



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

Dry Gulch Fire ES&R Treatments

Determination of NEPA Adequacy

DOI-BLM-NV-E030-2017-0038-DNA



Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-E030-2017-00038-DNA

Dry Gulch Fire ES&R and Treatments

Prepared by

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

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1. Determination of NEPA Adequacy (DNA)

1.1. Background

NEPA ID No: DOI-BLM-NV-E030-2017-0038-DNA

BLM Office: Elko District, Wells Field Office

Prepared by: Sandy Gregory

Lease/Serial/Case File No.: K349

Type of Action (Subject Code): 1742

Project Name: Dry Gulch Fire Emergency Stabilization and Rehabilitation (ES&R) Treatments

Location of Proposed Action: The Dry Gulch Fire is located approximately 25 miles southeast of Jackpot, NV, and the southern end of the fire is about 10 miles north of Crittenden Reservoir. The Dry Gulch Fire burned in the Little Goose Creek, Bluff Creek, Gamble Individual and Dairy Valley allotments.

Legal Description: T44N R67E Secs. 1-3, 10-12, 24-25, 36; T44N R68E Secs. 1-26, 28-33; T44N R69E Secs. 6-7, 18-20, 30; T45N R67E Secs. 1-2, 10-15, 23-27, 34-36; T45N R68E Secs. 1-36; T45N R69E Secs. 5-9, 16-19, 30-31; T46N R67E Section 36; T46N R68E Secs. 30-35.

Applicant: N/A

1.2. Determination of NEPA Adequacy Worksheet

A. Description of Proposed Action and any applicable mitigation measures

The Dry Gulch Fire was a lightning caused fire that burned approximately 55,328 acres across private (182 acres) and BLM administered (55,146 acres) lands. Elevations on the fire range from 5,300 feet to 7,300 feet with an average elevation of around 6,000 feet. Topography is comprised of a rolling plateau to the northwest that gradually transitions to a complex range of mountains with Bald Mountain to the east and Delano Mountain to the south. The fire burned within portions of previous fire perimeters, including the 2006 Mustang and Teepee fires, the 2007 West Fork Fire, and the 2011 Signboard Fire. Resource concerns include the invasion of annual weeds, soil erosion, restoring wildlife habitat, and watershed function.

Soils

Soils on the site are largely characterized by loamy soils. The ecological sites within the fire include Loamy 8-10", Loamy Slope 12-16", Shallow Calcareous Loam 8-10" and Shallow Clay Loam 8-10". Loamy 8-10" and Loamy Slope 12-16" are the predominant ecological sites and represent 78% of the burned area.

Vegetation

The Dry Gulch Fire primarily burned in recently burned (2007) sagebrush steppe and piñon-juniper woodlands. Although cheatgrass was common pre-fire, monocultures were uncommon, and most plant communities contained a perennial herbaceous component. Some plant communities in the fire were previously unburned. These communities were largely in the Current Potential State with a sagebrush overstory and a viable perennial herbaceous understory or were in the Tree State – all woodland phases were represented. The fire also impacted numerous successful ES&R seedings completed over the past two decades, including aerial and drill seeding treatments on 4,385 acres of the 2001 North Delano Fire, 658 acres of the 2006 Teepee Fire, 23,742 acres of the 2007 West Fork Fire, and 214 acres of the 2011 Signboard Fire.

The fire burned with low to high fire severity. In the moderate burn intensity areas, seed within the soils have either been consumed or the intense heat has significantly reduced their viability. Fire intensities were high enough to consume and kill many of the brush species such as big sagebrush, which do not respond well to fire, reducing the potential for plant regeneration and viability of the native seed stock. The east side of the fire burned through many areas that retained piñon-juniper skeletons from previous fires; aerial seeding is recommended in these areas.

The goal of reseeding the treatment areas with sagebrush and other species is to help provide cover and forage for GRSG and other wildlife; reduce water erosion hazards by stabilizing soils; increase the rate at which native vegetation is restored; maintain a healthy, productive, and diverse plant community; and minimize the establishment of exotic annual plants. The seeding of kochia would also compete with and minimize the spread of noxious weeds and cheatgrass in these areas adjacent to the roads.

