Maxfield Creek Density Management\Woodland Restoration\Upland Restoration\Aquatic Habitat Restoration

Final Decision and Decision Rationale for Maxfield Creek Project 1, Upland Habitat Restoration (FY 2007)

Environmental Assessment Number OR080-04-19

January 2007

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District
Marys Peak Resource Area

Township 10 South, Range 5 West, Sections 19 and 29, Township 10 South, Range 6 West, Section 22 Willamette Meridian
Luckiamute River 5th field Watershed.
Benton County, Oregon

Responsible Agency:	USDI - Bureau of Land Management
Responsible Official:	Trish Wilson, (Acting) Field Manager Marys Peak Resource Area 1717 Fabry Road SE Salem, OR 97306 (503) 375-5968
For further information, contact:	Hugh Snook Marys Peak Resource Area 1717 Fabry Road SE Salem, OR 97306 (503) 315-5964

BLM Salem District

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

BLM/OR/WA/PT-07/019+1792

I. Introduction

The Bureau of Land Management (BLM) conducted an environmental analysis documented in the *Maxfield Creek Density Management\Woodland Restoration\Upland Habitat Restoration\Aquatic Habitat Restoration Project Environmental Assessment* (Maxfield Creek EA), dated December 8, 2005, and the associated project file. The proposed action is to perform density management on approximately 268 acres of mixed conifer forests and to restore meadow, Oregon white oak and woodland habitat by conifer management and also to restore structure and native species to areas of meadow, young stands, and woodland restoration areas totaling 321 acres; re-align (construct) and decommission approximately 3,200 feet of Road (#10-6-14), improve road drainage and remove culverts to improve watershed health. The proposed action will occur within Adaptive Management Area and Riparian Reserve Land Use Allocations (LUA's). A Finding of No Significant Impact (FONSI) was signed on December 8, 2005 and the EA and FONSI were then made available for public review.

The decision documented in this Decision Rationale (DR) is based on the analysis documented in the EA. This decision authorizes the implementation of only those activities directly related to and included within Project 1, Upland Habitat Restoration that are expected to begin in 2007 (FY 2007). Specifically, it includes the following restoration activities described in the Maxfield Creek EA: Non-commercial tree removal and their disposal by lopping or by piling and burning; oak enhancement; native species enhancement; control of non-native plants; and vegetation monitoring. Prescribed broadcast burning, oak planting and other actions, though part of the overall upland habitat restoration, will not occur for several years, so a decision will be issued on those actions at a later date.

II. Decision

I have decided to implement Maxfield Creek Project 1, Upland Habitat Restoration (FY 2007) as described in the proposed action (EA pp. 6-18) with modifications described below, hereafter referred to as the "selected action". The selected action is shown on the maps attached to this Decision Rationale. This decision is based on site-specific analysis in the Maxfield Creek EA, the supporting project record, management recommendations contained in the *Mill Creek, Rickreall Creek, Rowell Creek and Luckiamute River Watershed Analysis (*MEGAWA, September, 1998*)* and the *Luckiamute, Ash Creek and American Bottom Watershed Analysis* (Appendix I) (June 2004); as well as the management direction contained in the Salem District Resource Management Plan (May 1995), which are incorporated by reference in the EA.

The following is a summary of this decision.

1. *Tree Removal:* The selected action is to release Oregon white oak trees and restore meadow and woodland habitat by conifer removal and girdling. Conifer trees 9" diameter breast height outside bark (DBHOB) or less will be felled and left on site. Their tops will be piled and burned or lopped and scattered. Selected trees larger than 9" DBHOB will be girdled and left standing. Approximately 30 (10-40) trees greater than 24" DBHOB will be felled and utilized for in-stream aquatic habitat enhancement (their placement by helicopter is included in Maxfield Creek Aquatic Habitat Restoration, Project 2). Project acreage is reduced to 319 acres: the restoration area in the northeast of T. 10 S., R. 5 W., Section 29 was reduced from 6 acres to 4 acres after exact boundaries were determined. The following design features have been added, modified or clarified as part of the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Biological Opinion issued through Endangered Species consultation:

   Stream buffer: Slash piles will be at least 20 feet from stream channels.

   Implementation Monitoring Report: A monitoring report will be submitted annually to NMFS describing the project progress and its success in meeting the terms and conditions contained in the Biological Opinion (BO).

2. *Oak Enhancement*: Conifer overtopping oak will be removed by cutting or girdling as described. Dense groves of oak will be thinned, and resulting fuels will be piled and burned or lopped and scattered.

3. *Native Species Enhancement*: Seeds or seedlings of native grass and forb species will be distributed following tree removal, fuel treatment or soil-disturbing activity. Re-introduction of Federally-listed (threatened) Kincaid's lupine (*Lupinus sulphureas spp. Kincaidii*) will occur depending on assessment of potential reintroduction sites. The US Fish and Wildlife Service made a conservation recommendation in the wildlife BO (March 27, No 1-7-06-F-0080) to develop an adaptive management plan for the Maxfield Creek Area in order to emphasize the establishment of native species including Kincaid's lupine and Fender's blue butterfly.

4. *Control of Non-native Plants*: Treatment by burning, handpulling, grubbing or cutting will occur. Infestations that are not controlled by one or more hand treatments will be treated using herbicides as described in the Maxfield Creek EA. Since the signing of the Maxfield Creek EA in December 2005, six more infestations of false brome, an invasive non-native plant, have been discovered in the project area. All are very small, consisting of a few plants, except one infestation of about 0.2 acres. The discovery of additional sites was expected and does not substantially alter the Affected Environment description in the Maxfield Creek EA, nor will their control substantially change the effects described for control of non-native plants. All new sites are shown on the attached selected action maps. The following design features have been added, modified or clarified as part of the NOAA NMFS Biological Opinion issued through Endangered Species consultation:

   Seasonal restriction: Glyphosate herbicide application will be limited to periods of low precipitation, generally April 1 to October 31. Picloram herbicide application will be limited to June 1 to September 31, and will only occur once per year on a site.

