

## **DECISION RECORD**

*Foster Creek and Crane Road ESR Broadcast Seeding*

DOI-BLM-OR-134-2013-0004-CX

Bureau of Land Management

Wenatchee Field Office

915 Walla Walla Ave.

Wenatchee, Washington 98801

### **1. Background**

In summer of 2012, the Foster Creek and Crane Road fires burned approximately 12,462 acres within the Foster Creek and Swamp Creek-Columbia River Watersheds, including of 604 acres of BLM administered land and 2,856 acres of State administered land. Much of the area is rangeland, with some old Conservation Reserve Program (CRP) fields and several hundred acres of previously restored 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.

### **2. Decision**

It is my decision to implement the *Foster Creek and Crane Road ESR Broadcast Seeding* project as described in the attached document (DOI-BLM-OR-134-2013-0004-CX) and shown on attached maps & drawings. Broadcast seeding from aerial and ground-based equipment on approximately 500 acres of native rangeland where native vegetation is unlikely to recover naturally.

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. The BLM has made the determination 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. 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. 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.

### **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  
Washington Department of Fish and Wildlife  
Natural Resource Conservation Services  
Foster Creek Conservation District

#### **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, Wenatchee Field Office  
Spokane District Bureau of Land Management  
915 Walla Walla Ave  
Wenatchee, WA 98801

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 Coates-Markle

11/16/2012

\_\_\_\_\_  
Linda Coates-Markle  
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: Wenatchee Field Office*

*Lease/Serial/Case File No.:*

*NEPA Log Number: DOI-BLM-OR-134-2013-0004-CX*

*Proposed Action Title: Foster Creek and Crane Road Fires ESR Broadcast Seeding*

*Location of Proposed Action: T28N R25E Sec. 1, 12; T30N R24E Sec. 32; T29N R24E Sec. 5, 6.*

*Description of Proposed Action: Broadcast seeding of native rangeland on BLM land and in the Washington Department of Fish and Wildlife (WDFW) Wells Wildlife Area. Approximately 500 acres of BLM and WDFW 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, Dalmatian toadflax and other invasive species. Broadcast seeding would be accomplished using both aerial and ground based methods as necessary. Aerial seeding is expected to occur at the Foster Creek Fire area, while ground based broadcasting would occur at the Crane Road Fire Area.*

### 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." 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)." 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.

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> The proposed categorical exclusion action will:	<b>YES</b>	<b>NO</b>
(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; 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Broadcast seeding would not have significant effects on any of the above listed resources. Ecologically 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

or involve unique or unknown environmental risks.		
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 using previously tested treatment methods 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"/>
No significant cumulative effects have been identified.		
(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"/>
Previous cultural resources surveys on BLM parcels did not identify any NRHP eligible sites; no known cultural properties have been identified on WDFW lands in the project area. The nature of treatments will not result in ground disturbance and any cultural properties which may exist in the project area will not be affected.		
(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.		
(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 Coates-Markle

11/16/2012

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

\_\_\_\_\_  
(Date)

