Finding of No Significant Impact

Environmental Assessment DOI-BLM-NV-S000–2011–0002–EA

Proposed Red Rock Hazardous Fuels Reduction Project

I have reviewed Environmental Assessment (EA) NV-S000–2011–0002–EA, dated June 25, 2012. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the Proposed Action (Alternative A) identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement is not required to be prepared pursuant to Section 102 (2) (C) of the National Environmental Policy Act (NEPA).

I have determined the Proposed Action (Alternative A) is in conformance with the Record of Decision (ROD) for the Approved Red Rock Canyon National Conservation Area (RRCNCA) Resource Management Plan (2005) and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The lands proposed for hazardous fuel reduction, by application of herbicide on 4,460 acres, are within the RRCNCA managed by the Bureau of Land Management (BLM). This area is of interest to, and primarily used by, residents in Nevada and tourists visiting Las Vegas. The BLM has the authority to prevent unnecessary or undue degradation of the lands, protect rangeland through weed control, and protect wildlife habitat under the Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.). Undisturbed areas are characterized as being dominated with Mojave creosote-bursage desert scrub and blackbrush and an invasive annual grass understory. Disturbed areas or previously burned areas are characterized as being dominated by an invasive annual grass understory.

Intensity

1. *Impacts that may be both beneficial and adverse.*

   The EA has considered both the beneficial and adverse impacts on resources that are present and may be affected by the Proposed Action (Alternative A) as described below:

   Air Quality and Soils

   The Proposed Action (Alternative A) is expected to benefit air quality and soils by reducing the size and intensity of future wildfire. Decreased fire severity and intensity will help preserve current soil conditions, maintaining current levels of water infiltration and runoff and soil erosion during rain events. Additionally, minimizing erosion will help native plants to reestablish and stabilize burned areas, decreasing fugitive dust.

   There were no adverse impacts to air quality and soils identified in the EA for the Proposed Action.

   Biotic Resources – Vegetation (includes BLM Sensitive Plant Species, Invasive Species/Noxious Weeds, Vegetation Excluding Federally Listed Species and Woodland/Forestry)

The Proposed Action (Alternative A) is expected to benefit native plants by reducing the prevalence of invasive annual grasses, in turn releasing native plants from competitive pressure, providing the opportunity for native plants to reestablish. Additionally, herbicide application is expected to benefit weed management by reducing invasive plant populations along with invasive annual grasses.

Mitigation measures, Standard Operating Procedures (SOPs) and Best Management Practices (BMPs) are in place to minimize potential adverse impacts of the Proposed Action (Alternative A), such as death or damage to native plants. Additionally, the project design was developed to minimize detrimental impacts to sensitive plant species such as cacti and yellow two-tone beardtongue (*Penstemon bicolor* ssp. *bicolor*), a BLM Sensitive Plant Species and U.S. Fish and Wildlife Service (USFWS) Species of Concern. Direct herbicide application by ground crews, with backpack sprayers, will help to reduce unintentional native plant take. In the event of aerial application, cacti in the application area will be salvaged and relocated. Initial rare plant surveys have been completed; additional surveys to be conducted immediately prior to implementation will help ensure that sensitive species are not adversely affected by the project.

Biotic Resources – Animals (includes BLM Sensitive Wildlife Species, Migratory Birds, Threatened, Endangered or Candidate Species, Wild Horses/Burros and Wildlife Excluding Federally Listed Species)

The Proposed Action (Alternative A) will ultimately benefit wildlife by compartmentalizing fire while maintaining expanses of suitable habitat used for nesting, foraging, and cover. In the event of a future wildland fire the size and intensity will be minimized, preserving more wildlife habitat and protecting susceptible species such as the desert tortoise.

There are advantages of the particular herbicides that were selected. Imazapic is essentially non-toxic to a wide range of non-target organisms, including mammals, birds, fish, aquatic invertebrates, and insects. Additionally, Glyphosate is of relatively low toxicity to birds, mammals, and fish.

The intensity of direct impacts to animals will be minimized by implementing minimization measures, mitigation measures, SOPs, and BMPs such as restricting treatment to fall/winter to avoid wild horse and burro foaling season and wildlife sensitive seasonal times, such as migratory birds, bird breeding (March 1 to August 31), and desert tortoise season. Wildlife could be adversely impacted by the Proposed Action due to accidental take and by reduced suitable habitat for nesting, foraging and cover immediately within the treatment areas. However, treatment areas are predominately along road and trail ways, which tend to experience more frequent disturbance than interior habitat.

