

**DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
TWIN FALLS DISTRICT
JARBIDGE FIELD OFFICE
2536 Kimberly Road
Twin Falls ID, 83301**

**Full Force and Effect
Decision Record
For the Murphy Complex Fire
Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) Project
ID-210-2007-DNA-3554**

I. PROPOSED ACTION

Under the Murphy Complex Emergency Stabilization Plan the proposed actions include hazard tree treatments along the Jarbidge River, drill seeding, aerial seeding, shrub planting, and soil stabilization structures. Temporary fences will also be constructed to prevent livestock grazing within the burn area. Noxious weed inventory and spot treatment will occur on the entire burn area. Two closures were also included in the ES plan, one for livestock grazing and one for cross country motorized vehicles. Under the Murphy Complex Burned Area Rehabilitation Plan the proposed actions include drill seeding, chemical treatment of cheatgrass, aerial seeding, planting of bitterbrush seedlings, and noxious weed inventory and treatment. Permanent allotment fences will also be repaired and several directional signs will be replaced.

II. PLAN CONFORMANCE REVIEW

The Proposed Action is subject to, and in conformance with, the Jarbidge Resource Management Plan approved in 1987. The Proposed Action has been reviewed for conformance with the plan (43 CFR 1610.5, BLM MS 1617.3). The Proposed Action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

III. EXISTING NEPA REVIEW

The proposed actions are addressed in the 2005, Normal Year Fire Emergency Stabilization and Rehabilitation Plan, Lower Snake River District (EA# ID-090-2004-050).

The following criteria have been reviewed and determined to adequately address the proposed action:

1. The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.

3. There has been no significant change in circumstances or significant new information germane to the proposed action.
4. The methodology and analytical approach previously used is appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.
6. The proposed action would not change the previous analysis of cumulative impacts.
7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

IV. DECISION

It is my decision to implement the Murphy Complex Emergency Stabilization Plan and Burned Area Rehabilitation 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 is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on public lands are at a 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. 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 treatments outlined in the **ES and BAR** plans 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 Jarbidge Field Office, 2536 Kimberly Road, Twin Falls ID 83338. 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 Solicitor, University Plaza, 960 Broadway Avenue, Boise ID 83706.

/s/Bill Baker
Bill Baker
Twin Falls District Manager

9/11/07
Date