Name: Linda Coates-Markle

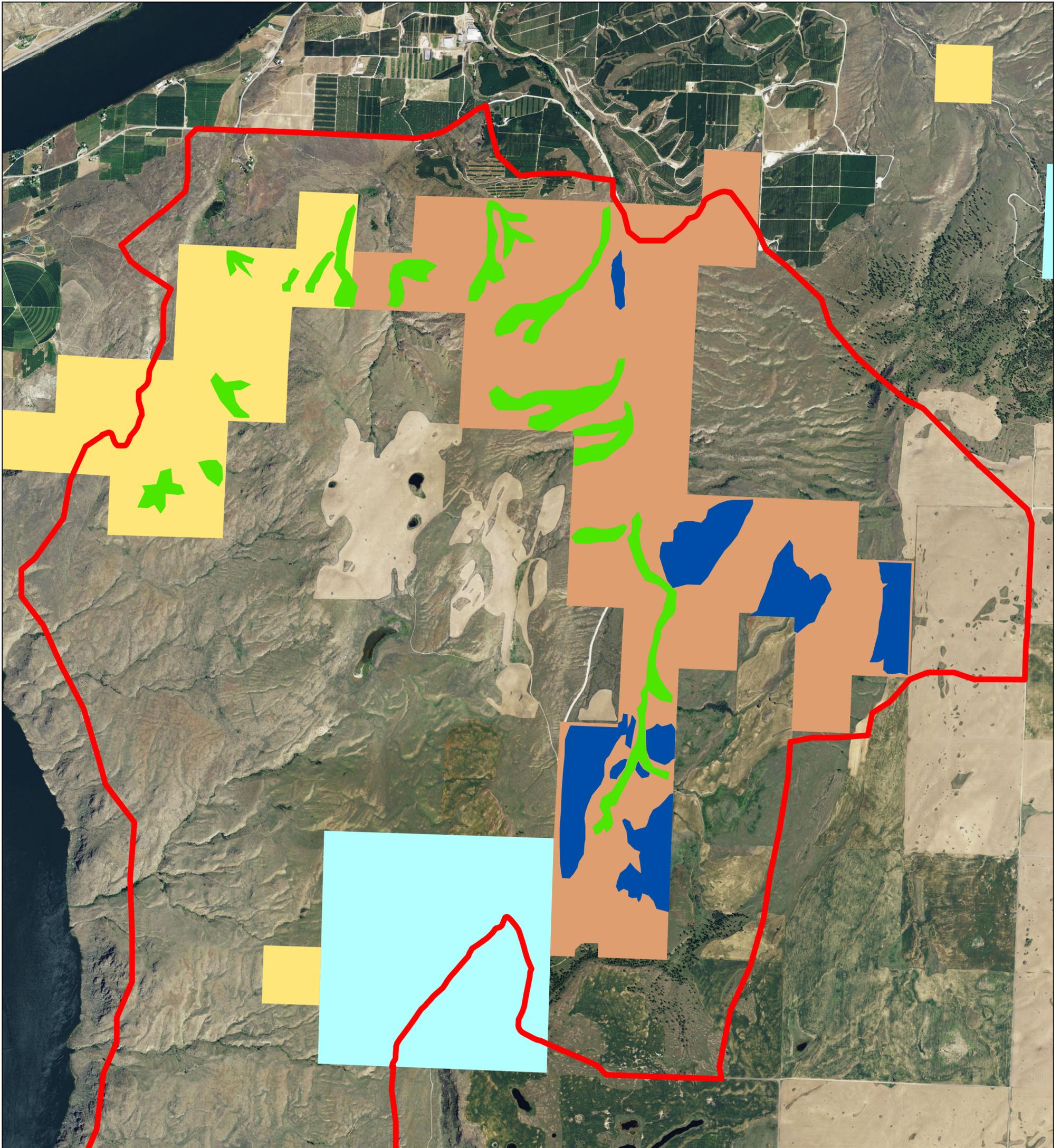
Title: Wenatchee Field Manager

**G. Contact Person**

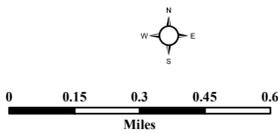
For additional information concerning this CX review, contact Erik Ellis, Wildlife Biologist

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

# Crane Road Fire Seeding and Erosion Control Areas



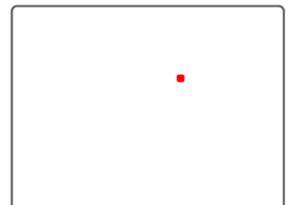
-  BLM
-  WDFW
-  WDNR
-  Fire Perimeter
-  Aerial Seeding and Erosion Control
-  Drill Seeding



