

**United States Department of the Interior
Bureau of Land Management**

**DOI-BLM-MT-C020-2016-0039-DNA
January 21, 2016**

MTM-108536 Road Trespass Reclamation

Location: Big Horn County, MT, P.M.M.
T. 9S., R. 41E, Sec. 4. S $\frac{1}{2}$;
Sec. 9. W $\frac{1}{2}$ NW $\frac{1}{4}$.
Rosebud County, MT, P.M.M.
T. 7S., R.41E, Sec. 34. SE $\frac{1}{4}$ SE $\frac{1}{4}$.

U.S. Department of the Interior
Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, MT 59301
Phone: 406-233-2800
FAX: 406-233-2921



Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)
DOI-BLM-MT-C020-2016-0039-DNA

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2016-0039-DNA

Case File/Project No: MTM-108536

Proposed Action Title/Type: MTM-108536 Road Trespass Reclamation

Location/Legal Description: Big Horn County, MT, P.M.M.
T. 9S., R. 41E, Sec. 4. S $\frac{1}{2}$;
Sec. 9. W $\frac{1}{2}$ NW $\frac{1}{4}$.
Rosebud County, MT, P.M.M.
T. 7S., R.41E, Sec. 34. SE $\frac{1}{4}$ SE $\frac{1}{4}$.

A: Description of the Proposed Action: The proposed action is to reclaim unauthorized roads/trails that were constructed and/or upgraded on public land. This unauthorized action is a trespass in violation of the Federal Land Policy and Management Act of 1976 (43 USC 1701 and Title 43 CFR 2808.11). The BLM is holding the responsible party liable for the administrative costs, land rental and reclamation. The roads are located in Big Horn County in T. 9S., R. 41E., in the S $\frac{1}{2}$ of Section 4 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 9 and in Rosebud County, T. 7S., R41E., Sec. 34 SE $\frac{1}{4}$ SE $\frac{1}{4}$. The roads/trails across BLM were constructed and/or upgraded with a cat tractor to improve access for hunting and livestock operations.

Some of the roads/trails that were upgraded or improved were already present; however, the responsible party did not have a right-of-way or authorization to improve the road. The unauthorized roads are approximately 2,860 feet long and 7 feet wide, consisting of 0.46 acres. As part of the trespass settlement, the trespasser would be responsible for the reclamation of the unauthorized roads/trails deemed new or unnecessary. The reclamation would involve pulling the berm back in place and smoothing out the area to blend into the surrounding landscape. Refer to the attached reclamation plan for more detail.

County: Big Horn, Montana
DNA Originator: Beth Klempel

B. Land Use Plan (LUP) Conformance

LUP Name* Miles City Field Office Approved Resource Management Plan (ARMP)

Date Approved: September, 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 LUPs because it is specifically provided for in the following LUP decisions:

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). This proposed action is in conformance with the ARMP ROD approved in 2015. On page 3-24 of the ARMP, it discusses the reclamation actions to mitigate the impacts to soil and water resources from surface disturbance activities. The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

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

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

- Diamond Cross Trespass Reclamation EA
S:\NEPA_EA\MCFO_EA_Final\LANDS\EAs\MISC\Diamond Cross Trespass Reclamation EA.doc

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 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? Yes, Diamond Cross Trespass Reclamation EA analyzed the construction and/or upgrading of several roads/trails. The EA analyzed this action in a similar geographical area and resource conditions as the proposed action.

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, resource values? The range of alternatives analyzed in the existing NEPA documents is appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values.

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 circumstance would not substantially change the analysis of the new proposed action? The Miles City Field Office ARMP, approved September, 2015, designates the project area in general greater sage-grouse habitat, which was not analyzed in the EA from September, 2010. This new information will not substantially change the analysis of the new proposed action. The area consists of rough breaks and is dominated by ponderosa pine and juniper with interspersed sage

brush. The area is not suitable sage-grouse habitat and the nearest known lek is 8.5 miles south of the project area. This was based on the Approved Resource Management Plan (ARMP) GRSG monitoring methods (Appendix D, Monitoring Framework, pg MON 22-28) to determine GRSG habitat suitability. Reclamation of the unauthorized roads will improve any wildlife habitat that was damaged during construction.

