

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SURPRISE FIELD OFFICE
DECISION RECORD**

**TULEDAD FUELS REDUCTION AND
HABITAT RESTORATION PROJECT
CA-370-08-04**

INTRODUCTION

The purpose of this restoration effort is to reduce hazardous fuels and restore the sage steppe ecosystem processes and vegetation conditions that resemble historic mosaic plant communities, so that historic fire return intervals in the sage steppe ecosystems can be sustained. The proposed restoration projects would restore habitat for sagebrush obligate species, improve hydrologic conditions and enhance the forage base for wildlife and domestic animals.

Vegetation, soil and cultural resources within the Tuledad Fuels Reduction and Habitat Restoration Project area have been determined to be at substantial risk of wildfire due to heavy fuels buildup. Based on this risk and review of the EA for the Tuledad Fuels Reduction Project (CA-370-08-04), it is the decision of the BLM to implement the project using a combination of treatments discussed in the proposed action as presented in the EA. The actions will improve vegetation diversity and habitat in the project area. The actions will prevent the substantial risk of vegetation conversion to invasive species and soil loss due to heavy fuels buildup, and will prevent the occurrence of catastrophic wildfire.

DECISION

It is my decision to authorize the Tuledad Fuels Reduction and Habitat Restoration Project as described in the Proposed Action of Environmental Assessment CA-370-08-04 with the following mitigation and monitoring measures outlined in the aforementioned EA. This decision is contingent on meeting all stipulations and monitoring requirements listed below.

DESCRIPTION OF THE SELECTED ALTERNATIVE

The proposed action is to utilize a combination of mechanical, prescribed fire and hand treatments to reduce hazardous fuels, increase the ability of fire managers to control unplanned wildfire and restore fire adapted ecosystems on 4,616 acres of sagebrush-steppe ecosystem within the Tuledad Fuels Reduction and Habitat Restoration Project Area. The proposed action consists of nine separate units on both private and public lands within the Tuledad Allotment as listed in Table 2.

Fencing will be installed within the project boundaries to accommodate prescribed fire. Along with the BLM specification for wildlife fences, the proposed action will include small steel jack fences around aspen, springs, riparian areas and other sensitive areas. Treatment units will be rested from livestock grazing for a minimum of two grazing seasons. This will be

accomplished by adjustments in the pasture/use area grazing schedule, and herding. Several of the treatment units are within existing fenced enclosures.

No new permanent roads will be constructed to complete this project work. Temporary roads will be used where appropriate and will be decommissioned following use. These roads will involve minimal ground disturbance and will be reclaimed following use (one to three years). Temporary road construction will not exceed 1.5 miles per year and landings will be constructed within the project area. See Appendix 8, Tulead Standard Operating Procedures, for specific temporary road and landing requirements. Areas identified within the project boundaries as having important cultural, botanical, hydrological, recreation, and wildlife resources that require protection will be excluded from treatment. These areas of concern will have specific operating procedures to maintain the integrity of the resource, see Appendix 8: Tulead Standard Operating Procedures.

The proposed action will be implemented on the privately owned lands in the project area only under written agreement between landowners and the BLM. Juniper removed from the units will be used as biomass as either firewood for local wood cutters or chipped and utilized in co-generation facilities. Historic woodlands within the project areas will be preserved and mature/old growth stands of Western juniper will be identified and protected.

Table 2. TREATMENTS

Treatment Area Name	Acres	Treatments to be implemented
Barber Creek	28	Hand Treatment, Pile Burning
Bud Brown	692	Hand Treatment, Prescribed Fire
Cottonwood	1,036	Hand Treatment, Pile Burning, Mechanical, Biomass
Dodge Bitterbrush	544	Hand Treatment, Pile Burning, Mechanical, Biomass
Express Canyon	561	Hand Treatment
Little Hat	300	Hand Treatment, Pile Burning, Mechanical, Biomass
Mahogany	1,024	Hand Treatment, Prescribed Fire, Mechanical, Biomass
Starvation	145	Hand Treatment
Upper Bare Creek	286	Hand Treatment, Pile Burning, Mechanical, Biomass

Restoration methods are described in the Sage Steppe Ecosystem Restoration Strategy FEIS and are outlined below.

