

**UNITED STATES  
DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
VALE DISTRICT OFFICE**

**DECISION RECORD**

Leslie Gulch Emergency Stabilization and Rehabilitation  
Environmental Assessment DOI-BLM-OR-V040-2015-045

**BACKGROUND**

The Leslie Gulch fire burned approximately 7,851 acres on Vale District BLM (see Map 1) lands, approximately 634 acres of privately owned land, and 195 acres of Bureau of Reclamation lands. The Leslie Gulch fire was started by lightning on June 28, 2015. Moderate winds and very dry fuels allowed the fire to escape initial attack. The fire was contained on July 3, 2015. The fire burned portions of the Leslie Gulch Area of Critical Environmental Concern (ACEC), Slocum Creek and Honeycombs Wilderness Study Areas (WSAs), and the Spring Creek Fenced Federal Range (FFR) pasture which is within the Three Fingers Allotment.

An Interdisciplinary Team (IDT) from the Vale District BLM prepared the Leslie Gulch Emergency Stabilization and Rehabilitation (ESR) Plan to submit to the BLM Washington Office (WO) for funding approval. To comply with the National Environmental Policy Act (NEPA), an IDT then prepared the Leslie Gulch Emergency Stabilization and Rehabilitation Plan Environmental Assessment (EA, DOI-BLM-OR-V040-2015-045). The EA analyzes impacts to the human environment of a No Action and a Proposed Action alternative that would result from implementation of a range of treatments that include those put forth in the Leslie Gulch ESR plan.

**DECISION**

I have determined that the vegetation, soil and other resources on the public lands are at immediate risk of erosion and other damage due to the 2015 Leslie Gulch wildfire. This decision is effective immediately to specifically address the following objectives:

- Stabilize and rehabilitate the area burned and reduce off site loss by establishing ground cover of native vegetation in order to compete with invasive annual grasses and noxious weeds, and to reduce the likelihood of new weed establishment;
- Reduce the risk of noxious weed and annual grass infestations through Early Detection/Rapid Response (EDRR);
- Repair or replace damaged facilities needed for management of livestock, including fences;
- Repair a bighorn sheep water source (one damaged wildlife guzzler); and inform the public of limited access in Wilderness Study Areas through signs placement.
- Protect burned areas from livestock grazing until objectives are met;

Based on the analysis of the treatments analyzed in the EA (DOI-BLM-OR-V040-2015-045-EA), comments from the public, and input from my staff, it is my final decision to implement the Proposed Action as listed below.

- Repair of Management Fence – three miles of the permanent three-wire fence that surrounds the Spring Creek FFR of the Three Fingers Allotment will be repaired.
- Guzzler Repair and Fence Removal – the Schoolhouse Guzzler will be repaired and the associated enclosure fence will be removed.
- Wilderness Study Area Signs – 30 additional informational carsonite signs will be added along the edge of the road and at other appropriate locations to inform visitors of the limited access in Wilderness Study Areas.
- Herbicide Application for Annual Grass Treatment – approximately 800 acres of annual grasses would be treated using the pre-emergent herbicide Imazapic.
- Noxious Weed Herbicide Treatments – treatments will include using the additional herbicides Imazapic, Chlorsulfuron, and Clopyralid when necessary.
- Temporary Fence Construction – approximately one mile of three-strand temporary fence will be constructed to separate burned from unburned portions of the area.
- Livestock Closure – using temporary fence construction and repairing existing management fences, portions of Spring Creek FFR pasture in the Three Fingers allotment will be closed to 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. Separate grazing decisions or agreements will be issued to address closing burned areas to grazing.
- Competitive Ground Seeding\* - approximately 260 acres within the area treated with Imazapic will be seeded with a native grass seed mix to establish a community of desirable species that make it difficult for invasive annual grasses and noxious weeds to establish.

\* Public comments on the EA suggested removing Thurber's needlegrass and Indian rice grass from the seed mix because their success will be low, and adding the more resilient bottlebrush squirreltail. Because of this, the BLM decided to modify the seed mix to remove these and add a local source of bottlebush squirreltail.

The decision to implement the Proposed Action will include all Design Features, Standard Operating Procedures, and Mitigation Measures identified in the EA.

I have found and documented in a corresponding Finding of No Significant Impact (FONSI) statement that the Proposed Action will not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) was unnecessary and will not be prepared.

## **DECISION RATIONALE**

The decision to approve the Proposed Action is based on the analysis documented in the EA combined with the rationale developed within the Finding of No Significant Impact, and consideration of comments expressed during the Public Comment period (See Attachment 1 for Comments and BLM Responses).

The Proposed Action was selected because it best meets the purpose and need for the action, implements the Leslie Gulch ESR plan and provides the greatest likelihood for protection of the special status plants and maintaining the characteristics of the WSAs and relevant and important values of the ACEC.

The No Action Alternative was not selected because it does not help with controlling the establishment and spread of invasive annual species prevalent in or near 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 available herbicides within existing weed infestations adjacent to the fire. Seeding would not occur, allowing annual grasses to dominate portions of the burned area. Also, no temporary fence would be constructed for protection of burned areas and proper livestock management.