Fuels/Fire Management

The Proposed Action (Alternative A) will provide substantial benefits to fuels and fire management by providing anchor points for suppression forces to safely engage a wildfire, safety zones for wildfire suppression forces, and defensible space to protect public and private structures. In tandem, these are intended to reduce the rate of spread, size, and intensity of future wildfire in RRCNCA. Additionally, the Proposed Action (Alternative A) could reduce fire effects such as smoke on downwind receptors and heavily travelled roadways.

There were no adverse impacts to fuels/fire management identified in the EA for the Proposed Action (Alternative A).

Human Health and Safety

The Proposed Action (Alternative A) could provide substantial benefits to the public by limiting the extent of wildfire and protecting residents, public and private structures, infrastructure, and recreationists. The use of herbicides to create fuel breaks would increase public and firefighter safety by reducing the threat of catastrophic wildland fire and likewise, reducing fire effects such as smoke on downwind receptors and on heavily travelled roadways.

Potential detrimental impacts of the Proposed Action (Alternative A) on human health would be minimal due to the low rates of application, the size of the areas being treated, compliance with SOPs and label specifications as required by the Federal Insecticide, Fungicide and Rodenticide Act of 1910 (as amended in 1972, 1988 and 1996). The use of the two herbicides is considered safe by the U.S. Environmental Protection Agency (USEPA) and both are approved for use in the 2007 Final Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) and ROD. Additional mitigation measures to reduce impacts to Human Health and Safety are incorporated in the design of the Proposed Action (Alternative A). [See Mitigation Measures section of this Finding of No Significant Impact (FONSI)].

Floodplains, Hydrologic Condition (including Water Quality), and Wetland/Riparian

The Proposed Action (Alternative A) could provide crucial benefits to hydrologic conditions in the face of future wildland fire by reducing the size, rate of spread, and intensity of the fire, thereby protecting floodplains and wetland/riparian areas from subsequent degradation.

The benefits of the herbicides selected include: Imazapic has a reported moderate persistence in soils, a limited horizontal mobility in soil, and has not been found to move laterally with surface water. Glyphosate has a very short reported soil half-life of 47 days, has limited movement in the environment, is relatively non-persistent in soil, has no soil residual activity, and does not result in severe adverse impacts to water quality.

Potential detrimental impacts of Proposed Action (Alternative A) have been minimized by SOPs, BMPs, and mitigation measures such as: prohibiting herbicide use in areas with standing water and in washes and restricting application near open water sources.

There are no adverse impacts expected for groundwater because of the low water table, 400 to 500 feet below ground surface, in the project area. Additionally, there were no identified adverse impacts to floodplains identified in the EA for the Proposed Action (Alternative A).

Recreation

A benefit of the Proposed Action (Alternative A) is preservation of the Mojave Desert landscape which maintains outdoor recreation opportunities and visual aesthetics for the public.

Detriments of the Proposed Action (Alternative A) to recreation are increased due to project timing. Herbicide application is restricted to fall/winter, corresponding with high use. To limit the impact to visitors of the RRCNCA, treatments will not occur on the Veteran's Day,

Thanksgiving, or Christmas holiday weekends. Scenic Drive closures and/or encounters with those applying herbicide may affect the user experience. Additionally, visitor use in the campground could also decrease as a result of discomfort with being in close proximity to herbicide treatments. Employees and Contractors will set up signage to inform visitors of treatment areas and minimize the disruption of recreational activities. Material Safety and Data Sheets (MSDSs) will be available for the public at the RRCNCA Visitor Center and the Southern Nevada District Office (SNDO). Future closures will be published in the Federal Register. Additionally, the BLM will provide continual advance notification of closures through the media and postings at the RRCNCA Visitor Center.

Socio-Economic Resources

Potential benefits of the Proposed Action (Alternative A) to Socio-Economics are a reduction in fire suppression costs and damage losses, increased property values due to lessened wildfire threats along the Wildland-Urban Interface, and a healthier Mojave Desert ecosystem.

The temporary nature of implementation of the Proposed Action (Alternative A) suggests that the project would not incur lasting impacts on social demographics. Potential detrimental impacts of the Proposed Action (Alternative A) on Socio-Economics include: a temporary reduction in revenue due to Scenic Drive closures and a reduction in visitation stemming from negative public perceptions of herbicide.

Visual Resources

The Proposed Action (Alternative A) is expected to benefit visual resources by reducing the likelihood of catastrophic wildfire throughout the RRCNCA. The Proposed Action (Alternative A) would help to preserve the existing character of the landscape, maintaining elements of form, line, color, and texture.

