



Bureau of Land Management

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

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

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

A. BLM Office: Four Rivers Field Office and Snake River Birds of Prey NCA

NEPA Log Number: DOI-BLM-ID-B010-2012-0049-DNA

Lease/Serial Case File No.:

Proposed Action Title/Type: Benwalk Fire Emergency Stabilization and Burned Area Rehabilitation (ES&BAR) Plan

Location/Legal of Proposed Action: The origin of the fire is approximately 7.25 miles north of the Hammett exit on Interstate 84. The fire burned west approximately 15.5 miles to Mtn Home mostly between Interstate 84 to the south and Hot Springs Road to the north. The fire burned in T3 and 4S; R 7, 8, & 9E and multiple sections.

Applicant (if any):

Description of the Proposed Action and any applicable mitigation measures:

ES&BAR Treatments:

- **Treatment/Activities S7/R7 Protective Fence and Fence Repair, and S12/R12 Livestock Closure:** Approximately 1.0 mile of new temporary fence is needed in pasture 6 of the North Cold Springs Allotment to allow grazing to continue in the unburned portion of the pasture. Approximately 21 miles of existing management fence damaged by the fire would be repaired. Damaged wood corners and braces would be replaced with galvanized steel posts. Damaged wire would also be repaired. The temporary fence and fence repairs would be constructed to BLM fence standards for wildlife.

The burned area would be rested from livestock grazing until monitoring shows that ES&BAR objectives have been met. Pastures in the Mountain Home Subunit Allotment to be temporarily closed include 6, 7, 8, 9, 12, 14, 15, and 17. The burned portion of pasture 6 in the North Cold Springs Allotment would be fenced and temporarily closed.

- **Treatment/Activities S2 Ground Seeding/Aerial Seeding:**

Within the NCA approximately 1,000 acres would be drill seeded using a minimum till drill and approximately 6,000 acres would be drill seeded with a standard rangeland drill using depth bands. In the FRFO, there would be approximately 3,131 acres drill seeded with a standard rangeland drill using depth bands. Drill seeding would be completed in late fall of 2012.

Plant species in the mixes were selected based on their ability to establish and persist in the ecological sites common within the burned area. Forb species were specifically selected to attract bees for slickspot peppergrass (*Lepidium papilliferum*, LEPA) pollination. Wyoming big sagebrush is important for LEPA and several wildlife species. Siberian wheatgrass in the Drill FRFO Mix 3 was selected for areas where cheatgrass occurred in sufficient quantity to potentially overtake existing perennial grasses during the recovery period. Siberian wheatgrass is more vigorous than the native grass species occurring in the burned area and better able to compete with invasive annual plants.

- **Treatment/Activities S3 Aerial Seeding:**

Approximately 15,864 acres would be aerially seeded in the NCA with native grass, forb, and shrub species. Approximately 3,454 acres in the FRFO would be aerially seeded with a mix of at least one bee pollinated forb and Wyoming big sagebrush. Aerial seeding would be completed in late fall of 2012 before winter snow accumulation to ensure seed to soil contact.

Plant species were selected based on their ability to establish and persist in the ecological sites common within the burned area. Forb species were specifically selected to attract bees for LEPA pollination. Wyoming big sagebrush is important for LEPA and several wildlife species.

- **Treatment/Activities S5/R5 Noxious Weeds:**

Noxious weed inventory and spot herbicide treatment would occur the first year following the fire within the burned area under ES. First year inventory and treatment of noxious weed species meets the ES criteria of maintaining habitat in high priority areas. Rush skeletonweed was observed during suppression of the fire and several species of noxious weeds have been documented adjacent to the burned area including Scotch thistle, diffuse knapweed, whitetop, and perennial pepperweed. These adjacent populations have potential for establishment in the burned area.

Noxious weed inventory and spot herbicide treatment would occur the first year following the fire within the burned area under ES. Noxious weeds would be treated with the BLM-approved chemicals in accordance with the Noxious and Invasive Weed Treatment EA (Boise District and Jarbidge Field Offices EA #ID-100-2005-EA-265) and the Noxious Weed EA and the Record of Decision for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western

States, approved September 29, 2007 (Vegetation Treatment EIS). Appendix B of the Record of Decision includes a list of standard operating procedures that would be used for vegetation treatments using herbicides.