### **AUTHORITY AND CONFORMANCE WITH LAND USE PLANS, POLICIES AND PROGRAMS**

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, weed treatments (aerial and ground), erosion control, 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.

As identified in the EA, the modified proposed action is also in conformance with the Southeastern Oregon Resource Management Plan FEIS and ROD, the Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (June, 2015), the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Oregon Greater Sage-Grouse Sub-Region (September, 2015), the Leslie Gulch ACEC Management Plan, the Vale BLM District Five Year Integrated Weed Control Plan EA (OR-030-89-19) and the 2010 Vegetation Treatments Using Herbicides on BLM land in Oregon Record of Decision (Oregon Veg. FEIS).

### **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.

For any questions concerning this project, please contact the Project Lead, Susan Fritts at the Vale District Office at (541) 473-3144.



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Thomas Patrick (Pat) Ryan  
Malheur Field Manager  
Vale District BLM

9/30/2015  
Date

cc: Copies Sent To: list

Attachments: Response to Comments  
Maps

**Leslie Gulch Emergency Stabilization and Rehabilitation  
Environmental Assessment  
Public Comments and Responses**

**Available for Public Comment August 17-28, 2015**

**Notification of Availability Mailing List Used: Vale District Interested Publics Database**

Comment Number	Person/Group Date Received	Substantive Comment <include category: wildlife, invasives, etc.>	BLM Response <cite document and page when applicable>
<b>Seed Mix</b>			
<b>1</b>	<b>Stu Garret 8/26/15 Jean Findley 8/28/15 Ann DeBolt 8/28/15 Dr. Pat Packard and Carol Prentice</b>	Remove the needlegrass and rice grass from the seed mix that are not locally sourced and less competitive with cheatgrass and replace with the more competitive locally sourced squirreltail.	BLM will remove needlegrass and ricegrass from the seed mix and if available replace it with the locally sourced squirreltail.
<b>Revegetation</b>			
<b>2</b>	<b>Stu Garrett 8/26/15</b>	Use cuttings from the native cottonwood that survived the fire to restore the riparian area.	On August 19, 2015, Mr. Garrett identified Leslie Gulch, an intermittent stream, as a location to restore with cottonwood trees. Due to the intermittent status of water in the area and previous experience with cottonwood restoration, this area would have little to no success in establishing cottonwood trees with cuttings. Due to the poor historic success, this treatment was not included in the Leslie Gulch ES&R plan and not analyzed in this EA.
<b>3</b>	<b>Ann DeBolt 8/26/15</b>	Encourages BLM to plant netleaf hackberry	Netleaf hackberry is described as fairly tolerant of and rarely killed by fire. Portions of the crown commonly survive and sprout after aboveground vegetation is consumed by fire (Armstrong, 1980; Carter 1964). BLM anticipates the netleaf hackberry in Leslie Gulch to recover naturally after the fire and does not foresee a need to plant it back into the ecosystem.
<b>4</b>	<b>Dr. Pat Packard and Carol Prentice</b>	Strongly opposed to planting any crested wheatgrass, forage Kochia, or other exotics as these plants destroy the native ecosystem.	This plan does not propose the seeding or planting of any nonnative species. See section 2.3.2 Competitive Ground Seeding Pg. 15.
<b>Herbicide Spraying and Rare Plants</b>			
<b>5</b>	<b>Stu Garrett 8/26/15</b>	Concerned about the possibility of prop wash spreading herbicide beyond desired spray area. Close monitoring will be needed to prevent trespass spraying especially in areas that support nearby colonies of rare plants. Support for the decision for a large buffer and to require BLM botanist to be present during the spraying.	Project Design Features requiring a 50 foot no spray buffer around special status plants and requiring BLM botanist or weed specialist be present at the time of spraying will be implemented during all spray activities near special status plants. See Section 2.5 Project Design Features Pg. 19.

Comment Number	Person/Group Date Received	Substantive Comment <include category: wildlife, invasives, etc.>	BLM Response <cite document and page when applicable>
6	Jean Findley 8/28/15 Dr. Pat Packard and Carol Prentice	Concerned that rotor wash may overcome adjuvant and inadvertently spray vulnerable slopes with Ertter's groundsel and Packard's blazing star.	Rotor wash is a result of the spray boom being longer than the rotor. While spray treatments are occurring, BLM representatives are on site observing the application. With the use of field glasses rotor wash can be observed. If it is observed, the helicopter is landed and the outer spray nozzles are shut off to shorten boom length and stop the rotor wash. Adjustments on the boom would be made prior to working in areas with resource issues such as special status plants.
7	Jean Findley 8/28/15	There is no discussion regarding the impacts to the annual special status species with either drift or pilot error as well as the long term impacts.	<p>Design features and standard operating procedures reflect the reasonable set of circumstances for which we would implement the identified treatments. Appendix B of the EA lists Standard Operating Procedures (SOP) and Mitigation Measures for Herbicides from the Vegetation Treatments Using Herbicides on BLM Lands in Oregon, FEIS, ROD (2010). These SOPs and mitigation measures will be followed as identified in the EA (see section 2.3.1 herbicide Application for Annual Grass Treatment and 2.3.3 Noxious Weed herbicide Treatments). The following are an example of SOPs and mitigation measures that will be followed to reduce the risk of drift and pilot error:</p> <ul style="list-style-type: none"> <li>• Have licensed or certified applicators or State-licensed "trainees" apply herbicide</li> <li>• Avoid aerial spraying during periods of adverse weather conditions (snow or rain imminent, for, or air turbulence).</li> <li>• Take precautions to minimize drift by not applying herbicides when winds exceed .10 mph (.6 mph for aerial applications), or a serious rainfall event is imminent.</li> <li>• Use drift control agents and low volatile formulations.</li> <li>• Comply with herbicide-free buffer zones to ensure the adrift will not affect crops or nearby residents/landowners.</li> </ul>

