



United States Department of the Interior



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In Reply Refer to:
5003.1 (NV024.09)

Decision Record **Effective Immediately**

DOI-BLM-W010-2013-0072-DNA

Introduction

During the summer of 2013 the Porcupine Fire burned 530 acres of combined Bureau of Land Management (BLM) and US Forest Service (USFS) public lands. The Porcupine Fire burned 375 acres of BLM managed public lands within the Andorno Allotment, which is within the jurisdiction of the Humboldt River Field Office (HRFO). After an interdisciplinary review it was determined that Emergency Stabilization and Rehabilitation (ESR) was needed to maintain and/or restore important resources affected by the fire. These resources include such components as vegetation structure, vegetative composition, wildlife habitat, and forage for wildlife and livestock.

Background

The Porcupine Fire was ignited by lightning on June 9, 2013 and contained on June 10, 2013. The Porcupine Fire area burned in close proximity to Greater Sage Grouse Preliminary Priority Habitat (PPH), as defined by the BLM. All of the burned area occurred within sage grouse winter-range as defined by the Nevada Department of Wildlife (NDOW). Within the burned area, 197 acres is defined as mule deer crucial winter habitat, and 136 acres is classified as bighorn sheep habitat as defined by NDOW. The entire burned area is defined as year-round habitat for pronghorn.

An ESR plan was developed to identify the treatments needed to maintain and/or restore resources within the burned area and to establish a healthy, stable ecosystem. The ESR plan includes ground seeding of 125 acres of BLM managed public lands with Wyoming big sagebrush, Sandberg's bluegrass, fourwing saltbush, bluebunch wheatgrass, and other site-adapted native plant species, planting of sagebrush seedlings in areas not suitable for ground seeding, and the management of invasive plants on up to 20 acres annually through the year 2016.

DECISION:

Given the emergency nature of stabilization treatments, this is a “Full Force and Effect” decision authorizing implementation of treatments immediately under 43 CFR 5003.1.

It is my decision to approve the Porcupine Fire ESR Plan as proposed in the Determination of NEPA Adequacy (DNA), DOI-BLM-NV-W010-2013-0072-DNA, including all environmental protection measures which are attached to this decision, and 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 Porcupine Fire, affected vegetative communities, particularly sagebrush communities are at risk from long term habitat degradation due to the presence of invasive annual plant species within the fire disturbance. Without management action in the form of seeding and planting, the vegetative community affected by the Porcupine Fire is unlikely to recover within a reasonable amount of time, and may not fully recover naturally. Soil resources are at risk from combined wind and water erosion, wildlife habitat values have been unacceptably compromised with limited potential for recovery, and other resources on the public lands are at immediate risk of erosion or other damage.

The Winnemucca District has established the ESR program, which was analyzed in the Normal Year Fire Rehabilitation Plan Environmental Assessment 2004 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 invasive and/or noxious weeds.

The use of Wyoming big sagebrush, Sandberg's bluegrass, and fourwing saltbush at this site would allow for the re-establishment of shrub structure and would also allow for the long-term seedling recruitment as a result of the seeded shrubs successfully reproducing. The seeds of fourwing saltbush are long-lived and will increase the probability of successful shrub establishment as a result of the seeding over time. Sandberg's bluegrass is known to be an aggressive competitor with annual invasive plants. Bluebunch wheatgrass is known from the ecological site and has been used successfully on similar sites across the Winnemucca District in the past in order to provide a deep rooting perennial grass component to fire-affected ecosystems.

Monitoring will be oriented toward addressing the following questions: 1) Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion? 2) Is there evidence that a self-sustaining community has established? 3) Are vegetative reproduction and establishment of the desirable species occurring? When possible, all monitoring sites will have adjacent, non-treated reference sites established to compare results of treatments. Density and cover measurements will be utilized to determine the effectiveness of the seeding treatment.

ESR treatment efficacy objectives are defined as follows:

For drill or ground seeded areas:

1. Obtain an average of 0.25 sagebrush plant per meter² by the end of the third year from fire containment, which occurred on 06/10/2013.
2. Obtain an average of 1 perennial, seeded species per meter² by the end of the third year from fire containment, which occurred on 06/10/2013.
3. Obtain 50% or greater perennial cover of the low potential perennial plant cover for the appropriate ecological site by the end of the third year from fire containment.
4. The ground seeding would result in lower abundance (density and cover) of invasive annual plant species and a higher abundance of desirable perennial plant species when compared with unseeded control areas (if controls are available).
5. Seeded species are well established. Grasses are reproductive.
6. Obtain the above results by the end of the third year after fire containment, which occurred on 6/10/2013.

For planted areas:

1. Obtain a survival rate of all planted stock exceeding 50% after the first year following planting.
2. Maintain plant survival after the second year following planting.
3. Observe successful establishment, evidenced by new leader growth on or before the third year following planting.

For invasive species management:

1. Thoroughly inventory and document areas infested by noxious weeds within the Porcupine Fire perimeter.
2. Prohibit noxious weed infestations from expanding beyond their current size and reduce or eliminate infestations where possible, with critical resource areas being prioritized for control efforts.

The actions identified in this decision have received National Environmental Policy Act (NEPA) review in a Determination of NEPA Adequacy, DOI-BLM-NV-W010-2013-0072-DNA. On the basis of the information contained in the DNA, it is my determination that implementation of the management actions will not have environmental impacts beyond those already addressed in the NEPA documents identified in the DNA.

- 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 to the maximum extent possible with federal law and Federal Land Policy and Management (FLPMA), 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.
- Based on the President's National Energy Policy and Executive Order 13212, the Proposed Action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse: Energy Impact" is required per WO 1M No 2002-053 and NV 1M 2002-049.

Conformance:

The actions proposed are in conformance with the following documents:

Land Use Plan: Paradise-Denio Management Framework Plan (MFP)
Date Approved: 1982

Other document:

Winnemucca District Fire Management Plan
Date Approved: September 2004

The Winnemucca District Normal Year Fire Rehab Plan
Date Approved: 2004

Applicable NEPA documents and other related documents that cover the proposed action:

- Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement, 05/91, Record of Decision 07/91.
- Normal Year Fire Rehabilitation Plan Environmental Assessment EA# NV-020-04-21, 06/2004, 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, 07/2007, Record of Decision 9/29/07.
- Integrated Weed Management Environmental Assessment NV-020-02-19, 8/07/02, Decision Record and Finding of No Significant Impact 8/27/02.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- IM NV 2012-043 Greater Sage-Grouse Interim Management Policies and Procedures (December 2011)
- IM 2012-044 BLM National Greater Sage-Grouse Land Use Plan Strategy. A Report on National Greater Sage-Grouse Conservation Measures. Produced by: Sage-grouse National Technical Team, 12/21/2011 (pp 27)
- Biological Opinion for the Normal Year Fire Rehabilitation Plan (August 2004)

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 has occurred for this project with NDOW in the form of meetings at the Winnemucca District Office on 10/30/2013 with the project lead, and the affected livestock permittee on 11/14/2013 by the Winnemucca District Range Management Specialist in the form of a phone call.

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 Derek Messmer, 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)).

Authorized Officer Signature

/s Derek Messmer
Derek Messmer
Field Manager
Humboldt River Field Office

12/11/2013
Date

Attachment