Design features for weed treatments in LEPA potential and occupied habitat include:

- Weed treatment staff would be trained to identify slickspots and LEPA. Should slickspots containing LEPA (aka, occupied slickspots) be located within the burned area, weed treatment staff would notify the Field Office Botanist to map the population area.
- Within an element occurrence, herbicide application would use only hand sprayers. A 10-foot no-herbicide treatment buffer would be established around occupied slickspots. Within the buffer zone, weeds would be treated using hand-pulling or cutting and bagging.
- **Treatment/Activities R4 Shrub and Forb Seedling Planting:**
Planting would consist of approximately 1,000 Wyoming big sagebrush seedlings and 500 globemallow seedlings in early spring of 2014. Seedlings would be comprised of one to two year old rootstock seedlings to optimize establishment success under variable climatic conditions. Approximately 2,300 acres would be planted near existing occupied LEPA habitat. Suitable habitat exists between the occupied areas and maintenance of those areas of suitable habitat are necessary for the future expansion of the existing populations. Plantings would be done by hand using sharpshooter shovels, hoedads, or augers.
- **Treatment/Activities S13/R13 Monitoring**
Monitoring would be conducted annually to evaluate the effectiveness of treatments and attainment of objectives within the burned area. Monitoring data would be collected from initiation of the proposed treatments through the year 2015 and would be implemented per the Monitoring section of the ES&BAR plan.

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

LUP/Document¹	Sections/Pages	Date Approved
Jarbidge Resource Management Plan (JRMP)	Wildlife Management; SSS and Resource Management Guidelines,	March 23, 1987
Snake River Birds of Prey National Conservation Area Resource Management Plan (NCARMP)	Wildlife Management; SSS and Resource Management Guidelines	September 30, 2008
Kuna Management Framework Plan (KMFP)	Wildlife Management; SSS and Resource Management Guidelines	March 30, 1983

¹List 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 three LUPs that provide management direction for the burned area, even though it is not specifically provided for, because it is clearly consistent with the following decisions (objectives, terms, and conditions):

S2/S3/R4 - Ground Seeding/Aerial Seeding/Seedling Planting

JRMP – Objectives for the Lower Bennett MUA that apply to these treatments include:

- Continue soil stabilization practices on areas receiving critical erosion damage (pg. II-18).
- Improve lands in poor ecological condition (p. II-18).
- Manage big game habitat to support mule deer and antelope (p. II-19).
- Improve sage-grouse nesting and brood rearing habitat (p. II-19).
- Maintain existing vegetative improvements (p. II-18).

NCARMP – Objectives from the NCARMP that apply to these treatments include:

- Emphasize protection and enhancement of raptor prey and other wildlife populations and habitats, expand areas utilized by raptor prey and big game, and reduce competition for forage in perennial pastures between livestock and Piute ground squirrels (p. 2-4).
- Include shrubs that are suitable for raptor prey (small mammals) and big game in habitat restoration projects (p. 2-4).
- BLM will use seeding techniques that minimize soil disturbance such as no-till drills and rangeland drills equipped with depth bands when ES&BAR projects have the potential to impact LEPA habitat (p. A-79).
- Adapted perennial grasses, forbs, and shrubs will be seeded when possible to (1) stabilize the soil, (2) prevent weed invasion, (3) restore wildlife habitat, and (4) reduce the likelihood of future fires (p. 2-7).
- All wildfires will be evaluated for possible Emergency Stabilization and Rehabilitation. Objectives include the establishment of shrub and perennial herbaceous species to minimize soil erosion and invasion by annual plant species, and to maintain and improve raptor prey habitat (p. 2-9).
- Grazing management practices will be designed and scheduled to support vegetation management projects [restoration, fuels and Emergency Stabilization and Rehabilitation]. Areas treated for restoration or rehabilitation purposes will be rested from livestock grazing for whatever time is necessary for adequate recovery and/or seedling establishment, up to ten (10) years.

KMFP – Objectives from the KMFP that apply to these treatments include:

- Establish seedings or plantings of preferred species if reasonably necessary to improve forage condition on suitable sites of crucial deer winter range (WL-3.2-c).
- Manage all watersheds to achieve stable or moderate soil surface factor conditions and, where feasible/economical, strive for maintaining or establishing good perennial vegetation cover (WS-1.1).