Stream buffer: Perennial streams: Wipe application of Glyphosate herbicide will not occur within 5 feet of the bank-full edge; wipe application of Picloram herbicide will not be applied within 100 feet of perennial streams. Intermittent streams: Spray treatment will not occur within 20 feet, wipe treatment of Picloram will not occur within 20 feet, and wipe treatment of Glyphosate will not occur within 5 feet of bank-full edge. Herbicide mixing sites will occur at least 200 feet from any stream.

Soil conditions: To reduce soil mobility, Picloram will not be applied to landings, rock pits, and areas of thin soil with surface gravel and rock.

Weather conditions: Spray application will be limited to wind speed of 6 mph or less.

5. *Vegetation Monitoring*: Re-measuring established vegetation transects will be done to monitor the effects of these and other treatments on understory vegetation.

All design features and mitigation measures described in the EA (pp. 11 - 15) specific to the actions in this decision are incorporated into a service contract to complete the work or will be incorporated into further plans and contracts.

The Maxfield Creek EA includes other actions that are not included in this decision. The following is a summarized description of the other actions not included and why.

- Project 1, Density Management/Woodland Restoration on 268 acres, by commercial density management and creation of patch cuts, to reduce conifer density, release Oregon white oak, and restore woodland and meadow habitat, and timber sale-related road work will occur later and carries different procedures for protest/appeal.
- Some elements of Project 1, Upland Habitat Restoration: Cutting brush and small trees in the broadcast burn area, planting oak seedlings within patch cuts, hand fireline construction, prescribed broadcast burning, and snag habitat creation will begin after the timber sale, later than other elements and involves an unresolved conflict in the EA that drove development of a second alternative.
- Project 1, Transportation Aquatic Habitat Restoration (two road re-alignments) will begin later and are not related to this decision.
- Project 2, Aquatic Habitat Restoration, which includes replacement of a perched culvert and large woody debris placement in Maxfield Creek by helicopter (source trees to be removed from upland meadow habitat), will likewise begin later.

III. Compliance with Direction:

The analysis documented in the Maxfield Creek EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). This project has been designed to conform to the *Salem District Record of Decision and Resource Management Plan,* May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 6 & 7), specifically the *2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines.* All of these documents may be reviewed at the Marys Peak Resource Area office. The Marys Peak RA is aware of multiple lawsuits and their impacts on the Maxfield Creek Project as further described here.

1) *Survey and Manage Program*: In August 1, 2005, U.S. District Court issued an order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. A January 9, 2006, court order:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstated the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The order further directs "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities....unless such activities are in compliance with the provisions of the 2001 ROD (as amended or modified as of March 21, 2004)".

The litigation over the amendment that eliminated the Survey & Manage mitigation measure from the Northwest Forest Plan does not affect Maxfield Creek Project 1, Upland Restoration Habitat (FY 2007). This is because the project complies with the 2001 ROD, and the EA (pp. 1&2) tiers to the 2001 ROD, identifying plan conformance. The EA (pp. 1&2) also tiered to the 2004 EIS and identified plan conformance with the 2004 ROD. This was, however, correct and legitimate for the time the EA was written and my signature of the Finding of No Significant Impact. As a matter of fact, Maxfield Creek Project 1, Upland Habitat Restoration (FY 2007) complies with the 2001 ROD as well.

We have reexamined the individual project record for Maxfield Creek Project 1, Upland Habitat Restoration (FY 2007) in light of the court ordered remedy, and I have attached the documentation of the wildlife and botany compliance reviews undertaken by staff with my concurrence and signature. In accordance with the 2001 ROD, the Marys Peak RA staff completed pre-disturbance surveys and provided management prescriptions implementing the applicable protocols and management recommendations for Survey & Manage species whose range is in the project area. Even though the Survey & Manage program had been eliminated, Marys Peak RA staff conducted surveys and provided management prescriptions consistent with the former Survey & Manage survey protocols and management recommendations anyway. Information regarding effects of the project on “Survey & Manage” species has been incorporated in the EA in the Affected Environment Section on pages 29, 31, and 49 and the Environmental Effects Section pages 33, 50 and 51.

Therefore, based on the preceding information regarding the status of surveys for Survey & Manage wildlife and botany species and the results of those surveys, it is my determination that Maxfield Creek Project 1, Upland Restoration (FY 2007) complies with the provisions of the 2001 ROD, as amended or modified as of March 21, 2004. For the foregoing reasons, this decision is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order.

2) *Aquatic Conservation Strategy*: Litigation in Pacific Coast Federation of Fishermen's Associations et al. v. National Marine Fisheries Service et al. (W.D. Wash.) related to the 2004 supplemental environmental impact statement for the Aquatic Conservation Strategy (ACS) is ongoing. The Magistrate Judge issued findings and recommendations to the court on March 29, 2006. The court has not found this amendment to be "illegal," nor did the Magistrate recommend such a finding. Given the court has not yet adopted the findings and recommendations we will appropriately continue to follow the current direction in the 2004 ROD, until ordered otherwise. Maxfield Creek Project 1, Density Management\Woodland Restoration\Upland Restoration\Aquatic Habitat Restoration environmental analysis tiers to this document as the clarification of how to address the ACS. Since it was only a clarification, and did not alter any of the on-the-ground components of the standards and guidelines designed for achieving the ACS objectives, whether the court upholds the amendment or not should have little practical effect at the project level.

IV. Decision Rationale

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the *Mill Creek, Rickreall Creek, Rowell Creek and Luckiamute River Watershed Analysis (*MEGAWA, September, 1998*)* and the *Luckiamute, Ash Creek and American Bottom Watershed Analysis* (Appendix I) (June 2004), and the management direction contained in the RMP, I have decided to implement the selected action as described above. The following is my rationale for this decision.

