



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Baker Field Office
P.O. Box 947
Baker City, Oregon 97814

IN REPLY REFER TO:

4100

FEB 13 2013

Dear Permittee and Interested Public:

NOTICE OF FIELD MANAGER'S FINAL DECISION

BACKGROUND

On August 19, 2012, lightning caused the Sardine fire located in Baker County south of the Love Reservoir (see map 1). The livestock grazing allotments affected by this fire are Sardine Creek, Pritchard Flat, Pritchard Creek, Gale Place, Upper Ritter Creek and East Sardine Creek Allotments. The Pritchard Creek Allotment is a maintenance allotment and the remaining five allotments are custodial. A total of 6,070 acres burned (1,330 acres BLM and 4,740 acres of private lands). Most of the public land burned was in the Pritchard Creek and Sardine Creek Allotments.

The vegetation of both private and public lands is comprised of an overstory of Wyoming big sagebrush and an understory of Bluebunch Wheatgrass, Idaho Fescue, Sandberg's Bluegrass and a little Thurber's Needlegrass.

All of the land burned is classified as sage-grouse Preliminary Primary Habitat (PPH). There are three known sage-grouse leks within the burn perimeter, of which one is located on BLM administered lands. All three of the leks are considered active by Oregon Department of Fish and Wildlife. The lek on public land had high mortality of sagebrush and native bunchgrass. In addition, there are non-native annual grass stands in close proximity to this lek. The high mortality of native grasses coupled with a non-native annual grass seed source has resulted in a high probability that the lek will be converted to non-native species. To reduce the risk of conversion, the lek and the adjacent burned area will be broadcast seeded with native grasses.

Fire severity on the ridge tops was low; therefore, the BLM expects low mortality of native Idaho fescue and Bluebunch wheatgrasses which would result in a low risk of soil erosion. On the other hand, the draws burned exceptionally hot causing high mortality of Wyoming big sagebrush and native bunchgrasses. Currently there is a high risk of soil erosion in the draws due to an insufficient amount of vegetation to slow spring runoff. To reduce the risk of soil erosion, the BLM will broadcast seed 270 acres with native grass species (see map 2).

A significant portion of the Wyoming big sagebrush component of the native vegetation within the fire area was lost. To help restore sage-grouse habitat and reduce the risk of soil erosion, 44,000 sagebrush seedlings would be planted on a total of 275 acres in blocks of 5 to 10 acres.

Four miles of allotment boundary fence was damaged and would be reconstructed and 2.2 miles of temporary fencing is proposed in order to rest burned public lands from livestock grazing and allow permitted livestock use of the non-burned portion. The temporary fence will be constructed as a three-strand fence and built to wildlife specifications.

While noxious weeds (excluding medusahead) were not a significant problem within the burned area prior to the fire, infestations do exist in the immediate vicinity and pose a serious threat over the next 3 years while the burned area is recovering. To reduce the risk of noxious weed spread, livestock grazing would not occur for at least two growing seasons.

Following the containment date of the fire (August 21, 2012), the Vale District assembled an interdisciplinary (ID) team made up of specialists from botany, range, wildlife and fire to develop an Emergency Stabilization and Rehabilitation Plan for the treatment of the burned area. The plan was consistent with the H-1742-1 Burned Area Emergency Stabilization and Rehabilitation Handbook and the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) #OR-030-05-005. The plan was submitted for funding from the Washington Office (WO) through the Emergency Stabilization and Rehabilitation System (ESRS). The district received several comments from the WO and in response the plan was amended, resubmitted and on December 3, 2012, the plan was approved by the WO.

Once the plan was approved, commencement of treatment area flagging and further refinement of the plan began. Changes to the original plan were made based on field observation, cultural class I surveys, consultation with permittees, further conversations with ID team members, seed availability and funding limitations. Additional refinement of the sagebrush plantings may occur after cultural class III surveys are complete.

COMPLIANCE

The Revised Plan was prepared under the guidance of and is consistent with the Burned Area Emergency Stabilization and Rehabilitation Handbook H-1742-1. The treatments in the Revised Plan are the same as the proposed actions described in the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) #OR-030-05-005. The EA was completed in 2005. The EA analyzed the potential impacts to implementing the proposed action and alternatives and determined there would not be a significant impact to the human environment and prepared a Finding of No Significant Impacts (FONSI) Decision Record.

