



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vale District Office

100 Oregon Street

Vale, OR 97918

IN REPLY REFER TO:
4190 (ORV040)
(H8BD)

OCT 07 2014

NOTICE OF FIELD MANAGER'S FINAL DECISION

Dear Interested Public:

BACKGROUND

The Vale District Bureau of Land Management (BLM) and the Burns District BLM have prepared an environmental assessment; proposing to implement emergency stabilization and burned area rehabilitation (ESR) plans within the Buzzard Complex. The Buzzard Complex ESR Plans EA analyzed impacts to the human environment that would result from implementation of a range of treatments that included those put forth in the Vale District portion of the complex – the Saddle Draw ESR plan.

The Saddle Draw fire burned approximately 141,315 acres on Vale District Bureau of Land Management (BLM, see Map 2-SD) lands, approximately 70,485 acres of privately owned land, and 58,193 acres of Oregon State lands. The Saddle Draw Fire was started by lightning on July 5, 2007. The Buzzard Complex fires burned across the Malheur and Harney county shared border and involved lands managed by the Vale District BLM and the Burns District BLM. An Interdisciplinary Team (IDT) from the Vale District prepared the Saddle Draw Emergency Stabilization (ES) Plan. To comply with the National Environmental Policy Act (NEPA), an IDT composed of members from both Vale and Burns districts then prepared the Buzzard Complex Emergency Stabilization and Rehabilitation Plans Environmental Assessment (EA). The EA analyzes a proposed action that describes all of the stabilization and rehabilitation actions proposed within the Saddle Draw, Riley Field, and Beaver Creek burned areas. The Environmental Assessment and associated documents are available upon request to the BLM, Vale district office. The EA can also be found on-line at:

<http://www.blm.gov/or/districts/vale/plans/index.php>

COMPLIANCE

The EA (Buzzard Complex Fire Emergency Stabilization and Rehabilitation Plans, [jointly filed NEPA numbers DOI-BLM-OR-V040-2014-076-EA and DOI-BLM-OR-B050-2014-0032-EA]) is tiered to the Southeastern Oregon Resource Management Plan (SEORMP) and Record of Decision (2002), and the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Final Environmental Impact Statement (FEIS). There will be no substantial broad societal or regional impacts not previously considered in these planning documents and relevant information contained therein is incorporated by reference. The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within the Vale District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (NEPA) (42 U.S.C. 4320-4347), 1970
- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- Public Rangelands Improvement Act (43 U.S.C. 1901), 1978
- August 12, 1997 Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the BLM in the States of Oregon and Washington
- 2007 Vegetation Treatments Using Herbicides on BLM lands in 17 Western States Record of Decision (ROD)
- 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD
- Greater Sage-Grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- Greater Sage-Grouse conservation assessment and strategy for Oregon (Hagen 2011)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- USFWS 2013 Greater Sage-Grouse Conservation Objectives: Final Report
- 2011 Oregon Department of Fish and Wildlife Greater Sage-Grouse Conservation Assessment.
- Instruction Memorandum WO-2012-043, Greater Sage-Grouse Interim Management Policies and Procedures issued December 27, 2011.
- Clean Water Act (33 U.S.C. 1251 - 1376; Chapter 758; P.L. 845, June 30, 1948; 62 Stat. 1155)
- Clean Air Act, 42 U.S.C. 7470, et seq., as amended
- National Historic Preservation Act (16 U.S.C. 470)
- Instruction Memorandum WO IM-2014-114, Sage-Grouse Habitat and Wildland fire Management issued July 18, 2014.
- Wilderness Manual 6330
- National Technical Team Report, 2012
- State, local, and Tribal laws, regulations, and land use plans
- Executive Order 12372, Intergovernmental Review
- Executive Order 13112, Invasive Species

DECISION

Having considered the Proposed Action, No Action Alternative, and two alternatives considered but not analyzed in detail, and based on analysis in DOI-BLM-OR-V040-2014-0076-EA/ DOI-BLM-OR-V050-2014-0032-EA (EA), it is my decision to implement portions of the Proposed Action (see below) and is effective immediately under 43 CFR 4190.1. I have determined that those actions are needed to reduce the immediate risk of erosion or other damage to the public lands within the Vale District due to the Saddle Draw fire. This provides for the use of specific herbicides currently not available for use under the current Vale District Integrated Weed Control Plan. I find that the proposed action would not constitute a significant action and no Environmental Impact Statement is required.

The portions of the Proposed Action selected for implementation on the Saddle Draw burned area will include the following elements:

1. *Aerial Application of Pre-emergent Herbicide for Annual Grass Control*: The herbicide known as imazapic will be applied to approximately 10,000 acres within the fire perimeter (See Attachment A, Map 6-SD) with aerial methods. This treatment will occur in the fall of 2014 with additional applications in 2015-2017 if monitoring indicates that invasion or expansion of introduced annual grass species is occurring within the fire perimeter.

All applications of imazapic for invasive annual grass control will be consistent with standard operating procedures (SOPs) and best management practices (BMPs) set forth in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Record of Decision (ROD) (Oregon Veg. FEIS).

2. *General Noxious Weed Herbicide Treatments:* During the first year post-fire, the portions of the areas within the Saddle Draw burned area judged to be at the highest risk for noxious weed invasion would be inventoried. The majority of this inventory will occur along major travel routes. Spot treatments of herbicide will be applied to noxious weeds located by the inventory.

During the second and third year following the fire, the entire burn areas will be inventoried, with focus along roads, facilities, seeding, and planting locations. Primarily through an assistance agreement, the BLM will conduct Early Detection and Rapid Response (EDRR) for control of noxious weeds. This inventory will focus on identifying areas of noxious weeds for subsequent treatment. Weeds specialists from BLM will work with crews to inventory and treat identified weed infestations. Small infestations will be spot treated using the best available methods, including the use of herbicides. Larger areas will be mapped for future ground or aerial treatments.

All applications of herbicides for control of general noxious weeds will be consistent with standard operating procedures (SOPs) and best management practices (BMPs) set forth in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Record of Decision (ROD) (Oregon Veg. FEIS)

3. *Aerial Seeding:* Approximately 10,000 acres within the Saddle Draw burned area will be seeded (See Attachment A, Map 4-SD) with native grass species using aerial methods. Species in this seed mix will include bluebunch wheatgrass, Idaho fescue, bottlebrush squirreltail, and needle and thread grass. Aerial seeding will occur between winter 2014 and winter 2015.
4. *Ground Based Seeding:* Approximately 10,000 acres within the Saddle Draw burned area will be seeded with two separate seed mixes using rangeland drills, tractors and heavy equipment (See Attachment A, Map 5-SD). A mix of exclusively native species will be applied to approximately 8,000 acres that are considered low risk for expansion of invasive annual grasses in the fire perimeter. Wyoming big sagebrush will be seeded with this seed mix. Crested wheatgrass and Siberian wheatgrass will be seeded using the same ground-based methods on roughly 2,000 acres located in lower elevations of the burned area that are considered high risk for expansion of invasive annual grass species. Much of this area was likely infested with medusahead rye prior to the Saddle Draw wildfire.
5. *Seedling Planting:* Approximately 2000 acres within the burned area will be planted with Wyoming big sagebrush and/or basin big sagebrush (See Attachment A, Map 5-SD). Approximately 2000 acres will be planted with antelope bitterbrush seedlings. Seedlings will be planted in patches that vary between 500 – 2000 acres in area using hand tools. Wildlife exclosures may be constructed around seedling patches and left in place until seedlings can withstand browsing by wildlife and livestock. Precise locations of seedling planting may be changed or adjusted as implementation occurs to increase the likelihood of success.

6. *Erosion Control Structures:* Erosion control structures (hillslope or in channel treatments) will be emplaced on burned slopes or in drainages as needed. Structures will be constructed of felled juniper, rocks, or weed-free straw wattles or bales. Structures will be anchored with metal posts to resist movement. Height, width, and position will depend on channel morphology and potential for water movement. Contour wattles and straw bale check dams will be constructed according to Natural Resource Conservation Service (NRCS) guidelines (USDA 2004 and USDA 2012).
7. *Temporary Fence Construction and Repair of Management Fence:* Approximately 15 miles of temporary fence will be constructed to protect recovering burned areas within the Saddle Draw fire (See Attachment A, Map 9-SD) from livestock grazing and to protect planted seedling patches. Allotments and pastures which will be impacted by temporary fences are: South Star Mountain Allotment-East Chapman and Creston Brush Control pastures and Turnbull Allotment - Slaten pasture. Temporary gates/and or cattleguards will be installed at road crossings to allow for public access.
8. *Stabilization of Known Cultural Resource Sites:* The 36 known cultural resources within the boundaries of the Saddle Draw burned area will be assessed to determine if immediate stabilization measures are needed. If necessary, low impact seeding or other erosion control measures would be implemented on these sites to minimize erosion of archaeological deposits and decrease visibility as protection against illegal artifact collection.
9. *Livestock Closures:* BLM-managed lands within the Saddle Draw burned area may be closed to livestock grazing for one full year and through a second growing season at a minimum, or until monitoring data or professional judgment indicate that health and vigor of desired vegetation has recovered to levels adequate to support and protect upland vegetation” Appropriate grazing use of healthy perennial vegetation communities, or areas dominated by annual species, prior to the two growing season limit may be allowed on a case-by-case basis, as consistent with objectives for improving or maintaining rangeland health and other objectives ” (SEORMP/ROD, p.40).