1. The selected action:
   - As an integral part of the overall project, the selected action meets the purpose and need of the project as a whole (EA section 2.1), as shown in *Table 1.*
   - Complies with the *Salem District Record of Decision and Resource Management Plan***,** May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA pp. 6 & 7).
   - Maxfield Creek Project 1, Upland Restoration (FY 2007) is in full and complete compliance with the 2001 Survey and Manage FSEIS and ROD. This project is in compliance with Judge Marsha Pechman's January, 2006 ruling on the 2004 Record of Decision for Survey and Manage Standards and Guidelines, as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al., (see attached 2001 ROD Compliance Review for Survey and Manage). No additional surveys are planned for the area as currently designed.
   - Will not have significant impact on the affected elements of the environment (EA FONSI pp. i-iv) beyond those already anticipated and addressed in the RMP EIS.
   - Has been adequately analyzed.

2. The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need (EA section 2.1), as shown in Table 1.

Table 1: Comparison of the Alternatives with Regard to the Purpose of and Need for Action (EA section 2.1)

Purpose and Need (EA section 2.1)	Alternative 1 Proposed Action	No Action
To restore in dry grand fir/meadow habitat types the structure and species composition of oak-conifer woodland, oak savanna and meadow habitat to conditions believed to have existed during a regime of frequent, low-intensity fire.	Releases existing oak from conifer shade, and thinning existing groves to concentrate growth on fewer stems and crowns.	Many existing oak trees will eventually be overtopped by conifers and die. Groves of oak will remain crowded. Overall, 20-40% of the existing meadow habitat could disappear within 30 years.
To restore the diversity, abundance and distribution of native plant and animal species and potential re-introduction of endangered native species. Meet Federal law requirements to manage noxious weeds (Federal Land Policy Act of 1976, Public Rangelands Improvement Act (PRIA), October 1978, Carlson-Foley Act of 1968, Federal Noxious Weed Act of 1974).	The diversity, abundance and distribution of native plant and animal species are increased, and habitat improvements allow potential re-introduction of endangered native species. The likelihood that invasive weeds can be controlled in the project area is increased.	Treatment of noxious weeds would consist of progressive steps for prevention, early treatment, and control, using hand treatments already approved under existing NEPA decisions. This may be sufficiently effective to maintain noxious weeds at or below thresholds. However, there is a risk that weed populations would increase above threshold beyond feasible financial and operational limits of hand treatment, and they may escape control and eventually create large infestations over the project area.

V. Public Involvement/ Consultation/Coordination

Scoping: A description of the proposal was included in the Salem Bureau of Land Management Project Update which was mailed to more than 1070 individuals and organizations. A scoping letter was mailed September 1, 2004 to approximately 80 potentially interested parties. Five comment letters were received. Field trips were made to the area with one member of the public, native species restoration specialists, and a representative of the adjacent landowner. A tour of the project area was conducted by the BLM on August 13, 2005 and was attended by approximately 8 individuals representing the Luckiamute Watershed Council.

Comment Period and Comments:

The original EA and/or notice of availability of EA were mailed to approximately seventy-eight agencies, individuals and organizations on December 9, 2005. A legal notice was placed in a local newspaper soliciting public input on the action from December 9 to January 9, 2006. Two comment letters (Oregon Natural Resources Council and Starker Forests, Inc.) were received. Responses to their comments can be found in the Maxfield Creek NEPA file.

Consultation/Coordination:
The Biological Assessment for the Maxfield Creek Density Management\Woodland Restoration\Upland Habitat Restoration\Aquatic Habitat Restoration EA was submitted for Formal Consultation with the U.S. Fish and Wildlife Service (USFWS) as provided in Section 7 of the Endangered Species Act (ESA) of 1973 (16U.S.C. 1536 (a)(2) and (a)(4) as amended).

Consultation was completed on March 27, 2006 (Biological Opinion (BO) Reference number 1-7-06-F-0080). As a result of consultation, the USFWS concluded that the Maxfield Creek Density Management\Woodland Restoration\Upland Habitat Restoration\Aquatic Habitat Restoration Project is not likely to jeopardize the continued existence of the spotted owl and marbled murrelet. The proposed action may affect, and is likely to adversely affect the northern spotted owl and its habitat. The proposed action may affect, and is likely to adversely affect the marbled murrelet and its habitat. The actions in this decision do not contribute to the 'may affect, likely to adversely affect' determination for the northern spotted owl and marbled murrelet.

The Taylor's checkerspot butterfly is a Federal Candidate species and is considered a listed species according to BLM policy. The proposed action, including the actions in this decision, will have a positive effect on the Taylor's checkerspot butterfly because the action will restore, improve, and maintain meadow habitat used by the butterfly. The Fender's blue butterfly is a Federal Endangered species and Kincaid's lupine is a Federal Threatened species. The proposed action, including the actions in this decision, will have a positive effect on both the Fender's blue butterfly and Kincaid's lupine because the action may restore, improve, and maintain habitat for the lupine and butterfly. The proposed action, including the actions in this decision, may affect, but is not likely to adversely affect Kincaid's lupine or Fender's blue butterfly. The US Fish and Wildlife Service made a conservation recommendation in the BO to develop an adaptive management plan for the Maxfield Creek Area in order to emphasize the establishment of native species including Kincaid's lupine and Fender's blue butterfly.

The proposed action will have no affect on the bald eagle or its habitat since it does not occur in or adjacent to the proposed project area and potential nesting and foraging habitat is not being modified. Oregon chub is listed as endangered under the Endangered Species Act. Currently there are no known chub populations residing in the Luckiamute River watershed.

