



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Bishop Field Office
351 Pacu Lane Suite 100
Bishop, California 93514
www.blm.gov/ca/bishop



Decision Record

Round Fire Burn Area Habitat Rehabilitation (DOI-BLM-CA-C070-2016-0015-CX)

Introduction and Background

The Bureau of Land Management (BLM) Bishop Field Office intends to implement post-fire re-vegetation treatments to augment the natural recovery of native vegetation burned by the Round Fire in February 2015 (*see* Map 1). Planned treatments would occur on BLM administered public lands within the perimeter of the burn area in Mono County, California (*see* Map 2).

The Round Fire burned intensely, consuming nearly all vegetation within its path. Prior to the fire, the burned area was dominated by mature bitterbrush stands which provided crucial habitat for migratory mule deer (*Odocoileus hemionus*) on the Sherwin portion of the Round Valley winter range. The majority of the bitterbrush that burned was antelope bitterbrush (*Purshia tridentata*), which typically does not re-sprout following intense fire. Without treatment, natural recovery of the burn area is expected to be slow.

The purpose of the proposed re-vegetation treatments is to create islands of bitterbrush and other native vegetation that would provide cover and forage for wintering deer, as well as provide a seed source to facilitate rehabilitation of adjacent fire impacted areas. The treatments are needed to facilitate re-establishment of the native plant community within the burned area.

Project implementation is expected to help accelerate native vegetation recovery within the burn area; with commensurate benefits to soil and watershed stability, wintering mule deer, and other natural values.

Re-Vegetation Treatment Descriptions

Project implementation would involve a combination of seedling planting and seeding, depending on availability, treatments to facilitate native vegetation recovery within the burn area. Seedling planting would be accomplished by propagating bitterbrush and other locally adapted native species. Seeding would be accomplished using locally adapted native seed. Work may occur anytime favorable planting or seeding conditions exist, except when prohibited by the stipulations outlined within this decision record.

Seedling Planting

Seedlings of bitterbrush, big sagebrush (*Artemisia tridentate* spp.), and other locally adapted species would be planted into the burn area. It is anticipated that 4,000 to 15,000 seedlings would be planted. Seedlings would be planted in 1 to 5 acre “islands” or planting areas. Seedlings would be planted at a density of approximately 200 to 600 seedlings per acre. It is anticipated that approximately 10 to 20 acres would be planted with seedlings (*see* Map 2).

Out-planting would generally occur during the fall (late September to early December) or in the spring (February to May) but may occur anytime favorable weather conditions exist. Planting would be done by placing seedlings into holes approximately 4 to 6 inches in diameter and up to 12 inches deep. Holes would be dug with hand held tools (shovel, motorized auger, etc.). Excavated soil would be placed back into the hole around the seedling root wad.

Protective mesh tubing (*e.g.* Vexar) may be placed around individual seedlings to protect them from herbivory. Protective tubing would be removed when it is no longer needed or may be allowed to disintegrate (less than 5 years). Temporary (up to 5 years) electric fencing may also be constructed around the planted “islands” in order to protect seedlings. Fences would be constructed by pounding t-posts into the ground and running electrified strands of wire between the t-posts. Electric fences would be charged by batteries and small solar panels placed next to each fence. Warning signs would be placed on electric fences for public safety.

Seedlings would be hand watered at the time of planting. It is anticipated that subsequent watering would also be needed. Subsequent watering may occur using any of the following methods or a combination of them:

1. Hand watering of individual seedlings. Water would be brought to the site each time watering is conducted. Water would be pumped from a portable tank and carried in buckets to individual plants.
2. Broadcast watering of planting areas from a truck mounted water tank. Planting areas would be watered by spraying water from a larger tank.
3. Drip watering of individual plants or planting areas. A temporary (up to 5 years) water tank would be placed at the site and plastic tubing would be run to individual plants or planting areas. The tank would be filled from a truck mounted tank as needed.

