

**Determination of
National Environmental Policy Act Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management**

Office: Vale District, Malheur Field Office

Tracking Number (DNA #): DOI-BLM-ORWA-V000-2016-0017-DNA

Case File/Project Number: Fire number: J1A5

Proposed Action Title/Type: Bendire Complex Fire Emergency Stabilization & Rehabilitation
Non-Herbicide Treatments

Location/Legal Description: See Maps

A. Description of the Proposed Action and Project Design Elements

Background

The Bendire Complex was ignited by lightning on Monday, August 10, 2015. The fire began as two small fires - Pole Gulch (450 acres) and Bully Creek (45 acres). On Tuesday, August 11, 2015, the two fires grew together forming one fire, becoming the Bendire Complex fire and totaled 49,628 acres. Weather at the time of ignition was hot and dry with temperatures in the area ranging from the mid-80s to 100-degrees Fahrenheit since August 1, 2015 with no measureable precipitation over the month prior.

An Interdisciplinary Team (IDT) from the Vale District BLM prepared the Bendire Complex Emergency Stabilization and Rehabilitation Plan (ESR Plan) to submit to the BLM Washington Office (WO) for funding approval. This plan included all of the proposed emergency stabilization treatments for the Bendire Complex Fire burned area that needed to be analyzed.

After coordination and consultation with over 80 interested parties, tribes and elected officials, the Vale BLM issued a final decision on 10/26/15, which authorized immediate implementation of certain portions of proposed actions contained within the Bendire Complex ESR plan. On November 21, 2015, the BLM's decision was appealed to the Interior Board of Land Appeals (IBLA). At the BLM's request, on January 5, 2016, the IBLA vacated and remanded the BLM's decision to the agency for further consideration.

Between January 22, 2016 and February 5, 2016, the Vale BLM sought public comment on a revised set of ESR treatments, limiting them to the original proposed actions minus treatments for invasive grasses. During the comment period, BLM received one set of comments from Blue Mountain Biodiversity Project (BMBP) that included their concerns related to herbicide use on public lands. BMBP requested that BLM further analyze the effects of any potential herbicide application. Due to the emergency nature and time sensitivity needed for implementation of the stabilization and rehabilitation efforts listed below, BLM has withdrawn any herbicide treatments from the proposed actions listed below and will further analyze those at a later time.

Through an inter-disciplinary team Determination of NEPA Adequacy (DNA) review process, Vale BLM has determined that the revised proposed ESR actions identified and described herein

are substantially similar to those actions analyzed in existing NEPA analyses and additional NEPA consideration is not necessary.

Affected Environment

The burned area consists of soils typical of grass-shrub semiarid rangelands. No soil survey data are available through a Natural Resource Conservation Service (NRCS) Soil Survey; however soil data are available for the BLM through a fourth order soil survey developed by the Oregon State Water Resources Board and the Soil Conservation Service in 1969. The following information comes from Oregon's Long-Range Requirements for Water General Soil information (State Water Resources Board, Malheur Drainage Basin, 1969). Soils identified in the burned area on BLM lands (41,871 acres) are Soil Series: Brogan (Br), Ruckles (Ru), Virtue (Vi), Soil Units 1, 56, 60, 75, 76, 83, and 84. Of these soils Unit 76 comprises 66% (27,538 acres) of the soils, Unit 60 17% (7,001 acres), Unit 83 8% (3,181 acres), Unit 84 4% (1,681 acres), and Br 3% (1,340 acres). All others comprise one percent or less of the burned area. Soils within the burned area are susceptible to wind erosion in the short term until vegetation cover returns. Those soils with a higher rock component are more resistant to both wind and water erosion. All soil types are susceptible to water erosion during heavy precipitation and spring run-off events, specifically in areas where flow is concentrated due to topographic features.

Elevations within the fire range from 4000 feet to 5400+ feet and with precipitation ranging between 10" - 16" annually depending on elevation, slope and aspect. The burned area was comprised mainly of both Wyoming big sage brush (ATRTW) and basin big sage brush (ARTRT) with understories of both deep rooted perennial grasses (bluebunch wheatgrass/Idaho fescue) and non-native annual grasses (cheatgrass and medusahead). To a lesser extent within the burn area were pockets of scrubland sagebrush (ARRI) which held very little herbaceous understory. Generally speaking, the islands of unburned vegetation were the islands of scrubland sagebrush which grow in low density (plant/acre) and lack the fine fuels necessary to carry a fire.

