

**Decision Record  
for  
Butte Falls Hazardous Fuels Reduction  
EA # DOI-BLM-OR-M050-2009-0035**

**Introduction**

The Medford District Bureau of Land Management, Butte Falls Resource Area (BLM) recently completed the *Butte Falls Hazardous Fuels Reduction Environmental Assessment* (EA) for fuels treatment activities proposed in the Butte Falls Resource Area. This project will reduce hazardous fuels by thinning noncommercial-size vegetation in the wildland urban interface. Fuels treatments will be implemented over the next 1 to 10 years.

**Decision**

It is my decision to implement in part the actions proposed and analyzed under Alternative 2, of the *Butte Falls Hazardous Fuels Reduction* EA. I am deferring the decision on the ODFW units as identified on Map 11 (EA p. 102), because surveys for vascular and nonvascular plants have not been completed on these units. After completion of surveys I will issue a separate decision on these units.

My decision will implement actions in locations described below and all required Project Design Features (PDFs), as described in the EA. Required PDFs were developed using the Best Management Practices (BMPs) identified in the *Medford District Resource Management Plan and Record of Decision* (p. 151-175).

The project is located on BLM-administered lands in the following locations:

- Township 33 South, Range 2 West, section 29
  - Township 34 South, Range 1 East, sections 29 and 31
  - Township 34 South, Range 1 West, sections 3, 9, 10, 11, 14, 15, 17, 23, and 27
  - Township 34 South, Range 2 West, sections 9, 10, 15, 16, 17, 19, 20, 21, and 27
  - Township 34 South, Range 3 West, sections 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, and 35
  - Township 34 South, Range 4 West, sections 21, 22, 27, and 29
  - Township 35 South, Range 1 East, sections 5, 6, 7, and 8
  - Township 35 South, Range 1 West, section 7
  - Township 35 South, Range 2 West, section 3
  - Township 35 South, Range 3 West, sections 9, 17, 27, 32, 33, and 34
  - Township 35 South, Range 4 West, sections 17, 31, 32, 33, 34, and 35
  - Township 36 South, Range 3 West, sections 1, 11, 12, and 13
  - Township 36 South, Range 4 West, sections 3, 4, 5, and 7
  - Township 36 South, Range 5 West, sections 1 and 12
- Willamette Meridian; Jackson County, Oregon.

NOTE: Private lands (80 acres) in Township 35 South, Range 3 West, sections 32 and 33 are included in this project because they would receive Federal funds for hazardous fuels reduction.

**My Decision is to**

1. Thin 7,900 acres by hand using chainsaws.
2. Hand pile and burn 7,000 thinned acres.
3. Broadcast burn 900 thinned acres.
4. Maintenance underburn or brush the previously thinned acres in 3 to 10 years.

**Decision Rationale**

My decision to authorize the proposed action is in compliance with the *Medford District Record of Decision and Resource Management Plan* (ROD/RMP), dated April 1995 and the *Northwest Forest Plan*, dated April 1994 (EA p. 5). The proposed action complies with all applicable standards and guidelines. This action takes into consideration cumulative impacts of past, present, and future management activities on nearby private and Federal lands. All required Threatened and Endangered (T&E), Special Status Species (SSS), and cultural surveys were completed and mitigation was applied, where appropriate.

In preparing the EA, the BLM analyzed the impacts of the proposed action for the following issues: air quality, long-term maintenance, and access. The BLM determined the impacts will be within those analyzed in the Environmental Impact Statement for the Proposed Medford District Resource Management Plan (PRMP/EIS) or were otherwise insignificant. Discussion of those impacts can be found in the EA available at the Medford District Office, 3040 Biddle Road, Medford, Oregon.

I have chosen Alternative 2 because it most completely meets the identified purpose of and need for the project by:

- Reducing hazardous fuels in strategic areas to reduce the potential for a large-scale wildfire, improving forest resiliency, and aiding fire suppression activities.
- Increasing desirable browse and providing increased winter forage opportunities for deer and elk.

I did not select Alternative 1 (the No Action alternative) because it did not meet the identified purpose and need.