Consultation with National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) is required for all actions which 'may affect' ESA listed fish species and critical habitat. A determination has been made that the proposed Maxfield Creek Projects 1 and 2 'may affect, likely to adversely affect' Upper Willamette River steelhead trout as well as its designated critical habitat. The determination is due the proposed actions broadcast burning, road decommissioning, stream crossing treatments, and large wood placement that are expected to have negative effects on several habitat indicators. Consultation was therefore initiated with NMFS in June, 2006. NMFS returned a completed Biological Opinion (BO) with terms and conditions for project implementation and monitoring on December 21, 2006, completing the consultation process. The BO is on file at the Salem District office. The actions in this decision, though they do not contribute to the 'may affect, likely to adversely affect' determination for Upper Willamette River steelhead trout, are bound by the BO terms and conditions.

The NOAA NMFS has listed spring chinook salmon in the Upper Willamette River Evolutionarily

Significant Unit (ESU) as threatened under the Endangered Species Act. Chinook salmon is known to reside in the lower reaches of the Luckiamute River, 30 miles downstream from the Maxfield Creek project area. Chinook distribution is 8 miles downstream from the project area in Soap Creek. No effects are anticipated to Chinook salmon or its habitat due to the distance to occupied habitat.

Protection of Essential Fish Habitat (EFH) as described by the Magnuson/Stevens Fisheries Conservation and Management Act and consultation with NOAA-NMFS is required for all projects which may adversely affect EFH of Chinook salmon. The proposed Maxfield Creek Project 1, Density Management\Woodland Restoration\Upland Habitat Restoration\Aquatic Habitat Restoration is not expected to affect EFH due to distance of all activities associated with the project from occupied habitat. Coho salmon are over 2 miles downstream from the project area; there would be no effects to EFH for Coho salmon.

VI. Conclusion

I have determined that change to the Finding of No Significant Impact (FONSI – December 2005) for Maxfield Creek Project 1, Density Management\Woodland Restoration\Upland Habitat Restoration\Aquatic Habitat Restoration is not necessary because I've considered and concur with information in the EA and FONSI. The comments on the EA were reviewed and no information was provided in the comments that lead me to believe the analysis, data or conclusions are in error or that the proposed action needs to be altered. There are no significant new circumstances or facts relevant to the proposed action or associated environmental effects that were not addressed in the EA.

Protest and right to appeal: Within 30 days of publication of this notification, individuals have the right to appeal this decision to the BLM, Salem District Manager and thereafter appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations of 43 Code of Federal Regulations, Part 4. The appeal to the District Manager must be filed in writing to the Salem District Office of the Bureau of Land Management. The appellant has the burden of showing that the decision appealed from is in error. If no appeals are filed, this decision will become effective and be implemented after 30 days of the date of this notification.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, 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 each party named in this decision and to the Board 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 for Obtaining a Stay

> Except as otherwise provided by law or other pertinent regulation, 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

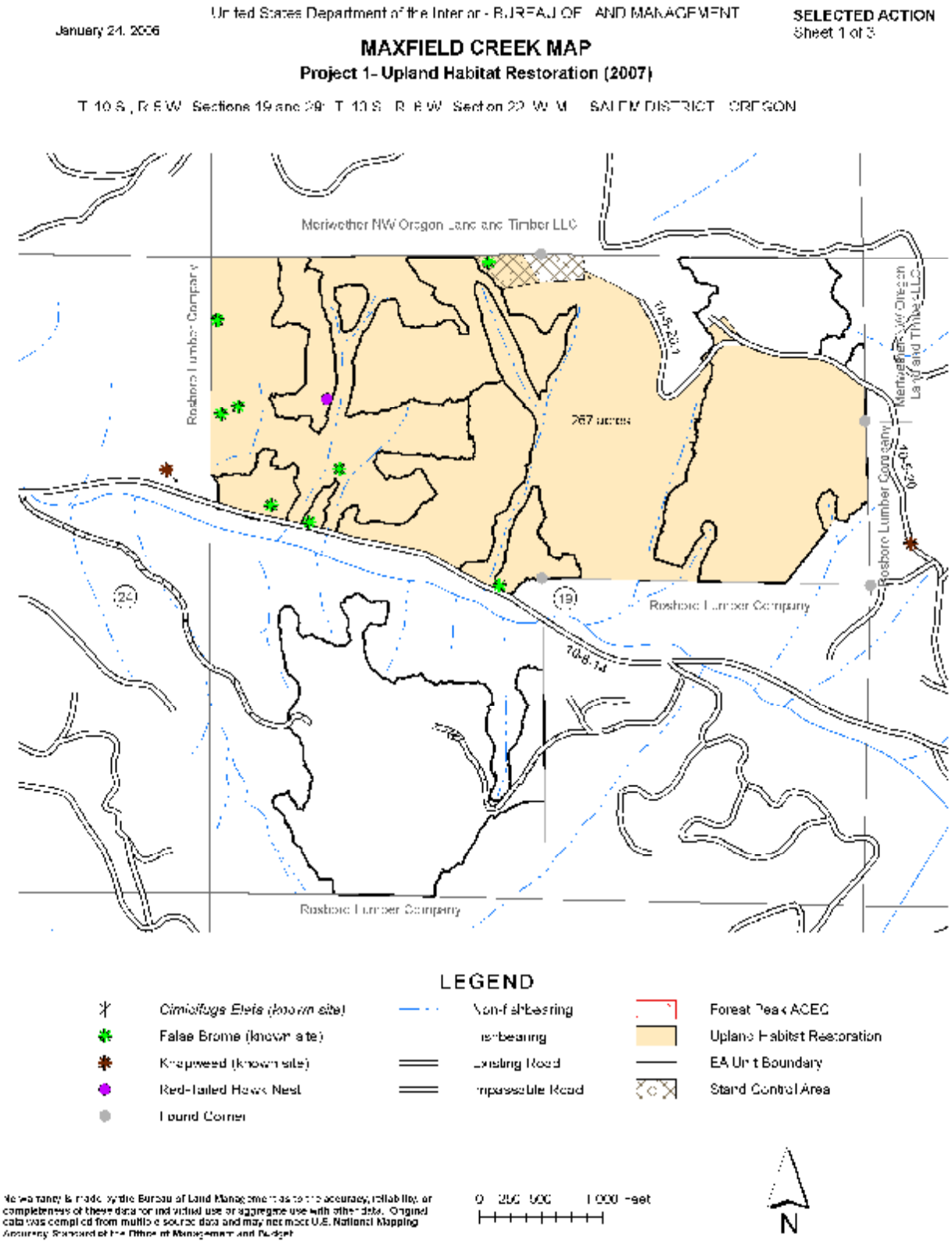
(4) Whether the public interest favors granting the stay.