High elevation sagebrush acreages are dominated by mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*). Mountain big sagebrush occurs on sites that are more productive than Wyoming big sagebrush sites. Soils are often deep and well drained on mountain slopes. Plant diversity and productivity is greater than on Wyoming big sagebrush sites. Herbaceous plant composition is similar to other sagebrush types, but mountain big sagebrush plant communities tend to have a higher density and cover of large perennial grasses and deep-rooted perennial forbs. Idaho fescue and bluebunch wheatgrass are often be found as soil depth and elevation increase. Gray rabbitbrush, wax currant (*Ribes cereum*), antelope bitterbrush (*Purshia tridentata*), and mountain snowberry (*Symphoricarpos oreophilus*) are commonly found in association with mountain big sagebrush. Mountain big sagebrush plant communities have a greater grass and forb component than the drier Wyoming big sagebrush plant communities. Portions of the high-elevation sagebrush/bunchgrass acreages have burned in large wildfires within the past 2 decades. This allowed for invasion of noxious and invasive annual grasses, including medusahead.

Low elevation sagebrush acreages are dominated by Wyoming sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) and low sagebrush (*A. arbuscula*). Low sagebrush most often is found on shallow soils with either a restrictive layer or bedrock within 12 inches of the soil

surface. Low sagebrush sites tend to be low to moderately productive because of shallow soils. Low sagebrush occupies slightly lower productivity sites with shallower soils with more rock on the surface.

Herbaceous species found in association with low sagebrush includes bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), Thurber's needlegrass (*Achnatherum thurberianum*), bottlebrush squirreltail (*Elymus elymoides*), and Sandberg's bluegrass (*Poa secunda*). Forbs commonly found on the site include arrowleaf balsamroot (*Balsamorhiza sagittata*), taper tip hawksbeard (*Crepis acuminata*), false dandelion (*Agoseris glauca*), prairie lupine (*Lupinus lepidus*), Hood's phlox (*Phlox hoodii*), low pussytoes (*Antennaria dimorpha*), and cushion buckwheat (*Eriogonum ovalifolium*).

In addition to native vegetation in the area, there are known, scattered populations of noxious weeds within the burn perimeter and general vicinity of the fire, including numerous small sites of Russian knapweed (*Acroptilon repens*), spotted knapweed (*Centaurea stoebe*), diffuse knapweed (*Centaurea diffusa*), perennial pepperweed (*Lepidium latifolium*), whitetop species (*Lepidium* spp), Scotch thistle (*Onopordum acanthium*), bull thistle (*Cirsium vulgare*), and Canada thistle (*Cirsium arvense*). Dalmatian toadflax (*Linaria dalmatica*) and Mediterranean sage (*Salvia aethiopsis*) are near Beulah Reservoir, two to five miles, respectively, from the fire boundary, and could potentially be within the burned area.

The fire area is currently occupied sage-grouse habitat and the entire area burned (49,628 acres, BLM and PVT) is designated as Priority Habitat Management Area (PHMA) for sage grouse. Ten sage-grouse leks are present within the burn perimeter; seven active, three historic/unoccupied. The entire burn area is also within the Northern Great Basin Priority Area of Conservation (PAC) for sage grouse and within the Beulah Fire and Invasive Assessment Tool (FIAT) project planning area (PPA). The 702,900-acre Beulah PPA (Project Planning Area) is in Malheur and Baker Counties in eastern Oregon; the entire PPA is in the BLM Vale District. Landownership in the Beulah PPA is approximately 60 percent BLM, 39 percent private, and one percent state-administered lands.

Portions of the fire burned through the historic Vale Project. The Vale Project marked a significant departure for BLM's range program—a shift away from mostly managing livestock numbers to managing the range itself. In addition to implementing new grazing systems, brush control, and water developments, BLM experimented with the introduction of normative grasses and the use of herbicides to improve rangeland forage. Lands were also exchanged to create better management units.

Additionally, the fire burned across 21,928 acres of active and proposed conifer treatments which were planned for the 2015 Beulah FIAT PPA fuels project. Of the 21,928 acres, 18,393 were burned, totaling 84% of the active and proposed projects. Also included in the FIAT planning were fuel breaks along major roads.

There are various aquatic and riparian resources affected by the Bendire complex fires. There are 213 acres of BLM aquatic resources, 7.6 miles of perennial, and 141.9 miles of intermittent streams within the fire perimeter. Of immediate concern are the possible impacts to Murphy

reservoir (30 acres) and the fisheries in the reservoir from ash and debris flows from an intense runoff event, either from fall 2015 rainfall and/or snow melt in the spring of 2016.

