Determination of NEPA Adequacy (DNA)

Prepared by
U.S. Department of the Interior
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Chapter 1. Determination of NEPA Adequacy (DNA)

Worksheet

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

OFFICE: Tuscarora Field Office, Elko District

TRACKING NUMBER: DOI-BLM-NV-E000-2015-0001-DNA

CASEFILE/PROJECT NUMBER: 1742/H9VL

PROPOSED ACTION TITLE: Bootstrap Fire Emergency Stabilization and Rehabilitation Plan

LOCATION/LEGAL DESCRIPTION:

- Township 36N, Range 49E, Sections 1 & 12
- Township 36N, Range 50E, Sections 6 & 7
- Township 37N, Range 49E, Sections 26 & 36
- Township 37N, Range 50E, Sections 30 & 31

A. Description of Proposed Action and any applicable mitigation measures

The Bureau of Land Management (BLM), Elko District is proposing to conduct Emergency Stabilization and Rehabilitation Projects within the Bootstrap Fire. The Bootstrap Fire was a lightning caused fire that burned approximately 1,393 acres across both BLM administered and private lands. The fire burned within intact sagebrush habitat that is important to Greater Sage Grouse (GSG) in providing nesting, summer, and winter seasonal habitats. Of the 497 acres of BLM burned within the Bootstrap Fire, 449 acres occur within Preliminary Priority Habitat for GSG and 48 acres occur within Low Value or Non-Suitable Habitat. There are no known GSG leks within the burned area; however one known active lek occurs within 3 miles of the fire perimeter. The fire also burned within a major mule deer migration corridor. Due to the number of mines and mining activity adjacent to the Bootstrap Fire, mule deer have a very narrow lane in which they are able to migrate from summer range to winter range and vice versa. The Bootstrap Fire burned directly within this lane, impacting the amount of forage and cover the mule deer have during their migration. In addition to threatened GSG and mule deer habitats, other resource concerns within the Bootstrap Fire include the invasion of annual weeds and noxious weeds, soil erosion, and watershed function.

The proposed action includes the following:

Aerial Seeding

Approximately 463 acres would be aerial seeded with a site appropriate seed mix based on ecological site descriptions as described below:

> Aerial Wildlife Mix - Aerial seed approximately 463 acres of low elevation acres with a mix of Wyoming big sagebrush, blue flax, and western yarrow. The areas have been selected based on ecological site descriptions and burned area assessments. Application will be conducted using a full coverage swath pattern.

Noxious Weeds

Approximately 2 acres within the burned area would be treated for noxious weeds and other invasive species. Scotch thistle and bull thistle are the primary weeds of concern with high potential to increase within the burned area and surrounding rangeland. These weeds were documented during the fire reconnaissance and in field visits prior to the fire. Treatments would consist of an integrated approach using mechanical and chemical means. Treatments would be applied by both in house and contracted crews. Chemical treatments would be done following all label requirements and conform to the BLM Chemical Pest Control Handbook H-9011-1. Herbicides, surfactants, and dyes used would be approved for use on BLM administered lands and applied following standard safety and operating procedures. Herbicide application to range sites would be by low pressure backpack sprayer or hand gun from an all terrain vehicle (ATV). Herbicide application to road right-of-ways would be by vehicle mounted unit or ATV. No aerial application is planned.

Approximately 497 acres would be inventoried for noxious weeds and invasive species. The methods would be a broad scale ocular observation for qualitative and quantitative data. Infestations found would be documented using the global positioning system (GPS) for mapping and would be included in the plan for treatment at the next appropriate treatment time. The access roads through the fire and the dozerlines would also be surveyed.

Fence Repair/Modification

Two miles of existing fence between the East Boulder Seeding Field and the Boulder Creek Field would be repaired and modified from 4-wire all barbed to wildlife friendly 3-wire smooth bottom design fences. The boundary fence to the south is a Mine Protection Fence and is the responsibility of Barrick Goldstrike Mines to repair. The repair of the pasture boundary fences is needed to keep livestock from adjacent pastures from grazing on the portions of the burn. The rest will provide long-term benefits for the recovery of native and seeded vegetation that will lead to watershed stability, site productivity, and wildlife habitat.