Project Design Features of the Proposed Action

Project Design Features (PDFs) are the result of specialist recommendations. Project design elements are incorporated into my decision in order to protect a specific resource value or improve the potential for meeting resource objectives. These features are nonexclusive and may be slightly modified to best fit site-specific characteristics (topography and vegetation). Any changes, additions or deletions will be made through coordination with appropriate BLM specialists and will be subject to my approval.

- Protect cultural resource values throughout the life of the project. Cultural resources known prior to the Saddle Draw Fire and those located during inventories that precede ground-disturbing activities will be avoided during implementation of the ESR plan.
- Clean all vehicles and equipment used during implementation of the ESR plan to reduce the potential for new noxious weeds becoming established in the burned area.
- Consult with the Burns Paiute Tribe in Burns, Oregon to ensure that herbicides are not applied in areas where tribal members are gathering traditionally used edible plants.
- Avoid known special status plant species sites while seeding non-native grass species and while applying pre-emergent herbicide for annual grass control.

- Use reflective markers on all temporary protective fences constructed which pose a higher risk for collision by Greater Sage-Grouse.
- Construction or repair of management fences will be avoided where possible during Greater Sage-Grouse nesting season (Between March 1 and June 15).
- Use only seed that meets BLM standards for weeds, germination, and purity.

Issues to be addressed under separate actions

1. *Emergency Gather of Wild Horses in Cold Springs Herd Management Area (HMA):* An emergency gather of the Cold Springs HMA wild horses will be conducted in 2014 or 2015, pending approval from the Wild Horse and Burro, Washington DC Office. Horses will not be returned to the HMA until monitoring indicates that sufficient vegetation recovery has occurred.
2. *Reduction of grazing authorization due to the closure:* This will be done consistent with 43 CFR 4110.3-3(a).

COMMENTS RECEIVED

On August 11th, 2014 Vale District organized a conference call during preparation of the final ESR funding request (21-day plan) for the Saddle Draw Fire. It was attended by approximately 11 representatives of state agencies, US Fish and Wildlife Service, grazing permittees, the Burns Paiute and the Oregon Natural Desert Association (ONDA). Comments were received regarding use of imazapic, use of non-native species for stabilization or rehabilitation purposes and construction of fuel breaks.

On August 28th, 2014, Vale District mailed a scoping letter to interested publics seeking comments concerning the burned areas, specifically for the Saddle Draw fire within the Buzzard Complex. Among other issues voluntarily raised by the public, Vale specifically identified the following issues for which public comments were welcome: Greater Sage-Grouse and its habitat, big game winter range, old growth bitterbrush, the Stockade Mountain ACEC/RNA, the Cold Springs HMA, invasive and noxious weeds and grazing management. Vale District received eight comment letters/electronic communications responding to the scoping letter, along with three additional letters from State agencies and the public prior to the comment period.

On September 9, 2014, Vale District representatives attended a field tour with Burns District staff to visit a portion of Buzzard Complex Fire with concerned members of the public and other cooperating agencies. Representatives from ONDA, ODFW, USDA Agricultural Research Service (ARS), USFWS (Ecological Services), Oregon State University Extension, Harney County, Burns Paiute Tribe, and Oregon Cattlemen's Association attended the tour with the BLM. Concerns were voiced regarding proposed activities in WSAs and Lands with Wilderness Characteristics and the potential use of crested wheatgrass and forage kochia in the seed mixes, especially in sage-grouse habitat. Also discussed was the timing of herbicide use for the most effective control of invasive annual grasses and prioritization of seeding and treatment areas to rehabilitate wildlife habitat. Use of herbicide in traditional Native American use sites was brought up with the determination that most of the sites are

in the upper elevations and not where the aerial herbicide treatments will be utilized. Questions regarding long term rehabilitation and restoration projects were also discussed.

As a result of these scoping efforts, some specific alternatives were considered but not analyzed in detail because they were not feasible or did not address the emergency stabilization or rehabilitation purpose and need.

Responses to substantive comments received during scoping are included with this Decision Record as Attachment B.

RATIONALE

This Decision best meets the Purpose and Need for the action because it provides the greatest likelihood of successfully establishing a ground cover of perennial vegetation to 1) compete with invasive annual grasses for available site resources to reduce the likelihood of burned areas becoming dominated by annual grasslands; 2) stabilize soils after the first growing season and reduce the potential for accelerated soil erosion associated with invasive annual communities; 3) reduce the likelihood of these areas experiencing a reduced fire return interval associated with invasive annual grass dominance; 4) coexist with and promote reestablishment of native vegetation; 5) result in less time needed for big sagebrush to reach sufficient cover density so that it can provide habitat suitable for sage-grouse hiding/nesting; 6) result in less time needed for antelope bitterbrush to reach sufficient cover density and size so that it can provide browse for big game wildlife species; 7) reduce the likelihood of new weed establishment or expansion of existing weed infestations; 8) reduce the loss of irreplaceable archaeological sites (cultural resources) from increased erosion and increased looting. In addition, the Decision was based on consultation with affected grazing permittees, other agencies (ODFW, USFWS, etc.), public comments (gathered at field trip and personal communications), and conformance with applicable laws and regulations.

The No Action Alternative (Alternative A) was not selected because it does not help with establishment and spread of invasive annual species prevalent in the lower elevations of the burned area; nor does it address noxious weeds in areas of the fire unlikely to recover naturally. It would not allow for treating noxious weeds with the most effective herbicides within existing weed infestations adjacent to each fire.

Fences would not be constructed; therefore livestock grazing would occur in burned areas, resulting in impacts to recovering native forbs and grasses, leading to poor quality forage, less vegetative diversity within the fire area, and the greater likelihood of future fires. Under this scenario, Wyoming big sagebrush plugs will not be planted leading to increased recovery times (potentially 100 years or more) in order to return to its former vigor and cover and once again provide usable habitat for sage dependent species, such as sage-grouse. This will lead to a long-term (potentially >100 year) downsize in localized populations of sage-grouse, potentially contributing to the need for listing. Fences will not be repaired. Without the ability to control livestock there will be less opportunity to protect burned areas from livestock grazing until vegetative objectives are met.

Seeding treatments would not occur allowing invasive annual grasses to dominate portions of the burned area. High density (PPH) sage-grouse habitat would remain vulnerable to invasion by introduced annual grasses and complete loss of the habitat would be possible. There could be a decrease in fire return intervals due to fine fuel build up from annual grasses. Increases in recovery

time for antelope bitterbrush and mountain big sagebrush will occur with higher risks of noxious weed and invasive annual grass infestations.

Therefore, I have selected portions of the Buzzard Complex EA Proposed Action described above for implementation on the Saddle Draw portion of the Buzzard Complex.

AUTHORITY

Authority for the stabilization and rehabilitation wildfire decisions is found under 43 Code of Federal Regulations (CFR) 4190.1 Effect of wildfire management decision (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. 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. Under these regulations, implementation of projects to stabilize and rehabilitate lands such as seeding (aerial and drilling), planting, weed treatments (aerial and ground), erosion control, road maintenance and protection, fence maintenance and reconstruction, and range improvement reconstruction will be effective upon the date of the authorized officer's signature.

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.

RIGHT OF 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 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.

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. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the Copies sent to: sections of this decision are considered to be persons "named in the decision from which the appeal is taken." Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the Copies sent to: section will be attached to a notification of internet availability and persons named in that section are also considered to be persons "named in the decision from which the appeal is taken."

Any person named in the decision, Copies sent to: section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

If you have any questions regarding this project, please contact the Project Lead, Don Rotell at the Vale District Office at 541-473-3144.

