

United States Department of the Interior
Bureau of Land Management
Border Field Office
1103 North Fancher Road
Spokane Valley, WA 99212

DECISION RECORD
For the
Watermelon Hill Fire # H8U0
Emergency Stabilization
NEPA No. DOI-BLM-OR-135-2014-011-CX

I. Decision

It is my decision to implement the emergency stabilization actions outlined in DOI-BLM-OR-135-2014-011-CX. The actions include the repair and rebuild of approximately 10.25 miles of existing livestock management fence, construction of 0.75 miles of temporary protection fence, two miles or 48.5 acres of hazard tree survey and mitigation, and botanical survey and monitoring within the boundary of the fire. All fence lines have had archeological survey completed with concurrence from SHPO; “Determination of No Historic Properties Affected.” The action would also include the removal of existing damaged fence material and debris, as a result of the fire. Based on the review of the categorical exclusion and consideration of extraordinary circumstances it has been concluded that the proposed actions were analyzed in sufficient detail to allow for an informed decision.

II. Right of Appeal

Pursuant to 43 CFR § 4.410, this decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.”

Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Field Manager, at Border Field Office, 1103 N. Fancher Rd., Spokane Valley, WA 99212.

Only signed, written copies of a notice of appeal and/or request for stay that are delivered to the Border Field Office will be accepted. A written appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as an appeal. A written appeal and/or request for stay must be on paper.

In order to qualify as an appellant, a “party to the case,” you have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision. (See 43 CFR § 4.410(d)). The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR

§ 1.3. The appellant also has the burden of showing that the decision being appealed is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error.

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 Border Field Manager. A copy of your notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97232. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations. .

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for 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.

A notice of appeal with petition for stay must be served upon the Board and the Regional Solicitor, at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations. 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

III. Contact Person

For additional information concerning this project, contact: Ray Pease, Rangeland Management Specialist/ Project Lead at (509) 536-1210.

As described in the enclosed Categorical Exclusion Documentation (DOI-BLM-OR-135-2014-011-CX), it is not anticipated that the project actions will have significant effects.

/s/ Mark Hatchel

February 6, 2014

Acting for Dennis Strange
Border Field Manager

Date

Enclosure:
DOI-BLM-OR-135-2014-011-CX

cc:
Monte McPeak, 26110 West Martin Rd, Cheney, WA 99004
UU Ranches Inc., 33002 SR 23, Lamont, WA 99017

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-135-2014-0011-CX

Proposed Action Title: Watermelon Hill ESR

Location of Proposed Action: T21N, R.39E, Sec. 1,2,10,11,14; T21N, R40E, Sec. 6; T22N, R39E, Sec. 36; T22N, R40E, Sec. 31.

Description of Proposed Action: Implement emergency stabilization (ES) actions for the Watermelon Hill Fire (H8U0) that will stabilize structure and function to fire damaged ecosystems and management infrastructure. ES actions would be located within the Fishtrap (#0643) and E. Fishtrap (#0561) grazing allotments. The actions would include the repair and rebuild of approximately 10.25 miles of existing livestock management fence, construction of 0.75 miles of temporary protection fence, two miles or 48.5 acres of hazard tree survey and mitigation, and botanical survey and monitoring within the boundary of the fire. All fence lines have had archeological survey completed with concurrence from SHPO; "Determination of No Historic Properties Affected." The actions would also include the removal of existing damaged fence material and debris, as a result of the fire. The hazard tree mitigation will consist of cutting potential hazard trees within 100 feet of existing and proposed recreation trail locations and structures. The trees will be limbed; material scattered or chipped, and then logs bucked and scattered on landscape. There will be minimal surface disturbance associated with the ES action.

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 proposed actions are in conformance with the Standard Operating Procedures for Fire Management (4). The Spokane Resource Management Plan states; "All unplanned ignitions (wildfires) will have a timely post burn review and evaluation in order to define appropriate rehabilitation and

/or monitoring needs." The proposed projects are essential for the protection, maintenance and improvement of public safety, property, and or natural and cultural resources.