Fence Construction

Approximately one and a quarter mile of temporary protective fence would be constructed to exclude the Bootstrap Fire burned area from livestock grazing in the easternmost portion of the Boulder Seeding pasture in the Twenty Five allotment. Once the burned area is rested from livestock grazing for an adequate period of time for the vegetation to recover from the wildfire, the temporary fencing would be removed.

Cultural Resource Inventory

Cultural resource inventories would be completed prior to issuing a decision that includes construction of the temporary protective fence. The cultural resource inventory would be conducted in order to identify any cultural resources that need to be protected and avoided during the implementation of stabilization and rehabilitation efforts. The project would be modified or redesigned to avoid any eligible cultural resources. All cultural resources located or relocated would be recorded on the Nevada IMACS site forms and plotted on maps. Resources, except those previously determined not eligible by the BLM and State Historic Preservation Office, or which have been fully mitigated, would be flagged for avoidance and avoided during stabilization and rehabilitation activities. Flagging would be removed as soon as possible to minimize the potential for looting and vandalism.

Grazing Closure

Livestock grazing would be removed from the burned area in the Boulder Seeding pasture of the Twenty Five allotment in order to allow the burned and seeded vegetation to successfully establish. The closure would occur through a minimum of two growing seasons or until establishment objectives are met, in order to provide an adequate amount of time to allow the seeded vegetation to establish and plant species not damaged by the wildfire to respond to natural revegetation. The burned area would be reopened to livestock grazing once the establishment objectives in the future Fire Closure Decision(s) have been met. Post-fire grazing management, would be determined based on coordination, cooperation, and consultation with the interested public, monitoring, and achievement of site specific resource objectives.

Monitoring

Monitoring would be conducted on the proposed action each year following treatment (2015-2017) to determine the success of revegetation and/or stabilization efforts. Specific monitoring method(s) used would depend on the establishment objectives developed. For example, if the establishment objective is three seeded plants firmly rooted per square meter, utilize a modified "freqdens" technique or similar BLM established method for seeded areas. A resource specialist from the BLM Tuscarora Field Office would provide program oversight for this specification.

Post-treatment monitoring studies would be conducted to evaluate the effectiveness of the proposed treatments or to determine if additional treatments are needed, and to determine the time frame for re-opening lands for grazing. The monitoring results would be documented in the project file at the BLM, Elko District Office.

All of the above planned treatments would occur outside of biologically sensitive timeframes for sage grouse and would therefore be in compliance with WO IM 2012-043.

B. Land Use Plan Conformance

LUP Name*	Elko Resources Management Plan (RMP) Record of Decision	Date Approved:	March 1987
Other Document	Elko and Wells Resources Management Plans (RMP) Fire Management Amendment (BLM/EK/PL-2003/026)	Date Approved:	September 29, 2004

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto*

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The proposed action conforms to the 1987 Elko Resource Management Plan (RMP), as it was amended for fire management on September 29, 2004. The decision for fire rehabilitation from the Approved Fire Management Amendment, page 20, is to "Conduct fire rehabilitation activities to emulate historic or pre-fire ecosystem structure, functioning, diversity and/or to restore a healthy stable ecosystem." The proposed action is consistent with resource objectives of the plan:

Emergency Fire Rehabilitation

1. Evaluate all wildfires as soon as possible to determine if reseeding is necessary to recover ecological processes and achieve habitat objectives appropriate for the biological needs of sage grouse and prevent the invasion of noxious weeds or other exotic invasive species.

2. Assure that long-term wildfire rehabilitation objectives are consistent with the potential natural vegetation community.