Fire Suppression Activities

Approximately 22 miles of dozer line was completed over the course of the fire; of this approximately 18.4 miles need rehabilitation. Approximately 4 miles of dozer line occurred in the footprint of existing roads; these areas do not need rehabilitation.

Retardant was used extensively during initial and extended attack, including Single Engine Air Tankers (SEATs) and heavy air tankers. No retardant impacts to live waters were observed.

Wildlife

Multiple species of big game and their habitats were affected by the Dry Gulch Fire: limited use mule deer habitat (54,885 acres); elk crucial winter (32,984 acres), crucial summer (5,992 acres) and winter range (7,481 acres); and pronghorn summer range habitat (52,006 acres).

The Dry Gulch Fire affected raptor nesting and foraging habitat used during the breeding season and winter for year-round species. Three known raptor nest sites exist within the fire perimeter. All three nests were located along cliff ledges and not heavily impacted by the fire. It is likely there are more raptor nest sites which are unknown or unrecorded. Most raptors are listed as BLM Sensitive Species.

Special Status Species

Greater Sage-Grouse

The entirety of the Dry Gulch Fire is within a Sagebrush Focal Area (SFA); almost 100% of the fire is designated Priority Habitat Management Area (PHMA) and BLM administered lands. Approximately 68 acres of General Habitat Management Area (GHMA) and 40 acres of Other Habitat Management Area (OHMA) located on private lands burned as well. There is one active lek, Signboard Pass, within the fire perimeter. Based on seasonal habitat delineations conducted by NDOW, the Dry Gulch Fire contains lek, nesting, early and late brood rearing, and winter habitats for sage grouse.

Goose Creek milkvetch

The Dry Gulch Fire burned 195 acres of occupied habitat for the BLM Sensitive plant Goose Creek milkvetch (GCM; *Astragalus anserinus*). This rare, endemic plant is currently known to occur in the Goose Creek drainage in Cassia County, Idaho; Elko County, Nevada; and Box Elder County, Utah. Several conservation actions related to ES&R activities were identified in the Conservation Agreement Strategy (CAS) with the U.S. Fish and Wildlife Service (FWS) to address threats to GCM.

One of the primary identified threats was post-wildfire ES&R activities. Activities of particular concern include: fencing projects, the use of heavy equipment and rangeland drills, and seeding of highly competitive, non-native plant species like crested wheatgrass (*Agropyron cristatum*); highly competitive, rhizomatous plant species like intermediate wheatgrass (*Thinopyrum intermedium*); and non-native, fire resistant plant species like forage kochia (*Kochia [= Bassia] prostrata*). Such ES&R activities can uproot and kill established GCM plants, render habitat unsuitable for re-colonization by new seedlings, and promote increased competition from aggressive plants used in soil stabilization seed mixes. Seeding treatments have been designed to mitigate threats to occupied habitat for GCM within the Dry Gulch perimeter. These include the following:

1. Within GCM occupied habitat, drill seeding is prohibited. Exceptions will be considered if drill seeding may be beneficial to reduce another threat to GCM. Where site specific modifications or conditions warrant drill seeding within GCM occupied habitat, the BLM ES&R personnel will notify the conservation team. Drill seeding within GCM occupied habitat will require a rationale for the benefits of drill seeding as well as a monitoring and adaptive management plan that is developed by the BLM in coordination with the conservation team.
2. Within GCM occupied habitat, the use of aerial seeding only (without accompanying soil surface disturbance activities), back-pack seeders, and hand planting will be utilized to reduce surface disturbance from seeding activities.
3. Within GCM occupied habitat, BLM will protect disturbed and recovering areas by using temporary fencing or other methods of no livestock use (reductions, pasture rotations, etc.) to minimize disturbance to GCM occupied habitat and to ensure vegetation treatments are successfully established. BLM will continue to rest areas from time of the wildfire to at least 2 growing seasons following the fire from land use activities or until ES&R objectives are met. Any scientifically valid objectives or criteria specific to GCM that are developed in the future will be incorporated into this action.