Project Design Features

Project Design Features (PDFs) were developed to aid in meeting project goals and objectives. These features are a component of BLM Adaptive Management process and are subject to change based on site-specific terrain characteristics (topography and vegetation). Changes, additions, or deletions would be made through coordination with appropriate BLM specialists and approved by the Malheur Field Office Manager. The Industrial Fire Precaution Levels (IFPLs) would be followed during construction, where appropriate. Specific Design Features incorporated into ESR treatments include:

1. Protect cultural resource values throughout the life of the project. Archaeological sites would be avoided within the seedling planting areas. Class III surveys would be completed in these areas prior to activity implementation. Inventories would be in accordance with the State Protocol Agreement between the Oregon BLM and the Oregon State Historic Preservation Office (SHPO). All cultural resources would be recorded on agency approved site forms and plotted on maps. Resources, except those previously determined Not Eligible by the agency and SHPO would be flagged for avoidance during stabilization and rehabilitation activities. Flagged sites would be either hand seeded or seeded via All-Terrain Vehicle (ATV) during stabilization and rehabilitation activities. Flagging would be removed as soon as possible after stabilization and rehabilitation treatments to minimize the potential for looting and vandalism.
2. The risk of noxious weed introduction would be minimized by ensuring all equipment (including all machinery, ATVs, and pickup trucks) is cleaned prior to entry to the sites, minimizing disturbance activities, and completing follow-up monitoring to ensure no new noxious weed establishment occurs
3. All proposed wire fences, constructed within 1.25 miles of a lek or known seasonal use area (i.e. spring enclosures), would include reflective markers on the wire to enhance visibility and reduce potential mortality from sage-grouse hitting the fence.
4. New proposed temporary fences would not be constructed within 0.6 miles of active sage-grouse leks or known seasonal use areas. Noise and physical disturbance created during construction of temporary fence would be limited to avoid adverse effects to nesting birds.
5. Escape ramps would be repaired or installed in troughs to minimize accidental drowning by migratory birds and other wildlife.
6. All fences necessary for controlled livestock management would be reconstructed using original specifications and in good condition prior to livestock turnout. Metal posts would be used to replace wood posts as needed.
7. New temporary fences would be constructed to BLM specifications.
8. All seed would meet BLM standards for weeds, germination, and purity.

9. Monitoring to determine effectiveness of treatments, natural recovery, needs for additional stabilization and rehabilitation, and to determine if grazing can resume would occur for at least three years from the date of containment.

Planned Actions

The area burned by the Bendire Complex Fire is in need of the proposed treatments to ensure desirable vegetation would stabilize the site and help prevent invasion of undesirable vegetation and/or noxious weeds as detailed below:

- **Erosion Control.** Preventing hazardous road conditions would occur by installing up to 24 straw wattles in key drainages and along road where erosional forces could wash out roads making them impassible.
- **Seedings.** Seeding desirable native perennial grasses where the fire burned hottest and where there is a high potential to become infested with invasive annual grasses on approximately 7,480 acres. Aerial seeding methods would be utilized due to the steepness and rockiness of the terrain. A seed mix composed of competitive native species such as bluebunch wheatgrass and Idaho fescue was deemed necessary by the IDT due to an infestation of invasive annual grasses within the near vicinity of the intense fire. Establishment of fire resistant perennial grass species in the burned area is critical to interrupt the fire and invasive species cycle and protect adjacent sagebrush habitat.
- **Livestock Management.** Protecting the burned area from livestock grazing during a period necessary for establishment and recovery of health and vigor of desired vegetation. Approximately sixteen miles of three-strand temporary protective fence would be constructed to separate the burned area from unburned portions of affected pastures. Forty miles of existing management fence would be repaired and/or reconstructed within the affected allotments. Fence reconstruction may be as minimal as replacing H-braces and rock cribs but may be as large as full fence replacement, depending on the severity of the damage caused by the fire. In all fence reconstruction, metal materials would be used to the fullest extent possible. Fences requiring full replacement would be reconstructed in the same location as the previous fence.
- **Planting.** Hand planting approximately 4,764 acres of sagebrush or bitterbrush seedlings in order to accelerate the recovery of these key shrub species, not only for sage grouse, but for other key wildlife such as elk and mule deer and other sage brush obligates. Seed collection and grow out will occur during year one with planting occurring during years two and three. Crab Apple planting will also occur in smaller areas where plants were present prior to the fire.
- **Cultural Resources.** Assessment and stabilization of impacted known cultural resources.
- **Effectiveness Monitoring.** Monitoring and assessing emergency stabilization treatments for success and/or failure.

