



**United States Department of the Interior**  
BUREAU OF LAND MANAGEMENT



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**NORTH COWHEAD HABITAT RESTORATION  
AND FUELS REDUCTION PROJECT DECISION RECORD  
DOI-BLM-CA-N070-2015-0013-DR**

## **INTRODUCTION**

The Vya PMU Habitat Restoration and Fuels Reduction Programmatic EA was prepared under the 2008 Surprise Field Office Resource Management Plan, and the Sage-Steppe Ecosystem Restoration FEIS (SSER FEIS). The EA was developed to provide a tool to accomplish work that promotes healthy and resilient sage-steppe communities, improves sage-grouse habitat, and reduces the risk of catastrophic fire. The EA is a Programmatic Environmental Assessment document for juniper reduction treatments within the Vya PMU using an integrated Vegetation Management Approach (VMA) that is tiered to and consistent with the Sage Steppe Ecosystem Restoration Final Environmental Impact Statement. The North Cowhead Habitat Restoration and Fuels Reduction Project is tiered to the Vya PMU Habitat Restoration and Fuels Reduction Programmatic EA.

The purpose of this restoration effort is to implement a 797 acre juniper reduction project in the North Cowhead Allotment is to accomplish the following: reduce juniper encroachment into sage-steppe habitats, reduce juniper cover adjacent to a sage-grouse lek, restore sage-grouse habitat by treating juniper in sage-steppe plant communities which are declining in vigor as a result of competition, improve hydrologic conditions, enhance the forage base for wildlife and domestic animals, and reduce hazardous fuels.

Vegetation, soil and wildlife habitat within the North Cowhead Allotment project area has been determined to be at substantial risk of declines in productivity and vigor as a result of juniper encroachment. Based on this risk and review of the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic EA (DOI-BLM-CA-N070-2013-0016-EA) and the North Cowhead Habitat Restoration and Fuels Reduction Project DNA (DOI-BLM-CA-N070-2015-0013-DNA), the decision is to implement the project using a combination of treatments discussed in the proposed action as presented below and in the DNA. These actions will improve vegetation diversity and improve sage-grouse habitat in the project area. The actions will prevent the substantial risk of vegetation conversion to invasive species and soil loss due to heavy fuels buildup, and will prevent the occurrence of catastrophic wildfire.

## **DECISION**

It is my decision to authorize the North Cowhead Habitat Restoration and Fuels Reduction Project as described in the Proposed Action of (DOI-BLM-CA-N070-2014-0013-DNA) with the following mitigation and monitoring measures outlined below. This decision is contingent on meeting all stipulations and monitoring requirements listed below.

## **DESCRIPTION OF THE SELECTED ALTERNATIVE**

The project would consist of hand cutting juniper using chainsaws to lop and scatter the boles down to a height of less than three feet. Piling would occur as needed in small portions of the project to avoid slash interconnecting across the project area. Cut trees and piles would then be burned in place in the portions of the project area where slash is interconnected and precludes animal movements and restricts understory vegetation access to sunlight. Slash burning will not exceed 50% of the project area. Slash would be burned during the winter. No temporary roads or trails are permitted as a part of this project. Wood cutting would be permitted in designated areas. This proposed action incorporates the applicable Standard Resource Protection Measures, Standard Operating Procedures (SOP's) and Mitigation and Monitoring Measures outlined in the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic Environmental Assessment CA-N070-2013-0016 for the identified project area. Within identified archaeological sites, the SOP's and SRPM's outlined in the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic Environmental Assessment CA-N070-2013-0016 will be implemented as determined by the Applegate Field Office (AFO) Manager, archaeologist, and AFO interdisciplinary team.

## **STANDARD RESOURCE PROTECTION MEASURES, MITIGATION MEASURES, STANDARD OPERATING PROCEDURES AND REQUIRED MONITORING FOR TREATMENT ACTIVITIES**

The North Cowhead Habitat Restoration and Fuels Reduction project would require certain precautions during project implementation. Defined Standard Operating Procedures (SOPs) would ensure that identified resources within the project boundary would be protected and/or preserved. All project activities would be coordinated with the appropriate resource specialist and/or the AFO Interdisciplinary Team. Areas identified within the project boundaries as having important cultural, botanical, hydrological, recreation, and wildlife resources that require protection would be protected from treatment impacts as described in the SOP's, SRPM's, and Mitigation Measures.

