



Bureau of Land Management

Boise District Office
Bruneau Field Office
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<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: Bruneau Field Office

NEPA Log Number: DOI-BLM-ID-B020-2013-0001-DNA

Lease/Serial Case File No.:

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

Location/Legal of Proposed Action: The origin of the fire is in Little Jacks Creek Wilderness at T9S, R2E in section 26. The fire mostly burned east and south of the origin including areas within the Big Jacks Creek Wilderness and across multiple sections through portions of townships 9 and 10 south, and ranges 2, 3, and 4 east.

Applicant (if any): N/A

Description of the Proposed Action and any applicable mitigation measures:

ES&BAR Treatments:

S3 Aerial Seeding:

Seed would be broadcast using an end-product contract and most likely applied by either a helicopter or a fixed-wing aircraft. Aerial seeding would occur in late fall immediately before, or after, the first snow. Excellent results have been observed when seed is applied on a thin layer of snow.

A native mix of grass seed would be aurally applied to 483 acres of non-wilderness and 17 acres within wilderness across. Grass seeding would encompass hillslopes that experienced high intensity burn and are most prone to erosion and less likely to recovery naturally.

Non-wilderness aerial application of a native mix of shrubs would occur on approximately 9,631 acres. The application would encompass hillslopes that burned at moderate to high severity. An estimated 90% coverage is expected within each treatment polygon, unless stripping must be utilized. Stripping may be utilized as a technique to reduce the amount of seeds necessary to cover the site if native seeds are in short supply.

Aerial broadcast seeding of native shrubs in the wilderness would be applied with the same specification as non-wilderness sagebrush-seeding with the following exceptions:

- Strip seeding will not be allowed in wilderness.
- The goal of seeding within wilderness is to mimic natural recovery. Application within treatment polygons may be allowed to capitalize on seeding burned areas that are expected to provide the best chance at successful recovery. These areas should include high severity, wetter north-facing slopes, and/or burned valley bottoms. An application that achieves 70% herbaceous coverage is expected within each treatment polygon.
- The seed mixture of native species would be the same inside and outside the wilderness; however, actions within the wilderness would be implemented based on a minimum requirements analysis.

S5/R5 Noxious Weeds:

The 48,894 acres of BLM land within the burned area would be inventoried for the presence of noxious weeds, and appropriate treatments would be applied based on the species encountered. Herbicides on the BLM list of approved chemicals would be applied by ATV/UTV or backpack sprayer. BLM policy, appropriate procedures described in the chemical manufacturer's label, and applicable regulations would be adhered to. Initial inventory of weeds would occur both fall 2012 and spring 2013. Inventory would then continue over the next two years under the BAR program. Noxious weed inventory and treatment within the burned area would occur for three years following the fire to directly treat new occurrences. All actions would be in accordance with the Boise District Normal Fire Emergency Stabilization and Rehabilitation Plan EA #ID-090-2004-050, May, 2005, and the Noxious and Invasive Weed Treatment Program consultation with the US Fish and Wildlife Service (OALS #1-4-05-I-759). Noxious species identified in the burned area include whitetop, scotch thistle, and Canada thistle.

S6 Soil Stabilization (other than seedling, planting):

Native grass seed would be manually spread and lightly covered with soil using hand rakes on the approximately three acres that were severely burned upslope of Tigert Spring. This treatment must be implemented after the effective growing season and prior to the first snowfall.

The seed would then be manually raked into the soil surface and covered with a layer of certified weed-free straw that has a depth of 1 inch and/or equivalent to 70 percent ground cover. This depth and effective coverage of straw can be achieved with an estimated 1 ton of agricultural straw per acre (the equivalent distribution of wood straw is about 3-4 tons per acre). This treatment must be implemented after the effective growing season and prior to the first snowfall.

S7/R7 Protective Fence and Fence Repair

Further investigation is necessary prior to implementing this treatment. Consult with the Bruneau Field Office Manager:

In the Owens Allotment, approximately 2.00 miles of protection fence with a 50 foot standard wood let-down section would be constructed to protect the burned area from livestock grazing and allow livestock grazing in the unburned portion of the allotment. This fence would effectively rest the Turner pasture (#10). The temporary protection fencing would tie-in to existing structures and be

built to BLM specifications (see below) for bighorn sheep habitat and be marked to minimize sage-grouse and other collisions. The temporary fencing would be removed following the livestock closure period.