Sincerely,



Thomas Patrick "Pat" Ryan
Field Manager
Jordan/Malheur Resource Areas

Attachment A: Maps 2SD, 4SD, 5SD, 6SD, and 9SD

Attachment B: Vale District BLM Responses to Comments tables

cc: Copies sent to: section

Buzzard Fire Complex Emergency Stabilization and Rehabilitation EA (Saddle Draw)

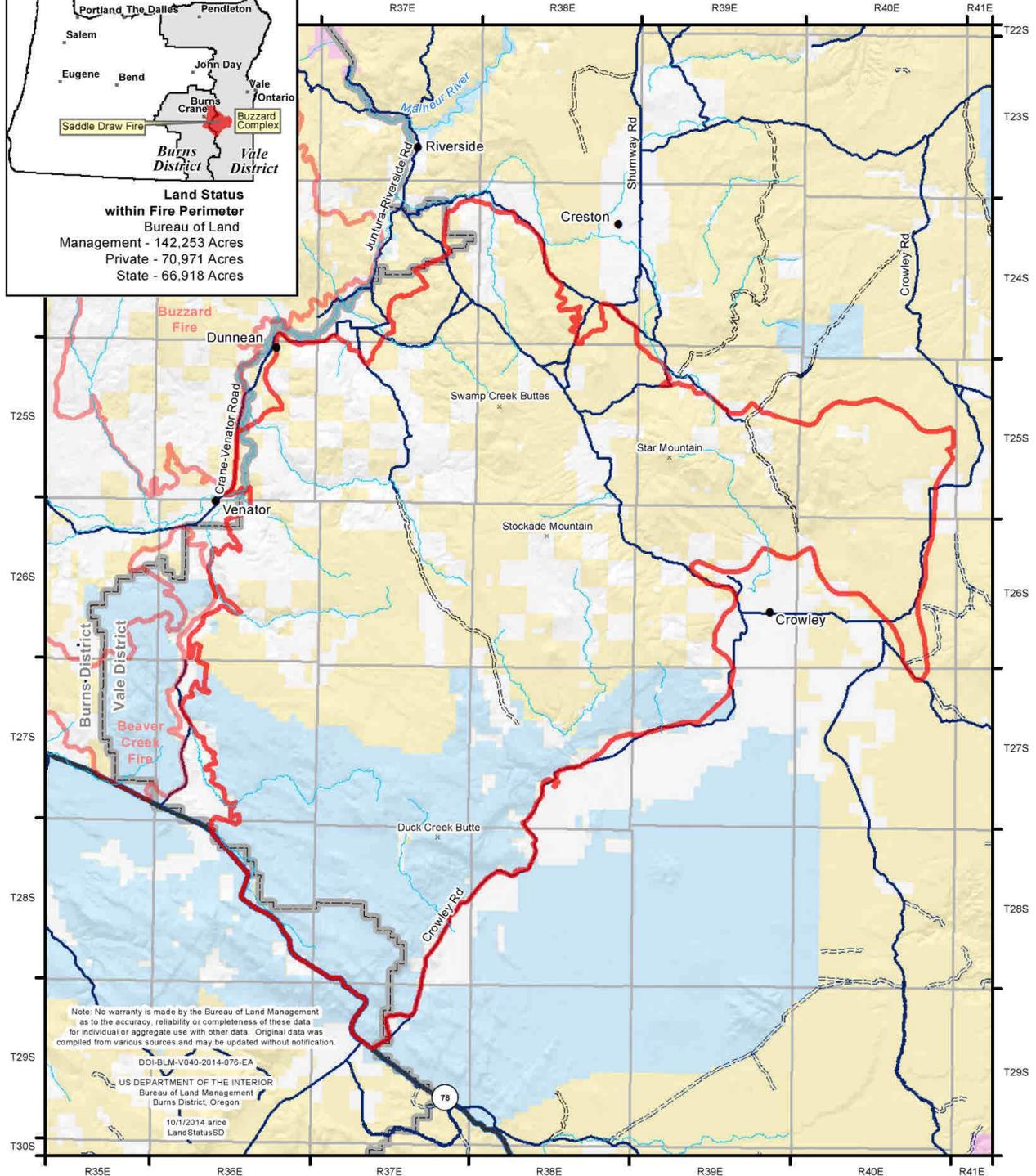
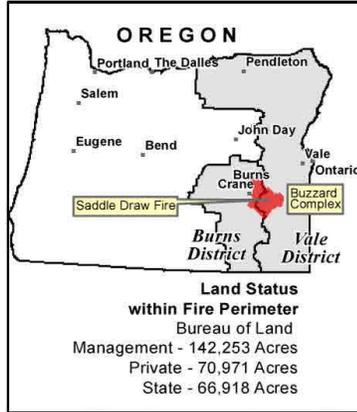
Map 2-SD



LAND STATUS



- Saddle Draw Fire Perimeter
- Not All Streams Are Shown
- BLM Primary Routes
- County Routes
- Highway
- Ways in WSA (Minimize Impact and Rehab)
- Bureau of Land Management
- State
- Other Federal
- Private/Unknown
- BLM District Boundary

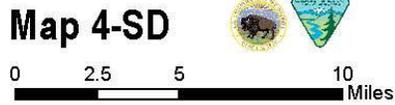


Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

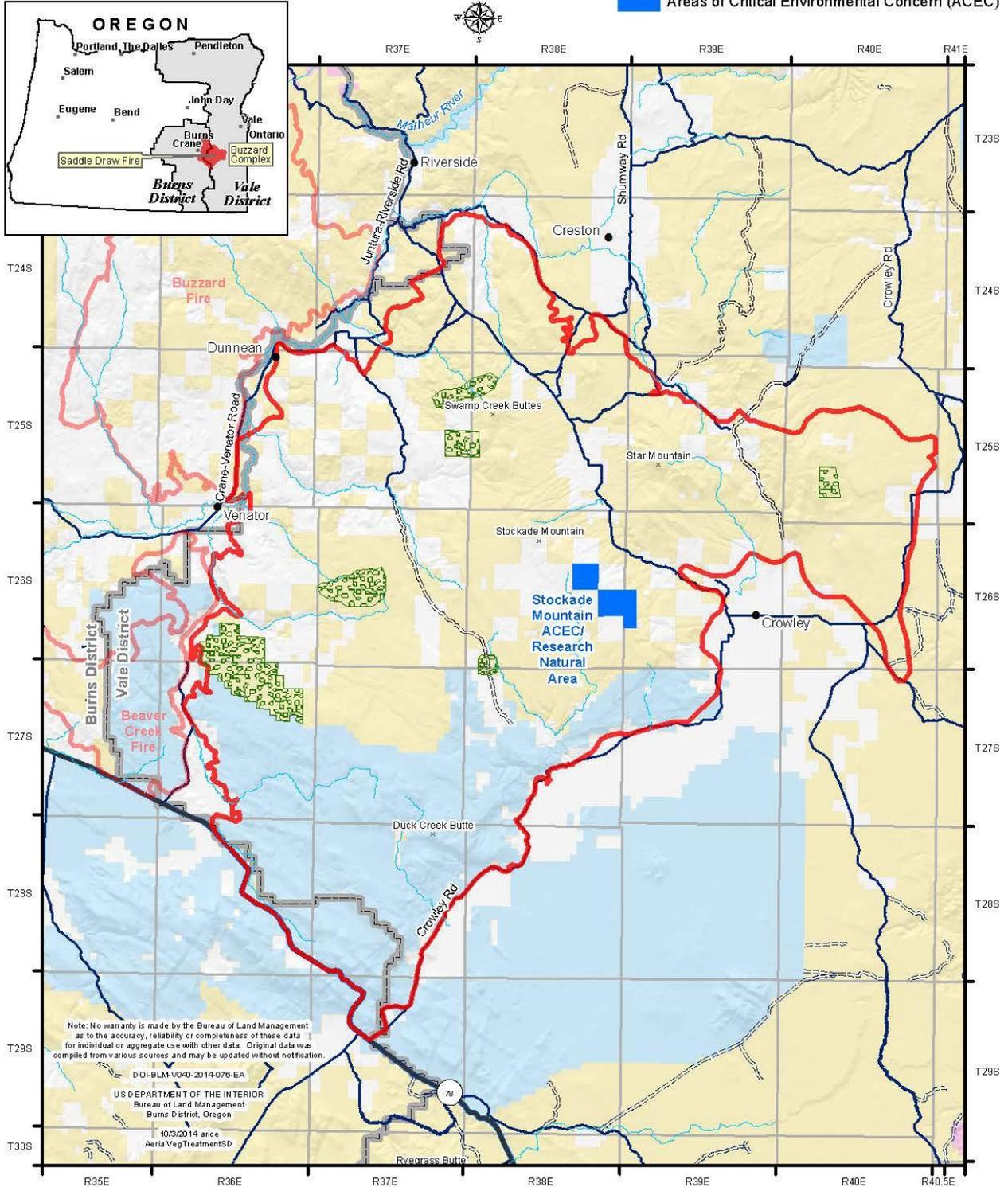
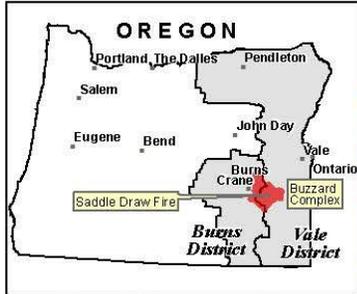
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Buzzard Fire Complex Emergency Stabilization and Rehabilitation EA (Saddle Draw)

