



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
3040 BIDDLE ROAD MEDFORD, OREGON 97504

**PROGRAMMATIC INTEGRATED VEGETATION MANAGEMENT PROJECT**  
***Butte Falls Resource Area***  
***Baker Cypress Restoration Project***  
**NEPA# DOI-BLM-OR-M050-2016-0006-DNA**

**November 2015**

## **DRAFT DECISION RECORD**

### **I. INTRODUCTION**

The BLM proposes to conduct restoration activities in the Flounce Rock Baker cypress stands in the Butte Falls Resource Area (see attached map). The project would conduct treatments using prescribed fire and thinning to determine the best method for stimulating seedling regeneration and to improve habitat conditions. The treatments would be done by non-commercial, manual methods, using chainsaws and hand tools. No yarding systems (helicopter, cable, or tractor) would be used. Cut trees would be piled and burned or lopped and scattered and burned.

Baker cypress (*Hesperocyparis bakeri*, =*Cupressus bakeri*) is a rare fire-adapted conifer with serotinous cones that depend on post-fire conditions such as bare soil and direct light to germinate. The species is endemic to California and southwestern Oregon. It occurs in eleven widely scattered locations across the northern Sierra Nevada, Cascade, and Siskiyou Mountains. Nine populations are located in California in the Klamath, Lassen, and Plumas National Forests and the Alturas BLM. Two populations are known to occur in Oregon, one on the Rogue River-Siskiyou National Forest and one on the Medford BLM.

The Flounce Rock Baker cypress grove is the northernmost site of this species and the smallest population at approximately two acres. The area was designated an Area of Critical Environmental Concern (ACEC) in the 1995 Resource Management Plan. The Baker cypress stands at Flounce Rock consist of two one acre patches located in the transition zone between scabland meadows and manzanita patches and Douglas-fir conifer stands. There is high tree mortality of the mature Baker cypress trees and no natural regeneration in the population. No fires have been recorded in the Baker cypress stands and they contain a high density of smaller diameter trees that are 108 to 174 years old. The BLM has planted Baker cypress seedlings grown from seed collected at Flounce Rock approximately 20 years ago and 9 years ago. Seedlings that were caged to protect them from browse by deer and elk are currently approximately 4 feet tall.

A recent Forest Service study (Merriam and Rentz 2010) of all known Baker cypress populations found there was no regeneration at sites that had not recently burned and that seeds require the post-fire conditions of bare mineral soil and direct sunlight to germinate. The summary of existing conditions at the Flounce Rock site state that management actions are critical to maintain the population. Suggested actions include prescribed burning part of the stand, burning an adjacent

manzanita stand and spreading Baker cypress seeds in the burned area, and removing adjacent conifers.

The objective of this project is to contribute to the conservation of the Flounce Rock Baker cypress population by conducting treatments using thinning and prescribed fire. Outcomes would be determining the best method for stimulating seedling regeneration at this site and reducing tree density to improve stand health.

The Butte Falls Resource Area Baker Cypress Restoration project is consistent with the objectives of the projects described in the 2012 Programmatic Integrated Vegetation Management Project (IVMP) Environmental Assessment (EA), which was prepared under the 1995 Medford District Resource Management Plan and the Northwest Forest Plan.

The IVMP EA was developed to provide a tool to accomplish work that promotes healthy and resilient forest landscapes and species conservation, and provides forest products that contribute to the sustainability of local communities and industries. As stated in the IVMP EA (p. 2),

“All proposed projects will include a variety of vegetation management treatments designed to attain multiple management objectives identified for various land allocations using an IVM approach. . . . the focus of this programmatic analysis is on potential sets of actions that can be implemented, if and when funding becomes available, and more quickly and efficiently than if each project were analyzed on its own. This EA will not be used strictly for implementation of fuels or silviculture projects; the intent is to implement projects that meet multiple objectives. Projects proposed under the IVM programmatic EA will not overlap any other active NEPA projects; however, they could be part of a larger landscape planning effort, or could be implemented as stand-alone projects. It is expected that decisions under this programmatic EA will create significant management efficiencies.

After the public review period for this EA, it will become available for each of the three Resource Areas (Ashland, Butte Falls, and Grants Pass) to use for specific projects. The Resource Areas will propose and develop individual projects consistent with descriptions and stipulations in this EA. Project specific assessments will be completed prior to project decisions to assure that the effects of the suite of activities proposed under this EA do not exceed the effects disclosed in this EA.”

Other Integrated Vegetation Management projects are anticipated to occur across the Medford District. The IVMP does not preclude these other IVM projects that would address a wider variety of activities than are available under this EA and that would be more appropriately analyzed as a stand-alone project. For example, a watershed-wide landscape management project that includes commercial timber harvest, road construction or decommissioning, recreation projects, silviculture treatments, and fuel hazard reduction, as well as IVM treatments, would be more appropriate to analyze as a stand-alone project rather than be implemented under this EA.