<b>Comment Number</b>	<b>Person/Group Date Received</b>	<b>Substantive Comment &lt;include category: wildlife, invasives, etc.&gt;</b>	<b>BLM Response &lt;cite document and page when applicable&gt;</b>
8	Jean Findley 8/28/15 Dr. Pat Packard and Carol Prentice	Suggests the use of ground based equipment as an alternative to aerial application of the herbicide. Specifically the self-propelled, high clearance ground spray rigs used for agricultural crops.	Because of the rocky terrain in the area proposed for imazapic treatment, ground application is not practical. Ground equipment would not be able to drive at a constant speed, which does not allow for even application of the herbicide. With ground application, the spray would be applied too light in some areas and would not kill the targeted invasive annual grasses, and conversely too heavy in other areas potentially damaging non target species.
9	Ann DeBolt 8/18/15	Concerned about the potential for herbicide drift to the sites occupied by rare plants and their seed bank, is there another application method.	See response to comment 8.
10	Ann DeBolt 8/28/15 Dr. Pat Packard and Carol Prentice	Direct supervision of [herbicide application] is essential.	The Project Design Feature requiring the BLM botanist be present during spray activities was included in the project to monitor the application of the herbicide. See Section 2.5 Project Design Features Pg. 19.
<b>Resting from Grazing</b>			
11	Stu Garrett 8/26/15 Ann DeBolt 8/28/15 Dr. Pat Packard and Carol Prentice	In the past cattle are usually re-introduced within 18 months of a fire on the Vale District. Urge a minimum of 3 years rest prior to grazing resumption and in sprayed and seeded areas, two full growing seasons for the seedlings should be assured. This may require longer than a 3 year rest from cattle.	All the areas to be seeded in this project are outside of authorized grazing lands. The Southeastern Oregon Resource Management Plan states on page 40 of the Record of Decision “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 has recovered to levels adequate to support and protect upland function.”
<b>Sage Grouse</b>			
12	Stu Garrett 8/26/15 Dr. Pat Packard and Carol Prentice	Ensure that stabilization and rehabilitation plans include a strong commitment to manage habitat to support sage-grouse and that any reintroduction of livestock does not undermine that commitment. Observe the more recently developed BLM standards on these issues, including using native plant seedings and providing rest from livestock grazing. Draw from recent, extensive internal guidance to make a decision for the long term benefit of the vegetation, wildlife, and other values in the affected area.	Only native seed is proposed for use in the project and the burn area and treatments will be rested from livestock grazing. The ESR plan follows the Oregon Sub-regional Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (2015) as well as Secretarial Order 3336 which sets forth policy to protect, conserve and restore the health of the sagebrush steppe ecosystem, particularly greater sage-grouse habitat.

<b>Comment Number</b>	<b>Person/Group Date Received</b>	<b>Substantive Comment &lt;include category: wildlife, invasives, etc.&gt;</b>	<b>BLM Response &lt;cite document and page when applicable&gt;</b>
<b>Monitoring</b>			
<b>13</b>	<b>Jean Findley 8/28/15</b>	Provide a more detailed map of the 260 acres of imazapic treatment. Would like to observe the effectiveness of the application of the chemical and compare proposal to actual sprayed area.	The identified treatment areas for annual grasses in the EA will be refined prior to treatment. Live data capture of aerial applications will be recorded via GPS during treatment operations. These can be made available upon request at the Vale District Office after the treatments are completed.
<b>Special Status Plant Buffer</b>			
<b>14</b>	<b>Jean Findley 8/28/15</b>	Provide literature citation for the establishment of the proposed buffer strips for imazapic.	The Record of Decision for Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS (October, 2010, Pg 57), lists conservation measures for special status species in Attachment B. When using the herbicide imazapic the conservation measures include: do not apply by helicopter at the typical rate within 25 feet of terrestrial threatened, endangered, or proposed species; or by plane at typical rate within 300 feet of terrestrial threatened, endangered, or proposed species. Typical rate is approximately 12 oz/ ac. This project will be spraying imazapic at 6 oz/acre. Given the steep terrain of the project area helicopters would be needed for safe application.
<b>15</b>	<b>Jean Findley 8/28/15</b>	Seeding and harrowing buffer could be smaller than 25' and go to the toe of the slopes supporting special status plants. Botanist should be on site for these treatments.	Area identified for seeding and harrowing were based on potential success of treatment; buffer distance was established to avoid any unintentional impact on the special status plants. Special status plant avoidance areas will be clearly marked and avoided.
<b>Range of Packard's blazing star</b>			
<b>16</b>	<b>Jean Findley 8/28/15</b>	Packard's blazing star has also been found in northern Nevada and is not strictly an Owyhee Upland endemic.	One population of Packard's blazing star has been noted in Elko County, NV. The Vale BLM contacted Ken Wilkinson, Elko BLM, to obtain the latest information on this site. Mr. Wilkinson responded that he communicated with Dr. James Morefield of the NV Natural Heritage Program on March 12, 2004. Dr. Morefield's conclusion is the site of Packard's blazing star in Nevada was mis-identified; leading to the conclusion the species was endemic to the Owyhee Uplands. If Dr. Moresfield is incorrect and Packard's blazing star is in northern Nevada, it does not change the analysis conclusions in this EA.