4. Within GCM occupied habitat, the BLM will use native forbs and grasses in seed mixtures as needed. Native plants and seeds that originate from local sources and/or from existing provisional seed zones for target native species are preferred. If native plants are not available, non-highly competitive, non-native, or native cultivar plant species will be used.
5. Within GCM occupied habitat, the BLM will exclude the seeding of highly competitive, non-native plant species including crested wheatgrass (*Agropyron cristatum*), intermediate wheatgrass (*Thinopyrum intermedium*), and kochia species.
6. Within the GCM pollinator buffer (500m [1,640 ft.]) around occupied GCM habitat, drill seeding is permitted. GCM occupied habitat will be flagged and clearly visible prior to drill seeding activities so drill seeding activities do not occur within GCM occupied habitat. Equipment operators will have GPS polygons delineating GCM occupied habitat to avoid them. A biological monitor (which includes trained personnel familiar with GCM) is required to be on-site during drill-seeding activities within the pollinator buffer to ensure compliance.
7. Within the pollinator buffer, the use of native forbs in seed mixtures, with a variety of blooming times, and preferably found within the range and GCM occupied habitat, is encouraged in order to benefit GCM insect pollinators and pollinator enhancement in restoration projects. Seeding should only be used when there is a documented high mortality of native grasses and forbs, or a documented need to improve diversity within GCM occupied habitat or the pollinator buffer.
8. Within the GCM pollinator buffer, the guidance identified for Conservation Actions 4 and 5 will generally apply. Exceptions to the exclusion of seeding highly competitive, non-native plant species including crested wheatgrass, intermediate wheatgrass, and kochia species within the pollinator buffer will be considered where site specific modifications or conditions warrant their use such as the potential for burned areas to convert to a cheatgrass monoculture. The BLM will notify the conservation team if the use of these plant species is necessary. Additional monitoring and control measures may be incorporated into the project design, as recommended by the conservation team. Control measures will be informed by monitoring and based upon thresholds or triggers that are exceeded.

An additional threat to GCM is noxious weeds, especially leafy spurge (*Euphorbia esula*). Leafy spurge has the potential to negatively impact GCM because of its ability to spread rapidly after establishment and to strongly compete for soil moisture. Leafy spurge is a perennial forb with a deep and extensive spreading root system and seeds that are dispersed up to 15 feet by the explosive opening of the species' seed pod upon ripening. Seeds of leafy spurge are spread by water, animals, vehicles, humans, and over long distances by birds thereby increasing the plant's ability to disperse into new territory. Leafy spurge can spread rapidly after disturbance, displace native vegetation, and persist after repeated herbicide treatments. Leafy spurge is a Category B noxious weed in Nevada. Leafy spurge does not occur in occupied GCM habitat within Nevada, but does occur in one drainage within the range of the species. Should leafy spurge be detected in occupied GCM habitat or the surrounding area, it would be aggressively treated according to the following:

- Within GCM occupied habitat, leafy spurge treatment 2 times per year is recommended for post-fire year 1, 2, and 3.

Noxious Weeds and Invasive Species

The known noxious weeds near or within the fire perimeter include Scotch thistle, bull thistle (non-native invasive), Canada thistle, hoary cress, and black henbane. Aggressive and timely treatment of noxious weeds in the burn area is needed to limit spread of weeds, as well as conforming to the CAS for Goose Creek milkvetch.

Livestock Grazing and Range Improvements

The Dry Gulch Fire burned across four grazing allotments: Little Goose Creek (27,928 acres), Bluff Creek (10,276 acres), Gamble Individual (15,108 acres), and Dairy Valley (1,523 acres).

Sections of over 20 fences were burned over; however, 95% of the fire area had burned previously, so these fences were almost exclusively composed of steel t-posts and braces. A very limited number of wood posts, primarily found in gates, were damaged by the fire. Damaged gates were repaired by the permittee before the fire was contained.

