

APPENDIX A
Bendire Complex Fire Emergency Stabilization and Rehabilitation (ESR) Actions
Response to Comments Table

Comments on the Bendire Complex Fire ESR revised proposed treatments

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and time sensitivity needed for implementation of the stabilization and rehabilitation efforts listed below, BLM has withdrawn any herbicide treatments from the proposed actions listed below and will further analyze those at a later time.

As herbicide application is no longer part of the proposed actions, the comment response table below will strictly address those comments received pertinent to the analysis performed on the remaining action items. All other public comments received in regards to the use of herbicide will be reserved for evaluation in any potential future analysis.

Comment Number	Substantive Comment	BLM Response
A. Process and Legal Comments		
A.1	January 22, 2016 comment letter "... seeking public comment on the proposed emergency stabilization and rehabilitation actions that may occur on lands affected by the Bendire Complex Fire".	After the original decision was remanded, Vale BLM modified the set of proposed actions and requested additional public comment in regards to the modification. Based upon the comments received, the BLM removed the use of any herbicides from the list of proposed actions. BLM then analyzed the remaining proposed actions using a Determination of NEPA Adequacy (DNA) review.
A.2	"... what part of the NEPA process the Bendire Complex Fire stabilization and rehabilitation plan is currently under	Due to the emergency nature and time sensitivity needed for implementation of certain stabilization and rehabilitation efforts, BLM has withdrawn any herbicide treatments from the revised proposed actions and will further analyze those at a later time. BLM assessed whether existing NEPA analysis sufficiently addressed the non-herbicide treatments and determined that the actions were "substantially similar" and documented this is a DNA review. The proposed actions, the DNA review and the existing NEPA analysis were considered by the Field Manager. The Field Manager issued a decision record authorizing implementation of all proposed, non-herbicide actions in the Bendire Complex Fire burned area.
A.3.	BLM Website	The BLM sought meaningful public comments within the time constraints posed by the emergency nature of the fire response. The BLM provided digital links to documents where possible and pertinent information could also be accessed via internet search. The BLM lacked the time necessary to convert significant amounts of material into a digital format. Consequently, the public comment notices sent by the BLM made clear that they were prepared to send copies of documents upon request. The BLM was prepared to provide the requested documents either in hardcopy or digital form. The BLM received no requests for additional information from the public during the comment period.
A.4	BLM's comment request letter did not identify which existing NEPA the Bendire would be tiered to.	The NFESRP EA was identified in the comment request letter and a link to the NFESRP EA was provided on the BLM's website. The NFESRP EA cites other relevant NEPA documents.

Comment Number	Substantive Comment	BLM Response
A.5	Requested copies of all documents	The public comment period for the present action ran from January 22 nd to February 5, 2016. With one exception, BLM received no requests for additional documents during that period. BMBP requested additional documents in its February 5 th , 2016 comments. By that time, the comment period had ended.
A.6	Need to conduct site-specific environmental analysis	While environmental conditions may vary slightly between locations and years of fire events in the Vale District, the typical resources and tools used to prevent unnecessary resource impacts following fire, generally, do not. In this matter, the BLM determined that resources impacted and approved tools/treatments for addressing those impacts in the area of the Bendire Fire Complex are within the range of alternatives analyzed in existing and valid NEPA analysis.
A.7	Direct, Indirect and Cumulative Impacts	Resource impacts considered in the programmatic NFESRP EA analyzed the direct, indirect and cumulative impacts of typical fire conditions and potential ESR treatments and actions. Resource staff conducted field visits and utilized existing information on field conditions, proposed treatments and long term impact assessments, including monitoring protocols, and determined that the direct, indirect and cumulative impacts associated with the adopted ESR treatments did not vary from those analyzed in the 2005 NFESRP EA and related NEPA analysis. A detailed list of NFESRP EA project design elements is presented in Section C of Chapter 2 (Proposed Action and Alternatives, pp. 13-17).
A.8	Scope	The scope of the NFESRP EA and related NEPA documents addressed fire response on lands within the Vale District. These documents considered all typical fire, resources and stabilization and restoration tools across the landscape. The scope of the Bendire Complex fire burned area is within that area.
A.9	Data Gaps	Vale BLM utilizes the best available data. Treatment and fire history, soils, water resources, vegetation, etc. are considered by the IDT when determining the proposed action for an ESR Plan.
B. National Environmental Policy Act Comments		
B.1	Adequate NEPA Review	Using Chapter 43 CFR and BLM NEPA analyses, BLM authorizes their actions to implement projects on public land. As described above, Vale BLM generated the NFESRP EA. This effort included public scoping, alternative development, public review of the draft, response to and incorporation of public input and a final decision. A Finding of No Significant Impacts was generated with the decision. The FONSI identified that no significant impacts were generated by the actions authorized by the decision. The BLM's DNA process (described above) was utilized to consider the conditions and proposed treatments associated with the Bendire Complex fire ESR Plan proposed actions. An IDT review found that the NFESRP EA considered all actions in the Bendire Complex fire ESR proposed actions and that additional NEPA is not necessary.

