

**U.S. Department of the Interior
Bureau of Land Management (BLM)**

Twin Falls District
Jarbidge Field Office
2536 Kimberly Road
Twin Falls, ID 83301

**Worksheet
Determination of NEPA Adequacy (DNA)**

NEPA No. DOI-BLM-ID-T010-2012-0022-DNA

BLM Office: Jarbidge Field Office. **Lease/Serial/Case File No.:** N/A.

Proposed Action Title/Type: Horse Butte (G61H) Emergency Stabilization and Rehabilitation (ES&BAR) Plan.

Location of Proposed Action: The Horse Butte Fire is located in Owyhee County, Idaho, and covers portions of T11S R10E Section 35 and T12S R10E Sections 2, 3, 4, 9, and 10. The fire contains portions of two livestock grazing allotments.

Applicant (if any): N/A.

A. Description of the Proposed Action

The proposed action is to implement the Horse Butte ES&BAR plan as prescribed by the Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan and Environmental Assessment (EA, #ID-090-2004-050), approved May 12, 2005. Treatments and associated design features and monitoring are detailed in the Horse Butte Fire (G61H) ES&BAR plan. The proposed action consists of the following treatments:

- Drill seed about 738 acres with a native grass and native/non-native forb seed mix in fall 2012.
- Hand plant up to 7,000 containerized or bare-root Wyoming big sagebrush in early spring or late fall 2013. If possible, plants would be contract grown using seed collected from a local source.
- Inventory and treat 738 acres for noxious weeds for 3 years.
- Repair or replace up to 0.5 mile of burned livestock management fence.
- Close the burned area to livestock grazing until ES&BAR objectives have been met.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: Jarbidge Resource Management Plan (RMP).

Date Approved/Amended: March 23, 1987.

The proposed action is in conformance with the Jarbidge RMP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives) for the West Devil Multiple Use Area (MUA-12):

- Improve lands in poor ecological condition (p. II-47).
- Manage big game habitat to support mule deer and antelope (p. II-48).
- Improve sage-grouse habitat (p. II-48).

In addition, the proposed action addresses the following RMP Resource Management Guidelines:

- Terrestrial Wildlife (pp. II-83 – II-84):
 - Manage all ecological sites on mule deer, pronghorn, elk, bighorn sheep and sage-grouse habitat currently in fair or poor ecological condition, for good ecological condition.
 - Protect and enhance endangered, threatened, and sensitive species habitats in order to maintain or enhance existing and potential populations within the planning area.
 - Manage all wildlife habitat within the resource area to provide a diversity of vegetation and habitats.
 - Seed mixtures for range improvement projects and fire rehabilitation projects will include a mixture of grasses, forbs, and shrubs that benefit sage-grouse.
- Fire Management (p. II-89):
 - All grazing licenses issued that include areas recently burned and/or seeded will include a statement concerning the amount of rest needed in the seedings or burned 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.
 - Seedings will include appropriate seed mixtures to replace wildlife habitat that is burned.
- Control of Noxious Weeds (p. II-94):
 - 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.

C. Identify the applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

The treatments outlined in this plan are also consistent the following NEPA documents:

- Decision Record for the Boise District Office and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan (NFRP) and Environmental Assessment (EA, #ID-090-2004-050), approved May 12, 2005. The Horse Butte ES&BAR project meets the following treatment criteria outlined in the NFRP (p. 10):
 - Areas where the soil is susceptible to accelerated erosion either because of soil characteristics, steep topography, or recurrent high winds.
 - Areas where perennial grasses, shrubs, and forbs have been depleted and cannot reasonably be expected to provide soil and watershed protection within two years after a wildland fire.
 - Areas where noxious weeds or exotic annual grasses may readily invade and become established following a wildland fire.

- Areas that contain crucial habitat for wildlife and/or special status species.
- Areas where ESR is necessary to meet land use plan objectives.

The NFRP contains analysis of treatment types included in the proposed action, including ground seeding (pp. 10-14), hand planting shrub seedlings (p. 12), noxious and invasive weed treatments (pp. 14-16), livestock management fence repair (p. 19), and livestock grazing closure (p. 19).

