

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE**

**Cascade-Siskiyou National Monument  
Resource Management Plan Amendment  
and  
Associated Environmental Assessment**

**DOI-BLM-OR-M040-2013-001-EA**



## INTRODUCTION

This Environmental Assessment (EA) documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of BLM's proposed action. This document complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (43 CFR part 46).

This EA will assist the BLM in project planning, ensuring compliance with the National Environmental Policy Act (NEPA), and making a determination as to whether or not any "significant" impacts could result from the analyzed actions. "Significant" is defined in 40 CFR 1508.27.

## BACKGROUND

The Cascade-Siskiyou National Monument (CSNM) was reserved by presidential proclamation (Presidential Proclamation 7318) in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archeological, and historic objects. The *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (CSNM ROD/RMP) was approved in August 2008. It provides guidance and direction for a strategy aimed at protecting and enhancing the public lands and associated resources within the CSNM.

The CSNM RMP made the following land (LAND) tenure adjustment decisions that limit land exchanges in the CSNM by requiring that public land involved in an exchange be located outside the CSNM (page 103):

LAND-1. All currently administered public lands within the monument will be retained.

LAND-5. Lands may be acquired by exchange only where the public land involved in the exchange is located outside the CSNM.

Presidential Proclamation 7318, dated June 9, 2000, states, "All Federal lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, **other than by exchange that furthers the protective purposes of the monument** (emphasis added)."

Currently, the CSNM RMP is more restrictive than the Proclamation because the RMP precludes exchanges that further "the protective purposes of the monument" where the public land

involved is located within the CSNM. The CSNM RMP at page 103 (LAND-1 and LAND-5) is also more restrictive than the following withdrawal decision on pages 115-117 of the CSNM ROD/RMP:

VER-3. The monument proclamation segregated all federal lands and interests in lands from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under mining laws, and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The Proclamation and VER-3 permit exchange of public lands within the CSNM for private lands that would better protect and/or enhance the purposes for which the monument was designated.

## **PURPOSE AND NEED**

The purpose of this CSNM RMP amendment is to modify provisions in the CSNM RMP that are more restrictive than the Presidential Proclamation that created the CSNM as it pertains to land tenure actions, i.e. land exchanges. There is also a need to address future disposal actions pursuant to the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1713) where it may involve resolution of trespass situations, whether intentional or inadvertent.

On March 30, 2009, Congress gave the Secretary of the Interior the authority to offer to convey two BLM parcels in exchange for parcels owned by private individuals; the BLM parcels are within the boundaries of the CSNM. The Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, § 1403 and 1404, 123 Stat. 991, 1028 (2009). Subtitle E,– Cascade-Siskiyou National Monument states:

### **SEC. 1403. BOX R RANCH LAND EXCHANGE.**

- (1) IN GENERAL – For the purposes of protecting and consolidating Federal land within the [Cascade-Siskiyou National] Monument, the Secretary—(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and (2) if the Landowner accepts the offer—(A) The secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and (B) the Landowner shall convey to the Secretary all right, title and interest of the Landowner in and to the Rowlett parcel.

### **SEC. 1404. DEERFIELD LAND EXCHANGE.**

- (1) IN GENERAL – For the purposes of protecting and consolidating Federal land within the [Cascade-Siskiyou National] Monument, the Secretary—(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and (2) if Deerfield Learning Associates accepts the offer—(A) The secretary shall convey to Deerfield

Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and (B) Deerfield Learning Associates shall convey to the Secretary all right, title and interest of Deerfield Learning Associates in and to the Deerfield parcel.

This RMP amendment would allow the BLM to process these two Congressionally authorized exchanges within the boundaries of the CSNM under subsequent NEPA analysis. It would also allow the BLM to evaluate any future disposal actions that involve exchanges that further “the protective purposes of the monument” where the Federal land involved is within the boundaries of the CSNM.

## **PLANNING AREA**

The CSNM covers approximately 61,408 acres of federal land in southwestern Oregon (Map 1). The monument is located approximately 15 miles southeast of Ashland, Oregon. There are approximately 23,697 acres of privately owned land within the greater CSNM boundary.