C. Compliance with NEPA:

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

Emergency Stabilization

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. These activities:

- (a) Shall be completed within one year following the event;
- (b) Shall not include the use of herbicides or pesticides;
- (c) Shall not include the construction of new roads or other new permanent infrastructure;
- (d) Shall not exceed 4,200 acres; and
- (e) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
- (f) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

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:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Planned action is to mitigate impacts from wildfire that may threaten public health, safety, property and or natural and cultural resources.		
(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.		
<p>There are no known ecologically significant or critical areas within the project areas. The proposed actions would not have significant impacts on any known migratory birds. The proposed actions are not expected to alter the level of use of the habitat in the project area by known migratory birds. Implementation of the proposed actions would result in no discernible increase in human caused impacts to the local population of Birds of Conservation concern over current levels.</p> <p>Archeological surveys would be completed by the BLM and projects modified, if needed, to render no effect on historic properties prior to implementation.</p> <p>The ES actions intent are to remove and or reduce impacts to recreational users, adjacent wetlands and farmlands.</p>		
(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"/>
<p>The proposed actions (ES implementation) are not known to have highly controversial environmental effects. ES plans and associated actions are a common practice following wildfires to restore or protect BLM managed resources.</p>		
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The ES actions would not have highly uncertain and potentially significant environmental effects or involve unknown environmental risks. Implementation of such actions are a common practice with known effects that are not unique.</p>		
(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"/>
<p>The ES actions would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects because there are no future actions beyond the scope of restoration and rehabilitation associated with wildfire incident.</p>		
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>There is currently a recreational hiking trail route proposed in the vicinity of the project area that would have a direct relationship to hazard tree removal but the implementation of the ES actions would not lead to significant cumulative effects.</p>		
(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"/>
<p>There are no known significant properties eligible for listing within the ES planning area. Cultural resource inventory was completed the week of 12/5/2014. Section 106 for the Watermelon Hill ESR Fenceline action was completed with concurrence from SHPO received</p>		

<p>2/2/2015 "We concur with your Determination of No Historic Properties Affected". If there are any future or inadvertent historic, cultural or paleontological property discoveries made during project implementation, there will be an immediate ceasing of the project activities and the Border Field Manager and Archeologist would be contacted for further investigation. In the event that American Indian human remains, unassociated funerary objects, or grave goods are encountered, work in the immediate vicinity of the discovery will cease, and BLM shall comply with NAGPRA as outlined in 43 CFR 10 by consulting with the SHPO and implementing appropriate mitigation.</p>		
<p>(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.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Spalding's catchfly (<i>Silene spaldingii</i>) is federally listed as threatened. It is present throughout the burn area and is subject to the threat of invasive plant species. Monitoring of the potential threat of invasive species and the management of activities for stabilization of soils will be conducted to ensure habitat maintenance. No additional stabilization treatments are expected in these habitats; there would be no significant impacts on existing populations or critical habitat.</p> <p>There are no known threatened and endangered animals in the project area. This extraordinary circumstance does not apply because the ES plan proposal area does not have any federally listed or BLM sensitive wildlife species or associated suitable habitat.</p>		
<p>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The proposed actions would not violate any laws or requirements imposed for the protection of the environment.</p>		
<p>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The proposed actions would not have a disproportionately high and adverse effect on low income or minority populations; but rather, the proposed treatments would likely be a stimulus to local communities and low income or minority populations.</p>		
<p>(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).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The purpose of the plan is to implement measures that stabilize and restore natural and cultural resources.</p>		
<p>(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).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The majority of disturbed areas would be along existing fence lines and recreational trails. Fence line construction would not require line clearing (soil/vegetation scalping) due to removal of vegetation by fire. The areas of disturbance would be seeded with a BLM approved seed mix. Off Highway Vehicles (OHV) and or All Terrain (ATV) or Utility (UTV) vehicles would be inspected prior to entering project sites.</p>		

D: Signature

/s/ Mark Hatchel

February 6, 2015

(Authorizing Official Signature)

(Date)

Name: Acting for Dennis Strange
Title: Border Field Office Manager

E. Contact Person

For additional information concerning this CX review, contact Ray Pease, Rangeland Management Specialist at (509) 536-1210 or jpease@blm.gov.

Watermelon Hill (H8U0) ESR Plan

Legend

-  Existing Fence Repair
-  Hazard Tree Removal Areas
-  Temporary Protection Fence
- Roads**
-  Interstate Highway
-  Major road
-  Minor road
-  Trail
-  Major Stream
-  Allotment
-  Major Water Body
-  Fire Perimeter
-  Bureau of Land Management

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