

Worksheet
Determination of NEPA Adequacy (DNA)
U. S. Department of the Interior
Bureau of Land Management

BLM Office: Casper Field Office, Wyoming

Lease/Serial/Case File No.: Range Improvement Project No. 17657

Tracking Number: DOI-BLM-WY-P060-2016-0035-DNA

Proposed Action Title/Type: Bates Juniper Rx Burn

Location of Proposed Action: T31N/R80W Sec 24-25, T31N/ R79W Sec 19- 30, Natrona County

Applicant: BLM

A. Description of Proposed Action:

The BLM and State of Wyoming, in cooperation with Allen Rhodes, are proposing to conduct a prescribed burn to treat up to 900 acres of juniper woodlands on the Corral Creek Allotment (#10106). The purpose of the treatment is to enhance habitat conditions for wildlife in the Bates Hole area, particularly crucial big game winter range habitat, as well as improve the hydrologic function of associated riparian areas. The emphasis of this project is to maintain and enhance stands of mountain shrub communities, a crucial forage source for wintering ungulates while providing a degree of wildfire protection to adjacent properties.

Pre-treatments would involve contract crews hand-cutting (chain saw) and piling junipers to create a wick and to create a protective buffer around non-targeted resources. The wick would provide continuous woody fuels which would be targeted during aerial ignition operations. Pre-treatment is expected to occur summer 2016.

Prescribed burning (helitorch) would occur in the fall of FY 2018 and would be completed by qualified fire crews, in accordance to an approved burn plan. A post burn evaluation would be completed years 3 and 5 of burning to evaluate treatment effectiveness. The area would be monitored for the presence of invasive weeds and any infestations would be addressed through an IPM approach.

B. Conformance with Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name:

Casper Resource Management Plan (RMP)
ARMPA for Greater Sage Grouse

Approved: December 2007
Approved: September 2015

The proposed action is in conformance with the applicable LUP 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) and if applicable implementation plan decisions:

Casper Resource Management Plan

Decision 3008: Utilize an integrated management technique approach (defined as prescribed fire, mechanical, chemical, or biological, followed by desired reseeding) to reduce fuels to protect high priority areas or resource values...Urban and industrial interface.

Decision 4001: Utilize current research, management and conservation plans and other research and related directives, as appropriate, to guide habitat management for vegetation, fish, wildlife and special status species.

Decision 4008: Manage actively, where INPS occurs, to contain or eradicate them using an integrated management approach and cooperative agreements with county weed and pest control districts, and private landowners across all vegetative communities.

Decision 4009: Utilize an integrated management approach (i.e., mechanical, chemical, biological, prescribed fire, or livestock grazing) to manipulate seral stages within vegetative communities to achieve objectives defined by the range, forestry, wildlife, watershed, and INPS.

Decision 4037: Manage 630,183 acres of sagebrush communities toward DPC.

Decision 4038: Manage 46,779 acres of mountain shrub communities toward DPC.

Decision 4053: Within the Bates Hole Management Area, the areas will have priority for vegetative treatments to improve sage grouse habitats and for vegetation monitoring to ensure residual herbaceous vegetation is maintained for nesting cover on public lands.

Decision 5008: Cultural resource inventories and site evaluations within the planning area are in direct response to specific land-use proposals in accordance with Section 106 of the National Historic Preservation Act (NHPA). Additional inventory is carried out, when resources permit, to comply with Section 110 of the NHPA.

Decision 6079: Grazing leases will be adjusted where an evaluation of monitoring, field observations, or other data indicates changes, and either increases or decreases, in forage allocation are needed or when necessary or required by other applicable law or regulation.

Decision 6081: Prevent downward trend in all allotments.

Decision 7021: Management actions to conserve and (or) improve greater sage grouse habitats are described in the Special Status Species section.

Decision 7024: Surface-disturbing activities and disruptive activities are subject to a CSU stipulation, restricting or prohibiting surface occupancy unless the proponent and surface management agency arrive at an acceptable plan for mitigation for impacts.

Decision 7036: Restoration projects will focus on improving wildlife and fisheries habitats and recreational opportunities.

Approved Resource Management Plan Amendment for Greater Sage Grouse

MD GMD 2: Field offices will work with project proponents, partners, and stakeholders to avoid or minimize impacts and/or implement direct mitigation (e.g., relocating disturbance, timing restrictions, etc.), and utilize best management practices (BMP). When necessary, offsite compensatory mitigation will be applied consistent with Wyoming's Core Area Strategy.

