

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
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LAKEWOOD, COLORADO 80215-7093
October 7, 2003

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EMS TRANSMISSION 10/8/2003
Instruction Memorandum No. CO-2004-004
Expires: 09/30/2005

To: Center Directors and Field Managers
Attention: Planning and Environmental Coordinators and Fire Management
Emergency Stabilization and Rehabilitation Specialists

From: Deputy State Director, Resources and Fire

Subject: Clarification of Prior Instructions on Categorical Exclusions for Post-Fire
Rehabilitation Projects

The WO IM No. 2003-221, July 21, 2003, regarding the new departmental categorical exclusion for use for certain post-fire rehabilitation projects needs clarification. The Department of the Interior and the Department of Agriculture, Forest Service published a proposed categorical exclusions in the Federal Register on June 5, 2003, giving notice that each agency's directives would be revised to contain the final categorical exclusions as identified in the Federal Register (68 FR 33813-33824).

The Interior Office of Hearings and Appeals and the Bureau of Land Management (BLM) revised their appeals procedures to expedite appeals of wildfire management decisions (68 FR 33793). Those revised procedures apply to areas that are at immediate risk of erosion or other damage due to wildfire. This does not mean however that actions proposed for those areas are automatically excluded. A statement under the Federal Register, June 5, 2003, Vol. 68, No. 108, page 33821, under Comment ("Some respondents indicated a belief that the proposal for fire rehabilitation is unnecessary as existing legal frameworks provide for emergency fire rehabilitation"). The Response was "**The rehabilitation categorical exclusion does not cover emergency stabilization.**"

Therefore, BLM will continue to require National Environmental Policy Act (NEPA) documentation before approval of any emergency stabilization and rehabilitation treatments. Emergency Stabilization refers to treatments and expenses incurred for the first year since the control of the fire (funded from 2822 and not to carry over past one year). Emergency Rehabilitation occurs for years two and three from the control of the wildfire and is carried out with funds from newly created 2881. Template and formats are included for each of the plans-stabilization and rehabilitation. Both plans can be

tiered to the same Environmental Assessment (EA). For 2003 and until further notice, the Washington Office has the only authority for the approval of any stabilization and rehabilitation plans. A monitoring plan is required to be part of each emergency plan.

Even after BLM's finalization of the DOI Manual for emergency stabilization and rehabilitation occurs, any potential future use of categorical exclusion for emergency stabilization or rehabilitation will still have requirements to complete necessary clearances such as those for cultural resources, threatened and endangered species, treatments using herbicides, treatments within wilderness study areas, and treatments exceeding 4,200 acres. Any future use of such categorical exclusion will be subjected to appeals provisions of the decision on the action being implemented and will not annul BLM administrative appeal or protest processes.

Submit Form 1310-20 (Attachment 3) as soon as possible to open the account for the emergency stabilization and/or rehabilitation project. Include all time spent in preparation of the EA and project plan as well as estimates for total cost.

Colorado's contact for wildfire emergency stabilization and rehabilitation plans is Scott Davis, Fire Stabilization and Rehabilitation Specialist, 303-239-3721.

Signed by:
Linda Anania
Deputy State Director,
Resources and Fire

Authenticated by:
Adrian Caufield
Supervisory IT Specialist
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3 Attachments

- 1 - Guidance for Preparing Decision Memorandum When Using the Department's Categorical Exclusions for Fuels Treatment or Rehabilitation (3 pp)
- 2 - Federal Register Notice: National Environmental Policy Act Documentation Needed for Fire Management Activities; Categorical Exclusions (25 pp)
- 3 - Project Number Assignment Form 1310-20 (2 pp)