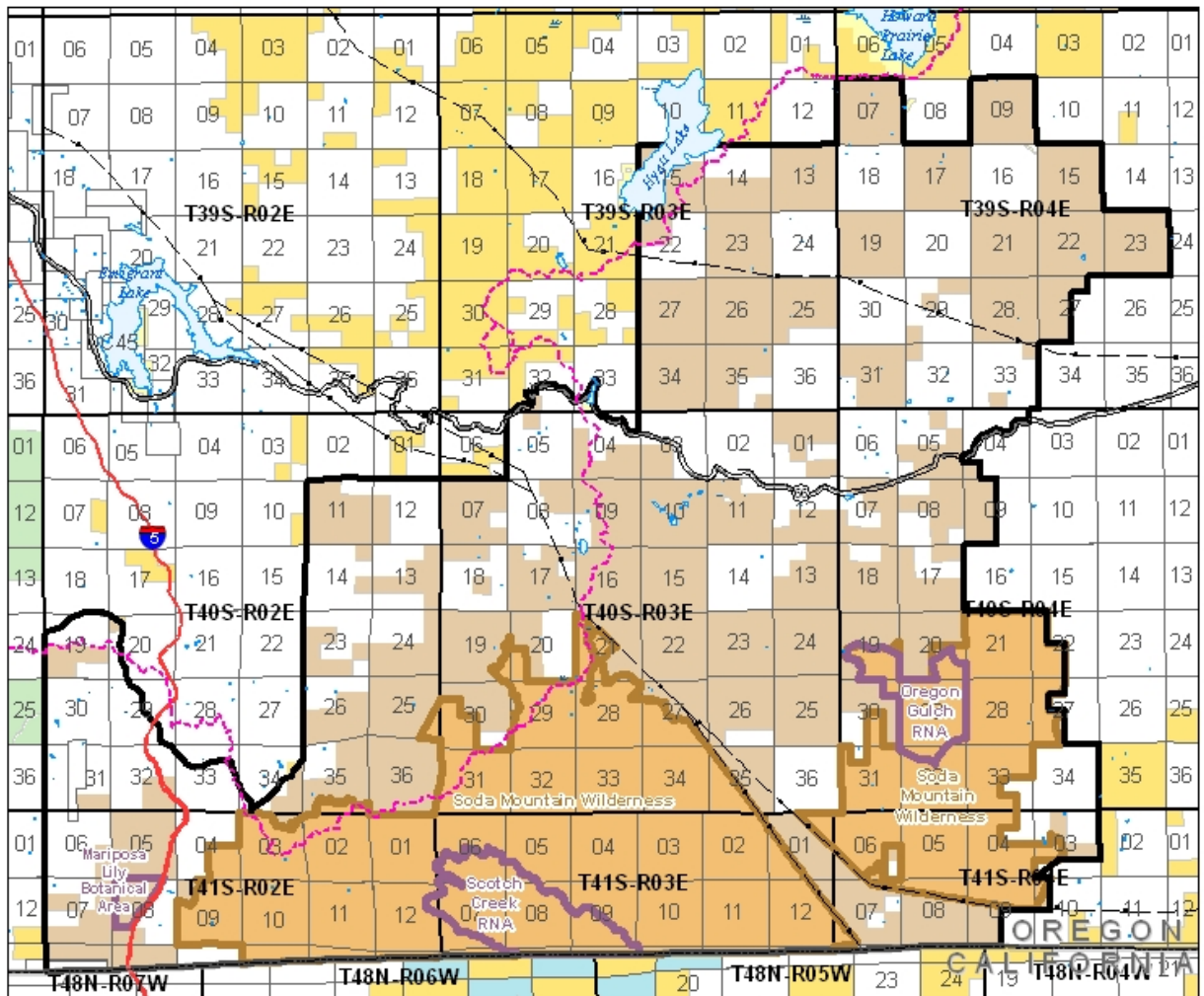
## **ISSUES AND PUBLIC SCOPING**

A Notice of Intent (NOI) to prepare a plan amendment/environmental assessment was published in the *Federal Register* on October 31, 2011. Publication of the NOI initiated the public scoping process. Public comments were accepted until November 30, 2011. No public comments were received for the proposed CSNM RMP amendment.