Where applicable to the Proposed Action, standards for proposed management activities have been identified based on resource concerns. In addition, standards specified by the SSERS FEIS, the Surprise Field Office RMP and FEIS and the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic Environmental Assessment CA-N070-2013-0016 have been included as relevant to implementation of the Proposed Action. The following conservation measures are proposed to be implemented by the Proposed Action to avoid and/or minimize effects to resources within the Action Area.

### **Standard Resource Protection Measures (SRPM) for Cultural Resources for the North Cowhead Habitat Restoration and Fuels Reduction Project**

For all those cultural properties recommended eligible or are unevaluated to the National Register:

1. Cultural Resource Staff will brief crew personnel on avoidance areas within a defined cutting area before project implementation occurs. (See inadvertent discovery procedures).
2. All standing juniper within 20 meters (60 feet) of the toe or rim of rim rock outcroppings around rock art panels will be removed to prevent fire damage to rock art

sites. Exceptions include when a tree is a significant cultural component of the site. Mitigation measures in these instances will be based on field survey results and will be approved by the AFO Manager before implementation occurs. These mitigation measures will be generated and approved by a qualified Archaeologist and will be documented in the project file.

3. Areas with high densities of identified archaeological sites will be left untreated (i.e. lithic sources, rock art, etc.).
4. At this time, only hand treatment and/or prescribed fire will be utilized within National Register sites, significant (sites eligible for the National Register) sites, and unevaluated sites (which are afforded the same protection as National Register sites) at the discretion of the field office archaeologist. This action will prevent an oasis effect where livestock can congregate and limit the creation of islands which would increase public/animal congregation. All lop and scatter materials will be removed from archaeological sites. Those sites deemed not eligible or significant may be subjected to mechanical treatment.
  - a. If trees are left on the site, then an island of trees will be left off site in a location most likely to deter livestock from shading under the tree(s) on the site. In most cases, this is between the site and the nearest utilized water source. Trees on the island will be limbed up in order to attract livestock to that location. Ideal locations for islands include areas where the livestock are already shading.
5. Mitigation measures for prescribed burns will follow the SRMPs outlined in the California Statewide Protocol Agreement (Appendix E).
6. Burning of trees within archaeological sites will only occur in areas approved by the field office archaeologist and when sufficient snow is on the ground to mitigate adverse effects to artifacts.
7. Additional mitigation measures will be put in place as needed to avoid adverse impacts to cultural resources. These mitigation measures will be based on field survey results and will be approved by the AFO Manager before implementation occurs. These mitigation measures will be generated and approved by a qualified archaeologist and will be documented in the project file.

### **Cultural Resources- Inadvertent Discovery**

In the event of inadvertent discovery of un-flagged and/or undocumented cultural resources during implementation of an undertaking, the following procedure shall be undertaken: AFO cultural staff and the AFO Manager shall be immediately notified by personnel responsible for project implementation. All work shall cease immediately at the site of discovery and all other work which may damage the cultural resource shall also cease. The AFO cultural staff shall make an assessment of the situation and, in consultation with the AFO Manager, may prescribe the emergency implementation of appropriate physical and administrative conservation measures as enumerated in BLM Manual Series 8140. The AFO cultural staff shall notify the SHPO, as needed, in order to develop an agreement on the appropriate course of action, and such agreement shall reflect the intent of BLM Manual Series 8140.28B. The agreement shall be memorialized in writing and documented in project files. The AFO cultural staff shall document implementation of the agreed-upon steps and shall report the discovery event and the manner of its resolution in the annual accomplishment reporting required under this Protocol.

For all of the ineligible cultural properties no mitigation measures are recommended.

## **Mitigation Measures**

### **Wildlife; Migratory Birds; Special-Status Species (Federally-Listed, Proposed or Candidate Threatened and Endangered Species); State Protected Species; BLM Sensitive Species**

The following mitigation measures are proposed to reduce potential effects to wildlife:

- Any active raptor nest found should be reported to the AFO wildlife biologist and project activities ceased in the area (generally ¼ to ½ mile buffer) until surveys indicate that project activities would not disturb breeding activities.

### **Visual Resource Management**

The following mitigation measures are identified to reduce potential visual effects related to implementation of the Proposed Action and to ensure Class II VRMs are maintained within the Project Area:

- Flush-cut stumps in immediate foreground (within 200 feet) adjacent to the road.
- Create openings in stands of trees that are irregular and natural in appearance.

