

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

**Prepared by  
U.S. Department of the Interior  
Bureau of Land Management**

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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

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OFFICE:: Las Vegas Field Office, LLNVS01000

TRACKING NUMBER: DOI-BLM-NV-S010–2015–0074–DNA

CASEFILE/PROJECT NUMBER: N/A

PROPOSED ACTION TITLE/TYPE: Annual Wildlife Water Development Inspection, Maintenance, and Repair FY 2016

LOCATION/LEGAL DESCRIPTION:

- Arrow Canyon Wilderness: Arrow Canyon 3# (Full Curl) located within T. 14 S., R. 64 E., Sec. 31, SW 1/4
- Muddy Mountains Wilderness: Muddy #5 (Jerry) located within T. 19 S., R. 65 E., Sec. 24, NE 1/4, and; Muddy #6 (Safari) located within T. 19 S., R. 65 E., Sec. 25, NW 1/4
- North McCullough Wilderness: McCullough #2 (Poppy) located within T. 24 S., R. 61 E., Sec. 02, SW 1/4

APPLICANT (if any): Nevada Department of Wildlife (NDOW)

## **A. Description of Proposed Action and any applicable mitigation measures**

The Bureau of Land Management (BLM) has received a request from NDOW proposing to inspect, maintain, repair and replace four big game wildlife water developments within three wilderness areas.

Inspection is the act of viewing or examining all components of the wildlife water development for water level and proper functioning. Maintenance is the act of retaining all components of the water development in a good condition and repair is the act of restoring all components of the water development to a good or sound condition. Repairs, at times, may also require replacement of portions of the development. Replacement is the physical substitution or reconstruction of any or all components of a wildlife water development. Replacement actions could include installation of a new storage tank, trough, pipeline, collection apron, dam, float ball, johnson screen or any other parts of the water development. Repairs and replacement must remain in the existing footprint of the present disturbance, defined as the edge of disturbance created by previous construction or installation of a wildlife water development, otherwise referred to as the existing footprint. No repairs or replacements would be allowed to occur outside the existing footprint.

The NDOW proposes to land a helicopter (Eurocopter AS350–B3 or equivalent) at pre-existing landing zones (LZs). These LZs would be used to load and unload one or more individuals to perform inspections maintenance, repairs or replacement on the wildlife water developments (the crew would consist of 3–6 personnel and volunteers). Travel to and from the helicopter LZ and wildlife water developments would be by foot. The helicopter will not remain on site unless landing will be of a short duration. If the landing is for a quick inspection, the pilot may land and wait for the inspection to be completed. Alternatively, if several developments are to be inspected by helicopter within proximity, passengers may be dropped off at one water development, while

other passengers are dropped off at a second water development. For multiple water development inspections in a region, this pattern could continue, rotating groups of passengers from water development to water development, until all developments are inspected. NDOW is also proposing to utilize motorized equipment (e.g., cordless power drill, sawzall) for maintenance, repair, and replacement of wildlife water developments on an as needed basis in each of the three wilderness areas. The total number of days needed to complete inspections, maintenance, and repairs on all four developments is 3–5 days, conducted February through March 2016.

NDOW has not requested to utilize mechanical transport (e.g., wheel barrow) and thus said Wilderness Act Section 4(c) prohibited use is not part of the proposed action and therefore a new request must be submitted.

These wildlife water developments are located across a wide expanse and inspection, maintenance, and repairs are typically executed as a regional grouping and within a limited time frame. The proposed action represents the minimum necessary to efficiently and effectively complete activities on the developments within all three wilderness areas given the locations and timing constraints. The action is needed to ensure the maintenance and restoration of fish and wildlife populations and habitats in Nevada, while protecting the wilderness resource.