Mechanical restoration involves the use of heavy machinery to physically remove Western juniper. Mechanical restoration techniques that have previously been employed in the area, and are expected to be used in implementing the selected action, include the following:

- Tracked feller-buncher machines. These machines will snip off the juniper trees and put them into a chipper that is pulled behind the feller-buncher. After the chip bin is full, the chips are augured into a tractor-trailer for transportation off site.
- Rubber-tired feller-buncher machines. These machines will cut the juniper trees and transport them to a landing area or pile them for skidding to the landing. Rubber tired skidders can then be used to transport the juniper to the landing areas, as needed. Cut junipers may also be transported in rubber tired trailers to landings. At the landings, the

juniper trees are processed into chips and hauled away or limbed and just the boles hauled away, depending on the intended use for the material.

- Trees may be cut by the above methods but left on ground instead of transported off-site.
- The above methods can be combined and tailored specifically for site conditions, availability of machinery, economic conditions, and other factors.

The mechanical methods of restoration would generate slash in quantities that will require treatment. In all mechanical treatments, biomass will be considered along with woodcutting. In these cases, the remaining material will be piled and burned to minimize impacts to sagebrush.

Prescribed fire will be used where enough fuel exists to carry a fire, where a fire can be managed successfully, and where conditions are favorable for achieving restoration objectives of removing juniper from the site. Burned areas will require monitoring and control to prevent the establishment and spread of noxious weeds and invasive annual grasses.

Proposed treatment areas with broadcast prescribed fire will follow the Rangeland Health Standards & Guidelines for Northeastern California and Northwestern Nevada FEIS, for post treatment livestock grazing rest. Rest will be required following any treatment until site specific objectives have been met. In this ecosystem, experience and the science strongly indicate this to be a minimum of two growing seasons. Rest for longer periods may be required in situations where site conditions, the restoration method, and weather dictate (Miller *et al.* 2005).

After burning is complete, and when safely practicable, any hand or dozer constructed lines will be rehabilitated, to stabilize the soil, create physical barriers to discourage off-highway vehicle use, and to conceal the line to reduce visible impacts. Water bars will be built on control lines where slopes are steeper than fifteen percent or in areas where there is evidence of major water flow. Maximum rehabilitation effort will be undertaken to improve visual characteristics in areas directly visible from the roads and trails. In areas less visible from roads and trails, line rehabilitation will concentrate on soil stabilization.

During the year in which prescribed burning treatments are to be conducted, livestock will not be allowed to graze within the proposed treatment units. Livestock grazing will be excluded from the treated units for a minimum of two growing seasons following treatment implementation. An interdisciplinary team (IDT) will conduct a review of the project objectives and monitoring data to determine when livestock grazing will be allowed to resume in the project area.

Hand Treatment will generally be accomplished by crews with chainsaws cutting down juniper. This treatment method will be the most widely used in the proposed project boundaries. In all hand treatments areas woodcutting will be considered. This material will generally be piled and burned within 100 feet of the primary access road; otherwise the material will be left on site.

MITIGATION MEASURES TO BE IMPLEMENTED

Cultural

The Supplemental Procedures direct the BLM Cultural Resources Staff to specify the application of Standard Resource Protection Measures (SRPMs) for individual sites which will be impacted by vegetation treatment measures. The protocol amendment further identifies specific SRPMs that became effective upon the execution of the Supplemental Procedures.

Standard Resource Protection Measures

- Flag-and-avoid with buffering, edge feathering/gradual reduction of standing juniper and felled juniper as livestock barriers.
- Lop and scatter will be used in heavy fuels to flatten the fuel load and to disperse fuels around sensitive cultural areas.
- Mechanical treatment on archaeological sites with prescriptions and active monitoring by Cultural Resource Staff or other professional archaeologist. These prescriptions may include, but not be limited to the following: Harvesting on frozen ground; requiring snow packs of specified depth for harvesting; not allowing tracked vehicles to turn within cultural sites, etc. Monitoring of the treatments will provide useful information on whether the SRPM and prescriptions are working or whether they need to be refined.
- Hand treatments will be used to reduce heavy juniper fuel load in cultural resource sites in locations that will not impact archaeological data associated with the site.

