



## **Bureau of Land Management**

Boise District Office  
Four Rivers Field Office  
3948 Development Ave  
Boise, ID 83705  
<http://www.id.blm.gov>

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### **Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)**

U.S. Department of the Interior - Bureau of Land Management

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#### **A. BLM Office:** Four Rivers Field Office

**NEPA Log Number:** DOI-BLM-ID-B010-2011-0070-DNA

**Lease/Serial Case File No.:**

**Proposed Action Title/Type:** Morrow Fire ESR Plan

**Location/Legal of Proposed Action:** North of Interstate 84 at Bennett Creek Road. Fire Origin T.5S, R.9E, Section 24

**Applicant (if any):**

#### **Description of the Proposed Action and any applicable mitigation measures:**

The proposed action would be to implement the Morrow Fire (GAL0) Emergency Stabilization and Rehabilitation Plan (ESR Plan). The ESR Plan proposes to implement the following emergency stabilization actions:

Aerial Seeding: Approximately 100 acres of a 165 acre enclosure for LEPA habitat burned and would be aerially seeded in late fall/early winter of 2011/2012. The seed mix would contain a grass, shrub and forb mixture desirable for sage grouse, LEPA, and mule deer habitat and forage.

Noxious Weeds: The public lands within the burned area would be inventoried for the presence and expansion of noxious weeds and appropriate treatments would be applied based on the species encountered. From previous weed inventories, diffuse knapweed, Russian knapweed, and whitetop are known to occur in the burned area. Herbicides on the BLM list of approved chemicals would be applied by backpack sprayer. Following BLM policy, appropriate procedures described in the chemical manufacturer's label, and applicable regulations would be adhered to. Specifically, no herbicide treatments would occur within a 10-foot wide zone around slickspots. Initial inventory of weeds would occur both fall 2011 and spring 2012 and continue over the next two years under the Burned Area Rehabilitation program.

Fence Construction and Repair: Three miles of new fence would be constructed in the South Pasture of the Hammett #4 Allotment to keep livestock from the Lower Alkali Allotment to the

south of Hammett #4 from accessing the burned area. Two miles of LEPA enclosure fence would be repaired to maintain the integrity of slickspots and LEPA plants.

Livestock Closure: Livestock would be excluded from 1,128 acres until stabilization and rehabilitation objectives are met.

Monitoring: Monitoring to determine the effectiveness of treatments would be conducted from initiation of their implementation through 2014.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP/Document <sup>1</sup>	Sections/Pages	Date Approved
Jarbidge Resource Management Plan	Wildlife Management; Resource Management Guidelines	March 23, 1987

<sup>1</sup>List applicable LUPs (e.g., Resource Management Plans, Management Framework Plans, or applicable amendments) and activity, project, management, water quality restoration, or program plans.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following 1987 Jarbidge RMP decisions (objectives, terms, and conditions):

**Wildlife Management**

- Wildlife habitat will be managed to maintain or increase wildlife numbers over the long term, and the total acres of unsatisfactory crucial habitat will be reduced over the long term. (RMP page II-5)
- Manage big game habitat to support 350 mule deer in winter and 75 mule deer year long and 25 antelope. Improve sage grouse nesting and brood rearing habitat by 2005. (RMP page II-19)

**Resource Management Guidelines for Soils**

- Minimize soil erosion by maintaining good, perennial vegetation cover on all sites. Manage native perennial range to attain good ecological condition. Rehabilitated or manipulated sites are considered to be in good condition from a watershed standpoint when at least 75% (by weight) of the sites potential for production is composed of perennial vegetation. (RMP page II-78)

**Resource Management Guidelines for Terrestrial Wildlife**

- Protect and enhance endangered, threatened and sensitive species habitats in order to maintain or enhance existing and potential populations within the planning area. (RMP page II-83)
- Seed mixtures for range improvement projects and fire rehabilitation projects will include a mixture of grasses, forbs and shrubs that benefit sage grouse. (RMP page II-84)

Resource Management Guidelines for Rehabilitation and Reduction Actions/Procedures