The following table presents specific details for each of the wildlife water developments:

**Table 1.1. Project Specifics**

Wildlife Water Development Name	Location	Wilderness (Field Office)	Type	Year of Installation	Type of Tank System	Capacity (gallons)	Helicopter LZ Location (UTM)	Helicopter LZ Distance to Site (mile)
Arrow Canyon #3 (Full Curl)	T. 14 S., R. 64 E., Sec. 31 SW 1/4	Arrow Canyon Wilderness (Las Vegas FO)	Big Game	1998	Cylinder w/ float box	6750	4060415 mN, 6910 54mE	0.18
Muddy #5 (Jerry)	T. 19 S., R. 65 E., Sec. 24 NE 1/4	Muddy Mountains Wilderness (Las Vegas FO)	Big Game	1989	Cylinder w/ float box	6750	4018126 mN, 7087 90mE	0.11
Muddy #6 (Safari)	T. 19 S., R. 65 E., Sec. 25 NW 1/4	Muddy Mountains Wilderness (Las Vegas FO)	Big Game	1994	Cylinder w/ float box	6750	4016631 mN, 7080 35mE	0.17
McCullough #2 (Poppy) <sup>a</sup>	T. 24 S., R. 61 E., Sec. 02 SW 1/4	North McCullough Wilderness (Red Rock/Sloan FO)	Big Game	2013	BOSS tanks self-leveling	8,800	3972997 mN, 6688 07mE	0.06

<sup>a</sup>Analysis of Poppy within DOI-BLM-NV-L030-2012-0003-EA, applied to the former cylindrical tank with float-valve. The Decision Record signed April 10, 2012 (analyzed in DOI-BLM-NV-S020-2011-0005-EA) authorized NDOW to perform an upgrade of the water development, which was completed in early spring 2013.

## Mitigation Measures

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1. Maintain posted speed limit (25 mph) on all unpaved roads and existing access roads.
2. As set forth in Section VI.B.1 of the 2009 State Protocol Agreement with Nevada State Historic Preservation Office, in case of a discovery: “Ensure that all activities associated with the undertaking, within 100 meters of the discovery are halted and the discovery is appropriately protected, until the BLM Authorized Officer issues a Notice To Proceed (NTP).”
3. Should a desert tortoise enter the project area, all activities will immediately stop until such time as the animal has left the area of its own accord.
4. Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.
5. Staging and landing zones will be in previously disturbed areas.
6. Compliance with fire restrictions current at time of project implementation will mitigate any risks introduced by the proposed actions. Specific, noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer.
7. To mitigate the introduced risk of invasive species/noxious weeds, all project actions must adhere to Best Management Practices and standard BLM Weed Stipulations throughout the duration of this project.
8. In the event that paleontological resources are discovered, the BLM Archaeologist should be notified and approval given prior to work resuming in the immediate area of the find.
9. Activities cannot exceed Visual Resource Management Class I objectives. The existing character of the landscape must be preserved. Limited activities can occur, however the level of change must be very low. The BLM Visual Resource Management specialist should be notified of potential changes to VRM Class I prior to work resuming.
10. Activities will consider recreational use of the area and whenever possible inspection, maintenance, repair, and replacement should occur during periods when visitor use is low (i.e., weekdays).
11. Participants will utilize Leave No Trace practices during implementation activities within the wilderness areas.
12. Adhere to the attached “BLM Southern Nevada District: Standard Weed Stipulations.”

### **Post-Implementation Reporting Requirements**

1. Per BLM-NDOW MOU (2012) the NDOW will prepare an annual report summarizing its big game water development activities. This report will be referred to as the “Annual Water Development Activities Report” and will be submitted to the District Manager by December 1<sup>st</sup> of each year for the previous State of Nevada fiscal year (i.e., July 1<sup>st</sup> through June 30<sup>th</sup>). The report will include the following information:
  - the name of each water development inspected, maintained, repaired or replaced; the date(s) of the visit(s); and the name of the encompassing wilderness;

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- the types of motorized and mechanized equipment utilized at each water development on each date;
  - the number of landings and the number of sling-load trips conducted at each water development.
2. Additionally the NDOW must submit to the District Manager by December 1<sup>st</sup> of each year for the previous State of Nevada fiscal year (i.e., July 1<sup>st</sup> through June 30<sup>th</sup>). The report will include the following information:
- Any new weed infestations found during project maintenance should be reported to the BLM weed coordinator.

