



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Vale District Office  
100 Oregon Street  
Vale, Oregon 97918

IN REPLY REFER TO:  
4190 (ORV000)

DEC 07 2012

## NOTICE OF FIELD MANAGER'S FINAL DECISION LYTLE FIRE (G47B)

Dear Interested Public:

### BACKGROUND

The Lytle Fire (G47B) was ignited by lightning on August 6, 2012. Erratic winds and low relative humidity allowed the fire to spread to 5,344 acres before it was contained on August 8, 2012. In total, the Lytle Fire burned 5,344 acres of which 3,412 acres were BLM and 1,932 acres were private. The Lytle Fire also included approximately 155 acres of the Keeney Pass segment of the Oregon National Historic Trail Area of Critical Environmental Concern (ACEC). The relevant and important values of the Oregon trail ACEC are historic and scenic values in addition to the presence of a special status plant, Cronquist's stickseed (*Hackelia cronquistii*). There are eight known locations of Cronquist's stickseed (*Hackelia cronquistii*) within the Lytle Fire perimeter.

Within a week of the containment date of the fire, the Vale District assembled an interdisciplinary (ID) team made up of specialists from botany, range, wildlife and fire. Within 21 days of containment, this ID team developed an Emergency Stabilization and Rehabilitation Plan for the treatment of the burned area. The plan was consistent with the H-1742-1- Burned Area Emergency Stabilization and Rehabilitation Handbook and the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005. The plan was submitted for funding from the Washington Office (WO) through the Emergency Stabilization and Rehabilitation System (ESRS). Upon review by the WO, the district received several comments regarding the following: the location of the seeding treatment in the plan and a request for additional verbiage outlining why completing the treatment to avoid the establishment of invasive and noxious weeds was considered an emergency action. The plan was amended, resubmitted and on September 27, 2012 the plan was approved by the WO.

Once the plan was approved, we began the field layout of treatments and further refinement of the plan based on field observation, cultural surveys, consultation with permittees, further conversations with ID team members, seed availability and funding limitations. The plan had originally included aerially seeding and chaining 1,500 acres of crested wheatgrass and after some revision the final plan, now includes approximately 985 acres. The acreage decreased because upon field assessment, some areas were deemed unsuitable for aerial seeding due to topographical limitations and transmission lines.

The Oregon National Historic Trail ACEC was excluded from all of the seeding polygons in order to preserve and protect the relevant and important values. In addition to the exclusion of the Oregon National Historic Trail ACEC, cultural surveys were completed and avoidance areas were marked to protect cultural values. All known locations of Cronquist's stickseed (*Hackelia cronquistii*) that fell within the seeding area will also be avoided, to include a 100-foot buffer around the plant site.

The fence request in the original plan included fourteen miles of three-strand, barbed-wire temporary fence and the final plan includes ten miles of temporary fence. The deviation from the fourteen miles listed in the original plan was a result of moving the fence in several locations after field observation revealed topographical limitations. The temporary fence will be located in portions of the Oregon National Historic Trail ACEC. Due to the temporary nature of the fence and the post-fire rest it will afford the areas burned in the fire, it is not considered a threat to the relevant and important values of the ACEC.

Planned actions include: construction of ten (10) miles of three-strand, barbed wire temporary-protective fence, repair of ten (10) miles of permanent fence, closure of approximately 3,560 acres of the burned area to livestock grazing, aerial seed and chain approximately 985 acres of crested wheatgrass and 20 acres of chemical application to control noxious weeds . If necessary, a separate grazing decision will be issued to address the exclusion of livestock as a result of the Lytle Fire.

### **FINAL DECISION**

I have found this area to be at immediate risk for erosion damage and encroachment by invasive grasses and weeds due to the Lytle Fire. In order to immediately stabilize the area I have decided to: construct ten (10) miles of temporary-protective fence, close approximately 3,560 acres to livestock grazing, aerial seed and chain approximately 985 acres of crested wheatgrass and conduct noxious weed treatments on approximately 20 acres.

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), which states:

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.

