

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-E030-2016-0002-DNA

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Wells Field Office, Elko District**

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

OFFICE: Elko District Office, Wells Field Office, LLNVE03000

TRACKING NUMBER: DOI-BLM-NV-E030-2016-0002-DNA

CASEFILE/PROJECT NUMBER: 1742 (DNC6)

PROPOSED ACTION TITLE/TYPE: 2007 Eccles Ranch Fire Retreatment Temporary Protective Fence

LOCATION/LEGAL DESCRIPTION:

T. 43N., R. 65E. sections 34, 35, & 36;

T. 43N., R. 66E. sections 31, 32, & 33.

A. Description of Proposed Action and any applicable mitigation measures

The Bureau of Land Management, Elko District Office is retreating approximately 1500 acres of the 2007 Eccles Ranch fire in the fall/winter of 2015. A portion of the lower elevation seeding was not successful with the original rehabilitation efforts and the site is now primarily dominated by halogeton. The seed mix will contain Russian wildrye, Bluebunch wheatgrass, Indian ricegrass, Siberian wheatgrass, small burnett, Sainfoin, Blue flax, Western yarrow, and near the leks we will plant black sagebrush and Wyoming big sagebrush in the appropriate ecological sites.

In conjunction with this retreatment, the BLM is also proposing to install a wildlife friendly temporary fence on the northern end of the seeding. This fence will be marked with sage-grouse fence markers and will prevent livestock from entering the seeded area to allow for the establishment of the seeded species. The fence will be built outside of the 1.2 mile buffer from any lek as outlined in the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan and Environmental Impact Statement (EIS). This area is considered a Priority Habitat Management Area (PHMA) for sage-grouse and contains two active sage-grouse leks in the seeding, one of which is an NDOW trend lek where attendance has declined precipitously following the 2007 fire. These treatments are essential because if they are left untreated we risk the possibility of permanently losing the sage-grouse habitat and leks. The fence construction in combination with the retreatment would occur outside of the biologically sensitive timeframes and would be below any noise thresholds. This project would result in a net conservation gain to the sage-grouse.

Grazing Closure

Livestock grazing would be removed from the retreatment area in order to allow the seeded vegetation to successfully establish. The closure would occur through a minimum of two growing seasons or until the established objectives are met, in order to provide an adequate amount of time to allow the seeded vegetation to establish. The retreatment area will be reopened to livestock grazing once the establishment objectives developed and outlined in the future Grazing Closure Decision has been met. These objectives would be determined based on coordination,

cooperation, and consultation with the interested public, monitoring and achievement of site specific resource objectives.

Approximately 7 miles of temporary protective fence would be constructed to exclude the retreatment area of the 2007 Eccles Ranch fire from livestock grazing. Once the retreatment area is rested from livestock grazing for an adequate period of time for the vegetation to establish and the establishment objectives have been met, the temporary fence would be removed.

Cultural Resources

Cultural resource inventories would be conducted for the fence construction if the area was not surveyed after the 2007 Eccles Ranch fire. Inventories would be conducted prior to the implementation of the proposed fence in order to identify any cultural resources that need to be protected and avoided during implementation.

B. Land Use Plan Conformance

LUP Name*	<u>Wells Resource Management Plan (RMP) Record of Decision</u>	Date Approved:	<u>July 1985</u>
Other Document	<u>Wells Resource Management Plan Elk Amendment</u>	Date Approved:	<u>February 14, 1993</u>
Other Document	<u>Elko and Wells Resource Management Plans Fire Management Amendment</u>	Date Approved:	<u>September 29, 2004</u>
Other Document	<u>Nevada and Northeastern California Greater Sage-grouse Resource Management Plan Amendment</u>	Date Approved:	<u>September 21, 2015</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:

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 seedings with the habitat needs of sage-grouse. Seedings 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).

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.

- Eccles Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2008/003)
Approved October 2007
- 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)
Approved August 2010
- 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)
- West Basin Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2008/002)
Approved October 2007
- West Fork Fire Emergency Stabilization and Rehabilitation Plan (BLM/EK/PL-2008/005)
Approved October 2007

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 Biological Opinion for the Elko and Wells Fire Management Plan Amendment issued by the U.S. Fish and Wildlife Service Date Approved, December 5, 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 project is within the same analysis area as the 2007 Eccles Ranch fire, the 2007 West Basin fire, and the 2007 West Fork fire. The similarities between the proposed actions include temporary fence installation and grazing closures. The differences between the proposed actions are the number of acres being closed to grazing and the distance of fence construction.

The differences are not substantial because the impacts are the same as previously analyzed. The proposed action continues to benefit the resources allowing the seeded species to re-establish providing vegetation that helps to stabilize soils and restore the ecological site.

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 documents are 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 EAs listed above. Alternatives to the proposed action are limited and would result in utilizing different materials for constructing fence. Use of fencing materials is also dependent upon several factors such as frequency of burning in the area, availability, wildlife habitat and movement in the affected environment, type or purpose of the existing fence.

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 treatments would help to rehabilitate priority habitat for Greater Sage-Grouse and approximately 200 other wildlife species that utilize sagebrush and sagebrush/grass habitats on a seasonal or yearlong basis. 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 EAs/EISs listed above included early coordination with affected interests and agencies. The proposed actions are in conformance with the 1985 Wells 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 supports 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	Title	Initial & Date
Marissa Murphy	Natural Resource Specialist, Operations	/s/ MM 11/4/15
Lucinda Langston	Archaeologist	/s/ LL 11/4/15
Jeff Moore	Rangeland Management Specialist	/s/ JDM 11/4/15
Cam Collins	Wildlife Biologist	/s/ CPC 11/4/15
Beth Wood	Fisheries, Riparian, Hydrology	/s/ BW 11/4/15
Melanie Mitchell	Assistant Field Manager, Renewable Resources	/s/ MM 11/9/2015

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/ Tom W. Warren

11/10/15

Signature of Project Lead

/s/ Terrell Dobis

11/10/15

Signature of NEPA Coordinator

/s/ Melanie Mitchell

Acting for Melanie Peterson

Signature of the Wells Field Manager

11/10/2015

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.