Harmful impacts on perennial shrubs will be minimized by following the herbicide label and implementing the SOPs, BMPs, and mitigation measures. The main negative impact of the Proposed Action (Alternative A) on visual resources would be a reduction of native annual plant germination ultimately resulting in a diminished annual plant and wildflower bloom in the immediate treated area for the duration of project implementation. Per label specifications, harmful impacts on perennial shrubs will be minimized by testing herbicide effects on a variety of native species before conducting the full Proposed Action (Alternative A). The project design excludes the north tip of the Scenic Drive, leaving this section for visitors to view wildflowers in the spring.

2. *The degree to which the proposed action affects public health or safety.*

Implementation of the Proposed Action (Alternative A) and mitigation measures will not result in potentially significant impacts to public health. All Environmental Protection Agency registered herbicide labels will be followed and adhered to as required by the Federal Insecticide, Fungicide, and Rodenticide Act of 1910 (as amended in 1972, 1988 and 1996). Pesticide Use Proposals (PUPs) will be completed and approved per the BLM Manual 9015 prior to any chemical herbicide application.

According to the MSDS, Plateau® does not cause cancer, is unlikely to cause birth defects, and did not interfere with reproduction based on laboratory animal studies. According to

the MSDS, Journey® does not cause cancer, is unlikely to cause birth defects, and did not interfere with reproduction based on laboratory animal studies.

The BLM prepared the Human Health Risk Assessments (HHRA) for Imazapic, the active ingredient in Plateau® and one of the active ingredients in Journey®. The BLM's HHRA evaluated herbicide risk categories by Aggregate Risk Index (ARI). ARI's are partitioned into no, low, moderate, and high levels of risk. The BLM evaluated the level of risk each receptor (occupational and public) would face during the application of a given herbicide, for both maximum and typical application rate scenarios. For each receptor (occupational and public) evaluated, the risk category was No Risk for both maximum and typical application rates. Imazapic applications do not present risk to any receptors when applied in routine use situations at either the typical or maximum application rate.

The BLM used the results of HHRA prepared by the U.S. Forest Service (USFS) for Glyphosate, an active ingredient in Journey®. The USFS HHRA's presented the risk results as Hazard Quotients (HQ). HQ's were used to designate a risk level as no, low, moderate or high for ease of comparison (no risk is identified as an HQ less than 1, low risk is an HQ between 1 and 10, moderate risk is an HQ between 10 and 100, and high risk is an HQ greater than 100). Glyphosate was rated as 0 (no risk) to occupational and public receptors. Glyphosate was not identified as carcinogenic to workers or the public based on exposure scenarios evaluated in the USFS HHRA.

It has been determined that proper application of the herbicides Journey® and Plateau® in the course of BLM vegetation management activities present no unusual or significant risk to workers or public health and safety.

Additional mitigation measures to reduce impacts to Public Health and Safety are incorporated in the design of the Proposed Action (Alternative A). (See Mitigation Measures and Minimization Measures sections of this FONSI).

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.*

   The Proposed Action (Alternative A) project area is near cultural petroglyphs and the unique geologic features that give RRCNCA its name. RRCNCA contains more than 40 springs as well as many tinajas (natural catchment basins). The treatment area was selected to avoid sensitive resources; thus, these features will not be impacted by the Proposed Action (Alternative A).

   La Madre Mountain Wilderness and Rainbow Mountain Wilderness are adjacent to RRCNCA and will not be impacted by the Proposed Action (Alternative A).

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

   The effects of hazardous fuels reduction are known and documented and are not considered to be highly controversial. The enabling legislation the RRCNCA Establishment Act of 1990 (PL. 101-621) allows for the consideration of hazardous fuels reduction projects in section Sec. 4 (2)(C): "Nothing in this Act shall preclude such measures as the Secretary deems necessary to prevent devastating fire...within the conservation area." Three Native

American tribes were consulted on the Proposed Action (Alternative A) and no known sites of religious or cultural importance to Native American tribes were identified. The herbicide active ingredients are approved for use on BLM lands and have been evaluated in the 2007 Final Vegetation Treatments Using Herbicides on BLM lands in 17 Western States PEIS and ROD. Overall, the methods of vegetation treatment activities are scientifically accepted methods employed to meet resource or land management objectives and are not considered highly controversial.