## B. Land Use Plan Conformance

LUP Name	<u>Record of Decision for the Las Vegas Resource Management Plan and Final Environmental Impact Statement</u>	Date Approved:	<u>October 1998</u>
LUP Name	<u>The Sloan Canyon National Conservation Area Record of Decision for the Approved Resource Management Plan/Final Environmental Impact Statement and Approval of the North McCullough Wilderness Management Plan</u>	Date Approved:	<u>May 2006</u>
LUP Name	<u>Arrow Canyon Wilderness — Final Wilderness Management Plan and Environmental Assessment</u>	Date Approved:	<u>October 2013</u>
LUP Name	<u>Muddy Mountains Wilderness — Final Wilderness Management Plan and Environmental Assessment</u>	Date Approved:	<u>April 2007</u>

*\*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:**

### Arrow Canyon Wilderness — Final Wilderness Management Plan and Environmental Assessment

“Activities related to the existing Full Curl (aka Arrow #3) big game wildlife water development would continue as authorized in the Decision Record for Environmental Assessment DOI-BLM-NV-L030-2012-0003–EA (2012) entitled ‘Issuance of Authorizations to Nevada Department of Wildlife for Wildlife Water Development Inspection, Maintenance, and Repairs within BLM Wilderness areas in Nevada.’ Any repairs or replacements which would go outside the existing footprint of present disturbance would be considered new construction. New construction would require a subsequent public notification, MRDG, and site-specific NEPA analysis.”

### Muddy Mountains Wilderness — Final Wilderness Management Plan and Environmental Assessment

“Inspection and maintenance of facilities will take place by non-motorized means except for major maintenance requiring large parts or tools which cannot be transported by foot or pack stock. Water replenishment activities may occur by helicopter when a guzzler has broken or during times of prolonged drought if sustainable forage remains available. Motorized equipment requires approval by BLM or the National Park Service (NPS).”

**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):**

Record of Decision for the Las Vegas Resource Management Plan and Final Environmental Impact Statement

“FW-2–a. Cooperate with State and Federal wildlife agencies in implementing introductions, reintroductions, and augmentation releases of native and/or naturalized species (such as desert bighorn sheep, and chukar).”

Sloan Canyon National Conservation Area Record of Decision for the Approved Resource Management Plan/Final Environmental Impact Statement and Approval of the North McCullough Wilderness Management Plan

“In order to provide guidance and procedures for coordination and cooperation between the BLM and the NDOW, regarding the management of wildlife within the North McCullough Wilderness, the Memorandum of Understanding (MOU) between the BLM and NDOW will be followed.”

### **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.**

Issuance of Authorizations to Nevada Department of Wildlife for Wildlife Water Development Inspection, Maintenance and Repairs within BLM Wilderness Areas in Nevada (DOI-BLM-NV-L030–2012–0003–EA; January 13, 2012)

**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).**

N/A

### **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 new proposed action is exactly the same as the proposed action under the existing NEPA document. It is being analyzed annually per the requirements in the BLM-NDOW Memorandum of Understanding (2012) which states: “...the NDOW will submit by January 15th of each year... annual Operations and Maintenance Schedule for the succeeding twelve-month period...the schedule will include a request for use of a helicopter for inspection, maintenance, repair and replacement of big game water developments. The schedule will also call for the use of motorized and mechanized equipment (e.g., power drill, generator, hand cart) in order to effect maintenance, repair, and replacement of big game water

developments. Further the schedule must identify the anticipated dates for use of a helicopter, and name the expected water developments to be visited.”

“...the BLM will conduct a determination of NEPA adequacy (DNA) and then...issue an authorization letter to NDOW citing BLM EA ‘DOI-BLM-NV-L030–2012–0003–EA’ and the DR dated January 13, 2012, as the mandate for authorizing the proposal. No further public notification with 30–day public comment period, minimum requirement decision analysis, environmental review, DR and FONSI will be necessary for each annual authorization.”

**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 proposed action falls within the range of alternatives considered in the EA and no conditions within the project area have changes since the EA was completed.

