

## **DECISION RECORD**

### *Apache Pass Fire Emergency Stabilization*

DOI-BLM-OR-135-2012-0035-CX

Bureau of Land Management

Border Field Office

1103 North Fancher Road

Spokane Valley Washington 99212

### **1. Background**

On September 9-14, 2012, the Apache Pass fire burned approximately 23,324 acres within the Lake Creek-Crab Creek Watershed, including of 5,874 acres of BLM administered land. Much of the area is rangeland, with some old Conservation Reserve Program (CRP) fields and several hundred acres of restored grassland habitat. In addition to providing habitat for a variety of sage-brush obligate and riparian species, the burned areas have been identified as Preliminary Priority Habitat (PPH) crucial to the recovery of greater sage-grouse. The fire severity was moderate to high in some areas of the burn, resulting in increased recovery time of native species and susceptibility to the expansion of invasive species. High severity burn areas are unlikely to fully recover naturally due to soil erosion, the presence of invasive species in the area, and the slow recovery time for some plant species such as bitterbrush and sagebrush. Proposed treatments are designed to target areas where fire severity was high to re-establish native vegetation for wildlife habitat, prevent soil erosion and limit expansion of noxious weeds and other invasive species that occur in the area. Burned fence repair and modified livestock management to temporarily rest affected lands are also necessary.

### **2. Decision**

It is my decision to implement the *Apache Pass Fire Emergency Stabilization* project as described in the attached document (DOI-BLM-OR-135-2012-0035-CX) and shown on attached maps & drawings. This includes drill seeding on approximately 120 acres of old agriculture fields, broadcast seeding on approximately 180 acres of native rangeland where native vegetation is unlikely to recover naturally. Additionally, BLM will rebuild wooden braces on approximately 10 miles of existing perimeter and pasture fences and install approximately 2 miles of temporary fencing to protect ESR treatments will allowing continued grazing on unburned BLM portions of the allotment, and install reflective markers on fencing to reduce grouse collision/mortality on temporary fencing and replace melted markers on existing fencing. Issue a temporary livestock grazing closure decision or agreement. The burned area will be closed to livestock grazing until monitoring data indicate vegetation objectives in the burn area are met. Treatment areas will be surveyed by a qualified archaeologist and consultation with the State Historic Preservation Office and local tribes will identify any unique historic or cultural resources. Any such resources will be avoided and unaffected. Ecological significant areas such as grouse breeding grounds and migratory bird habitat will be enhanced by establishing desirable vegetation.

This decision is effective immediately due to the immediate risk of erosion and damage due to wildfire, and is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a).

### **3. Authority**

The following authority is applicable to this decision: Code of Federal Regulations Subpart 4190.1 - Effect of wildfire management decisions.

(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 or on a date established in the decision. 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.

### **4. Rationale**

Changes caused by the fire have reduced habitat value for greater sage-grouse and Columbian sharp-tailed grouse and have made the area susceptible to non-native species invasion, and has resulted in unstable soils in some areas. These treatments and livestock management actions will help to quickly re-establish native vegetation to provide habitat value for greater sage-grouse and Columbian sharp-tailed grouse, prevent the spread of invasive species and stabilize soils.

### **5. Coordination and Consultation**

Grazing Lease Permit Holder  
Spokane Tribe of Indians  
Colville Confederated Tribes  
Washington State Office of Archaeology and Historic Preservation

### **6. Protest and 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. 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. Any appeal should state clearly and concisely as to why the final decision is in error. If an appeal is taken, notice of appeal must be filed in the office of the authorized officer at the following address within 30 days from receipt of the decision. All grounds of error not stated shall be considered waived and no such waived

ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Border Field Office  
Spokane District Bureau of Land Management  
1103 N Fancher Rd  
Spokane Valley, WA 99212

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filed with the appeal. In accordance with 43 CFR § 4.21 (b)(1), a petition for a stay must show sufficient justification based on the following: The relative harm to the parties if the stay is granted or denied, The likelihood of the appellant’s success on the merits, The likelihood of immediate and irreparable harm if the stay is not granted, and Whether the public interest favors granting the stay. Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the authorized officer, the appellant must serve copies on: 1) All other person(s) named in the address heading of this decision; and 2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c): Office of the Solicitor, US Department of the Interior, Pacific NW Region, 805 SW Broadway, Suite 600, Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