The proposed action consists of the following:*Drill Seeding*

Approximately 2,900 acres of drill seeding would occur in the fall/winter of 2017/2018 (FY18), with species appropriate for the site based on resistance/resilience and ecological site descriptions. Drill seeding would take place in areas of gentle topography conducive to drill seeding. Treatment areas are detailed below.

West Mix - Drill seed approximately 973 acres of PHMA GRSG habitat, year-round elk habitat, and summer range pronghorn habitat with a mixture of bluebunch wheatgrass, Sherman big bluegrass, blue flax, sainfoin and small burnet.

East Mix Non-Native - Drill seed approximately 709 acres of PHMA GRSG habitat, year-round elk habitat, and summer range pronghorn habitat with a mixture of Siberian wheatgrass, crested wheatgrass, Russian wildrye, sainfoin, and small burnet. Non-natives are proposed to compete with invasive annuals and known noxious weeds while still providing wildlife forage.

East Mix Native - Drill seed approximately 884 acres of PHMA GRSG habitat, year-round elk habitat, and summer range pronghorn habitat with a mixture of bluebunch wheatgrass, basin wildrye, Indian ricegrass, and Lewis flax. Only native species are proposed for this mix in order to minimize impacts to occupied habitat for GCM.

Bitterbrush Seeding - Drill seed approximately 308 acres PHMA GRSG habitat, year-round elk habitat, and summer range pronghorn habitat with a mixture of antelope bitterbrush, bluebunch wheatgrass, Russian wildrye, sainfoin, blue flax, and small burnet.

Aerial Seeding

Approximately 19,775 acres would be seeded in the fall/winter of 2017/2018, with species appropriate for the site based on resistance/resilience and ecological site descriptions. Aerial seeding would be coordinated with snowfall conditions, if time permits. Treatment areas are detailed below.

Mid-elevation Mix - Aerial seed approximately 50,193 acres of PHMA GRSG habitat and crucial elk and pronghorn range, using an every 3rd swath pattern (16,731 total acres seeded), with a mixture of Wyoming and basin big sagebrush and western yarrow.

Mountain Mix - Aerial seed approximately 1,930 acres of PHMA GRSG habitat and crucial elk and pronghorn range, using a full coverage pattern, with a mixture of mountain and basin big sagebrush and western yarrow.

West Mix - Aerial seed approximately 822 acres of PHMA GRSG habitat and crucial elk and pronghorn range, using a full coverage pattern, with a mixture of bluebunch wheatgrass, Sandberg's bluegrass, blue flax, sainfoin, western yarrow, and basin big sagebrush.

Kochia Seeding – Aerial seed approximately 292 acres along approximately 14 miles of roads, covering two 60 foot swaths, in the lower elevation areas with forage kochia.

Noxious Weeds and Invasive Species

Conduct noxious weed surveys on 55,146 acres of the burned area to identify any new or expanding populations of noxious weeds. Conduct weed treatments on noxious weed infestations found within and in close proximity to the burned area. The known noxious weeds near or within the fire perimeter include Scotch thistle, bull thistle (non-native invasive), Canada thistle, hoary cress, and black henbane. Treatments would consist of an integrated weed management approach using mechanical and chemical methods. The fire and access roads to the fire would need to be monitored through 2022.

Should leafy spurge be detected in occupied Goose Creek milkvetch habitat or the surrounding area, it would be aggressively treated in compliance with the Conservation Agreement Strategy, Conservation Action #9 (see *Special Status Species* section above for more details).

Livestock Grazing and Range Improvements

Construct approximately 20 miles of temporary protective fence and install one cattleguard within or in close proximity to the Dry Gulch Fire perimeter. Sage-grouse flight diverters would be installed on any temporary fences that are being installed within 1.2 miles of any active or pending sage-grouse leks.

Livestock grazing would be removed from the treatment areas in order to allow the burned and seeded vegetation to successfully establish. Reopening criteria would be set within the closure decisions; closures would occur until establishment objectives are met, in order to provide an adequate amount of time for the seeded vegetation to establish and plant species not damaged by the wildfire to respond to natural revegetation. Per the BLM Manual 1742-1 “It often takes two years or longer to successfully establish a new seeding, especially when establishing native plants.” The burned area would be reopened to livestock grazing once the establishment objectives have been met. Post-fire grazing management

would be determined based on coordination, cooperation, and consultation with the interested public, monitoring, and achievement of site specific resource objectives.

