

**DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
TWIN FALLS DISTRICT  
JARBIDGE FIELD OFFICE  
2536 Kimberly Road  
Twin Falls, ID 83301**

**Full Force and Effect  
Decision Record  
For the Balanced Road Fire (GWL8)  
Emergency Stabilization and Burned Area Rehabilitation (ES&BAR) Project  
NEPA No. DOI-BLM-ID-T010-2012-0017-DNA**

## **I. PROPOSED ACTION**

The proposed action is to implement the Balanced Road (GWL8) ES&BAR plan as prescribed by the Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan and Environmental Assessment. Treatments and associated design features and monitoring are detailed in the Balanced Road Fire ES&BAR plan. The proposed action includes the following treatments:

- (1) Aerial seed Wyoming big sagebrush on 6,241 acres at a rate of 1 lb (bulk)/acre during fall/winter 2012/2013.
- (2) Inventory and treat 6,241 acres for noxious weeds for 3 years.
- (3) Repair or replace up to 10 miles of burned livestock management and permanent wildlife tract protection fence.
- (4) Close the burned area to grazing until resource objectives for the burned area have been met.
- (5) Hand plant up to 50,000 containerized or bare-root Wyoming big sagebrush seedlings, if necessary, to supplement aerial sagebrush seeding and establish shrub patches. Planting would occur in early spring or late fall and would utilize contract-grown plants using seed from a local source.
- (6) The wildlife tracts BG-41 and BG-42 will be monitored for germination of cheatgrass or other invasive non-native annual plants prior to drill seeding. If necessary, the herbicide *Glyphosate* would be ground-applied on up to 120 acres in summer or fall 2012 at a rate of 8-16 ounces/acre of active ingredient to control invasive non-native annual plants.
- (7) Drill seed 120 acres of burned wildlife tracts BG-41 and BG-42 in fall 2012.

## **II. PLAN CONFORMANCE REVIEW**

The proposed action is subject to, and in conformance with, the Jarbidge Resource Management Plan (RMP), approved March 23, 1987. The proposed action has been reviewed for conformance with the plan (43 CFR 1610.5). The proposed action was designed in conformance with all Bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

### **III. EXISTING NEPA REVIEW**

A Determination of NEPA Adequacy (DNA) worksheet was completed for the Balanced Road ES&BAR plan ((DOI-BLM-ID-T010-2012-0017-DNA). As discussed in the DNA, the activities included in this proposed action were adequately analyzed in the Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan and Environmental Assessment (EA #ID-090-2004-050); the Boise District and Jarbidge Field Office Noxious and Invasive Weed Treatment EA (#ID-100-2005-265); the Twin Falls District Wildlife Tracts Habitat Enhancement EA (#ID-210-2008-EA-248); and the Jarbidge Field Office Shrub Planting EA (#ID-201-2008-EA-359).

The following criteria have been reviewed and determined to adequately address the proposed action as described in the DNA worksheet for the Balanced Road ES&BAR plan:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?
2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?
3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?
4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?
5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

### **IV. DECISION**

It is my decision to implement the Balanced Road (GWL8) ES&BAR plan. I have reviewed the Balanced Road ES&BAR plan for conformance with the 1987 Jarbidge RMP and NEPA compliance record. I have determined that this project is in conformance with the 1987 Jarbidge RMP and that no further environmental analysis is required.

## **Appeals**

This wildland fire management decision is issued using Full Force and Effect (FFE) authority granted under 43 CFR 4190.1, and according to Washington Office Instruction Memorandum No. 2003-232, and is effective immediately. Thus, notwithstanding the provisions of 43 CFR 4.21 (a) (1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed (43 CFR 4.416).

My rationale for issuing this decision under the FFE authority is that the burned area stabilization and rehabilitation treatments outlined in the Balanced Road ES&BAR plan require immediate implementation to mitigate the effects of wildland fire on the soil and vegetation resources and habitat for special status species.

If an appeal is made, your notice of appeal must be filed in writing as a hard copy via United States Postal Service or other recognized letter carrier. The appeal must arrive within 30 days of the date of service of this decision and be addressed to the Jarbidge Field Office, 2536 Kimberly Road, Twin Falls, ID 83301. The appellant has the burden of showing that the decision is adverse to you and is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 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. 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on any person named [43 CFR 4.421 (h)] in the decision and the Office of the Solicitor, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706.

/s/ Codie Martin, Acting  
Brian W. Davis  
Jarbidge Field Office Manager

6/22/2012  
Date

Copies sent to:

Guerry, Inc., P.O. Box 687, Castleford, ID 83321

Wood River Ranches, P.O. Box 479, Bellevue, ID 83313

Cedar Creek Cattle Co., 1301 Highway 67, Grandview, ID 83624

Jerome Hansen, Idaho Department of Fish and Game, 324 S. 417 E., Ste. 1, Hwy 93  
Business Park, Jerome, ID 83338

Tim Duffner, Idaho Department of Lands, South Central Supervisory Area, 324 S. 417  
E., Ste. 2, Jerome, ID 83338

Jon Marvel, Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333

Katie Fite, Western Watersheds Project, P.O. Box 2863, Boise, ID 83701

Stan T. Boyd, Boise District Grazing Board, P.O. Box 2596, Boise, ID 83701

Owyhee Cattlemen's Association, P.O. Box 400, Marsing, ID 83639

Michael E. Stanford, 3581 Cliffs Road, Jordan Valley, OR 97910

Ted Hoffman, High Desert Coalition, Inc., 220 Elmcrest St., Mountain Home, ID 83647-  
2467

John Robison, Idaho Conservation League, P.O. Box 844, Boise, ID 83701

Brett Stevenson, Idaho Conservation League, P.O. Box 2671, Ketchum, ID 83340

Sean Woodhead, Idaho Department of Environmental Quality, 1363 Fillmore Street,  
Twin Falls, ID 83301

Steve Jakubowics, Committee for the High Desert, P.O. Box 2863, Boise, ID 83701

Jim Desmond, Owyhee County Board of Commissioners, P.O. Box 128, Murphy, ID  
83650

Ron Kay, Idaho Department of Agriculture, 2270 Old Penitentiary Rd., Boise, ID 83701

Jeff Cook, Idaho Department of Parks and Recreation, P.O. Box 83720, Boise, ID 83720-  
0065

Nevada Cattlemen's Association, P.O. Box 310, Elko, NV 89803-0310

Chet Brackett, Friends of the Jarbidge, Box 111, Rogerson, ID 83302