The BLM compared the Revised Plan with the analysis found in the NFESRP EA and determined that the analysis was sufficient and new NEPA analysis was not necessary. BLM documented this review and prepared a Determination of NEPA Adequacy (DNA) #DOI-BLM-V050-2013-008 prior to the approval of the Revised Plan and the issuance of this decision. The NFESRP EA and FONSI and the DNA 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 Vale District Office, (541) 473-3144.

The treatments described in the Revised Plan, as analyzed in the Vale District NFESRP EA, are consistent with the Baker Resource Management Plan/Environmental Impact Statement and Record of Decision, 1989. The Revised Plan's treatments have 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 (42 U.S.C. 4320-4347), 1970
- Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) #OR-030-05-005.
- Federal Land Policy and Management 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 ROD
- 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD
- National Historic Preservation Act (16 U.S.C. 470)
- Programmatic Agreement Among USDI BLM, the Advisory Council on Historic Preservation and the Oregon State Historic Preservation Officer Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the BLM, Oregon State Office, Throughout the State of Oregon
- Executive Order 12372, Intergovernmental Review
- Executive Order 13112, Invasive Species
- Baker Resource Management Plan and Record of Decision, 1989
- State, local, and Tribal laws, regulations, and land use plans

FINAL 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 2012 Sardine wildfire.

DNA #DOI-BLM-V050-2013-008 addressed the treatments identified in the ES&R Plan and I have determined that they were consistent with the analysis in the NFESRP EA and FONSI. The treatments listed in the Revised Plan (below) are less than the treatments proposed in the ES&R Plan and I have determined that the DNA is sufficient.

I have determined that implementing the Revised Plan's treatments as analyzed in the NFESRP EA did not require the preparation of an environmental impact statement, as set out in the FONSI.

I have determined that implementation of the treatments described in the Revised Plan does not constitute a major Federal action that will adversely impact the quality of the human environment; therefore, an Environmental Impact Statement is not necessary and will not be prepared.

Based on analysis, comments from the public and input from my staff, it is my final decision to implement the treatments as listed in the Revised Plan below.

This decision is effective immediately due to the immediate risk of erosion and the likelihood of the conversion of rangelands to invasive annual grasses if they are not treated this winter/spring.¹

My decision is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states: Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

REVISED PLAN TREATMENTS

Below is a table of the projects needed to stabilize and rehabilitate lands affected by the Sardine wildfire. A map of the treatment locations is attached.

Treatments	Amount	Implementation Year ²
Broadcast Seed (no harrow)	270 acres	Beginning in 2013
Construction of Temporary Fence	2.2 miles	Beginning in 2013
Repair Permanent Fence	4 miles	Beginning in 2012
Noxious Weed Inventory	1,500 acres	Beginning in 2013
Noxious Weed Treatment	20 acres	Beginning in 2013
Sagebrush Planting	275 acres	Beginning in 2013

RATIONALE

Seeding

BLM field going personnel with personal knowledge of the pre-burn condition evaluated the entire burned area on public lands to determine the suitability for seeding. All of the areas selected for treatment were determined to be suitable for seeding based on the high probability of conversion to cheatgrass dominated communities should no treatment occur.

By seeding the planned 270 acres with native vegetation the threat of non-native annual grasses and noxious weeds dominating the burned area would be reduced. Seeding native vegetation will also reduce the risk of soil erosion in areas where mortality on native vegetation was high. Neglecting to seed could prove to be detrimental to the remaining native plant community through increased fire interval that often plagues annual grass dominated rangelands.

¹Rangelands converted to invasive annual grasses are more prone to wildfire and often result in larger and more frequently occurring wildfires. Rangelands converted to invasive annual grasses have lower species diversity of both plants and animals. Lower plant species diversity results in higher probability of soil erosion and a higher susceptibility to invasion of noxious weeds.

² The year in which these treatments will be implemented is subject to funding availability.

Fencing

Construction of 2.2 miles of three-strand temporary fence around the perimeter of the burned area will allow for continued grazing use by the grazing permit holders on approximately 1,072 unburned acres of BLM and private land in the Sardine Creek and Pritchard Creek Allotments. By not building the temporary fences in the Pritchard Creek Allotment, it would be necessary to close the entire Upper East Pasture which would deny the grazing permit holders access to approximately 858 acres of permitted grazing area. By not building the temporary fence in the Sardine Creek Allotment, it would be necessary to close the entire West Pasture which would deny the grazing permit holders access to approximately 214 acres of permitted grazing area. In addition to the temporary fence, there will also be four miles of permanent fence that will be repaired.

