

**Decision Record
for
Table Rocks Temporary Restrictions
DOI-BLM-OR-M050-2013-0006-EA**

INTRODUCTION and BACKGROUND

The Bureau of Land Management's (BLM) *Table Rocks Temporary Restrictions Environmental Assessment* (EA), released to the public on August 2, 2013, identified temporary restrictions on certain activities in the Table Rocks Management Area. The project was designed to meet the objectives and direction of the 1995 Medford District Resource Management Plan (RMP), Northwest Forest Plan, and Table Rocks Management Area Management Plan.

In 1986, BLM lands (1,243 acres) on Upper and Lower Table Rocks were designated as an Area of Critical Environmental Concern (ACEC). The ACEC was intermixed with lands owned by The Nature Conservancy (TNC) and other private land owners. Since that time, the BLM has acquired an additional 852 acres of lands from TNC. These newly acquired lands are not yet under ACEC designation. Prior to the BLM's acquisition, the former TNC lands were managed as part of the TNC's Table Rocks Preserve with certain activities prohibited by TNC. The intermixed lands in the Table Rocks Management Area still owned by TNC restrict dogs, horses, and other animals; motorized vehicles and bikes; collecting plants or animals; camping and fires; and hunting.

The temporary restrictions are intended to provide consistent management between BLM and TNC lands in the Table Rocks Management Area. In addition, the restrictions will protect historic and cultural resources, prevent damage to sensitive plant and animal species, and protect visitor safety in the short term, until a full public process for the development of supplementary rules can be completed.

PUBLIC INVOLVEMENT

Planning for this project began when the Table Rocks Management Area Management Plan (p. 58) introduced a list of possible supplementary rules that would provide for activities that are compatible with the area's designated values and conservation easement terms. The BLM decided to implement temporary restrictions to provide timely protection of cultural and historical resources, visitors, and fragile plant and animal species and habitat until supplementary rules can be analyzed through a thorough public and partner process.

Although the BLM did not solicit scoping comments for the EA, the suggested temporary restrictions were included in the Table Rocks Management Plan and were subject to public review and comment. The BLM and TNC conducted internal scoping in 2010 to identify threats and develop strategies to maintain or restore the biodiversity and social values of the Table Rocks. A survey of Table Rocks hikers to gain user demographics and solicit comments about possible management actions was done by the Southern Oregon University Research Center in the spring of 2011. Public scoping for the management plan was completed in May 2011 and the BLM and TNC released the final Table Rocks Management Area Management Plan to the public in March 2013. The draft and final management plan documents were mailed to interested parties and posted on the Table Rocks Management Plan Web site (EA, p. 3).

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The BLM analyzed the proposed temporary restrictions in the *Table Rocks Temporary Restrictions EA*. It was determined the action would have no significant impacts and that an environmental impact statement would not be necessary. The *Table Rocks Temporary Restrictions EA* was available for a 15-day public review period beginning August 2, 2013. A legal notice of the EA's availability was published in the Medford Mail Tribune on Friday, August 2, 2013. The EA was posted on the BLM Web site. The EA was also emailed to the Federal Land Hunting, Fishing and Shooting Sports Roundtable to meet notification obligations in a national Memorandum of Understanding between shooting organizations and agencies.

The BLM received one letter containing comments on the EA. A letter from the Jackson County Office of County Counsel proposed the BLM should consider implementing temporary restrictions only on the BLM lands in the Table Rocks Management Area that were previously owned by TNC. This proposal would continue the past situation of mixed regulations where some activities would be prohibited in one area, but allowed in another area. Although this proposal would protect resources on the newly acquired lands, it would create inconsistent management direction on BLM-administered lands within the Management Area. The entire area, both BLM and TNC lands, has been posted as closed to these activities since the 1980s and the public is aware of the restrictions. With the increasing population of the Rogue Valley and resultant increase in use in recent years, complaints from the public have dramatically increased concerning dogs on the trails and, to a lesser extent, mountain biking, shooting, and metal detector activity. These activities and complaints are only expected to increase in the future. There are other BLM lands within the Butte Falls Resource Area where visitors can recreationally shoot, hunt, ride their bikes and horses, walk their dogs, and use metal detectors. Temporary restrictions on both the designated ACEC and acquired lands will ensure the Table Rocks provide a niche in the Rogue Valley where visitors can hike without encountering other conflicting uses.

PLAN CONFORMANCE

The proposed action conforms to the objectives, land use allocations, and management direction of the 1995 Medford District Resource Management Plan, as amended, Table Rocks Management Area Management Plan, BLM Manual 8320 (Planning for Recreation and Visitor Services) and BLM Manual Handbook 1112-1 (Safety and Health Management). The action is in compliance with the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act, Archaeological Resources Protection Act, National Historic Preservation Act, Federal Land Policy and Management Act, Endangered Species Act, and National Environmental Policy Act.

DECISION

After careful review of the information available to me, it is my decision to implement the proposed action as described in Alternative 2 in the EA (EA, p. 4). The proposed action will implement temporary restrictions on BLM lands in Township 35 South, Range 2 West, sections 26, 34, 35, and 36 and Township 36 South, Range 2 West, sections 1, 2, 4, and 9. The following temporary restrictions will be implemented for a period not to exceed 24 months after the Notice of Temporary Restrictions within the Table Rocks Management Area is published in the FEDERAL REGISTER:

- No person shall discharge a firearm from or across BLM lands within the Table Rocks Management Area. This includes gas- or air-powered weapons or simulated weapons such as paintball and paintball-like weapons.