AERIAL VEGETATION TREATMENT



- Aerial
- Not All Streams Are Shown
- Saddle Draw Fire Perimeter
- BLM District Boundary
- Areas of Critical Environmental Concern (ACEC)



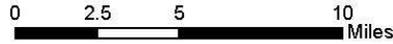
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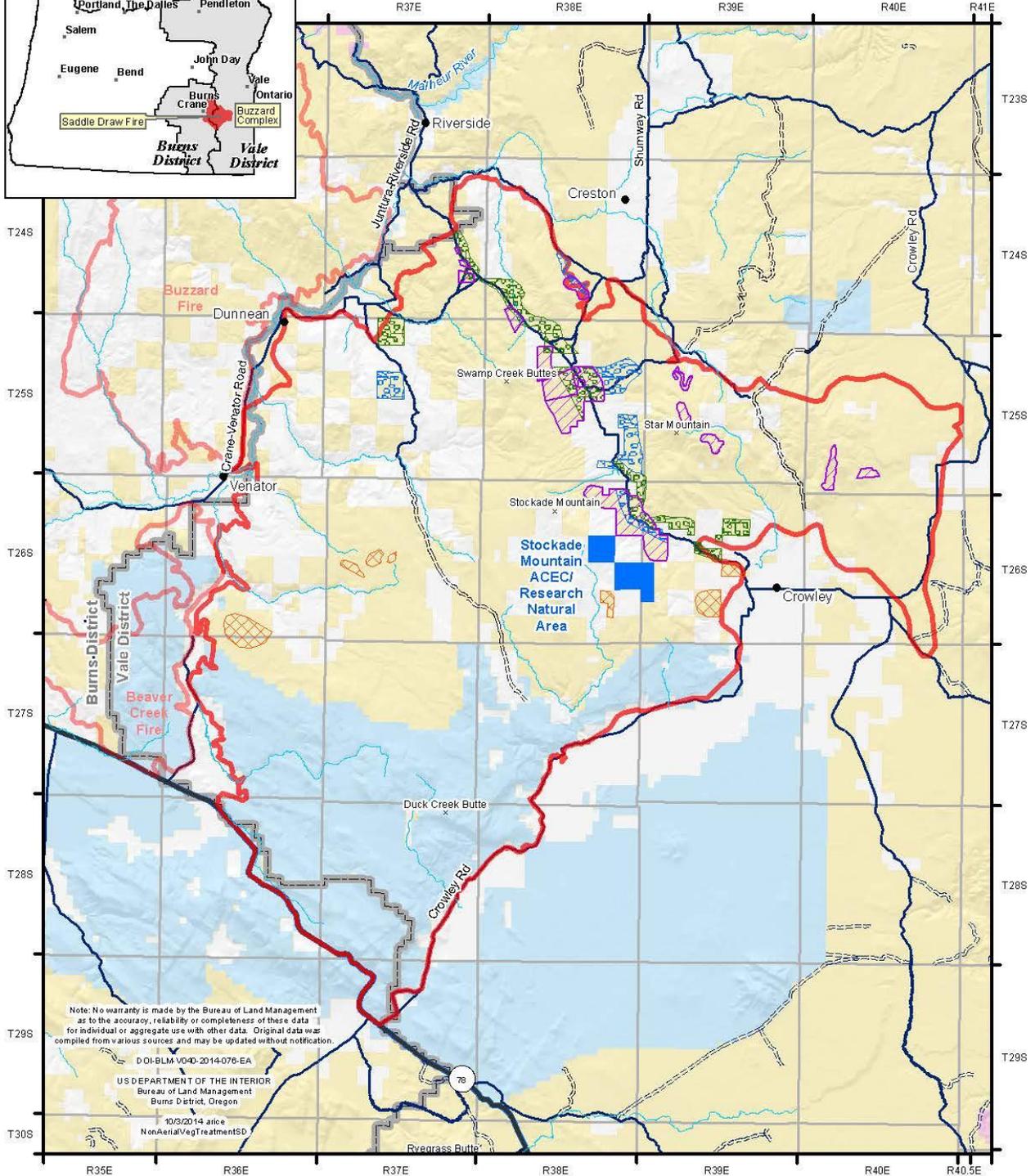
Buzzard Fire Complex Emergency Stabilization and Rehabilitation EA (Saddle Draw)

NON-AERIAL VEGETATION TREATMENT

Map 5-SD



- Saddle Draw Fire Perimeter
- Not All Streams Are Shown
- BLM District Boundary
- Areas of Critical Environmental Concern (ACEC)
- Bitterbrush planting, Seedlings
- Drill Seed, Native
- Drill Seed, Non-native
- Sage planting, Seedlings

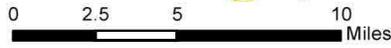


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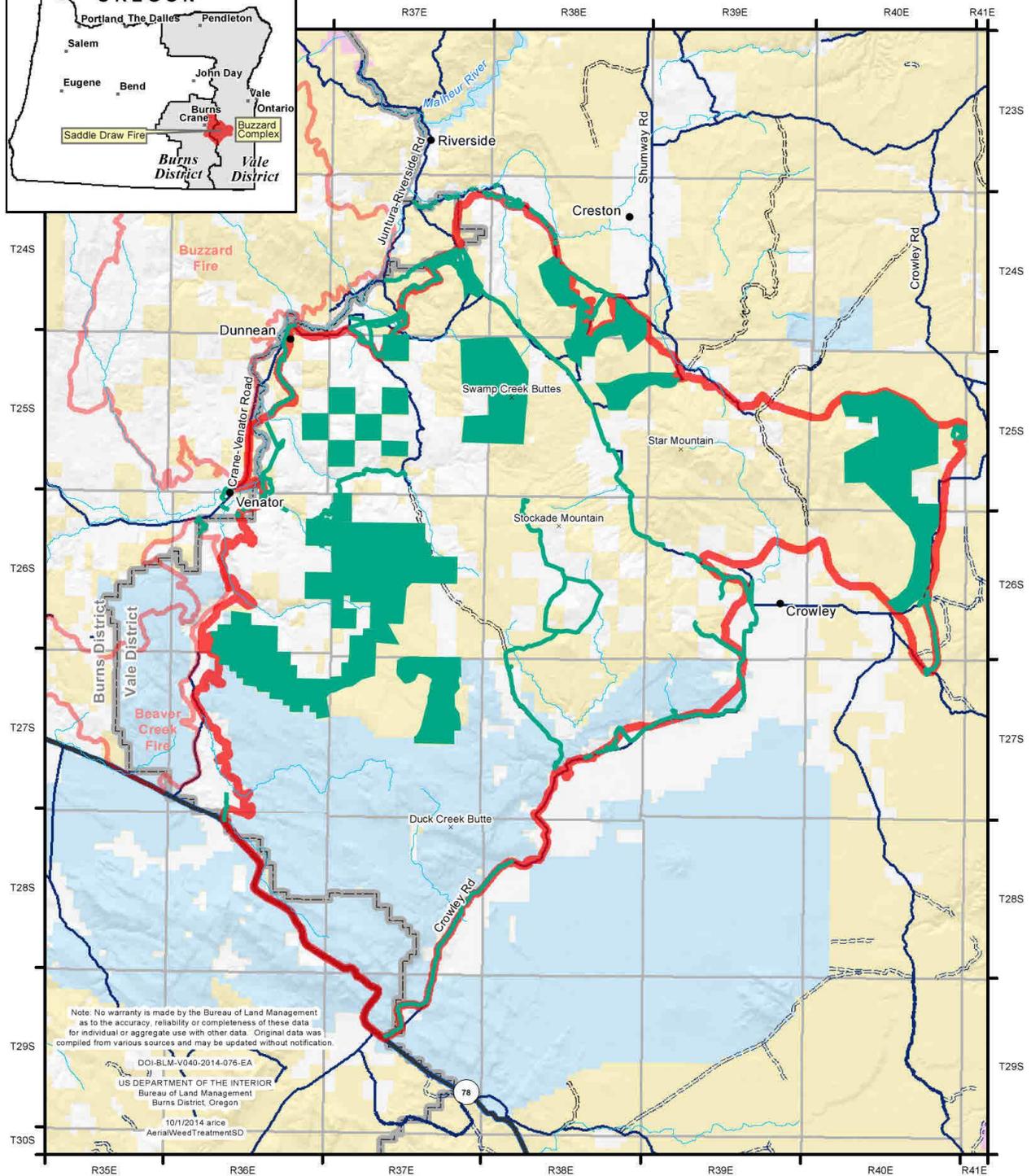
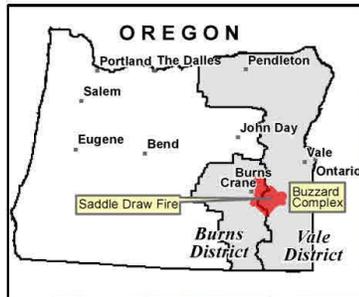
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Buzzard Fire Complex Emergency Stabilization and Rehabilitation EA (Saddle Draw) AERIAL WEED TREATMENTS