### **Avoidance and Minimization — Standard Operating Procedures**

The following SOPs would be implemented by the Proposed Action to avoid and/or minimize effects to resources within the Project Area.

- All stumps will be flush cut to a height of 8 inches.
- All slash that is not going to be removed or burned, will be lopped and scattered to a height of no more than three feet.
- BLM will provide project inspection at least once a week during the implementation phase when contractors are completing project implementation.
- Hand piles will not exceed a size of 6'x6'x5' tall.
- Larger piles can be left in place and not burned to provide cover of wildlife species. An AFO wildlife biologist will determine the number of piles to be left but will not exceed 5 piles per acre.
- The BLM will wait a minimum of two growing seasons following cutting projects to implement broadcast burns of cut trees or burning of individual cut whole trees to reduce cheatgrass invasion.

### **Air Quality**

- A Prescribed Burn Plan would be developed, reviewed and approved by the AFO Fire Management Officer, AFO Manager, NOR CAL Fire Management Officer and the

BLM State Fire Management Officer before any prescribed burns occur as required by BLM Standards.

- All prescribed fire projects would be completed pursuant to the standards specified by the Clean Air Act and would comply with all federal, State and local air pollution requirements.
- The prescribed fire burn plan would be adhered to throughout the project. Emissions would be managed by timing and atmospheric dispersal.
- Prescribed burning would be concentrated in spring (mid-April through mid-June) and fall (mid-September through mid-November) to avoid coinciding with peak summer levels of air pollutants from other human-caused activities in the area and the winter inversion potential. Piles burning will be in the winter and early spring after precipitation is received.
- Computer modeling to assess smoke dispersion, and related smoke management techniques would be implemented where practical.

### **Woodcutting**

- The areas excluded from woodcutting would be signed to indicate that woodcutting is not allowed. The Applegate Field Office would make maps available to the public indicating areas open and closed to woodcutting within the Project Area.
- Wood Cutting would not be allowed in areas where wood gathering would have the potential to have adverse effects on cultural resources as determined by the archaeologist and Field Office Manager.

### **Soils**

- Adverse effects on soil resources would be minimized through management practices and adherence to Standard 1 of the Standards and Guidelines.
- Scattered juniper material would be used to reduce sedimentation during high rainfall and or snow melt.

### **Livestock Grazing**

- Treatment units would be rested from livestock grazing for at least one full year the first season of treatment and one growing season the following year. Decisions to resume grazing will be objective based.
- Compliance for resting of treatments will be based on utilization limits, with 20% or more utilization during a required rest period resulting in extending the rest by an additional growing season.

- Grazing can resume in treatments following rest periods after the following objective has been met: 2/3 of key native grass plants within the dominant ecological site in the treatment site have produced full seedheads. This objective will be measured annually at the end of the growing season at the designated SSER FEIS monitoring point(s) for the treatment.
- BLM would seek all opportunities to minimize the impacts on grazing permittees due to livestock removal to facilitate rest. These efforts would include but not be limited to:
  - design of projects to minimize rest on non-treated acres;
  - use of identified turnout areas, modified salting practices and herding to provide growing season rest in broadcast burn sites;

### **SSER Treatment Monitoring and Adjustment**

Monitoring and data collection will follow the Sage Steppe Ecosystem Restoration Strategy (2008) protocols and will be made available on the database for other agencies and the public. Furthermore, data will also be collected using the BLM Assessment, Inventory, and Monitoring (AIM) protocol (2013), which encompasses similar aspects of the SSERS protocol. Where appropriate, the results would be used to make adjustments and corrections to ongoing projects.

### **Old Growth Juniper**

Individual old growth trees in restoration areas would be identified using morphological characteristics and preserved for their many social and ecological values. These characteristics would include:

- Rounded or unsymmetrical tops that may be sparse and contain dead limbs.
- Deeply furrowed, fibrous bark on the trunk that can be reddish or grayish in color.
- Branches near the base of the tree that may be very large and covered with fruticose lichens.
- Limited terminal leader growth on branches in the upper 25 percent of the canopy.

In addition to preserving individual old growth trees, efforts would be made to maintain functioning ecosystems in historic juniper woodlands, especially those with a significant old growth component. These sites are typically present in areas with shallow, rocky soils surrounded by limited fine fuels, which historically were relatively protected from stand-replacing fire. Soils data could be used to identify potential historic juniper woodlands, but on-the-ground verification of their presence would be completed before project implementation.