Contact Person: For additional information concerning this decision, contact Hugh Snook (503) 315-5964, Marys Peak Resource Area, Salem BLM, 1717 Fabry SE, Salem, Oregon 97306.

Approved by: _____ _____

Trish Wilson Date

Marys Peak Resource Area Field Manager (Acting)


United States Department of the Interior - BUREAU OF LAND MANAGEMENT
January 24, 2006
SELECTED ACTION
Sheet 1 of 3
MAXFIELD CREEK MAP
Project 1- Upland Habitat Restoration (2007)
T. 10 S., R. 8 W., Sections 19 and 29; T. 10 S., R. 8 W., Section 22, W.M., SALEM DISTRICT, OREGON
Meriwether NW Oregon Land and Timber LLC
Rosboro Lumber Company
267 acres
Rosboro Lumber Company
Rosboro Lumber Company
LEGEND
Cimicifuga Elata (known site)
False Brome (known site)
Knapweed (known site)
Red-Tailed Hawk Nest
Found Corner
Non-fishbearing
Fishbearing
Existing Road
Impassable Road
Forest Peak ACEC
Upland Habitat Restoration
EA Unit Boundary
Stand Control Area
0 250 500 1,000 Feet
N

United States Department of the Interior - BUREAU OF AND MANAGEMENT

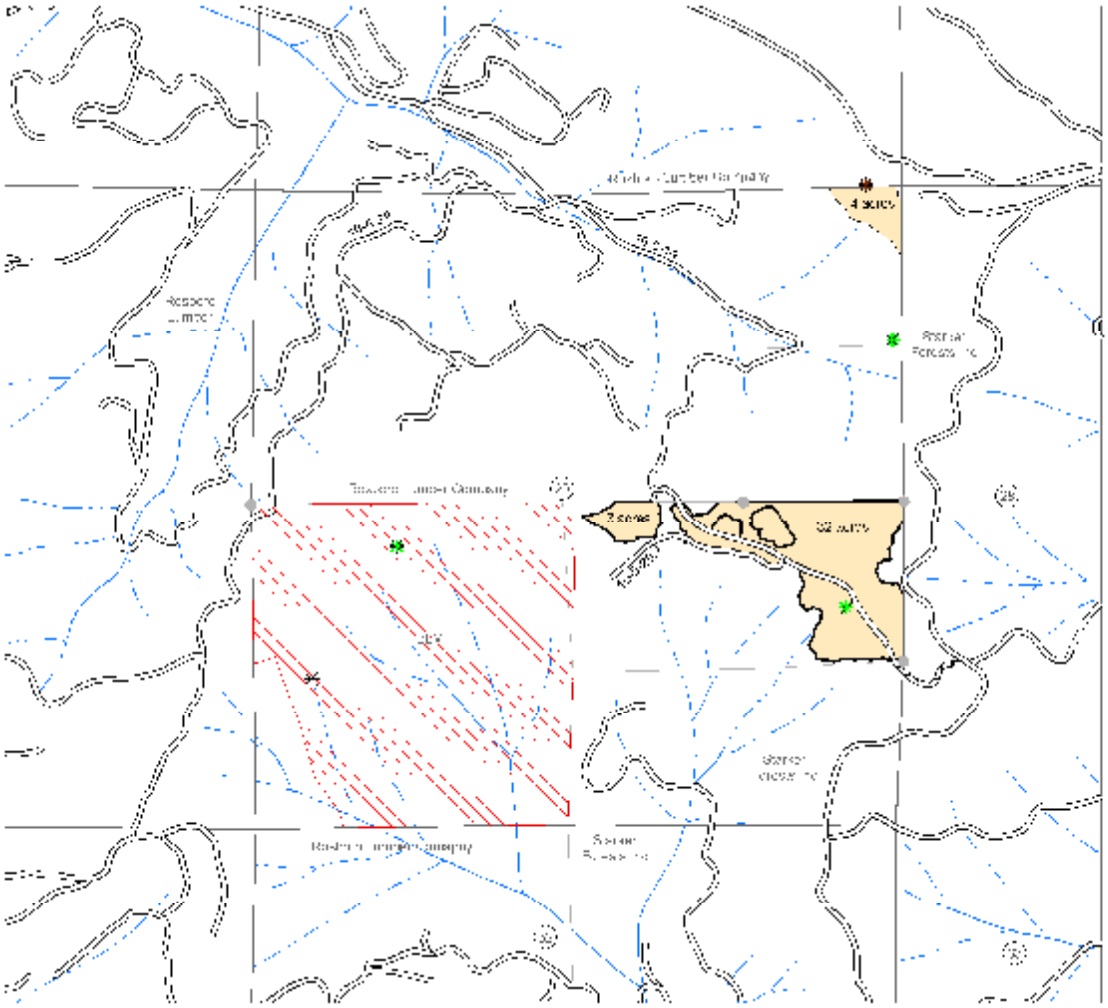
January 24, 2006

SELECTED ACTION
Sheet 2 of 3

MAXFIELD CREEK MAP

Project 1- Upland Habitat Restoration (2007)

T 10 S , R 5 W Sections 19 and 29; T 10 S R 6 W Section 22 W M SALEM DISTRICT OREGON



