

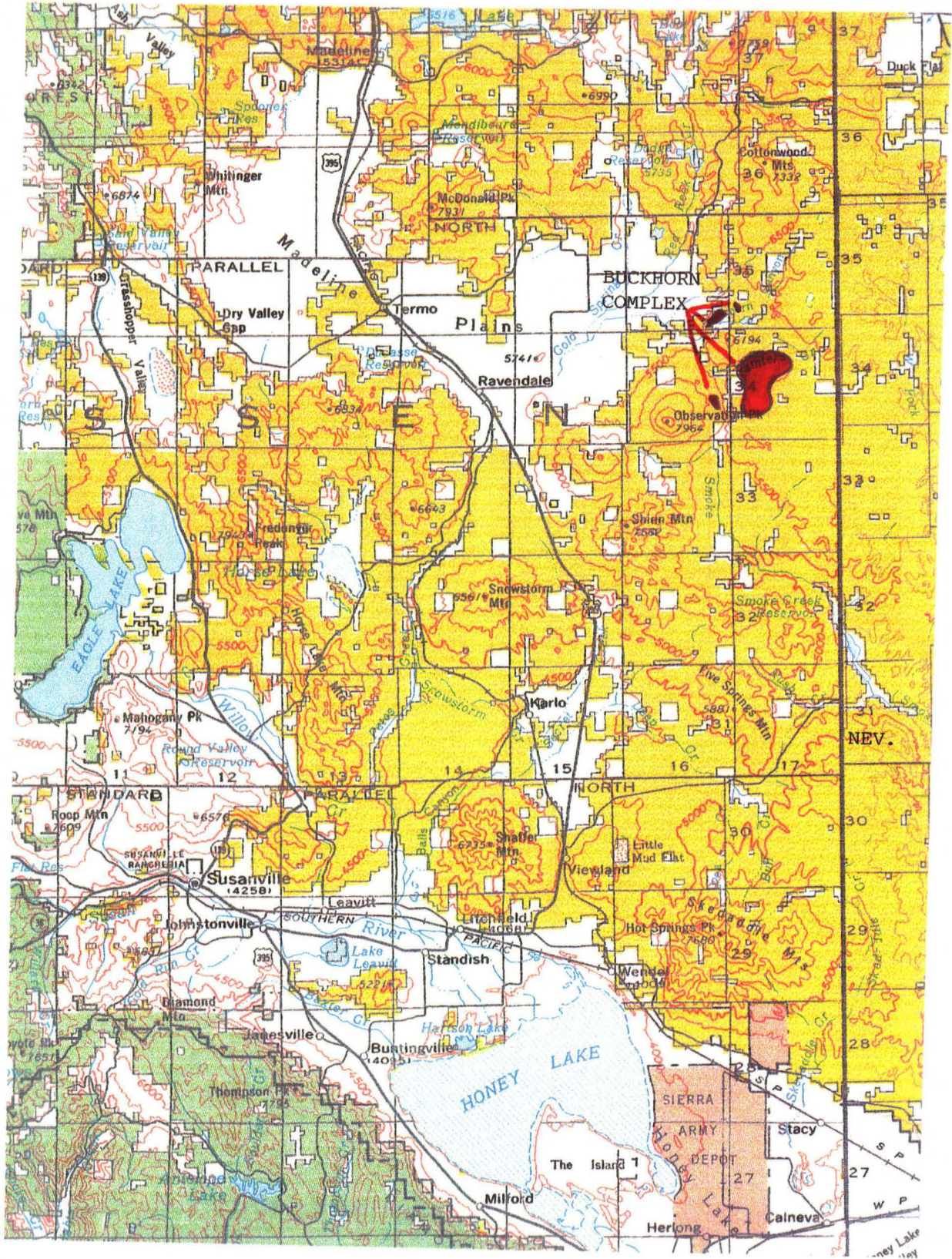
**EMERGENCY REHABILITATION PLAN
FOR THE BUCKHORN COMPLEX FIRES, U565
(Rave, Buckhorn, Pine, and Observation)**

&

**ENVIRONMENTAL ASSESSMENT
CA-350 - 99 - 24**

**BUCKHORN COMPLEX FIRES U565
EAGLE LAKE FIELD OFFICE**

Map 1: General Location



I. PURPOSE AND NEED

Our purpose in rehabilitating wildfire is to insure that Rangeland Health Standards are continuing to be met even after a wildfire has occurred, and legitimate uses of the lands administered by the Bureau of Land Management are being accommodated, to the extent possible, during recovery from wildfire. Rehabilitation measures should, therefore, be as non invasive as possible. An interdisciplinary team of resource specialists has determined, after careful review, that there is a need to implement the proposed Rehabilitation Plan (Plan) in order to insure the Eagle Lake Field Office's ability to meet the Bureau's purpose established for the 5,267 acres within the Buckhorn Complex Fires perimeters.