/s/ Linda Clark

November 7, 2012

\_\_\_\_\_  
Linda Clark  
Field Manager

\_\_\_\_\_  
Date

## **Categorical Exclusion Documentation**

Department of the Interior  
Bureau of Land Management, Spokane District  
1103 North Fancher Road  
Spokane Valley, WA 99212

### **A. Background**

*BLM Office: Border Field Office*

*Lease/Serial/Case File No.:*

*NEPA Log Number: DOI-BLM-OR-135-2012-0035-CX*

*Proposed Action Title: Apache Pass Fire Emergency Stabilization*

*Location of Proposed Action: T24N R34E*

*Description of Proposed Action: Drill and broadcast seeding of previously restored former agricultural fields and native rangeland on BLM land and in the Swanson Lakes Wildlife Area. Approximately 120 acres of BLM land in high intensity burn areas would be seeded with a mix of native grasses and forbs to help re-establish the native stand to provide habitat values for wildlife, provide cover and soil stability, and provide competition for cheatgrass and Dalmatian toadflax. Similarly, approximately 180 acres would be broadcast seeded.*

Rebuild wooden braces on approximately 10 miles of existing perimeter and pasture fences and install approximately 2 miles of temporary fencing to protect ESR treatments will allowing continued grazing on unburned BLM portions of the allotment. Install reflective markers on fencing to reduce grouse collision/mortality on temporary fencing and replace melted markers on existing fencing.

Establish 10 monitoring plots including 2 control plots using photo, line point intercept, gap intercept and density transects.

Treatment areas will be surveyed by a qualified archaeologist and consultation with SHPO and local tribes will identify any unique historic or cultural resources. Any such resources will be avoided and unaffected. Ecological significant areas such as grouse breeding grounds and migratory bird habitat will be enhanced by establishing desirable vegetation.

### **B. Land Use Plan Conformance**

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

*Option 1 (conforms with LUP):* The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

OR

*(Option 2: not explicitly provided for in the LUP)* The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*): The Spokane

District RMP ROD (1987, Amended 1992) states, “Soils will be managed to maintain productivity and to minimize erosion. Corrective actions will take place, where practical, to resolve erosive conditions.” Ground seeding as a land treatment is addressed in the RMP to achieve vegetation related objectives including increased vegetation cover to control soil erosion. In addition, the RMP states “sufficient forage and cover will be provided for wildlife on seasonal habitat to maintain existing or target population levels as established by WSDG (now WDFW).” Ground seeding would help achieve this goal.

The general management objectives of the Spokane RMP include the following: Protect or enhance water quality, Maintain and/or improve range productivity and Manage upland habitat for wildlife species.

Fence repair is in accordance with the RMP objectives to: maintain range productivity, manage habitat for wildlife and protect soil productivity and minimize erosion. Functioning fencing will aid in recovery of vegetation to meet these objectives.

Spokane District RMP ROD (1987, amended 1992) states: All unplanned ignitions (wildfires) will have a timely post burn review and evaluation in order to define appropriate rehabilitation and/or monitoring needs.

**C. Compliance with NEPA:**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with

516 DM 11.9.I.(1): Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

<b>CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b>		<b>YES</b>	<b>NO</b>
The proposed categorical exclusion action will:			
(a)	Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No public health or safety concerns have been identified.			
(b)	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks;	<input type="checkbox"/>	<input checked="" type="checkbox"/>

sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Treatment areas will be surveyed by a qualified archaeologist and consultation with SHPO and local tribes will identify any unique historic or cultural resources. Any such resources will be avoided and unaffected. Ecological significant areas such as grouse breeding grounds and migratory bird habitat will be enhanced by establishing desirable vegetation.		
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No highly controversial effects have been identified from past projects with similar treatments.		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There are no risks with proposed treatments because they are common vegetation treatments that are widely applied in this region.		
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This is a discrete project with treatments and rational developed for a local area, so would not be applicable to establishing precedent for other areas.		
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The treatments are entirely bennifical, so as such cannot contribute to adverse cumulative effects.		
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Treatment areas have been surveyed by a qualified archaeologist and consultation with SHPO and local tribes has been completed. All sites will be avoided and unaffected.		
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No federally listed species or critical habitat is present in the treatment areas. The threatened plant <i>Silene spaldingii</i> is present in the area but the treatments areas, which were past agriculture fields or areas of exotic annual vegetation are not suitable habitat with no <i>Silene</i> present.		
(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All applicable laws (NEPA, NHPA, ESA) are being followed.		
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applying vegetation treatments does not have the potential to affect low income or minority populations in any manner.		
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No access limitations are proposed.		
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Revegetation treatments are designed to limit the spread of invasive and noxious weeds.		