<b>Comment Number</b>	<b>Person/Group Date Received</b>	<b>Substantive Comment &lt;include category: wildlife, invasives, etc.&gt;</b>	<b>BLM Response &lt;cite document and page when applicable&gt;</b>
<b>Species in Project Area</b>			
<b>17</b>	<b>Jean Findley 8/28/15</b>	Add netleaf hackberry as a tree in the project area.	The list of trees and shrubs listed in section 3.3.1 the affected environment for the native vegetation community is not intended to be an exhaustive list of all species in the project area. Netleaf hackberry is on the species list for the Leslie Gulch ACEC. This list is updated as new species are observed in the area.
<b>Noxious Weeds</b>			
<b>18</b>	<b>Jean Findley 8/28/15 Ann DeBolt 8/28/15</b>	Scotch thistle is a problem in this canyon. High priority should be given to eradication of this noxious weed in this area which is now open to additional establishment due to wildfire.	Actions proposed in this EA include the treatment of noxious weeds including Scotch thistle and rush skeleton weed. See section 2.3.3 Noxious Weed herbicide Treatments Pg. 16. Eradication of Scotch thistle is not practical given the wind born seeds and the extent of the species on the surrounding rangeland. The goal is to control noxious weeds present in the project area to keep them at low populations. Eradication is seldom possible except on isolated, single sites.