3. Align long-term objectives for seedings with the habitat needs of sage grouse. Seedings should include an appropriate mix of grasses, forbs, and shrubs, including sagebrush, that will recover the ecological processes and habitat features of the potential natural vegetation. Emphasize native plant species when these species are adapted to the site, are available in sufficient quantities, and are economically and biologically feasible.

4. Reseed all burned lands occurring in sage grouse habitat within 1 year unless natural recovery of the native plant community is expected.

The proposed action is further consistent with other Federal, state, local and tribal laws, regulations, policies and plans to the maximum extent possible. The closure of the burned area to livestock grazing is in conformance with 43 CFR subparts 4110.3-2(a), and 4110.3-3(a). Noxious weed treatments were not identified as an issue in the development of the Elko RMP, and were not specifically addressed in the document. However, weed management is clearly consistent with the terms, conditions, and decisions of the RMP as previously documented in the FY2000 Normal Fire Rehabilitation Plan Environmental Assessment. The Elko Field Office Noxious Weed Strategy Plan (September 2004) outlines the priority factors for weed treatments. Only herbicides on the list of approved herbicides for use on BLM lands would be used.

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

List by name and date all applicable NEPA documents that cover the proposed action.

- FY2000 Normal Fire Rehabilitation Plan Environmental Assessment (NFRPEA), (BLM/EK/PL-2000-037), which was completed to update and replace the FY93 Normal Fire Rehabilitation Plan Environmental Assessment (EA-NV-010-92-060)

- Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands (BLM/EK/PL-1998/008)

- Elko and Wells Resources Management Plans (RMP) Fire Management Amendment (BLM/EK/PL-2003/026) Date Approved, September 29, 2004

- Esmeralda Fire Complex Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2005/015) Date Approved, August 2005

- Susie Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2006/021) Date Approved, August 2006

- Basco Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2006/025) Date Approved, August 2006
- Amazon Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2007/002) Date Approved, October 2006
- Tuscarora Sagebrush Habitat Restoration Initiative (BLM-NV-E020-2010-01-EA) Date Approved, November 2009
- Elko District Vegetation Maintenance Treatment Project (DOI-BLM-NV-2010-0005-EA) Date Approved, August 2010
- Vegetation Treatment on BLM Lands in 17 Western States Final Programmatic Environmental Impact Report and Vegetation Treatment Using Herbicides Programmatic Environmental Impact Statement (INT-FES-07-21)

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).

Programmatic Biological Opinion for the Elko and Wells Fire Management Plan Amendment issued by the U.S. Fish and Wildlife Service Date Approved – December 5, 2003

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?

The proposed action is substantially the same action as previously analyzed in the environmental assessments (EA's) and Environmental Impact Statements (EIS's) listed above. The similarities between the proposed actions include aerial seeding, noxious weed treatment and inventory, and fence repairs and construction. Differences between the proposed actions are the number of acres being seeded, the number of acres of weed treatment and inventory, and the distance of fence construction and repairs. The plant species in the seed mixture for the aerial seedings are the same as analyzed in the Tuscarora Sagebrush Habitat Restoration Initiative EA, as well as the Basco, Susie, Amazon, and Esmeralda Fire Emergency Stabilization and Rehabilitation (ESR) Plan EA's.

Noxious weed treatments have been analyzed in all of the ESR Plan EA's as well as the Elko District Vegetation Maintenance EA. Noxious weed inventory was included in the proposed action of the existing analyses. Differences in the number of acres being seeded, miles of fence being repaired, and number of acres of noxious weed treatments for example, are dependent upon such factors as the location and size of the fire, terrain or topography, vegetation types, soils and resource damage that occurred. The differences are not substantial because the impacts are the same as previously analyzed. The proposed action continues to benefit the resources by providing vegetation that helps to stabilize soils or provide a means of protection for natural revegetation to occur and allow the plants to re-establish.

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, and resource value?