- Rehabilitation of areas, particularly large areas, that have a high potential for fires or have a high frequency of fires, will utilize irregular buffer strips with seed mixtures that are fire resistant and/or meet watershed protection, wildlife and riparian objectives. These buffer strips will receive first priority for seeding prior to reseeded rest of burned area. (RMP page II-89)
- All grazing licenses issued that include areas recently burned and/or seeded areas will include a statement concerning the amount of rest needed in the seedings or burn area. Normally two years of rest will be necessary to protect these areas. This rested area may include remnant stands of desirable species that survived the fire. (RMP page II-89)

Resource Management Guidelines for Control of Noxious Weeds

- BLM districts will work with their respective County governments to monitor the location and spread of noxious weeds and to maintain up-to-date inventory records. BLM will control the spread of noxious weeds on public lands where possible, where economically feasible, and to the extent that funds are prioritized for that purpose. (RMP page II-94)

**C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).**

<b>NEPA/Other Related Documents</b>	<b>Sections/Pages</b>	<b>Date Approved</b>
Normal Fire Emergency Stabilization and Rehabilitation Plan Boise District Office and Jarbidge Field Office Environmental Assessment (EA)	All	May 12, 2005
Biological Assessment for the Normal Year Fire Rehabilitation Plan as amended and USFWS letter of concurrence	All	July 13, 2006 September 13, 2006
Noxious and Invasive Weed Treatment EA – Boise District	All	February 6, 2007
Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) and the Vegetation Treatments on BLM Lands in 17 Western States Programmatic Environmental Report.	All	June, 2007
Noxious and Invasive Weed Treatment Program Biological Assessment and Addendum for Boise District and Jarbidge Field Office of the Twin Falls District – Ada, Adams, Boise, Canyon,	All	August 27, 2009

NEPA/Other Related Documents	Sections/Pages	Date Approved
Elmore, Gem, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho		
Slickspot Peppergrass Conservation Agreement (CA) of 2009	All	2009

#### D. NEPA Adequacy Criteria

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

Yes. The proposed treatment actions described in this plan are identical to those analyzed in the Boise District Normal Fire Emergency Stabilization and Rehabilitation Plan (NFRP) EA (EA pages 10-30). Weed treatments would occur as described in the NFRP EA (pages 15-16, 20-21) and the Biological Assessment (BA) (pages 11-13, 20). The fire burned in the Four Rivers Field Office just north of Interstate 84 at Bennett Mountain Road, Idaho. The NFRP addressed ESR activities in the Boise District which includes the Four Rivers Field Office. An interdisciplinary resource team review of this fire determined that the resource values, concerns, and rehabilitation needs are identical to those discussed in the NFRP and meet the wildlife, soil, and watershed objectives of the Jarbidge RMP. The purpose of the ESR Plan is to: 1) provide for recovery of surviving desirable perennial pre-fire plant species, 2) reestablish a healthy viable plant community comprised of perennial shrubs, forbs, and grasses, 3) identify noxious weed infestations and initiate actions to prevent their spread, and 4) provide for monitoring objectives to be used in assessing the effectiveness of treatment actions implemented under the proposed ESR plan.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Documentation of answer and explanation:

Yes. The range of alternatives analyzed in the existing NFRP EA document is appropriate. The proposed treatment actions presented in the Morrow Fire ESR plan are a subset of possible treatments identified in the NFRP. The treatment methods were selected based on site visits by an interdisciplinary team that took into account a variety of resource concerns including, but not limited to, pre-burn vegetative conditions, intensity of burn, potential for erosion, past experience with ESR treatments under similar conditions, presence of slickspot peppergrass and sage-grouse habitat and ESR vegetative objectives for those species, opportunities to limit the spread of fires in the future, and potential for the establishment and spread of noxious weeds.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (e.g., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances would not substantially change the analysis of the new proposed action?**