The EA details the steps that will be completed prior to signing Decision Records under the IVMP. “Project proposals/draft Decision Records would be written and posted on the Medford District BLM website and available for at least 15 days for public review” (EA, p. 2). Each Resource Area will conduct appropriate outreach for each project. “Following public review, Decision Records would be published for each project under the Forest Management Regulations

(43 CFR 5003), and subject to Administrative Remedies in accordance with these regulations” (EA, p. 2). This is one of those project proposals/Decision Records.

This Decision Record (DR) is for the Butte Falls Resource Area Baker Cypress Restoration project, which implements the IVMP in the Lost Creek Rogue River 5<sup>th</sup> field watershed in the Butte Falls Resource Area.

All projects implemented under the EA are required to be developed in cooperation with appropriate BLM resource specialists (minimally silviculture, forestry, soils, hydrology, wildlife, fisheries, botany, recreation, and fire and fuels) for habitat considerations and treatment options.

- Projects are to be designed in context with other projects in the watersheds in which they are planned.
- Interdisciplinary review (including at minimum, soil scientist/hydrologist) will determine applicable best management practices (BMP) on a project-specific basis.
- Site-specific BMPs are incorporated for each project.

**Table DR-1 outlines the pre-project documentation completed for this project**

<b>Table DR-1. Pre-project Clearances for the Butte Falls Resource Area Baker Cypress Restoration Project</b>			
<b>Clearance/Survey Type</b>	<b>Date Completed</b>	<b>Specialist Responsible</b>	<b>Reference</b>
Botany—Survey and Manage/Special Status Species	7/9/2009	Marcia Wineteer	
Botany—T&E	Not Applicable	Marcia Wineteer	Outside range of T&E plants
Botany Consultation	Tails #01E0FW00-2014-I-0013		
Wildlife—Surveys	Not Applicable	Dave Roelofs	
Wildlife—Habitat Assessment	Not Applicable	Dave Roelofs	
Wildlife Consultation	Tails #13420-2011-F-0064		
Project-specific Wildlife Consultation	Not Applicable	Dave Roelofs	
Slope Stability Assessment	Site Visit 9/10/2015	Amy Meredith	
Stream Surveys	Not Applicable	Shawn Simpson	
Site-specific BMPs Identified	Site Visit 9/10/2015	Shawn Simpson	

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<b>Clearance/Survey Type</b>	<b>Date Completed</b>	<b>Specialist Responsible</b>	<b>Reference</b>
Cultural Resources Surveys	10/19/2015	Aaron Ennis	Arch report #05110500114P; Arch project #or110-16-11
Cultural Resources Consultation	Not Applicable	Aaron Ennis	

## **II. DECISION**

It is my decision to implement Alternative 2, the proposed action, as described in the *Programmatic Integrated Vegetation Management Project Environmental Assessment* (DOI-BLM-OR-M000-2012-0001-EA).

The Baker Cypress Restoration Project Area is on BLM-Administered land within the Flounce Rock Baker Cypress Area of Critical Environmental Concern in Township 33 South, Range 2 East, Section 5. The proposed actions include:

- Collection of Baker cypress cones
- Thinning dense Baker cypress trees using chainsaws
- Hand piling cut trees and burning piles
- Scattering cut slash and underburning
- Manually cutting manzanita adjacent to the Baker cypress stand
- Handpiling and burning cut manzanita or scattering and broadcast burning
- Seeding Baker cypress seeds in the treated areas
- Cutting small diameter conifer seedlings around planted Baker cypress seedlings to remove competition

### **Project Design Features**

The following project design features developed for the Programmatic Integrated Vegetation Management Project will be applied to the Baker Cypress Restoration project to eliminate or reduce impacts to the environment or specific resources.

#### **Soils, Soil Productivity, and Water Quality**

- No treatment within unstable areas designated as Riparian Reserves.
- Hand fire-lines will be constructed based on gradient and erosion class according to District guidelines (RMP p.167) to prevent offsite erosion.
- Fire containment lines will be sufficiently blocked at all access points to preclude OHV use and off-trail hiking. This would include such measures as placing boulders, logs and slash; falling trees less than 8 inches dbh; signing; or other actions as necessary.
- Firelines for underburns and broadcast burns will be constructed manually.