Livestock Grazing

- To meet recovery objectives within prescribed fire areas, fencing will be required to ensure rest from wild horses.

Visual Resources

All of the Tuledad Project units are located within Visual Resource Management (VRM) Class II, with the exception of the Bud Brown unit which is located within lands designated as VRM Class II and Class III. The following mitigation measures will reduce visual impacts to the VRM Class II and Class III project areas:

- Rehabilitation of roads, prescribed fire control lines, and staging areas within one year of treatment will. Reseeding of scalped or smoothed areas and placement of rocks and brush or trees within the tracks and trails.
- Specific monitoring of road rehabilitation areas for seeding success and erosion.
- To reduce the contrast of the boundaries of all treatment units, treatments activities involving juniper removal would be feathered adjacent to untreated edges by leaving a selection of larger and smaller trees.
- To reduce the contrast associated with the creation of new openings, scattered specimens of trees of varying size could be left at a rate of 5 to 10 trees per acre, and small untreated pockets could be left.
- To reduce the short term impact of yellowing and browning needles of felled trees in areas proposed for manual thinning/cut and run treatment, branches of the larger felled trees which project above the profile of the shrubs will be cut.

Wildlife

The following mitigation measures are to reduce impacts to sage-grouse, other sage-steppe species, as well as other wildlife.

- Remove fuels around bitterbrush and mountain mahogany to prevent loss during

prescribed burning. This will prevent large patches of important deer Fall forages from being burned.

- Keep burn units less than 123 acres to reduce bird habitat fragmentation. This recommendation is found in both the Buffalo-Skedaddle sage-grouse conservation plan and a recommendation in the Partners in Flight publication, *Birds in a Sagebrush Sea*.
- Leave all snags greater than 25 cm (10 inches) standing and create additional snags. This will benefit many species including bats such as long-eared myotis.
- All burns in aspen and mountain mahogany that exceed two acres will be excluded from livestock grazing for at least three years all other sites should be rested for two years after prescribed fire. This mandatory mitigation measure is from the 2007 Surprise Field Office Resource Management Plan.
- Post fire seeding of native species. This mitigation measure is from the 2007 Surprise Field Office Resource Management Plan.
- Any active raptor nest found should be reported to the wildlife biologist and project activities ceased in the area (generally ¼ mile buffer) until surveys indicate that project activities will not disturb breeding activities.

TULEDAD STANDARD OPERATING PROCEDURES AND REQUIRED MONITORING FOR TREATMENT ACTIVITIES

The Tuledad Fuels Reduction and Habitat Restoration will require certain precautions during project implementation. The following Standard Operating Procedures (SOP's) will ensure that identified resources within the project boundary will be protected and or preserved. Project Activities inherent to this project include but are not limited to, use of mechanical harvesting equipment to include rubber tired skidders, track laying equipment, rubber tired rotary saws, whole tree chippers, chainsaws, skidding and dragging juniper, temporary road and landing construction, hand and or dozer line construction, machine and hand pile construction, machine/hand pile and broadcast burning. All project activities will be coordinated with the appropriate resource specialist and or the SFO Interdisciplinary Team.

Botany

BLM Special Status Plant species within the project area will be identified flagged and will not be disturbed with any treatment activities. Buffer zone sizes around sensitive plant sites will be at the discretion of the botanist. Specific requirements for special status plant management are found in BLM Manual Handbook 6840-1, Special Status Plant Management, 1996.

Cultural Resources

All cultural resources flagged for mitigation purposes will have the flagging removed upon completion of the treatment. The project areas that have been flagged for mitigation or signed to exclude woodcutting will be elevated in priority for monitoring by the Cultural Resource Staff and the Field Office Law Enforcement Officer.