- **Turner Pasture (#10) fence specifications (let-down and temporary):**

All of the fence would be 4 strand wire, 16.5' T-post spacing, smooth bottom. Construction of fence would include use of white-top T-posts and marked with wildlife collision markers, white in color at 3 foot spacing. Six markers would be placed on top wire strand at 3' intervals. Four markers would be placed on the second wire strand with 5' spacing between these markers.

Eight miles of temporary standard wood let-down fence would be constructed in Northwest allotment (southwest corner of burn, Pasture #16W) to protect the burned area from livestock grazing while enabling livestock use in the remaining (48,000 acre) unburned area of the pasture. The let-down fence would only be raised for two months from July through August. Bruneau Field Office Staff would be responsible for raising and lowering the fence during periods of use and non-use. This period of use is outside of the sage-grouse lekking and nesting period when birds are especially susceptible to collisions.

- **Pasture 16W fence specifications (let-down and temporary):**

All of the fence will be 3 strand wire, 22' T-post spacing, smooth bottom with spacing 18" bottom, 26" middle, 38" top wire. Construction of fence would include use spacing 18" bottom, 26" middle, 38" top wire. Construction of fence would include use of white-top T-posts and marked with 6 wildlife collision markers, white in color. Six markers will be placed on top wire strand at 3' intervals. Field office staff is responsible for raising and lowering the fence.

Tigert Spring: Other treatments in this plan are associated with the recovery of Tigert Spring and include a temporary exclosure fence to be installed if monitoring identifies that riparian vegetation is not recovering and/or treatment objectives are not being met because of wildlife or if riparian vegetation has not recovered when livestock grazing resumes in the remainder of the pasture. This fence would be 6-9 feet tall and be designed per BLM standards to meet wildlife protection requirements.

Monitoring Exclosure: There are two possible locations for an exclosure to monitor the natural recovery of the native vegetation compared with similar treated areas. The purpose would be to improve the understanding of natural recovery within severely burned soils, especially in areas such as the adjacent wilderness that consisted of healthy, model vegetation ecosystems prior to the wildfire. Ideally, the exclosure would be located to protect vegetation that consisted of aspen, big sage brush, and grasses/forbs downslope from a rock rim. The exclosure and would include the construction of a 3-5 acre exclosure fence; this fence would be 6-9 feet tall and be designed per BLM standards to meet wildlife protection requirements. This site would be chosen in year 2 or 3 to monitor and determine long-term effectiveness of ES and BAR treatments. Two possible sites are identified below:

1. On the east-facing rim of Sugarloaf in Township 10S, Range 3E, Section 07, just outside of the wilderness and in the Northwest allotment.
2. On a north-facing rim in Township 10S, Range 2E, Section 15, in the Owens allotment and just west of Sagebrush basin.

OHV Signing: Twenty Carsonite posts marking the wilderness boundary along all travel routes were burned with the Jacks Fire. These posts provide a reminder and a clearly marked boundary that can be used to enforce the regulations prohibiting motorized/mechanized use within wilderness. They must be replaced as soon as possible.

S12/R12

Livestock Closure:

Burned portions of the pastures would be rested from livestock grazing activities until monitoring data shows that ES and BAR objectives have been met and determined to be sustainable.

OHV Patrols:

This treatment would ensure compliance with wilderness travel rules and the Omnibus Public Lands Management Act of 2009, which prohibits motorized/mechanized tools within the wilderness. A short barrier fence (40 feet) would be constructed at any visible routes leading into the wilderness in or near the perimeter of the Jacks Fire (as shown on the treatment map). The treatment would fund the presence of a park ranger that travels through the burned area 2-3 times per week during the two most common visitor periods in the spring and in the fall. There are about 2.5 months between March and May and another 2.5 or 3 months for hunting in the fall between August and November. These patrols would be designed to travel through the area two or three times per week during higher use periods. All visitors would be contacted and tracks of motorized use within wilderness would be documented and located by GPS. The park ranger would coordinate with BLM Law Enforcement when visitors are not in compliance with rules and regulations. These patrols would continue for the second and third years or until vegetative regrowth sufficiently covers the routes. If it is determined that illegal use appears to be increasing to an unacceptable level, then all routes that access the overused area would be closed to motorized/mechanized use until vegetation is established.

