

FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-NV-W010-2012-0046-EA

Adoption of the McDermitt Creek Lahontan Cutthroat Trout Restoration Project

Environmental Assessment

Based on independent evaluation of the McDermitt Creek Lahontan Cutthroat Trout Restoration Project Environmental Assessment, prepared by the U.S. Fish and Wildlife Service, Bend Field Office, Oregon, (LCT Restoration Project EA) I find the LCT Restoration Project EA satisfies the Bureau of Land Management's requirements under the National Environmental Policy Act (NEPA) for the proposed action as described below of authorizing the Nevada Department of Wildlife (NDOW) access to public lands in order to use rotenone within Crowley Creek, Nevada (Proposed Action).

The LCT Restoration Project EA analyzes potential environmental impacts of the application of the piscicide rotenone to McDermitt Creek, Oregon, and tributaries in order to remove non-native salmonids and improve habitat for the Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*) (LCT), a federally listed threatened species. Based on this analysis and its applicability to the Proposed Action, I have determined the Proposed Action will not have significant effects beyond those analyzed in the LCT Restoration Project EA. I have also determined the Proposed Action 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 NEPA.

Rationale:

I have determined the Proposed Action is in conformance with the approved Paradise-Denio Management Framework Plan even though it is not specifically provided for, because it is clearly consistent with the following Land Use Planning decisions (objectives, terms, and conditions):

Improve and maintain the condition of all the aquatic habitat of each stream, lake, or reservoir having the potential to support a sport fishery at a level conducive to the establishment and maintenance of a healthy fish community.

The Proposed Action is "consistent with other Federal Agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act (FLPMA) provisions" (BLM Land Use Planning Handbook H-1601-1).

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to both context and intensity of impacts described in the LCT Restoration Project EA.

Context

NDOW is requesting authorization in order to conduct a rotenone fish eradication project on Crowley Creek to occur in the summer/fall of 2012. The project would occur on lands administered by the

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Bureau of Land Management and on privately owned lands. Crowley Creek is a refugia for one of the last remaining pure populations of LCT. This native/historic population has recently begun hybridizing with non-native illegally introduced rainbow trout. The chemical treatment in the Crowley Creek system would allow for the elimination of this non-native fish and therefore protect this threatened species of cutthroat trout.

Pure strain LCT are present within the drainage and have been fitted with tags that identify individual fish. Every effort possible would be made to salvage these fish and place them in barren Pole Creek prior to the chemical treatment. Once the treatment is complete and it has been proven successful by electrofishing surveys, LCT would be captured in Pole Creek and returned to Crowley Creek. This would also benefit the species by creating a mini-metapopulation between Pole and Crowley Creeks, which are seasonally connected. This would also protect the species from any unnecessary take.

The use of the piscicide rotenone would kill all fish species occurring in the treatment area including Lahontan speckled dace (*Rhinichthys osculus*), a non-target species. Lahontan speckled dace are also present in Pole Creek, a Crowley Creek tributary, which once the treatment has been completed and seasonal flows allow for Pole Creek to connect with Crowley Creek, would allow for repopulation through natural movement of the Lahontan speckled dace species. Efforts would also be made to capture Lahontan speckled dace in Pole Creek and re-introduce them into the upper portions of Crowley Creek.

The rotenone would be applied using two different methods: drip stations would be used to treat flowing water, and crews of two to three people would also apply rotenone using spray backpacks or by hand. A drip station would be located every ½ mile along the flowing stream course. A drip station would consist of a five gallon reservoir with a single hole dispensing the toxicant at a rate of five gallons per hour suspended above the stream. Each person stationed at the drip station would walk ¼ mile upstream and downstream of their station noting fish kill and any spring sources. Spray and sand crews would walk the entire length of the wetted stream channel treating spring sources and stagnant pools with either a spray mixture or a sand/powder rotenone mixture to insure there are no fresh water refuges. The treatment process would be exactly duplicated on day two to insure complete eradication of the hybrid species.