The Draft EA was available for public comment from January 25 through February 27, 2012. The BLM held two public meetings (afternoon and evening) on February 8, 2012 at the RRCNCA Visitor Center. Forty-five comments were received, three of which were in support of the project as proposed. One comment was incorporated into Alternatives B and C. Two comments were incorporated into the Proposed Action (Alternative A). Thirty-two comments were not incorporated into the final EA. These comments were already addressed in the EA, existing planning documents or policy, or were outside the scope of this project. Seven comments were generally opposed to the project as proposed for various reasons. Generally, the public views the use of herbicides in RRCNCA as controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk.*

   There are no effects of the Proposed Action (Alternative A) identified in the EA which are considered uncertain or involve unknown risks. The BLM has experience implementing similar actions and the methods to be employed are accepted standard practices. Treatment related activities are anticipated to be short-term in duration. Effectiveness monitoring will be conducted over the life of the project.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

   The Proposed Action (Alternative A) is being completed within existing authorities, policies and regulations and does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. The BLM may pursue opportunities in the future to seed the project area with native plants, but this action would be covered by separate NEPA documentation.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

   As identified in the Cumulative Effects section of Chapter 4 of the EA, no significant impacts would result from cumulative contributions of the Proposed Action (Alternative A) and other past, present, and reasonably foreseeable future actions.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

   The Proposed Action (Alternative A) will not cause the loss or destruction of significant scientific, cultural or historical resources. The cultural resources survey found heritage resources in the Proposed Action (Alternative A) area, however there are not expected to be adverse impacts from the Proposed Action (Alternative A).

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

   The only endangered or threatened animal species found in the Proposed Action (Alternative A) area is the threatened desert tortoise. The Proposed Action (Alternative A) area is considered to be low or low to moderate density desert tortoise habitat. Pursuant to section 7 of the Endangered Species Act formal consultation with the USFWS was initiated in October 2011 and a Biological Opinion (BO) (File No. 84320–2012–F-00020, 1–5–04–F-526APD) was issued for the Proposed Action (Alternative A) in December 2011. The EA and the BO have identified that no significant or adverse impacts would result to this species from implementing the Proposed Action (Alternative A). The Proposed Action (Alternative A) would protect threatened desert tortoise habitat from wildfire. In addition, the sensitive plant survey did not find any endangered or threatened plant species in the Proposed Action (Alternative A) treatment area.

   Additional mitigation measures to reduce impacts to desert tortoise are incorporated in the design of the Proposed Action (Alternative A). (See Mitigation Measures and Minimization Measures sections of this FONSI).

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

    The Proposed Action (Alternative A) will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action (Alternative A) is consistent with Title II, Sec. 204 of the Federal Land Policy and Management Act of 1976.

Mitigation Measures:

The BMPs, SOPs, Terms and Conditions, and mitigation measures identified in the EA for the Proposed Action will be adhered to, such as:

Best Management Practices

1. Sensitive/Endemic Plant Species

   a. Qualified biologists will conduct rare plant surveys within and adjacent to the project area in the appropriate season to determine if rare plant(s) have the potential to occur.

   b. Project biologists will conduct pre-treatment clearance surveys for sensitive/endemic species within the project area.

   c. Areas of high succulent/yucca/cactus density will not be treated with herbicide. These species will be salvaged where there is a threat of loss.

2. Recreation

   a. Portions of the Scenic Drive may be treated aerially to limit closure.

   b. Employees and Contractors will set up signage describing activities and locations to inform visitors of treatment areas and minimize the disruption of recreational activities. The MSDS will be available for the public at the RRCNCA Visitor Center and the SNDO.

3. Implementation

    a. All on-site personnel will receive a Worker Environmental Awareness Program (WEAP) that identifies important resource issues such as: the sensitive biological and cultural resources, appropriate BMPs required to reduce water quality impacts, and appropriate trash disposal and maintenance locations.

    b. The WEAP will emphasize restrictions such as no feeding the wildlife, bringing domestic pets to the project site, collecting native plants, or harassing wildlife.

4. Wild Horses/Burros

    a. Treatments will occur during the fall/winter season to avoid wild horse and burro foaling season.

    b. Employees and Contractors will remain at least 0.25 miles from the water sources in the Herd Management Area to prevent unnecessary stress on the animals.

    c. Employees and Contractors will not harass (feed, pet, chase, etc.) wild horses and burros if encountered on or near the treatment areas, trails, or equipment parking areas.

5. Wildlife

    a. Treatments will occur during the fall/winter season avoiding wildlife seasonal sensitive times, such as migratory bird and bird breeding (March 1 - August 31), and desert tortoise season.

    b. Employees and Contractors will remain 160 feet from occupied burrowing owl burrows.

    c. The minimization measures as stated in the USFWS BO for desert tortoise will be strictly adhered to.

    d. The Nevada Department of Wildlife (NDOW) banded Gila monster protocol will be incorporated into the WEAP.