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 across the treated area from initiation of the proposed treatments through the year 2015 and would be implemented per the Monitoring section of the ES&BAR plan. Long-term monitoring would be completed by comparing results within the exclosure to the remainder of the treated area.

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

LUP/Document ¹	Sections/Pages	Date Approved
Bruneau Management Framework Plan (MFP)	Wildlife Management; SSS and Resource Management Guidelines,	May 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 LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

S3 – Aerial Seeding

Aerial seeding meets the following objectives from the MFP:

- Provide for protection and conservation of rare and endangered species within the planning unit;
- Maintain and/or enhance unique or special habitats to retain and/or improve their character and value for wildlife, research, and human enjoyment. Protect habitats supporting nongame wildlife with high public and/or biological interest;
- Maintain stability of 408,300 acres classified as moderate, high, and critical erosion hazard by reducing or minimizing wind and water erosion;
- Protect and/or improve endangered species habitat within the Bruneau Planning Unit (BPU);
- Manage 520,000 acres of sage-grouse range in the BPU to improve nesting, brood rearing, and winter habitats by: improving all poor and fair big sagebrush, meadow, and riparian ecological sites to good ecological condition;
- Manage sensitive species habitat in the BPU to maintain or increase existing and potential populations;
- Manage 1,079,000 acres of pronghorn habitat in the BPU, within IMP guidelines where applicable, to provide sufficient forage, water, cover, and space;
- Manage mule deer spring, summer, and fall, and winter range, and pronghorn habitat in the BPU to obtain good ecological condition, and to provide adequate food, cover, and water.

S5/R5 – Noxious Weeds

Noxious weed treatments meet the MFP objectives to:

- Provide for protection and conservation of rare and endangered species within the planning unit;
- Maintain and/or enhance unique or special habitats to retain and/or improve their character and value for wildlife, research, and human enjoyment. Protect habitats supporting nongame wildlife with high public and/or biological interest;
- Maintain stability of 408,300 acres classified as moderate, high, and critical erosion hazard by reducing or minimizing wind and water erosion;
- Protect and/or improve endangered species habitat within the BPU.

Inventory and treatment of new and existing populations of noxious weeds would occur within the project area. This is in conformance with BLM policy requiring the BLM control the spread of noxious weeds on public lands and eradicate them where possible and economically feasible.

S6 – Soil Stabilization (other than seedling planting)

Soil stabilization actions meet the MFP objectives to:

- Provide for protection and conservation of rare and endangered species within the planning unit;
- Protect and/or improve endangered species habitat within the BPU;

- Manage sensitive species habitat in the BPU to maintain or increase existing and potential populations;
- Maintain and/or enhance unique or special habitats to retain and/or improve their character and value for wildlife, research, and human enjoyment. Protect habitats supporting nongame wildlife with high public and/or biological interest;
- Maintain stability of 408,300 acres classified as moderate, high, and critical erosion hazard by reducing or minimizing wind and water erosion;

S7/R7 - Fence/Gate/Cattleguard

Fencing of treatment areas is consistent with BLM Handbook H 1742-1, Burned Area Emergency Stabilization and Rehabilitation, which states; “livestock will be excluded from the treatment area until monitoring results, documented in writing; show rehabilitation objectives have been met.” In case of treatment failure, other factors may need to be considered, such as natural recovery of untreated areas, and need or reason to continue closure.

In the Sugar Loaf pasture of Northwest Allotment (00808), approximately 25,731 acres burned in the Jacks fire. Approximately 99% of the pasture has burned, and the entire pasture would be closed to livestock use for recovery and seeding establishment. There were about 3,015 acres or 84% of the Hill Pasture that burned, and it will also be closed to livestock use.

In the Owens Allotment, there were about 12,015 acres burned, amounting to 50% of the total allotment and 72% of the Turner Pasture. This pasture would be closed to livestock grazing until ESR objectives have been achieved.