- Decision Record for the Noxious and Invasive Weed Treatment EA (#ID100-2005-EA-265) for the Boise District and Jarbidge Field Office, approved January 25, 2007. This EA analyzed chemical, mechanical, and biological control methods for managing noxious and invasive weeds. The Noxious and Invasive Weed Treatment EA also includes general design features that would be applied in the proposed action for protection of sensitive resources (pp. 7-10).
- Record of Decision (ROD) for the Programmatic Environmental Impact Statement for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States, approved September 29, 2007. Appendix B of the ROD includes a list of standard operating procedures that would be used for vegetation treatments using herbicides.
- Decision Record for the Jarbidge Field Office Shrub Planting EA (#ID-201-2008-EA-359), approved February 2, 2012. This EA analyzed the effects of hand and mechanical planting upland and riparian shrubs. Design features to reduce impacts to sensitive resources, including restricting vehicles to existing roads and no planting in slickspot microsites, were included in the ES&BAR plan.

Other Relevant Documents

Land Use Plan and Other Existing Consultations for Slickspot Peppergrass

Slickspot peppergrass was listed as threatened under the ESA on October 8, 2009 (50 CFR Part 17 52014-52064). Following the listing, Idaho Governor C.L. “Butch” Otter, the Idaho Office of Species Conservation, Theodore Hoffman, Scott Nicholson, and L.G. Davison & Sons, Inc., brought action against the Secretary of the Interior and the U.S. Fish and Wildlife Service (Service) challenging the listing under the Administrative Procedures Act and the ESA. On August 8, 2012, Chief U.S. Magistrate Judge Candy W. Dale, U.S. District Court for the District of Idaho, ordered that the Secretary of the Interior’s Final Rule listing slickspot peppergrass as a threatened species under the ESA be vacated and remanded the matter for further consideration consistent with the Court’s decision. The status of slickspot peppergrass under ESA is currently ambiguous, pending interpretation of the Court’s decision. However, slickspot peppergrass remains a BLM sensitive species. BLM will follow conservation measures developed in concert with the Service to ensure ongoing conservation of the species and its habitat until additional information regarding status is available.

On August 26, 2009, Idaho BLM signed a Conservation Agreement (CA) with the Idaho Fish and Wildlife Office of the Service. In this CA, BLM agreed to develop and implement activities that

provide for the conservation and recovery of slickspot peppergrass. On September 16, 2009, BLM initiated consultation with the Service on existing land use plans. On November 30, 2009, the Service issued a Biological Opinion (LUP BO) which further recommended implementation of conservation measures contained within the CA, which was attached as an appendix to the BO.

In addition, programmatic conference reports were prepared in 2006 by the Boise District Office for Noxious and Invasive Weed Treatment (144-2006-IC-0918) and Normal Fire Emergency Stabilization and Rehabilitation (14420-2006-IC-0975) programmatic actions. These programmatic actions were developed to include all field offices in the Boise District, which, at that point in time, included the Jarbidge Field Office. These Conference Reports were confirmed December 15, 2009 (14420-2010-TA-0103), following the listing decision.

BLM also consulted with the Service regarding programmatic shrub planting activities and received a letter of concurrence on January 27, 2012. The concurrence memorandum for Programmatic Shrub Planting – Jarbidge Field Office – Elmore, Owyhee, and Twin Falls Counties, Idaho and Elko County, Nevada (01EIFW00-2012-I-0084) stated that planting shrubs utilizing hand planting methods and design features included below is not likely to adversely affect slickspot peppergrass (Concurrence Memorandum, p. 5). In addition, the concurrence memorandum states that shrub plantings would have long-term beneficial effects for slickspot peppergrass and its habitat by accelerating native shrub re-establishment and decreasing habitat fragmentation (Concurrence Memorandum, p. 6).

The burned area does not contain known occupied habitat for slickspot peppergrass. However, the burned area contains 206 acres of potential habitat. Examination of the area on August 28, 2012, revealed that slickspot microsites are present. Therefore the potential habitat within the burned area is considered slickspot peppergrass habitat.