The interdisciplinary team (IDT) identified the following planning issue: the CSNM RMP is more restrictive than Presidential Proclamation 7318, dated June 9, 2000. The Proclamation provides for exchanges that further the protective purposes of the monument. The CSNM RMP precluded exchanges where the federal land is located within the monument, thus making it more restrictive than the Proclamation. The Proclamation permits acquisition of private property, through purchase or exchange, where the resource values to be acquired would enhance or protect the objects for which the monument was designated.

Map 1. Cascade-Siskiyou National Monument.

# Cascade-Siskiyou National Monument



U.S. DEPARTMENT OF THE INTERIOR  
 Bureau of Land Management  
 Medford District  
 3040 Biddle Road  
 Medford, OR 97504

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 Current Date: 1/27/13

### Legend

- Pacific Crest National Scenic Trail
- Power Line
- I-5
- Hwy 66
- Greater CSNM Boundary
- RNAs/Botanical
- Soda Mountain Wilderness
- Cascade-Siskiyou National Monument
- Other Bureau of Land Management
- U.S. Forest Service
- Other Federal
- State
- Private/Unknown

## **PLANNING CRITERIA**

The BLM regulations guiding the development of resource management plans and plan amendments require the preparation of planning criteria (43 CFR 1610.4-2). These criteria guide the development of the plan and ensure that it is tailored to the identified issues and that unnecessary data collection is avoided. These planning criteria are intended to streamline and simplify the process:

1. The plan amendment will be consistent with Presidential Proclamation 7318;
2. Lands addressed in the CSNM RMP will be public lands (including split estate lands) managed by the BLM. There will be no decisions in the CSNM RMP for lands not managed by the BLM;
3. The BLM will complete the plan amendment in compliance with FLPMA (43 U.S.C. 1701 *et seq.*), NEPA, and other applicable laws and regulations;
4. Where existing planning decisions are still valid, those decisions will remain unchanged and be incorporated into the new CSNM RMP amendment;
5. The plan amendment will recognize valid existing rights;
6. The BLM will use a collaborative and multi-jurisdictional approach, when practical, to determine the desired future condition of public lands; and
7. The BLM will strive to make land use plan decisions compatible with existing plans and policies of adjacent local, State, Federal, and tribal agencies, and consistent with other applicable laws and regulations governing the administration of public land.

## **DESCRIPTION OF ALTERNATIVES**

The alternatives considered are described in detail below.

### **Alternative 1 (No Action)**

This alternative would be a continuation of current management. The CSNM RMP would continue to be more restrictive than Presidential Proclamation 7318 by precluding exchanges that further “the protective purposes of the monument” where the public land involved is located within the CSNM. Land tenure adjustment decisions, LAND-1 and LAND-5 (page 103), would remain in effect and would be more restrictive than the Proclamation and withdrawal decision VER-3 (pages 115-117). The BLM would be unable to process any land exchanges where the public land involved is within the CSNM boundary, including those where it would further the protective purposes of the monument.

## **Alternative 2 (Proposed Action)**

This alternative would revoke land tenure adjustment decision LAND-1 and would revise LAND-5 on page 103 of the CSNM as follows:

LAND-5: Lands may be acquired by exchange where the public land involved in the exchange is located outside the CSNM or where the public land involved is located within the boundaries of the CSNM, as long as in either case the exchange “furthers the protective purposes of the monument.”

This alternative would be consistent with Presidential Proclamation 7318 (June 9, 2000). Revision of LAND-5 would allow for the acquisition of private property through land exchanges where such an exchange would further protect the ecological values for which the monument was designated. It would allow resolution of trespass situations through completion of a land exchange under Section 206 of FLPMA and related regulations at 43 CFR 2200, if such a resolution would further the protective purposes of the monument. This alternative would also allow the BLM to process the two land exchanges authorized under the Omnibus Public Land Management Act of 2009.