Noxious Weed Species

The project area has received a current noxious weed survey. Activities associated with the proposed action that are prone to noxious weeds, such as temporary roads, landings and skid trails will be monitored post treatment for the introduction of new occurrences⁷ for three years. Newly discovered populations of noxious weed species will be mapped and treated using management techniques outlined in SFO Integrated Weed Management EA. To minimize the potential spread of noxious weed species the equipment associated with the proposed action

will be pressure washed prior to engaging in project activities and before transport to new work areas.

Equipment operators and project inspectors will be provided with a noxious weed identification guide for species that are known to occur in northeast California. If a noxious weed site is discovered, project activities should cease and the Noxious Weed Coordinator notified of the occurrence. Project activities should not resume in the area until treatments and prevention procedures are in place.

Wildlife

Currently there are no known federally threatened or endangered (T&E) or BLM Sensitive species known within or adjacent to the project area. If, during the implementation of the proposed action, threatened, endangered, BLM Sensitive species (TES), or other species of interest are found, then areas of important or necessary habitat in the project area will be identified, flagged and protected from project activities in coordination with the SFO wildlife biologist. Project activities may be subject to seasonal restriction dates and buffer zones in order to protect specific wildlife species and their habitats. Old growth juniper will be retained for wildlife benefit, as will any juniper showing evidence of wildlife usage.

Project activities will be implemented to be consistent with the local Conservation Strategy for Sage-Grouse (*Centrocercus urophasianus*) and Sagebrush Ecosystems within the Buffalo-Skedaddle Population Management Unit (Northeast California Sage-Grouse Working Group 2006). Actions requiring vegetation/habitat disturbance such as construction of temporary roads and landings, and skidding or other movement of trees and related materials, should be accomplished in a manner resulting in as minimal disturbance as possible.

Therefore large burns will not be allowed in the Bud Brown treatment unit. One or two small (no more than 10 acres each in size) prescribed fires may be allowed with prior approval by the staff wildlife biologist.

As stated in the Buffalo Skedaddle Population Management Unit (PMU) Conservation Plan and outlined here as Standard Operation Procedures:

- 1) During fire-suppression activities, do not remove or burn any remaining patches of sagebrush within the fire perimeter.
- 2) In areas of large-scale loss ($\geq 40\%$ of original winter habitat), protect all remaining sagebrush habitats.
- 3) Reseed former sage-grouse habitat with the appropriate subspecies of sagebrush and herbaceous species unless the species are recolonizing the area in a density that will allow recovery within 15 years (sagebrush canopy cover of 10-30% and total height of 60 – 71cm (24 – 28 inches)).
- 4) Discourage prescribed burns > 50 ha. (123 acres), and do not burn $> 20\%$ of an area used by sage-grouse during winter within any 20-30 year interval (depending on estimated recovery time for the sagebrush habitat).
- 5) WAFWA Guidelines (Connelly et al. 2000) provide additional direction for protection of breeding habitat (leks and nesting habitat) as follows:
 - 4) Do not use fire in sage-grouse habitats prone to invasion by cheatgrass and other invasive weed species unless adequate measures are included in restoration plans to replace the cheatgrass understory with perennial species using approved reseeding strategies. These strategies could include, but are not limited to, use of pre-emergent herbicides (e.g., Oust,

Plateau) to retard cheatgrass germination until perennial herbaceous species become established.

5) When restoring habitats dominated by Wyoming big sagebrush, regardless of the techniques used (e.g., prescribed fire, herbicides), do not treat >20% of the nesting breeding habitat (including areas burned by wildfire) within a 30-year period 5/17/2006 (Bunting et al. 1987). The 30-year period represents the approximate recovery time for a stand of Wyoming big sagebrush.

6) When restoring habitats dominated by mountain big sagebrush, regardless of the techniques used (e.g., fire, herbicides, etc.), treat \leq 20% of the breeding habitat (including areas burned by wildfire) within a 20-year period (Bunting et al. 1987). The 20-year period represents the approximate recovery time for a stand of mountain big sagebrush. Some mountain big sagebrush stands within the PMU have recovered in 15 years.