**F: Signature**

/s/ Linda Clark

November 7, 2012

\_\_\_\_\_  
(Authorizing Official Signature)

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(Date)

Name: Linda Clark

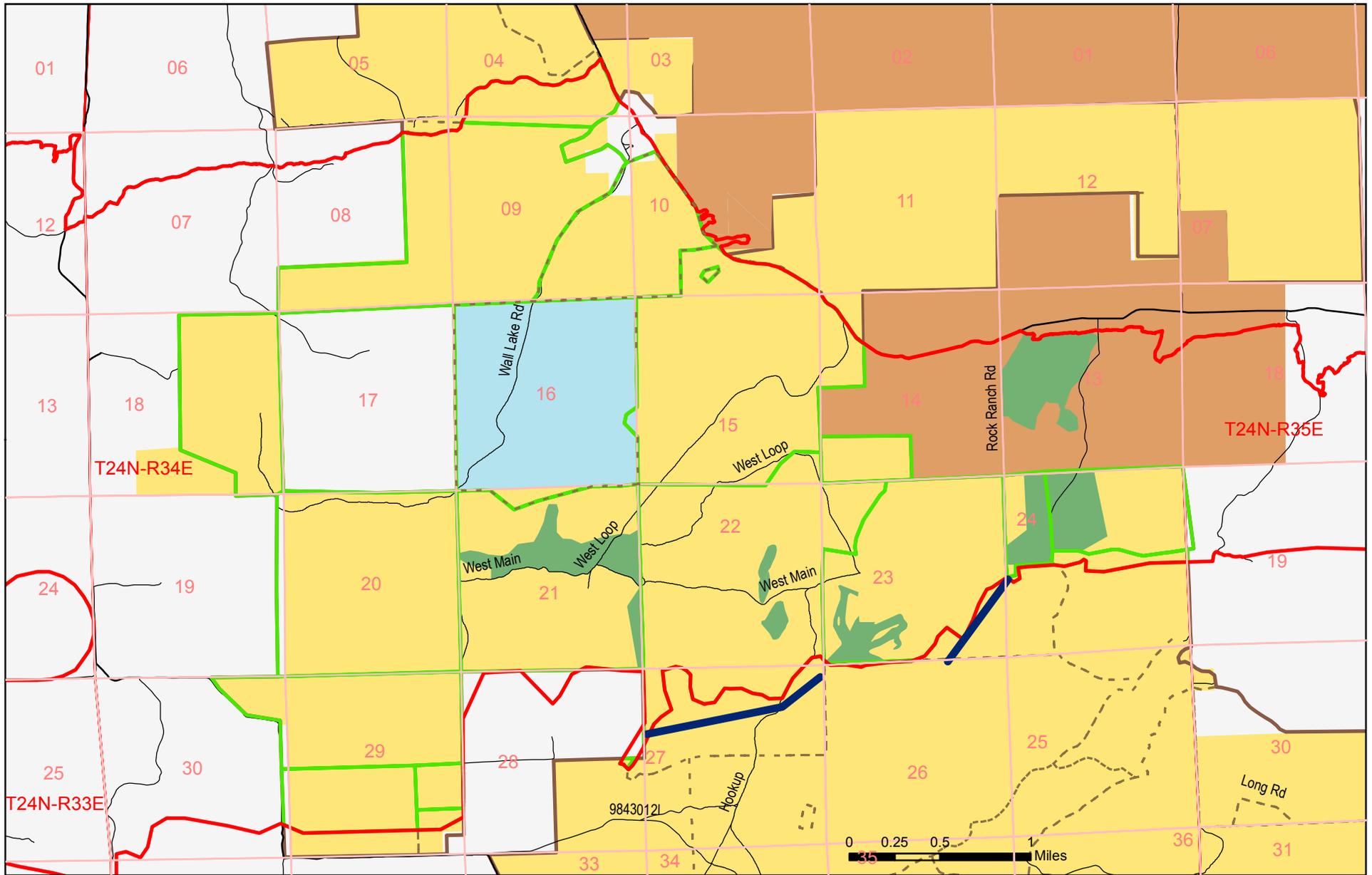
Title: Border Field Manager

**G. Contact Person**

For additional information concerning this CX review, contact Jason Lowe, Wildlife Biologist

