

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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OFFICE

Winnemucca District / Humboldt River Field Office

TRACKING NUMBER: **DOI-BLM-NV-W010-2014-0035-DNA**

CASEFILE/PROJECT NUMBER: JB41

PROPOSED ACTION TITLE/TYPE

Little Owyhee Roads Fuelbreak DNA

LOCATION/LEGAL DESCRIPTION

The Winnemucca District portion of the Owyhee Desert is situated to the east of the Santa Rosa Mountains and north of the Osgood Mountains, in northern Humboldt County. The desert itself extends into Oregon and Idaho to the north and into Elko County in Nevada on the east. The project area boundary covers that portion of the Owyhee Desert areas that occurs in Humboldt County, approximately 486,000 acres, between Townships 41-47 North, and Ranges 40-44 East (See Map: Project Area).

APPLICANT (if any): Bureau of Land Management (BLM)

**A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures**

**Background**

The Healthy Forest Restoration Act of 2003 mandates the BLM to protect municipal watersheds, communities-at-risk, and habitat for threatened and endangered species. The Winnemucca District has implemented a series of landscape-level fuels and habitat-restoration projects in critical habitat for candidate and threatened wildlife species intended to address this need. One of these projects pertinent to this evaluation is the Owyhee Desert Road Fuelbreak Project. Virtually the entire project area is rated as Preliminary Priority Habitat for Greater Sage Grouse, with some lesser acreage rated Preliminary General Habitat.

The Owyhee Roads Fuelbreak Project is a maintenance and improvement project for the fuelbreak system previously implemented in the Owyhee Desert from 2006 to 2010 utilizing the herbicide Tebuthiuron that killed brush adjacent to the roadways throughout

the project area (see project map). The dead brush still remains, which results in the fuel load still being present. This project seeks to remove the previously treated dead brush along the road ways through mechanical means, provide for periodic maintenance, and utilize herbicide treatments to reduce or eliminate noxious and invasive species that may become established within the fuel breaks.

The Owyhee Desert area is remote and any fires starting in the area often have a delayed response due to distance and limited population to report fire in the area. The vegetation community is largely intact with several canyons on the periphery of the area serving as the only main natural obstacles to fire spread. With the exception of roadways, there are no major breaks in the continuous fuels to slow fire spread. That was the goal of the earlier project. However, with the standing, dead vegetation still remaining adjacent to the roadways, the project was not as effective as earlier anticipated. Reducing the height and load of fuel adjacent to roadways provides a break in fuel continuity making the roadways more effective fuel breaks, and allowing suppression resource opportunity to more effectively suppress fires in these areas due to reduced fireline intensity.

## **Proposed Action**

### Road Fuelbreaks

Proposed fuel break maintenance and improvement actions would include using a tractor with deck mower to reduce the height of standing vegetation adjacent to the roadways in previously treated areas (see maps) up to 300 feet in width. Treatments would generally occur on areas previously treated with herbicide where brush has been killed along the existing disturbance corridors. Herbicide application using Imazapic or other BLM-approved herbicide and seeding with native vegetation, where necessary, is also proposed to reduce the spread and establishment of noxious or invasive weeds. Herbicide may be applied aerially or using ground-based equipment. Once maintained and improved, treated areas would serve as fuelbreaks and allow for better access for fire suppression equipment. These fuel breaks would be subject to periodic maintenance to reduce fuel loads/heights and treat any invasive or noxious plants that may become established within the fuelbreak. Total length of proposed fuelbreak improvement is 95 miles, for total proposed treatment acreage of 3,439 acres. The project would be completed over a three year period from September through February yearly.

### Wildlife Considerations

There are two special status plants found within the project area - Owyhee prickly phlox (*Linanthus glabrum*) and Davis peppergrass (*Lepidium davisii*). Owyhee prickly phlox was dismissed from analysis in the 2008 EA (NV-020-08-EA-05) due to the habitat not being impacted by the proposed action. However, soils with the potential for Davis peppergrass occur in a small portion of the project area. Thus, all potential areas for Davis peppergrass would require a special status plant survey by a trained employee and performed during the appropriate time period to maximize detection. No treatments would occur within potential habitat until those surveys occur. If found, plants would be flagged, a buffer area would be established and no treatments would occur within that buffer (Vegetation Treatment Using Herbicide on Bureau of Land Management Lands in

Seventeen Western States Programmatic EIS, 2007; see design features for protection measures for Davis Peppercrest).

### **Design Features**

In addition to SOPs and Best Management Practices contained in Appendix A of the Vegetation Treatment Using Herbicide on Bureau of Land Management Lands in Seventeen Western States Programmatic EIS, Record of Decision (2007), the following Design measures from the NEPA documents (See section C) are applicable to all proposed actions.