Juniper woodlands would be low priority for treatment because they are generally not considered outside the historic range of variability, and juniper reduction in these sites would not be expected to enhance sage steppe ecosystems. Any treatments proposed in such sites

would be designed to mimic natural fire processes by removing individual trees or groups of trees within the juniper woodland.

### **Wildlife**

- No prescribed fire within ¼ mile (½ mile if project is within line of site of nest) of an active raptor nest site from March 1- August 31 depending on species, pile burning is allowed.
- No hand and mechanical treatments within ½ mile of active sage-grouse lek sites from March 1-May 15.
- Additional Limited Operation Periods (LOPs) and buffer zones may be implemented as necessary to reduce disturbances to wildlife so that they do not conflict with the life history of resident species.
- Leave all snags greater than 10 inches standing.
- All fence lines within 1 mile of an active sage-grouse lek where juniper is cut will be marked with dark brown and white fence markers.
- All fence lines around riparian areas within 2 miles of an active sage-grouse lek where juniper is cut will be marked with dark brown and white fence markers.
- All active bird nests within juniper trees will be avoided and left standing during the breeding season (March 1-June 30).

### **Ungulates**

- Minimize loss of bitterbrush from acceptable creep standards for pile burning on western portion of project area by burning tree boles and piles with snow on the ground.

### **Federal State and BLM Listed Terrestrial and Aquatic Species**

- Follow management guidelines within applicable biological opinions and conservation strategies.
- Implement seasonal protection measures and buffer zones as appropriate for permitted activities.
- Within 25 feet of perennial stream systems that drain into the Twelve Mile watershed, no prescribed burning or mechanical treatment of juniper will occur, so there will be no increase in sediment input into perennial waterways which feed into designated critical habitat.”

If, during the implementation of the Proposed Action, threatened, endangered, BLM sensitive species, or other species of interest are found, then areas of important or necessary habitat in the project area would be identified, flagged and protected from project activities

in coordination with the AFO wildlife biologist. Project activities may be subject to seasonal restriction dates and buffer zones to protect specific wildlife species and their habitats. Project activities would be implemented consistent with the local Conservation Strategy for Sage-Grouse and the sagebrush ecosystems within the Vya and Massacre Population Management Units.

### **Special-Status Plants**

- According to habitat assessments and field surveys for Special Status Species conducted on the North Cowhead Habitat Restoration and Fuels Reduction Project, no Special Status Species are known to occur, or were observed within the project area. However, if species were discovered during implementation, the species would be identified, flagged, and would not be disturbed with any treatment activities. Buffer zone sizes around sensitive plant sites would be identified at the discretion of the AFO botanist and Field Office Manager. BLM requirements for special-status plant management are found in BLM Manual Handbook 6840-1, *Special Status Plant Management*, 1996.

### **Prescribed Fire**

Pile burning will be the only type of prescribed fire used for the North Cowhead Project.

1) Piling would occur as needed in small portions of the project to avoid slash interconnecting across the project. Cut trees and piles would then be burned in place in the portions of the project area where slash is interconnected and precluded animal movements and restricts understory vegetation access to sunlight. Slash burning will not exceed 50% of the project area. Slash would be burned during the winter. Within identified archaeological sites, burning of slash will occur with at least 6 inches of snow on the ground to avoid any impacts to surface artifacts and sites.

The burning of piles is not likely to have an adverse effect on soil and/or residual vegetation. Smoke production will be of short duration and smoke impacts to local roads and communities are not expected.

### **OTHER ALTERNATIVES CONSIDERED BUT NOT SELECTED**

The Vya PMU Habitat Restoration and Fuels Reduction Programmatic EA identified mechanical treatment as a treatment option in portions of the project area however due to the density and size of pre-historic archaeological sites within the project area and the potential to cause adverse effects with mechanical treatments, that alternative was not selected.

### **DECISION RATIONALE**

As a result of the analysis in the Vya PMU Habitat Restoration and Fuels Reduction Programmatic EA, and the North Cowhead Habitat Restoration and Fuels Reduction Project DNA, the BLM has determined that the decision to implement hand treatments with pile burning as described in the proposed action will not result in unnecessary or undue degradation to public lands or cause significant impacts to public health and safety.