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 proposed action would have the same direct and indirect impacts as those analyzed in the above referenced EA. The existing EA analyzed site-specific impacts related to the current proposed action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes, the public has had opportunity to review our EA upon posting, while the specialists were involved in their approvals.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>	<u>Initials & Date</u>
Fiona Petersen	Wildlife Biologist	Wildlife & T&E	FAP 1/20/2016
Jon Hardes	Archeologist	Cultural	JGH 1/19/2016
Beth Klempel	Realty Specialist	Realty	BKK 1/19/2016
Drea Traeumer	Hydrologist	Water/Soils	DET 01/19/16
Dawn Doran	Rangeland Specialist	Range	DLD 1/19/16
Chris Morris	Asst. Field Manager- Nonrenewable Resources	Review	CEM 01/20/2016

/s/ **Kathy Bockness**
Environmental Coordinator

1/22/2016
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

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 requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

/s/ Wendy Warren

1/22/2016

Wendy Warren
Acting Field Manager
Miles City Field Office

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 the DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Reclamation Plan for the Trespass

Objectives and Methods

1. Reestablish slope and surface stability and desired topographic diversity.

- a) Recontour berms to blend with the approximate original contour.
- b) Build water bars with the following characteristics and at the following intervals to intercept sediment, decrease erosion, and slow overland flow velocity.
 1. Water bars are required on 25% slopes or greater.
 2. Space water bars as follows:

Slope (%)	Spacing (ft)
<10	100-400
10-19	75-200
20-39	50
>39	25

3. Design water bars to:
 - a. be 4 to 6 inches high, but could be deeper depending on site conditions,
 - b. be at a 20 degrees angle to the slope and channel water to the downhill side,
 - c. avoid directing sediment to drainages.
4. Vary water bar spacing to:
 - a. fit site conditions,
 - b. promptly intercept surface water before the volume of water and velocity increase enough to generate erosion,
 - c. facilitate drainage towards natural dips, rocky ground, or vegetation.

3. Establish a desired, self-perpetuating, native plant community.

- a) Allow for natural reclamation to occur through adjacent and abundant seed sources such that:
 1. Within two years of natural reclamation, the site would contain 50 % of the reference area's vegetative basal cover.
 2. Within five years of natural reclamation, the site would contain 80% of the reference area's vegetative basal and canopy cover.
 3. Within two years of natural reclamation, 50% of the vegetative cover would consist of desirable species.
 4. Within five years of natural reclamation, 90% of the vegetative cover would consist of desirable species.
 5. Composition would meet reference area conditions within five years of the natural reclamation. For example, structure would be made up of 70-75% grasses and grass-like species, 5-10% forbs, and 5-10% shrubs. A minimum of 25% of the shrub component would be the reference area's dominant species.
 6. Monocultures would not be allowed beyond two years of natural reclamation.
 7. The site would not have state- or county-listed noxious weeds within 5 years of

natural reclamation.

- b) If within two years of natural reclamation there is: evidence of a monoculture; the site contains less than 50% of vegetative basal cover as compared to reference areas; or less than 50% of vegetative cover consists of desirable species:
1. Seed sites as soon as possible following seed-bed preparation and when environmental conditions are appropriate (typically after October 15th when soil temperatures are less than 40°F 2-inches deep, for 10 days or more).
 2. Broadcast seed along contours at a rate of 80 PLS/ft².
 3. Pack the seed with a roller or drag (e.g., chain, harrow) to get seed-to-soil contact.
 4. Seed must be tested to ensure viability and purity (germination or TZ tested by a registered seed analyst within 1 year of receipt).
 5. Seed must be certified weed-free. Commercial seed must have documentation (not seed bag tags) easily accessible, including sources.
 6. Seed areas based on dominant vegetation and NRCS ecological site are Wyoming big sagebrush/silty site and ponderosa pine understory/silty-steep site (Tables 1 and 2).
 7. Monitor re-seeded surfaces such that:
 - a. Within two years of reclamation, the site would contain 50 % of the reference area's vegetative basal cover.
 - b. Within five years of reclamation, the site would contain 80% of the reference area's vegetative basal and canopy cover.
 - c. Within two years of reclamation, 50% of the vegetative cover would consist of desirable species.
 - d. Within five years of reclamation, 90% of the vegetative cover would consist of desirable species.
 - e. Composition would meet reference area conditions within five years of the reclamation. For example, structure would be made up of 70-75% grasses and grass-like species, 5-10% forbs, and 5-10% shrubs. A minimum of 25% of the shrub component would be the reference area's dominant species.
 - f. Monocultures would not be allowed beyond two years of reclamation.
 - g. The site would not have state- or county-listed noxious weeds within 5 years of reclamation.

Table 1. Wyoming Big Sagebrush/Silty Seed Mix.