### **RATIONALE**

This situation requires immediate action to prevent erosion and the encroachment of noxious weeds and annual invasive grasses. The actions outlined for stabilization are in accordance with 43 CFR § 4.21 (a)(1) due to their emergency nature as a result of damage caused by wildfire. If no action is taken, the area is at high risk of wind and water erosion damage due to a lack of stabilizing perennial vegetation, encroachment of noxious weeds and unstable soils. The final decision considered and incorporated all relevant resource concerns for the area burned by the Lytle Fire and the following designations were not found to be relevant: Wilderness Study Areas, Wilderness Characteristics, Preliminary Priority Habitat and Preliminary General Habitat.

By seeding 985 acres of crested wheatgrass we will be creating competition and decreasing the threat of annual invasive grasses and noxious weeds infesting the site. Neglecting to seed could prove to be detrimental to the remaining native plant community as a result of the increased fire interval that often plagues annual grass dominated rangelands. Crested wheatgrass is an ideal species to seed with at this location because it is an aggressive cultivar that survives in areas with low precipitation levels and it is readily available in the region. Alternatively, native seed was considered, however native seed is in short supply this year and is extremely expensive due to the high supply and demand ratio. The ID team decided that rather than using the scarce native seed on the areas burned in the Lytle Fire, it would be prudent to use the seed in areas where it is vital for recovery. These areas specifically are that which have greater resource values and especially those which contain sage grouse habitat. The seeding treatment is consistent with the Southeastern Oregon Resource Management Plan (2002), ESR handbook 1742-1 and the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005.

Construction of ten miles of three-strand temporary protective fence around the perimeter of the burned area will allow for continued grazing use by the grazing permit holders on approximately 6,783 unburned acres of BLM land in the North Harper allotment. In addition to the temporary protective fence, there will also be ten miles of permanent fence that will be repaired. By not building the temporary protective fence, it would have been necessary to close the entire Needham Well, Dunlevy-Sayers, FFR and Lincoln Bench pastures which would have denied the grazing permit holders' access to approximately 1,300 AUMs of permitted grazing use. The location of the temporary fence is ideal in that it is as short as possible and therefore the least costly and it will provide the necessary post-fire rest and protection for the seedlings and remnant perennial vegetation to become established. The temporary fence will be removed after two growing seasons or when BLM assessment reveals that resource objectives have been met or have reached a satisfactory level. The construction of temporary protective fence and repair of the permanent fence is consistent with Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005 and the ESR Handbook 1742-1.

There will be approximately twenty acres of herbicide treatments for noxious weeds within the perimeter of the Lytle Fire. Rush skeletonweed (*Chondrilla juncea*), diffuse knapweed (*Centaurea diffusa*), Whitetop (*Lepidium* sp.) and Scotch thistle (*Onopordum acanthium*) have been documented within the burn area. Russian knapweed (*Acroptilon repens*) has been identified near the north perimeter of the burn, along roadsides in the area. Treatments and inventory will be conducted in years 2012, 2013 and 2014. If the identified weeds are not treated they are expected to increase as a result of removal of the existing vegetation during the fire. The encroachment of noxious weeds will likely result in increased wind and water erosion due to a lack of stabilizing perennial vegetation. Past treatments in the area have been successful and by continuing to inventory and treat infestations the frequency of noxious weeds is expected to be reduced. Noxious weed treatments are consistent with the guidelines set forth in the ESR handbook 1742-1, Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005 and BLM Manuals 9011, H-9011-1 and 9015.

A separate grazing decision will be issued to address the exclusion of livestock as a result of the Lytle Fire, if needed.

## RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error. A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. A notice of appeal must be on paper.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal.

A petition for stay is required to show sufficient justification based on the standards listed below.