B. Land Use Plan (LUP) Conformance:

LUP Name: Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision (ROD), Date Approved 2002

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Southeastern Oregon Resource Management Plan:

Rangeland Vegetation, pages 38-41; Wildlife Habitat Pages 50-51; Rangeland/Grazing Use Pages 56-60; Special Management Areas Pages 102-106; Noxious Weeds Page 44.

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

Normal Fire Emergency Stabilization and Restoration Plan Environmental Assessment (NFESRP, 2005)

The Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (June, 2015).

The Approved Resource Management Plan Amendment for the Great Basin Region, Including the Oregon Sub-Region and Record of Decision (September, 2015).

Proposed Southeastern Oregon Resource Management Plan (SEORMP) and Final Environmental Impact Statement (September, 2001), Best Management Practices, Appendix O: Definition Page O-1, Fire Suppression Page O-6, Appendix S. Best Management Practices and Rangeland Projects and Improvements,

Secretarial Order 3336, Rangeland Fire Prevention, Management and Restoration, (issued in March, 2015)

Instruction Memorandum WO IM-2014-114, Sage-Grouse Habitat and Wildland Fire Management (2014).

Wilderness Study Area (WSA) manual 6330

Knick and Connelly, *Ecology and Conservation of Greater Sage-Grouse: A Landscape Species and its Habitats* (Monograph, 2011)

D. BLM Handbook Criterial for making a Determination of NEPA Adequacy:

- 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

- **Documentation of answer and explanation:** The current proposed actions are identified in the Vale District NFESRP EA and are substantially the same actions as analyzed in that document.

Bendire Complex ESR Plan Proposed Treatments analyzed in the NFESRP EA

- Natural recovery, pg. 6
- Seeding & Planting, pg. 7
- Temporary fencing, pg. 11
- Design features, pg.13&14
- Vegetation, pg. 39-40
- Wildlife, pg. 40-42
- Special Management Areas, Wilderness Study Areas, pg. 44
- Grazing Management, pg. 46

Resources and Conditions

The Bendire Complex fire burned area is dominated by soils that support complexes of low sagebrush/bunchgrass and Wyoming big sagebrush/bunchgrass plant communities. The area supports sagebrush steppe communities that are susceptible to medusahead wildrye and cheatgrass infestation after to burning. The Bendire Complex burned area is generally middle elevation ecological zone. This ecological zone is between 4000-4600' above mean sea level which receives between 10"-16" of precipitation annually. A lower elevation area on the west side of the Bendire Complex burned area is low elevation ecological zone. It occupies a lower elevation bottomland with invasive annual grass cover estimated between 10-15%.

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 values?**

Yes

Documentation of answer and explanation: The NFESRP EA and SEORMP FEIS (2001) analyzed a range of alternatives including no action with respect to current 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, and updated lists of Bureau of Land Management [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.

- **Documentation of answer and explanation:** There is no significant new information or circumstances that would warrant additional analysis. The NFESRP EA and the SEORMP FEIS anticipated the impact of fire on public land resources and resource values, considered a range of alternatives to address post-fire management, and analyzed the alternative consequences and potential management actions to respond to wildland fire impacts. The NFESRP EA analyzed all treatments considered as a part of this revised ESR proposed action.

There are, however, three developments since the NFESRP EA was signed (2005) that were specifically considered through the interdisciplinary effort in the analysis of the revised proposed ESR actions. These issues are specifically described below.

Greater Sage-Grouse Habitat Management

In the Federal Register notice dated October 2, 2015, the US Fish and Wildlife Service determined that the listing of the greater sage-grouse is not warranted at this time" (80 FR 191, p 59858-59942)

Completion of the Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (June, 2015) and the Approved Resource Management Plan Amendment for the Great Basin Region, Including the Oregon Sub-Region and Record of Decision (September, 2015). All treatments proposed in this revised ESR proposed action were reviewed and are consistent with the Sage-Grouse Amendments.