**Consultation and Coordination**

Section 7(a)(2) of the Endangered Species Act (ESA) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

The BLM consulted with the US Fish and Wildlife Service pursuant to the ESA. Informal consultation was completed with the US Fish and Wildlife Service and the Service concurred with the BLM's determination that the proposed action may affect, is not likely to adversely affect the northern spotted owl or designated northern spotted owl critical habitat. The BLM received a Letter of Concurrence from US Fish and Wildlife Service on February 26, 2009 (LOC # 13420-2009-I-0045).

The BLM completed a programmatic consultation with US Fish and Wildlife Service for Threatened and Endangered Plants and received a Letter of Concurrence on September 25, 2008 (LOC #13420-2008-I-0136). The BLM determined the proposed action may affect, is not likely to adversely affect *Fritillaria gentneri* and would have no effect on *Limnanthes floccosa* ssp. *grandiflora* or *Lomatium cookii*.

The BLM determined the fuels project will have no effect on Southern Oregon/Northern California coho salmon and coho critical habitat.

The BLM mailed letters to 421 adjacent landowners, businesses, organizations, tribes, government agencies, and other interested parties requesting the recipients to identify issues or concerns they may have with the project. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz, and The Confederated Tribes of Grand Ronde were notified of this project during the scoping process for the EA.

### Public Involvement

The Butte Falls Resource Area mailed a letter to a total of 421 adjacent landowners, businesses, organizations, tribes, government agencies, and other interested parties on July 27, 2009 to initiate public scoping for this project. Scoping recipients had either requested to be notified of such projects, were government entities, or owned land in the Project Area. A total of seven comment letters were received from adjacent landowners, private citizens, and an environmental group concerning the proposed fuels project.

A formal public comment period for the EA was held from September 12 to September 28, 2009. The BLM notified the public through a newspaper notice in the *Medford Mail Tribune* and a letter mailed to 73 individuals, organizations, and government entities. The EA was posted on the BLM website or mailed to the public at their request. We received eight letters containing comments on the EA.

### Response to Public Comment

The following are the BLM responses to the substantive comments received on the EA.

**Comment:** Would such removal [for use as woody fuel (biomass)] be done by hand or by heavy equipment? Would such removal require yarding activities or skid trails? Klamath Siskiyou Wildlands Center, page 1.

**Response:** The EA stated on page 6, “In some areas, cut material could be removed from the site **by hand** [emphasis added] for use as woody fuel . . . .” Since the project description specified products would be removed by hand, heavy equipment will not be used so skid trails will not be needed and yarding corridors will not be produced.

**Comment:** . . . it is still possible that somewhere in the neighborhood of 395,000 piles will be burned as part of the project. If polyethylene (plastic) sheets are burned in thousands of piles, the human health impacts may be significant. Klamath Siskiyou Wildlands Center, page 2.

**Response:** The Medford District BLM acknowledges that burning PE sheets does add to the list of chemicals emitted from prescribed fire. However, by complying with the regulations found within the Oregon Smoke Management Plan, the overall emissions are reduced. Pile burning will occur within the regulations established by the Oregon Department of Environmental Quality's Rules for Open Burning (OAR 360-264) in which pile burning is listed as an exemption to these rules (OAR 340-264-0040) because slash burning on forest lands are regulated under the Oregon Smoke Management Plan by the Oregon Department of Forestry.

It is important to note that the 395,000 piles you estimated in your letter will not be burned in 1 year but over a 5- to 7-year period. Emissions are generally limited to 500 tons per day per project when atmospheric conditions are favorable for good mixing and wind transport. Smoke is managed to stay clear of populated areas and, therefore, potential effects to human health is minimized. Each and every acre burned will be regulated by the Oregon Department of Forestry smoke management officials.

Of the 7,900 acres of fuels treatments, about 360 acres (4.5%) are within 0.25 mile of the urban growth boundary of the community of Shady Cove and none are within 0.25 mile of the community of Butte Falls. Due to the relatively small amount of acres within 0.25 mile of these communities and strict adherence to Oregon Department of Environmental Quality's regulations and Oregon Smoke Management Plan, potential effects will be further reduced and minimized.

**Comment:** It appears that many of the BMPs contained in the 2005 MOU are simply not being implemented. Klamath Siskiyou Wildlands Center, page 2.

