



United States Department of the Interior



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IN REPLY REFER TO
5400 (014)

DATE:
January , 2006

DECISION RECORD FOR Klamath Hills Fire Emergency Stabilization and Rehabilitation Environmental Assessment # OR 014-06-01

INTRODUCTION

On September 21, 2005, the Klamath Hills Fire (B65A) burned 564 acres of sagebrush steppe vegetation, burned 1.4 miles of allotment boundary fence, and damaged one wildlife guzzler/drinker on BLM administered lands before it was contained on September 22, 2005. Based on their combined knowledge of current resource conditions and effects of wildfire on vegetation and soils, the Klamath Falls Resource Area (KFRA) interdisciplinary team designed the Klamath Hills Fire Emergency Stabilization and Rehabilitation (ESR) Plan to meet the objectives and direction of the KFRA Resource Management Plan (RMP). The effects of implementation of the ESR plan were analyzed in the Environmental Assessment (EA) #OR-014-06-01.

DECISION

It is my decision to implement the Klamath Hills Fire Emergency Stabilization and Rehabilitation Plan as analyzed in EA #OR-014-06-01. Specifically, this decision will result in the implementation of the following actions:

- placement of erosion control structures (straw wattles) in drainages that are susceptible to sediment transport and that would have the potential to degrade riparian function and negatively impact adjacent private lands
- broadcast via aircraft, ATV, or hand application of an approved native seed mix on 400 burned acres,
- incorporation of broadcast seed into the soil with a drag or harrow pulled by an all-terrain vehicle on 200 of the seeded acres,
- planting of antelope bitterbrush and mountain mahogany seedlings throughout the burned area,
- repair or replacement of 1.4 miles of allotment boundary fence,
- repair of one damaged wildlife drinker/guzzler, and
- exclusion of livestock use in the affected allotments, OK Allotment (#00846) and Dupont Allotment (#00819), for a period of one to three years

Mitigation

The following specific mitigation measures listed in the EA will be implemented:

- Vehicles and equipment will be washed before and after leaving the project area to reduce the risk of transporting noxious and invasive weeds.
- No mechanical soil disturbance will occur in areas where Myrtle spurge (*Euphorbia myrsinites L.*) is present to prevent movement of this weed to other locations within the burn area.
- Minimize vehicle/ATV impacts, visual and ecological, by not repeatedly traversing the terrain in the same location (i.e. not using a trail more than 1 or 2 times) and utilizing existing control structures when possible.

In addition, the following Best Management Practices (BMPs) for soil protection will be implemented:

- Limit mechanical operations to soil moistures below 20 percent at a six inch depth. Even lower soil moisture levels are preferable on fragile soils.
- Retain and establish adequate vegetative cover in accordance with RMP BMPs to reduce erosion.
- Seed and/or mulch exposed and disturbed soil surfaces with native seed when seed is available.
- Recommend placement of residual vegetative material, if available, on trails upon completion of mechanical treatments.

Monitoring

Actions taken under the ESR plans, including mitigations, will be monitored for effectiveness in accomplishing objectives and minimizing potential impacts.

Resources Not Present

The following resources are not present within the proposed Klamath Hills Fire Emergency Stabilization and Rehabilitation Area: prime and unique farmlands, floodplains, Wild and Scenic rivers, threatened or endangered species, mining claims, paleontological resources, hazardous materials, roadless areas, wilderness areas, and wilderness study areas.

Environmental Consequences

The Klamath Hills Fire Emergency Stabilization and Rehabilitation EA analyzed for a range of broadcast seeding treatment. The option to use aircraft to broadcast the seed is appropriate because it would have less resource impact than the other seeding treatments analyzed.

Implementation of the proposed action is consistent with the effects analyzed for the Klamath Hills Fire Emergency Stabilization and Rehabilitation EA and the KFRA RMP EIS. The mitigation measures will minimize the effects to the affected resources and result in no effects that are greater than those described in the EA and the KFRA RMP EIS.

