

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

Decision Record **Effective Immediately**

DOI-BLM-W010-2013-0006-DNA

Decision:

Given the emergency nature of stabilization treatments, this decision authorizes implementation of treatments immediately under 43 CFR 5003.1.

It is my decision to approve the Hanson Fire Emergency Stabilization and Rehabilitation (ESR) plan immediately including monitoring subject to standard operating procedures identified in the Normal Year Fire Rehabilitation Plan and Environmental Assessment #NV-020-04-21 which are hereby incorporated into this decision.

Rationale:

The BLM has made the determination that as a result of the Hanson fire, affected vegetative communities, particularly sage brush communities within Sage Grouse Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH), are at risk from long term habitat degradation due to the presence of invasive annual grasses and other noxious weeds within new disturbance. Soil resources are at risk from combined wind and water erosion, wildlife habitat values have been unacceptably compromised with limited potential for natural recovery, and other resources on the public lands are at immediate risk of erosion or other damage.

The Winnemucca District Office has established the Emergency Stabilization and Rehabilitation (ESR) program, which is analyzed in the Normal Year Fire Rehabilitation Plan Environmental Assessment and which has eight principle objectives:

- 1) To promptly stabilize and prevent further degradation to affected resources on lands within a fire perimeter.
- 2) To repair damages caused by fire suppression operations in accordance with approved land management plans, regulations, policies, and all relevant federal, state, and local laws.
- 3) Prevent losses of private structures and property on public lands.

- 4) To prescribe cost effective post-fire stabilization measures necessary to protect human life, property, and critical cultural and natural resources.
- 5) To repair or improve lands damaged directly by the wildland fire and unlikely to recover naturally from severe fire damage by emulating historic or pre-fire ecosystem structure, function, diversity, and dynamics.
- 6) To restore and/or establish healthy, stable ecosystems in the burned area, even if these ecosystems cannot fully emulate historic or pre-fire condition.
- 7) To restore sagebrush habitats that fall within sage-grouse/sagebrush obligate species use areas.
- 8) Deter the establishment and spread of noxious weeds.

Due to the presence of Medusahead rye and cheatgrass within the project areas proposed for ground seeding, the use of non-native species are justified due to their immediate availability within the appropriate biological window for ground seeding, the increased probability of successful seedling establishment, and their known competitive potential when seeded into lands affected by invasive annual grasses. The use of forage kochia is also justified in the western portion of the proposed aerial seeding area due to its extremely high forage value for Mule Deer and history of successful germination and seedling establishment in areas that are severely droughty and compromised by the presence of invasive annual species.

Aerial seeding with native forbs and sagebrush will accelerate natural succession, and provide more immediate opportunity for habitat recovery for Sage Grouse and other wildlife species.

The use of live willow stakes and in-stream brush recruitment will mitigate risk of sedimentation to private landholder irrigation impoundments and will mitigate risk of accelerated streambank erosion in severely burned riparian areas by reducing water velocity and presenting opportunity for sediment drop-out.

Application of Imazapic (Plateau) has shown to be extremely effective at controlling seed germination and seedling establishment of invasive annual grasses such as cheatgrass and Medusahead rye, with little effect to seeded perennial grasses. The use of Plateau is analyzed in the Paradise Fuelbreak Maintenance Environmental Assessment and the Santa Rosa Fuelbreak Project Environmental Assessment.

- The proposed action is in conformance with and is consistent with the Paradise-Denio Management Framework Plan (MFP).
- Based on the environmental analysis, it is determined that the proposed action will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations,

- policy, and plans.
- The proposed action will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.

Conformance:

The actions proposed are in conformance with the following documents:

LUP Name*_ Paradise-Denio Management Framework Plan (MFP)
Date Approved__1982_____

Other document_ Winnemucca District Fire Management Plan ____
Date Approved__September 2004__

Applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action:

- **Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement** Record of Decision 1991.
- **Normal Year Fire Rehabilitation Plan Environmental Assessment** EA# NV-020-04-21, Decision Record and Finding of No Significant Impact 8/19/04.
- **Vegetation Treatment Using Herbicides on BLM Lands in Seventeen Western States Programmatic Final Environmental Impact Statement**, Record of Decision 9/29/07.
- **Integrated Weed Management Environmental Assessment** NV-020-02-19, Decision Record and Finding of No Significant Impact 8/27/02.
- **Santa Rosa Fuelbreak Project Environmental Assessment** No.: DIO-BLM-NV-WO10-2010-0003-EA
First Decision (February 2010) Second Decision (May 2010)
- **Paradise Fuelbreak Maintenance Environmental Assessment** No.: DOI-BLM-NV-WO10-2010-0009-EA (July 2010)
- **Biological Opinion for the Normal Year Fire Rehabilitation Plan** (August 2004)
- **A Report on National Greater Sage-Grouse Conservation Measures.**
Produced by: Sage-grouse National Technical Team, 12/21/2011 (pp 27)
- **Greater Sage-Grouse Interim Management Policies and Procedures**, IM 2012-043

Authority:

This wildfire management decision is issued under **43 CFR 5003.1** and is effective immediately.

Consultation and Coordination in Development of the DNA:

Coordination with Nevada Department of Wildlife and U.S. Fish and Wildlife Service, and Tribal consultation by the Native American Coordinator has occurred for this project. A pre-planning field trip occurred with the Interdisciplinary Team to assess the fire area and possible treatments.

Administrative Review or Appeal Opportunities.

The BLM has made the determination that vegetation, soil, or other resources on the public lands are at immediate risk of erosion or other damage due to wildfire. 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. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. 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.

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Edward Seum, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Preparer _____ Eric Baxter /s/ _____

Authorized Officer Signature

_____ Edward Seum /s/ _____ Date _____ 11-8-2012 _____