MD GMD 4: Include the collection of baseline data and outline post-project monitoring components in project planning, as appropriate and necessary.

MD GMD 5: The BLM will coordinate new recommendations, mitigation, habitat objectives, and management considerations applied for sage-grouse with the WGFD and other appropriate agencies, local government cooperators, and the Wyoming SGIT. These measures will be analyzed in site-specific NEPA documents, and planning level documents, as necessary.

MD GMD 6: Apply appropriate seasonal restrictions for implementing vegetation management treatments according to the type of seasonal habitats present within GRSG habitat. Vegetation treatments must include monitoring to determine achievement of objectives and their long-term success.

MD GMD 7: Ensure site-specific, measurable, conservation and mitigation objectives are included in project planning within sage-grouse habitats.

MD GMD 8: Each BLM field office will develop landscape-scale restoration, conservation, and maintenance strategies, including special management of seasonal habitats and identified connectivity zones outside of PHMAs, working with voluntary partners and cooperating agencies. These strategies and habitat designations must be coordinated and reconciled with Wyoming's Greater Sage-Grouse Core Area Protection strategy (EO 2015-4), and where possible, with adjoining management entities that share habitats or populations.

MD GMD 9: Design all projects in a manner that minimizes potential for invasive species establishment. Monitor and treat invasive species associated with all permitted activities consistent with BLM Handbook H1740-2.

MD GMD 11: Integrated vegetation management will be used to control, suppress, and eradicate, where possible, noxious and invasive species per BLM Handbook H-1740-2. Manage weed treatments to maintain and improve GRSG habitat. RDFs and BMPs will be applied to the permit as Conditions of Approval as determined through the site-specific analysis.

MD GMD 22: Evaluate opportunities to coordinate management plans and strategies on multiple allotments where coordination under a single management plan/strategy will result in enhancing GRSG populations or its habitat, as determined in coordination with the state wildlife agency and with project proponents, partners, and stakeholders.

MD GMD 24: Fire and fuels management actions will be designed to contribute to the protection and enhancement of sagebrush habitat that support GRSG populations (including large contiguous blocks of sagebrush).

MD SSS 1: Within PHMAs, specific to management for GRSG, all RMPs are amended as follows: The BLM, in coordination with the State of Wyoming and its agencies, other local partners and stakeholders, will establish monitoring framework (Appendix D) for sage-grouse populations and habitat that will be incorporated into individual project approvals, including small and in-house projects, as appropriate and necessary.

Outside of PHMAs and/or for values other than GRSG, the following RMP decisions remain in effect with the modification described above:

Casper RMP:

Bates Hole and Fish Creek/Willow Creek: The areas will have priority for vegetative treatments to improve sage-grouse habitats and for vegetation monitoring to ensure residual herbaceous vegetation is maintained for nesting cover on public lands.

MD VEG 1: Manage vegetation composition, diversity and structure, as determined by Ecological Site Description (ESD), or other methods that reference site potential, and WGFD protocols, to achieve GRSG habitat management objectives, in cooperation with stakeholders.

MD VEG 3: Within PHMAs, specific to management for GRSG, all RMPs are amended as follows: For vegetation treatments in sagebrush within PHMAs, refer to Appendix H, WGFD Protocols for Treating Sagebrush to Benefit Sage-Grouse (WGFD 2011, as updated) and BLM Washington Office Instruction Memorandum 2013-128 (Sage-grouse Conservation Related to Wildland Fire and Fuels Management). These recommended protocols will be used in determining whether proposed treatment constitutes a “disturbance” that will contribute toward the 5% threshold within PHMA maintenance. Additionally, these protocols will be used to determine whether the proposed treatment configuration is expected to have neutral or beneficial impacts for PHMA (core only) populations or if they represent additional habitat loss or fragmentation.

Treatments to enhance sagebrush/grasslands habitat for sage-grouse will be evaluated based upon habitat quality and the functionality/use of treated habitats post-treatment.

The BLM will work collaboratively with partners at the state and local level to maintain and enhance sage-grouse habitats. Seasonal restriction would be applied, as needed, for implementing fuels management treatments according to the type of seasonal habitat present.

