

**United States Department of the Interior
Bureau of Land Management
Vale District Office
Baker Field Office
Baker City, Oregon**

**NOTICE OF FIELD MANAGER'S FINAL DECISION
Windy Ridge Fire Emergency Stabilization and Rehabilitation Plan**

Background

The Windy Ridge Complex Fire was ignited by lightning on August 10, 2015. Thunderstorms and low fuel moistures contributed to conditions that allowed the fire to escape initial attack and consume 103,791 acres. Approximately 46,991 acres within the burned area are private land holdings and 26,885 of the acres are administered by BLM and 29,915 acres are managed by the US Forest Service. The Windy Ridge Complex Fire was contained on August 29, 2015.

The Windy Ridge Complex Fire burned portions of 16 livestock grazing allotments: 2,800 acres of the Auburn Allotment, 1,074 acres of the Brannon Gulch Allotment, 200 acres of the Cornet Creek Allotment, 6,665 acres of the Durkee Allotment, 147 acres of the Hill Creek Allotment, 42 acres of the Hooker Gulch Allotment, 234 acres of the Juniper Hill Allotment, 975 acres of the Lindsay Mountain Allotment, 65 acres of the Marble Creek Allotment, 1,027 acres of the Mill Gulch Allotment, 11,099 acres of the North Bridgeport Allotment, 1,021 acres of the South Bridgeport, 73 acres of the Titus Allotment, 565 acres of the Trail Creek Allotment, 48 acres of the Unity Creek Allotment, and 62 acres of the Upper Hill Creek Allotment.

BLM prepared a Windy Ridge Emergency Stabilization and Rehabilitation (ESR) Plan to submit to the BLM Washington Office for funding approval. This plan includes all of the proposed treatments for the Windy Ridge Fire burned area.

To analyze this plan under the National Environmental Policy Act (NEPA), BLM reviewed a Determination of NEPA Adequacy (DNA) checklist (DOI-BLM-ORWA-V000-2016-0006-DNA) and determined that a previous environmental assessment (EA) presented an adequate analysis of the same treatments proposed for the Windy Ridge Fire. The EA document is the 2005 Vale District Normal Emergency Stabilization and Rehabilitation Plan Environmental Assessment (EA) #OR-030-05-005. Issues related to invasive annual grass expansion, noxious weeds, and sage-grouse habitat present on the Windy Ridge Fire are analyzed in the EA. Also, the EA analyzed effects of the same stabilization and rehabilitation actions proposed in the Windy Ridge Fire ESR Plan. The ESR Environmental Assessment (EA), Finding of No Significant Impact (FONSI) and Decision Record (DR) for the EA are available upon request to the Vale BLM District Office or at:

<http://www.blm.gov/or/districts/vale/plans/plans-details.php?id=2976>.

If you wish to obtain hard copies of these documents, they are available upon request to the Vale District BLM office at (541) 473-3144.

FINAL DECISION

I have determined that the vegetation, soil and other resources on the public lands are at immediate risk of erosion and other damage due to the effects of the Windy Ridge Fire.

DNA # DOI-BLM-ORWA-V000-2016-0006-DNA addressed the treatments identified in the Windy Ridge ESR Plan and I have determined that the treatments have been adequately analyzed in the Vale District Normal Emergency Stabilization and Rehabilitation Plan EA. The treatments are a subset of the treatments proposed in the EA, and I have determined that the DNA is sufficient.

I have determined that implementing the proposed Windy Ridge Fire ESR treatments would have similar or the same effects as described in the EA cited above, and that it does not constitute a major federal action that will adversely impact the human environment; therefore, it does not require the preparation of an environmental impact statement.

Based on analysis and input from my staff, it is my final decision to implement the treatments as listed in the Windy Ridge ESR plan. This decision is effective immediately due to the immediate risk of erosion and damage to wildlife. My decision is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states: 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.

SUMMARY OF PROPOSED ACTIONS

Emergency stabilization actions would include:

1) **Application of Herbicides to Control Weeds.** Noxious weeds will be inventoried and treated the first year with ground applications best suited to each site and weed type. These weed sites will be monitored and retreated, if needed, and new weed sites will be treated for two consecutive years.

All herbicide applications would be in conformance with label instructions and the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Record of Decision (ROD). All design elements, mitigations, and standard operating procedures described in the ROD would be used. This means that the BLM would only utilize Round up, Tordon, and 2-4 D.

2) **Construction of Temporary Protective Fence and Reconstruction of Existing Fence.** Approximately seven miles of temporary protective fencing would be constructed to protect burned areas from domestic livestock grazing within the fire perimeter. Temporary fences would remain in place until rangeland monitoring indicates resource objectives have been attained. Approximately 41 miles of fence would be reconstructed as needed within the burned area.

Fence reconstruction may be as minimal as replacing H-braces and rock cribs, but may include new wires, depending on the severity of the damage caused by the fire. Resource objectives for temporary fence removal include the following:

- (1) The Ground Cover (minus shrubs and trees) is 70% or greater of the adjacent unburned condition;
- (2) The Composition (minus shrubs and trees) is 70% or greater of the adjacent unburned condition; and
- (3) The Height of the deep rooted perennial grasses is 70% or greater of adjacent unburned condition.

3) **Monitoring.** Effectiveness monitoring would be implemented to determine success of the treatments applied.

