

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-E020-2015-0053-DNA

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

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Table of Contents

1. Determination of NEPA Adequacy (DNA) 1

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List of Tables

Table 1.1. List of Preparers 8

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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 FO, LLNVE02000

TRACKING NUMBER: DOI-BLM-NV-E020-2015-0053-DNA

CASEFILE/PROJECT NUMBER: 1742-J0EA

PROPOSED ACTION TITLE/TYPE: Boulder Fire ESR Plan

LOCATION/LEGAL DESCRIPTION: Richmond Mountain, North of Dunphy, Nevada

APPLICANT (if any):

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 Boulder Fire. The Boulder Fire was a human caused fire that burned approximately 2,230 acres across BLM administered and private lands with low to moderate fire severity. The fire burned within the 1996 Welches Fire that burned approximately 5,000 acres and the 2011 Chukar Canyon Fire that burned approximately 48,000 acres. Approximately 146 acres of the fire was located within Preliminary General Habitat (PGH) for sage-grouse; however, there are no active leks within 4 miles of the fire. The fire also burned within pronghorn summer range and a mule deer movement corridor. Due to the amount of mines and mining activity near the Boulder Fire, mule deer have a very narrow migration corridor, impacting the amount of forage and cover the mule deer have during their migration. In addition to these resource concerns, other concerns include the invasion of annual weeds and noxious weeds, soil erosion, and watershed function.

The proposed action includes the following:

Aerial Seeding

Aerial seed approximately 900 acres with two seed mixes based on ecological site descriptions and burned area assessments. Application for both mixes would be conducted using a full coverage swath pattern. The Aerial Wyoming Mix will seed approximately 800 acres with a mix of Wyoming big sagebrush, western yarrow, and forage kochia. The second mix, Aerial Black Sage Mix, will seed approximately 100 acres with Black sagebrush and western yarrow.

Noxious Weeds

Conduct inventories and treatments on approximately 1,383 acres of public land within the Boulder Fire for noxious weeds and other invasive species. Scotch thistle, Bull thistle, and hoary cress are the primary weeds of concern with a high potential to increase within the burned area and surrounding rangeland. These weeds were documented during the burned area assessment and field visits prior to the fire. Treatments would consist of an integrated approach using mechanical and chemical means.

A noxious weed inventory would be conducted throughout the BLM administered lands to locate any new infestations. 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 dozerline would also be surveyed.

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 sprayers 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.

Grazing Closure

Livestock grazing would be deferred from the two pastures (West Welches and Central Native) in the T Lazy S allotment in order to allow the burned area and seeded vegetation to successfully establish. The deferment 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 wildfire to respond to natural revegetation. The burned area would be reopened to livestock grazing from the deferment once the establishment objectives in the future Fire Closure Decision has 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 (2016–2018) to determine the success of the revegetation and/or stabilization efforts. Specific monitoring method(s) used would depend on the establishment objectives developed. A resource specialist from the BLM Elko District 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 from the grazing deferment. The monitoring results would be documented in the project file at the BLM, Elko District Office.

B. Land Use Plan Conformance

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

Other Document Nevada and
 Northeastern
 California Greater
 Sage-Grouse Resource
 Management Plan
 Amendment

Date Approved: September 21, 2015

**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 reseedling 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 seedlings with the habitat needs of sage-grouse. Seedlings 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 also conforms to the Nevada and Northeastern California Greater Sage-grouse Resource Management Plan Amendment. The proposed action is consistent with the Sagebrush-steppe, invasive species, and livestock grazing objectives and Management Decisions within the Amendment. It is also consistent with the Post-Fire Management Objective to retain, protect, and improve intact unburned sagebrush communities in burned areas incorporating the FIAT assessment. It is also consistent with the Amendment’s Post Fire Management Decisions:

MD FIRE 34: Review Objective SSS 4 and apply MDs SSS 1 through SSS 4 when reviewing and analyzing projects and activities proposed in GRSG habitat.

MD FIRE 35: Prioritize post-fire treatments in PHMAs and GHMAs to maximize benefits to GRSG and its habitat. Focus post-fire treatments on replacing or reestablishing burned sagebrush habitat with the appropriate cover and structure to support GRSG habitat objectives (Table 2-2).

MD FIRE 36: In post-fire rehabilitation plans in PHMAs and GHMAs, design revegetation projects to accomplish the following:

- Maintain and enhance unburned intact sagebrush communities when at risk from adjacent threats
- Stabilize soils
- Reestablish hydrologic function
- Maintain and enhance biological integrity
- Promote plant resiliency
- Limit expansion or dominance of invasive species
- Reestablish native species

MD FIRE 37: Implement post-fire treatments in PHMAs and GHMAs that emphasize stabilizing, rehabilitating, and restoring sagebrush ecosystems damaged by wildfires, including controlling invasive species.

MD FIRE 38: Increase post-fire treatment activities in PHMAs and GHMAs through the use of integrated funding opportunities with other resource programs and partners.