Yes. On December 7, 2009, slickspot peppergrass (*Lepidium papilliferum*) was listed by the United States Fish and Wildlife Service (USFWS) as a threatened plant species under the Endangered Species Act as amended. The fire occurred in slickspot peppergrass management area 10 and specifically affected a portion of Element Occurrence (EO) 26. The EO and surrounding habitat were proposed as critical habitat by the USFWS in 2011. All actions proposed in the Morrow Fire ESR Plan that could affect slickspot peppergrass are within the scope of environmental analysis completed for the Boise District NFRP, associated BA and USFWS concurrence letter, and the 2009 Conservation Agreement. Prior to the Morrow fire, slickspot peppergrass habitat and populations had been identified within the burned area and a 165-acre exclosure had been constructed to protect slickspot peppergrass populations. Drill seeding is not proposed as part of ESR. The NFRP, BA, and CA recognized the importance of native forbs and shrubs in providing habitat for slickspot peppergrass pollinators. The native forbs and shrubs identified in the proposed aerial seeding would help restore these components of slickspot peppergrass habitat. Noxious weeds are considered a potential threat to slickspot peppergrass. The BA determined that ESR treatments, including noxious weed treatments, would ultimately benefit slickspot peppergrass. ESR treatments would be in conformance with the 2009 CA. The 2009 listing of slickspot peppergrass and 2011 proposal for critical habitat would not affect these findings.

On March 5, 2010, greater sage-grouse was determined to warrant listing under the Endangered Species Act of 1973 but was precluded due to higher priority species. Sage-grouse are now a candidate species. The burned area was classified as R2 sage-grouse habitat. The State sage-grouse plan explains that R2 habitats are areas dominated or strongly influenced by invasive annuals such as cheatgrass and medusahead. In areas of R2, sagebrush may be present, but, in general, understories are not suitable for sage-grouse. The proposed seed mixes for aerial seeding in the exclosure portion of the fire would provide nesting cover and brood rearing habitat for sage-grouse.

The existing analysis is adequate when considering changes in the status of slickspot peppergrass and greater sage-grouse.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Documentation of answer and explanation:

Yes. The impacts are substantially unchanged and the types of impacts relating to the proposed ESR plan were sufficiently analyzed. There are no unique site specific impacts resulting from the implementation of the ESR plan or the individual rehabilitation treatments. The direct and indirect impacts of the plan are identified and addressed in the NFRP EA, IV Environmental Consequences, B. Proposed Action by resources affected, pages 60-75 (Soils, Water, Floodplains/Wetland/Riparian Zones, Air, Vegetation, Terrestrial Wildlife, Aquatic Wildlife, Recreation, Special Management Areas, Visual Resources, Cultural Resources, and Grazing Management). The NFRP (pages 14-16, 21, 63-64) and BA address the use of herbicides in potential slickspot peppergrass habitat. The BA concluded that the impacts from ESR activities, including noxious weed treatments, would have a “May Affect, Not Likely to Adversely Affect” impact on slickspot peppergrass habitat (pages 32-36). The USFWS concurred with this finding.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?**

Documentation of answer and explanation:

Yes. The public involvement and interagency review of the existing NEPA document is adequate for the current proposed action. The scoping and public comment periods for the Boise District NFRP EA# ID-90-2004-050 provided for extensive input from Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, grazing permittees, conservation groups, academia, and members of the interested public concerning the implementation of proposed stabilization/rehabilitation treatment actions.

**E. Persons/Agencies /BLM Staff Consulted**

Michael McGee – Team Lead - Fuels  
Cindy Fritz – Operations Specialist - Operations  
Jill Holderman - Wildlife Biologist - Wildlife  
Mark Steiger - Botanist - Botany  
Mike Barnum - Rangeland Mgmt. Spec. - Range  
Dianna Sampson - GIS Specialist  
Dean Shaw - Archaeologist - Cultural  
Allen Tarter - Natural Resource Spec. - Watershed  
Rob Bennett - Technical Specialist - Operations

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

No applicable mitigation measures were identified and analyzed in the Jarbidge RMP, Boise District NFRP and associated Biological Assessment/USFWS letter of concurrence, or Boise District Noxious and Invasive Weed Treatment EA.

**G. Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

**YES.** Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Michael McGee  
Preparer

10/04/2011  
Date

/s/ Seth Flanigan  
NEPA Specialist

10/04/2011  
Date

/s/ Terry Humphrey  
Four Rivers Field Manager

10/04/2011  
Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.