



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vale District Office

100 Oregon Street

Vale, Oregon 97918

IN REPLY REFER TO:

1742 / 4190 (ORV040)

OCT 18 2011

NOTICE OF FIELD MANAGER'S FINAL DECISION

Dear Interested Public:

BACKGROUND

During the summer of 2011, several lightning caused fires were ignited in the Jordan and Malheur Resource Areas, Vale District Bureau of Land Management (BLM). You are being notified of the decision to implement emergency stabilization and burned area rehabilitation actions as a result of the Jordan Craters Fire. The Jordan Craters Fire was ignited on August 6, 2011 and was contained on August 7, 2011 after burning 492 acres of public land and 4 acres of private land approximately 22 miles west of Jordan Valley, Oregon. The Jordan Craters Fire burned within the East Pasture of the Lodge Allotment (#10901).

The BLM has completed an Emergency Stabilization and Burned Area Rehabilitation (ES/BAR) Plan and a Determination of NEPA Adequacy (DNA) # DOI-BLM-V060-2011-058 prior to the approval of the plan and the issuance of this decision. These documents can be viewed at: <http://www.blm.gov/or/districts/vale/plans/index.php>. If you wish to receive hard copies of these documents, they are available upon request at the District Office, 541-473-3144.

PLANNED ACTIONS

The area burned by the Jordan Craters Fire is in need of treatment to ensure desirable vegetation will stabilize the site and prevent invasion of undesirable and/or noxious weeds. This can be met by protecting the area from grazing during a period necessary for establishment and recovery of health and vigor of desired vegetation. Construction of three miles of temporary fencing will be built to protect the burned area, minimize soil movement, preserve on-site productivity, reduce the invasion of undesirable flammable annual plants, and reduce the potential for noxious weeds. The fencing would be removed when it was no longer deemed necessary to exclude livestock from the burned area. The disturbed areas within and areas immediately adjacent to the fire boundary would be surveyed for Oregon Department of Agriculture Class A and T listed weeds and Malheur County Class A listed weeds. Since the area has not had an intensive inventory, there may be weeds of major concern within these areas. If found, they would be treated in accordance with national and district guidelines for noxious weed treatment.

Noxious weed treatments would also be consistent with the guidelines set forth in the ESR handbook (1742-1, pgs. 34-35) using approved chemicals appropriate for the target species. A separate grazing decision will be issued to address the exclusion of livestock as a result of the Jordan Craters Fire.

FINAL DECISION

It is my decision to implement the noxious weed treatment and construction of three miles of temporary fence as outlined in the Jordan Craters ES/BAR Plan as summarized above. This decision is effective immediately due to the immediate risk of erosion and damage due to wildfire, issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states: Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

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. Any appeal should state clearly and concisely as to why the final decision is in error. If an appeal is taken, notice of appeal must be filed in the office of the authorized officer at the following address within 30 days from receipt of the decision. All grounds of error not stated shall be considered waived and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Malheur Resource Area
Vale District Bureau of Land Management
100 Oregon Street
Vale, Oregon 97918

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filed with the appeal. In accordance with 43 CFR § 4.21 (b)(1), a petition for a stay must show sufficient justification based on the following:

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

Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the authorized officer, the appellant must serve copies on:

- 1) All other person(s) named in the address heading of this decision; and
- 2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c):

Office of the Solicitor
US Department of the Interior
Pacific NW Region
805 SW Broadway, Suite 600
Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Ryan', written over a horizontal line.

Pat Ryan
Field Manager
Malheur Resource Area