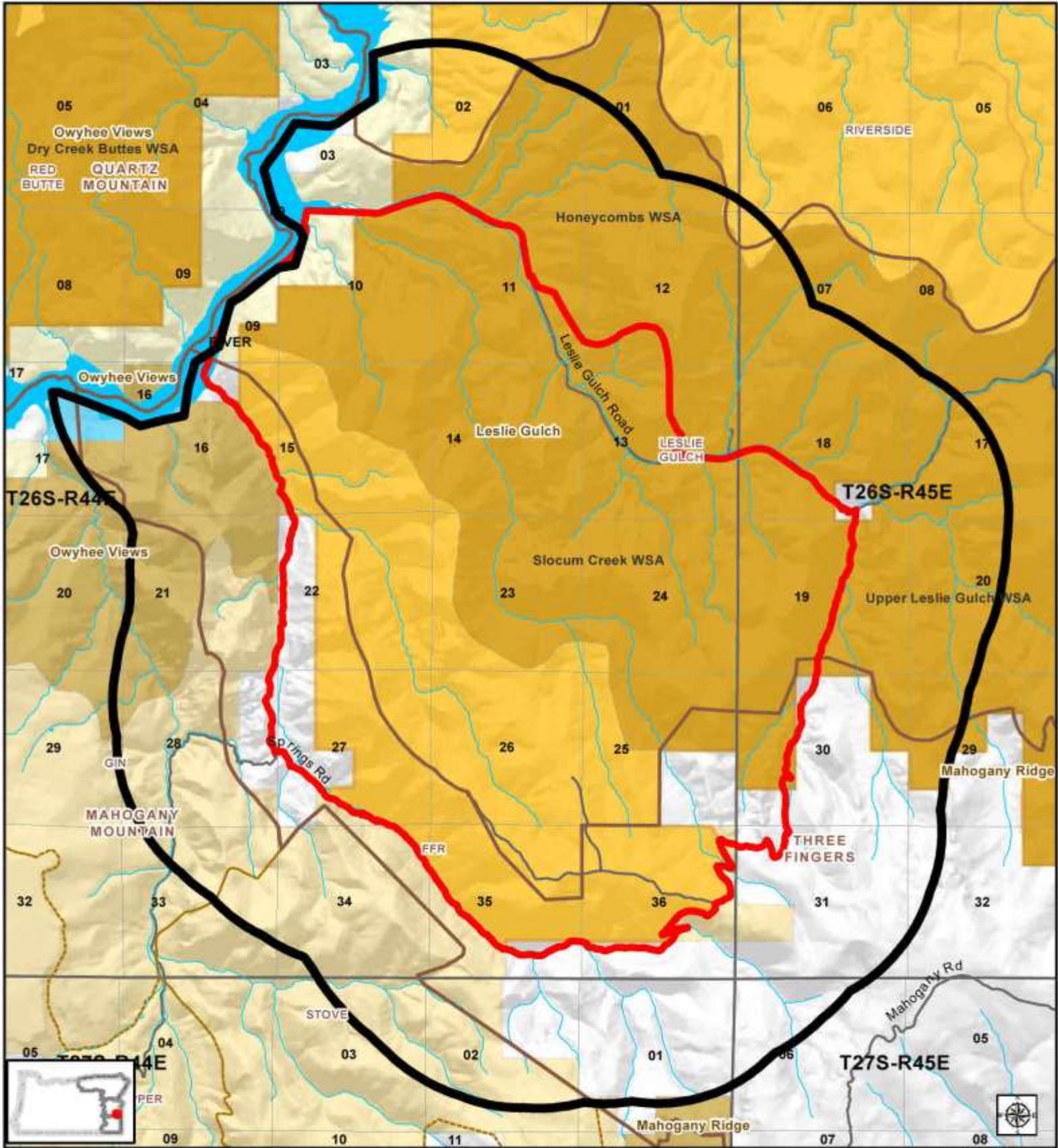
### **Literature Cited**

- Armstrong, W. E. 1980. Impact of prescribed burning on wildlife. In:  
 White, Larry D., ed. Prescribed range burning in the Edwards Plateau of  
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 College Station, TX: Texas Agricultural Extension Service, The Texas A&M  
 University System: 22-26.
- Carter, Meril G. 1964. Effects of drought on mesquite. Journal of Range  
 Management. 17: 275-276.

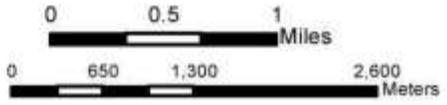
# Map 1: Leslie Gulch Fire ESR EA



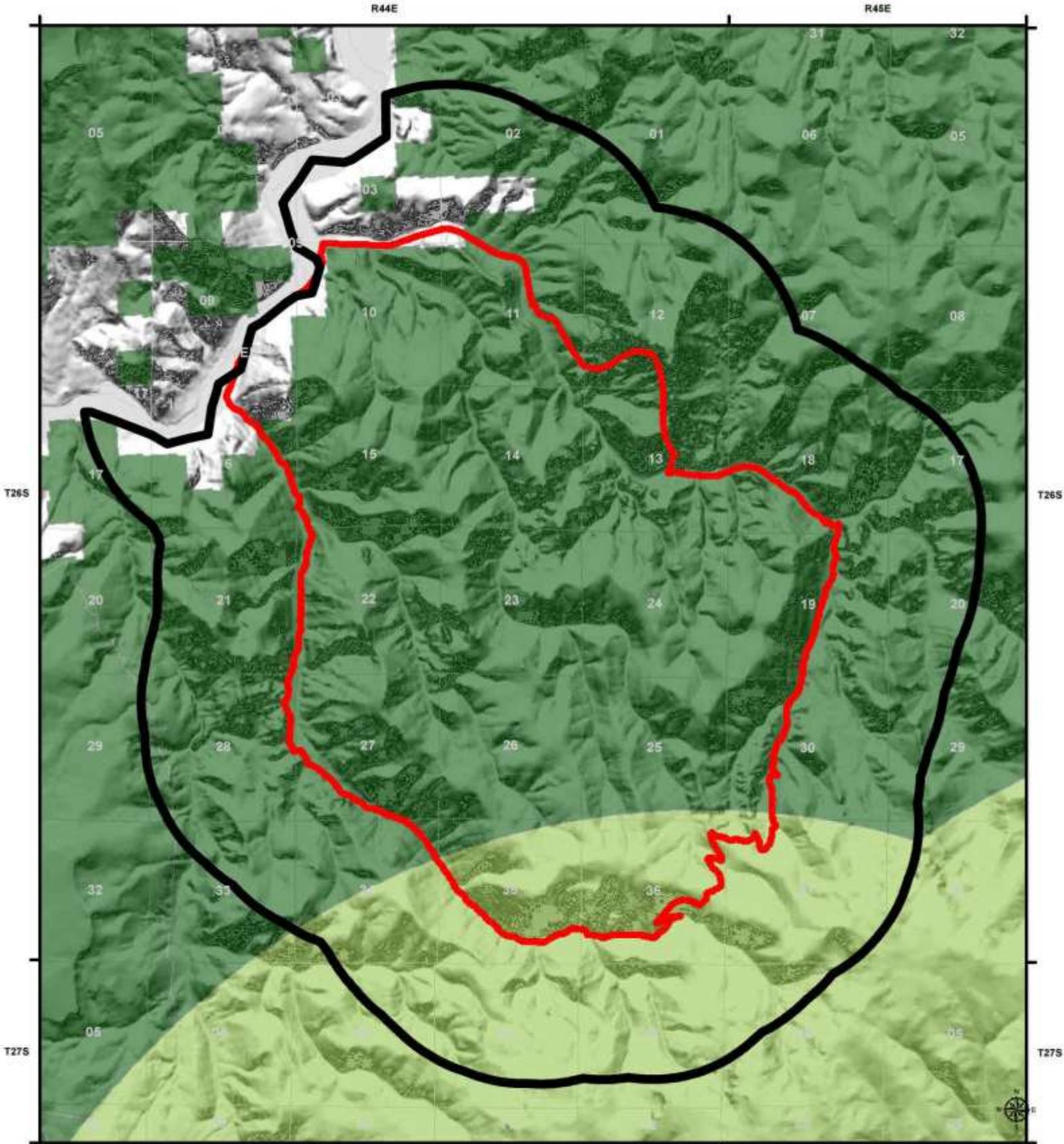
# Leslie Gulch Fire ES&R EA Map 2: Land Status