## **AFFECTED ENVIRONMENT**

The Cascade-Siskiyou National Monument is located approximately 15 miles southeast of Ashland, Oregon. The monument lies on the south side of the Medford District. The CSNM encompasses approximately 61,408 acres of federal land in southwestern Oregon (Map 1). Within the greater CSNM boundary, there are also 23,697 acres of private land. Presidential Proclamation 7318 reserved the CSNM in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archeological, and historic objects.

The heart of the monument is the 5,720-foot high Boccad Point where the Great Basin meets three mountain ranges. The older Klamath Range comes up from the south while the much younger Siskiyou Range extends from the west. Jutting up from the north is the very young Cascade Range. Evolution, long-term climatic change, and natural geologic processes (volcanism, mass wasting, etc.) operating across geological time continue to contribute to the high ecological richness of the area. Special designations within the CSNM that protect specific characteristics include the Soda Mountain Wilderness, Scotch Creek Research Natural Area, Oregon Gulch Research Natural Area, Mariposa Lily Botanical Area, and Jenny Creek Tier 1 Key Watershed.

Plant communities in the CSNM present a rich mosaic of grass and shrublands, Gary and California black oak woodlands, juniper scablands, mixed conifer forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant

communities include rosaceous chaparral and oak-juniper woodlands. Rare and endemic plants include Greene's mariposa lily, Gentner's fritillary, and Belliger's meadowfoam.

Animal species of interest include one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the CSNM is a significant center of fresh water snail diversity, and is home to three endemic fish species, including a long-isolated stock of redband trout. The CSNM contains important populations of small mammals, reptile and amphibian species, and ungulates. Bird species include the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl, the threatened northern spotted owl and the pygmy nuthatch.

There are currently two known trespass cases within the CSNM. Case File OR 66137 was discovered as a result of a cadastral survey in 1987. The BLM discovered an inadvertent trespass on public land in T. 40 S., R. 4 E., Section 5, Government Lot 2. The trespass consisted of an unauthorized fenced enclosure for hay production (approximately 4.09 acres), and an unauthorized shed (located within the 4.09 acres) with storage bays (approximate size of 15' x 24'). In addition, during a recent cultural resource inventory of Government Lot 2, the BLM discovered a Rowlett family cemetery also considered to be an inadvertent trespass.

The shed was already in existence when Don and Jean Rowlett bought their surrounding property in 1969. It is estimated to be over 50 years old. The trespass was initially resolved when BLM issued an agricultural lease to the Rowletts under Sec. 302 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1732(b). The lease case file was serialized as OR 44943. There have been several renewals of the lease, with the last renewal expiring on December 31, 2009. This lease expiration once again places the Rowlett's use of the public land in an unauthorized status.

The other known trespass case (Case File OR 66138) was discovered as a result of a cadastral survey approved in 2002. The BLM cadastral survey crew discovered that two cabins, electrical lines, a septic and drain field, and a house trailer were encroaching on public lands. The trailer and cabins are partially on public land and partially on land currently owned by the Greensprings Learning Institute (GLI) Enterprises, LLC. Literature review suggests that the two cabins were constructed in the late 1920s as residences for workers of the Henry Lumber Company located in the forest community of Lincoln, Oregon.

The *Cascade-Siskiyou National Monument Draft Resource Management Plan/Environmental Impact Statement* (DEIS) (USDI 2002, pages 13-130), the *Cascade-Siskiyou National Monument Proposed Management Plan/Final Environmental Impact Statement* (FEIS) (USDI 2005) and the *Cascade-Siskiyou National Monument Record of Decision (ROD) and Resource Management Plan* (RMP) (USDI 2008) provide detailed descriptions of the affected environment within the CSNM, and are incorporated here by reference.



## **ENVIRONMENTAL CONSEQUENCES: EFFECTS OF IMPLEMENTATION**

The effects that would result from implementing the two alternatives are analyzed in this section.