Map 6-SD



- Imazapic Treatments
- Saddle Draw Fire Perimeter
- Not All Streams Are Shown
- BLM District Boundary



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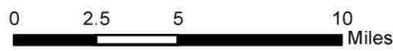
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Buzzard Fire Complex Emergency Stabilization and Rehabilitation EA (Saddle Draw) RANGE IMPROVEMENT RECONSTRUCTION AND MAINTENANCE

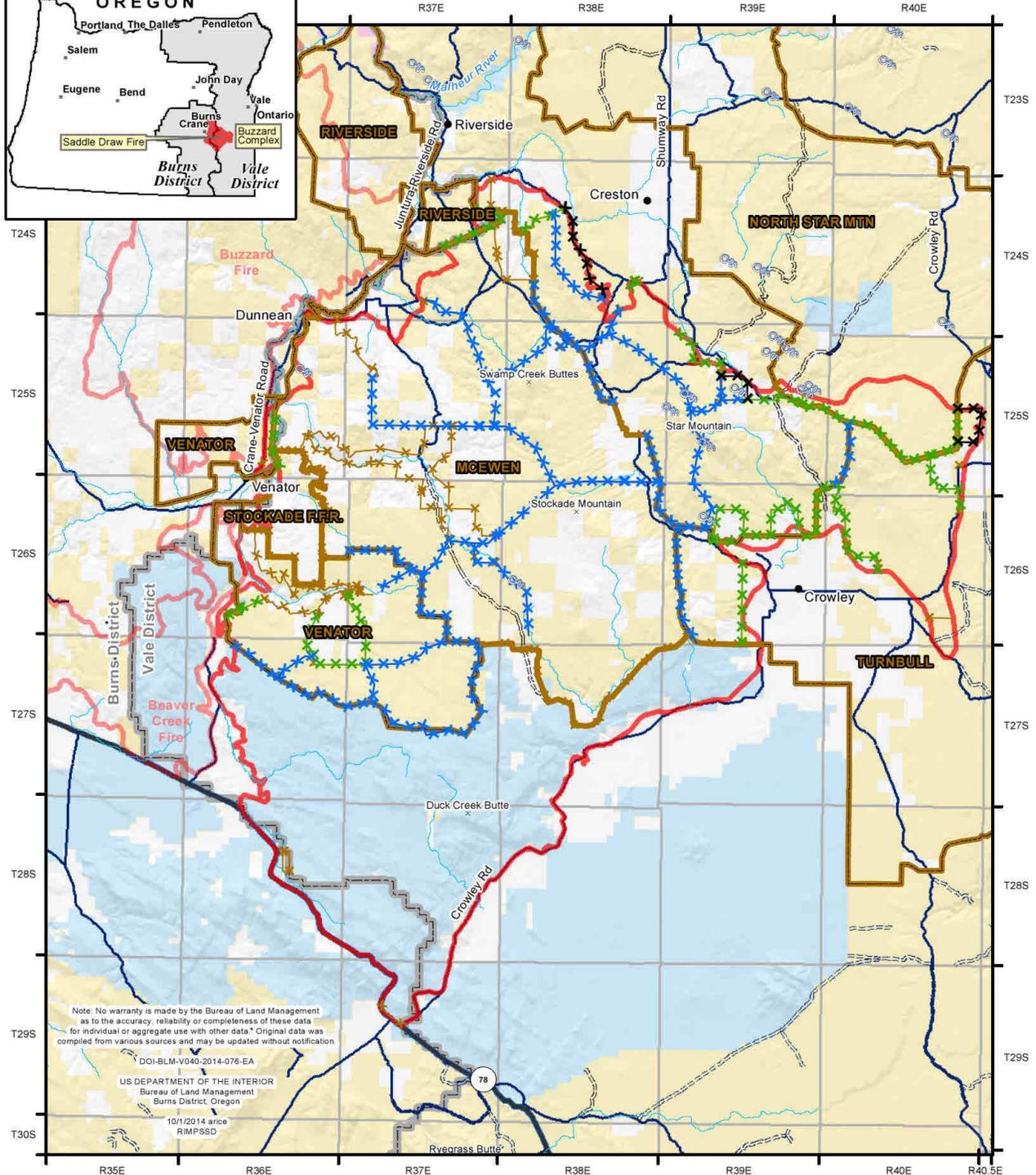
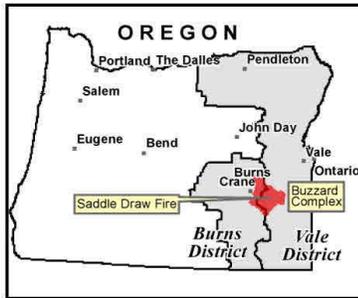
Map 9-SD



AND TEMPORARY FENCE CONSTRUCTION



- Saddle Draw Fire Perimeter
- Allotments
- *** 2015 Fence Repair
- *** 2016 Fence Repair
- *** Proposed Temporary Fences
- *** Other Existing Fences
- BLM District Boundary
- o Spring Development
- Not All Streams Are Shown



Note: 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 was compiled from various sources and may be updated without notification.

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Bureau of Land Management
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**Saddle Draw Fire Emergency Stabilization and Rehabilitation
Scoping Comments and Responses
Mailed August 28, 2014 – Vale Mailing List**

Comment Number	Person/Group	Comment	Response
1	<p>ODFW Letter – Alan “Chip” Dale Filename: 20140728_ODFW_ESRLetter.pdf 7/28/2014</p>	<p>Noxious Weeds “Completing individual EAs for each fire would allow for specific weed management strategies...”</p>	<p>The BLM decided to analyze the implementation of the Riley Field, Beaver Creek, and Saddle Draw fire ESR plans with a single environmental assessment for the Buzzard Complex. The Vale and Burns districts will prepare separate decision records that implement specific parts of the proposed action based on funding and specialist recommendations.</p> <p>Specific strategies for controlling noxious weeds and invasive annual grasses within the Buzzard Complex are outlined in the Proposed Action (Chapter 2, Section D – Proposed Action). Only chemicals described in Standard Operating procedures (SOPs) from Vegetation Treatments Using Herbicides on BLM Lands in Oregon Vegetation (Oregon Veg. ROD) and Vegetation Treatments on BLM Lands in 17 Western States FEIS (National Veg. ROD), as well as BLM Policy for Weed Management (H-9015 Integrated Weed Management and BLM Handbooks 9011 and 9011-1 Chemical Pest Control) could be considered.</p>

Comment Number	Person/Group	Comment	Response
2	ODFW Letter – Alan “Chip” Dale Filename: 20140728_ODFW_ESRLetter.pdf 7/28/2014	Noxious Weeds Recommends: “Use imazapic to control annual grass”	An aerial application of the herbicide imazapic is analyzed under the proposed action Chapter 2, Section D – Proposed Action). The aerial herbicide application described in the Saddle Draw decision record is much less than what was analyzed in the proposed action. This treatment was developed by prioritizing areas considered in the proposed action for treatment. The aerial herbicide treatment described in the Saddle Draw ESR decision record was constrained by available emergency stabilization funds at the national level.
3	Oregon Wild Mr. Doug Heiken eMail 9/8/2014	Noxious Weeds Use chemical herbicides sparingly and only as a last resort.	The BLM believes that the proposed action (Chapter 2 Section D) use chemical herbicides sparingly and only in accordance with the ecological risk assessments set forth in the Oregon Vegetation (Oregon Veg. ROD) and Vegetation Treatments on BLM Lands in 17 Western States FEIS (National Veg. ROD). Pesticides are used as a part of Integrated Pest Management. Ecological Risk Assessments for any chemical proposed for use on BLM lands may be found in Oregon Veg ROD and the National Veg ROD and in part in the EA
4	Western Watersheds Project Paul Ruprecht Letter 9/8/2014	Noxious Weeds BLM should not use herbicide where there is risk of also harming native plants or wildlife.	See response to comment 3.