Outside of PHMAs and/or for values other than GRSG, the following RMP decisions remain in effect with the modification described above:

Casper RMP:

Decision 4053: The areas (Bates Hole and Fish Creek/Willow Creek) will have priority for vegetative treatments to improve sage-grouse habitats and for vegetation monitoring to ensure residual herbaceous vegetation is maintained for nesting cover on public lands.

MD FIRE 2: In PHMAs, fuels treatments will be designed and implemented with an emphasis on protecting existing sagebrush ecosystems and enhancing and protecting future sagebrush ecosystems (refer to WGFD Protocols for Treating Sagebrush to Benefit Sage-grouse [WGFD 2011, as updated]) and Appendix H.

These recommended protocols will be used in determining whether proposed treatment constitutes a “disturbance” that will contribute toward the 5% threshold for habitat maintenance. Fuel treatments will be designed through an interdisciplinary process to expand, enhance, maintain, and protect GRSG habitat. Green strips (using native fire resistant/resilient species) and/or fuel breaks will be used, where appropriate, to protect seeding efforts from subsequent fire events. In coordination with the USFWS and relevant state agencies, BLM planning units (Districts) with large blocks of GRSG habitat will develop, using the assessment process described in Appendix L, a fuels management strategy which considers an up-to-date fuels profile, land use plan direction, current and potential habitat

fragmentation, sagebrush and sage-grouse ecological factors, and active vegetation management steps to provide critical breaks in fuel continuity, where appropriate. When developing this strategy, planning units will consider the risk of increased habitat fragmentation from a proposed action versus the risk of large scale fragmentation posed by wildfires if the action is not taken.

Utilizing an interdisciplinary approach, a full range of fuel reduction techniques will be available. Fuel reduction techniques such as grazing, prescribed fire, chemical, biological, and mechanical treatments will be acceptable.

Upon project completion, fuels projects will be monitored and managed to ensure long-term success, including persistence of seeded species and/or other treatment components. Invasive vegetation post-treatment will be controlled.

Wildfire prevention plans will be developed that explain the resource value of sage-grouse habitat and include fire prevention messages and actions to reduce human-caused ignitions.

MD FIRE 3: Within PHMAs, specific to management for GRSG, all RMPs are amended as follows:

For fuels management, the BLM will consider multiple tools for fuels reduction and will analyze in NEPA compliance documentation before electing to implement prescribed fire in PHMAs. If prescribed fire is used in GRSG habitat, the NEPA analysis for the Burn Plan will address:

- Why alternative techniques were not selected as a viable options
- How GRSG goals and objectives will be met by its use
- How the COT Report objectives will be addressed and met
- A risk assessment to address how potential threats to GRSG habitat will be minimized.

Prescribed fire as a vegetation or fuels treatment shall only be considered after the NEPA analysis for the Burn Plan has addressed the four bullets outlined above. Prescribed fire can be used to meet specific fuels objectives that protect GRSG habitat in PHMAs (e.g., creation of fuel breaks that disrupt the fuel continuity across the landscape in stands where annual invasive grasses are a minor component in the understory, burning slash piles from conifer reduction treatments, used as a component with other treatment methods to combat annual grasses and restore native plant communities).

Prescribed fire in known winter range shall only be considered after the NEPA analysis for the Burn Plan has addressed the four bullets outlined above. Any prescribed fire in winter habitat will need to be designed to strategically reduce wildfire risk around and/or in the winter range and designed to protect winter range habitat quality. Refer to Appendix H, WGFD Protocols for Treating Sagebrush to Benefit Sage-grouse (WGFD 2011, as updated) and BLM Washington Office Instruction Memorandum 2013-128. If prescribed fire activities are not in compliance with these protocols, the treatment will be considered a PHMA disturbance.

Outside of PHMAs and/or for values other than GRSG, the following RMP decisions remain in effect with the modification described above:

Casper RMP: Use prescribed burning to achieve measurable 5th-order watershed objectives from (1) other resources, including, but not limited to, forestry, wildlife, range, vegetation, and watershed; (2) the reduction of hazardous fuels; and (3) the introduction of fire into fire-adapted ecosystems.