II. RELATIONSHIP TO PLANNING

Review of the *Land Use Plan Summary, Rangeland Program Summary, and Grazing E.I.S. Record of Decision for the Cal-Neva Planning Unit* dated 1982, indicates the actions proposed in this Plan are consistent with Land Use Plan (LUP) direction. Actions proposed within this Plan are also consistent with the *Rangeland Health Standards and Guidelines for California and Northwestern Nevada Final EIS* as well as 43 Code of Federal Regulation (CFR) 4110.3-2 *Decreasing Permitted Use*, 43 CFR 4700 *Protection, Management and Control of Wild Free-Roaming Horse and Burros* and 4180 *Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration*.

III. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action: We propose to carry out limited rehabilitation.

1. Stream Crossing Repair:

a. Repair two crossings on Painter Creek, Painter Crossing (Lower), and East Painter Crossing (Upper): Repair damage which occurred during fire suppression (Illustration 1).

Lower Crossing:

Perforated cell Geoweb	1,760 sq. ft.
Non Woven Geotextile	1,232 sq. ft.

Aggregate Fill	35 cu. yds.
Mat Cover, Soil Waste Area	500 sq. ft.

Upper Crossing:

Perforated cell Geoweb	2,640 sq. ft.
Aggregate Fill	460 cu. yds.

2. Structures:

a. Fence Removal¹: Remove 3 miles of existing damaged fence which is no longer necessary and posing a safety hazard to humans, wildlife and wild horses.

¹ Due to the safety hazard this fence poses removal has already begun.

3. Wild Horse Removal: Remove approximately 98 animals from within the Buckhorn Complex. This is the Rave Fire portion of the Twin Peaks Herd Management Area (HMA), North Observation Home Range. Prior to the Buckhorn Complex Fires 240 horses were scheduled to be gathered from the North Observation Home Range using Wild Horse & Burro Program Funds (1060) for a cost of \$41,000, or \$205 per horse. Funds requested for fire rehabilitation (see Section X, *Cost/Risk Assessment*) will allow us to gather an additional 98 horses located within the burn. The total gathering activity is as follows:

320	Estimated population (including foals).
(298)	Wild horses gathered.
22	Wild horses <u>not</u> gathered.
226	Wild horses removed and entered into the adoption program ¹ .
72	Wild horses returned to the home range ² .
94	Wild horses on home range following gather activities ³ .

¹ Projected wild horses aged 6 months to 7 years, (estimated at 76% of the herd).

² Projected wild horses aged 8+ years, returned to the north and south ends of the home range, but not in the burned area.

³ Wild horses aged 8+ years, including ungathered horses.

Painter Creek Crossings Requiring Repair - Buckhorn Complex Fires



Painter Creek crossing (1) Lower



East Fork Painter Creek crossing (2) Upper



East Fork Painter Creek - riparian

The two crossings required fine earth fill to provide access for fire suppression equipment. Leaving the fill in place is a water quality violation. The fine earth fill needs to be removed and clean coarse fill installed. Either GeoWeb with gravel or 3" minus material should be used. Final grade should be even with the bottom of the stream bed with no obstructions to fish passage. Downstream riparian vegetation will act as an effective filter for any sediment generated during the work phase of the rehab.

Coarse material should be applied to the road surface back to the end of the approaches at both crossings (about 100'). This will prevent sediment from entering the creek.

The soil waste area on the main Painter Creek needs to be smoothed, seeded, and covered with excelsior mat.

Wild horse will be removed or relocated from the burn until recovery objectives are met. Wild horses temporarily relocated in the South Observation Home Range would be for a period of 2-4 years. The horses would be identified with a freeze brand of "lazy 2" on the left hip. Following the next gather in the South Observation, the horses would be returned to the North Observation Home Range. The actual number of older (6-7 years of age) horses removed would be based on horses that are readily adoptable or placed into the prison gentling program.

4. Closure to Livestock Grazing: The Complex will be closed to cattle grazing until the burned areas meet recovery objectives. Cattle grazing will be held to north of Buckhorn Road. Sheep trailing will be restricted to the unburned portions of North Pasture.

5. Rehabilitation of Dozer Line: Rehabilitate approximately 1/3 mile of dozer line that was constructed during fire suppression activities.

B. Alternatives:

1. No Action: No stream crossings or dozer line would be repaired. Wild horse and livestock grazing would continue within the Complex as if the burns had not occurred.

2. Expanded Rehabilitation: All actions described in the Proposed Action would occur. Approximately 1,000 acres of the Rave Fire would also be reseeded with a mix of Antelope bitterbrush (*Purshia tridentata*), mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*), and mountain mahogany (*Cercoparpus ledifolius*) seed to speed the recovery of shrubs within a mule deer range. Due to the stony character of the soil surface the reseeded would be completed using a broadcast seeding method.

IV. AFFECTED ENVIRONMENT

Please refer to the attached Proposed Action Map, Section IX.

Each fire except the Pine Fire will be described separately. At seven acres Pine Fire does not require an in-depth description because it is a spot within

a large stand of mountain big sagebrush, antelope bitterbrush, and perennial bunchgrasses.

