

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Klamath Falls Resource Area

**DECISION RECORD #1  
FOR  
OREGON GULCH FIRE SALVAGE AND REHABILITATION  
ENVIRONMENTAL ASSESSMENT  
#DOI-BLM-OR-L040-2015-01-EA**

**INTRODUCTION**

The potential effects of multiple proposed actions are analyzed in the Oregon Gulch Salvage and Rehabilitation Environmental Assessment (EA) #DOI-BLM-OR-L040-2015-01. This Decision Record #1 applies only to the fire rehabilitation treatments analyzed in the EA such as fence repair and construction, noxious weed (medusahead rye) treatment, seeding, and replacement of a wildlife guzzler. Voluntary agreements have already been signed with the two range permittees to temporarily suspend livestock grazing in the burned portions of the Dixie and Edge Creek Allotments, so that action is not included in this Decision. A forthcoming Decision Record #2 will address the forest management actions such as timber salvage, tree planting, and road management actions.

**DECISION**

It is my decision to implement the fire rehabilitation treatments that were described in the EA on pages 8-9 under “Treatments Common to All Action Alternatives” and shown on Map 3 in Appendix A of the EA. Treatments will include the following:

**Medusahead Rye Weed Treatment** –The BLM will manage 268 acres of medusahead rye with a pre-emergent application of imazapic (trade name Plateau), then seed with native perennial grasses. Imazapic will be applied by hand, using ATVs and backpack sprayers. No aerial spraying will be conducted. If livestock grazing is not suspended on adjacent private lands, then a total of 18 miles of temporary fence enclosures may be constructed to protect seeded areas from livestock use. This 18 miles of fence construction includes 1.6 miles of temporary fence enclosures to protect a key population of Bellinger’s meadow-foam (*Limnanthes floccosa* ssp. *Bellingariana*), a Bureau Sensitive Vascular Plant, which occurs in the burn area.

**Fence Reconstruction** - Approximately 9.1 miles of existing permanent fences on BLM-administered lands were damaged by the fire. The land ownership within the fire perimeter is a mixture of public and private. Fence reconstruction is proposed only on BLM lands within the Dixie and Edge Creek Allotments. The fences were at least partially constructed using wooden fence posts, wooden stress panels, and wooden corner posts, gates, and in some cases the fence was nailed directly to trees or utilized tree scabs instead of fence posts. Now many of those wooden fence components and trees are burned. Livestock management fences and riparian and spring enclosure fences within the burned area will be repaired or replaced, and in most cases, the damaged fence will be removed and reconstructed prior to the next grazing season. Fences will be built to BLM livestock fence specifications (four strand barbed wire fence with smooth bottom wire) using steel fence posts and EZ panels.

**Cistern Installation** – A cistern (water for wildlife) in T41S R5E Section 31 was destroyed in the Oregon Gulch Fire. A replacement cistern (1500 gallon tank, water catchment apron and drinker) will be installed in a new location in Section 31 to replace the destroyed cistern. The cistern will be fenced to prevent livestock use.

## **IMPLEMENTATION**

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial risk of...erosion or other damage due to wildfire.

## **AUTHORITY**

The following authority is applicable to this decision: Code of Federal Regulations Subpart 4190.1 - Effect of Wildfire Management Decisions, (a) Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to: (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and (2) Projects to stabilize and rehabilitate lands affected by wildfire.

## **RATIONALE**

Changes caused by the fire have reduced habitat value for wildlife and forage for livestock, have increased the burned area's susceptibility to non-native species invasion, and have damaged or destroyed fencing and a wildlife guzzler. Proposed treatments will help to quickly re-establish native vegetation to provide habitat value for wildlife species, reduce the spread of invasive species, and repair range allotment infrastructure.

## **CONSULTATION AND COORDINATION**

### **Endangered Species Act (ESA) Consultation**

No consultation with the U.S. Fish and Wildlife Service on the effects of the Oregon Gulch Salvage and Rehabilitation Project was necessary. None of the proposed actions will have any effect on the current northern spotted owl population due to the lack of resident or territorial spotted owls within the project area. None of the alternatives would have any effect on suitable nesting, roosting or foraging (NRF) habitat for spotted owls because there is no suitable NRF habitat remaining in the project area post-fire.

The gray wolf is listed as endangered under the Endangered Species Act in this part of Oregon at this time. There is no indication that the wolves are actually using the Oregon Gulch fire, or the BLM stands within the Oregon Gulch fire. Absent a den in or near the project units, none of the action alternatives are likely to affect gray wolves.

There are no other threatened or endangered listed, proposed, candidate species or designated critical habitat under the Endangered Species Act (as amended USDI Fish and Wildlife Service (USFWS) 1973) that occur within the project area or that would be affected from project activities.

### **Tribal Consultation**

Consultation with the Klamath Tribes has been on-going since September 24, 2014 for the Oregon Gulch Project Area and no concerns have arisen.

### **Public Involvement**

The scoping proposal was mailed to adjacent landowners, permittees, agencies, and other interested parties on October 1, 2014. A public field trip to the Oregon Gulch project area was held on October 22, 2014 in which three people participated. As a result of scoping, the BLM received five letters from interested parties. All scoping comment letters and emails received can be found in the Oregon Gulch EA project file. A summary of scoping comments and responses can be found in Appendix D of the EA. The interdisciplinary team reviewed the scoping responses and used the relevant comments in developing alternatives.

The EA and draft FONSI were made available for public review and comment from February 4 through March 5, 2015. The KFRA BLM received six letters of comment on the EA from interested parties, agencies, and individuals. No comments were received regarding the fencing repair or construction, cistern installation, or seeding. One comment regarding weed treatment was received, expressing concern over aerial spraying, and none will be conducted.

### **ADMINISTRATIVE REVIEW AND APPEALS**

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. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR § 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR § 4.416.

Any appeal should state clearly and concisely as to why the final decision is in error. If an appeal is taken, notice of appeal must be filed in the office of the authorized officer at the following address within 30 days from receipt of the decision. All grounds of error not stated shall be considered waived and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Klamath Falls Resource Area  
Lakeview District Bureau of Land Management  
2795 Anderson Ave. Bldg. 25  
Klamath Falls, OR 97603

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filed with the appeal. In accordance with 43 CFR § 4.21 (b)(1), a petition for a stay must show sufficient justification based on the following: The relative harm to the parties if the stay is granted or denied, The likelihood of the appellant's success on the merits, The likelihood of immediate and irreparable harm if the stay is not granted, and Whether the public interest favors granting the stay. Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the

authorized officer, the appellant must serve copies on: 1) All other person(s) named in the address heading of this decision; and 2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c): Office of the Solicitor, US Department of the Interior, Pacific NW Region, 805 SW Broadway, Suite 600, Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

/s/ Donald J. Holmstrom  
Donald J. Holmstrom, Field Manager  
Klamath Falls Resource Area  
Lakeview District, Bureau of Land Management

3/26/2015  
Date