Recreation

Areas where undeveloped hunting campsites occur will be excluded from mechanized treatment. Buffer zones will be established around these areas to maintain aesthetic values and will be coordinated with SFO recreation manager. Hand treatment in these areas will include use of chainsaws to thin juniper densities and hand pile construction. The piles will be burned during winter months.

Soil and Hydrology

Entry into wet spring areas will be limited to hand treatments with chainsaws and broadcast/pile burning. Impacts from harvesting equipment are not expected. Any spring fed channel with flowing water or wet areas will have a minimum buffer of 50 feet from the center of the stream channel. During the dry summer months some access to spring areas may be allowed only after on site inspections occur to ensure minimal impacts.

Crossings over ephemeral stream channels will be identified by the Contracting Officer Representative (COTR) and be limited to dry, rocky and stable areas. Crossing channels with mechanized equipment will be at locations that are stable and naturally armored with rock. Stream channels will be crossed at right angles and number and width of crossings will be limited to areas that have cobble and naturally occurring rocky areas to protect the channel. A minimal amount of passes over dry stream channels will be allowed and will be monitored by the project COTR.

Areas where treatment activities have exposed soils will be rehabilitated by covering with juniper slash to reduce the amount of soil movement during snow melt or storm runoff. Additional water bars on temporary roads and scattered juniper material will be used to reduce the amount of sediment movement during high rainfall and or snow melt. Rehabilitating areas of soil compaction will be accomplished by ripping the soil with mechanized equipment to reduce runoff and encourage vegetative growth.

Woodcutting

Due to conflicts with cultural resources woodcutting will not be allowed in the following treatment units: Starvation, Express, Bud Brown, and Barber. Wood cutting will be allowed throughout the Upper Bare Creek treatment unit. Woodcutting will also be allowed in specified areas within the Cottonwood, Mahogany, Little Hat, and Dodge treatment units. The areas excluded from woodcutting will be signed to indicate that woodcutting is not allowed.

The Surprise Field Office will make maps available to the public indicating areas open and closed to woodcutting within the Tuledad project area.

Private Lands

Approximately 300 acres within the project boundary is privately owned parcels. These private landholdings are excluded from BLM treatment. Some private lands will be crossed with equipment during project activities. The land owner will be notified and permission to enter or cross private holdings will be required before BLM project activities commence.

Landings and Temporary Road Construction

Landings and Temporary Roads will be constructed in areas identified by the project COTR to ensure no conflicts with identified resources. Landing areas will range in size from 1/5 acre to 1/2 acre and once abandoned will be rehabilitated by scattering juniper slash to cover exposed and or disturbed soil. Landing areas will be located in areas less than 15 percent slope to minimize surface transport of water and soil erosion. Seeding native grasses and native shrub species on landing areas may occur if conditions are favorable. Temporary roads will be constructed within the project area to access areas for mechanical equipment. It is expected that a maximum of 1 mile of temporary roads per year will be needed to access heavy juniper areas. Temporary roads will be decommissioned after use through the use of water bars, rolling dips, and broadcasting juniper slash over the disturbed areas. Temporary roads once decommissioned will be closed using tree stumps and or rocks to prevent further vehicular travel. Access from main roads will not be obvious and be blocked to the public.

Treatment Monitoring

Plant community composition will be monitored both pre and post treatment. Long-term monitoring will occur at 5 year intervals, thereafter. The following will be monitored using a modified miller plot protocol for measuring the sage steppe ecosystem; juniper canopy cover and density, shrub canopy cover, shrub height, herbaceous frequency and point cover.

Prescribed Fire

Two types of prescribed fire will be used during the 10 year treatment schedule, 1) Pile Burning and 2) Broadcast Burning.

1) **Pile burning** will occur in all units where slash is generated from mechanical activities from primarily chainsaw cutting of Western juniper. Piles constructed will occur in areas where juniper density is relatively low and where mechanized treatment with equipment is not cost effective and or accessible. Small hand piles up to ten feet in radius will be constructed and are expected not to exceed 50 acres per unit. It is estimated that between 450-650 acres will be treated using this prescribed fire method over the ten year project.

The burning of piles is not likely to have an adverse effect on soil and or residual vegetation. Smoke production will be of short duration and smoke impacts to local roads and communities are not expected.