1. Herbicide application rates (range of rates) and application will be subject to label restrictions and standard operating procedures. (Montana Mountains Cooperative Fuels Management EA)
2. All treatments identified will be in accordance with the Instruction Memorandums WO-IM-2012-043 Greater Sage-Grouse Interim Management Policies and Procedures and WO-IM-2010-149 Sage-grouse Conservation Related to Wildland Fire and Fuels Management. Fuels Management Best Management Practices (BMPs) for Sage-Grouse Conservation as described in Appendix IV in EA. (Montana Mountains Cooperative Fuels Management EA)
3. Any unanticipated archeological discovery on BLM lands will be reported to a BLM archeologist and work in the immediate vicinity will stop until the authorizing officer approves the resumption of work. (Montana Mountains Cooperative Fuels Management EA)
4. Prior to implementation of treatments, pygmy rabbit surveys will be conducted in areas of suitable habitat. A 400 ft. avoidance buffer would be established around any active pygmy rabbit burrows and burrow complexes found. No removal or manipulation of sagebrush would occur within any 400ft. avoidance buffers established. (Montana Mountains Cooperative Fuels Management EA)
5. Existing vegetation will not be treated within ten feet of perennial drainages with mechanical or chemical treatments. (Montana Mountains Cooperative Fuels Management EA)
6. All terrestrial equipment (e.g., vehicles, hand tools, tractors, etc.) to be used in treatments will be washed offsite prior to being brought to the project site, to avoid spreading noxious weed seeds. (Montana Mountains Cooperative Fuels Management EA)
7. If any significant paleontological resources are found during operations, impacts will be mitigated through avoidance and/or data recovery. Any unanticipated vertebrate fossil discovery on BLM lands will be reported immediately to the Project Archaeologist. (Montana Mountains Cooperative Fuels Management EA)

8. At least two weeks before herbicides are applied, the tribal council of the Fort McDermitt Paiute and Shoshone Reservation will be notified of when, where and how herbicides would be applied. (Montana Mountains Cooperative Fuels Management EA)
9. Treatments will not be applied within the North Fork of the Little Humboldt Wilderness Study Area (WSA). All treatment near the WSA will occur outside the boundary on the east side of the WSA that follows a previously treated roadway. Treatment will only occur east of this boundary road adjacent to the eastern WSA boundary.
10. BLM Nevada State Sensitive plant populations, including populations of Davis Peppergrass, will be avoided during all treatments. If any plants are located during surveys, a 50ft buffer would be implemented for ground based treatments and a 150ft buffer would be implemented for aerial treatments. No treatments would occur within identified buffer zones.

## **B. Land Use Plan (LUP) Conformance**

LUP Name Paradise-Denio Management Framework Date Approved July 1982

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

NA

The proposed action described is in conformance with the Paradise-Denio Management Framework Plan III (MFP) July 1982. Although not specifically addressed, the proposed treatments conform to wildlife objectives, fire and management decisions, or standard operating procedures.

### **Fire F-1 Objective:**

“To minimize the wildfire damage to life, property, and resources.”

**Wildlife MFPIII Decisions WL-1.21 P.D.-WL 1.27 SG:** Maintain and improve habitat for sensitive, protected, threatened and endangered species listed on the U.S. Fish and Wildlife Service Endangered and Threatened List, BLM-Nevada Department of Wildlife Sensitive Species List and those existing Federal and state laws and regulations.

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

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action.

1. Name: Montana Mountains Cooperative Fuels Project EA  
NEPA ID: DOI-BLM-NV-WO10-2011-0005-EA  
Date: August 2012  
Decision Record and FONSI: 2 August 2012
  
2. Name: Lone Willow and Little Owyhee Herbicide Treatment EA  
NEPA ID: NV-020-08-EA-05  
Date: August 2008  
Decision Record: 18 September 2008
  
3. Name: Vegetation Treatment Using Herbicide on Bureau of Land Management Lands  
in Seventeen Western States Programmatic EIS  
NEPA ID: FES-07-21  
Date: September 2007  
Record of Decision: 29 September 2007
  
4. Name: Little Owyhee Herbicide Treatment EA  
NEPA ID: NV-020-06-EA-18  
Date: August 2006  
Decision Record: 20 September 2006
  
5. Name: Winnemucca Field Office Green Stripping EA  
NEPA ID: NV-020-02-24-EA  
Date: August 2002  
Decision Record and FONSI: 23 August 2002

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).