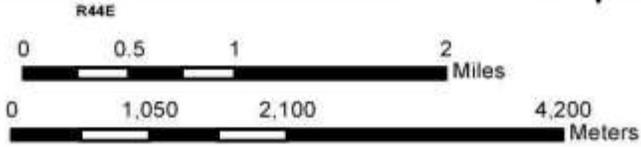
- Legend**
- Planning Area
  - Leslie Gulch Fire
  - Allotment
  - Pastures
  - BLM/County Roads
  - Streams
  - WaterBodies
  - Areas of Critical Environmental Concern
  - Wilderness Study Area
  - Bureau of Land Management
  - Bureau of Reclamation
  - Private



# Leslie Gulch Fire ESR EA Map 3: Sage-Grouse Habitat



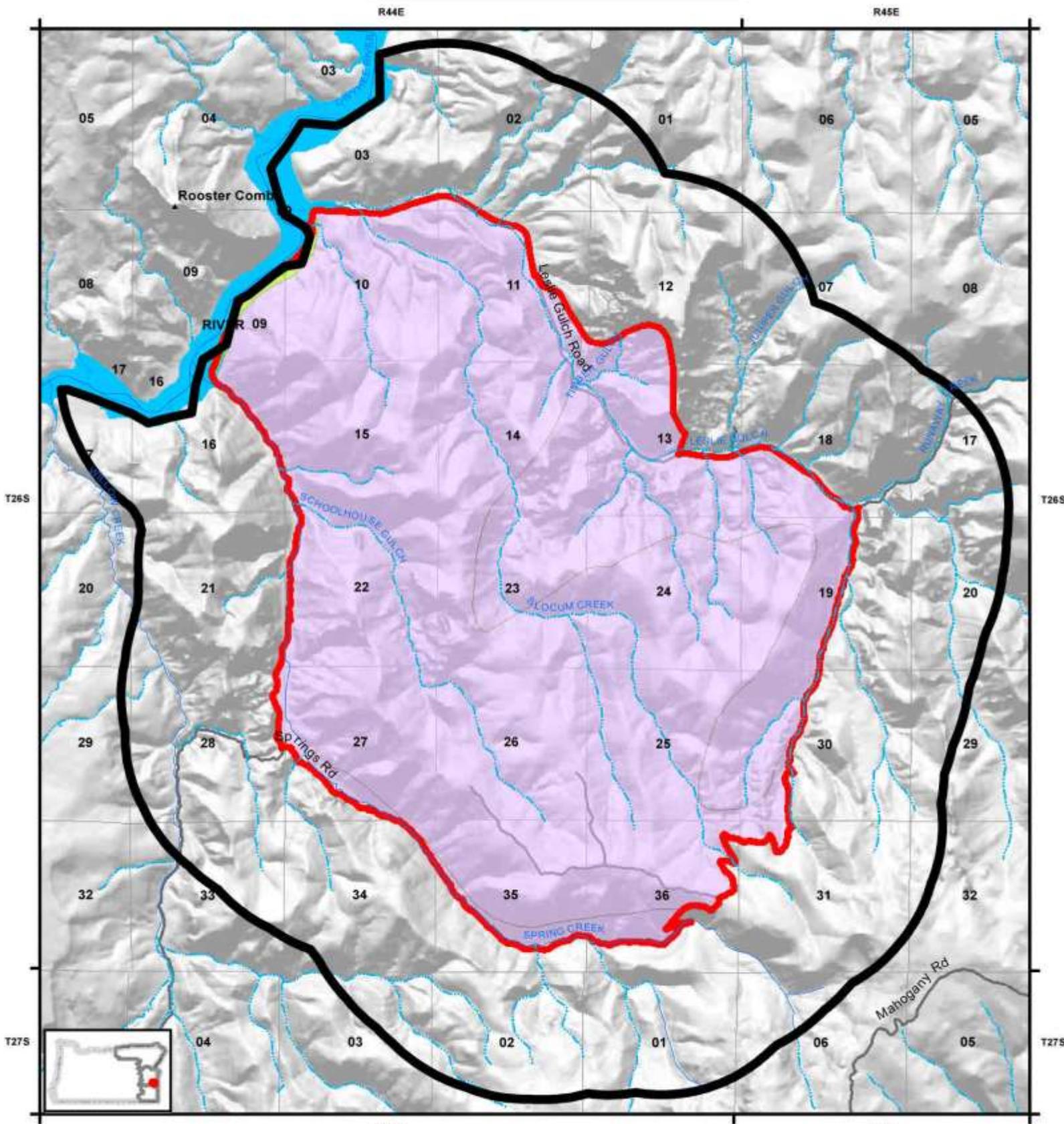
- Legend**
-  Planning Area Leslie Gulch EA
  -  Leslie Gulch Fire
  -  General Habitat Management Area (GHMA)
  -  Priority Habitat Management Area (PHMA)