Cultural Resources

All historic properties would be avoided during implementation. Cultural protection resource inventories would be conducted prior to any ground disturbing ES&R treatments. Inventory standards would vary depending on the type of treatment and cultural resource sensitivity. At a minimum, standards in the Nevada State Protocol Agreement between the BLM, Nevada and the Nevada State Historic Preservation Office (SHPO) would be met. All cultural resources discovered or relocated, except those previously determined not eligible by BLM or SHPO, or that have been fully mitigated, would be flagged for avoidance and avoided during rehabilitation activities. Flagging would be placed to minimize potential for looting and be removed as soon as possible. The use of hand seeders and/or aerial seed application would be allowed on these areas.

Those portions of the California Trail within the fire perimeter would be revisited twice in the next twelve months to monitor erosion conditions on-site and document illegal artifact collecting activity. Undue erosion would be dealt with by engaging erosion control measures (e.g. erosion blankets, hay, etc.) and instances of illegal artifact collecting would be handled by a BLM law enforcement officer.

Monitoring

Post-treatment monitoring studies would be conducted to evaluate the effectiveness of the proposed treatments or to determine if additional treatments are needed, and to determine if the criteria for the livestock grazing reopening has been met. Monitoring would be completed for five years post fire, after the treatments, from 2018-2022 to determine the success of the treatments. Monitoring techniques used would be consistent with the Assessment and Inventory Monitoring (AIM) protocol.

B. Land Use Plan Conformance

Land Use Plan Name:

Wells Resource Management Plan, approved July 1985

Wells RMP Elk Amendment, approved February 1993

Elko and Wells RMPs Fire Management Amendment, approved September 2004

Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, approved September 2015

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): N/A

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 decision(s) (objectives, terms, and conditions): The proposed action conforms to the 1985 Wells 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:

1. Evaluate all wildfires as soon as possible to determine if reseeding 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 (ARMPA). The proposed action is consistent with the sagebrush-steppe, invasive species, and livestock grazing objectives and management decisions within the ARMPA. It is consistent with the Post-Fire Management Objective to retain, protect, and improve intact unburned sagebrush communities in burned areas incorporating the Fire and Invasives Assessment Tool (FIAT) assessment. It is also consistent with the following Management Decisions:

MD VEG 3: Use BLM GRSG habitat maps, habitat objectives (see Table 2-2 for GRSG habitat objectives), ecological site potential, state and transition models, and concepts of resistance and resilience (Appendix H) to prioritize habitat restoration projects, including those following wildfire, to address the most limiting GRSG habitat vegetation components and to connect seasonal ranges. Habitat restoration includes the following:

- i. Restoring sagebrush canopy in PHMAs and GHMAs to meet GRSG habitat objectives (Table 2-2)
- ii. Reestablishing perennial grasses and native forbs in PHMAs and GHMAs
- iii. Reducing or removing pinyon or juniper in PHMAs and GHMAs to enhance seasonal range connectivity and to maintain sagebrush canopy and understory integrity
- iv. Restore areas affected by wildfire and the continuing invasive annual fire cycle to meet GRSG habitat objectives (Table 2-2)
- v. Prioritize restoration in areas that have not crossed an ecological threshold

MD VEG 7: In PHMAs and GHMAs, give preference to native seeds for restoration, based on availability, adaptation (ecological site potential), and probability of success. Where the probability of success or adapted seed availability is low, nonnative seeds may be used, as long as they support GRSG habitat objectives. Choose native plant species outlined in Ecological Site Descriptions (ESDs), where available, to revegetate sites. Emphasize use of local seed collected from intact stands or greenhouse cultivation. If the commercial supply of appropriate native seeds and plants is limited, work with the BLM Native Plant Materials Development Program, Natural Resource Conservation Service (NRCS) Plant Material Program, or State Plant Material Programs. If currently available supplies are limited, use the materials that provide the greatest benefit for GRSG. In all cases, seed must be certified as weed free.

