the Northern Spotted owl, is outside designated critical habitat, and is 0.6 miles from the nearest spotted owl site. It is also outside potential habitat and outside the current, known range for Oregon spotted frogs and vernal pool fairy shrimp.

No cultural or paleontological resources were discovered at the Baker cypress site so no effects are expected. PDFs would protect sites if they were discovered during the treatment.

No impacts to recreation or visuals are expected because the treatment area is located a minimum of 0.1 miles from a trail and is not visible from the trail.

The treatments would reduce ladder fuels where dense trees are thinned. The cut trees would be piled and burned which would eliminate a pile up of hazardous fuels on the ground. Some dead and downed trees would be cut and burned to facilitate controlling fire lengths during prescribed burning. Overall the treatments would reduce fuel loading and density (EA p. 114-115).

*2) The degree of the impact on public health or safety.*

The project has not been identified as having the potential to significantly and adversely impact public health or safety.

Prescribed “burning would conform to the Oregon Smoke Management Program (OAR 629-048-0001 through 629-048-0500). All burning activities would comply with the national ambient air quality standards for particulates (PM 10 and PM 2.5)” (EA p. 116). Prescribed burning would produce smoke during implementation, but should result in reduced smoke emissions should a wildfire occur (EA p. 132).

*3) Unique characteristics of the geographic area.*

The Medford District encompasses a variety of areas with unique characteristics. Site-specific PDFs tailored to the characteristics of the site and incorporated into project activities would preclude adverse effects to these areas. The Baker Cypress ACEC is located in the vicinity of Flounce Rock. The ACEC boundary includes a mix of habitats including the Baker cypress stands, manzanita patches, old growth Douglas-fir stands, vernal wet meadows, and rocky scablands overlaid with cryptogamic crust. A well maintained trail accesses the area from BLM roads approximately 0.2 miles away. The ACEC is surrounded by BLM-managed conifer stands. The closest residence is approximately 2 miles away as the crow flies. The Flounce Rock communication site is 0.5 miles away as the crow flies. The proposed treatments and PDFs would improve habitat conditions at the site.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.*

The effects of this project are similar to those of other projects that are implemented within the scope of the RMP and Northwest Forest Plan, although the scale at less than 2 acres, is much smaller than most projects that are proposed. There is a continuing full range of debate, findings, and opinions about the potential effects of such land management activities. It underscores a level of uncertainty that exists in assessing the changes that may occur as a result of such projects. Any uncertainty in actual effects is acknowledged by the EISs (e.g. FEIS/PRMP pp. 4-7; 4-24; 4-73; 4-79; 4-98) to which the IVMP EA is tiered, and in the EA (pp. 131, 133) regarding climate change. Opposition to the project is not the same as “controversial effects.” The Ninth Circuit has held that a project is “highly controversial” if there is a “substantial dispute [about] the size, nature, or effect of the major Federal action rather than the existence of opposition to a use.” Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1212 (9<sup>th</sup> Cir. 1998) (quoting Sierra Club v. U.S. Forest Service, 843 F.2d 1190, 1193 (9<sup>th</sup> Cir. 1988)).

*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 will involve any unique or unknown 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 action and the decision will not set any precedents for future actions with significant effects. While the programmatic approach is different from many projects, the EA authorizes projects that are similar to other projects designed to implement the RMP and NWFP.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

No significant cumulative impacts have been identified. Since this is a programmatic EA, individual interdisciplinary teams would assess proposed projects in light of other projects in the area to assure that no significant cumulative effects would occur from implementation. The Lost Rogue project proposes timber harvest in several units within 1 mile of the Baker cypress groves. The estimated sale date for this project is August 2016 and harvest would occur after that. The Lost Creek project would not treat any Baker cypress stands and therefore would not contribute cumulative impacts to this project.

*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.*

There are no National Historic Register listed or eligible sites at the Baker Cypress ACEC. Site specific protection measures (EA p. 34, PDFs) will be implemented for each project to prevent loss or destruction of any significant scientific, cultural, or historical resources.

*9) The degree to which the action may adversely affect ESA listed species or critical habitat.*

The project is outside the range of Southern Oregon/Northern California (SONC) coho salmon and designated critical habitat and is not expected to affect listed fish or critical habitat; therefore, consultation is not required. The project is a No Effect action for SONC, critical habitat, and Essential Fish Habitat.

The Baker Cypress restoration project area is outside the range of the three federally endangered plants – Gentner’s fritillary (*Fritillaria gentneri*), Cook’s lomatium (*Lomatium cookii*), and Large flowered meadowfoam (*Limnanthes pumila* ssp. *grandiflora*) – that occur in the Butte Falls Resource Area. Therefore, this project would have “no effect” on T&E plants.

The project does not encompass potential denning or resting habitat for fisher. The fisher is proposed to be listed as threatened, but no critical habitat units have been proposed for fisher. The project is about 5 miles from the edge of a known area of use of gray wolves in Oregon. If they were to use the area, the proposed treatments would benefit wolves by creating more new browse for deer and elk, prey species for wolves. The treatment area is classified as non-habitat for Northern Spotted owls in the District’s Biomapper and McKelvey GIS layers, is outside of designated critical habitat, and is about 0.6 miles from the nearest spotted owl site (seasonal restriction for work not required). The treatments would occur outside of potential habitat and outside of the current, known range and critical habitat for Oregon spotted frogs and vernal pool fairy shrimp. Therefore, this project would have a “no effect” on T&E wildlife and consultation is not required.

*10) Whether the action threatens a violation of environmental protection law or requirements.*

There is no indication that this decision will result in actions that will threaten a violation of any environmental laws.

## V. CONCLUSION

Based on information in the EA, the project record and comments received from the public, it is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of effects addressed by the Environmental Impact Statements for the Medford District RMP (1995) and the Northwest Forest Plan or are otherwise not significant. Thus, the Integrated Vegetation Management Project does not constitute a major federal action having a significant effect on the human environment and an EIS is not necessary and will not be prepared.

This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR §1508.27), regarding context and intensity of the impacts described in the EA and on my understanding of the project. As noted above, the analysis of effects has been completed within the context of the Medford District RMP and it is consistent with that plan and the scope of effects anticipated from that plan. The analysis of effects has also occurred in the context of multiple spatial and temporal scales as appropriate for different types of impacts.

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Date