The range of alternatives analyzed in the existing NEPA document is appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values and circumstances. The proposed action is the same type of activity as the proposed action described in the NEPA documents listed above. The issues and concerns with the proposed action are the same as those analyzed in the environmental assessments listed above. Alternatives to the proposed action are limited and would result in utilizing such items as the different types or methods for seeding or using different materials for constructing fence or using different plant species in the seed mixtures or using different chemicals for treatment of noxious weeds. Due to the site specific location of the proposed action, the best methodology for applying seed is being utilized in the proposed action. Plant species used in the seed mixtures that are developed for the project depend upon several factors such as fire intensity, soil condition after the burn, vegetation species, the ecological sites, availability of plant species, vegetation loss and recovery response to fires, slope and aspect, precipitation zones, whether or not erosion is occurring on the site, and the fires proximity to highways or property that could cause a safety issue. Chemicals used to treat noxious weeds are regulated; therefore, regulation and BLM policy are used to determine what chemical treatments are applicable per plant species. Use of fencing materials is also dependent upon several factors such as frequency of burning in the area, availability, wildlife habitat and movement in the affected environment, type or purpose of the existing fence.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, 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?

Bald Eagle

The recent change to the existing analysis is the delisting of the bald eagle. On July 9, 2007, it was announced that the bald eagle has been removed ("de-listed") from the list of threatened and endangered species. BLM is coordinating with the Nevada Department of Wildlife (NDOW) to ensure compliance with state regulations regarding the bald eagle. As of August 30, 2007, BLM policy is to consider the bald eagle as a BLM Sensitive Species. Bald eagles may use the area due to the proximity to winter foraging areas. Suitable habitat on uplands, irrigated lands and riparian areas is widely dispersed over tens of thousands of acres throughout the Elko District.

Bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act. Both of these laws prohibit killing, selling or otherwise harming eagles, their nests, or their eggs. In June 2007, the United States Fish and Wildlife Service (FWS) clarified its regulations implementing the BGEPA and published the National Bald Eagle Management Guidelines. The FWS is in the process of establishing a permit program under the BGEPA that would authorize limited take of bald and golden eagles consistent with the purpose and goal of the BGEPA. The FWS has also prepared a draft post-delisting bald eagle monitoring plan. These documents and more information about the bald eagle are available on the FWS's website at http://www.fws.gov/migratorybirds/baldeagle.htm.

This change to the analysis does not affect the proposed action being implemented. The bald eagle may have utilized the area for foraging prior to the fire and may continue to use the area in the future. This change does not affect the existing analysis or its application to the proposed action.

Greater Sage Grouse

A change to the existing analysis is the designation of the greater sage grouse as a candidate species under the Endangered Species Act by the U.S. Fish and Wildlife Service in March 2010. Prior to this time, this species was a BLM Sensitive Species in Nevada. Nevada BLM policy is to provide State of Nevada Listed Species and Nevada BLM Sensitive Species with the same level of protection as is provided for candidate species in BLM Manual 6840.06C.

On March 5, 2010, the U.S. Fish and Wildlife Service announced Proposed Rules* in the Federal Register for the notice of 12-month findings for petitions to list the greater sage grouse as a threatened or endangered species. The Fact Sheet for this finding iterated the following:

> **"After thoroughly analyzing the best scientific and commercial information available, the Fish and Wildlife Service has concluded that the greater sage-grouse warrants protection under the Endangered Species Act. However, the Service has determined that proposing the species for protection is precluded by the need to take action on other species facing more immediate and severe extinction threats. As a result, the sage-grouse will be added to the list of species that are candidates for Endangered Species Act protection. The Service will review the status of the sage-grouse annually, as we do all candidate species, to determine whether it warrants more immediate attention*."

The Proposed Rules were formally announced in the Federal Register on March 23, 2010 under the following reference: 13910 Federal Register / Vol. 75, No. 55 / Tuesday, March 23, 2010 / Proposed Rules.