MD FIRE 4: Within PHMAs, specific to management for GRSG, all RMPs are amended as follows:

Remove conifers encroaching into sagebrush habitats in a manner that considers tribal cultural values. Prioritize treatments closest to occupied sage-grouse habitats and near occupied leks, and where juniper

encroachment is phase 1 or phase 2. Use of site-specific analysis and principles like those included in the FIAT report (Chambers et. al., 2014) and other ongoing modeling efforts to address conifer encroachment will help refine the location for specific priority areas to be treated.

Outside of PHMAs and/or for values other than GRSG, the following RMP decisions remain in effect with the modification described above:

Casper RMP: Treat woodland encroachment in grassland, sagebrush, aspen, and other vegetative communities where it is determined to be detrimental to other resource values or uses. Manage 630,180 acres of sagebrush communities toward DPC.

MD FIRE 5: The following RMP decisions remain in effect for both PHMAs and GHMAs:

Casper RMP: Use prescribed burning to achieve measurable 5th-order watershed objectives from (1) other resources, including, but not limited to, forestry, wildlife, range, vegetation, and watershed; (2) the reduction of hazardous fuels; and (3) the introduction of fire into fire-adapted ecosystems. Utilize an integrated management technique approach (defined as prescribed fire, mechanical, chemical, or biological, followed by desired reseeding) to reduce fuels to protect high priority areas or resource values defined as, but not limited to the following:

- Urban and industrial interface areas
- Developed recreation areas
- Commercial timber areas
- Wildlife habitats
- Range-improvement facilities
- Communication sites
- Municipal watersheds. Decision 3008 Fuels Management

MD FIRE 6: Within PHMAs, specific to management for GRSG, all RMPs are amended as follows:

Burned areas within PHMAs will be restored to suitable habitat with consideration given to ESDs, reference sites, site potential, habitat objectives and local variability.

MD FIRE 7: Within PHMAs, post fuels management projects will be designed to ensure long-term persistence of seeded or pre-treatment native plants (while controlling for erosion and treating infestation of invasive plant species), to return to suitable sage-grouse habitat.

C. Identify applicable NEPA documents and other related documents that cover the proposed action:

Bates Hole Juniper Treatment EA (WY060-EA14-209)

List by name and date other documentation relevant to the proposed action (e.g. source drinking water, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standards and determination, and monitoring report).

Wildlife Clearance Evaluation, May 2016
Cultural Clearance Evaluation September 2014

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, are the geographic and resource conditions sufficiently similar to those analyzed in the NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposal is to treat up to 900 acres of juniper to open up the juniper canopy to promote mountain shrub species establishment and expansion, increasing forage diversity and quantities on crucial big game winter range. This proposal is similar to the selected alternative in the Decision Record for Bates Hole Juniper Treatment EA. The proposed treatment area is T31N/R80W Sec 24-25, T31N/ R79W Sec 19- 30, as depicted on the attached map, is located in Natrona County and within the geographic scope analyzed in EA WY-060-EA14-209. There are no project features, resource condition, or geographic differences between the two projects.

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 analysis in Bates Hole Juniper Treatment EA is appropriate as the Bates Juniper Rx Burn proposed action is consistent with the selected alternative in the Decision Record for WY-060-EA14-209. The proposed treatment would occur within delineated a PHMA for the greater sage-grouse, however, the juniper woodlands do not provide sage-grouse habitat. The treatment has been designed to enhance crucial big game habitats with no loss to the sagebrush vegetative community, therefore, a DDCT is not required. Agency specialists were consulted and no resource concerns or issues were identified that would warrant a new range of alternatives or new analysis.

In accordance with the Approved Resource Management Plan Amendment for Greater Sage Grouse (2015) management decision Fire 3, the following issues are addressed concerning the use of prescribed fire.

1. Why alternative techniques were not selected as a viable options?

The proposed treatment area does not include any suitable sage-grouse habitat. The habitat identified for treatment are closed canopy juniper woodlands (Class II-III) occurring on steep, rocky slopes and along riparian drainages. Aerially ignited prescribed fire was selected as the most efficient and effective tool to create openings in the canopy to promote the expansion of mountain shrub species to benefit crucial big game winter range. Additionally, given the steep slopes and large, loose rocks found on the proposed treatment area, prescribed fire is the safest choice to achieve the desired objectives. This technique also offers the greatest ability to insure objectives are met, while keeping fire within the prescribed treatment area.