- Understory and broadcast burns will be conducted only when a light to moderate burn can be achieved (spring or fall conditions). The objective is to retain no more than 50% of the mound depth / duff layer around trees, minimize tree stress, and adverse effects on tree roots and foliage.
- Treatments (including hand piles) will not occur within 60 feet of perennial streams, springs, seeps, ponds, wetlands, and vernal pools when water is present.
- Treatments (including hand piles) will not occur within 35 feet of intermittent streams.
- Riparian hardwood species such as willow, ash, maple, alder, and black oak will not be cut.
- Ignition for understory burning will not occur within 100 feet of perennial streams, springs, seeps, ponds and wetlands.
- Ignition for understory burning will not occur within 50 feet of intermittent streams.
- Broadcast burning will not occur in Riparian Reserves.

### **Oil and Hazardous Materials & Emergency Response**

- During operations, the operator will be required to have a BLM-approved spill plan or other applicable contingency plan. In the event of any release of oil or hazardous substance, as defined in Oregon Administrative Rules (OAR) 340-142-0005 (9)(d) and (15), into the soil, water, or air, the operator would immediately implement the site's plan. As part of the plan, the operator will be required to have spill containment kits present on the site during operations. The operator will be required to be in compliance with OAR 629-605-0130 of the Forest Practices Act, Compliance with the Rules and Regulations of the Department of Environmental Quality. Notification, removal, transport, and disposal of oil, hazardous substances, and hazardous wastes will be accomplished in accordance with OAR 340-142, Oil and Hazardous Materials Emergency Response Requirements, contained in Oregon Department of Environmental Quality regulations.
- Equipment refueling will be conducted within a confined area outside Riparian Reserves.
- All hazardous materials and petroleum products will be stored in durable containers outside of Riparian Reserves. Equipment containing toxic fluids are not to be stored in Riparian Reserves.

### **Fuels**

- Develop an approved prescribed fire plan for all prescribed burn units prior to ignition and in compliance with the *Interagency Prescribed Fire Planning and Implementation Procedures Guide* (PMS484). The prescribed burn plan will contain measurable objectives, a predetermined prescription, and contingency plan to be implemented in the event of an escaped burn.
- Prohibit the use of foam agents within two site-potential trees of fish-bearing, perennial streams and within one site-potential tree of non-fish-bearing streams during prescribed burning and mop-up activities.
- Monitor burning conditions closely to prevent fire escape and to minimize damage to residual trees and vegetation.
- Implement prescribed burns in accordance with the Oregon Smoke Management Plan to reduce emissions and avoid smoke intrusions into designated areas.
- Complete fire mop-up as soon as practical to reduce potential level of smoke emissions.

- Cover hand piles to permit burning during the rainy season and to ensure lower fuel moisture to facilitate quick and complete combustion while reducing smoke emissions. If covers would not be removed prior to burning, only polyethylene sheeting no more than 100 square feet in size and no more than 4 mils thick [Oregon Administrative Rule 629-048-0210(4)] may be used.
- Burn during the rainy season when there is a stronger possibility of atmospheric mixing to allow for better smoke dispersion. All burning would be completed after proper clearances have been provided by the Oregon Department of Forestry.

### **Wildlife**

- Duff and slash will be pulled back from the base of snags greater than 20 inches prior to underburning.
- All non-hazardous snags and coarse woody debris will be retained in units. If it is necessary to fall snags for safety reasons, they will remain on site as down wood. All existing, naturally-occurring large dead and down woody debris ( $\geq 12$  inches in diameter) will remain on site.
- Approximately 10 to 20% of each fuels treatment unit greater than 10 acres will remain untreated. The no treatment areas should be  $\frac{1}{4}$  to 1 acre, or larger if they are linked to other no treatment areas designated for other resource concerns.
- Restrict all chainsaw operations, heavy equipment use, and prescribed burning up to  $\frac{1}{4}$  mile no line of site and  $\frac{1}{2}$  mile line of site around active raptor sites, from January 1 to August 15.

### **Botany**

- Avoid piling slash in meadows where *Pellaea mucronata* ssp. *mucronata* (birdfoot cliffbrake) or other Special Status species occur.

### **Cultural Resources**

- Archaeological or paleontological sites occurring within activity areas will be flagged for avoidance and would be identified to the project proponent / administrator on a map.
- Sites that are located within prescribed fire units will have hand lines constructed around them as necessary to protect the resource from fire.
- Sites that are within treatment units may be hand-treated to reduce fuel loading, and to lessen their visibility on the landscape. These sites would be identified prior to project implementation by district archaeological staff.
- All materials cut from sites, as well as any other cut materials will be piled off-sites for burning purposes. The District archaeological staff will work with District staff to identify suitable areas for pile burning.
- Stop work immediately and report by telephone to the authorized BLM officer if any human remains/grave sites, cultural resources, or paleontological resources (i.e., prehistoric/historic sites or objects or vertebrate fossils) 50 years of age or older are discovered during project activities. All actions in the immediate area of the discovery will be suspended until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer in consultation with a qualified archaeologist to determine appropriate actions required to comply with Federal, State, or local laws.