Four miles of existing management fences that were burned in the Sardine fire will be repaired. The repair of livestock management fences is adequately analyzed in NFESRP EA (page 12). The Proposed Action, Repair/Replace Minor Facilities Essential to Public Health and Safety section, states that repair or replacement of minor facilities such as structural damage to recreational facilities, fences, gates, watering troughs, wildlife guzzlers and livestock handling facilities that were damaged by fire may be repaired under rehabilitation. On page 11 of the NFESRP EA under the Proposed Action, Protective Fence section, it states that the success of natural recovery or re-vegetation often depends on exclusion of grazing. Also, gates, cattleguards, fences and other control features would be repaired and/or constructed as needed to protect treatments during the recovery period. Management fences in good working order are necessary to keep livestock from entering the burn area.

Closure to livestock grazing will be consistent with the 1989 Baker Resource Management Plan (RMP). Specifically, the Areas burned by Sardine wildfire will be rested 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.

Noxious Weed Treatments

The areas disturbed by fire suppression activities as well as the burned area will be surveyed for Oregon Department of Agriculture Class A and B listed weeds and Baker County Class A listed weeds. There will be approximately 20 acres of herbicide treatments for noxious weeds within the perimeter of the Sardine fire. Rush skeletonweed (*Chondrilla juncea*), diffuse knapweed (*Centaurea diffusa*), Whitetop (*Lepidium* sp.) and Scotch thistle (*Onopordum acanthium*) have been documented within the burn area. Treatments and inventory will be conducted in years 2012, 2013 and 2014. Past treatments in the area have been successful and by continuing to inventory and treat infestations, the risk of noxious weeds establishment and spread would be reduced. If the identified weeds are not treated, the BLM expects the size of the infected area would increase due to the high mortality of the native vegetation during the fire, which will likely result in increased wind and water erosion.

Sagebrush Planting

Wyoming big sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) is a prominent vegetative component at the lower and mid elevations in Baker County. This species does not resprout after fire and depends on a seed source for repopulating an area. Approximately 44,000 seedlings would be hand planted in five to ten acre blocks over about 275 acres of public land in the southern portion of the burned area during the fall or early spring. Planting areas were selected based on 1) presence of wyoming big sagebrush prior to the fire, 2) potential to grow sagebrush, 3) presence of PPH (Preliminary Priority Habitat), and 4) areas identified by Oregon Department of Fish and Wildlife as a priority for sagebrush restoration.

Closing the burned area to livestock

Permittees will be responsible for keeping their livestock off the recovering areas in compliance with BLM grazing regulations (43 CFR Part 4110.3-3(b)) and the Baker RMP and ROD. A separate grazing agreement or grazing decision will be issued to address the exclusion of livestock as a result of the wildfire in accordance with BLM grazing regulations 43 CFR Part 4110.3-3(a).

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, Baker Resource Area
Bureau of Land Management
P.O. Box 947
Baker City, Oregon 97814