S7/R7/S12 - Fence/Gate/Cattleguard, Closures (area, OHV, livestock)

JRMP – Objectives for the Lower Bennett MUA that apply to these treatments include:

- Continue soil stabilization practices on areas receiving critical erosion damage (pg. II-18).
- Improve lands in poor ecological condition (p. II-18).
- Manage big game habitat to support mule deer and antelope (p. II-19).
- Improve sage-grouse nesting and brood rearing habitat (p. II-19).
- Maintain existing vegetative improvements (p. II-18).

NCARMP – Objectives from the NCARMP that apply to these treatments include:

- Emphasize protection and enhancement of raptor prey and other wildlife populations and habitats, expand areas utilized by raptor prey and big game, and reduce competition for forage in perennial pastures between livestock and Piute ground squirrels (p. 2-4).
- Include shrubs that are suitable for raptor prey (small mammals) and big game in habitat restoration projects (p. 2-4).
- BLM will use seeding techniques that minimize soil disturbance such as no-till drills and rangeland drills equipped with depth bands when ES&BAR projects have the potential to impact LEPA habitat (p. A-79).
- Adapted perennial grasses, forbs, and shrubs will be seeded when possible to (1) stabilize the soil, (2) prevent weed invasion, (3) restore wildlife habitat, and (4) reduce the likelihood of future fires (p. 2-7).
- All wildfires will be evaluated for possible ES&BAR. Objectives include the establishment of shrub and perennial herbaceous species to minimize soil erosion and invasion by annual plant species, and to maintain and improve raptor prey habitat (p. 2-9).
- Grazing management practices will be designed and scheduled to support vegetation management projects [restoration, fuels and Emergency Stabilization and Rehabilitation (ES&BAR)]. Areas treated for restoration or rehabilitation purposes will be rested from livestock grazing for whatever time is necessary for adequate recovery and/or seedling establishment, up to ten (10) years.

KMFP – Objectives from the KMFP that apply to these treatments include:

- Establish seedings or plantings of preferred species if reasonably necessary to improve forage condition on suitable sites of crucial deer winter range (WL-3.2-c).
- Manage all watersheds to achieve stable or moderate soil surface factor conditions and, where feasible/economical, strive for maintaining or establishing good perennial vegetation cover (WS-1.1).

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).

NEPA/Other Related Documents	Sections/Pages	Date Approved
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 Sept. 13, 2006
Noxious and Invasive Weed Treatment EA – Boise District	All	Feb 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, Elmore, Gem, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho	All	August 27, 2009
Slickspot Peppergrass Conservation Agreement (CA) of 2009	All	2009

The proposed seedling planting in the burned area would re-establish shrub cover and vegetation diversity important for LEPA and prey species of raptors occupying the NCA. Shrubs are also important to other sagebrush obligate wildlife, big game, and upland game birds that occur within the area. The proposed treatments are in conformance with the RMPs and consistent with existing consultations for LEPA and BLM sage-grouse conservation policy.

The treatments outlined in the plan are also consistent with the treatments analyzed in the Boise District Office Normal Fire Emergency Stabilization and Rehabilitation Plan (NFRP) and Environmental Assessment (EA, #ID-090-2004-050) and the Noxious and Invasive Weed Treatment EA (#ID100-2005-EA-265) for the Boise District.

Treatments are consistent with existing consultations for LEPA. On August 26, 2009, Idaho BLM signed a Conservation Agreement (CA) with the Idaho Fish and Wildlife Office of the U.S. Fish & Wildlife Service (Service). In this CA, BLM agreed to develop and implement activities that provide for the conservation and recovery of LEPA. 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 LUP 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. These Conference Reports were confirmed December 15, 2009 (14420-2010-TA-0103). BLM also consulted with the Service regarding programmatic shrub planting activities and received a letter of concurrence on January 27, 2012.

Surveys for LEPA have confirmed its occurrence within the fire perimeter. LEPA Management Area 9C (MA9C) consists of 14,746 acres. Approximately 6,418 acres of MA9C are within the fire perimeter and were burned during the fire. Several slickspots are located in the burned area. Project design features that address conservation measures contained in the LUP BO and Conference Reports 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 sagebrush cover within the burned area. Specific programmatic conservation measures addressed in this plan are:

Implement ES&BAR activities to consider LEPA habitat rehabilitation (LUP BO p. 84-85).

