

**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
Preacher Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR)
Project
#DOI-BLM-ID-T030-2014-0033-DNA**

I. PROPOSED ACTION

The proposed action is to implement the Preacher ES and BAR plan as prescribed by the 2013 Twin Falls District Programmatic Emergency Stabilization and Rehabilitation Plan (PESRP) and Environmental Assessment (EA) and outlined in the Preacher ES and BAR plan. The proposed action entails 12,350 acres of vegetation treatment by drill seeding, ground detection and control of noxious weeds utilizing herbicides and bio-control, 15,000 acres of aerial sagebrush and forb seeding, hand planting of sagebrush seedlings, 45 miles of fence repair, repair of a wildlife guzzler and pump/generator house, a livestock grazing closure, and monitoring (See attached Preacher ES and BAR plan).

II. PLAN CONFORMANCE REVIEW

The applicable land use plans for the Preacher ES and BAR project area are the 1976 Timmerman Hills Management Framework Plan (MFP), the 1985 Monument Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) and the 2006 Craters of the Moon National Monument and Preserve Management Plan (Craters MP) and FEIS which provides a framework for cooperative management of Monument lands by the National Park Service (NPS) and the Bureau of Land Management (BLM).

Timmerman Hills MFP

The proposed action is in conformance with the 1976 Timmerman Hills MFP, even though it is not specifically provided for, because it is clearly consistent with multiple-use recommendations and decisions. Wildfire rehabilitation is not specifically addressed in the MFP; however, seeding rangeland is discussed in broad terms. Rehabilitation of this burned area meets the underlying objectives of the MFP to provide for stable soils, wildlife, and range resource values.

Monument RMP

The Monument RMP states that lands administered by the BLM in this area will be managed in order to:

- 1) Maintain or improve wildlife habitat for crucial mule deer winter range;
- 2) Improve poor or fair condition rangeland;
- 3) Maintain, improve, protect, and restore watershed conditions; and
- 4) Control the spread of noxious weeds on public lands and eradicate them where possible and economically feasible.

Craters MP

The 2006 Craters MP provides a framework for cooperative management of Monument lands by the National Park Service and the Bureau of Land Management. The Record of Decision adopting the MP was signed on September 12, 2006 by the Idaho BLM State Director and the NPS Northwest Regional Director.

The key components of the approved MP related to ESR activities include:

- 1) Emphasizing the protection of vegetative resources in North Laidlaw Park
- 2) Maintaining a road network suitable for aggressive fire suppression and restoration activities within the Monument
- 3) Promoting a proactive Integrated Weed Management Program
- 4) Proactively protecting and restoring sagebrush steppe communities

In addition, the Craters MP states:

“In the event of a wildland fire, burned areas would be rehabilitated when necessary to restore the appropriate mosaic of sagebrush species and subspecies, along with a diverse perennial understory, and to suppress invasive and noxious weeds.”

“Use of native plants would be emphasized in rehabilitation and restoration projects, and only native plants would be used for rehabilitation or restoration projects within the Pristine Zone”.

Land Use Plan Conformance

The proposed treatments in the Preacher ES and BAR plan conform to the Timmerman MFP, Monument RMP and Craters MP. The ES/BAR team developed objectives and treatments which respond to the identified issues and concerns.

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/EIS amends all Land Use Plans for the Shoshone Field Office except the Craters MP, to provide direction and guidance for fire/fuels and related vegetation management.

The treatments outlined in this plan are also consistent with the treatments analyzed in the 2013 Twin Falls District PESRP and EA (#DOI-BLM-ID-T000-2011-0001-EA).

Proposed ES and BAR actions conform with the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management.

III. EXISTING NEPA REVIEW

A Determination of NEPA Adequacy (DNA) was completed for the Preacher ES and BAR project. As discussed in the DNA (NEPA# BLM-DOI-T030-2014-0033-DNA), the activities included in this proposed action were adequately analyzed in the Twin Falls District PESRP and EA (#DOI-BLM-ID-T000-2011-0001-EA) 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 Preacher ES and BAR 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 ES and BAR treatments outlined in the Preacher ES and 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/ Beth Maclean
Elizabeth Maclean
Shoshone Field Office Manager

8/15/14
Date