MD VEG 8: To increase seeding success and to ensure effective soil and seed contact, consider the use of specialized seed drills or other proven and effective methods that may become available based on new science.

MD VEG 11: In perennial grass, invasive annual grass, and conifer-invaded cover types, restore sagebrush steppe with local sagebrush seedlings or planted seedlings where feasible.

MD VEG 12: Continue to coordinate with NDOW, CDFW, and NRCS for all development or habitat restoration proposals in PHMAs and GHMAs. Also, coordinate with the Nevada SETT, tribes, and local working groups on projects proposed in sagebrush ecosystems.

MD VEG 21: Assess invasive annual grass presence and distribution before implementing vegetation restoration projects to determine if treatments are required to treat invasive annual grasses.

MD VEG 22: Treat sites in PHMAs and GHMAs that contain invasive species infestations through an integrated pest management (IPM) approach, using fire, chemical, mechanical, and biological (e.g., targeted grazing) methods, based on site potential and in accordance with FIAT (Appendix H). Treat areas that contain cheatgrass and other invasive or noxious species to minimize competition and favor establishment of desired species.

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 long term 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. reseeded), 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.

MD LG 20: In PHMA and GHMA, rest areas that have received vegetative treatments from livestock grazing until resource monitoring data verifies the treatment objectives are being met and an appropriate grazing regime has been developed. Any livestock grazing temporary suspended use or other management changes per 43 CFR, Part 4110.3-2a for the purpose of a vegetation treatment will be done through the grazing decision, prior to treatment.

Noxious weed treatments were not identified as an issue in the development of the Wells RMP and were not specifically addressed in the document. However, weed management is clearly consistent with the terms, conditions, and decisions of the RMP as previously documented in the FY2000 Normal Fire Rehabilitation Plan Environmental Assessment. The Elko Field Office Noxious Weed Strategy Plan (September 2004) outlines the priority factors for weed treatments. Only BLM approved herbicides and adjuvants shall be applied on BLM administered lands.

The proposed action is consistent with resource objectives of the plans and with other Federal, state, local and tribal laws, regulations, policies and plans to maximum extent possible.

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

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

- 2000 Normal Fire Rehab Plan EA 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) (EA-NV-010-92-060)
- Programmatic EA of Integrated Weed Management on Bureau of Land Management Lands (BLM/EK/PL-1998/008)
- Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement Record of Decision, Approved September 2007
- West Fork Fire (DNC7) Emergency Stabilization and Rehabilitation Plan Environmental Assessment BLM/EK/PL-2008/005
- Tuscarora Sagebrush Habitat Restoration Initiative EA, Finding of No Significant Impact (FONSI), and Decision Record (DR) and Project Approval (BLM-NV-E020-2010-01-EA)

List by name and date all other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- Programmatic Biological Opinion for the Elko and Wells Fire Management Plan Amendment issued by the U.S. Fish and Wildlife Service, Approved December 2003
- Conservation Agreement Strategy (CAS) with the US Fish and Wildlife Service to address threats to Goose Creek milkvetch (*Astragalus anserinus*)

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)?**

Yes, the proposed action is substantially the same action as previously analyzed in the environmental assessments (EAs) and Environmental Impact Statements (EISs) listed above. The similarities between the proposed actions are the closure to grazing, construction of the temporary fence, aerial seeding, noxious and invasive weed treatments and inventory, and the monitoring. The only difference between the proposed action and the existing NEPA documents are the number of acres being treated and inventoried. The plant species in the seed mixtures for the aerial seeding are similar to those analyzed in the previous NEPA documents. Differences in the number of acres being treated, for example, are dependent upon such factors as the location and size of the fire, terrain or topography, vegetation types, soils and resource damage that occurred. The differences are not substantial because the impacts are the same as previously analyzed. The proposed action continues to benefit the resources by providing vegetation that helps to stabilize soils and provide a means of protection for seeded species and natural revegetation to occur.