RATIONALE FOR SELECTION OF PROPOSED ACTION

The decision to implement the Proposed Action meets the purpose and need identified in the EA to provide for emergency stabilization and rehabilitation where fire has had an adverse impact on vegetation, soils, and watersheds and to minimize other adverse changes to the extent practicable and furthers the intent established in the RMP to protect resource values.

The No Action Alternative is rejected because it does not meet the purpose and need for action identified in the EA.

CONSULTATION AND COORDINATION

No listed species or their habitat would be affected by actions under this Decision. A "No Effect" determination was made by the BLM for all listed species. The ESR plan was developed in coordination with the Oregon Department of Fish and Wildlife. Adjacent private land owners were contacted.

CONCLUSION

Based on the information in the Klamath Hills Fire Emergency Stabilization and Rehabilitation EA and project record, I conclude that this proposed action is tiered to and consistent with the Klamath Falls Resource Area Record of Decision and Resource Management Plan (June 1995). The action will help to move this portion of the landscape towards the desired future conditions considered in development of the RMP. The actions will comply with the *Endangered Species Act*, the *Native American Religious Freedom Act*, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212). No effects beyond those anticipated in the EA or the KFRA RMP EIS would occur. (Refer to the accompanying Finding of No Significant Impact.)

ADMINISTRATIVE REVIEW

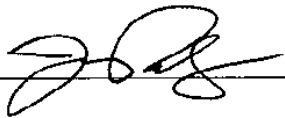
This decision is issued under 43 CFR 4190.1 and is effective immediately due to the immediate substantial risk of erosion and noxious weed invasion following wildfire. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. 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. If an appeal is taken, your notice of appeal must be filed in the office of the authorized officer, as noted above, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. 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 (43 CFR 4.416).

Request for Stay

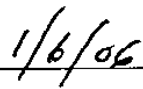
Should you wish to file a petition for stay (suspension) of the effectiveness of this decision pending the outcome of an appeal pursuant to regulation 43 CFR 4.21, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. 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 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 the public interest favors granting the stay.