Western juniper (*Juniperus occidentalis* var. *occidentalis*) is not described as a major component of the ecological sites and habitat types found within the Buckhorn Fire Complex. Juniper canopy cover is described as not exceeding 1%. Over the past 50 years juniper has become an obvious upper story canopy presence within the ecological sites. Several areas within the Rave Fire, and within the entire Observation Fire had sufficient juniper canopy to qualify as sparse (10-24% canopy closure) and open (25-39% canopy closure) juniper woodlands. While providing thermal cover, and increased structure for biological diversity, juniper is also an aggressive competitor with the shrubs and perennial grasses which form these ecological sites. Overgrazing of perennial grasses, and shrubs by livestock, and wild horses and burros can increase the juniper's competitive capability.

Observation Fire: Observation Fire occurred on a 30% slope portion of the eastern sideslope of Observation Peak near the base of the mountain. Very stony loam soils support a mountain big sagebrush/ perennial bunchgrass habitat type. Dominate shrubs include mountain big sagebrush and antelope bitterbrush with an understory of Thurber's needlegrass (*Achnatherum thurberianum*), bluebunch wheatgrass (*Pseudoroegneria spicata*), and Idaho fescue (*Festuca idahoensis*). Bunchgrass root crowns appear to have survived the fire. This factor combined with a good seed source surrounding the burn, and within unburned portions of the fire indicates that this fire should not require mechanical treatment, but recover naturally. Biological diversity has been shifted but the expected recovery of native grasses, shrubs, and forbs should reinstate the pre-burn biodiversity after recovery. There are no known occurrences of special status plants within this portion of the burn. This area has a cultural resources rating of low.

Buckhorn Fire:

Soils along the 5 - 30% sloped northern face of this duned sand sheet are fine sand. The shrub component is dominated by green morman tea (*Ephedra viridis*), rubber rabbitbrush (*Chrysothamnus nauseosus*), and desert peach (*Prunus andersonii*). The grass understory is dominated by Indian ricesgrass (*Achnatherum hymenoides*), and needle and thread (*Hesperostipa comata*). Bunchgrass root crowns and microbiotic crusts appear to have survived the fire and should not require treatment. The

biological diversity is expected to respond as predicted for the Observation Fire. Sand dependent species such as the ord and Great Basin kangaroo rats (*Dipodomys ordi*, and *Dipodomys microps*) may find locating their primary food source, seeds, difficult within the burn but the Buckhorn Fire is a small area within a large dune system. Raptor presence should increase with the improved hunting the temporary loss of vegetation will provide. There are no known occurrences of special status species in this burn.

Rave Fire: Soils within the largest of the Buckhorn Fire Complex vary from silty clay loams in fluvial bottoms to gravelly loams through very stony loams to cobbly loams on the plateau that is the major landform upon which the Rave Fire burned. Basin wildrye (*Leymus cinereus*) and basin big sagebrush (*Artemisia tridentata* ssp. *tridentata*) dominate the silty loams. Those stony loam soils that have a shallow rooting depth of 10 to 20 inches support low sagebrush (*Artemisia arbuscula*) sites whose dominate perennial bunchgrasses include Thurber's needlegrass, bluebunch wheatgrass, and Idaho fescue. Stony loam soils with a moderately deep rooting depth of 20 to 40 inches support mountain big sagebrush sites which include antelope bitterbrush, Idaho fescue, and bluebunch wheatgrass. These vegetation communities should recover naturally due to bunchgrass root crowns survival, and the approximately 1,000 acres of unburned communities within the fire perimeter. These unburned communities are a source of cover and structure for wildlife as well as a seed source for the major vegetation species listed above.. There will be a shift in biological diversity until the area recovers. The Cal-Neva LUP does not refer to this area as important for mule deer (*Odocoileus hemionus*). Frank Hall, Associate Biologist, California Department of Fish and Game (personal communication), however, describes the area in which the Rave Fire occurred as an important migration route for mule deer moving from summer to winter ranges. There are no known occurrences of special status species within this area of the burn.

A. ENVIRONMENTAL CONSEQUENCES/IMPACTS

The Critical Elements, Rangeland Health Standards, and Affected OHV use are addressed in Table 1.

Table 1. Matrix of Environmental Consequences/Impacts by Alternative.

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Air Quality	Should remain as it was prior to the fire.	See Proposed Action	Should decline due to livestock and wild horse movement through the burn.
Cultural/Paleontology Resources	No disturbance to cultural resources should occur.	Areas proposed to be reseeded by mechanical means will need to be inventoried for the presence of cultural resources, and any identified national register cultural resources, mitigated under Section 106 of the National Historic Preservation Act (NHPA) prior to the reseeded.	See Proposed Action
Hazardous Substances or Solid Waste	Not Applicable	Not Applicable	Not Applicable

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Native American	Not Applicable	Not Applicable	Not Applicable
Noxious Weeds	Noxious weeds will continue to be addressed under current BLM policy.	See Proposed Action.	The opportunity for noxious weed invasion may increase due to lack of healthy native vegetation.
Prime and Unique Farmlands	Not Applicable	Not Applicable	Not Applicable
Special Management Areas	The Pine Dunes RNA is approximately ½ mile north of the Buckhorn Fire. This area will not be affected.	See Proposed Action.	The RNA should not be affected.
Special Status Species	Not Applicable	Not Applicable	Not Applicable
Visual Resources	Should not be degraded due to an almost total natural recovery of a natural occurrence.	Should be degraded somewhat until recovery due to presence of seeder tracks across open areas.	Should be degraded by deterioration of natural recovery from grazing by livestock, and wild horses.