Implementing the proposed action will reduce juniper cover and improve sage-grouse habitat, reduce hazardous fuels. Improved habitat will directly benefit mule deer, sage-grouse, and other sagebrush obligates because sagebrush habitat that has been encroached by juniper would be restored. Reducing the heavy fuel continuity will decrease fire intensity of wildfires that would occur in the area. Creating a mosaic of treated and non-treated areas will improve watershed stabilization and reduce size of any future wildfires in the area. Long term benefits will include improved watershed stability and wildlife habitat, and increase vegetation diversity. The implementation of the proposed action in this decision would prevent substantial risk to soils and vegetation from wildfire.

Closing and deferring the project area to livestock grazing for one full grazing season post treatment and a growing season the following year will allow for successful treatment response. Resting the treatment areas from grazing will facilitate plant establishment and reproduction. Rest requirements will be accomplished by a cooperative agreement between the livestock permittee and BLM. If a cooperative agreement cannot be reached, the BLM will issue a livestock grazing decision to implement the rest period.

The No Action Alternative was not selected because juniper expansion into sagebrush sites would continue causing perennial grass and sagebrush composition to decrease within the plant community. The No Action Alternative would not reduce the substantial risk to vegetation and soils from wildfire due to heavy fuels build up. Habitat for sage-grouse, mule deer and other wildlife species would continue to diminish as forb and grass species continue to be out-competed by juniper and it would allow for continued accumulation of heavy fuel loads that contribute to large, high intensity fires.

## **CONSULTATION AND COORDINATION**

There are no known federally listed species in the project area. The only known BLM sensitive species found within the project boundaries is the Greater sage-grouse which use portions of the project area all year long. No adverse impacts to the sites of cultural or historical significance were identified during project planning. The State Historic Preservation Office (SHPO) was informed of the BLM's finding in accordance with 36 CFR 800.5(b). Federally recognized tribes were notified of this project during the scoping of the project and at formal tribal consultation. Tribal consultation with the Summit Lake Paiute Tribe, Fort Bidwell Paiute Tribe, and the Cedarville Rancheria was completed for the project. No responses were received or issues expressed.

## **PUBLIC INVOLVEMENT**

The North Cowhead Habitat Restoration and Fuels Reduction project is within the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic EA planning area, which went through extensive public scoping prior to and during the development of the EA. Collaboration included representatives from Tribes, local representatives from Federal and State agencies, local governments, landowners, permittees, other interested persons, community-based groups, and other nongovernmental organizations. Two scoping letters were sent out to identified interested publics. The first public scoping of the Proposed Action went out via mailings to interested members of the public on November 10, 2011. The second public scoping went out via mailings to interested members of the public on March 6, 2013. A Draft Environmental Assessment and unsigned FONSI were sent out for a 30 day public comment

period and review on June 26, 2013. Comment analysis from the scoping period for the EA and unsigned FONSI was included in the Decision Record that was signed on August 21, 2013.

On January 13, 2014 The AFO BLM sent out a scoping letter for the North Cowhead Habitat Restoration and Fuels Reduction project. One comment was received from that public scoping period, which was in regards to protection of old growth juniper. Old growth juniper will be protected as described in the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic EA SOP's. Old growth pre-treatment monitoring has been completed as described in the protocol for the Sage-Steppe Ecosystem Restoration Strategy and FEIS and the Vya PMU Habitat Restoration and Fuels Reduction Project Programmatic EA.

## **PLAN CONSISTENCY**

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Sage Steppe Ecosystem Restoration Strategy Record of Decision (ROD) and Final Environmental Impact Statement and the Surprise Resource Management Plan/Final Environmental Impact Statement (RMP/ROD/FEIS), April 2008. This decision is also consistent with the Endangered Species Act; the 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.

## **ADMINISTRATIVE REMEDIES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR) Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Surprise Field Office, Bureau of Land Management, U.S. Department of the Interior, 602 Cressler Street, Cedarville, CA 96104, within 30 days from receipt of this decision. The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website (<http://www.blm.gov/ca/st/en/fo/surprise.html>).

The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Standards to Obtaining a Stay:**

Except as otherwise provided by law or other pertinent regulations, a petition for a 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, and
- (4) Whether the public interest favors granting the stay.

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/s/

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8/21/2015

Dennis A. Sylvia, Ph. D  
Applegate Field Office Manager

Date

**CONTACT PERSON**

For additional information concerning this Finding, contact Peter Hall-Forester Applegate Field Office 708 West 12th Street Alturas, CA 96101 at phall@blm.gov or at (530) 233-7928

**MAP OF PROJECT AREA**