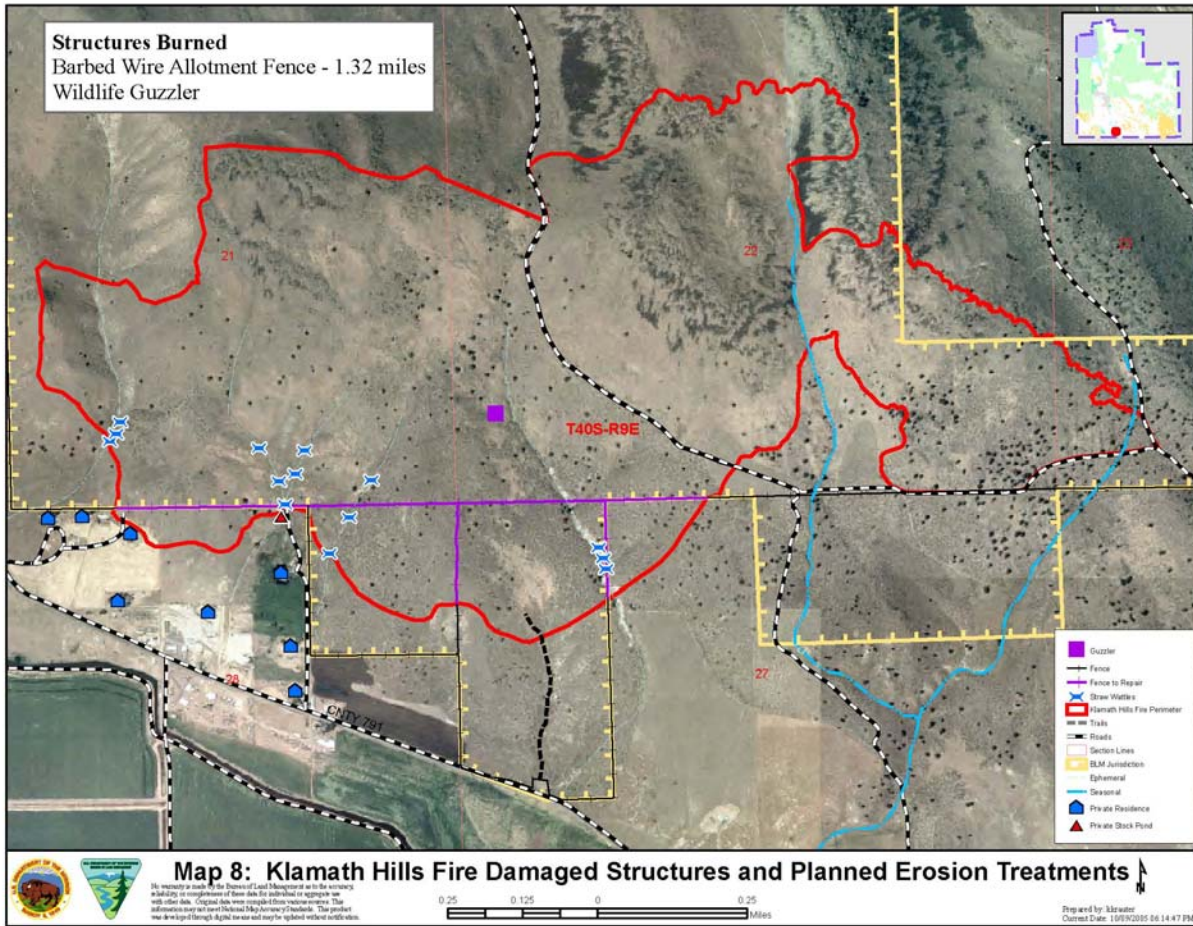


Jon Raby, Manager
Klamath Falls Resource Area
Lakeview District, Bureau of Land Management



Date

Figure 1 – Map of Emergency Stabilization and Rehabilitation Treatment Area



FINDING OF NO SIGNIFICANT IMPACT (FONSI)
for the
Klamath Hills Fire Emergency Stabilization and Rehabilitation Plan (B65A)
Environmental Assessment (EA) #OR-014-06-01


The Klamath Falls Resource Area of the Bureau of Land Management, Lakeview District has completed an Environmental Assessment (EA) and analyzed a proposal to broadcast seed 400 acres with native grass, forb, and shrub species, drag or harrow up to 200 acres of the reseeded area, plant antelope bitterbrush and mountain mahogany seedlings, install sediment control structures, replace 1.4 miles of allotment fence, and repair one wildlife guzzler/drinker on the area burned during the September 2005 Klamath Hills Fire. Livestock grazing shall be excluded for a minimum of one growing seasons and up to 3 growing seasons following the fire containment date. Seeded areas shall be monitored for a minimum of 3 growing seasons following fire containment.

The project will contribute to meeting the Management Action/Direction and Objectives of the Klamath Falls Resource Area RMP. Based on the information in the EA, it is my determination that the proposed action analyzed does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the following:

- Final - Klamath Falls Resource Area Management Plan and EIS (FEIS) (Sept. 1994), and its Record of Decision and Resource Management Plan (June 2, 1995) (KFRA ROD/RMP).
- Klamath Falls Resource Area Fire Management EA#OR-014-94-09 (June 10, 1994)
- Klamath Falls Resource Area Integrated Weed Control Plan EA (July 21, 1993).
- Range Reform FEIS (August 1995).
- Standards for Rangeland Health and Guidelines For Livestock Management For Public Lands Administered By The Bureau Of Land Management In the State Of Oregon and Washington (August 12, 1997).
- Final Environmental Impact Statement, Vegetation Treatment On BLM Lands in Thirteen Western States (1991).

In addition, the proposed action is consistent with applicable scientific findings from the Interior Columbia Basin Ecosystem Management Project.

Therefore, it is my determination that the proposed action does not constitute a major federal action significantly affecting the quality of the human environment and that an Environmental Impact Statement, or a supplement to the existing RMP or Environmental Impact Statement, is not necessary and will not be prepared.

Signed 
Jon Raby, Field Manager
Klamath Falls Resource Area

Date 1/6/06