- 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?**

Yes, 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 actions are essentially the same type of activities as previously analyzed in the NEPA documents listed above. The issues and concerns with the proposed action are the same as those analyzed in the environmental assessments listed above. Alternatives to the proposed action are limited and would result in utilizing such items as the different types or methods for seeding, using different materials for constructing fence, using different plant species in the seed mixtures, or using different chemicals for treatment of noxious weeds. Due to the site specific location of the proposed action, the best methodology for applying seed is being utilized in the proposed action. Plant species used in the seed mixtures for the project depend upon several factors such as fire intensity, soil condition after the burn, vegetation species, the ecological sites, availability of plant species, vegetation loss and recovery response to fires, slope and aspect, precipitation zones, whether or not erosion is occurring on the site, and the fire's proximity to highways or property that could cause a safety issue. Chemicals used to treat noxious weeds are regulated; therefore, regulation and BLM policy are used to determine what chemical treatments are applicable per plant species.

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, the U.S. Fish and wildlife Service (FWS) announced that the bald eagle has been removed (“de-listed”) from the list of threatened and endangered species under the Endangered Species Act (ESA). 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 (MBTA).

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.

Yellow-Billed Cuckoo

A change to the existing analysis is the listing of the yellow-billed cuckoo as threatened. On October 3, 2014, the FWS posted a final listing determination regarding the western distinct population segment of the U.S. population of the yellow-billed cuckoo as warranted for listing as threatened under the ESA. BLM coordinates with NDOW to ensure compliance with state regulations regarding the yellow-billed cuckoo. The yellow-billed cuckoo is also considered a BLM Sensitive Species and is protected under the MBTA.

This change to the analysis does not affect the proposed action being implemented. The yellow-billed cuckoo does not have any habitat within the fire perimeter or surrounding areas and there are no documented observations or site records in Eureka and Elko Counties. This change does not affect the existing analysis or its application to the proposed action.

Greater Sage-grouse

A change to the existing analysis is the FWS’s determination to withdraw the greater sage-grouse from the candidate species list stating that protection for the species under the ESA is not warranted. However, the sage-grouse is still considered a BLM Sensitive Species in Nevada, which was analyzed for in the existing analysis. 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 Approved RMP Amendment 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 Approved RMP Amendment does not affect the existing analysis within the previous EAs and the proposed actions. The proposed action would have a positive benefit/net conservation gain to the

restoration of sage-grouse habitat as previously analyzed and are consistent with the management objectives of the RMP Amendment.

Pygmy Rabbit

A change to the existing analysis is the FWS's determination that the pygmy rabbit is not warranted for listing under the ESA. On September 30, 2010, the FWS posted a Federal Register Notice Proposed Rule of a 12-Month Finding on a Petition to List the Pygmy Rabbit as Endangered or Threatened, where they determined that the pygmy rabbit was not warranted for listing as a threatened or endangered species under the ESA. However, the pygmy rabbit is still considered a BLM Sensitive Species in Nevada, which was analyzed for in the existing analyses.

The determination not to list the pygmy rabbit does not affect the existing analysis within the previous EAs and the proposed actions. The proposed action would have a positive benefit on the restoration of pygmy rabbit habitat as previously analyzed and is consistent with the management objectives of the plans and the Special Status Species Management Policy (6840 Manual).

Columbia Spotted Frog

A change to the existing analysis is the determination that the Columbia spotted frog is not warranted to remain a candidate species for listing or listing as endangered or threatened. On October 8, 2015, the FWS posted a Federal Register Notice of 12-Month Petition Findings, where they determined that the Great Basin distinct population segment of the Columbia spotted frog was no longer warranted to remain on the candidate species list and the species was not warranted for listing as a threatened or endangered species under the ESA.

This change to the analysis does not affect the proposed action being implemented. The Columbia spotted frog does not have any habitat within the fire perimeter. This change does not affect the existing analysis or its application to the proposed action.