Comment Number	Person/Group	Comment	Response
5	Tree Top Ranch William J. Mulder Letter August 7, 2014 (pre-Scoping)	Noxious Weeds Concern about Medusahead and aggressive treatment	The BLM recognizes the invasive annual grass, medusahead wildrye, as one of the most substantial threats to the ecological function of rangelands involved in the Buzzard Complex. Aggressive treatments to prevent expansion of medusahead into burned areas are proposed under the proposed action (Chapter 2 Section D).
6	Malheur County Weed Department Mr. Gary Page – County Weed Coord Letter Filename: 20140903_MCWeedCoord....pdf 9/2/2014	Noxious Weeds We do support the use of Plateau herbicide (imazapic) specifically for the control of Medusahead. While it might not be the best choice in our opinion, it appears that it may be the only viable option given the emergency situation. Imazapic also has certain efficacy on the invasive perennial mustards present, so far in limited quantities. We encourage the express inclusion of imazapic in the plan for that specific use as well. While there are some large expanses of Medusahead within the fire boundary, even larger blocks are present to the north. Obviously without quick intervention Medusahead and other noxious weeds will rapidly overrun the burned areas. We further support your plan to concentrate those noxious weed treatments to sites that are isolated and peripheral. This especially applies to Medusahead treatments. We believe that including a buffer along all affected roads will be highly effective in reducing the rapid spread of Medusahead to other areas.	See responses to comments 2 and 5. Roadside herbicide treatments for medusahead control are described in the proposed action.

Comment Number	Person/Group	Comment	Response
7	ODFW Letter – Alan “Chip” Dale Filename: 20140728_ODFW_ESRLetter.pdf 7/28/2014	NEPA “The Department strongly recommends that EAs for individual fires be completed”. Referenced Vale District Normal Fire Emergency Stabilization and Rehabilitation Plan (NFESRP) programmatic environmental assessment being “antiquated”, “did not anticipate fires the size (of Buzzard), and does not adequately address the threat of invasive annual grasses to sagebrush...”	The BLM decided to analyze the implementation of the Riley Field, Beaver Creek, and Saddle Draw fire ESR plans with a single environmental assessment for the Buzzard Complex. The Vale and Burns districts are preparing separate decision records that implement specific parts of the proposed action based on funding and specialist recommendations.
8	ONDA Mr. Peter Lacy Letter 9/8/2014	NEPA Encourages use of EA/EIS	See response to comment 7.
9	ONDA Mr. Peter Lacy Letter 9/8/2014	NEPA Recommends doing new NEPA and not relying on NFESRP	See response to comment 7.
10	ODFW Letter – Alan “Chip” Dale Filename: 20140728_ODFW_ESRLetter.pdf 7/28/2014	Restoration “Seed Wyoming big sagebrush and bitterbrush/plant sagebrush seedlings and bitterbrush seedlings.”	The proposed action (Chapter 2 Section D) includes aerial and ground seeding of Wyoming big sagebrush, antelope bitterbrush, as well as seedling planting for the same species.
11	ODFW Letter – Alan “Chip” Dale Filename: 20140728_ODFW_ESRLetter.pdf 7/28/2014	Restoration Seed forage kochia to compete with annual grasses, create greenstrips, and increase the fire return interval. Notes scientific support of forage kochia (Monaco et.al, 2003)	The proposed action analyzes the use of non-native seed mixes that include forage kochia, crested wheatgrass, and ladak alfalfa for the purpose of becoming established in areas prone to infestation by medusahead wildrye and increasing the fire return interval (Chapter 2 Section D). Vale District has decided to use a crested wheatgrass seeding to accomplish this purpose on the Saddle Draw burned area (See Saddle Draw Decision Record). This decision was based on the recommendations of resource specialists familiar with conditions on the Saddle Draw burned area.

Comment Number	Person/Group	Comment	Response
12	Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014	Restoration “I do not think that any planting of native or non-natives should take place in the Stockade Mtn RNA.”	The proposed action does not include any treatments within the Stockade Mountain RNA (Chapter 2 Section D).
13	Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014	Restoration “It is my understanding that the District is considering using Forage Kochia (Bassia/Kochia prostrata) in rehab and restoration on this burn.” Mr. Garrett cites several references regarding utilizing forage kochia	See response to comment 11.
14	Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014	Restoration In general, priority for seeding should go to native grasses, herbs, and shrubs. Please see the planting recommendations [as identified in the] National Technical Team (Sage-Grouse Conservation Measures).	The proposed action includes native seeding in sage-grouse PPH and PGH. These areas are a high priority for treatment. Best Management Practices (BMPs) and guidelines, such as those described in the NTT report, are used to increase the success of treatments. BLM follows IM2012-043 and IM 2014-114 for Greater Sage-Grouse management.
15	Oregon Wild Mr. Doug Heiken eMail 9/8/2014	Restoration Use only native plants and seeds for re-vegetation efforts. Do not conduct salvage of juniper... Remaining biomass represents habitat and nutrient storage.	The proposed action includes extensive use of native seed and seedlings for the stabilization and rehabilitation of the Buzzard Complex burned areas. Desirable non-native grass seed mixes are only proposed for areas prone to infestation by medusahead wildrye. This project does not propose any salvage of juniper.

Comment Number	Person/Group	Comment	Response
16	ONDA Mr. Peter Lacy Letter 9/8/2014	<p>Restoration</p> <p>“The most important ecological restoration needs in sagebrush are to control invasive species and restore the diversity and cover of native plants while retaining sagebrush cover.”</p> <p>“Establishment of native plant species is paramount if sagebrush ecosystems are to effectively recover and develop a natural resilience and response to future disturbance. Natural recovery or re-seeding with native species (both grasses and shrub species) is preferable.</p> <p>“As you know, crested wheatgrass and forage kochia treatments within burned areas are scientifically indefensible.”</p>	<p>A variety of treatments will be used to control invasive species and enhance native plants and sagebrush communities for sage grouse. All of the seeding and shrub seedling plantings included in the proposed action occur in Preliminary Priority Habitat (PPH) or high density habitat for Greater Sage-Grouse. See the proposed action for specifics.</p>

Comment Number	Person/Group	Comment	Response
17	<p data-bbox="247 264 678 427">Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014</p> <p data-bbox="268 1495 831 1523">ATTACHMENT B: Responses to Comments</p>	<p data-bbox="714 264 1350 362">Sage-Grouse Habitat Restoration Observe policies as outlined in the National Technical Team (NTT) Report.</p> <ul data-bbox="714 370 1371 1312" style="list-style-type: none"> • Prioritize implementation of restoration projects based on environmental variables that improve chances for project success in areas most likely to benefit sage-grouse (Meinke et al. 2009). • Prioritize restoration in seasonal habitats that are thought to be limiting sage-grouse distribution and/or abundance. • Include sage-grouse habitat parameters as defined by Connelly et al. (2000), Hagen et al. (2007) or if available, State Sage-Grouse Conservation plans and appropriate local information in habitat restoration objectives. Make meeting these objectives within priority sage-grouse habitat areas the highest restoration priority. • Require use of native seeds for restoration based on availability, adaptation (ecological site potential), and probability of success (Richards et al. 1998). Where probability of success or adapted seed availability is low, non-native seeds may be used as long as they support sage-grouse habitat objectives (Pyke 2011). • Design post restoration management to ensure long term persistence. This could include changes in livestock grazing management, wild horse and burro management and travel management, etc., to achieve and maintain the desired condition of the restoration effort that benefits sage-grouse (Eiswerth and Shonkwiler 2006). 	<p data-bbox="1396 264 1978 565">Vale District BLM has decided to implement stabilization and rehabilitation actions that focus on PPH habitat for Greater Sage-Grouse. Large scale restoration of native plant communities is outside the scope of the purpose and need for the project and is not supported in general by the DOI ESR program (Chapter 1 Section B). BLM follows IM2012-043 and IM 2014-114 for Greater Sage-Grouse management.</p> <p data-bbox="1711 1495 1732 1523">7</p>

Comment Number	Person/Group	Comment	Response
17 (contd)	Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014	<ul style="list-style-type: none"> • Consider potential changes in climate (Miller et al. 2011) when proposing restoration seedings when using native plants. Consider collection from the warmer component of the species current range when selecting native species (Kramer and Havens 2009). • Restore native (or desirable) plants and create landscape patterns which most benefit sage-grouse. • Make re-establishment of sagebrush cover and desirable understory plants (relative to ecological site potential) the highest priority for restoration efforts. <p>In fire prone areas where sagebrush seed is required for sage-grouse habitat restoration, consider establishing seed harvest areas that are managed for seed production (Armstrong 2007) and are a priority for protection from outside disturbances.</p>	
18	Oregon Wild Mr. Doug Heiken eMail 9/8/2014	Sage-Grouse <ul style="list-style-type: none"> • Fenceline impact/collision 	<p>The proposed action includes a project design feature (Chapter 2 Section B.iii and ix) to reduce the collision hazards of fence to flying birds. With these measures taken, fence-marking efforts can reduce collisions by up to 83 percent in high risk landscapes (Stevens et. al., 2010).</p>