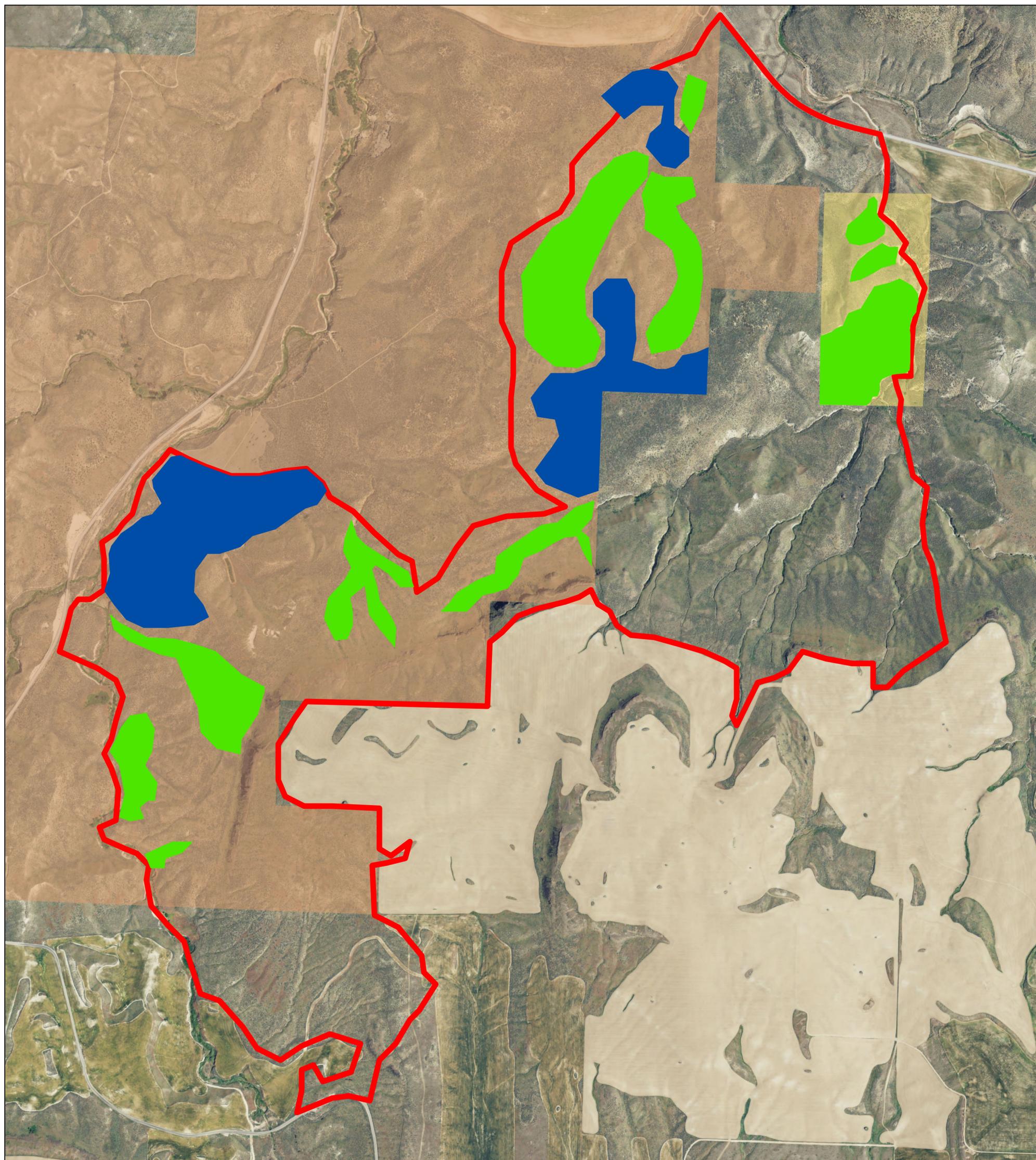
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



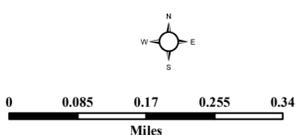
Date: 9/7/2012



# Foster Creek Fire Seeding and Erosion Control Areas



-  Fire Perimeter
-  Aerial Seeding and Erosion Control
-  Drill Seeding
-  Bureau of Land Management
-  WDFW



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.



Date: 8/31/2012