2) **Broadcast burning** will be used where enough fuel exists to carry a fire, where a fire can be managed successfully, and where conditions are good for achieving restoration objectives of removing juniper from the site. This method of treatment will not total more than 1,250 acres of the project area over the ten year period. The burn areas will be no larger than 200 acres and not be adjacent to each other. These areas of broadcast burning will require the building of

hand line no greater than 10 feet wide and will serve as fuel breaks during ignition. The use of natural barriers such as rocky or barren areas will be utilized to reduce the amount of hand line required. The effects of broadcast burning will rely on various factors, including, fuel loadings, fuel continuity, slope, aspect, wind velocities, relative humidity, live fuel moisture, dead fuel moisture and seasonality. These aforementioned variables will be studied with in the Burn Plan document in detail to ensure Prescribed Fire and resource objectives are being met. It is planned to mimic naturally occurring fires in the areas of broadcast burn. Areas burned are expected to experience a mixed severity fire and create a mosaic and or patchy pattern.

Per BLM Standards for Fire and Aviation (2007) and any applicable State and or County regulations, a Prescribed Burn Plan will need to be developed, reviewed and approved by SFO Fire Management Officer, NOR CAL Fire Management Officer and the BLM State Fire Management Officer before any prescribed burns occur. Close coordination with the SFO resource staff will be needed when establishing Resource Objectives for the Burn Plan.

OTHER ALTERNATIVES CONSIDERED BUT NOT SELECTED

One alternative considered was prescribed burning all units (4,614 acres) to thin or remove western juniper which has established on sagebrush sites. This alternative was eliminated from detailed analysis because of the difficulty in keeping fire within the targeted vegetation types and the inability to prevent the burning of the existing shrub and grass understory. The goal is to maintain the existing shrub and grass component and remove enough trees in order to allow the shrub and grass component to reach ecological site potential. Cheatgrass invasion could occur with prescribed burning in this area also and was another factor considered with eliminating this alternative.

DECISION RATIONALE

As a result of the analysis in the Tuledad Fuels Reduction and Habitat Restoration EA, and the above Finding of No Significant Impact, the BLM has determined that the decision to implement a combination of treatments described in the proposed action will not result in unnecessary or undue degradation to public lands or cause significant impacts to public health and safety.

Implementing the proposed action will reduce hazardous fuels, which will provide better wildfire protection for private lands in the Tuledad Allotment. Reducing the heavy fuel continuity will decrease fire intensity of wildfires that would occur in the area. Creating a mosaic of treated and non-treated areas will improve watershed stabilization and reduce size of any future wildfires in the area. Long term benefits will include improved watershed stability and wildlife habitat, and increase vegetation diversity. Improved habitat will directly benefit mule deer, sage-grouse, and other sagebrush obligates, because sagebrush habitat that has been encroached by juniper would be restored. The implementation of the proposed action in this decision would prevent substantial risk to soils and vegetation from wildfire.

Closing and deferring the project area to livestock grazing for two growing seasons post treatment will allow for successful treatment response. Resting the treatment areas from grazing during the growing season will facilitate plant establishment and reproduction.

The No Action Alternative was not selected because it would allow for continued accumulation of heavy fuel loads that contribute to large, high intensity fires. The No Action Alternative would not reduce the substantial risk to vegetation and soils from wildfire due to heavy fuels

build up. Juniper expansion into sagebrush sites would continue causing perennial grass and sagebrush composition to decrease in the community. Habitat for sage-grouse, mule deer and other wildlife species would continue to diminish as forb and grass species continue to be out-competed by juniper.

CONSULTATION AND COORDINATION

There are no known federally listed species in the project area. The area in the vicinity of the proposed action is inhabited by a variety of terrestrial and aquatic species including BLM sensitive species and several important game species. Major habitat types include juniper, sagebrush and bitterbrush with inclusions of mountain mahogany. Field office wide surveys have been conducted for sage-grouse, pygmy rabbit, golden eagle, other bird species and aquatic species. Additional visits were made to all project sites in 2008 to observe habitat conditions/availability and to look for signs of other species that might be present. The only known BLM sensitive species found within the project boundaries is the Greater sage-grouse (*Centrocercus urophasianus*) which use portions of the allotment all year long.