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,

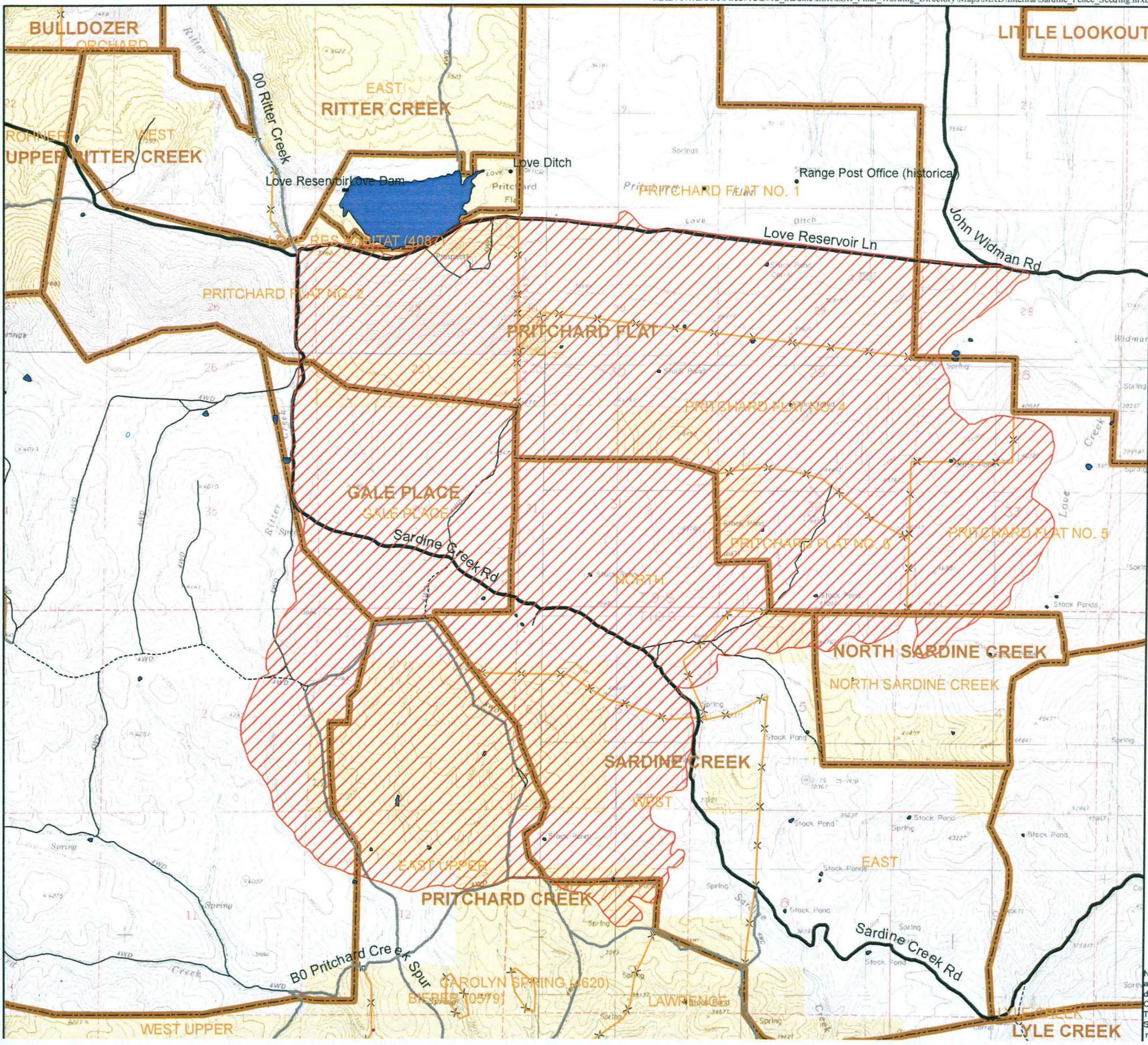


Marc E. Pierce
 Acting Field Manager

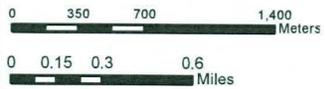
Enclosures

Copies sent to: Pat Larson
 Mike Widman
 M.R. King Ranches Inc.
 Jacobs Ranches Inc.
 Wayne & Helen Troy Family Trust
 Kent Justus
 Tim Heater
 Harrell Land and Cattle LLC
 Dale Smull
 Hells Canyon Preservation Council
 Oregon Wild
 Oregon Department of Fish and Wildlife, Baker City
 Oregon Department of Fish and Wildlife, La Grande
 Confederated Tribes of the Umatilla Indian Reservation
 Nez Perce Tribe
 Burns Paiute Tribe

Sardine - G6LV 2/4/2013 Map 1



- Legend**
- Fire Perimeter
 - County route
 - Bureau of Land Management
 - Forest Service
 - Private road (no symbol)
 - Not Known
 - Allotment
 - Pasture
 - GRA_Line
 - Bureau of Land Management
 - Private
 - State Lands