In addition Instruction Memorandum (IM) 2012-043 Greater Sage-Grouse Interim Management Policies and Procedures was signed by the Acting Director of the BLM on December 22, 2011. This IM provides interim conservation policies and procedures to BLM field officials to be applied to ongoing and proposed authorizations and activities that affect the Greater Sage-Grouse and its habitat. The IM specifically addresses Wildfire Emergency Stabilization and Burned Area Rehabilitation as follows:

- 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 or invasive species; and (7) reestablish native species.

- Increase post-fire activities through the use of integrated funding opportunities with other resource programs and partners.

- In areas burned within the past 5 years, ensure that effectiveness monitoring outlined in post-fire stabilization and rehabilitation plans continues and report the results as outlined in WO-IM-2010-195. Post-fire stabilization and rehabilitation monitoring should continue until post-fire objectives are met

The change to the status of sage grouse does not affect the existing analyses that were completed on sage grouse and the proposed actions. The treatments being proposed will have a positive benefit to the restoration of sage grouse habitat as previously analyzed.

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?

The direct and indirect impacts for the current proposed action are substantially the same impacts as those identified in the NEPA documents listed above. The NEPA documents listed above sufficiently analyzed the site-specific impacts related to the current proposed action. The analyses listed above analyzed impacts to the following resources: air quality, cultural resources, livestock grazing, migratory birds, nonnative invasive plant species, soils, vegetation, visual resources, water quality (surface), wildlife and special status species. The following critical elements of the human environment and other resources that are not present or are not affected by the proposed action or alternative in the existing environmental assessment are: areas of critical environmental concern, environmental justice, farmlands (unique or prime), Native American Religious Concerns, threatened and endangered species, wastes (solid or hazardous), wild and scenic rivers, and wilderness, recreation, lands and socio-economics. Wetlands/riparian zones and floodplains were also analyzed.

The emergency stabilization and rehabilitation treatments would help to rehabilitate priority habitat for Greater Sage-Grouse and approximately 200 other wildlife species that utilize sagebrush and sagebrush/grass habitats on a seasonal or yearlong basis. The treatments would also help to restore the dynamics of affected ecological sites on upland areas.

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

The public involvement in development of the emergency stabilization and rehabilitation plans and environmental assessments/EIS's listed above included early coordination with affected interests and agencies. All documents listed involved early coordination with the affected interests and agencies. The proposed actions are in conformance with the 1987 Elko RMP, and they are consistent with the 2003 RMP Fire Management Amendment that went through extensive public involvement. The existing environmental assessments supports determination that vegetation, soil, or other resources on the public lands were at risk of wildfire due to drought, fuels buildup, or other reasons, and were at immediate risk of erosion or other damage due to the wildfires. The wildfire management decisions were issued under 43 CFR 4190.1. There were no appeals under 43 CFR Part 4 that suspended the effects of any of the decisions.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource Area	Initials
Tom Warren	Assistant District Manager, Team Lead	Operations, Elko District BLM	/s/ TW 1/9/2015
Jerrie Bertola	Rangeland Management Specialist	Tuscarora Field Office BLM	/s/ JB 1/9/2015
Carol Evans	Fisheries Biologist	Tuscarora Field Office BLM	/s/ CE 1/9/2015
Ken Wilkinson	Wildlife Biologist	Tuscarora Field Office BLM	/s/ KW 1/9/2015
Julie Rodman	Archaeologist	Tuscarora Field Office BLM	/s/ JR 1/9/2015
Melanie Mirati	Assistant Field Manager (Renewable)	Tuscarora Field Office BLM	/s/ JB, acting for MM 1/9/2015

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.

Conclusion

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 requirement of NEPA.

/s/ Tom W. Warren 1/9/2015
Signature of Project Lead

/s/ Terrell Dobis 1/9/2015
Signature of NEPA Coordinator

/s/ Richard E. Adams 1/12/2015
Signature of the Responsible Official 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 and appealable 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.