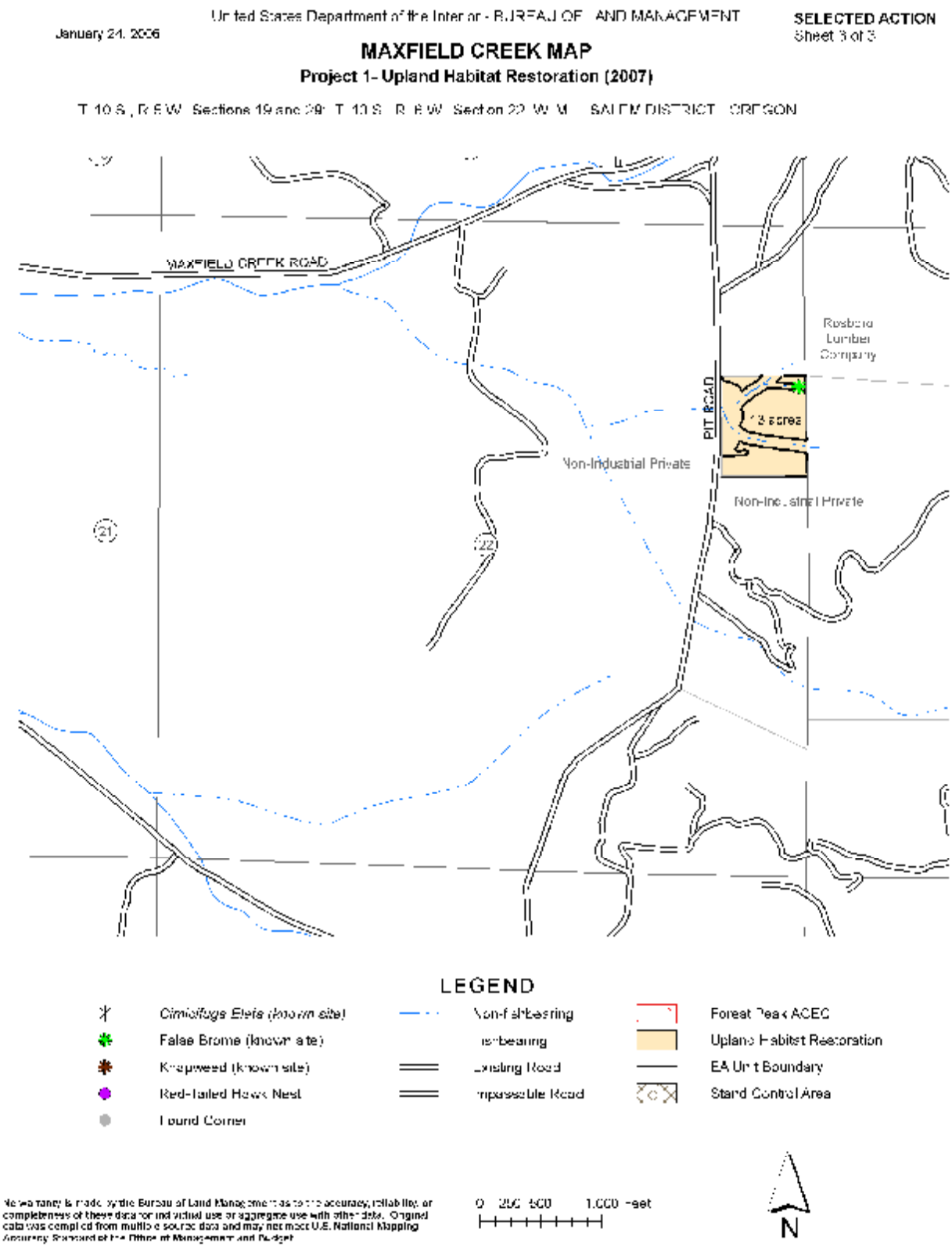
LEGEND

- *Cimicifuga Elata (known site)*
- False Brome (known site)
- Knapweed (known site)
- Red-Tailed Hawk Nest
- Found Corner
- Non-fish bearing
- fish bearing
- Existing Road
- Impassable Road
- Forest Peak ACEC
- Upland Habitat Restoration
- EA Unit Boundary
- Stand Control Area

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from multiple source data and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget

0 250 500 1,000 Feet

N


January 24, 2006
United States Department of the Interior - BUREAU OF LAND MANAGEMENT
SELECTED ACTION
Sheet 3 of 3
MAXFIELD CREEK MAP
Project 1- Upland Habitat Restoration (2007)
T. 10 S., R. 5 W. Sections 19 and 29; T. 10 S., R. 6 W. Section 22, W. M. SALEM DISTRICT - OREGON
MAXFIELD CREEK ROAD
PIT ROAD
Non-Industrial Private
Non-Industrial Private
21
22
LEGEND
Cimicifuga Elata (known site)
False Brome (known site)
Knapweed (known site)
Red-Tailed Hawk Nest
Found Corner
Non-fish bearing
Existing Road
Forest Peak ACEC
Upland Habitat Restoration
EA Unit Boundary
Stand Control Area
0 250 500 1,000 Feet
N

2001 ROD Compliance Review: Survey & Manage Botany Species

Environmental Analysis File
Salem District Bureau of Land Management

Project Name: **Maxfield Creek Thinning Project.** Prepared By: **Ron Exeter**
Project Type: **Commercial thinnning** Date: **April 17, 2006**
Location: **(Coast Range physiographic province)** T.
S&M List Date: **December 2003**

Table A. Survey & Manage Species Known and Suspected in the Salem District. Species listed below were compiled from the 2003 Annual Species Review (IM-OR-2004-034) and includes all species in which pre-disturbance surveys may be needed (Category A, C and non-fungi Category B species if the project occurs in old-growth as defined on page 79-80 of the 2001 ROD) and lists known sites of other survey and manage species that are known to occur within the project area. In addition, the table indicates whether or not a survey was required, survey results and site management.