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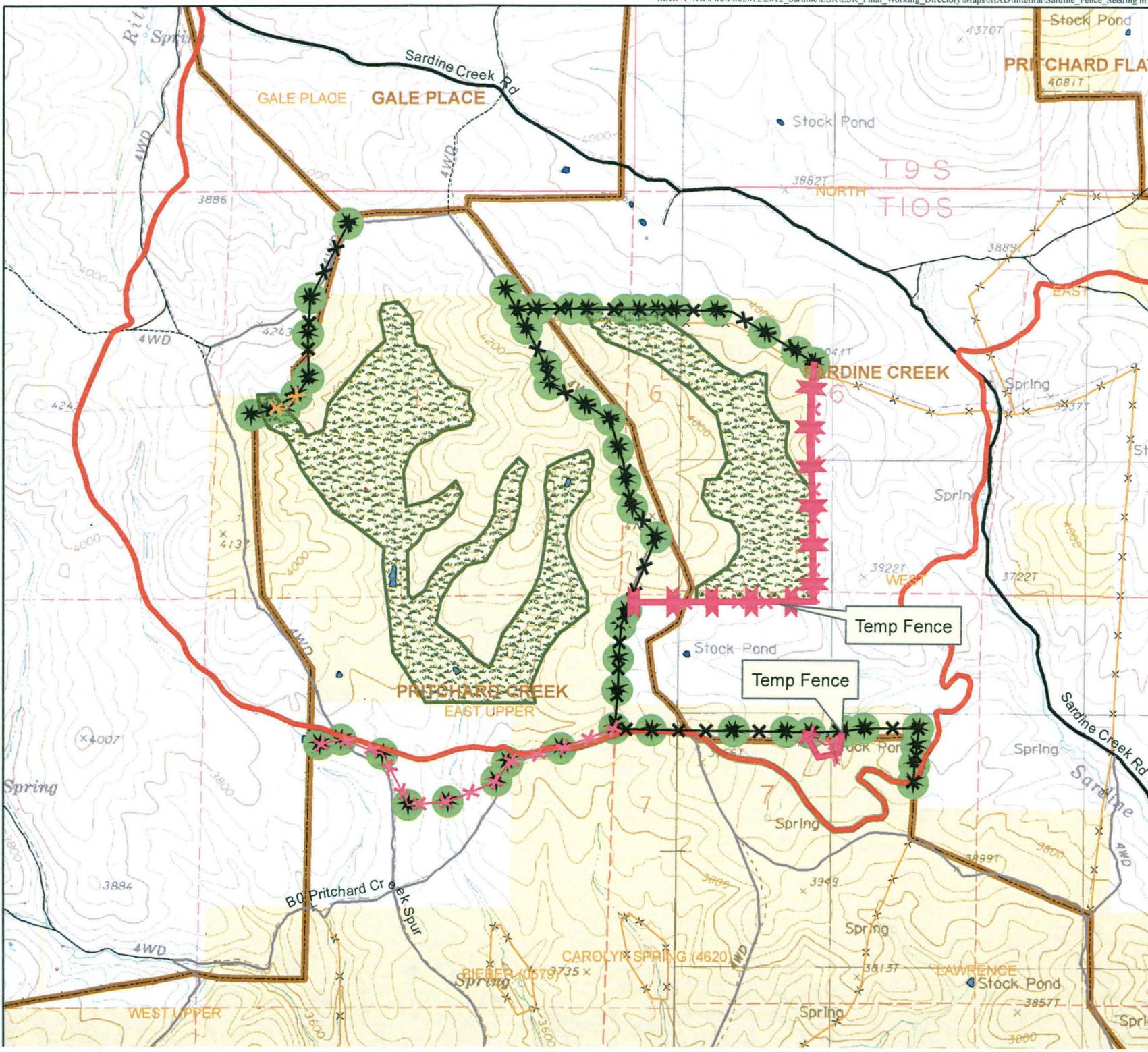


Vale District

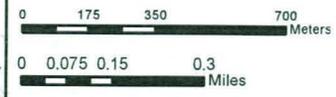
12/19/2012

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Sardine - G6LV 2/4/2013



- Legend
- Abandoned - 1/4 mile
 - Fence Repair - 6 miles
 - Temporary Fence - 1 mile
 - UTV Broadcast Seeding (268 Acres)
 - Dozer Line Seeding Completed
 - Fire Perimeter
 - County route
 - Bureau of Land Management
 - Forest Service
 - Private road (no symbol)
 - Not Known
 - Allotment
 - Pasture
 - GRA_Line
 - Bureau of Land Management Private
 - State Lands



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Bureau of Land Manager



Vale District

12/19/2012

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