The *Greater Sage-Grouse Wildfire, Invasive Annual Grasses & Conifer Expansion Assessment (Fire and Invasive Assessment Tool (FIAT))* was issued in June 2014. The purpose of this assessment is to identify priority habitat areas and management strategies to reduce the threats to Greater Sage-Grouse resulting from impacts of invasive annual grasses, wildfires, and conifer expansion. The Conservation Objectives Team (COT) report (USFWS 2013) and other scientific publications identify wildfire and conversion of sagebrush habitat to invasive annual grass dominated vegetative communities as two of the primary threats to the sustainability of Greater Sage-Grouse (*Centrocercus urophasianus*) in the western portion of the species range.

Secretarial Order 3336, Rangeland Fire Prevention, Management and Restoration, was issued in March, 2015. The Order places a priority on "protecting, conserving and restoring the health of the sagebrush-steppe ecosystem and, in particular, greater sage-grouse habitat, while maintaining safe and efficient operations," and looks at the allocation of fire resources and assets associated with wildland fire and investments related to restoration activities to reflect that priority.

No new threatened/endangered or Special Status Species (SSS) or environmental concerns have been identified in the project area. The Proposed Action meets goals and objectives of all current management strategies to meet sage-grouse habitat needs.

Lands found to have wilderness characteristics

The Vale District has finished the required inventory of wilderness characteristics. No areas determined to possess wilderness characteristics are within the project area and therefore the proposed actions will not diminish or alter the values used to classify these lands.

Revisions of the Wilderness Study Area Manual 6330

Within the Bendire Complex fire burned area, approximately 220 acres are within Wilderness Study Area (WSA). No treatments have been proposed within this area. Natural recovery is planned.

Summary

In view of the foregoing, BLM concludes that the current proposed ESR actions will not have substantial or long term impacts on wilderness characteristics and would not affect either the existing finding that a unit contains wilderness characteristics, diminish the size of the unit, or affect the eventual management direction made at the conclusion of the agreed-to RMP Amendment process to address lands with wilderness characteristics. Consequently, the current proposed actions would not benefit from additional analysis.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes.

Documentation of answer and explanation: The methodology and analytical approach used in the NFESRP EA has not changed and will continue to be appropriate for the proposed action. Post-fire monitoring on emergency restoration activities conducted since the signing of the NFESRP EA has shown the effects of the proposed actions to be within the past perimeters and expected results of those evaluated in the original analysis.

5. 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.

Documentation of answer and explanation: Direct and indirect impacts of the proposed action are substantially the same as those analyzed in the proposed action, pages 37-46 of the NFESRP EA. Cumulative impacts of the proposed actions are substantially the same as those analyzed in the NFESRP EA on page 47.

6. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: The NFESRP EA and SEORMP FEIS were reviewed by a diverse representation of publics, including federal, state and local agencies as well as private entities. The notice of availability of the draft NFESRP EA and the

opportunity to comment was sent to over 400 individuals, organizations, agencies, local governments, state governments, and federal governments. Since that time BLM has utilized the NFESRP EA analysis to implement multiple ESR fire plans, all of which were done with coordination, cooperation, and consultation with the many entities and publics of record. For the revised proposed actions from the Bendire Complex Fire ESR plan, the BLM also requested additional public comments and sent letters to approximately 80 known interested parties, requesting their views on the proposed actions listed in this DNA review for the purposes of assisting the BLM in determining whether existing NEPA analysis adequately analyzed those actions.

E. Interdisciplinary Analysis:

The following team members conducted or participated in the preparation of this document:

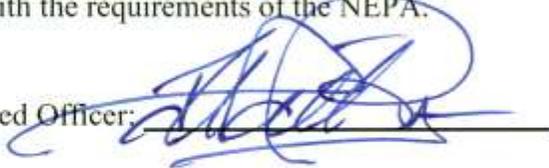
Brent Grasty	NEPA Compliance and Planning
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Mike Pagoaga	Fire and Fuels Management
Lynne Silva	Weeds Specialist
Dan Thomas	Recreation Planner
Megan McGuire	Wildlife Biologist
Kevin Eldredge	Rangeland Management Specialist
Cheryl Bradford	Archaeologist
Susan Fritts	Botanist

Note: Refer to the Environmental Analysis (EA)/Environmental Impact Statement (EIS) for a complete list of the team members participating in the preparation of the original EA or planning documents.

F. 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 the NEPA.

Signature of Authorized Officer: _____



Date: _____

2/29/2016

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 determination of NEPA adequacy (DNA) is subject to protest or appeal under 43 Code of Federal Regulations (CFR) Part 4 and the program-specific regulations.