A habitat review of the Maxfield Creek Thinning/restoration project was conducted to determine if suitable habitat for each survey and manage species, listed in table A occurs within the proposed project area and if any of the species known range falls within the vicinity of the project area. This review was conducted utilizing BLM and USGS resource maps, aerial photo's, agency (GeoBOB) and non-agency (ONHP) databases and individual species management recommendations and survey protocols. All field surveys were conducted utilizing the intuitive controlled survey method.

In addition to the GeoBOB and ONHP databases, the following references were utilized in determining species known range and habitat requirements.

Fungi:

Survey Protocol Guidance For Conducting Equivalent Effort Surveys Under the Northwest Forest Plan Survey and Manage Standard and Guidelines. (March 2006).
Survey Protocols for *Bridgeoporus* (=*Oxyporus*) *nobilissimus* (Version 2.0, May 1998)
Handbook to Strategy 1 Fungal Species in the Northwest Forest Plan (October 1999)
Handbook to Additional Fungal Species of Special Concern in the Northwest Forest Plan.(2003).

Lichens:

Survey Protocol Guidance For Conducting Equivalent Effort Surveys Under the Northwest Forest Plan Survey and Manage Standard and Guidelines. (March 2006).
Pseudocyphellaria perpetua Supplemental Guidance for Pre-Disturbance Surveys Under the Northwest Forest Plan Survey and Manage Standard and Guidelines (March 2006).
Survey Protocols For Component 2 Lichens (Version 2.0, March 1998)
Management Recommendations for Survey and Manage Lichens (Version 2.0, March 2, 2000)
Survey Protocols for Survey and Manage Category A & C Lichens in the Northwest Forest Plan Area [Version 2.1 (2003)]
2003 Amendment to the Survey Protocol for Survey and Manage Category A & C Lichens. (Version 2.1 Amendment, September 2003)

Bryophytes:

Survey Protocols For Protection Buffer Bryophytes (Version 2.0)

Vascular Plants:

Survey Protocols for Survey and Manage Strategy 2 Vascular Plants (Version 2.0, December 1998).

All species:

Rare, Threatened and Endangered Species of Oregon; Oregon Natural Heritage Information Center (May 2004).

Table A.

Species	S&M Category	Survey Triggers			Survey Results			Site Management
		Within Range of the Species?	Project Contains Suitable habitat?	Project may negatively affect species/habitat?	Surveys Required?	Survey Date (month/year)	Sites Known or Found?	
Fungi								
Bridgeoporus nobilissimus	A	YES	NO	NO	NO[1]	N/A	None	N/A
Lichens								
Bryoria pseudocapillaris	A	NO	NO	NO	NO[2]	N/A	None	N/A
Bryoria spiralifera	A	NO	NO	NO	NO[2]	N/A	None	N/A
Dendriscocaulon intricatatulum	A	YES	NO	NO	NO[4]	N/A	None	N/A
Hypogymnia duplicata	C	YES	NO	NO	NO[4]	N/A	None	N/A
Leptogium cyanescens	A	YES	YES	NO	YES	May 2004	None	N/A
Lobaria linita var.tenuoir	A	YES	NO	NO	NO[4]	N/A	None	N/A
Nephroma occultum	C	YES	NO	NO	NO[4]	N/A	None	N/A
Niebla cephalota	A	NO	NO	NO	NO[2]	N/A	None	N/A
Pseudocyphellaria perpetua	A	NO	NO	NO	NO[3]	N/A	None	N/A
Pseudocyphellaria rainierensis	A	YES	NO	NO	NO[4]	N/A	None	N/A
Teloschistes flavicans	A	NO	NO	NO	NO[2]	N/A	None	N/A
Bryophytes								
Schistostega pennata	A	YES	NO	NO	NO[4]	N/A	None	N/A
Tetraphis geniculata	A	YES	YES	NO	YES	May 2004	None	N/A
Vascular Plants								
Botrychium minganense	A	NO	NO	NO	NO[5]	N/A	None	N/A
Botrychium montanum	A	NO	NO	NO	NO[5]	N/A	None	N/A
Coptis asplenifolia	A	NO	NO	NO	NO[7]	N/A	None	N/A
Coptis trifolia	A	NO	NO	NO	NO[5]	N/A	None	N/A
Corydalis aquae-gelidae	A	NO	NO	NO	NO[6]	N/A	None	N/A
Cypripedium fasciculatum	C	NO	NO	NO	NO[5]	N/A	None	N/A
Cypripediium montanum	C	NO	NO	NO	NO[5]	N/A	None	N/A
Eucephalis vialis	A	NO	NO	NO	NO[5]	N/A	None	N/A
Galium kamtschaticum	A	NO	NO	NO	NO[7]	N/A	None	N/A

Plantanthera orbiculata var. orbiculata	C	NO	NO	NO	NO[7]	N/A	None	N/A
Category B Species (equivalent effort surveys needed if project area includes old-growth as defined in 2001 ROD glossary, p. 79-80)								
None.[8]	B	-	NO	NO	NO[8]	N/A	None	N/A
Additional Category B, D, E & F known sites located within the proposed project Area								
Phaeocollybia fallax	D	YES	YES	Unknown	NO	May 2004	found	protected

1 This species is known from high elevations containing true fir and the only site in the Oregon Coast Range is at approximately 4000 feet on the top of Marys Peak. There are no true firs within the proposed project area.
2 This species known range within the NW Forest Plan is along the immediate coast or within the coastal fog zone within sight or sound of the Pacific Ocean but often extending up to 15 miles inland.
3 This species is only known from Oregon at Cape Perpetua adjacent the Pacific Ocean. There are no survey protocols available. Survey protocols were due to be completed on September 30, 2005, and fully effective September 30, 2006.
4 These species are known primarily from mature and old-growth, Doug-fir, Western Hemlock and Pacific silver-fir. Field surveys are not required if the species is not known to exist in the proposed project area or in the vicinity, and if it is determined that probable suitable habitat is unlikely to exist in the proposed project area.
5 These species are not known to occur on Bureau of Land Management lands within the Salem District. These species have no known sites in the Oregon Coast Range physiographic province.
6 This species is known to occur on Bureau of Land Management lands within the Salem District in the Cascades Resource Area. This species has known sites in the Western Cascades physiographic province but none in the Oregon Coast Range physiographic province.
7 This species is only known from western Washington. There are no known sites in Oregon.
8 Surveys are not required. The project area is less than 80 years of age and the project does not meet the definition on page 79-80 of the 2001 ROD.