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- Motorized and nonmotorized mechanized vehicle use is prohibited outside of designated trailhead parking areas.
- Domestic animals, including dogs and horses, are prohibited outside of designated trailhead parking areas.
- The use of metal detectors, as well as digging, scraping, disturbing, or removing natural lands features for any purpose, is not allowed.

The following persons will be exempt from the temporary restrictions: Federal, state, and local officers and employees in the performance of their official duties; members of organized rescue or firefighting forces in the performance of their official duties; and persons with written authorization from the BLM.

Note: The No Action Alternative (Alternative 1) is incorrect as stated on page 4 of the EA. Alternative 1 should be as follows:

In Alternative 1, the BLM would not implement temporary restrictions in the Table Rocks Management Area. Current management would continue as posted on the ground since the 1990s. Existing signing on both BLM and TNC lands that restrict vehicles, dogs, bikes, horses, and firearms would remain, but would not be enforceable. The Table Rocks ACEC would remain closed to off-highway vehicles use. Supplementary rules could be issued in the future.

I have rejected Alternative 1 (No Action) because it does not meet the objectives of the Medford District RMP or the purpose of and need for the EA. Alternative 1 does not address public safety, historic and cultural resource protection, special status plant and wildlife, noxious weeds, and user conflicts in a consistent and timely manner. The temporary nature of the restrictions will allow the BLM time to develop more thorough supplementary rules that address these concerns.

DECISION RATIONALE

I have chosen to implement Alternative 2, as analyzed in the EA, because it most completely meets the identified purpose of and need for the project by

- protecting ACEC values;
- protecting cultural values;
- protecting the integrity of the Camp White structures; and
- providing for visitor safety and resource protection and addressing resource use conflicts.

Protecting ACEC values

The BLM lands on Upper and Lower Table Rocks were designated an ACEC for botanical and geological resources, special status species, and natural systems. Temporary restrictions will protect the ACEC botanical values by restricting domestic animals to prevent the spread of noxious weed seeds into sensitive botanical areas and by limiting digging so plants are not disturbed. Geological values will be protected by prohibiting digging, scraping, disturbing, or removing natural lands features so important geological features will be preserved. Special status species will be protected by not allowing domestic animals to trample plants, import noxious weeds, or disturb special wildlife habitat such as vernal pools.

Protecting cultural values

The Table Rocks have been used by Native Americans for thousands of years and they are still culturally important to tribes with ties to the Table Rocks. By prohibiting metal detectors and digging, scraping, disturbing, or removing natural features, restrictions will prevent historical and archaeological sites from being disturbed or destroyed.

Protecting the integrity of the Camp White structures

By restricting the discharge of firearms, the Camp White pillboxes will be protected from damage that could occur from bullets or paint balls.

Providing for visitor safety and resource protection and addressing resource use conflicts.

The high number of visitors, year-round use, proximity to adjacent private property and mixed ownership increases the risk to visitors from firearm use in the Table Rocks Management Area. Restricting the use of firearms will prevent potential firearm-related accidents. Restricting motorized and nonmotorized use will protect hikers and other trail users from possible collisions with bicycles, motorcycles, or other off-highway vehicles. Limiting domestic animals on the Table Rocks will protect visitors from aggressive dogs and injuries from horses, especially when encountered on the narrow, highly used trails.

ADMINISTRATIVE REMEDIES

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case” (43 CFR § 4.410). If an appeal is taken, a written Notice of Appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after publication of this decision in the FEDERAL REGISTER. Only signed hard copies of a Notice of Appeal that are delivered to the Medford District BLM Office, Butte Falls Resource Area, 3040 Biddle Road, Medford, OR 97504 will be accepted. Faxed or emailed appeals will not be considered.

Anyone who has participated in the National Environmental Policy Act process for this project by providing public comments on the environmental assessment will qualify as party to the case (43 CFR § 4.410[b]). However, in order to qualify as an appellant, a “party to the case,” you also have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision (43 CFR § 4.410[d]). Furthermore, you may raise on appeal only those issues you raised in comments on the environmental assessment or that have arisen after the opportunity for comments closed (43 CFR § 4.410[c]).

The person signing the Notice of Appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your Notice of Appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the Notice of Appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should

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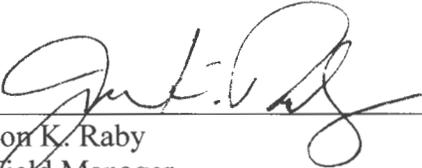
accompany your Notice of Appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

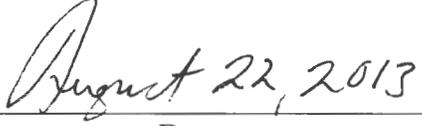
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

A Notice of Appeal with petition for stay must be served upon the Board and the Regional Solicitor at the same time such documents are served on the deciding official at this office. Service must be accomplished within 15 days after filing in order to be in compliance with appeal regulations (43 CFR §4.413[a]). At the end of your Notice of Appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410[c] and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a Notice of Appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

See attached Form 1842-1 for more information on filing appeals.


Jon K. Raby
Field Manager
Butte Falls Resource Area


Date