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Water Quality	State of California beneficial uses will be protected. Proper stream crossings on Painter Creek will allow the ELFO to meet this Rangeland Health Standard	Same as Proposed Alternative.	Would not meet Rangeland Health Standards due to focusing of livestock and wild horses along a recovering stream, and springs and seeps. State water quality standards would not be met.
Wetlands/Riparian, Flood Plains	Should not be an issue with the removal of livestock and wild horses.	See Proposed Action.	Would not meet Rangeland Health Standards due to focusing of livestock and wild horses on Painter Creek, and existing springs and seeps.
Wild & Scenic Rivers	Not Applicable	Not Applicable	Not Applicable
Wilderness/WSAs	Not Applicable	Not Applicable	Not Applicable

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Biological Diversity	There will be a short term shift in biological diversity due to loss of habitat. The ability for native vegetation species to recover combined with the surrounding unburned area should cause the loss of one kind of biodiversity for another to not be significant.	Reseeding an area which has shown potential for natural recovery in recent fires close to the Buckhorn Complex, and the presence of unburned habitat within the burns may benefit mule deer over the short term but limit full long term biodiversity recovery due to the shrub community dominating the sites into an artificial early seral stage.	Biological diversity will not only shift but be lost over the long term. The loss of biodiversity would increase in significance as invasive, weedy species occupy the burn and compete with native vegetation outside the burn.

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Wild Horse/Burro Management	<p>Removal of wild horses from the Rave Fire will cause a short term drop in overall populations. The drop will not be significant.</p> <p>Because there will be no fences excluding wild horses from the burn there may be drift from that portion of the HMA outside the fire's perimeter. Should horses drift back into the burn before recovery and adversely impact recovery they will be removed.</p>	See Proposed Action	Grazing by wild horses along with livestock will significantly delay or eliminate recovery back to native range.

VI. CONSULTATION AND COORDINATION

Consultation and coordination was completed with those most directly affected by the Buckhorn Complex Fires and its emergency rehabilitation as well as those who have an interest in the area burned.

A. Those Directly Affected:

John Espil, John Espil Sheep Company, Inc.
Patrick D. Fitzgerald, Livestock Operator
Dale Albaugh, Frosty Acres, Inc.
Barbel or Scott Roberts, Roberts Ranches LLC
Marlin Hinkley, Roberts Ranches LLC
Frank Hall, Associate Biologist, California Department of Fish and Game
Huel Morphis, Chairperson, Northeast California Resource Advisory Council
Dawn Lappin, Wild Horse Organization of America
Kathy Barcomb, Nevada Commission for the Preservation of Wild Horses

B. Those With an Interest:

Scott Maas, Lassen Motorcycle Club
Lassen County Fish and Game Commission, Bob Roe, Chair

VII. MONITORING

There is one primary objective for the rehabilitation of the Buckhorn Complex Fires.

1. Successful recovery of the burn to levels of rangeland health equivalent to, or better than, those found in unburned native sites adjoining the burn.

Implementation monitoring of the first objective will provide a yes or no answer based on monitoring each step listed in Section III.A. Proposed Action, and Section XII. EFR Project Summary.

Effectiveness monitoring will be used to determine the effectiveness of the proposed action in meeting Objective 2, and continued close consultation and coordination with those listed in Section VI. Consultation and Coordination. The method to be used will be the Upland Health

Critical Elements	Alternatives		
	Proposed Action	Expanded Rehabilitation	No Action
Upland Soils	There will be a short term loss of soil productivity but upland soils will recover to exhibit infiltration and permeability rates that are appropriate to soil type, climate and landform, and exhibit functional biological, chemical and physical characteristics.	See Proposed Action.	There would be a long term to potentially permanent loss of upland soil productivity. Those factors listed under the Proposed Action analysis which identify healthy upland soils will be lost to degrees which vary between partial and total.
Off-Highway Vehicle (OHV) Use	Improved stream crossings will prevent OHV damage to sensitive riparian areas and water quality.	See Proposed Action	OHV crossing Painter Creek without the proposed action will result in extensive damage to the riparian area surrounding the stream crossings, and loss of water quality.

Assessment analysis used by the Eagle Lake Field Office I.D. Team to assess rangeland health. Upland Health Assessment has been completed on most of the equivalent sites outside the burn which will provide Ecological Reference Areas for the effectiveness analysis. This method is a strong communication tool and familiar to the parties outside the BLM. Discussions will be held on-the-ground between all participating individuals and organizations during each monitoring cycle to determine progress, and potential actions needed to move toward successful rehabilitation of the Buckhorn Complex Fires.