**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?**

Yes, the existing analysis is valid. The BLM received a project proposal from the NDOW to complete an upgrade to the McCullough #2 (Poppy) wildlife water development within North McCullough Wilderness. The BLM completed NEPA analysis through DOI-BLM-NV-S020–2011–0005–EA entitled Upgrade of Poppy Wildlife Water Development (April 9, 2012) and approved through a DR signed April 10, 2012. This circumstance would not substantially change the analysis of the new proposed action because: the wildlife water developments continue to be located across a wide expanse; execution of inspection, maintenance, repair, and replacement activities are completed in a regional group, and; there is a narrow window of time to complete the new proposed action.

**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 direct, indirect, and cumulative effects from implementation of the new proposed action are qualitatively and quantitatively are similar to those in the existing document.

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

Yes. The existing EA was developed with full public involvement. A Notice of Proposed Actions, Lands in Wilderness, was released on October 20, 2011 when the project was first initiated. This notification was distributed to Ely District and Southern Nevada District wilderness mailing lists of potentially interested and affected parties. Comments for this public scoping period were accepted until November 25, 2011. Four comments were received. For the Southern Nevada District, the project was scoped internally on October 19, 2011.

The draft EA was published on the ePlanning Front Office website on December 1, 2011 which initiated a 30–day public comment period. All parties on the Ely District and Southern Nevada District wilderness mailing lists of potentially interested and affected parties were notified of the

comment period. Six public comments were received on the draft EA, all of which were in support of authorizing the use of a helicopter to access the wildlife water developments.

Upon completion of the EA, FONSI, and DR, the BLM-NDOW MOU was updated with full review by both parties.

## E. Persons/Agencies/BLM Staff Consulted

**Table 1.2. List of Preparers**

<b>Name</b>	<b>Role</b>	<b>Discipline</b>
Mathew Hamilton	Project Manager & Team Lead; Wildlife Biologist; Acting Wilderness Lead	ACECs, Fish and Wildlife Excluding Federally Listed Species, Migratory Birds, Threatened, Endangered or Candidate Animal Species, Wilderness, Wilderness Study Areas, Visual Resources, Lands with Wilderness Characteristics, BLM Natural Areas
Lisa Christianson	Air Resources Specialist	Air Resources, Greenhouse Gas Emissions, Wastes (hazardous or solid)
Mark Boatwright	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology
Gayle Marrs-Smith	Field Manager	Environmental Justice, Socioeconomics
Susan Farkas	Planning and Environmental Coordinator	Environmental Justice, Socioeconomics
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands (Prime or Unique), Wild Horses and Burros
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Soils, Water Resources/Quality (drinking/surface/ground), Wetlands/Riparian Zones
Ben Klink (on behalf of Sean McEldery)	GBI Research Associate (Fire Management Specialist)	Fuels/Fire Management
Lorri Dee Dukes	Geologist	Geology/Mineral Resources/Energy Production
Ben Klink (on behalf of Sean McEldery)	GBI Research Associate (acting Weed Management Specialist)	Invasive Species/Noxious Weeds
Kerri-Anne Thorpe	Realty Specialist	Lands/Access
Fred Edwards	Botanist	Livestock Grazing, Rangeland Health Standards, Threatened, Endangered, or Candidate Plant Species, Woodland/Forestry, Vegetation Excluding Federally Listed Species
Chris Linehan	Outdoor Recreation Planner	Recreation, Wild and Scenic Rivers
Brenda Warner	Outdoor Recreation Planner	Recreation, Visual Resources

### 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.

**Table 1.3. Cooperating Agencies**

<b>Agency Type</b>	Nevada State
<b>Contact Name</b>	Brad Hardenbrook
<b>Contact Date</b>	January 15, 2015
<b>MOU Number</b>	BLM MOU 6300–NV930–0402
<b>MOU Signed Date</b>	November 29, 2012

## 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/

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Mathew Hamilton, Project Lead

/s/

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Susan Farkas, NEPA Coordinator

5/14/2015

/s/

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Timothy Z. Smith, District Manager  
Southern Nevada District

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 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.