

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

**DNA: Annual Authorization of Inspection,
Maintenance & Repair of Wildlife Water
Developments in Wilderness (2016)**

DOI-BLM-NV-L030-2015-0004-DNA

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

OFFICE: Caliente Field Office, LL0300

TRACKING NUMBER: DOI-BLM-NV-L030–2015–0004–DNA

PROPOSED ACTION TITLE/TYPE: Annual Authorization of Inspection, Maintenance & Repair of Wildlife Water Developments in Wilderness (2016)

LOCATION/LEGAL DESCRIPTION:

- Delamar Mountains Wilderness: Ford (#1), Nerkspiffle (#2), Matt Brown (#3), Don Rowberry (#4), Tsukamoto (#5), Judy (#6)
- Meadow Valley Range Wilderness: Virginia Frehner (#2), Mr. Shameless (#3), Stoudt (#4)
- Mormon Mountains Wilderness: Rocky (#2), Prospect (#3), West Mormon (#4), Hackberry (#5)

See Appendix A for Township and Range for each project and other details regarding the wildlife water developments.

Meadow Valley #1, Bill V, is within a cherrystem on the Meadow Valley Range and is not included here. It can be accessed by ground transportation on existing routes or with a helicopter landing in the cherrystem, without further analysis.

A. Description of Proposed Action and any applicable mitigation measures

The Bureau of Land Management (BLM) Ely District has received a request from NDOW proposing to use motor vehicle and motorized equipment to inspect, maintain, repair and replace 14 big game wildlife water developments within three wilderness areas. The NDOW has not requested to utilize any form of mechanical transport (e.g., wheel barrow), thus it is not part of the proposed action.

The request for the proposed action is in accordance with procedures outlined in BLM-NDOW Memorandum of Understanding (MOU; 2012) and analyzed within BLM Environmental Assessment (EA) 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.” This EA was jointly developed by the BLM Ely District and Southern Nevada District to address activities for 35 big game and small game water developments within seven 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, sawsall) 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 2015.

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.

Mitigation Measures

1. 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).
2. Participants will utilize Leave No Trace practices during implementation activities within the wilderness areas.
3. Staging and landing zones will be in previously disturbed areas.

The Ely District Resource Management Plan (RMP) contains seasonal timing recommendations to minimize impacts to a variety of wildlife species. The following management decisions appear in the Ely District RMP and may pertain to the inspection, maintenance, and repair of some of the wildlife water developments located within the Ely District:

WL-6: Where appropriate, restrict permitted activities in big game calving/fawning/kidding/lambing grounds and crucial summer range from April 15 through June 30.

WL-13: Where appropriate, restrict permitted activities within occupied desert bighorn sheep habitat from March 1 through May 31 and July 1 through August 31.

SS-4: Where appropriate, restrict permitted activities from May 1 through July 15 within 0.5 mile of raptor nest sites unless the site has been determined to be inactive for at least the previous 5 years.

SS-32: Where appropriate, restrict permitted activities from March 1 through October 31 within desert tortoise habitat.

A synthesis of these seasonal recommendations resulted in the following minimization and avoidance measures:

- The recommended seasonal timeframe for water development inspections is August 31 through February 28/29.
- The recommended seasonal timeframe for inspection of wildlife water developments in desert tortoise habitat is November 1 through February 28/29.

These recommendations are in an effort to avoid and/or minimize impacts to several species. However, the BLM acknowledges that many of the methods used to survey and monitor for these species may currently occur outside of these timeframes and employ a variety of methods analyzed in the EA.

Additional avoidance and minimization measures have been identified in desert tortoise habitat within the Ely District:

- Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be on-site, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion
- A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.
- A speed limit of 25 miles per hour will be required for all vehicles on the project site and unposted dirt access roads.
- Prior to moving all vehicles or equipment, an inspection will be performed to insure no desert tortoises are present.
- All vehicular traffic will be restricted to existing access roads, or those roads approved by the BLM authorized officer in consultation with the U.S. Fish and Wildlife Service. These recommendations are in an effort to avoid and/or minimize impacts to several species. However, the BLM acknowledges that many of the methods used to survey and monitor for these species may currently occur outside of these timeframes and employ a variety of methods analyzed in the EA.

Post-Implementation Reporting Requirements

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 1st of each year for the previous State of Nevada fiscal year (i.e., July 1st through June 30th). 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;
- 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 1st of each year for the previous State of Nevada fiscal year (i.e., July 1st through June 30th). 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:	Ely District Record of Decision and Approved Resource Management Plan	Date Approved:	August 2008
LUP Name:	Delamar Mountains, Meadow Valley Range, and Mormon Mountains Wilderness Management Plan and Environmental Assessment	Date Approved:	December 16, 2009

**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:

Ely District Record of Decision and Approved Resource Management Plan

SD-5: Manage 22 designated wilderness areas in accordance with the Wilderness Act of 1964; the Nevada Wilderness Protection Act of 1989; the Lincoln County Conservation, Recreation, and Development Act of 2004; the White Pine County Conservation, Recreation and Development Act of 2006.