Established trend plots inside the burn, and those on equivalent sites outside the burn will be used to collect appropriate quantitative data (cover, soil, and species diversity) in order to validate conclusions drawn from the effectiveness monitoring process.

Cultural resources will be monitored to evaluate maintenance of site integrity during the recovery period.

VIII. ANNUAL WORK PLAN SECTION

All costs discussed in Sections X. COST/RISK ASSESSMENT, and XII. EFR PROJECT SUMMARY are emergency add-on funds to the Eagle Lake Field Office's Fiscal Year 1999 Annual Work Plan. No actions are proposed which are not legitimate costs against 2822 Fire Rehabilitation funds.

IX. MAPS

See *Buckhorn Complex Fires Rehabilitation Map - Proposed Action* attached.

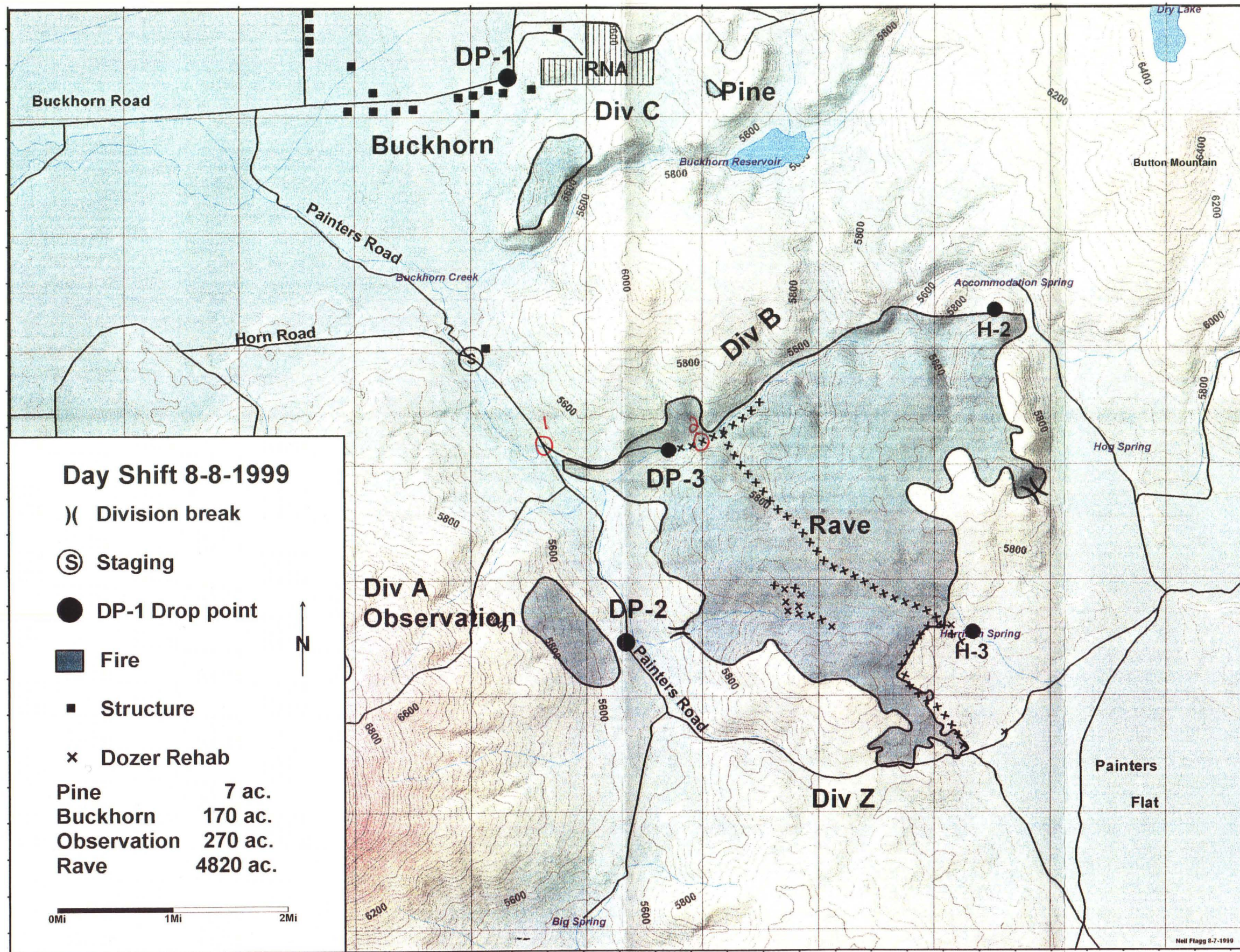
X. COST/RISK ASSESSMENT

Treatment	Cost
Stream Crossings, Painter Creek.....	\$ 14,000.00
Fence Removal.....	\$ 3,000.00
Wild Horse Removal.....	\$ 20,000.00
Rehabilitate 1/3 mile of Dozer Line.....	\$ 2,000.00
All Other Costs (Labor, clearances, administrative.....)	\$ 21,000.00
TOTAL	\$60,000.00