Comment Number	Substantive Comment	BLM Response
C. Public Involvement and Opportunities to Comments		
C.1	January 22, 2016 comment letter "... seeking public comment on the proposed emergency stabilization and rehabilitation actions that may occur on lands affected by the Bendire Complex Fire".	Due to the emergency nature and time sensitivity needed for implementation of certain stabilization and rehabilitation efforts, BLM has withdrawn any herbicide treatments from the revised proposed actions and will further analyze those at a later time. BLM assessed whether existing NEPA analysis sufficiently addressed the non-herbicide treatments and determined that the actions were "substantially similar" and documented this is a DNA review. The proposed actions, the DNA review and the existing NEPA analysis were considered by the Field Manager. The Field Manager issued a decision record authorizing implementation of all proposed, non-herbicide actions in the Bendire Complex Fire burned area.
C.2		Vale BLM posted the original Decision and DNA review to the ePlanning site and sent notice to the known interested publics - approximately 80 members of the public, public entities and tribal councils were mailed notices directly and a public notice was posted in local newspapers – that this decision was effective immediately. Vale BLM mailed a notice requesting public comment to the same interested publics list for the revised proposed action. Additionally, BLM is required (BLM Planning Handbook H-1790-1, 8.2 Public Involvement, p. 76) to conduct public involvement for EAs or EISs. Vale held public meetings and conducted direct mailing and newspaper notices during the NFESRP EA process.
C.3	Reason for short comment period and "... part of the NEPA process..." the ESR plan is currently under	After the original decision was remanded, Vale BLM modified the set of proposed actions and requested additional public comment in regards to the modification. In this case, the BLM provided written notice of a two week comment period to over 80 parties that have expressed interest in actions within the BLM Vale district. With the exception of the BMBP, the BLM received no other public comments. The BLM believes that notice and comment process was appropriate in view of the need to avert future harm by redressing fire damage as quickly as possible.
D. Resource Comments		
D.1	Buffers from special species and habitats	Design Features for Special Status Species are addressed on page 15-16 in the NFESRP EA. The specific design feature states "Proposed projects would be reviewed for the presence of special status plants and animals and their habitat during development of a plan. If special status plant and/or animal populations or habitats are known or suspected to occur in a site-specific project area, the area would be examined for habitat quality and the need for rehabilitation treatments. Treatments would be designed taking into account policy and/or program or land use plan guidance for treatment activities i.e. buffers, seasonal restrictions etc. appropriate to the species involved."
D.2	Wetlands	There are no known wetlands in the project area.
D.3	Soils	The effects of ESR treatments on Soils are analyzed in the NFESRP EA (p.37).
D.4	Aquatic Concerns	No proposed actions are taking place in aquatic areas

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D.5	Wilderness Characteristics	There are no Lands with Wilderness Characteristics (LWCs) within the project area and therefore no proposed actions within LWCs.
D.6	Environmental Justice	The Proposed Action and No Action alternatives would not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations; as such populations do not exist within the project area.
D.7	“...cattle would only be excluded for two seasons according to the Decision Notice as previously published.”	Areas burned by wildland fire, including those subsequently rehabilitated, will be rested from grazing for one full year and through a second growing season at a minimum, or until monitoring data or professional judgment indicate that health and vigor of desired vegetation has recovered to level adequate to support and protect upland function (Southeastern Oregon RMP, Record of Decision, p.40).
E. Miscellaneous		
E.1a	Project Location	Stated location is incorrect. Project is located in Malheur County, Oregon
E.1b	“Sale”	No sales are proposed
E.2	Citing to USFS NEPA	No USFS lands are within the project area and BLM decisions are tiered to Chapter 43 CFR and BLM NEPA analyses.
E.3	Citing to USFS NEPA	See above