Delamar Mountains, Meadow Valley Range, and Mormon Mountains Wilderness Management Plan and Environmental Assessment

“Wildlife management activities within these designated wilderness areas would be conducted in conformance with the current (2003) and subsequent BLM-NDOW Memoranda of Understanding and guided by the Lincoln County Conservation Recreation and Development Act (2004), which

may include, on a case-by-case basis, the occasional and temporary use of motorized vehicles or tools.”

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). BLM — NDOW MOU (Amendment to Memorandum of Understanding Between: The Bureau of Land and the Nevada Department of Wildlife Supplement No. 9 Wildlife Management in Nevada BLM Wilderness Areas BLM MOU 6300-NV930-0402).

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 MOU, 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.”

“When [the annual Operations and Maintenance Schedule is] received by the appropriate BLM District Managers, the BLM will conduct a determination of National Environmental Policy Act (NEPA) adequacy (DNA) and then, by April 15th of each year, issue an authorization letter to NDOW citing BLM environmental assessment “DOI-BLM-NVL030-2012-0003-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 changed 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 on January 12, 2015 to land for maintenance inspections at the 13 wildlife water developments in the Ely District that lie within Wilderness (as noted above Meadow Valley #1, Billy V. is not within wilderness).

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 are the same as in the existing document. The proposed action and analysis would be the same as 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 the Ely District and Southern Nevada District Wilderness mailing lists, and to interested parties. Comments for this public scoping period were accepted until November 25, 2011. Four comments were received. For the Ely District, the project was scoped internally in the Schell Field Office on October 3, 2011 and in the Caliente Field Office on October 25, 2011.

A 30-day public comment period on the draft EA was initiated on December 1, 2011 and published on the ePlanning Front Office website on the same day. All parties on the Ely District Wilderness and Southern Nevada District Wilderness mailing lists, and interested 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 1.1. List of Preparers

Name	Role	Discipline
Emily Simpson	Wilderness Planner	Wilderness
Nicholas Pay	NEPA Coordinator	NEPA

Name	Role	Discipline
Alicia Styles	Wildlife Biologist	Wildlife
Cameron Boyce	Noxious & Invasive Weeds Coordinator	Noxious & Invasive Weeds
Harry Konwin	Archaeologist	Cultural 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 1.2. Cooperating Agencies

Agency Type	Nevada Division of Wildlife
MOU Number	MOU 6300–NV930–0402: Amendment to Memorandum of Understanding Between: The Bureau of Land and the Nevada Department of Wildlife Supplement No. 9 Wildlife Management in Nevada BLM Wilderness Areas
MOU Signed Date	11–29–12

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/ Emily Simpson
Emily Simpson, Project Lead

/s/ Nicholas Pay
Nicholas Pay, NEPA Coordinator

/s/ Michael J. Herder 19 May 2015 _____ Date
Michael Herder, District Manager

Ely District

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.

Appendix A. Appendix A: Wildlife Water Development Details

Wildlife Water Development Name	Location	Type	Wilderness	Year of Installation	Type of Tank System	Capacity (gallons)	Helicopter Landing Zone distance to site
Don Rowberry (Delamar #4)	T10S R63E Sec. 21	Big Game	Delamar Mountains	2002	BOSS Tanks Self-Leveling	7,256	0.02 mi
Ford (Delamar #1)	T09S R64E Sec. 28	Big Game	Delamar Mountains	1997	BOSS Tanks Self-Leveling	7,186	0.05 mi
Judy (Delamar #6)	T08S R63E Sec. 33	Big Game	Delamar Mountains	2000	BOSS Tanks Self-Leveling	7,132	0.5 mi
Nerkspiffle (Delamar #2)	T10S R63E Sec. 12	Big Game	Delamar Mountains	1997	BOSS Tanks Self-Leveling	7,256	0.05 mi
Matt Brown - Delamar #3	T10S R63E Sec. 4	Big Game	Delamar Mountains	2002	BOSS Tanks Self-Leveling	8,233	0.1 mi
Tsukamoto (Delamar #5)	T09S R63E Sec. 5	Big Game	Delamar Mountains	2000	BOSS Tanks Self-Leveling	7,132	0.2 mi
Virginia Frehner - Meadow Valley #2	T11S R64E Sec. 32	Big Game	Meadow Valley Range	1999	Cylinder w/ Float box	6,750	0.08 mi
Mr. Shameless (Meadow Valley #3)	T12S R64E Sec. 30	Big Game	Meadow Valley Range	2009	BOSS Tanks Self-Leveling	7,288	0.06 mi
Stoudt (Meadow Valley #4)	T10S R65E Sec. 4	Big Game	Meadow Valley Range	2001	BOSS Tanks Self Leveling	7,578	At site
Hackberry (Mormon #5)	T12S R68E Sec. 5	Big Game	Mormon Mountains	1991	Cylinder w/ Float box	5,900	0.06 mi
Prospect (Mormon #3)	T10.5S R67E Sec. 35	Big Game	Mormon Mountains	1981	Cylinder w/ Float box	6,200	0.05 mi
Rocky (Mormon #2)	T11S R68E Sec. 7	Big Game	Mormon Mountains	1981	Cylinder w/ Float box	4,650	0.1 mi
West Mormon (Mormon #4)	T11S R66E Sec. 12	Big Game	Mormon Mountains	1991	Cylinder w/ Float box	4,900	0.06 mi