Since slickspot peppergrass habitat is located in portions of burned area, project design features that address conservation measures are included to: 1) allow rest from grazing to promote vegetation recovery, 2) reduce the potential for introduction and spread of noxious weeds, and 3) restore perennial herbaceous plant and sagebrush cover within the burned area. Specific programmatic conservation measures addressed in this plan are:

- 1) Implement Emergency Stabilization and Rehabilitation (ES&R) activities to consider slickspot peppergrass habitat rehabilitation (LUP BO p. 84-85 and ES&R Conference Report pp. 2-3).
 - a. All wildfires within slickspot peppergrass habitat will be evaluated for ES&R treatments, regardless of size.
 - b. As needed, protect disturbed and recovering areas using temporary closures or other measures. BLM will continue to rest areas from land use activities to meet ES&R objectives, defined through the ES&R plans.
 - c. BLM will initiate and complete ES&R efforts for slickspot peppergrass, such as planting shrubs and forbs, within slickspot peppergrass habitat. BLM will implement the following measures during fire ES&R efforts:
 - i. BLM will use seeding techniques that minimize soil disturbance such as no-till drills and rangeland drills equipped with depth bands when ES&R

- projects have the potential to impact slickspot peppergrass habitat.
- ii. BLM will use native plant materials and seed during ES&R activities. BLM will include native forbs in seed mixtures that will benefit slickspot peppergrass insect pollinators.
 - iii. If native plant materials and seed are not available, non-invasive, non-native species may be used for stabilization activities in slickspot peppergrass habitat.
- 2) Although non-chemical methods will be the preferred approach in occupied habitat, when appropriate, projects involving the application of pesticides (including herbicides, fungicides, and other related chemicals) in slickspot peppergrass habitat and potential habitat that may affect the species will be analyzed at the project level and designed such that pesticide applications will support conservation and minimize risks of exposure (LUP BO pp. 70-71).
- a. Apply appropriate spatial and temporal buffers to avoid species' exposure to harmful chemicals.
 - b. Implement appropriate revegetation and weed control measures to reduce risks of non-native invasive plant infestations following ground/soil disturbing actions in slickspot peppergrass habitat.

Treatment-specific conservation measures are detailed in the ES&BAR plan.

Sage-grouse Habitat Conservation and Restoration

Proposed treatments are consistent with current Bureau policy (Instruction Memorandum No. 2012-043) for enhancement and restoration of sage-grouse habitat, specifically:

- In Emergency Stabilization and Burned Area Rehabilitation plans, prioritize re-vegetation projects to (1) maintain and enhance unburned intact sagebrush habitat when at risk from adjacent threats; (2) stabilize soils; (3) reestablish hydrologic function; (4) maintain and enhance biological integrity; (5) promote plant resiliency; (6) limit expansion or dominance of invasive species; and (7) reestablish native species.

The proposed treatments also address applicable conservation measures identified in the 2006 Conservation Plan for the Greater Sage-grouse in Idaho, which included rehabilitation and restoration actions. Specifically,

Restoration and Burned Area Rehabilitation Conservation Measures (pp. 4-19 through 4-20):

- Emphasize the use of native plant materials to the greatest extent possible, and as appropriate for site conditions. Seeds should be certified weed free.
- Use proper site-preparation techniques (e.g., seedbed preparation, control of invasives, weed-control), seeding techniques, and seed mixes in designing restoration and burned area rehabilitation plans. For example, the restoration of annual grasslands may require preparatory chemical treatments and/or an exotic/native seed mix.
- When planting or reseeding sagebrush, favor the sagebrush species, subspecies, that are appropriate for the ecological site. Source identified seed is preferable. To maximize the likelihood of establishment, consider multiple approaches, such as aerial seeding, ground

broadcast seeding with harrow or roller, and planting of seedlings in strategic patches or strips. Avoid seeding sagebrush or other shrubs near road margins if the road and road margin might otherwise serve as a fuel break in the event of future fire.

- When using exotic perennial grasses and forbs in restoration use species whose growth form, species, and phenology, most closely mimic native species.
- Provide for noxious weed control in burned area rehabilitation projects.

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?