Application of the toxicant would be conducted by NDOW personnel who are certified for aquatic pesticide application by the Nevada Department of Agriculture or by personnel directly under their supervision. The staff completing the project would use developed roads for vehicle access, park on the side of the roads and from there, would hike to the creek.

The project area analyzed in the LCT Restoration Project EA is actually located within the Winnemucca District administrative boundary, and is approximately 12 miles north of the proposed project on Crowley Creek.

Intensity

1) Impacts that may be beneficial and adverse.

The LCT Restoration Project EA analyzed the impacts, adverse and beneficial, associated with the application of rotenone treatment and a no action alternative. The Proposed Action will ultimately improve LCT habitat by removing non-native, competitor species.

The existing analysis in the LCT Restoration Project EA is adequate and valid for the Proposed Action in light of new information and circumstances. Since the completion of the EA in 2007, sage-grouse habitat protection and management has continuously evolved. Impacts to sage-grouse were addressed in the EA, which stated that rotenone is non-toxic to birds and temporary habitat disturbance/temporary displacement could occur during treatment. Adjacent undisturbed riparian areas could accommodate any temporary displacement for sage-grouse using the treatment area as late brood-rearing habitat.

The EA is sufficiently analyzed for wildlife, however the Proposed Action would be conducted during migratory bird nesting season which runs from March 1 through August 31. The peak nesting for migratory bird season is from April 15 through July 15. Impacts to nesting birds are unlikely and would consist of minimal temporary habitat and noise disturbance. The proposed action occurs outside of the peak nesting period.

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

Impacts of human exposure to rotenone were addressed in the LCT Restoration Project EA. Implementation of the Proposed Action will not result in potentially significant impacts to public health. In order to protect applicators from exposure to rotenone, proper work practices and precautions will be taken to avoid unnecessary exposure to the chemical. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) label requirements for Rotenone Fish Toxicant Powder and Syprex-Fish Toxicant will be adhered to. All personnel involved in application will wear appropriate protective clothing. All applicators will be certified pesticide applicators or under their direct supervision.

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

There are no known impacts to the unique characteristics of the geographic area from the Proposed Action.

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

The effects of applying Rotenone are well known and documented and are not highly controversial. Public involvement and interagency reviews conducted for the development of the LCT Restoration Project EA are adequate and current for the Proposed Action. The public outreach for this EA included presentations to the Trout Creek Mountain Working Group from 2004 to 2007 and a public meeting on

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May 1, 2007. Comments received pertained to the toxicity of rotenone, recreational fishing, current and future distribution of LCT, and impacts of rotenone on ranching operations, livestock, wildlife and humans. These issues were addressed in the LCT Restoration Project EA.

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

The Proposed Action and its potential effects on the human environment are well known, predictable and do not involve unique or unknown risks. The use of rotenone for fish control does not present a risk of unreasonable adverse effects to humans and the environment.

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 is sufficiently similar to the proposed action described in the LCT Restoration Project EA. Implementation of the proposed decision does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. Any future actions proposed regarding the use of Rotenone will be subject to NEPA compliance, and the appropriate level of environmental analysis will be determined.

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

Based on the review of the cumulative analysis presented in the LCT Restoration Project, and internal review of the Proposed Action by Winnemucca District resource specialists, the Proposed Action is not related to other actions that would have cumulative significant impacts.

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.*

Based upon review of the LCT Restoration Project EA and input from the Winnemucca District Cultural Resource Specialist, the Proposed Action will not adversely affect significant scientific, cultural or historical resources.

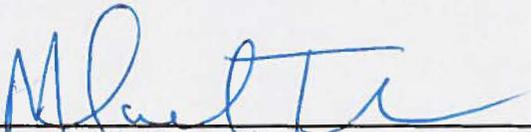
9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

LCT is a threatened species and is present within the project area. The LCT Restoration Project EA identified impacts to LCT. Short-term impacts could occur but are expected to be minimal as the majority of the LCT population would be temporarily moved to Pole Creek. No long-term adverse impacts are expected.

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

Implementation of the Proposed Action will not violate or threaten to violate any Federal, State, or local law requirement imposed for the protection of the environment.



Michael Truden, Field Manager HRFO



Date