2. How GRSG goals and objectives will be met by its use

The proposed treatment would not directly affect the greater sage-grouse or sagebrush grassland habitats. The proposed treatment is designed to provide for the expansion of mountain shrubs within crucial big game habitat. Sage-grouse may indirectly benefit from the treatment through increased downstream water flows expected as a result of this project. It is expected that increased flows would recharge groundwater and provide the opportunity for mesic areas, utilized for brood-rearing, to expand both in quantity and duration.

3. How the COT Report objectives will be addressed and met.

The proposed juniper treatment would not create a loss to sage-grouse habitat, nor is the treatment expected to negatively impact sage-grouse populations. The treatment could serve to mitigate the potential of a future catastrophic wildfire, which could threaten sage-grouse habitats in the area, by reducing the FRCC. In accordance to a 2012 assessment by the BLM, closed canopy conditions are over represented on the landscape.

4. A risk assessment to address how potential threats to GRSB habitat will be minimized.

A prescribed burn plan is being prepared which includes a risk assessment, weather and fuels prescriptions, and identifies the resources necessary to safely conduct burn operations. No sage-grouse habitat would be affected by fire from the proposed treatment.

The proposed action is in compliance with the Record of Decision and Approved Casper Resource Management Plan signed in December 2007 as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region, Including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, Wyoming, and the Approved Resource Management Plans for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, Worland: Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices Approved Resource Management Plan Amendment for Greater Sage-Grouse (2015).

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listing, 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?

The analysis is appropriate given the proposed action and identified resource concerns. The proposed treatment would occur within delineated a PHMA for the greater sage-grouse, however, the treatment area itself is not sage-grouse habitat. The area is characterized as steep, rocky, juniper woodland covered hillside, bisected by several drainages and adjacent to outbuildings associated with a working ranches. The proposed action would therefore not result in the degradation or loss of sage-grouse habitat or associated populations as identified in Appendix D of the 2015 ARMPA. The Flat-top sage-grouse lek is approximately 1.4 miles west of the project area, located on top of Flat-top Butte. Activities associated with the proposed actions would take place outside of sensitive wildlife periods, including sage –grouse breeding and nesting periods.

The proposed action is in compliance with the Record of Decision and Approved Casper Resource Management Plan signed in December 2007 as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region, Including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, Wyoming, and the Approved Resource Management Plans for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, Worland: Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices Approved Resource Management Plan Amendment for Greater Sage-Grouse.

4. Are the direct and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the NEPA

document?

The direct and cumulative impacts associated with the Bates Juniper Rx burn proposed action is the same as the selected alternative analyzed in the Bates Hole Juniper Treatment EA. A prescribed fire would enable vegetative objectives to be achieved. The treatment is expected to result in increased groundwater and soil nutrient availability for mountain shrubs and herbaceous plants, enhancing the quantity and quantity of the vegetation and improving species diversity. The treatment is also expected to provide an increased level of protection to surrounding habitat from any future wildfire event.

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

Yes, the level of involvement and interagency review is adequate. Coordination of this treatment has involved the landowners, Wyoming Game and Fish Department, and Wyoming State Forestry. No additional stakeholders have been identified and no opposition is anticipated.

E. Persons/Agencies/BLM staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Dustin Burger	Range/Weed Specialist	BLM, CFO
Jim Wright	Wildlife Biologist	BLM, CFO
Patrick Walker	Archeologist	BLM, CFO
Rhen Etzelmiller	Assistant Field Manager	BLM, CFO
Eric Chapman	Fire/Fuels Specialist	BLM, HPD
Zeb McWilliams	Fire	BLM, HPD
Kirk Strom	Fire Management Officer	BLM, HPD
Bryan Anderson	Forester	State Forestry
Keith Schoup	Terrestrial Habitat Biologist	WGFD
Justin Binfet	Wildlife Coordinator	WGFD
Allen Rhodes	Private Landowner/Lessee	
Tom Haygood	Private Landowner	
Jamis Johnson	Private Landowner	

Note: Refer to the EA/EIS for a complete list of team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion: *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.**

Signature of Project Lead


Assistant Field Manager, Resources
Casper Field Office

6/2/2016
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.

**Bureau of Land Management
Casper Field Office
DECISION RECORD
FOR
Bates Juniper Rx Burn
DOI-BLM-WY-P060-2016-0035-DNA**

PROPOSED DECISION:

In accordance with 43 United States Code (U.S.C.) 315, 315a, through 315r, 43 U.S.C. 1701 et seq., and 43 U.S.C. 1901 et seq., it is my decision to approve the Bates Juniper Rx Burn Treatment as described below, based on the analysis conducted in Environmental Assessment (EA) WY-060-EA14-209 and the attendant Finding of No Significant Impact (FONSI) and Decision Record (DR).