### **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:

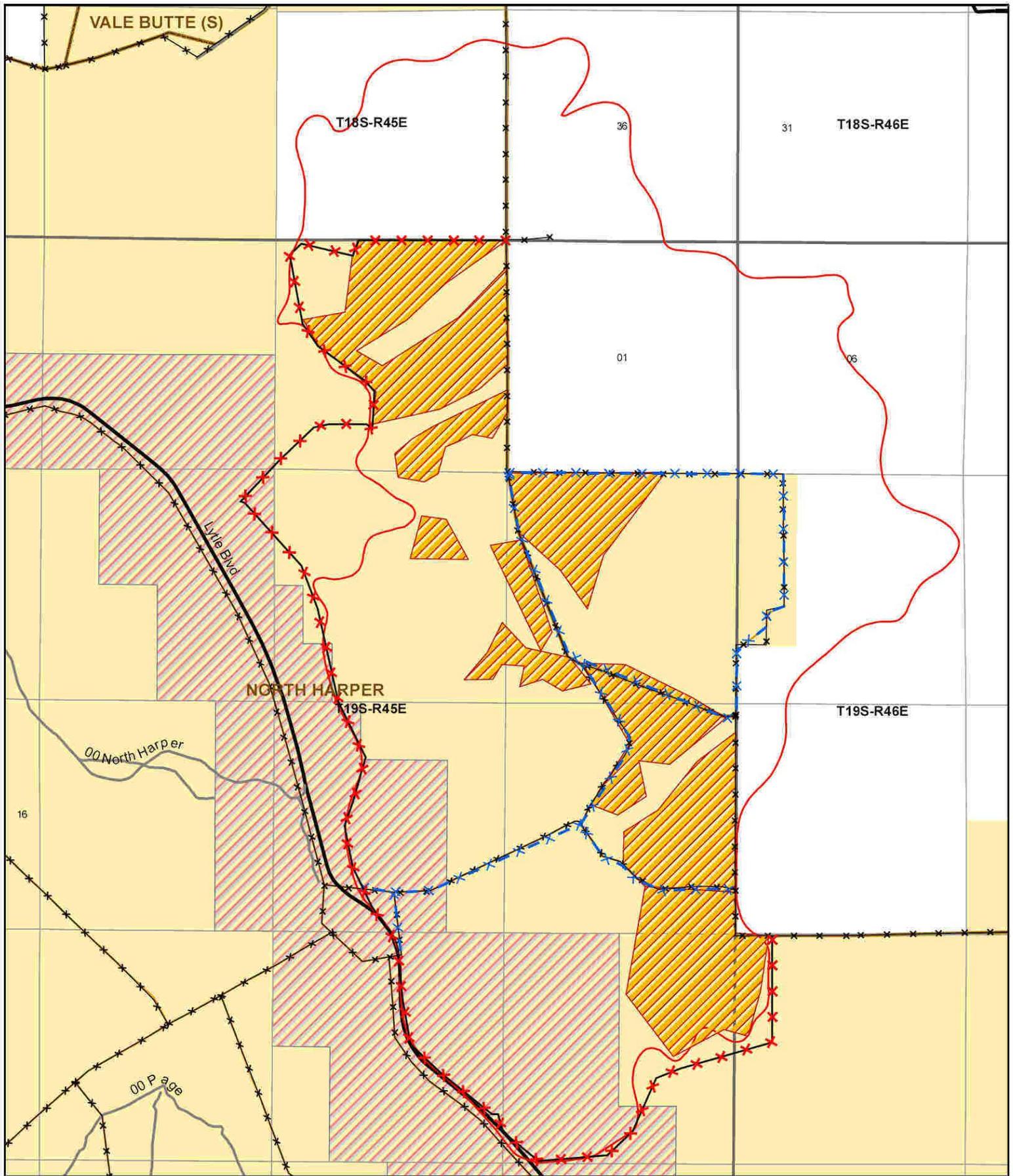
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Finally, copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Sincerely,

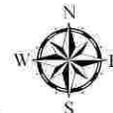
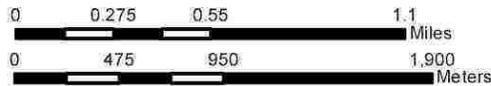
A handwritten signature in black ink, appearing to read 'Pat Ryan', with a horizontal line extending to the right.

Pat Ryan  
Field Manager  
Jordan/Malheur Resource Areas



- Legend**
- Temporary Fence
  - Permanent Fence Repair
  - Fence
  - Seeding
  - Areas of Critical Environmental Concern
  - Lytle Fire Perimeter

- BLM
- Private
- County route
- Bureau of Land Management



U.S. Department of Interior  
Bureau of Land Management

Vale District  
November 21, 2012

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**Lytle Fire - Emergency Stabilization and Rehabilitation  
Protective Temporary Fences/Related Facilities Repair  
Aerial Seed Application**