**Response:** An important BMP identified in the Oregon Smoke Management Plan is burning at times of the year when non-target fuels are wet enough to avoid ignition and smoldering. This environmental condition limits the success of burning piles without plastic covering. Burning under drier conditions to allow pile burning without plastic coverings is not an option in the wildland urban interface because of the increased risk of fire escape, increased ignition of non-target fuels, and increased scorch and mortality to residual vegetation. The Medford District BLM is in full compliance with the Oregon Smoke Management Plan. The use of polyethylene is critical to ensure the best management practices (OAR 629-048-0210) are followed and the overall emissions are reduced.

**Comment:** KS Wild is not aware of any instances of the BLM attempting to ignite dry piles without the use of PE [polyethylene] covers, or of PE covers being removed when practicable. Klamath Siskiyou Wildlands Center, page 2.

**Response:** Medford District BLM fuels specialists have tried using Kraft paper as an alternative pile covering. For example, in 2008 the Ashland Resource Area used Kraft paper as a pile cover on the Sterling Creek 60 Acres project. A BLM contractor hand piled the project slash and covered the piles with Kraft paper. BLM fuels specialists ignited the piles the following year and made these general observations:

- Pile coverings were torn and punctured by wind, water, and branches.
- Piles were moist from penetration by water.
- Significantly more fuel (diesel/gas mix) was needed to ignite piles.

- Smoke exposure time doubled for personnel igniting piles.

Removing and reusing plastic coverings is also operationally and economically impractical for the reasons identified on pages 29–30 of the EA.

**Comment:** It was not clear when these [plant surveys] would be completed. Would the results of the surveys change parts of the project if that were warranted? Delles, III C.1.

**Response:** Surveys for Special Status plants have been completed in all units except the ODFW units that were added in August 2009. Surveys in those units will be completed in the appropriate season to detect target species. A decision will be signed for those units after the surveys are completed and before implementing the project. If Special Status plants are found in the ODFW units, they will be protected according to the protection measures described in the EA, through the use of buffers or seasonal restrictions.

**Comment:** Buffering plants does not protect them from habitat change, it simply gives the individuals a chance for survival. If the habitat is not appropriate, the species will not survive in that location. Delles, III C. 2.

**Response:** Buffers around Special Status plants are designed to protect them from habitat changes by maintaining environmental conditions, such as air and soil temperatures, light, and relative humidity, at the site and plant community structure, such as overstory canopy cover and understory shrub layers. Actual buffer sizes are determined based on the habitat and environmental requirements of each species and environmental and habitat conditions at each site. If the habitat at one of the sites needs thinning to benefit the population, this would be allowed at a time and using a method that would not negatively impact the plants (i.e., thinning and removing material from the location of the plants).

**Comment:** It was not clear how this problem [noxious weeds] is currently being dealt with. The information about the spread of noxious weeds is important to consider in all projects. Delles, III D.

**Response:** The BLM has an on-going noxious weed program that treats noxious weeds when found. Implementation of the noxious weed project design features numbers 37-40 from the EA (p. 11) will minimize or avoid the potential for the introduction or spread of noxious weeds.

**Comment:** The buckbrush keeps everybody out. If you remove the buckbrush, you will be creating an ATV park on BLM land; and, along with it erosion, damage to flora and fauna, and the potential of human caused fires. Tauscher, et al.

**Response:** The BLM acknowledges this concern and will work with landowners prior to project implementation to best protect their property (for example, retaining vegetation buffers along roads to prevent unauthorized access and use), as well as meet the BLM objectives.

### Administrative Remedies

This decision is a forest management decision. Administrative remedies are available to persons who believe that they will be adversely affected by this Decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003 - Administrative Remedies.

In accordance with the BLM Forest Management Regulations 43 CFR § 5003.1(b)(1), the effective date of this decision will be when this decision is signed. The effective date of this decision establishes the date initiating the protest period provided for in accordance with 43 CFR § 5003.3. A Notice of Decision will be published in the *Medford Mail Tribune*; the publication date of this notice will initiate the 15-day protest period. A protest must be submitted in a signed hard copy delivered to the physical address of the advertising BLM office. If no protests are received, this decision will become effective upon the conclusion of the protest period. If a timely protest of the decision is received, this decision will become effective upon the BLM's completion of its review and response to the protest. Notwithstanding the provisions of 43 CFR 4.21 (a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals will, however, decide an appeal within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed (43 CFR § 4.416).

  
Jon K. Raby  
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Butte Falls Resource Area

9/30/09  
Date