

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, ID 83318

DECISION RECORD

For the

**Milner Wildland Urban Interface
NEPA No. ID-220-2009-EA-3591**

I. Background /Context

The Milner Historical Recreation area is a relatively large isolated public land tract (approximately 1,900 acres) that is bound by the Snake River on the north and private agricultural lands on the east, west and south (see map). The tract is used heavily by the public due to its close proximity to many communities in the Mini-Cassia and Magic Valley area. It provides access to the Snake River, including boat ramps and offers public camping areas along the Snake River. There are approximately six and half miles of roads within the recreation area. They are mostly graveled surface one-lane roads. Approximately, four miles of the Eastern Idaho Rail Road (EIRR) bisects the area. The ingress and egress into the area on the east side of the project is under the railroad grade and is extremely narrow with continuous fuels on either side. In addition, the Burley Trap Club is located within the confines of the Milner Recreation area.

In a study of recreation activity near Milner Dam by Idaho Power Company, they found that there was approximately 82,000 hours of recreational use in this area. Approximately 75% of the use occurred in the months of July, August and September. This heavy use period also corresponds with the period of highest fire danger. Fire danger is measured by the Burn Index (BI). The BI is a number related to the difficulty of controlling a wildfire. It is a function of the spread component and energy release component. For south central Idaho, the BI was rated as high 85% of the time and very high 73% of the time during July, August and September. The fuel/vegetation within the Milner Recreation is characterized by a dense sagebrush overstory with a continuous understory of Sandberg's bluegrass and cheatgrass.

There are 11 BLM camping sites with an additional 24 dispersed sites within the recreation area. Since 1982, the BLM wildfire database shows that there have been 22 starts within the recreation area and have been burned approximately 700 acres since 1982 within the 3,100-acre project area. The project area is comprised of approximately 1,900 acres of public land, and 1,200 acres of private land of which approximately 800 acres is in developed agriculture (see map 1).

II. PUBLIC INVOLVMENT

Scoping letters were sent to 14 interested publics in January 2009 and has been listed on the Idaho NEPA Database since January 2009. In response to this effort, four-interested public commented on the scoping package. Two of interested public supported the project as proposed. One interested public suggested an alternative to the proposed action which was considered but not studied in detail (see discussion below). Other comments expressed concerns over the

introduction and spread of noxious weeds, effects of off road vehicle use (ORV), and existence of sage grouse in the project area, spread of cheatgrass, destruction of sagebrush, livestock grazing, and the Wildland Urban Interface (WUI) designation of the project area.

The final EA and Finding of No Significant Impact (FONSI) were posted on BLM's NEPA website on May 18, 2009 and the NEPA database was updated to show that the Final EA and FONSI were available. Certified letters were sent to the 4-interested public that commented on the scoping package informing them of the posting. No comments from the internet posting or from the direct contact by certified mail were received from this scoping effort.

Response to public comments:

Noxious weeds, livestock grazing, removal and replacement of existing vegetation and ORV use are analyzed in the EA.

Sage grouse have been monitored in the Burley Field Office (BFO) since around 1951. No leks have been documented in the project area in that time. The closest active lek is 14 miles south of the project area. The project area is isolated and is surrounded by agriculture and urban areas it is not considered sage grouse habitat. Furthermore, there are no documented sage grouse sightings in the area so sage grouse are not affected.

The definitions of WUI were expanded by the Healthy Forest Restoration Act (HFRA) in June of 2004. HFRA allowed for the development of County Wildfire Protection Plan (CWPP) that used a collaborative approach to designate WUI areas in Cassia County. The CWPP's are available at http://www.idl.idaho.gov/nat_fire_plan/county_wui_plans/cassia/cassia.html. These WUI zones are not based on legal boundaries but are solely created by local fire chief's opinion of urban interface. These decisions were not formally calculated but contain the local knowledge and previous history of fire activity. *Process description:* 1) WUI areas were drawn on hard copy county maps provided to the local county/rural fire chiefs 2) Local issues/knowledge was used to determine WUI area. Factors that were considered were: fuel loading, terrain/topography, distance from station, manpower, available resources 3) Polygons were digitized using a heads-up method in ArcMap 9.1 4) Resulting polygons were provided to fire chiefs again for proofing 5) Edits were done as needed.