Probability of Rehabilitation Treatments Successfully Meeting EFR Objectives

Treatments	Units	NA	%
Revegetation (overall rating)		X	
Drill Seeding (acres)		X	
Aerial Seeding (acres)		X	
Transplant Seedlings (acres)		X	
Other		X	
Protective Fence to Exclude Grazing (miles)		X	
Fence Repair to Exclude Grazing (miles)		X	
Soil/Watershed Structures (overall rating)(each)	2		100
Retention dams/structures (number)		X	
Ripping, contour furrows, etc.		X	
Matting, watersheds cover, etc.		X	
Removal of wild horses (each)	98		95

MAP 2 Buckhorn Complex - GPS'd 1300 Hours 8-6-1999



Risk of Resource Value Loss or Damage**No Action - Treatments Not Implemented**

Resource Value	NA	None	Low	Mid	High
Unacceptable Loss of Topsoil				L ¹	S ¹
Weed Invasion				L ¹	S ¹
Unacceptable Loss of Vegetation Diversity				L ¹	S ¹
Unacceptable Loss of Vegetation Structure				L ¹	S ¹
Unacceptable Disruption of Ecological Processes				L ¹	S ¹
Off-site Sediment Damage to Private Property					X
Off-site Threats to Human Life	X				
Cultural Resources				L ¹	S ¹
Unacceptable loss of water quality					X

Proposed Action² - Treatments Successfully Implemented

Resource Value	NA	None	Low	Mid	High
Unacceptable Loss of Topsoil			X		
Weed Invasion				X	
Unacceptable Loss of Vegetation Diversity			X	X ²	
Unacceptable Loss of Vegetation Structure			X	X ²	
Unacceptable Disruption of Ecological Processes			X	X ²	
Off-site Sediment Damage to Private Property	X				
Off-Site Threats to Human Life	X				

Cultural Resources			X		
Unacceptable loss of water quality		X			

¹ L = Loamy soils in all their variations, S = Sandy soils in their variations.

² Responses expected from the Parital Reseeding Alternative which are different than the proposed action.

SUMMARY

1. Are the risks to natural resources and private property acceptable as a result of the fire if following actions are taken?

Proposed Action - Yes. Rationale for answer: Cheatgrass invasion should be held to a minimum. Habitat structure and diversity, and soil stability should rapidly return to normal allowing the burn to recover to Rangeland Health Standards. Protection of the burn from grazing will facilitate the anticipated rapid recovery. Repair of stream crossings will prevent unacceptable loss of water quality, and provide protection of private property.

No Action - No. Rationale for answer: Without protection from grazing the burn will become a cheatgrass, tumble mustard dominated area. Natural recovery will be marginal at best because of overutilization during recovery leading to invasion of cheatgrass and tumble mustard, and loss of soil stability provided by the recovering microbiotic crust and vegetative cover. With these fine fuels the opportunity for unhealthy shortened fire cycle would not only be increased by nature but by vehicular traffic not remaining on existing roads and trails. Sediment delivery to Painter Creek will increase to unacceptable levels from eroding approaches to the crossings. These factors are not consistent with the LUP, and Rangeland Health Standards.

Partial Reseeding - No. Rationale for answer: Reseeding within a burn which will recover naturally appears, at first glance, to be more beneficial. However, the current estimated expense could increase by at least \$80,000 if only 1,000 acres total were seeded. The use of rangeland drills, or vehicle mounted broadcast seeders has the potential for doing more damage than good when uprooting viable bunchgrasses and shrubs, and tearing apart viable microbiotic crust.

2. Is the probability of success of the proposed action, alternatives or no action acceptable given their costs?

Proposed Action - Yes. Rationale for answer: Prior natural recovery near this burn have proven successful. Without the proposed action there would be a long term loss of rangeland health due to expansion of fires out of the cheatgrass, tumble mustard dominated Buckhorn Complex Fires into surrounding native vegetation. This continual downward trend would preclude the BLM from meeting the objectives of the LUP, and Rangeland Health Standards. An increasingly downward trend in rangeland health could lead to an introduction and increase of noxious weed populations within the area that would result in the need for increased funding to support suppression activities.

No Action - No Rationale for answer: Beyond the consequences of not carrying out the Proposed Action above, No action would be a deliberate decision to allow rangeland health degradation to occur, and not meet LUP objectives and decisions.

Parital Reseeding- No Rationale for answer: It is questionable that seeding rather than the natural recovery recommended in the Proposed Action will be more effective in meeting Rangeland Health standards or LUP decisions. Unnecessarily pushing a single species above overall biological diversity could be deleterious to the long term ability to affectively manage for rangeland health and meet long term LUP goals.

3. Which approach will most cost-effectively and successfully attain the EFR objective and, therefore, is recommended for implementation from a Cost/Risk Analysis standpoint? Proposed Action. Comments: As indicated throughout this document the goal of the Buckhorn Complex Fires Emergency Fire Rehabilitation Plan is to utilize natural recovery to return the burn to its pre-burn level of rangeland health and meet BLM's Land Use Plan objectives. The Proposed Action meets these requirements both in cost control and environmental recovery criteria.