Yes. The proposed treatments included in the Horse Butte ES&BAR plan were analyzed in the Boise District and Jarbidge Field Office NFRP and Noxious and Invasive Weed Treatment EAs. All treatment types meet the criteria listed on page 10 of the NFRP for protection and treatment of burned areas (see section C above). Hand planting of shrubs was analyzed in detail in the Jarbidge Field Office Programmatic Shrub Planting EA. Treatments contain design features that are consistent with existing land use plan and program-specific conservation measures.

The proposed action is contained in the applicable geographic analysis area for the NEPA documents listed above. Resource conditions are also within the range considered in the pertinent NEPA documents.

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

Yes. The alternatives analyzed in the existing NEPA documents are appropriate to the proposed action. Two other alternatives were analyzed in the NFRP EA. These included a No Action alternative that would have continued implementation of the 1987/1988 NFRPs, and an alternative to not implement ES&BAR treatments. The latter alternative was eliminated because it is inconsistent with BLM policy. The current proposed action is intended to protect soils and vegetation within the burned area from degradation and is appropriate relative to the existing analysis and resource conditions. In addition, proposed treatments to restore sagebrush cover to the burned area are consistent with current management direction and conservation measures for slickspot peppergrass and sage-grouse habitat.

In addition to the selected alternative, four other alternatives were considered in the Noxious and Invasive Weed Treatment EA. These included a No Action alternative that would have continued implementing the 1998 weed control program, an alternative that considered not using herbicides, an alternative that considered not treating weeds, and an alternative limited to treating juniper and sagebrush. The noxious weed treatments proposed in the Horse Butte ES&BAR plan are consistent with the selected alternative and are appropriate given existing resource conditions.

The Jarbidge Field Office Programmatic Shrub Planting EA analyzed a No Action alternative in addition to the proposed action. Neither public nor internal scoping resulted in additional alternatives for this programmatic NEPA document.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing analyses contained in the NEPA documents listed in section C continue to be valid because no new information or changed circumstances have been identified that would cause the BLM to consider a new or revised proposed action. During the interdisciplinary review, team members consulted the most recent list of Threatened and Endangered species (see <http://www.fws.gov/idaho/Species.htm>, accessed August 29, 2012) and BLM sensitive species (<http://www.blm.gov/pgdata/etc/medialib/blm/id/publications.Par.18638.File.dat/Idaho%20Special%20StatusPlants2011.pdf>, accessed August 29, 2012) for the Jarbidge Field Office. Treatments and design features were included in the proposed action consistent with current conservation measures for slickspot peppergrass.

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?

Yes. The NEPA documents listed in section C above adequately analyzed the environmental effects that would result from implementation of the treatments proposed in the Horse Butte ES&BAR plan. No new treatment types have been identified that will deviate from those analyzed in these documents. The direct, indirect, and cumulative effects analyses contained in the existing documents continue to be current and accurate.

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

Yes. The public involvement and interagency review of the existing NEPA documents is adequate for the current proposed action. Scoping letters were sent to interested publics, including individuals, organizations, and federal and state agencies, as summarized in the table below. In addition, government-to-government consultations were performed with the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Shoshone-Bannock Tribes of Fort Hall, and ESA Section 7 consultations were performed for these programmatic documents.

NEPA Document	Number of Scoping Letters	Date of Scoping
NFRP EA	1,077	October 2003
Noxious and Invasive Weed Treatment EA	102	April 2003
Jarbidge Field Office Programmatic Shrub Planting EA	18	April 2010

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource/Agency Represented
Julie Hilty	Fire Ecologist	Fuels/BLM
Scott Uhrig	Fire Rehabilitation Specialist	Operations/BLM
Jeff Ross	Archaeologist	Cultural Resources/BLM
Dan Strickler	Rangeland Management Specialist	Range/BLM
Krystle Pehrson	NEPA Coordinator	NEPA/BLM
Jim Klott	Wildlife Biologist	Wildlife/BLM
Mark Fleming	Regional Wildlife Habitat Manager	Wildlife/Idaho Department of Fish and Game

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the Jarbidge RMP and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Julie Hilty 9/11/2012
 Julie Hilty, Project Lead Date

/s/ Krystle Pehrson 9/12/2012
 Krystle Pehrson, NEPA Coordinator Date

/s/ Brian W. Davis 9/12/2012
 Brian W. Davis, Field Office Manager 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.