MD FIRE 39: Following post-fire treatments, monitor and implement management actions in PHMAs and GHMAs that promote healthy perennial grass, shrub and forb communities, and lentic (slow-moving freshwater) and lotic (rapid freshwater) riparian habitats so as to further restoration and ensure longterm persistence of seeded or pre-burn native plants, in accordance with GRSG habitat objectives (Table 2-2).

MD FIRE 40: Evaluate the potential for sagebrush island plantings based on ESDs in large burn areas that may lack sufficient sagebrush seed sources in order to ensure the reestablishment of sagebrush in GRSG habitat.

MD FIRE 41: Monitor post-fire rehabilitation treatments on a multiple-year basis to ensure that project objectives are achieved.

MD FIRE 42: Use GRSG habitat objectives (Table 2-2) and emphasize the use of native plant species in post-fire rehabilitation (e.g. reseeding), recognizing that nonnative species may be necessary, depending on the availability of native seed and prevailing site conditions. Selected species shall maintain site ecological function based on pre-burn conditions and anticipated threat of invasive and noxious weed establishment. Use ESDs and state and transition models if available.

The proposed action is further consistent with other Federal, state, and 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.

- Basco Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2006/025) Date Approved, August 2006
- Elko and Wells Resources Management Plans (RMP) Fire Management Amendment (BLM/EK/PL-2003/026) Date Approved, September 29, 2004
- Elko District Vegetation Maintenance Treatment Project (DOI-BLM-NV-2010-0005-EA) Date Approved, August 2010
- Esmeralda Fire Complex Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2005/015) Date Approved, August 2005
- 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)
- Susie Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2006/021) Date Approved, August 2006
- Tuscarora Sagebrush Habitat Restoration Initiative (BLM-NV-E020-2010-01-EA) Date Approved, November 2009

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).

- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment and Environmental Impact Statement (BLM/NV/NV/ES/13–20+1793)
- Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands (BLM/EK/PL-1998/008)
 - Noxious Weed Treatment Extension Determination of NEPA Adequacy (BLM-NV-N010–2011–0003–DNA) Date Approved, March 2011
- Programmatic Biological Opinion for the Elko and Wells Fire Management Plan Amendment issued by the U.S. Fish and Wildlife Service, Date Approved, December 2003
- 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)

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 (EAs) and Environmental Impact Statements (EISs) listed above. The similarities between the proposed actions are the closure to grazing, aerial seeding, and noxious weed treatment and inventory. The only difference between the proposed actions are the number of acres being seeded and the number of acres of weed treatment and inventory. The plant species in the seed mixture for the aerial seedings are similar to those analyzed in the Tuscarora Sagebrush Habitat Restoration Initiative EA, as well as the Basco, Susie, and Esmeralda Fire Emergency Stabilization and Rehabilitation (ESR) Plan EAs.

Noxious weed treatments have been analyzed in all of the ESR Plan EAs 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 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.

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

A change to the existing analysis is the de-listing 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 coordinates with the Nevada Department of Wildlife (NDOW) to ensure compliance with state regulations regarding the bald eagle. The bald eagle is still considered a BLM Sensitive Species and is still protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act.

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 analyses is the U.S. Fish and Wildlife Service’s (FWS) determination to withdraw the greater sage-grouse from the candidate species list stating that protection for the species under the Endangered Species Act is not warranted. However, the sage-grouse is still considered a BLM Sensitive Species in Nevada, which was analyzed for in the existing analyses. The FWS’s determination to withdraw the species from the candidate species list resulted from a landscape-scale effort by the BLM, U.S. Forest Service, state agencies, private landowners, and other partners to reduce threats to the sage-grouse and its habitat. The Nevada and Northeastern California Greater Sage-grouse Environmental Impact Statement (EIS) features new management direction through BLM and Forest Service Land Use Plan Amendments that place greater emphasis on conserving sage-grouse habitat.

The change to the status of sage-grouse and the Nevada and Northeastern California Greater Sage-grouse Environmental Impact Statement does not affect the existing analyses within the previous EAs and the proposed actions. The proposed action will have a positive benefit to the restoration of sage-grouse habitat as previously analyzed and are consistent with the management objectives of the EIS.

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 habitat for approximately 200 wildlife species that utilize sagebrush and sagebrush/grass habitats on a

seasonal or yearlong basis. This includes mule deer, pronghorn antelope and sage-grouse that are designated as Special Status Species or migratory birds. 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 NEPA documents listed above included early coordination with 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 and the 2015 Sage-Grouse Amendment that went through extensive public involvement. The existing environmental assessments support the 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

Table 1.1. List of Preparers

Name	Role	Initials
John Mitchell	Rangeland Management Specialist	/s/ CJM 10/13/2015
Ken Wilkinson	Wildlife Biologist	/s/ KW 10/14/2015
Samantha Cisney	Weeds Specialist	/s/ SC 10/16/2015
Marissa Murphy	Natural Resource Specialist	/s/ MM 10/18/2015

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/ Thomas W Warren 10/16/2015

Signature of Project Lead

/s/ Terrell K Dobis 10/20/2015

Signature of NEPA Coordinator

/s/ Richard E Adams

10/20/2015

Signature of the Tuscarora Field Manager

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.