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Vale District  
8/14/2015

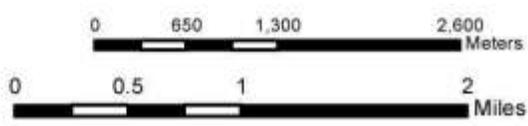
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# Leslie Gulch Fire ES&R EA Map 4: General Soils



## Legend

- Planning Area
- Leslie Gulch Fire
- Soils**
- 96
- 98
- WaterBodies
- Perennial Streams
- Intermittent Streams
- BLM/County Roads

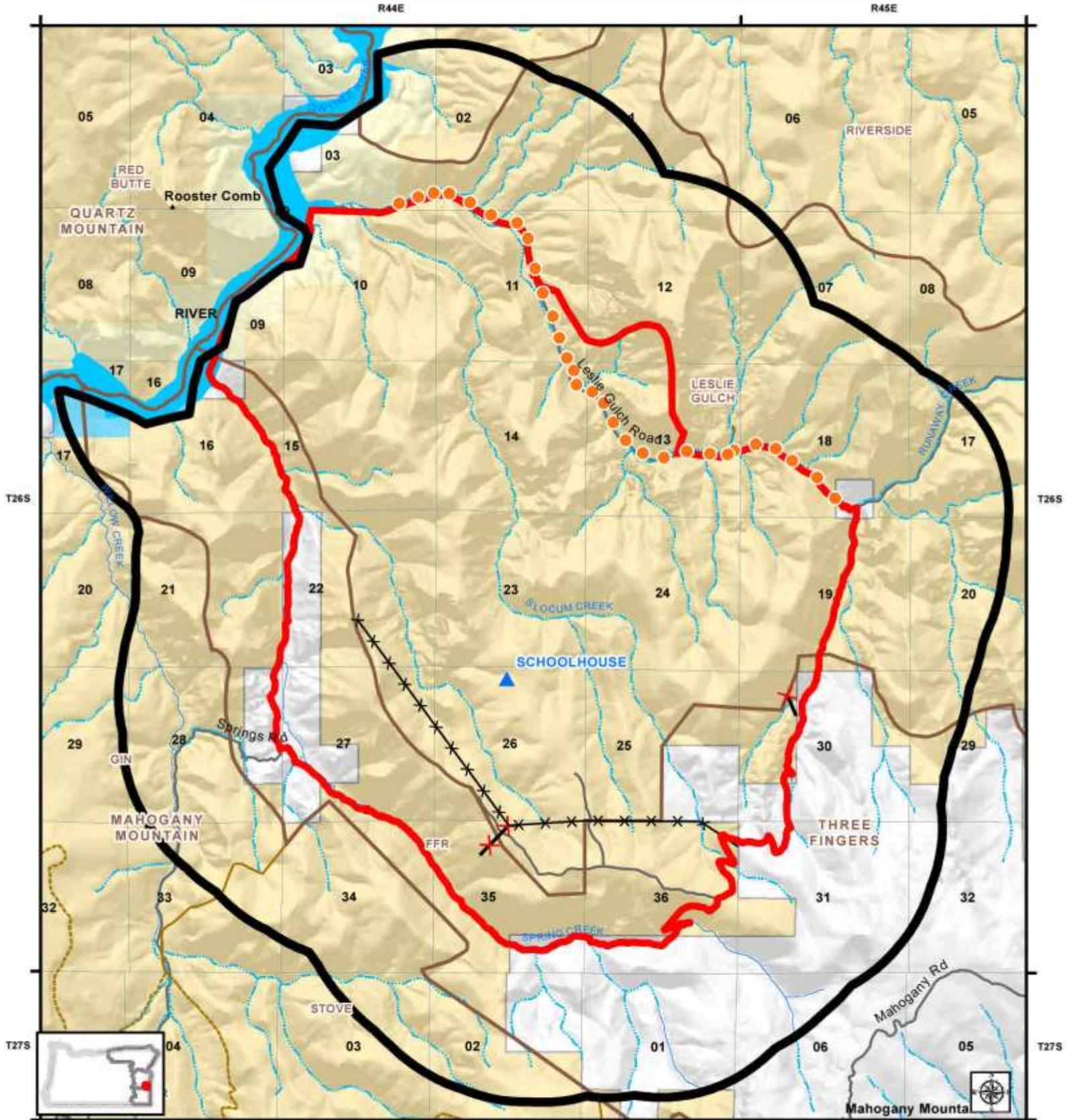


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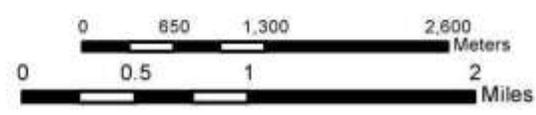
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# Leslie Gulch Fire ES&R EA