Lastly, a casual observation of the amount of activity that occurs in the area, the amount of infrastructure such as the Burley Trap Club, the EIRR bisecting the recreation area, power lines, agricultural fields, boat ramps, Oregon Trail Kiosks, and the amount of public recreation use the area warrants the WUI designation.

III. ALTERNATIVES CONSIDERED BUT NOT STUDIED IN DETAIL

The following alternatives were considered by the BLM or were crafted from comments that were received during the scoping process. The four alternatives were considered by were not studied in detail because upon investigation they were either not feasible or they would not meet the purpose and need of the proposed action. The reasons for eliminating them from detailed study are shown below.

Close the Milner Recreation Area during periods of extreme fire danger.

One proposal was to close the recreation area during periods of potentially extreme fire behavior. The closure would remove potential human ignition sources from the area and provide for public safety but it would not provide for firefighter safety. In addition, the Eastern Idaho Rail Road (EIRR), the Milner County Road, power lines, natural starts and adjacent homes and agricultural lands would still provide ignition sources. As stated in the scoping package and the background/context section of this EA, the Milner Recreation area is an extremely popular recreation site with approximately 61,500 hours (73%) of recreation use occurs between July and September. A design feature of this project would be to place signs that inform and remind people to be extra cautious during these periods. In addition, the BLM has an active advertisement campaign in the form of billboards and radio commercials cautioning and warning people about wildfire while they are using public lands. Lastly, the BLM does have a plan to implement fire restrictions if certain criteria are met. The plan can be found at http://www.blm.gov/style/medialib/blm/id/fire.Par.44330.File.dat/IdahoFireRestrictionsPlan_2008.pdf (pg40-42). The BLM is mandated to manage for multiple use activities and the Milner Recreation area is highly popular. As previously stated, there are current plans in place to address specific closures and restrictions as fire risk changes and this proposal would not provide for firefighter safety. Therefore, this alternative was considered but eliminated from detailed study.

Native Species to Create a Fuel Break

The use of a native species to create a fuel break was considered by the BLM. A literature, personal contact and internet search for a native species that would meet the purpose and need of the proposed action was conducted but native species that could serve as self sustaining fuels break were not discovered. Species like Thurber's needlegrass, Blue flax, Indian paintbrush, and Scarlet globe mallow were considered but were found inadequate because they would not meet the need for creating an effective fuel break. This is because they do not grow dense enough to keep out Cheatgrass brome in the long term (specialist report 1). In Monsen's (1994, p. 365) review of literature, he found that few native species demonstrate the broad adaptability, establishment or competitive attributes needed to create fuel break.

The use of the native Sandberg bluegrass was also considered but not analyzed in detail. In the same paper, Monsen (1994, p. 365) stated the Sandberg bluegrass has vegetative features useful for fire containment. These include low fuel load and competitiveness with annual weeds. However, during years with above-average moisture Sandberg bluegrass produces sufficient fine fuels to carry a fire. Sandberg bluegrass is found throughout the project area and is often found in large solid stands. Its burning characteristics are similar to Cheatgrass brome due to its continuity (specialist report 2). It also dries out earlier than even Cheatgrass brome (specialist report 3) and is often a primary fire carrier. For these reasons, this alternative was considered but eliminated from detailed study.

Crested Wheatgrass to Create a Fuel Break

This alternative has been used by the BLM in the past with limited success. Crested wheatgrass is a self-sustaining vegetation and it has been used to create fuel breaks or "green strips" in the project area. Crested does stay greener longer than the current grasses/fine fuel that exist in the area (Cheatgrass brome and Sandberg bluegrass) but it also dries out and becomes ineffective at

stopping a wildfire during the peak fire season (July 1 to September 15). For this reason, this alternative was considered but eliminated from detailed study.

Mowing

This alternative was considered by the BLM. Mowing does remove the current vegetation and would create a fuel break. However, mowing is a short-term solution because it would have to be conducted at least once every year since the majority of the project area is currently in a shrub-grass fuel model. Even if the shrub component was removed, the grass would grow back every year. Since most of the vegetation would have to be cut very short, year after year invasive and/or non-native species may become established into the open areas created by the frequent mowing. Lastly, in order to be effective at removing fuel (grass) mowing would likely occur after the grass has quit growing (April 15 to June 15). Since the vegetation would already be dried out, the risk of starting a wildfire would increase due to sparks created by the mower striking rock. For these reasons, this alternative was considered but eliminated from detailed study.