The Bureau of Land Management (BLM) has completed a Determination of NEPA (National Environmental Policy Act) Adequacy (DNA) Worksheet (DOI-BLM-WY-P060-2016-0035-DNA) for the proposed action. The DNA worksheet documents the review to determine whether the existing NEPA documents can satisfy the NEPA requirements for the proposed action under consideration. As stated in 516 Departmental Manual (DM) 11.6 *Existing Documentation (Determination of NEPA Adequacy)*, "The Responsible Official may consider using existing NEPA analysis for a proposed action when the record documents show that the following conditions are met:

- (A) The proposed action is adequately covered by (i.e., is within the scope of and analyzed in) relevant existing analyses, data, and records; and
- (B) There are no new circumstances, new information, or unanticipated or unanalyzed environmental impacts that warrant new or supplemental analysis."

Conditioned through treatment specifications and mitigation measures, I find that this action will not result in significant impacts on the human environment pursuant to Title 40 Code of Federal Regulations 1508.27 (a) and (b) (1) through (10) and that an Environmental Impact Statement is not required. I further find this action in conformance with the Record of Decision and Approved Casper Resource Management Plan (Dec 2007), nor will it cause any unnecessary or undue degradation.

Specifically, the action would consist of hand cutting hand-cutting (chain saw) and piling junipers to create a wick and to create a protective buffer around non-target resources. The wick would provide continuous woody fuels which would be targeted during aerial ignition operations. Pre-treatment is expected to occur summer 2016.

Prescribed burning (helitorch) would occur in the fall of FY 2018 and would be completed by qualified fire crews, in accordance to an approved burn plan. A post burn evaluation would be completed years 1, 3 and 5 of burning to evaluate treatment effectiveness. The area would be monitored for the presence of invasive weeds and any infestations would be addressed through an IPM approach. All treatments are located within the Corral Creek Allotment (#10106), as depicted on the attached map.

Mitigation Measures:

The following mitigation measures will be followed.

- Mechanical Treatments
 - Flush cut stumps

- Camouflage freshly cut stumps (cover with soil, vegetation)
 - Burn, masticate, remove piles within 2 years of treatment
 - Heavy equipment use would be restricted within 50' of perennial water and riparian/wetland zones.
 - On areas of highly erosive soils evaluate current erosion conditions. If excessive erosion is evident do not use heavy equipment.
 - Equipment use would be restricted when soils are saturated
- Prior to any treatment the area should be evaluated for the presence of occupied migratory bird nests. No disturbances will be allowed to trees in the vicinity of any nests occupied by MBTA protected species.
 - No wildlife disturbing activities are allowed within ½ mile of an occupied raptor nest from February 1- July 31 or until any young have fledged.
 - No surface-disturbing and wildlife disturbing activities are allowed from November 15 through April 30 (TLS) on all crucial big game winter ranges.
 - The authorized officer may grant exceptions to seasonal wildlife stipulations.
 - Occupied sage-grouse leks will have a 4-mile buffer. Within this buffer, surface disturbing or wildlife disturbing activities will be restricted March 15 – July 15. Also, within this buffer, surface disturbing activities will avoid sagebrush stands greater than 10 percent.
 - Density Disturbance Calculation Tool (DDCT) analysis will be completed on all treatments within suitable sage-grouse habitat and coordinated with the WGFD in accordance with BLM Instruction Memorandum WY-2012-019.
 - Treatment areas will be monitored annually for the presence of noxious or invasive weeds. Any infestations will be handled using an IPM approach.
 - Pile burning should be accomplished in the winter months during periods with greater than 25% snow cover, in order to minimize treatment impacts and maximize control.
 - A BLM resource advisor will be available during treatment operations.
 - Treatments within areas identified as Lands with Wilderness Characteristics would be postponed until inventory is completed. Treatments methods would be in compliance with LWC inventory recommendation.
 - In general, there are three best management practices (BMP) which guide all cultural undertakings. Simply stated these are, in order of preference: avoid, minimize, and mitigate. Significant sites will be avoided if possible. If sites cannot be avoided, the undertaking will minimize its physical surface imprint and a variety of design and coloring techniques will be implemented to minimize its impact to a no effect or no adverse effect determination. If the previous steps do not achieve a no effect or no adverse effect finding then a mitigation plan will be developed in conjunction with BLM, SHPO, the Advisory Council on Historic Preservation (ACHP), and interested parties.
 - Standard Cultural Heritage Stipulations