- a. 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&BAR objectives, defined through the ES&BAR plans (LUP BO p. 84, ES&BAR Conference Report p. 2).
- b. BLM will initiate and complete ES&BAR efforts for LEPA.

The proposed treatments address conservation measures identified in the 2006 Conservation Plan for the Greater Sage-grouse in Idaho, which recommended seeding or planting the appropriate species and subspecies of sagebrush as part of restoration or burned area rehabilitation treatments (pp. 4-19 through 4-20), re-establishing sagebrush in seeded perennial grasslands (pp. 4-85 through 4-87), and noxious weed control in burned areas (p. 4-20). Treatments are also consistent with current Bureau policy (Instruction Memorandum No. 2012-043) for enhancement and restoration of sage-grouse habitat, specifically:

In ES&BAR 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.

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 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). From the origin approximately 7.25 miles north of the Hammett exit on Interstate 84 the fire burned west approximately 15.5 miles to Mountain Home, mostly between Interstate 84 to the south and Hot Springs Road to the north in the Four Rivers Field Office and NCA. The NFRP addressed ES&BAR activities in the Boise District which includes the Four Rivers Field Office and NCA. 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 associated RMPs. The purpose of the ES&BAR 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, to support and maintain LEPA habitat and wildlife species, 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 ES&BAR 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 Benwalk Fire ES&BAR 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 ES&BAR treatments under similar conditions, presence of LEPA and sage-grouse habitat and ES&BAR vegetative objectives for those species, 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, LEPA was listed by the United States Fish and Wildlife Service (USFWS) as a threatened plant species under the Endangered Species Act as amended. All actions proposed in the ES&BAR plan that could affect LEPA are within the scope of environmental analysis completed for the Boise District NFRP, associated BA and USFWS concurrence letter, and the 2009 Conservation Agreement. In 2010, prior to the Benwalk Fire, Stage 1 surveys identified LEPA occurrence and habitat in several sections subsequently affected by the fire. Drill seeding using accepted methods including no-till drills and depth bands are proposed as part of the ES&BAR plan. The NFRP, BA, and CA recognized the importance of native forbs and shrubs in providing habitat for LEPA pollinators. The native forbs and shrubs identified in the proposed drill seeding, aerial seeding, and plantings would help restore these components of LEPA habitat. Noxious weeds are considered a potential threat to LEPA. The BA determined that ES&BAR treatments would ultimately benefit LEPA. ES&BAR treatments would be in conformance with the 2009 CA. The 2009 listing of LEPA would not affect these findings.

Approximately 6,409 acres of the fire were classified as greater sage-grouse Preliminary General Habitat (PGH) which is defined as areas of occupied seasonal or year-round habitat outside of priority habitat. Greater sage-grouse are a candidate species for listing under the ESA. Candidate status was assigned because although listing was warranted, higher priority was given to other species. A large portion of the fire was also identified as key habitat, which is an area with generally intact sagebrush that provide sage-grouse habitat during some portion of the year. However, the presence of multiple electric transmission lines existing within the burn perimeter and several nearby wind towers greatly reduces the value of this area to sage-grouse and it is unlikely that sage-grouse would re-occupy habitat in the burned area. The closest active lek is approximately 4 miles east the burn.

The existing analysis is adequate when considering changes in the status of LEPA 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 ES&BAR plan were sufficiently analyzed. There are no unique site specific impacts resulting from the implementation of the ES&BAR 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 LEPA habitat. The BA concluded that the impacts from ES&BAR activities, including noxious weed treatments,

would have a “May Affect, Not Likely to Adversely Affect” impact on LEPA 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/Wildlife Biologist - Fuels
Cindy Fritz – Operations Specialist - Operations
Mark Steiger – Botanist – Four Rivers FO
Mike Barnum – Rangeland Management Specialist - Four Rivers FO/NCA
Anne Halford – Ecologist - NCA
Alex Webb – GIS Specialist
Amy Stillman – Technical Specialist/LEPA – Four Rivers FO
Rob Bennett – Technical Specialist/Monitoring - 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.)*



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/ Mike McGee
Preparer

9/21/2002
Date

/s/ Seth Flanigan
NEPA Specialist

9/21/2012
Date

/s/ Patricia Roller
Birds of Prey NCA Field Manager

9/24/2012
Date

/s/ Terry A. Humphrey
Four Rivers Field Manager

9/24/2012
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.