## **Recreation/Visuals**

- In units adjacent to hiking trails, barriers of denser vegetation will be left next to the trails as identified and coordinated by the Butte Falls Outdoor Recreation Planner and Fire/Fuels Specialist.
- All firelines will be raked to pull the created berm back over the line and seeded with an appropriate native seed to discourage hiking use.
- In units visible from hiking trails, any hand piles will be stacked further away from the trail, and covered with neutral-colored materials.

## **III. DECISION RATIONALE**

The Butte Falls Resource Area Baker Cypress Restoration project conforms to the objectives of the Integrated Vegetation Management EA to promote healthy and resilient ecosystems (p. 1). The EA provides opportunities for site-specific silviculture prescriptions that address the plant community goals for each project and take into account anticipated vegetation response based on physical and biological factors (EA p. 5). The Baker Cypress stands are a unique habitat with specific environmental requirements for persistence of the species. The treatments proposed in this project would contribute to a healthy, structurally complex forest and functional plant community and provide for species conservation.

This project has been reviewed by the Butte Falls Resource Area staff and appropriate PDFs will be incorporated into the project. Based on the attached NEPA Programmatic Environmental Assessment Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

### **Plan Consistency**

Based on the information in the IVMP EA and project record, and comments received from the public regarding this project, I conclude that the decisions documented in this Decision Record are consistent with the Medford District Resource Management Plan (1995); *Record of Decision and Standards and Guidelines on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (1994); *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001); *Medford District Integrated Weed Management Plan* (1998); and *the Table Rocks Management Plan* (2013). They are also consistent with the Endangered Species Act, Native American Religious Freedom Act and cultural resource management laws and regulations, and Executive Order 12898 regarding Environmental Justice. They will not, per Executive Order 13212, impact energy development, production, supply, and/or distribution.

## **IV. 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.

### **Fisheries**

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 Resources**

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). But 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.

### **Botany           Tails #01EOFW00-2014-I-0013**

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.

### **Wildlife           Tails #13420-2011-F-0064**

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.

## **V. PUBLIC INVOLVEMENT**

Public involvement for the IVMP EA began on November 14, 2011 with the mailing of a scoping letter to approximately 660 residents and landowners near or adjacent to BLM parcels within the planning area; Federal, state, and county agencies; Tribes; private organizations; and individuals that requested information concerning projects of this type.

The BLM held a public meeting on January 19, 2012 and also gathered information through questionnaires, personal discussions, and comment letters, which provided public input to BLM

for consideration in the IVMP EA. Extensive discussions with individuals interested in the project were held throughout the planning process.

A formal 30-day public comment period was provided for the EA during August and September 2012. The public was notified of this via a newspaper notice and letters to individuals, Tribes, organizations, and government entities who expressed a wish to continue to be informed about the project.

This Draft Decision Record for the Butte Falls Resource Area Baker Cypress Restoration project, posted on the NEPA Register website ([https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do)) on November 19, 2015 for a 15-day public review period. Following the public review, the notice of the Decision Record will be published in the *Medford Mail Tribune*. Publication of this notice establishes the date initiating the protest period provided in accordance with 43 CFR § 5003.3. While similar notices may be published in other newspapers, the date of publication in the *Medford Mail Tribune* will prevail as the effective date of this decision.

## VII. ADMINISTRATIVE REMEDIES

The decision described in this document is a forest management decision and is subject to protest by the public. **When the final decision is published**, in accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer, Teresa Trulock, within 15 days of the publication date of the notice of final decision in the *Medford Mail Tribune* newspaper in Medford, Oregon. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (b) states, “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. **Only written and signed hard copies of protests delivered to the Medford District Office will be accepted.** The Medford District Office is located at 3040 Biddle Road, Medford, Oregon.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

In accordance with BLM Forest Management Regulation 43 CFR § 5003.2 (a and c), the effective date of this decision, as it pertains to actions which are not part of an advertised timber sale, will be the publication date of the Notice of Decision and FONSI in the *Medford Mail Tribune*. This date applies to the Butte Falls Resource Area Hazardous Fuel Reduction and Vegetation Community Restoration project. Publication of this notice establishes the date initiating the protest period provided in accordance with 43 CFR § 5003.3. While similar notices

may be published in other newspapers, the date of publication in the *Medford Mail Tribune* will prevail as the effective date of this decision.

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Butte Falls Resource Area will issue a protest decision.

Teresa Trulock  
Field Manager  
Butte Falls Resource Area