Comment Number	Person/Group	Comment	Response
19	<p>ONDA Mr. Peter Lacy Letter 9/8/2014</p>	<p>Sage-Grouse BLM’s stabilization and rehabilitation plans should include a strong commitment to manage habitat to support sage-grouse, and that any reintroduction of livestock grazing does not undermine that commitment. The Southeastern Oregon Resource Management Plan (“SEORMP”) Record of Decision (“ROD”) requires BLM to “manage so that >70% of the big sagebrush habitats in each of the Malheur and Jordan RAs are in a structural and ecological condition class which will support sage grouse and other species of wildlife dependent on sagebrush habitats.”</p> <p>We note that the SEORMP indicates BLM will not use crested wheatgrass treatments “where the status of sage grouse winter use and breeding activity is uncertain” and that any treatments should be prescribed “based on documented field survey data that address sage grouse absence or presence.” SEORMP ROD at F-10</p>	<p>The proposed action includes stabilization and rehabilitation treatments in sage-grouse PPH and PGH. These areas are and will continue to be a high priority. Best Management Practices (BMPs) and guidelines will be used to increase the success of treatments. Some non-native / crested wheatgrass treatments will be used in sage-grouse habitat to “restore rangelands that are depleted in structure and composition due to fire. If native species cannot be established because intense competition from undesirable vegetation, then introduced grasses will be considered.” SEORMP ROD at F-6</p>

Comment Number	Person/Group	Comment	Response
20	Western Watersheds Project Paul Ruprecht Letter 9/8/2014	<p>Sage-Grouse Management decisions in response to the Saddle Draw fire must protect and recover sagebrush steppe habitats and the species that depend on them, including Greater Sage-Grouse.” Notes PPH/PGH</p> <p>Notes NTT direction</p> <ul style="list-style-type: none"> ○ Prioritize native seed. ○ Ensure long term persistence of seeded or pre-burn native plants ○ Reiterates NTT to “make meeting (Habitat Restoration) objectives within priority sage-grouse habitat areas the highest restoration priority” ○ Design post restoration to ensure long term persistence, including changes to livestock grazing management. <p>Make re-establishment of sagebrush cover... the highest priority.</p>	<p>See responses to comments 16, 17, and 19. The proposed action includes native seeding in sage-grouse PPH and PGH. These areas are a high priority for treatment. Best Management Practices (BMPs) and guidelines, such as those described in the NTT report, were used to develop the proposed action.</p>

Comment Number	Person/Group	Comment	Response
21	<p>Western Watersheds Project Paul Ruprecht Letter 9/8/2014</p>	<p>Sage-Grouse Habitat Restoration References IM 2014-114 to “Increase sagebrush, perennial grass, and forb cover” through ESR.</p> <p>BLM must adopt objective habitat recovery standards and require that they are met before grazing resumes. Measurable criteria must be established for regeneration of shrubs and woody vegetation, in addition to perennial grasses and forbs.</p> <p>Notes Monitoring, HAF and including “suitability characteristics for sagebrush canopy and height”</p> <p>If areas are seeded, BLM should use only native species, not exotic wheatgrass cultivars, which are nearly valueless for wildlife. BLM should use local native ecotypes where at all possible. Any seeding should be done aerially to avoid the soil disturbance inherent in drill seeding or other methods.</p> <p>BLM must also consider any ESR actions in the context of previous seedings on the Vale District, including the thousands of acres of previous treatments that destroyed sagebrush as part of the Vale Project or other conversion projects.</p>	<p>See responses to comments 15, 16, 17, and 19. The proposed action includes treatments to increase sagebrush, perennial grass, and forb cover through ESR.</p> <p>The fire will be rested from grazing for two growing seasons at a minimum, or until monitoring data or professional judgment indicate that health and vigor of desired vegetation has recovered to levels adequate to support and protect upland function. Ground-based drill seeding is proposed where the likelihood of success for aerial seeding is low. Seeding method and location was determined by specialist recommendations.</p> <p>Criteria for ESR actions are determined by the USDI-BLM Manual 620 “Burned area emergency stabilization and rehabilitation” manual. Stabilization actions are taken to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources.</p> <p>Rehabilitation actions are taken to repair or improve fire-damaged lands unlikely to recover naturally to management approved conditions, or to repair or replace minor facilities damaged by fire.</p>

Comment Number	Person/Group	Comment	Response
22	<p>Oregon Wild Mr. Doug Heiken eMail 9/8/2014</p>	<p>Livestock Grazing Remove livestock and allow the fire area to rest for at least 3 years. Avoid fencing if possible. Cites references regarding impacts and costs.</p>	<p>Closure to livestock grazing is an element of the proposed action (See Chapter 2, Section D, #11). Closures would be in effect until monitoring shows that vegetation response is sufficient to allow grazing to resume.</p> <p>The proposed action analyzes construction of temporary fence to exclude grazing from areas seeded for emergency stabilization and temporary fencing exlosures to protect seedling patches from grazing and browsing big game. The effects of using temporary fence for these purposes are disclosed in Chapter 4, Section 10. per section (640 acres).</p>

Comment Number	Person/Group	Comment	Response
23	<p>ONDA Mr. Peter Lacy Letter 9/8/2014</p>	<p>Livestock Grazing “Reintroduction of grazing after just two growing seasons, but before the native or reseeded plant community has developed, will result in increased levels of exotic grasses and failed rehabilitation efforts. New research suggests that more than the typical two growing season rest period for grazing will be necessary in the areas burned by the 2013 fires. Miller <i>et al.</i> (2013)¹ explain that the length of time necessary for a plant community or ecological site to adequately recover before implementing grazing depends on a number of interacting variables including resilience to disturbance and resistance to invasives, fire severity, post-disturbance climate, plant composition of the community prior to disturbance, post-fire grazing management, and additional post-fire disturbances.”</p> <p>Cites Miller et al regarding grazing management (p.2-3). Finishes with: “Based on these recommendations, and what we know about ecological conditions in general on grazed areas within the Vale District, it is likely on the sites BLM is dealing with that deferring grazing during the active growth period for only the first two years, is inadequate.”</p> <p>To ensure the preservation or recovery of the microbiotic crusts that prevent weed invasion and allow for successful seedling establishment, livestock grazing must, as noted above, be deferred from the affected area. BLM’s Emergency Stabilization and Rehabilitation Handbook gives the agency wide authority to defer grazing. “BLM’s default policy is to defer grazing for a minimum of two growing seasons.”</p>	<p>Grazing closures will align with guidance provided in the Southeast Oregon Resource Management Plan (SEORMP). The SEORMP states (P. 40); “Areas burned by wildland fire, including those subsequently rehabilitated, will be rested from grazing for one full year and through a second growing season at a minimum, or until monitoring data or professional judgment indicate that health and vigor of desired vegetation recovered to levels adequate to support and protect upland function. Appropriate grazing use of healthy perennial vegetation communities, or areas dominated by annual species, prior to the two growing season limit may be allowed on a case-by-case basis, as consistent with objectives for improving or maintaining rangeland health and other objectives.”</p>

Comment Number	Person/Group	Comment	Response
24	<p>Western Watersheds Project Paul Ruprecht Letter 9/8/2014</p>	<p>Livestock Grazing To meet its obligations, Vale BLM must ensure that closures of livestock grazing and other ground-disturbing activities are sufficient to allow recovery of the habitat attributes upon which sagebrush obligate wildlife depend.</p> <p>Rest from grazing sufficient to recover sagebrush and other shrubs will also benefit other sensitive and native species. For example, your letter notes that a significant portion of old growth bitterbrush was also consumed by the fire. This is certain to impact ungulates given the 195,000 acres of elk winter range and 92,000 acres of deer winter range within the burn. Rest from grazing must be sufficient to allow bitterbrush to regrow.</p> <p>The rest on the affected allotments should also be long enough to recover biological soil crusts. Soil crusts are critical to prevent establishment of non-native invasive plant species like cheatgrass and other exotic bromes, medusahead, North Africa grass, and bulbous bluegrass—as well as noxious weed species.</p> <p>Grazing should not be used as a “tool” for attempting to control cheatgrass post-fire (Reisner et al. 2013).² Instead, BLM must acknowledge passive restoration as the most likely means of recovering the burned areas so that they once again become usable habitat for sage-grouse and other sagebrush obligates.</p>	<p>See response to comments 18 and 23. See Chapter 3 Section A.15 regarding fencing around bitterbrush plantings.</p> <p>If the Vale District BLM determines that biological thinning is necessary for resource rehabilitation, suggested guidelines from Smith, et al (2012) in the Grazing Invasive Annual Grasses: The Green and Brown Guide will be followed.</p> <p>Closing entire allotments because a portion of a pasture within that allotment is burned is not consistent with the principles of multiple use, nor is it consistent with the SEORMP. In the pastures where >50% burned, the Vale District BLM will close the entire pasture, unless the pasture is so large that a significant portion of AUMs remain. In those pastures where <50% burned, the Vale District BLM will construct temporary fences to allow grazing on the unburned portions of the pasture.</p> <p>The Vale District BLM is not proposing to shift AUMs to adjacent unburned areas so this comment is outside the scope of this EA.</p> <p>The impacts to the rangelands and to Greater Sage-Grouse habitat due to the removal of management fences absent careful analysis would be inconsistent with the APA. This is outside the scope this this analysis.</p>