4) **Road Repair and Maintenance, to Include the Following:**

- Five culverts in Dark Canyon and one in Deer Canyon that are at risk to flooding and/or debris flows will be cleaned in FY 2016 to ensure maximum flow capacity. Subsequent to flood events culverts should be inspected in FY 2017 and if necessary re-cleaned.
- Culvert overflow dips will be installed on the following roads managed by BLM in the Deer Creek and Dark Canyon watersheds in FY 2016.
- Construct drivable berms in FY 2016 on the Deer Creek Road, up-road from the BLM/private land boundary to prevent runoff, sediment and rock debris from being diverted down the road and towards the structures on private land.
- Rolling dips will be installed in FY 2016 on the following roads managed by BLM: Deer Creek, Dark Canyon, and Woods Gulch in areas of high and moderate soil burn severity.
- Remove one culvert road-stream crossing from a decommissioned road in the Deer Creek watershed in FY 2016.

5) **Lop and Scatter.** Fire killed, unmerchantable trees on slopes less than 30 percent in high and moderate-high mortality areas will be lopped and scattered on 285 acres on the West Fork of Sutton Creek.

6) **Assessment and Stabilization of Fire Impacted Known Cultural Resources.** Install Erosion Control Devices around the cultural site that is vulnerable to damage from flooding.

7) **Installation of Flood Warning Signs.** Two flood warning signs will be fabricated and installed at either end of the Burnt River Canyon.

Rehabilitation actions would include:

1) **Ground Seeding.** Approximately 14 acres in the Pine Creek area would be broadcast seeded with the following mix: Sandberg Bluegrass, Bluebunch Wheatgrass, Sainfoin, Triticale, Great Basin Wildrye, and Mountain Brome. Seed would be applied with either an all-terrain vehicle or by hand and would not be harrowed.

2) **Continued Weed Monitoring and Treatment.** Noxious weeds would be monitored and approved herbicides applied as necessary.

3) **Seedling Planting.** Hand planting approximately 1,100 acres of sagebrush and 440 acres of bitterbrush seedlings.

Rationale

Implementation of the proposed action as described in the Windy Ridge Fire ESR Plan will protect soils in the burned area, including preventing potential loss of soil due to wind and water erosion; reduce potential invasion and establishment of noxious; prevent degradation of greater sage-grouse habitat and increase its rate of recovery. Greater sage-grouse is a candidate species for Endangered Species Act listing and it is a high priority for protection within the BLM in Oregon and across the western United States. Seeding would likewise help meet established rangeland health standards in accordance with guidelines for livestock grazing and integrated vegetation management.

Areas to be seeded were identified by examining the pre-fire plant community and the burn severity. Areas where the herbaceous vegetation was influenced by invasive annuals or noxious weeds were targeted for seeding. Other areas were evaluated and BLM determined that the pre-burn plant community was resistant to invasive species and resilient enough to recover without seeding. Seeding will provide for soil stabilization and will reduce the potential invasion of greater sage-grouse habitat by introduced noxious weeds.

The proposed temporary fences will be used in conjunction with existing fences to protect treatment areas from grazing. This fencing and subsequent rest from grazing will allow for plants to recover from the effects from the fire. Vegetation establishment will help reduce the risk that invasive annual grasses pose to critical greater sage-grouse habitat and provide for soil stabilization.

Control of noxious weeds is consistent with the management plans for the resource and will help protect the ecological integrity, biodiversity, and site productivity of this shrub-steppe plant community. Working cooperatively with local weed management groups and private landowners will achieve better weed management.

Livestock grazing may not occur for a minimum of two growing seasons in pastures that burned, unless temporary fences have been installed to protect the burned portion of the pasture, which would allow grazing to continue on the unburned portion. The amount of rest is dependent upon monitoring results of fire intensity, vegetation recovery, and percentage of pasture burned.

Resource objectives for the resumption of grazing include the following:

- (1) The Ground Cover (minus shrubs and trees) is 70% or greater of the adjacent unburned condition;
- (2) The Composition (minus shrubs and trees) is 70% or greater of the adjacent unburned condition; and
- (3) The Height of the deep rooted perennial grasses is 70% or greater of adjacent unburned condition.

Agreements or separate grazing decisions will be issued to close areas to livestock grazing.

AUTHORITY

Authority for the stabilization and rehabilitation wildfire decisions is found under 43 Code of Federal Regulations (CFR) 4190.1 Effect of wildfire management decision (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. 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. Under these regulations, implementation of projects to stabilize and rehabilitate lands such as seeding (aerial and drilling), planting, weed treatments (aerial and ground), erosion control, road maintenance and protection, fence maintenance and reconstruction, and range improvement reconstruction will be effective upon the date of the authorized officer's signature.

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 wildfire due to drought, fuels buildup, or other reasons, or 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 as contained in 43 CFR 4.416.6.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the **Baker Field Office, 3100 H Street, Baker City, Oregon, 97814** within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for stay is required to show sufficient justification based on the standards listed below.

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:

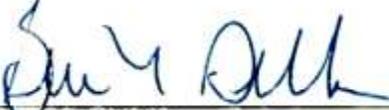
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the *Copies sent to:* sections of this decision are considered to be persons “named in the decision from which the appeal is taken.” Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the *Copies sent to:* section will be attached to a notification of internet availability and persons named in that section are also considered to be persons “named in the decision from which the appeal is taken.”

Any person named in the decision, *Copies sent to:* section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

If you have any questions regarding this project, please contact the Project Lead, Mitch Thomas, at the Baker Office at 541-523-1423.



Bruce L. Sillitoe
Acting Field Manager

1/28/16

Date