IV. ALTERNATIVES CONSIDERED AND SELECTION RATIONALE

The EA describes that two alternatives were considered in detail. The proposed action and rationale for the alternative selection and the rationale for not selecting the no-action alternative are described below.

No Action

The Milner WUI project would not be implemented.

Rationale

I did not choose the no action alternative because in the event of a wildfire it would not improve ingress and egress into the area thus providing for public and fire fighter safety.

The no action alternative would not mitigate risks to wildland firefighters nor would it address the guidelines stated the Cassia RMP as amended by the FMDA nor national wildland fire policy.

Proposed Action

The proposed action is to create three 2-acre safety zones/anchor points. Two miles (37 acres) of fuel break 100-150 feet wide (50-75 from center). The fuel break on the east side of the project area would begin at the Milner Road and tie into a graveled parking lot on the north side. The fuel break on east site would begin at the Milner Road and tie into the safety zone near the railroad tracks. A buffer 25 feet from center (2.5 miles long, 16 acres) may also be created along the railroad right-of-way to catch sparks from passing trains. The method used to prepare the seed bed would be to mechanically remove the sagebrush overstory with a brush beater from the designated sites (see map 1) in the fall of 2009. These treated sites would then be ground sprayed with *Glyphosate* in the spring of 2010. The broad-spectrum non-selective herbicide *Glyphosate*, when applied at low concentrations (10-16 oz/3gallons of water/acre), is effective at controlling Cheatgrass brome and annual exotic weeds. Then in early fall, the sprayed vegetation would be mechanically removed to create a seedbed (bare ground). The seedbed would be prepared by dragging a Dixie harrow in the sprayed area two to three times until bare ground was created. Forage kochia would be applied in early winter at 3-6 lbs per acre using a

broadcast seeder. Finally, a smooth roller would compact the seeded area creating adequate seed to soil contact.

The disturbed areas would be surveyed for noxious weeds during subsequent years. In order to accommodate cultural concerns the fuel break would be created on one side of the existing roads.

Equipment would be cleaned before beginning work. If noxious weeds are discovered, they would be treated as appropriate in order to control their spread.

A signing program would also be implemented to inform members of the public of the current fire danger what to do and where to go in the event of a wildfire.

In order to monitor seeding establishment two permanent density and cover plots with photo points would be established in the seeded areas.

Livestock will be removed from the allotment until the seeding becomes established or has been determined that it has failed.

If any cultural or historical sites are discovered during project implementation, work would cease and efforts would be made to avoid any further disturbance to the site. Site-specific mitigation would be determined and appropriate consultation with the SHPO would occur prior to resuming activities.

The proposed action would avoid harming migratory birds by timing the mechanical and chemical treatments outside the migratory bird nesting periods for the birds expected to occur in the project area (April 15- July 31).

V. DECISION

I have decided to implement the proposed action as described in the Milner Wildland Urban Interface Environmental Assessment. The following items were used make my decision.

I looked at the guidance in the Cassia Resource Management Plan (RMP) was approved on January 24, 1985. The Cassia RMP was amended in 2008 by the Fire, Fuels, and Related Vegetation Management Direction Plan Amendment (FMDA). The proposed activities are in conformance with the Cassia RMP as amended because the RMP specifically provides for vegetation treatments in and around WUI areas with the goal of reducing fire hazard (FMDA Record of Decision 16).

We have also reviewed the Finding of No Significant Impact (FONSI) I approved On July 1, 2009. As disclosed in the FONSI, we determined that the proposed action, as described in the EA will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because there would not be any significant impact, an environmental impact statement is not required. I considered public input from the scoping effort as outlined in the public involvement section of this decision.

Having read the EA, considered public comments, reviewed the elements of the human environment as developed by the Interdisciplinary Team (IDT) and approved the FONSI, I have concluded that

the proposed action was studied in sufficient detail to allow us to make an informed decision to implement the project.

VI. APPEALS

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document [4.413(a)]. Failure to serve within the time required will subject the appeal to summary dismissal [4.413(b)]. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager.

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. If you wish to file a petition 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 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 the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

/s/ MC Courtney
Michael Courtney
Burley Field Manager

July 2, 2009
Date