XI. NATIVE/NON-NATIVE WORKSHEET

Because no seeding is recommended in the Proposed Action this Section is not applicable.

XII. EFR PROJECT SUMMARY

Summary Items	Summary Information
Fire Name:	Buckhorn Complex Fires
Fire Number:	U565
Fire Control Date:	August 8, 1999
Acres BLM Burned:	4217
Start of Rehabilitation Project:	September, 1999
Completion of Rehabilitation Project:	November, 1999
Miles of New Fence:	0
Miles of Fence Rebuild	0
No. Of Soil/Watershed Structures:	2
Acres Reforestation:	0
Acres of Revegetation ¹ :	0
Acres of Burned Area Protected for Natural Regeneration ² :	4217
Total Acres Rehabilitated ³ :	5267
Estimated Funding Current Year (FY99)	\$60,000.00
Estimated Funding Second Year (FY00)	\$8,000.00 (1 Work Month & followup on horse removal)
Estimated Funding Third Year (FY01)	\$8,000.00 (Same as FY00)
Total Cost Rehabilitation Project:	\$76,000.00

¹ Acres of Revegetation refers to the acres of the burn that is drilled, aerial seeded (with or without follow-up seed covering), etc. Do not double count acreage with

multiple revegetation treatments. For example, burned acreage that is drill seeded (100 acres) and aerial seeded (same 100 acres) is only counted as 100 acres of revegetation.

² Acres of Burned Area Protected for Natural Regeneration refers to areas that will recover to satisfactory vegetation by grazing or human use exclusion. Protection measures include closures, fencing, herding, etc. This designation does not refer to burned areas that will recover to unacceptable vegetation, e.g. weeds or to revegetated areas already accounted for in Acres of Revegetation.

³ Total acres Rehabilitated equals the acres of revegetation plus acres of burned areas protected for natural regeneration.

XIII. ENVIRONMENTAL ASSESSMENT FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND DECISION RECORD

A. Finding of No Significant Impact.

I have reviewed this Plan including the explanation and resolution of any potential significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required. I have determined that the proposed projects are in conformance with the approved Cal-Neva Land Use Plan, and Rangeland Health Standards, and the stipulation measures identified below.

B. Stipulation Measures.

1. Remove wild horses from the burned area, and close the Buckhorn Complex Fires area to cattle grazing. Restrict sheep trailing to the unburned portions of North Pasture.
2. Monitor natural recovery for success and livestock suitability. Allow no livestock or wild horse grazing until the recovery is to the point where it can support grazing without damaging its ability to meet Rangeland Health Standards.
3. Repair two stream crossings on Painter Creek.

4. Rehabilitate approximately 1/3 mile of dozer line.

C. Field Manager's Final Decision.

1. Background:

On August 4, 1999 northeastern California experienced strong thunderstorms with no precipitation. Four fires were started by this storm within the Observation Allotment. These fires known as the Rave - 4820 acres, Observation - 270 acres, Buckhorn - 170 acres, and Pine - 7 acres were controlled August 8, 1999. These fires are referred to as the Buckhorn Complex Fires (See Map 2). Approximately 5,000 acres of the 5267 acres within the fires' perimeters are public land managed by the Bureau of Land Management, Eagle Lake Field Office.

The Environmental Assessment developed as part of the Emergency *Fire Rehabilitation Plan - Buckhorn Complex Fires, U565* is Environmental Assessment # CA-350-99-24. The format for the Plan follows the outline on page 3 of the *Emergency Fire Rehabilitation Handbook, H-1742*, Dated July, 1998. From this effort one Fire Rehabilitation Objective was established. It is:

- a. Successful recovery of the fires to levels of rangeland health equivalent to, or better than, those found in unburned native sites adjoining the burns.

In accordance with the provisions of the Emergency Fire Rehabilitation Plan preceding this decision the public land will be rehabilitated using a mixture of natural recovery, repair of stream crossings, removal of wild horses from the burned area, and closure of the burned area to cattle grazing.

2. Criteria For Wildfire Recovery:

In order to meet the fire rehabilitation objective stated above a set of criteria has been established. The Buckhorn Complex Fires will be considered recovered when the physical environment elements and biological integrity elements are properly functioning and, as a minimum meet the Fallback Standards for Rangeland Health listed

in 43 CFR 4180.2(f)(1). These are:

“Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and landform.”

“Riparian-wetland areas are in properly functioning condition.”

“Stream channel morphology (including but not limited to gradient, width/depth ratio, channel roughness and sinuosity) and functions are appropriate for the climate and landform.”

“Healthy, productive and diverse populations of native species exist and are maintained.”

Methods for assessing whether these standards are being met will be consistent with Technical Reference 1737-9 *Process for Assessing Proper Functioning Condition* dated 1993, Technical Reference 1737-11 *Process for Assessing Proper Functioning Condition for Lentic Riparian-Wetland Areas* dated 1994, and the Application of the Upland Health Assessment Method Within the Eagle Lake Field Office Area.

