



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Pocatello Field Office  
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In Reply Refer To:  
State Fire ES&R

December 12, 2013

**NOTICE OF**

**State Fire Emergency Stabilization & Rehabilitation Plan Implementation**

Introduction:

This decision implements the emergency stabilization and rehabilitation treatments associated with the State Fire. The State Fire started on August 8, 2013, and burned approximately 30,631 acres of which 15,964 acres were public land in the state of Idaho. An Emergency Stabilization and Rehabilitation Plan was developed for the public lands that were burned in cooperation with the permittees, local users and the Idaho Department of Fish and Game. The plan was approved on September 17, 2013.

A review of the Normal Fire Rehab Plan (NFRP) (EA# ID-320-2005-003) was conducted to determine if the proposed actions were adequately analyzed in conformance with the National Environmental Policy Act (NEPA). Based on a review of the existing Environmental Assessment (EA) and Land Use Plan, a Determination of NEPA Adequacy (DNA) (DOI-BLM-ID-ID-I020-2012-0001) was completed and signed on December 12, 2013.

Decision:

It is my decision to implement the following actions outlined in the State Fire Emergency Stabilization and Rehabilitation Plan (pages 11-18). This includes:

1. Noxious weed inventory, control and monitoring within the burn area.
2. Road maintenance within the burned area.
3. Temporary closure of designated roads and trails to motorized vehicle use.
4. Aerial seeding of sagebrush on approximately 3,000 acres.
5. Planting of tree seedling within identified burned timber stands.
6. Reconstruction of existing range improvements effected by the fire.

This decision will be effective immediately.

Rational for Decision:

Approval of the proposed action will help to ensure that the natural resources within the burned area are not permanently degraded. This decision is in conformance with the Pocatello Resource Management Plan (Approved April 2012).

A review was conducted of the Idaho Falls District BLM's Normal Fire Rehabilitation Plan (NFRP) (EA# ID-320-2005-001). It was determined that the NFRP adequately analyzed the actions proposed in the State ES&R Plan and a DNA was completed.

The burned area currently has an increased susceptibility of new weed establishment. The treatment of weeds will reduce the potential for new weed infestations until native vegetation can become established.

It is expected that there will be water erosion damage and sediment deposits on the main road. Prior to reopening the road, blading and fixing the road will allow it to be safe and passable for vehicular traffic. Cleaning out livestock reservoirs located within the outflow of large drainages would further reduce the potential for increased erosion and sediment damage to the road.

Portions of the fire burned within big game winter habitat as well as preliminary general habitat for sage grouse (S.G.). Seeding sagebrush will reduce the recovery time for the shrubs, which will in turn stabilize the loss of suitable S.G. and mule deer winter range habitat. Immediate implementation of this decision will allow for the purchasing of seed and initialization of the contract for aerial application. Seeding is planned to occur in the winter on snow to improve chances for germination and establishment.

The burned area included several isolated timber stands. Within identified stands natural seed dispersal would be greatly if not completely reduced due to the intensity of the fire and the distance of these stands in relation to adjacent unburnt stands. The planting of tree seedlings within these identified sites would reduce the recovery time stabilizing habitat for migratory birds by providing nesting, roosting and feeding habitat and by providing big game with thermal and security cover.

Several types of fences existed within the burned area (let-down wire fence, permanent wire and wood fence). The burned area is designated for livestock grazing and consists of several pastures. Inventory and repair of fences will allow for the proper management of livestock grazing.

The fire burned components of several water developments within the Samaria Allotment. This area is designated for livestock grazing. These water developments are critical to the proper management of livestock grazing. Inventory and repair of these developments will allow for the proper management of livestock grazing.

#### Authority

43 Code Of Federal Regulation (CFR) 4191.1(a): Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

Wildfire management includes but is not limited to:

- (1). Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
  - (2). Projects to stabilize and rehabilitate lands affected by wildfire.
- (b). The Interior Board of Land Appeals will issue a decision on the merits of an appeal of a wildfire management decision under paragraph (a) of this section within the time limits prescribed in 43 CFR 4.416.

#### Appeals

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial 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. 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 as contained in 43 CFR 4.416.

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). If you wish to appeal, please send your appeal document in writing to David A. Pacioretty, Field Manager, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, Idaho 83204. 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 30 days after the date of service. No extension of time may be granted for filing the notice of appeal.

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(attached) provides additional information regarding filing an appeal.

The appellant shall serve a copy of the notice of appeal and any statement of reasons, 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, (Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706). Service must be accomplished as prescribed by regulation (43 CFR 4.401(c)), no later than 15 days after filing the document.

In addition, within 15 days of receipt of this decision, you have the right to file a petition for a stay of the decision together with your notice of appeal in accordance with the regulations at 43 CFR 4.21. Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards (4.21):

- (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.

Sincerely,

/s/ David A Pacioretty

David A. Pacioretty  
Field Manager