6. Herbicide

    a. The use of herbicides and all adjuvants (chemicals that improve herbicide effectiveness) for this project will necessitate a PUP be submitted to the SNDO Weed Coordinator no less than one month prior to application.

    b. A Pesticide Application Report must be completed for monitoring within 24 hours of application and submitted to the SNDO Weed Coordinator within one week of application.

    c. All herbicide applicators will carry required credentials for the State of Nevada and the Department of the Interior.

    d. Herbicide label specifications will guide helicopter, backpack sprayer, adjuvant and drift inhibitor usage along with Personal Protective Equipment and herbicide application rate, coverage, mixing methods, and droplet size to reduce runoff and drift.

e. Herbicide will not be applied if the following condition(s) are present: rain, rain is forecasted within 48 hour of application or winds at 10 m.p.h. or greater.

Standard Operating Procedures

1. Only BLM approved herbicides will be used for the project.

2. Application of herbicides by helicopter will not occur in washes or within 100 feet from any existing open water sources.

3. Application of herbicides by ground crews will not occur in washes or within fifty feet of any existing open water source. All label specific requirements will be adhered to, including the avoidance of areas where groundwater is expected at five feet or less below ground surface.

4. A BLM approved Project Inspector will be on site within the project area at all times while the herbicides are being applied and will be responsible for ensuring that the treatment is applied as directed. Chemical label directions will be followed.

5. No hazardous materials shall be stored or disposed of on-site.

6. No equipment maintenance, rinsing, or mixing of chemicals will be performed within or near any stream channel or waters where chemicals, petroleum products or other pollutants from equipment may enter these waters.

7. Herbicides will not be stored on the project site. Product label directions and MSDSs will be available on site for reference in case of spill or exposure. All unused herbicides or empty containers will be disposed of by the licensed herbicide applicator in accordance with the label at an approved disposal site.

Minimization Measures:

The Reasonable and Prudent Measures with Terms and Conditions identified in the USFWS BO, File No. 84320-2012-F0020 (1-5-04-F-526.APD) will be followed such as:

1. *Vehicle traffic*: All vehicle use in desert tortoise habitat shall be restricted to existing roads, trails, large sandy washes, and ways. Contractors and associated workers shall comply with the posted speed limits on access roads. Within Clark County, the speed limit is 25 miles per hour on un-posted county roads. All project/event-related individuals shall check underneath stationary vehicles for desert tortoises before moving them. No new access roads shall be created.

2. *Litter control*: Litter control will be implemented and enforced by BLM.

3. *Previous disturbance*: Overnight parking and storage of equipment and materials, including stockpiling, shall be within previously-disturbed areas or within areas cleared by a tortoise biologist to minimize habitat destruction.

4. *Tortoise mortality/injury*: BLM wildlife staff and the USFWS must be notified of any desert tortoise death or injury due to project implementation by close of business on the following work day.

5. *Education program*: A BLM/USFWS-approved biologist shall present a tortoise education program to all workers, permittees, and other employees or participants involved on activities covered under this opinion.

6. *Biologist approval:* BLM and USFWS wildlife staff shall approve the biologists who will be assigned to implement the terms and conditions of the BO, or permit issued by BLM.

7. *Tortoise in harm's way*: If a tortoise is located within the project/activity site in harm's way, all potentially harmful activity shall cease until the tortoise moves or is moved out of harm's way by an authorized biologist.

8. *Moving tortoises*: Tortoises that are moved off site and released into undisturbed habitat on public land, must be placed in the shade of a shrub, in a natural unoccupied burrow similar to the hibernaculum in which it was located, or in an artificially-constructed burrow in accordance with the tortoise handling protocol.

9. *Temperature restrictions*: Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gasping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary for their well-being.

10. *Permits*: All appropriate State and Federal permits, including NDOW and USFWS permits for handling desert tortoises, or their parts, must be acquired.

11. *Project oversight*: A BLM representative(s) shall be designated who will be responsible for overseeing compliance with the reasonable and prudent measures, terms and conditions, and reporting requirements of the BO.

12. *Reporting*: The project lead must submit a document to the BLM wildlife biologist within 30 days of completion of the project showing the number of acres treated and number of tortoises observed or taken.

13. *No-spray buffer zone*: Any desert tortoise or active/intact desert tortoise burrow that is observed by workers utilizing backpack sprayers will be avoided by a minimum of 25 feet.

Signatures:

Recommended by: Sean McEldery 6/21/2012

Sean McEldery — Date
Supervisory Fire Management Specialist

Recommended by: 6/21/12

Christopher Glode — Date
Fire Management Officer (Acting)

Approved by: for Mary Jo Rugwell 7/2/2012

Mary Jo Rugwell — Date
Southern Nevada District Manager