**DEPARTMENT OF INTERIOR**
**BUREAU OF LAND MANAGEMENT**
**TWIN FALLS DISTRICT**
**SHOSHONE FIELD OFFICE**
**400 WEST F St.**
**SHOSHONE, IDAHO 83352**

**Full Force and Effect**
**Decision Record**
**For the**
**Beaver Creek Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) Project**
**#DOI-BLM-ID-T030-2013-0027-DNA**

## I. PROPOSED ACTION

The proposed action is to implement the Beaver Creek Emergency Stabilization and Burned Area Rehabilitation (ES/BAR) plan as prescribed by the Shoshone Normal Fire Rehabilitation Plan and Environmental Assessment and outlined in the Beaver Creek ES/BAR plan. The proposed action entails 3,505 acres of vegetation treatment by aerial seeding, aerial mulching of 572 acres, a timber slash treatment on 572 acres, implementing detection and control of noxious weeds on 8,063 acres, hand planting of sagebrush seedlings, 2.0 miles of fence repair, 11 miles of recreation trail repair, 1.0 mile of road repair, a livestock grazing and human entry closure, monitoring, and a private landowner stabilization proposal (See attached ES/BAR plan and Runoff and Erosion Control Plan).

## II. PLAN CONFORMANCE REVIEW

The proposed actions are in conformance with the Sun Valley Management Framework Plan of 1981. The project is also in conformance with the analysis of Alternative E, the selected alternative, in the 2008 Final Fire, Fuels and Related Vegetation Management Direction Plan Amendment (FMDA) and Environmental Impact Statement (EIS). The Final FMDA and EIS amends all land use plans for the Shoshone Field Office except the Crater of the Moon National Monument and Preserve Management Plan, to provide direction and guidance for fire/fuels and related vegetation management.

## III. EXISTING NEPA REVIEW

A Determination of NEPA Adequacy (DNA) was completed for the Beaver Creek Emergency Stabilization and Burned Area Rehabilitation project. As discussed in the DNA (NEPA# BLM-DOI-T030-2013-0027-DNA), the activities included in this proposed action were adequately analyzed in the 2005 Normal Fire Rehabilitation Plan and Environmental Assessment (EA) for the Shoshone and Burley Field Offices (EA# ID-077-2004-008) and the 1992 Shoshone District EA for Noxious Weed Control (EA# ID-050-EA-92031).

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

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

The decision is to implement the Beaver Creek Emergency Stabilization and Burned Area Rehabilitation Plan. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with an approved land use plan 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 Rehabilitation treatments outlined in the Beaver Creek ES/BAR plan require 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 date of service of this decision and be addressed to the Shoshone Field Office at 400 West F Street; Shoshone, Idaho 83352. 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) or 43 CFR 2804.1 or 43 CFR 2884.1 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/ Elizabeth Maclean 10/17/13
Elizabeth Maclean Date
Shoshone Field Office Manager