Wyoming Big Sagebrush/Silty Seed Mix						
Scientific Name	Common Name	Ratio Desired in Mix	PLS/lb	PLS/ft ²	PLS/ac	PLS lb/ac
Grasses						
<i>Nassella viridula</i>	green needlegrass	0.2	181,000	16	696,960	3.85
<i>Pascopyrum smithii</i>	western wheatgrass	0.2	110,000	16	696,960	6.34
<i>Pseudoroegneria spicata</i>	bluebunch wheatgrass	0.3	140,000	24	1,045,440	7.47
<i>Schizachyrium scoparium</i>	little bluestem	0.1	260,000	8	348,480	1.34
Forbs						
<i>Achillea millefolium var. occidentalis</i>	western yarrow	0.05	2,770,000	4	174,240	0.06
<i>Dalea purpurea</i>	purple prairie clover	0.05	210,000	4	174,240	0.83
<i>Ratibida columnifera</i>	prairie coneflower	0.05	737,000	4	174,240	0.24
Shrubs						
<i>Artemisia frigida</i>	fringed sagewort	0.02	4,536,000	1.6	69,696	0.02
<i>Artemisia tidentata ssp. wyomingensis</i>	Wyoming big sagebrush	0.01	2,500,000	0.8	34,848	0.01
<i>Krascheninnikovia lanata</i>	winterfat	0.02	48,000	1.6	69,696	1.45
Total		1		80	3,484,800	21.60

Table 2. Ponderosa Pine Understory/Silty Seed Mix.

Ponderosa Pine Understory/Silty-Steep Seed Mix						
Scientific Name	Common Name	Ratio Desired in Mix	PLS/lb	PLS/ft ²	PLS/ac	PLS lb/ac
Grasses						
<i>Nassella viridula</i>	green needlegrass	0.1	181,000	8	348,480	1.93
<i>Pascopyrum smithii</i>	western wheatgrass	0.15	110,000	12	522,720	4.75
<i>Pseudoroegneria spicata</i>	bluebunch wheatgrass	0.3	140,000	24	1,045,440	7.47
<i>Schizachyrium scoparium</i>	little bluestem	0.2	260,000	16	696,960	2.68
Forbs						
<i>Achillea millefolium var. occidentalis</i>	western yarrow	0.05	2,770,000	4	174,240	0.06
<i>Dalea purpurea</i>	purple prairie clover	0.05	210,000	4	174,240	0.83
<i>Ratibida columnifera</i>	prairie coneflower	0.05	737,000	4	174,240	0.24
Shrubs						
<i>Artemisia cana</i>	silver sagebrush	0.04	850,000	3.2	139,392	0.16
<i>Artemisia frigida</i>	fringed sagewort	0.05	4,536,000	4	174,240	0.04
<i>Prunus virginiana</i>	common chokecherry	0.01	4,800	0.8	34,848	7.26
Total		1		80	3,484,800	25.42

Monitoring and Reporting Strategy

1. Complete on-site inspections within one year of reclamation.
2. Evaluate monitoring data for achievement of objectives.
3. Document and report monitoring data to the BLM within two months of the on-site inspection. If any of the objectives have not been met, include in the report an explanation for failing to meet the objective and recommendations for remedial measures where appropriate.
4. Implement remedial measures when and where appropriate.
5. Continue the annual process of monitoring, evaluating, reporting, and implementing until objectives are achieved.
6. A cultural resources staff member will investigate the areas to be reclaimed prior to further ground-disturbing activities taking place. These investigations will be conducted once the project area is free of snow (providing adequate ground visibility) and accessibility by OHV is feasible. In all, cultural resources staff will require a full day of cultural inventory at the rehabilitation locations as well as two days in the office to draft a summary report of the findings.