These proposed actions meet the MFP objectives to:

- Provide for protection and conservation of rare and endangered species within the planning unit;
- Maintain and/or enhance unique or special habitats to retain and/or improve their character and value for wildlife, research, and human enjoyment. Protect habitats supporting nongame wildlife with high public and/or biological interest;
- Maintain stability of 408,300 acres classified as moderate, high, and critical erosion hazard by reducing or minimizing wind and water erosion;
- Protect and/or improve endangered species habitat within the BPU;
- Manage 520,000 acres of sage-grouse range in the BPU to improve nesting, brood rearing, and winter habitats by: improving all poor and fair big sagebrush, meadow, and riparian ecological sites to good ecological condition;
- Manage sensitive species habitat in the BPU to maintain or increase existing and potential populations;
- Manage 1,079,000 acres of pronghorn habitat in the BPU, within IMP guidelines where applicable, to provide sufficient forage, water, cover, and space;
- Manage mule deer spring, summer, and fall, and winter range, and pronghorn habitat in the BPU to obtain good ecological condition, and to provide adequate food, cover, and water.

S12/R12 – Closures (area, OHV, livestock)

Closures meet the MFP objectives to:

- Provide for protection and conservation of rare and endangered species within the planning unit;
- Maintain and/or enhance unique or special habitats to retain and/or improve their character and value for wildlife, research, and human enjoyment. Protect habitats supporting nongame wildlife with high public and/or biological interest;
- Maintain stability of 408,300 acres classified as moderate, high, and critical erosion hazard by reducing or minimizing wind and water erosion;
- Protect and/or improve endangered species habitat within the BPU;
- Manage 520,000 acres of sage-grouse range in the BPU to improve nesting, brood rearing, and winter habitats by: improving all poor and fair big sagebrush, meadow, and riparian ecological sites to good ecological condition;
- Manage sensitive species habitat in the BPU to maintain or increase existing and potential populations;
- Manage 1,079,000 acres of pronghorn habitat in the BPU, within IMP guidelines where applicable, to provide sufficient forage, water, cover, and space;
- Manage mule deer spring, summer, and fall, and winter range, and pronghorn habitat in the BPU to obtain good ecological condition, and to provide adequate food, cover, and water.

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
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 – Idaho	All	August 27, 2009
Boise District Noxious and Invasive Weed Treatment EA	All	February 6, 2007
Idaho’s Standards for Rangeland Health and Guidelines for Livestock Grazing Management	All	August 1997
Omnibus Public Lands Management Act of 2009	Prohibition of motorized or mechanized tools in wilderness	2009
Instruction Memorandum No. 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures	Wildfire Emergency Stabilization and Burned Area Rehabilitation	December 22, 2011
National Greater Sage-Grouse Conservation Measures/Planning Strategy	Emergency Stabilization and Rehabilitation	December 21, 2011

NEPA/Other Related Documents	Sections/Pages	Date Approved
Minimum Requirements Decision Guide Worksheet for the Jacks Fire Emergency Stabilization and Rehabilitation Plan	All steps of the analysis were completed	October 2012
BLM Manual 6340: Management of Designated Wilderness	Fire	July 13, 2012

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, a range of proposed actions were analyzed under the 2005 Boise District and Jarbidge Field Office Normal Fire Emergency Stabilization and Rehabilitation Plan Environmental Assessment (NFESRP EA). These included; ground and aerial seeding, herbicide uses for noxious weed treatments, and livestock management actions. An interdisciplinary team review of this fire determined that the resource values, concerns, and rehabilitation needs are substantially similar to those discussed and approved in the NFESRP EA and best meet the vegetative, watershed, and soil objectives of this Plan and the Bruneau Framework Management Plan (MFP).

- 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?**

Yes, the range of alternatives analyzed in the NFESRP EA is appropriate for this action. An alternative action that would not implement ESR treatments, was considered, but eliminated from detailed analysis because it was not consistent with BLM policy or the Purpose and Need of the EA. The No Action Alternative, which would continue to use existing 1987/1988 NFESRP EAs, was analyzed as an alternative to the Proposed Action. The overall objective of the Purposed and Need of the NFESRP EA is to stabilize and return a burned site to its previous native and/or seeded condition in the shortest time frame to enhance and protect the watershed, soil, wildlife habitat, and livestock forage values of the area. The proposed actions of the Jacks Fire ES&R plan are designed to accomplish that objective for the area burned by the Jacks Fire (G1MK).