PUBLIC INVOLVEMENT

Public participation was encouraged throughout the development of the Tuledad Fuels Reduction and Habitat Restoration Project Environmental Assessment. Collaboration included representatives from Tribes, local representatives from Federal and State agencies, local governments, landowners, other interested persons, community-based groups, and other nongovernmental organizations.

Formal comment period for this project was 30 days, January 29, 2008 to March 1, 2008. A letter was sent out to 66 interested parties and posted on the following Surprise Field Office website homepage: (<http://www.blm.gov/ca/st/en/fo/surprise.html>). The BLM received 4 letters in response to public scoping from the Klamath Forest Alliance, the Modoc Fire Safe Council, the State of Nevada Division of State Lands and State Historic Preservation Office and the Western Watersheds Project.

The concerns brought up during scoping have been addressed within the Tuledad Fuels Reduction and Habitat Restoration Project Environmental Assessment.

PLAN CONSISTENCY

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Sage Steppe Ecosystem Restoration Strategy Record of Decision (ROD) and Final Environmental Impact Statement and the Surprise Resource Management Plan/Final Environmental Impact Statement (RMP/ROD/FEIS), April 2008. This decision is also consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

ADMINISTRATIVE REMEDIES

DOI BLM Full Force and Effect Regulations:

The DOI BLM added regulations so wildland fire management decisions can be effective immediately in accordance with 43 CFR 4190 when:

- Vegetation, soil, or other resources on public lands are at substantial risk of wildland fire because of drought, fuel buildup, or for other reasons, or
- Public lands are at immediate risk of erosion or other damage because of wildland fire.

The regulations also expedite administrative review of those decisions. This rule supplements existing full force and effect regulations for forest management (43 CFR 5003).

Decisions in this document are effective immediately. All documents supporting this decision are available for review by the public. The wildfire management decision in this document is subject to appeal in accordance with procedures set forth in 43 CFR, Part 4.

Appeal procedures for the Wildfire Management Decision are outlined in 43 CFR, Part 4.

In accordance with 43 CFR 4.410, any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). In accordance with 43 CFR 4.411, a person who wishes to appeal the decision must file a notice that he wishes to appeal in the office of the authorized officer who made the decision. In accordance with 43 CFR 4.413, a copy of the notice to appeal must be sent to the Office of the Solicitor in the manner prescribed in 43 CFR 4.401(c) not later than 15 days after filing the document. The offices to file notice of appeal:

Bureau of Land Management		Office of the Regional Solicitor
Surprise Field Office	and a copy to	Pacific Southwest Region
602 Cressler Street		U.S. Department of Interior
Cedarville, CA 96104		2800 Cottage Way, Room E-2753
		Sacramento, CA 95825-1890

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service.

In accordance with 43 CFR 4.411 (b), the notice of appeal may include a statement of reasons for the appeal, a statement of standing if required by 43 CFR 4.412 (b), and any arguments the appellant wishes to make. In accordance with 43 CFR 4.412 (a), if the notice of appeal did not include a statement of reasons for the appeal or the appellant wishes to file additional statements of reasons, the appellant shall file such statements with the Board within 30 days after the appeal was filed. The address to file such statements to the Board is:

Board of Land Appeals
Office of Hearings and Appeals
801 North Quincy Street
Arlington, VA 22203

If statement of reasons for appealing were filed with the “Notice of Appeal”, no additional statement is necessary.

Pursuant to 43 CFR 4.21 (b), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website (<http://www.blm.gov/ca/st/en/fo/surprise.html>).



Shane DeForest
Manager, Surprise Field Office

8/5/2009
Date

Miller, R. F., J. D. Bates, T. J. Svejcar, F. B. Pierson and L. E. Eddleman. 2005. Biology, ecology, and management of western juniper. Technical Bull. 152, Ag Exp., Sta., Oregon State University, Corvallis.77p.