The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO) of the BLM Casper Field Office. Within five working days the AO will inform the operator as to: (1) whether the materials appear eligible for the National Register of Historic Places; (2) the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and, (3) a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the finds of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

Public Involvement:

The BLM consulted with the following individuals and agencies during the preparation of this analysis for the Bates Juniper Rx Burn Treatment:

- Allen Rhodes
- Tom and Rita Haygood
- 3J Livestock, Inc
- Rob Shook
- Wyoming Division of State Forestry
- Wyoming Game and Fish Department
- Casper BLM Wildlife Biologist
- Casper BLM Archeologist
- Casper BLM Rangeland Management Specialist
- Casper BLM Weed Management Specialist
- BLM HPD Fire/Fuels Specialist

Rationale for Decision:

I have reviewed EA WY-060-EA14-209, the attendant FONSI/DR, and the DNA Worksheet (DOI-BLM-WY-P060-2016-0035-DNA). I have determined that the approval action is in conformance with the Record of Decision and Approved Casper Resource Management Plan, December 2007 as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region, including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, Wyoming, and the Approved Resource Management Plans for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, Worland: Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices Approved Resource Management Plan Amendment for Greater Sage-Grouse (2015). The proposed action is adequately covered by the analysis in EA WY-060-EA14-209, no new circumstances exist to warrant new or supplemental analysis, and will not cause unnecessary or undue degradation.

Right of Protest and/or Appeal:

Protest:

Any person whose interest is adversely affected may protest a proposed decision under 43 Code of

Federal Regulations (CFR) 4160.2 in person or in writing to the Field Manager, Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, WY 82604 within 15 days after receipt of such decision. The BLM will not consider any protests filed after 15 days of receipt. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. All reasons for error not stated in the protest shall be considered waived.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Appeal:

In accordance with 43 CFR 4.470, any person whose interest is adversely affected by a final BLM grazing decision may appeal the decision to an administrative law judge within 30 days after receiving it or within 30 days after a proposed decision becomes final as provided in §4160.3(a) of this title. To do so, the person must file an appeal with the BLM field office that issued the decision (Attn: Field Manager, Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, WY 82604) and serve a copy of the appeal on any person named in the decision. The appeal must state clearly and concisely the reasons why the appellant thinks the BLM grazing decision is wrong. Any ground for appeal not included in the appeal is waived. The appellant may not present a waived ground for appeal at the hearing unless permitted or ordered to do so by the administrative law judge. Any person who, after proper notification does not appeal a final BLM grazing decision within the period provided in paragraph (a) of this section may not later challenge the matters in the final BLM decision. Filing an appeal does not by itself stay the effectiveness of the final BLM decision. To request a stay of the final BLM decision pending appeal, see §4.471.

In accordance with 43 CFR 4.471, an appellant under §4.470 may petition for a stay of the final BLM decision pending appeal by filing a petition for a stay together with the appeal under §4.470 with the BLM field office that issued the decision (Attn: Field Manager, Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, WY 82604). Within 15 days after filing the appeal and petition for a stay, the appellant must serve copies on any other person named in the decision (as defined in 43 CFR 4.421(h) from which the appeal is taken and the appropriate office of the Solicitor (Rocky Mountain Region, and 755 Parfet Street Suite 151, Lakewood, Colorado, 80215), in accordance with §4.413(a) and (c).

Standards for Obtaining a Stay:

Should you wish to file a petition for a stay, you must comply with the provisions at 43 CFR 4.471. Among other things, that regulation requires that a petition for a stay show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

In accordance with 43 CFR 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days, the person must serve copies of the motion to intervene and response on the appellant, the Office of the Solicitor and any other person named in the decision, as defined in 4.421(h).

Authorized Officer: Rhen M Etzelmiller Date: 6/2/2016
Rhen Etzelmiller, Assistant Field Manager

For questions concerning this decision, please contact Jim Wright, Wildlife Biologist at (307) 261-7600.

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