

**DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
TWIN FALLS DISTRICT
BURLEY FIELD OFFICE
15 East 200 South
Burley, ID 83318**

**Full Force and Effect
Decision Record
For the Emery (HM2X)
Emergency Stabilization and Burned Area Rehabilitation (ES&BAR) Project
NEPA No. DOI-BLM-ID-T020-2013-0034-DNA**

I. PROPOSED ACTION

The proposed action is to implement the Emery (HM2X) ES&BAR plan as prescribed by the Shoshone and Burley Field Offices Normal Fire Rehabilitation Plan and Environmental Assessment (#ID-077-2004-008), approved May 24, 2005. Treatments and associated design features and monitoring are detailed in the Emery Fire ES&BAR plan. The proposed action includes the following treatments:

- Chain about 460 acres after an aerial applied native grass seed mix in fall 2012.
- Aerial seed about 572 acres with Wyoming big sagebrush seed.
- Inventory and treat 572 acres for noxious weeds for 3 years.
- Repair or replace up to 2 miles of burned livestock management fence.
- Build approximately 2 miles of temporary protective fence to protect the seeding treatments from livestock.

II. PLAN CONFORMANCE REVIEW

The applicable land use plan for this ES&BAR plan is the 1985 Cassia Resource Management Plan (RMP) as amended in 2008 by the Fire, Fuels and Related Vegetation Management Direction Plan (FMDA). The proposed ES&BAR plan actions also conform to the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management. 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 Emery ES&BAR plan (DOI-BLM-ID-T020-2013-0034-DNA). As discussed in the DNA, the activities included in this proposed action were adequately analyzed in the Shoshone and Burley Field Offices Normal Fire Rehabilitation Plan and Environmental Assessment (EA #ID-077-2004-008) and the Burley Field Office Noxious Weed Management Plan EA (#ID-020-88-16).

The following criteria have been reviewed and answered in the attached document of NEPA adequacy. Through the questions and answers in the DNA worksheet, I have determined the NEPA is adequate for the Emery 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 Emery (HM2X) ES&BAR plan. I have reviewed the Emery ES&BAR plan for conformance with the 1985 Cassia RMP as amended by the 2008 FMDA and it has been determined that the proposed projects are 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 in accordance with 43 CFR 4110.3-2 (a) on portions of the Goose Creek Group Allotment beginning in the 2014 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 pg. 31 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).

My rationale for issuing this decision under the FFE authority is that the burned area stabilization and rehabilitation treatments outlined in the Emery 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 Burley Field Office, 15 East 200 South, Burley, ID 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 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/ Michael C. Courtney

Michael C Courtney
Burley Field Manager

8/26/2013

Date