### **Alternative 1 (No Action)**

Under this alternative, the CSNM RMP would remain more restrictive than Presidential Proclamation 7318. The CSNM RMP would restrict land exchanges within the CSNM to those where the public land involved in the exchange is located outside the monument boundary, regardless of whether such an exchange would benefit monument purposes. This alternative would limit BLM's ability to acquire private property within the boundaries of the CSNM by restricting the public land involved to federal lands outside the monument boundary. The BLM could find itself unable to acquire some private properties which may contain valuable resources that may enhance or better protect the monument than the properties exchanged out of federal ownership.

This alternative would also continue to limit the BLM's ability to resolve trespass situations using land exchanges, particularly where the lands in trespass are located within the CSNM. Trespass resolution options ordinarily available to BLM managers include the following:

- removal of an unauthorized trespass per 43 Code of Federal Regulations (CFR) 9230;
- authorizing the use with a lease under Sec. 302 of the Federal Land Policy and Management Act (P.L. 54-579), as amended (FLPMA) and associated regulations at 43 CFR 2920;
- authorizing the use with a right-of-way grant under Title V of the FLPMA (and the related regulations at 43 CFR 2800);
- selling the land under Sec. 203 of the FLPMA and the related regulations at 43 CFR 2700; and
- exchanging the land under Sec. 206 of the FLPMA and the related regulations at 43 CFR 2200.

Federal lands within the CSNM were withdrawn per the Proclamation as follows:

All Federal lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The withdrawal provisions in the Proclamation (and VER-3 in the CSNM RMP) limit trespass resolution within the CSNM to two options: 1) removal of the unauthorized trespass; or 2) a land exchange "that furthers the protective purposes of the monument."

This alternative would continue to restrict the BLM's trespass resolution options within the CSNM to just one option, namely removal of the unauthorized trespass. Land exchanges involving trespass in the CSNM would not be allowed under Section 206 of the FLPMA and the related regulations at 43 CFR 2200 because the federal land encumbered by the trespass and located in the CSNM must be retained under LAND-1 and LAND-5 in the CNSM RMP (page 103).

### **Alternative 2 (Proposed Action)**

The proposed action would vacate land tenure decision LAND-1 in the CSNM RMP and modify LAND-5 to allow land exchanges where the public land involved is located within the monument, provided that the exchange "furthers the protective purposes of the monument." This alternative would provide an additional option for BLM to acquire private property located within the CSNM boundary that would protect or enhance monument purposes from willing participants.

The withdrawal provisions in the Proclamation (and VER-3 in the CSNM RMP) limit trespass resolution within the CSNM to two options: 1) removal of the unauthorized trespass; or 2) a land exchange "that furthers the protective purposes of the monument."

This alternative allows the BLM to use both trespass resolution options within the CSNM. This alternative would provide the BLM with the ability to resolve trespass situations in the monument, through land exchanges under Section 206 of FLPMA if such a land exchange would further the protective purposes of the CSNM.

The proposed action would not authorize any specific land exchanges. Specific land exchanges would be considered on a case-by-case basis and addressed through project-level decisions with further NEPA analysis and evaluation as to whether the specific land exchange "furthers the protective purposes of the monument." The proposed action would allow the BLM to consider, in subsequent NEPA analysis, land exchanges where the federal land to be exchanged is located within the CSNM, including the two exchanges authorized by the Omnibus Public Land Management Act of 2009.

In the Rowlett exchange (Case File 66137), the BLM has the potential to acquire valuable fish habitat in Keene and Lincoln Creeks for the Jenny Creek sucker and redband trout in exchange for an isolated federal parcel without legal access that has historically been used for agricultural purposes.

The Deerfield (now owned by GLI Enterprises, LLC) exchange (Case File 66138) could allow the BLM to exchange a parcel of land encumbered by a historic residential development for an intact, mature forest stand that is immediately adjacent to other federal lands within the CSNM.

## **LIST OF PREPARERS**

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## **REFERENCES**

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