In addition, any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

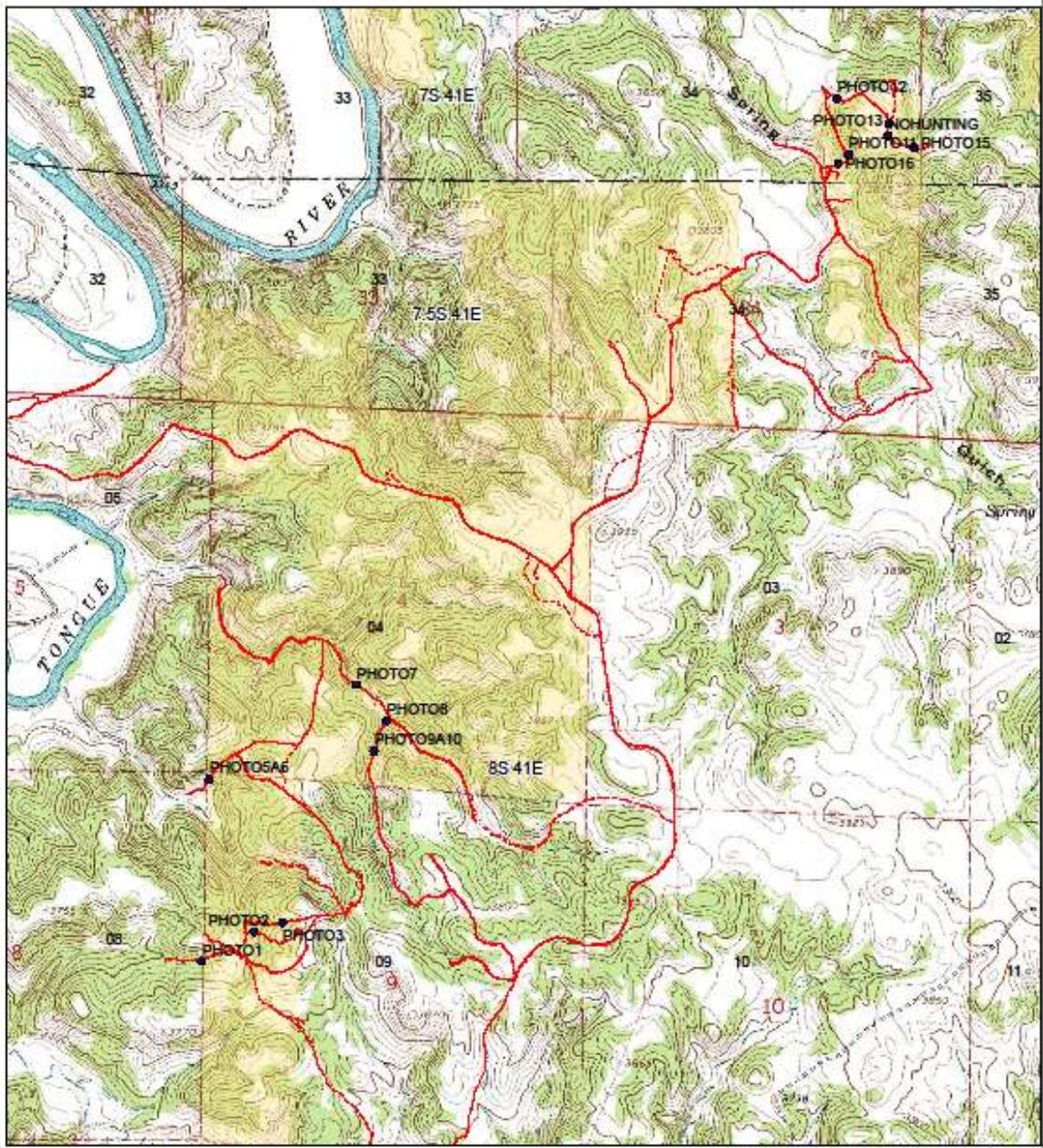
Monitoring Protocols

All reclaimed areas would be visually observed (on foot) within one year of reclamation.

1. Monitoring for site stability: any observations of accelerated erosion would be GPS located, photographed, documented, and reported to the BLM as soon as possible.
2. Monitoring for viable vegetative community.
 - a. Vegetation monitoring would be accomplished using photo points, including a ground cover photo, using the three-spoke design described by Herrick et al. (2009).
 - b. Reference areas and disturbed areas would be monitored following the same protocols.
 - c. All monitoring sites would be permanently marked (e.g. rebar stakes).
 - d. All information must be documented (hardcopy and electronic) and located using a GPS.
 - e. Evaluations must include: date; observer; study number; date established; established by; GPS location (lat./lon. and datum); legal description; recent weather conditions; and any disturbances (natural or anthropogenic).



MTM-108536 Trespass



Document Path: \\blm\blm\GIS\GISUsers\blm\blm\MapDocs\mtm108536.mxd

Legend

- Photo Points
- Bureau of Land Management
- Private
- Trails Traveled

Projected Coordinate System: NAD 1983 Albers
 Geographic Coordinate System: GCS North American 1983
 Datum: D North American 1983

1:23,159

0 0.1 0.2 0.3 0.4 Miles

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 MONTANA-DAKOTAS

Disclaimer:
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It is hereby declared the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Disturbance (ft) at Photo Points:

Photo 2 – 150 ft
Photo 3 – 435 ft
Photo 5a 6 – 350 ft
Photo 8 – 100 ft
Photo 9A10 – 250 ft
Photo 11 – 830 ft
Photo 12 – 220 ft
Photo 13 – 240 ft
Photo 15 – 175 ft
Photo 16 – 110 ft

Total of 2,860 ft bladed and 7 ft wide = .46 acres

Pictures where disturbance occurred