Ground Seeding

Locally adapted native seed would be sown into or on top of the soil. Up to 55 acres within the burn area would be seeded. Seeding would be conducted using any of the following methods or a combination of them:

1. Seed would be spread by hand and allowed to work into the soil naturally.

2. Rakes (McLeod or similar hand tools) would be used to rake the soil surface. Seed would then be spread into the raked area and the removed soil would be raked back over the seed. Soil surface disturbance would generally not exceed a depth of 3 inches.
3. Seed would be dispersed into the seeding area using a UTV/ATV. Seed would be worked into the soil by dragging a harrow or similar device behind a UTV/ATV. Soil surface disturbance would generally not exceed a depth of 3 inches.

Decision and Rationale

Based on the information provided in the Categorical Exclusion Documentation DOI-BLM-CA-C070-2016-0015-CX and the required Review of Extraordinary Circumstances, I have determined: 1) that this action is categorically excluded from further environmental analysis and documentation under the National Environmental Policy Act (NEPA) of 1969, as amended; and 2) that implementation of this project as designed would not result in any significant adverse environmental impacts.

I have also determined that this action conforms to, and is consistent with, the overall guidance and management direction provided by the *Bishop Resource Management Plan* (RMP), approved March 25, 1993 (USDI BLM, 1993), as amended by the *Bishop Fire Management Plan* (FMP). The proposed action has been reviewed and found to conform to the land use plan terms and conditions as defined at 43 CFR 1601.0-5(b and c) and as required by 43 CFR 1610.5-3(a).

Project implementation will have no adverse effect on any cultural properties, including those currently listed in, or eligible for listing in, the National Register of Historic Places; nor will it cause the loss or destruction of significant scientific, cultural, or historical resources.

Project implementation will have no effect on any species listed, or proposed for listing, as either threatened or endangered under the Endangered Species Act of 1973 (ESA), as amended; nor will it have any effect on any proposed or designated critical habitat for any such species.

Project implementation is expected to help accelerate native vegetation recovery within the burn area; with commensurate benefits to soil and watershed stability, wintering mule deer, and other natural values.

Therefore, it is my decision to implement the project as designed, and subject to, the following stipulations as outlined in the categorical exclusion documentation:

1. If previously unidentified cultural resources (artifacts) are encountered during project implementation, project activities must immediately cease and the Bishop Field Office archeologist shall be notified. The project will be modified in consultation with the Bishop Field Office archeologist to ensure protection of those resources before project work is allowed to continue.
2. All planting and seeding will utilize native seed and plants that are adapted to the project area.

3. Vehicular access is restricted to existing roads. Cross-country travel with a UTV or ATV is allowed only during planting or seeding activities.
4. To avoid the importation or spread of invasive noxious weeds or non-native invasive plant species all tools, equipment and materials required for project implementation must be washed prior to transport to the project site.
5. Project implementation timing shall adhere to Bishop Resource Management Plan seasonal protection criteria designed to avoid adverse disturbance effects to wintering mule deer between 11/1 and 4/30. If treatment activities are planned during this period, Bishop Field Office staff will monitor the area one day prior to work. If deer are observed in the project area at that time, or during project implementation, activities will be delayed or modified in consultation with the Bishop Field Office wildlife biologist to avoid adverse disturbance effects to wintering mule deer.

Project Information

For more information about this decision and site-specific project implementation, please contact Martin Oliver, Botanist, via phone at 760-872-5035 or email at mpoliver@blm.gov; or myself, Steven Nelson, Bishop Field Manager, via phone at 760-872-5011 or email at snelson@blm.gov.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. The appellant has the burden of showing that the decision being appealed is in error.

Notices of appeal must be filed with the Field Manager, Bureau of Land Management, Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, California, 93514 within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, E-1712, Sacramento, California, 95825-1890. Please consult the regulations (43 CFR Part 4) for further appeal requirements.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 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. Copies of the notice of appeal and petition for a stay must also be submitted to the Board and the Regional Solicitor identified above (*see* 43 CFR 4.413) at the same time the original documents are filed with this office. 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.

Authorized Official

This decision is issued pursuant to 43 CFR 4190.1 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 this decision. In accordance with 43 CFR 4.416, the Board 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.

/s/ Steven Nelson

Steven Nelson
Bishop Field Manager

04/18/2016

Date: _____