3. Livestock Management Decision:

In accordance with 43 CFR 4110.3-3(b) which states in part: “When soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as ... fire ..., the authorized officer shall close allotments or portions of allotments to grazing... .” I have determined that the burned area within the public lands portion of the Observation Allotment requires immediate protection from grazing use.

Therefore, to allow for post-fire vegetation and soil recovery to occur without the pressure of livestock grazing, I am temporarily closing that portion of the North Pasture of the Observation Allotment south of the Marr/Buckhorn Road to grazing. Because the burned area represents approximately 3 percent of the public land available for grazing within this allotment, and because, with cooperation, there should be no need for special fencing to protect the burn this closure will allow for the needed fire recovery and continued grazing within

the Observation Allotment.

Effective upon issuance of this decision that portion of the North Pasture within the Observation Allotment south of Marr/Buckhorn Road is closed to cattle grazing use. Trailing of sheep is allowed only in the unburned portion of the North Pasture. This closure shall remain in effect until September 16, 2002, or until the Criteria for Wildfire Recovery, listed previously in this Decision, have been met (whichever comes later).

4. Wild Horse Management Decision:

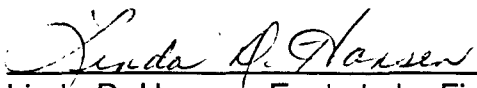
In accordance with 43 CFR 4700.0-6(a) which states: "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitats", and 43 CFR 4720.1 which states, in part: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized shall remove the excess animals immediately... ." I have determined that the wild horses found in and moving into and out of the burned area within the public lands portion of the Twin Peaks Herd Management Area, North Observation Home Range are excess to the needs for fire recovery, and are limiting the recoverable productive capacity of their habitat.

Therefore, to allow for post-fire vegetation and soil recovery to occur without the pressure of wild horse use, I am removing and relocating wild horses from that portion of the North Observation Home Range of the Twin Peaks HMA south of Marr/Buckhorn Road and closing it to wild horse use. Wild horses relocated from the burn will be released into that portion of the North Observation Home Range north of Buckhorn Road and temporarily into the South Observation Home Range. Wild horses temporarily relocated into South Observation Home Range will be identified with a freeze brand of "lazy 2" on the left hip. Following the next gather in South Observation Home Range the horses will be returned to the North Observation Home Range or, when the recovery criteria and objective are met, which ever comes later. These actions will allow for the needed fire recovery and continued wild horse use within the Twin Peaks HMA.

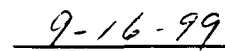
Effective upon issuance of this decision wild horses will be removed and relocated from that portion of the North Observation Home Range within the Twin Peaks HMA south of Marr/Buckhorn Road. This area will remain closed to wild horse use. This closure shall remain in effect until September 16, 2002, or until the Criteria for Wildfire Recovery, listed previously in this Decision, have been met (whichever comes later).

5. Recovery Evaluation:

An evaluation of recovery in the burned area will be conducted in consultation and coordination with the livestock operators, wild horse and burro representatives, and other affected interests in the fall of 2002 to determine if the Criteria for Wildfire Recovery and the objective of the Emergency Fire Rehabilitation Plan are being met. If through this evaluation it is determined that the wildfire recovery criteria and rehabilitation objective of the Plan have been met or that future managed livestock grazing and wild horse use would not hinder achievement of the objective and, the affected lands remain available for livestock grazing and wild horse use under applicable law and regulation, this area will be reopened for livestock grazing and wild horse use in accordance with the terms and conditions of the livestock grazing permits, and allowable management levels. If the recovery criteria and rehabilitation objective have not been met, then livestock grazing and wild horse use will not resume until those criteria and the objective are met. During the summer of 2000 in consultation and coordination with the livestock operators, wild horse and burro representatives, and affected interests the Eagle Lake Interdisciplinary Team will complete upland rangeland health assessment of the representative areas outside the burns to be used as reference areas for determining recovery progress.



Linda D. Hansen, Eagle Lake Field Manager



Date of Decision

B. Appeal Rights

Livestock:

Under 43 CFR 4.470, any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final following the instructions provided on the attached Form 1842-1 *Information on Taking Appeals to the Board of Appeals*. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. Should the appellant wish to file a petition for stay, it must 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; and,
4. Whether the public interest favors granting the stay.

Wild Horses and Burros:

In accordance with 43 CFR 4770.3(a) "Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4." The attached Form 1842-1 *Information on Taking Appeals to the Board of Appeals* must be followed in filing appeals.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL Field Manager, Eagle Lake Field Office
Bureau of Land Management
2950 Riverside Drive
Susanville, CA 96130

SOLICITOR
ALSO COPY TO Regional Solicitor, Pacific Southwest Region
U. S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO Regional Solicitor, Pacific Southwest Region
U. S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))*

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

* * * * *

XIV. LIST OF PREPARERS/REVIEWERS

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Donald Manuel, Archeologist
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