- 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, the proposed treatments, especially the seeding of shrubs, will stabilize soils and protect habitat for the greater sage-grouse by augmenting the reestablishment of suitable sagebrush habitat. Greater sage-grouse are a candidate species for listing under the ESA. Candidate status was assigned because although listing was determined to be warranted, higher priority was given to other species. The fire mostly burned across preliminary priority habitat for sage-grouse including 10 documented leks. Research has indicated that about 79 percent of nesting females distribute their nests within four miles of lek locations (Doherty et al., 2010¹, IB 2010-039). There are over 19 documented leks within four miles of the fire perimeter. The treatments would also benefit golden eagle, managed under the Bald and Golden Eagle Protection Act as amended in 1972. There are several other species closely associated or entirely dependent upon sagebrush that would benefit from the proposed treatments. The proposed treatments are covered under the Biological Assessment for the 2005 NFESRP EA, which addresses the proposed treatments; the subsequent Biological Opinion is in concurrence with the Assessment.

The pasture closures and rest from livestock grazing would augment the establishment of vegetation and reduce erosion across the burned area. All temporary fences would be constructed consistent with the NFESRP EA in big game habitat. The analysis in the NFESRP EA is valid.

Based on the new information gained during recent inventory and survey of the burn area, existing analysis from the NFESRP EA is adequate. The proposed actions within the treatment area and their effects to the above species were analyzed in the plan and found to be insignificant.

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 analyses of the direct and indirect impacts of the proposed action remain unchanged from those outlined in the existing NEPA document. The impacts outlined in the document directly correlate to those impacts expected from the current proposed actions of drill seeding, aerial seeding, noxious weed treatment, and infrastructure repair. The direct and indirect impact analysis does not analyze the impacts of the fire and the resulting loss of habitat, which is outside the scope of the document. The NFESRP EA analyzes site-specific impacts to resources such as vegetation, wildlife, soils, and sensitive species as a result of the proposed treatments outlined in the ES and BAR plans. All specific design features outlined in the NFESRP EA will be followed during implementation of the emergency stabilization and rehabilitation treatments.

The cumulative impacts analyzed in the existing NEPA document are adequate with the addition of the proposed action. Special status and non-status plants and animals would be protected by the general and species-specific design features and would benefit from a return to more natural fire cycles and improved ecosystem function including better habitat/population connectivity, migratory corridors, habitat structure, forage, and suitability.

¹ Doherty, K.E., J.D. Tack, J.S. Evans and D.E. Naugle. 2010. Mapping breeding densities of Greater Sage-Grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911.

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 document is adequate for the current proposed action. The EA states on page 77 that “scoping letters informing the public of the purpose and need for action were sent to 1,077 interested publics including organizations, and federal and state agencies in October, 2003.” The general publics and other agencies included interest from ranchers, academia, conservation groups, Tribal governments, Idaho Department of Fish and Game, and ESA consultation with the USFWS.

E. Persons/Agencies /BLM Staff Consulted

Boise District Staff Consulted

Name	Title	Agency Represented/Duty Station
TJ Clifford	ESR Team Lead – Outdoor Recreation Planner	BLM – Boise District
Kathi Kershaw	Fuels Botanist/Ecologist	BLM – Boise District
Cindy Fritz	Operations	BLM – Boise District
Robert Bennett	Operations	BLM – Boise District
Kavi Koleini	Ecologist	BLM – Bruneau Field Office
Jon Haupt	Rangeland Mgt. Specialist	BLM - Bruneau Field Office
Mike Boltz	Rangeland Mgt. Specialist	BLM – Bruneau Field Office
Holly Beck	Botanist	BLM – Bruneau Field Office
Bruce Schoeberl	Wildlife Biologist	BLM – Bruneau Field Office
Dave Mays	Fisheries Biologist	BLM – Bruneau Field Office
Lois Palmgren	Archaeologist	BLM – Bruneau Field Office
Seth Flanigan	NEPA Specialist	BLM – Boise District
Alex Webb	Operations	BLM – Boise District

Note: Refer to the EA 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 Mitigation Measures have been identified.

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/ T J Clifford
Preparer

10/31/2012
Date

/s/ Seth Flanigan
NEPA Specialist

10/31/2012
Date

/s/ Arnold L Pike
Bruneau Field Manager

11/1/2012
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.