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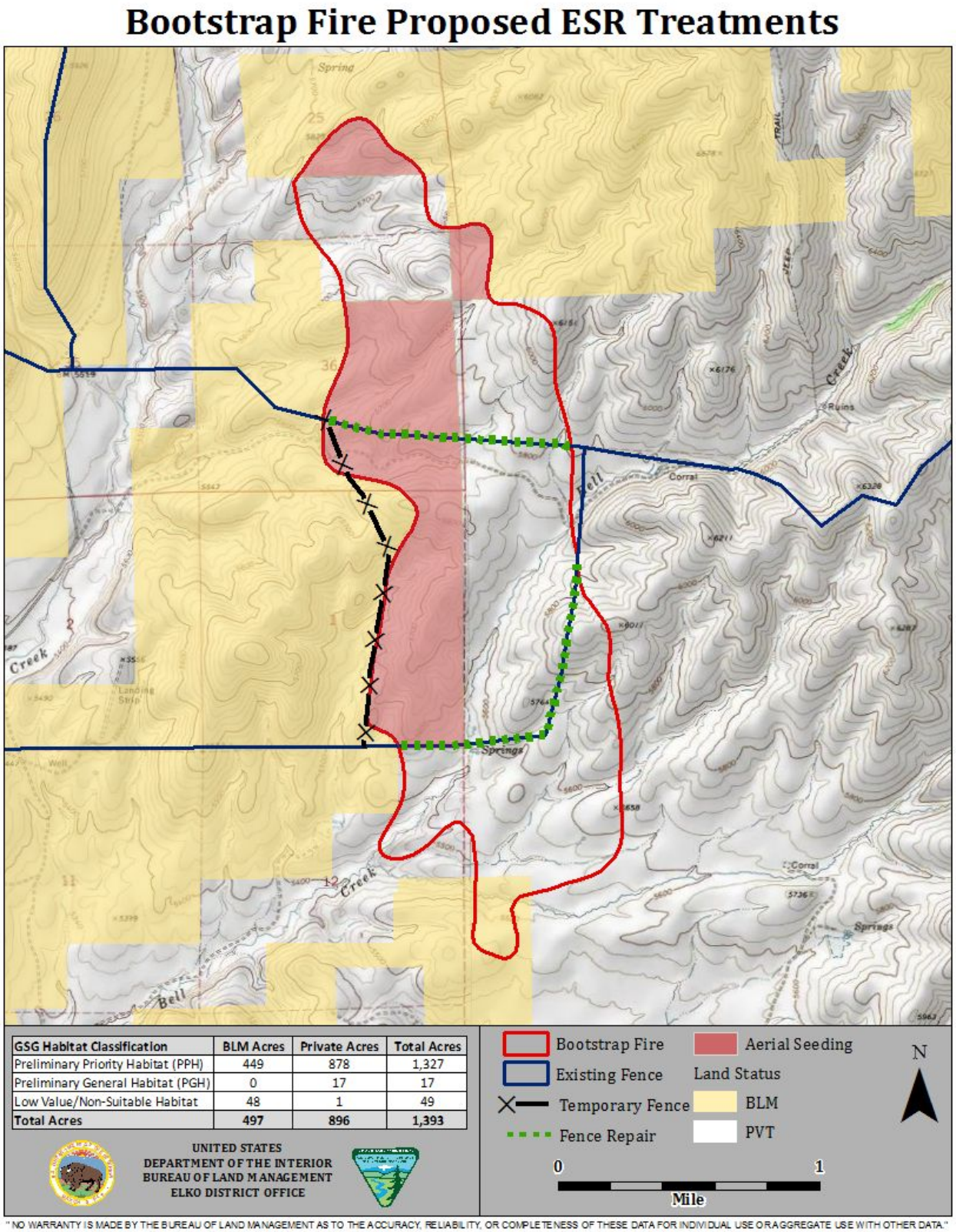
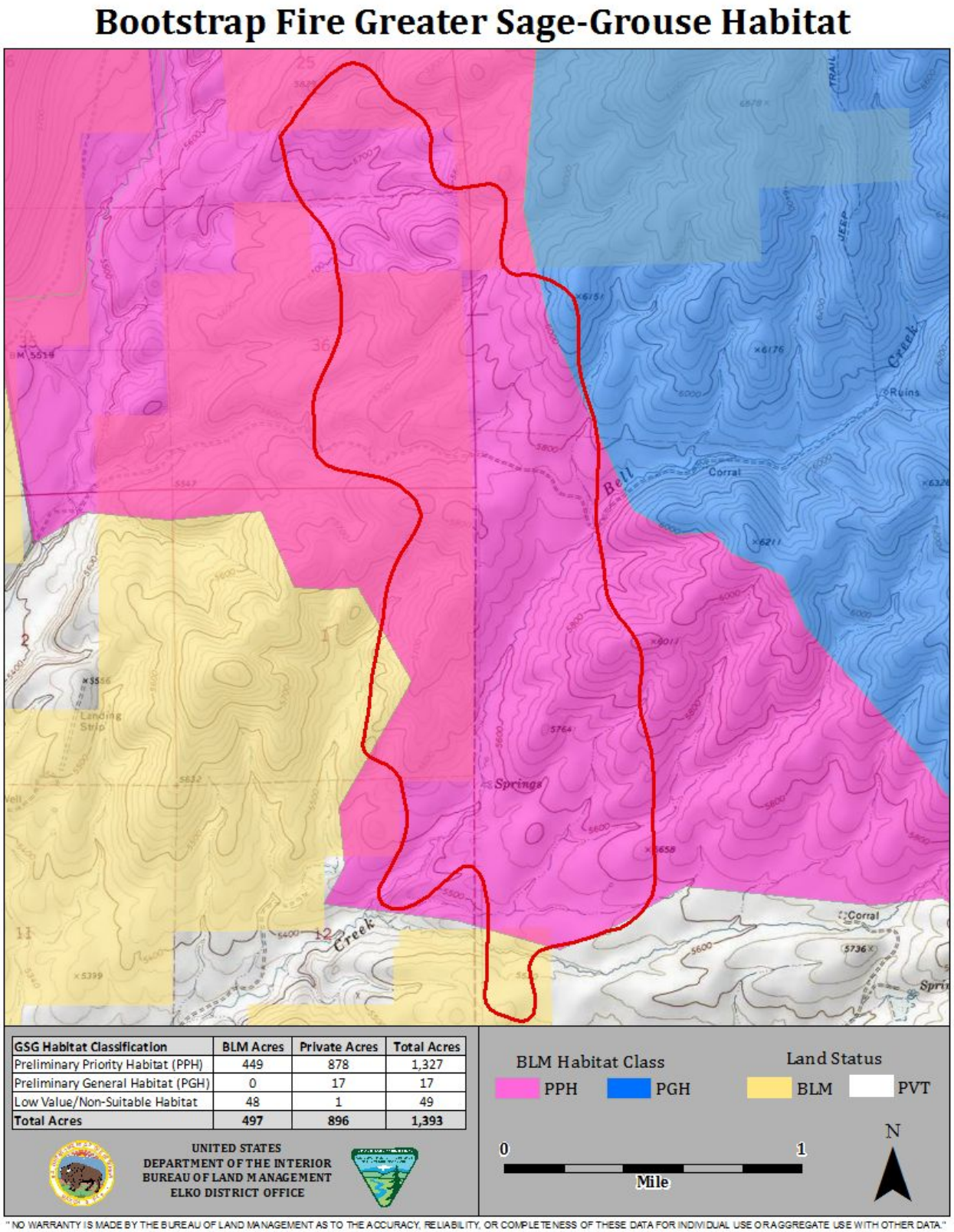
Appendix A. Maps



Map A.1. Bootstrap Fire ESR Treatment Plan



Map A.2. Bootstrap Fire and Greater Sage-Grouse Habitats