## Map 5: Improvements, Maintenance, and Repair

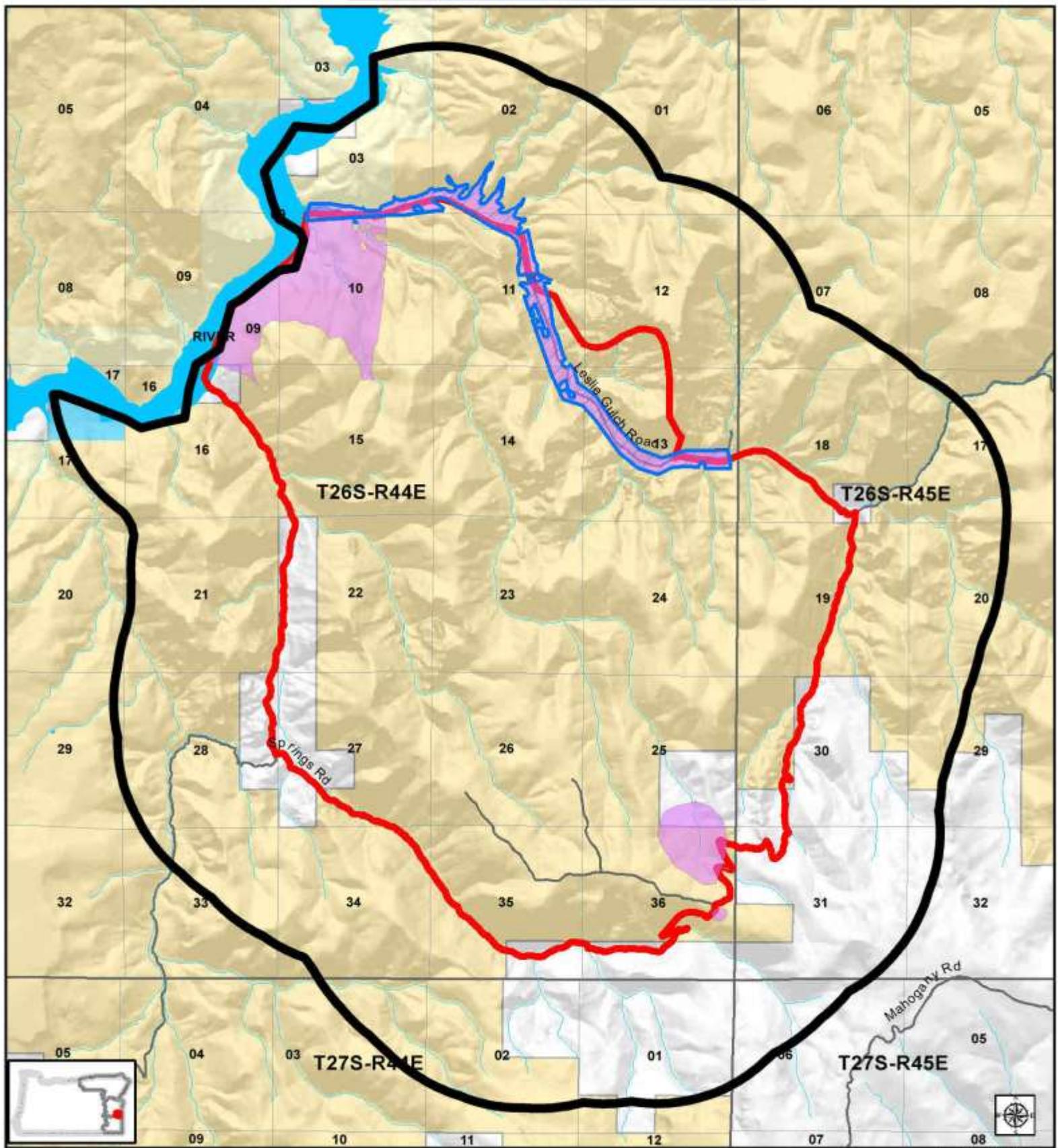


- Legend**
- ▲ Guzzlers
  - Planning Area
  - WSA Signs
  - Leslie Gulch Fire
  - ▲ Existing Fence Repair
  - x Fences Temporary
  - Allotment
  - Pastures
  - WaterBodies
  - BLM/County Roads
  - Perennial Streams
  - Intermittent Streams
  - Bureau of Land Management
  - Bureau of Reclamation
  - Private

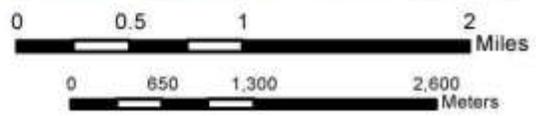


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# Leslie Gulch Fire ES&R EA Map 6: Vegetation Treatments



- Legend**
- Planning Area
  - Leslie Gulch Fire
  - Native Seeding
  - Imazapic Treatment
  - BLM/County Roads
  - Streams
  - WaterBodies
  - Bureau of Land Management
  - Bureau of Reclamation
  - Private



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Vale District  
8/24/2015

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