Comment Number	Person/Group	Comment	Response
24 (contd)	Western Watersheds Project Paul Ruprecht Letter 9/8/2014	<p>Your letter notes that over 13,000 AUMs will potentially be affected by the fire. In the event that only part of an allotment or pasture has been affected by fire, BLM should decide to close the entire allotment for the appropriate amount of time. If BLM only puts up temporary fencing along burned areas instead, livestock will trail along fences and concentrate use there. In addition, temporary fencing—like all fencing—is detrimental to wildlife in general and sage-grouse in particular. Therefore, grazing use should be pulled back to existing allotment or pasture fences.</p> <p>BLM should also avoid shifting AUMs to adjacent unburned areas to avoid causing additional grazing impacts to intact habitat that wildlife are disproportionately dependent on after other habitat loss. No temporary non-renewable use should be granted. Any allotments that are closed to grazing should also be closed to trailing.</p> <p>IM 2012-043 instructs BLM to consider deferring fence construction unless the objective is to benefit sage-grouse. Since the purpose of rebuilding burned fences would be to facilitate grazing, BLM should use this as an opportunity to remove harmful fences for sage-grouse and big game by not rebuilding them.</p> <p>When BLM implements AUM reductions, it should do so according to a proposed decision issued pursuant to § 4160.1 or as a final decision effective upon issuance (FFE) rather than as a closure agreement between the BLM and a given permittee. 43 C.F.R. § 4110.3. Decisions, as opposed to agreements, are more transparent and allow public input and participation.</p>	<p>According to 43 CFR 4110.3-3(a), temporary reductions of permitted use, whether by decision or agreement, require the following; “After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer.” The process of closure by decision and closure by agreement allow for an equal amount of transparency.</p>

Comment Number	Person/Group	Comment	Response
25	Tree Top Ranch Larry Williams Letter August 2, 2014 (pre-Scoping)	<p>Note: Pat Ryan and his staff met with Tree Top to discuss issues regarding the Buzzard Complex fires. The comments below were provided in a follow-up letter from Mr. Williams:</p> <ul style="list-style-type: none"> • Concern about Grazing levels (utilization) and fire impacts • Concerns regarding accessing Green Ponds/V Pasture in the Trout Creek Mountains, which burned in 2012. • Considered fire breaks on deeded lands • Concern regarding responding to invasive annual grasses. 	<p>The issue of grazing levels as they relate to fire impacts, access to pastures in the Trout Creek Mountains, and development of fire breaks on deeded lands is outside the scope of this decision.</p> <p>See responses to comment 2 for response to invasive annual grass concern.</p>
26	Stu Garret email Filename: 20140829_StuGarrett_ReciptofCo mments.pdf 8/29/2014	<p>Special Status Plants It is my understanding that 2 of the 4 populations of a rare plant, <i>Collomia renacta</i>, were burned in the fire. The burned populations should be given every opportunity to recover. It is unlikely that planting of non-native-to-site species will benefit this rare species. The area should be protected from livestock grazing impacts.</p>	<p>The one location of <i>Collomia renacta</i> located on BLM land within the Saddle Draw fire perimeter is within the area proposed for a temporary grazing closure. No seeding treatments are proposed within or adjacent to this population .The second population occurs on Oregon Department of Lands for which BLM has no jurisdiction.</p>
27	Oregon Wild Mr. Doug Heiken eMail 9/8/2014	<p>Access Protect the unroaded and unmanaged character of all unroaded areas >1,000 acres.</p> <p>Prohibit ALL vehicles offroads.</p>	<p>This is analyzed in Chapter 3, section A.13 of the EA</p>

Comment Number	Person/Group	Comment	Response
28	ONDA Mr. Peter Lacy Letter 9/8/2014	LWC Scoping letter did not identify LWC's impacted. Requested Maps The existence of three LWCs and one ACEC within the burned areas also require special consideration. The LWCs are roadless areas primarily affected by the forces of nature and possessing wilderness character. In the SEORMP settlement, BLM agreed to study impacts of proposed actions to wilderness character on these lands through a NEPA process (Settlement Agreement ¶¶ 18–19).	Effects to LWC are analyzed in Chapter 3 section A.13 of the EA. Although the settlement agreement (SEORMP Settlement Agreement (Case 05-35931, June 10, 2010) between Vale District BLM and Oregon Natural Desert Association (ONDA) resulting from Ninth Circuit Court of Appeals decision (<i>ONDA v. BLM</i> , 625 F.3d 1092 (9th Cir. 2010)) prohibits actions that would cause an area, or portion thereof, to no longer meet the minimum wilderness criteria, the minimum impact techniques used for stabilization and rehabilitation would temporarily reduce wilderness characteristics but would not have long term effects to the LWC. For planning purposes, the values in the LWCs had at the time of the inventory determination (2009-2010) will be used in the RMP amendment, without consideration of any short-term impairment from ESR activities. Documentation of the Vale BLM wilderness characteristics' determinations include maps and can be found at: http://www.blm.gov/or/districts/vale/plans/wce/southforkmalheur.php http://www.blm.gov/or/districts/vale/plans/wce/owyhee.php
29	Stu Garret email Filename: 20140829_StuGarrett_ReciptofComments.pdf 8/29/2014	Wild Horse and Burro Remove as many wild horses as possible.	A wild horse gather in the Cold Springs HMA and removal in the Stinkingwater HMA is analyzed under the proposed action of the Buzzard Complex EA.

Comment Number	Person/Group	Comment	Response
30	<p>ONDA Mr. Peter Lacy Letter 9/8/2014</p>	<p>Wild Horse and Burro BLM must adjust management in the Cold Springs Herd Management Area (“HMA”). Under the Horses and Burros Act, BLM must “manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a <i>thriving natural ecological balance</i> on the public lands.” 16 U.S.C. § 1333(a) (emphasis added). When BLM determines “that an over-population exists on a given area of the public lands and that action is necessary to remove excess animals,” the agency <i>must</i> “immediately remove excess animals from the range so as to achieve appropriate management levels.” 16 U.S.C. § 1333(b)(2).</p> <p>Here, the Saddle Draw fire burned one-third of the HMA, making the existing AML now out of proportion with remaining available forage. BLM recently noted in the Oregon Sub- Region sage-grouse EIS that as of May 2013 population estimates indicate wild horse and burro populations already were above AML in the Cold Springs HMA. RMPA/DEIS at 3-68. BLM now has a legal duty to remove horses from the HMA “so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.” 16 U.S.C. § 1333(b)(2); <i>see also</i> BLM, H-4700-1, at 19 (reiterating that the term “excess animals” is “defined as those animals which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area (16 USC § 1332(f)(2)). This definition underscores the need to remove excess animals <i>before</i> damage to the range begins to occur.”) (emphasis added).</p>	<p>A wild horse gather is analyzed under the proposed action of the Buzzard Complex EA, see Chapter 2 section D. Effects of the proposed action and a no action alternative are disclosed in Chapter 3 Section A.14 of the EA.</p>

Comment Number	Person/Group	Comment	Response
31	ONDA Mr. Peter Lacy Letter 9/8/2014	ACEC As you note in your letter, the Stockade Mountain ACEC exists to protect western juniper and sagebrush communities that serve as important wildlife habitats. Under the SEORMP, BLM manages the ACEC to maintain or enhance these values. Following wildfire, ACECs must be allowed to revegetate naturally, except that small areas may be reseeded with native seed if the area's values will be enhanced. Nonnative species may not be used in ACECs for vegetative rehabilitation. SEORMP ROD at 68, 73, 94-95.	This project does not propose planting native or nonnative plants in the Stockade Mtn RNA, see Maps 4SD and 5SD.
32	ONDA Mr. Peter Lacy Letter 9/8/2014	Reference We also urge BLM to study the data collected pursuant to the settlement agreement associated with the Jackies Butte case a decade ago (<i>ONDA v. BLM</i> , 01-cv-1778-BR), in which BLM established four control sites and collected monitoring data to evaluate success of various seedings. ONDA asks that you summarize that data in your NEPA, provide it to us so that we may review it. This is particularly relevant because we understand that more than 13,000 acres burned on that allotment in 2013. Are those areas that burned previously? Were they seeded or otherwise treated? Were they rested from grazing? If so, for how long?	This is outside the scope of this EA. The BLM considers all relevant, appropriate, and available information in the EA.