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(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 actions are a feature of the existing NEPA documents and the analysis area has not changed. While mowing was not previously identified in the 2008 Little Owyhee and Lone Willow Herbicide Treatment EA, it was analyzed in the Montana Mountains Cooperative Fuels Management EA, which includes the same area previously analyzed in the 2008 EA. The Montana Mountains Cooperative Fuels Management EA

analyzed all potential impacts from mowing and herbicide application along roadways within similar habitat conditions.

Periodic maintenance was also analyzed as a design feature for all actions in the Montana Mountains Cooperative Fuels Project EA.

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

Yes. The environmental concerns, interests and resource values are appropriate since the completion of the EAs. Both areas are considered important habitat for greater sage grouse and other sage brush obligates, and they are both viewed as susceptible to impacts from wildfire.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, 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?**

Yes.

While mowing was not previously identified in the 2008 Little Owyhee and Lone Willow Herbicide Treatment EA, it was analyzed in the Montana Mountains Cooperative Fuels Management EA, which includes the same area previously analyzed in the 2008 EA.

The 2012 Montana Mountains Cooperative Fuels Project EA analysis for Sage Grouse categorized habitat for Sage Grouse using a mapping framework produced by BLM that designates the restoration potential of sagebrush communities (R-values) within the known range of Sage Grouse in Nevada. In 2013, the BLM and USFS National Greater Sage-Grouse Planning Strategy produced a framework for categorizing Sage-Grouse habitat into Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH). The existing analysis of the 2012 Montana Mountains Cooperative Fuels Project EA is valid in light of the change in Sage-Grouse habitat delineation because the PPH/PGH delineation was based off of the R-Values and Nevada Department of Wildlife Sage-Grouse habitat categories.

The 2012 Montana Mountains Cooperative Fuels Project EA analyzed potential impacts to the Western Yellow-Billed Cuckoo as a BLM Special Status Species. In 2014, the Western Yellow-Billed Cuckoo was designated a Threatened species under the Endangered Species Act. The Federal Register (Vol. 79, No. 158, 48548 – 48652) designated Western Yellow-Billed Cuckoo Critical Habitat within Clark and Lyon Counties of Nevada, which is outside of the Winnemucca District and the proposed project area. The new circumstances do not substantially change the analysis of the new

proposed action because there is no critical habitat designated within the project area and the proposed action treatments would not occur within woody riparian or forested areas.

The proposed project area contains observations of special status plants, which include the Owyhee prickly phlox (*Leptodactylon glabrum*) and Davis peppergrass (*Lepidium davisii*). The 2008 Lone Willow and Little Owyhee Herbicide Treatment EA dismissed Owyhee prickly phlox from analysis because “The treated areas would not target the required habitat of Owyhee prickly phlox. Any consideration of this plant will be dismissed since the treatment is judged to have no effect on this species” (pg 18). The Owyhee prickly phlox dismissal from analysis is still valid for the proposed action as the treated areas would be adjacent to the roadways in previously treated areas.

The 2007 Vegetation Treatment Using Herbicide on Bureau of Land Management Lands in Seventeen Western States Programmatic EIS analyzed risk of herbicide use to special status plants. SOPs from the 2007 EIS minimize the risks of herbicide use to special status plants, which include surveying for special status plant species before treating an area, using drift reduction agents to reduce the risk of drift hazard, and use a selective herbicide and a wick or backpack sprayer to minimize risks to special plants (4-71). The 2007 EIS also suggested management efforts to protect rare plants, which include designating buffer zones around rare plants, using typical rather than maximum rates of herbicides in areas with rare plants, and choosing herbicides that degrade quickly in the environment when herbicides must be used in rare plant habitat (4-73). The occurrence of Davis peppergrass within the proposed project area is covered under the analysis from the 2007 EIS and the SOPs, and management efforts would minimize the risks to special status plants, including Davis peppergrass (see Design Features).

**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, all of the impacts of the proposed actions have been analyzed in the existing EA. While the Little Owyhee EAs previously excluded mowing, the area to be treated is composed of dead brush. Mowing, maintenance and herbicide treatment was analyzed in the Montana Mountains EA, which analyzed some of the same area that was the focus of the 2008 Little Owyhee and Lone Willow Herbicide Treatment EA.

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

Yes. There was adequate public involvement in the original NEPA documents to cover this evaluation. A 30 day scoping period was held for the Montana Mountains EA in September of 2011, and 30 day comment periods were provided for the previous Little Owyhee EAs. All substantive comments were addressed in the EA.

Adequate Native American Consultation was conducted during the development of the EA. Two weeks prior to any herbicide application, the tribal council of the Fort

McDermitt Paiute and Shoshone Reservation would be notified of when, where and how herbicides would be applied.

Additional coordination for these projects also occurred with Nevada Department of Wildlife (NDOW) for actions occurring in greater sage grouse habitat.



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.