



United States Department of the Interior  
**BUREAU OF LAND MANAGEMENT**  
Burley Field Office  
15 East 200 South  
Burley, Idaho 83318  
(208) 677-6600



**Full Force and Effect  
Decision Record  
for the  
Little Birch Creek Emergency Stabilization and Burned Area Rehabilitation Project  
#DOI-BLM-ID-T020-2012-0030-DNA**

## **I. PROPOSED ACTION**

A total of 349 acres of public land within the Little Birch Creek fire will be stabilized and rehabilitated through implementation of aerial seeding, mastication, noxious weed control efforts, fence repair or replacement and accompanying range management and monitoring (See attached ES&BAR plan).

## **II. PLAN CONFORMANCE REVIEW**

The applicable land use plan for this ES&BAR project is the 1985 Cassia Resource Management RMP as amended in 2008 by the Fire, Fuels and Related Vegetation Management Direction Plan Amendment (FMDA). Proposed ES and BAR plan actions also conform to the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management.

## **III. EXISTING NEPA REVIEW**

The proposed actions are addressed in the 2005 Normal Fire Rehabilitation Plan (NFRP) and Environmental Assessment (EA) for the Shoshone and Burley Field Offices (EA# ID-077-2004-008), Burley Field Office EA for Noxious Weed Management Plan (EA# ID-020-88-16) and Burley Landscape Sage Grouse Habitat Restoration (EA# ID-020-2010-002).

These EAs have been reviewed against the following criteria to determine if they adequately address the proposed action:

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. The range of alternatives analyzed in the existing ES is appropriate to this project.
3. The existing analysis is still valid and there has been no new information or circumstances that would substantially change the analysis.
4. The direct, indirect, and cumulative impacts of the proposed action are similar to those identified in the existing document.

5. Public involvement in the previous analysis is adequate for the proposed action.

#### **IV. DECISION**

I have decided to implement the Little Birch Creek Fire Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) Plan. I have reviewed the Little Birch Creek ES&BAR plan has been reviewed for conformance with the Cassia RMP as amended by the FMDA and it has been determined that the proposed project is in conformance with an approved land use plan. I have also reviewed this project for NEPA compliance and no further environmental analysis is required. This decision will implement livestock grazing closures on portions of the Matthews Goose Creek and Birch Creek Allotments beginning in the 2013 grazing season and extending for two growing seasons or until monitoring shows the ES treatment objectives have been met or determined to be a failure (criteria listed on pgs. 16-17 in ES&BAR plan).

#### **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).

The rationale for issuing this decision under the FFE authority is that the treatments outlined in the Little Birch Creek ES and BAR plan requires immediate implementation to mitigate the effects of wildland fire on the soil and vegetation resources.

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 posted date of this decision and be addressed to the Burley Field Office at 15 East 200 South, Burley, Idaho 83318. 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 (58 FR 4939, January 19, 1993) 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 Field Solicitor, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/ Michael C. Courtney  
Burley Field Manager

September 17, 2012  
Date