

**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 Horse Butte Fire (G61H)
Emergency Stabilization and Burned Area Rehabilitation (ES&BAR) Project
NEPA No. DOI-BLM-ID-T010-2012-0022-DNA**

I. PROPOSED ACTION

The proposed action is to implement the Horse Butte (G61H) ES&BAR plan as prescribed by the Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan and Environmental Assessment (EA, #ID-090-2004-050), approved May 12, 2005. Treatments and associated design features and monitoring are detailed in the Horse Butte Fire ES&BAR plan. The proposed action includes the following treatments:

- Drill seed about 738 acres with a native grass and native/non-native forb seed mix in fall 2012.
- Hand plant up to 7,000 containerized or bare-root Wyoming big sagebrush in early spring or late fall 2013. If possible, plants would be contract grown using seed collected from a local source.
- Inventory and treat 738 acres for noxious weeds for 3 years.
- Repair or replace up to 0.5 mile of burned livestock management fence.
- Close the burned area to livestock grazing until ES&BAR objectives have been met.

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 Horse Butte ES&BAR plan (DOI-BLM-ID-T010-2012-0022-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), 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 Horse Butte 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 Horse Butte (G61H) ES&BAR plan. I have reviewed the Horse Butte 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 Horse Butte 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/ Brian W. Davis
Brian W. Davis
Jarbidge Field Office Manager

9/12/2012
Date