STATEMENT OF COMPLIANCE: Pre-disturbance surveys and management of known sites required by protocol standards to comply with the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004) were completed for the Maxfield Creek Thinning/restoration project. The Maxfield Creek Thinning/restoration project also complies with any site management for any Category B, D, and E species as identified in the 2001 ROD (as modified).

SUMMARY OF SURVEY RESULTS :

The Maxfield Creek restoration/thinning project was surveyed for botanical species by both the BLM botanists and a private business. The BLM botanists surveyed all of the Maxfield Creek project on May 17, 20, 24, 25, June 8 and 15, 2004 and individual meadows and general forest botanical surveys were conducted by Salix Associates in the summer of 2004, report dated August 2004. There were no vascular plant, lichen or bryophyte survey and manage species found within the project area. Two known sites of the fungus, *Phaeocollybia fallax* was found during the May 2004 surveys. Both sites were protected. One site (unit 19D) was protected by reserving all trees around the sites to minimize any ground disturbance and the other site (unit 19G) was protected by excluding the known site from within the harvest boundary.

Therefore, based on the preceding information (refer to Table A above) regarding the status of surveys and site management for Survey & Manage botanical species, it is my determination that The Maxfield Creek Thinning/restoration project complies with the provisions of the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004). For the foregoing reasons, this contract is in compliance with the foregoing reasons, this contract is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al.

Diane Morris - Acting F.M. 4/19/06

Brad Keller, Field Manager — Date

Marys Peak Resource Area, Salem District BLM

2001 ROD Compliance Review: Survey & Manage Wildlife Species

Environmental Analysis File
Salem District BLM, Marys Peak Resource Area

Project Name:	**Maxfield Creek Project**	Prepared By:	**Scott Hopkins**
Project Type:	**Density Management, Oak-Meadow Treatment**	Preparation Date:	**3/27/2006**
Location:	**T.10 S., R.5 W. Section 19 and 29**	S&M List Date:	**12/19/2003**
	T.10 S., R.6 W. Section 22		

Table A. Survey & Manage Wildlife Species Known and Suspected on Salem District BLM. The species listed below were compiled from the 2003 Annual Species Review (IM-OR-2004-034) and incorporates those vertebrate and invertebrate species whose known or suspected range includes the Salem District according to: Survey Protocols for Amphibians under the Survey & Manage Provision of the Northwest Forest Plan, version 3.0 (1999), Survey protocol for the Great Gray Owl within the Range of the Northwest Forest Plan, version 3.0 (Jan. 2004), Survey Protocol for the Red Tree Vole, version 2.1 (Oct. 2002) and those mollusk species that are known or suspected within the District according to the Survey Protocol for S&M Terrestrial Mollusk Species version 3.0 (Feb. 2003).

Species	S&M Category	Survey Triggers			Survey Results			Buffers?
		Within Range of the Species?	Project Contains Suitable habitat?	Project may negatively affect species /habitat?	Surveys Required?	Surveys completed?	Sites Found?	
Vertebrates								
Larch Mountain Salamander [2] (*Plethodon larselli*)	A	No	NA [1]	NA	No	NA	NA	None
Great Gray Owl [3] (*Strix nebulosa*)	A	No	NA	NA	No	NA	NA	None
Oregon Red Tree Vole [4] (*Arborimus longicaudus*)	C[4]	**Yes**	**Yes**	**Yes**	**Yes**	**Fall 2005**	**No**	None
Mollusks								
Puget Oregonian [5] (*Cryptomasix devia*)	A	No	NA	NA	No	NA	NA	None
Crater Lake Tightcoil [6] (*Pristiloma arcticum crateris*)	A	No	NA	NA	No	NA	NA	None

1. NA = Not applicable.
2. In the Salem District, the range of the Larch Mountain salamander is only in the very northern portion of the Cascades Resource Area, within 14 miles of the Columbia River, east of the confluence with the Sandy River according to Survey Protocols for Amphibians under the Survey & Manage Provision of the Northwest Forest Plan v3.0 (1999) pages 262 and 269.
3. In the Salem District, the range of the great gray owl is only within the Cascades Resource Area.
4. In the Salem District, pre-disturbance surveys are required for red tree voles in the North Mesic Zone which includes this project area. About 80 acres of the project area had stand characteristics (age and tree size) to trigger surveys (per Survey Protocol for the Red Tree Vole, Version 2.1, October 23, 2002). Surveys were completed in the Fall of 2005 and no potential vole nests were located.
5. In the Salem District, the range of *Cryptomastix devia* is limited to the Tillamook Resource Area and Clackamas County and Multnomah County in the Cascades Resource Area.
6. In the Salem District, *Pristiloma articum crateris* is suspected to occur above 2000 feet elevation in the Cascades Resource Area only.

Statement of Compliance. All pre-disturbance surveys required by protocol standards to comply with the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004) were completed for the Maxfield Creek Project. No Survey and Manage wildlife species were found during surveys, and there are no known sites of Category B, D, E, and F species within the Maxfield Creek Project area.

Therefore, based on the preceding information (refer to Table A above), it is my determination that the Maxfield Creek Project complies with the provisions of the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (as the 2001 ROD was amended or modified as of March 21, 2004). For the foregoing reasons, this project is in compliance with the 2001 ROD as stated in Point (3) on page 14 of the January 9, 2006, Court order in Northwest Ecosystem Alliance et al. v. Rey et al.