**Note:** A separate decision document must be prepared for the action covered by the CX.

# Apache Pass Fire Emergency Stabilization Treatments



- Apache Pass Fire Perimeter
- Fences to Repair
- Seeding Areas
- Temporary Electric Fence
- Major road
- Minor road
- Pastures
- Bureau of Land Management
- WA Dept. of Fish and Wildlife
- WA Dept. of Natural Resources

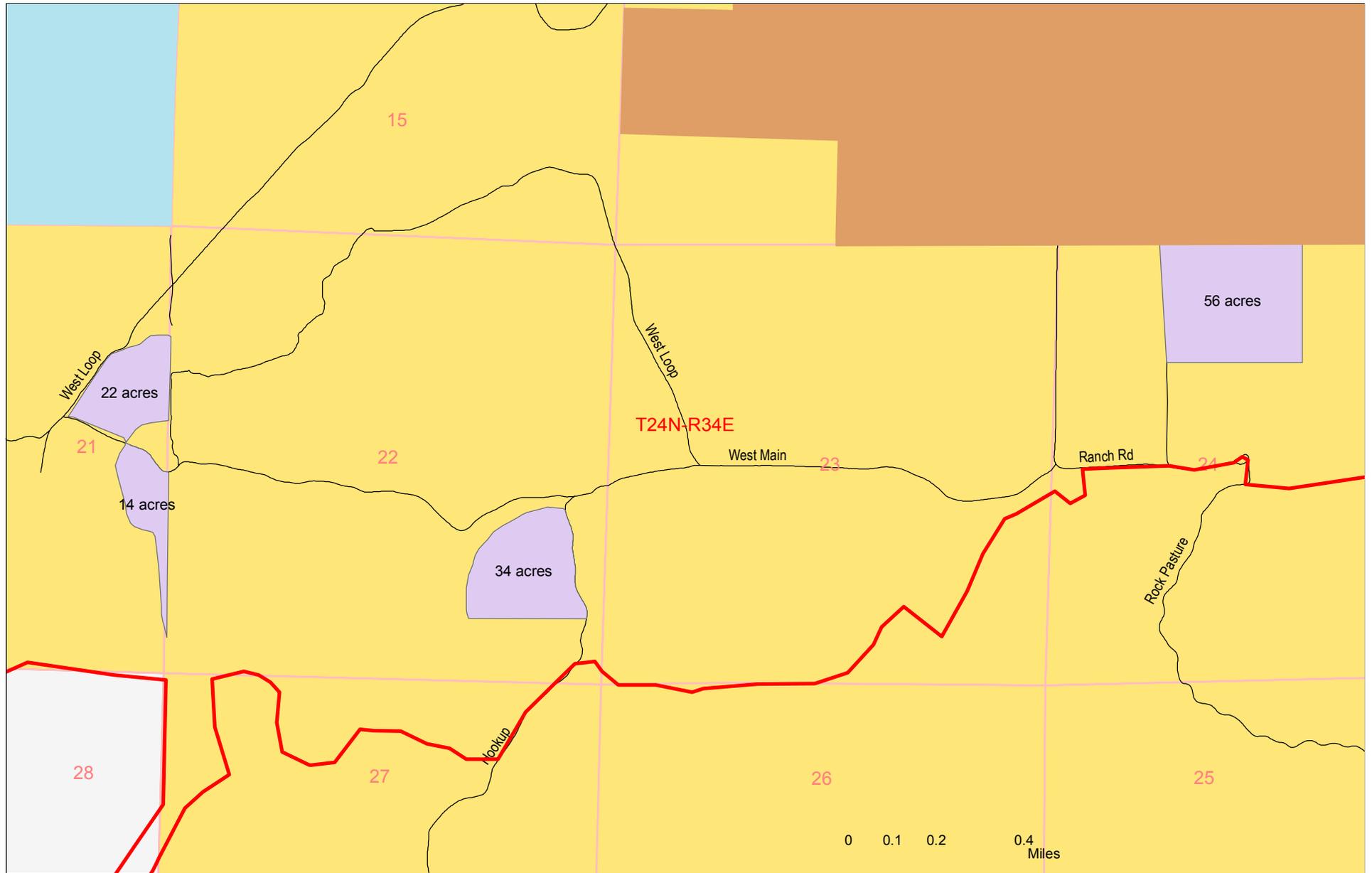


No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

September 25, 2012



# Apache Pass Fire Emergency Stabilization Treatments



- Apache Pass Fire Perimeter
- Major road
- Minor road
- Bureau of Land Management
- WA Dept. of Fish and Wildlife
- WA Dept. of Natural Resources
- Drill Seeding



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September 25, 2012