Goose Creek Milkvetch

A change to the existing analysis is the FWS's determination that Goose Creek milkvetch (GCM) is no longer warranted as a candidate species. On October 8, 2015, the FWS posted the 12-month Findings on Petitions to List 19 Species as Endangered or Threatened Species, including GCM. Based on the review, the FWS found that the "current stressors acting on the species and its habitat are not of sufficient imminence, intensity, or magnitude to indicate that [GCM] is warranted for listing." However, the FWS did find that the potential future threat from leafy spurge was sufficient for listing. The FWS stated that the Conservation Agreement Strategy (2015) entered into by the FWS and the BLM provided "...sufficient certainty of implementation and effectiveness of the actions such that the potential future threat of the habitat impacts due to the spread of leafy spurge would largely be ameliorated." GCM is still considered a BLM Sensitive species and has specific conservation actions required for its protection (see *Special Status Species*).

The determination not to list GCM does not affect the existing analysis within the previous EAs and the proposed actions. The proposed action would have a positive benefit on the restoration of habitat as previously analyzed, the conservation actions listed in the *Special Status Species* section above would be

adhered to, and is consistent with the management objectives of the plans and the Special Status Species Management Policy (6840 Manual).

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

Yes, the 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, and wetlands/riparian zones. 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/special management areas, environmental justice, farmlands (unique or prime), floodplains, lands, Native American Religious Concerns, recreation, socio-economics, threatened and endangered species, wastes (solid or hazardous), water quality (groundwater), wild and scenic rivers, and wilderness.

The emergency stabilization and rehabilitation treatments would help to rehabilitate habitat for approximately 200 wildlife species that utilize sagebrush habitats on a seasonal or yearlong basis, which includes mule deer, sage-grouse, and other species that are designated as Special Status Species or migratory birds. The treatments would also help to restore the dynamics of affected ecological sites on upland areas.

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

Yes, the public involvement in development of the emergency stabilization and rehabilitation plans and NEPA documents 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 2004 RMP Fire Management Amendment and the 2015 Sage-Grouse Amendment that went through extensive public involvement. The existing environmental assessments support the 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. Persons and Agencies Consulted

Name	Title	Agency
Lindsey Lesmeister	Habitat Biologist	Nevada Dept. of Wildlife
Kari Huebner	Game Biologist	Nevada Dept. of Wildlife
Matt Glenn	Habitat Biologist	Nevada Dept. of Wildlife
John Larkin	Permittee	
Eric Bedke	Permittee	

Table 2. BLM Staff Consulted

Resource	Specialist Name	Comments	Initials	Date
AFM- Non-Renewables	Jearred Foruria	None	/s/ JF	10/20/17
AFM- Renewables	Melanie Mitchell	None	/s/ MM	10/20/2017
Air/Hydrology/Soils	Rob Hegemann	None	/s/ RFH	10/18/2017
Cultural Resources	Lucinda Dockstader	Section 106 in process	/s/ LMD	10/18/2017
Environmental Justice	Terri Dobis	No issues	/s/ TKD	10/20/17
ES&R	Tom Warren			
Fisheries	Beth Wood			
Native American Concerns	Jessica Montcalm	Initial letters sent out	/s/ LMD	10/18/17
NEPA	Terri Dobis	No issues	/s/ TKD	10/20/17
Range Management/ Grazing	Dan Zvirzdin	None	/s/ DZ	10/20/17
Weeds	Sam Cisney		SC	10/18/17
Wildlife	Cameron Collins	None	/s/ CPC	10/18/17

***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

10/20/17

Signature of Project Lead

Date

/s/ Terri Dobis

10/20/17

Signature of NEPA Coordinator

Date

/s/ Marc Jackson

10/20/17

Signature of the Authorized Officer

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.**

Contact Information:

For additional information concerning this DNA review, please contact:

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2. Maps, Stipulations and Documentation

2.1. Maps

Maps are posted separately.

2.2. Stipulations

1. Per 50 CFR 10.13, any disturbance operations conducted outside of the burned area during the migratory bird breeding season (for this project April 1 to July 31) will require a breeding bird survey. Surveys must be completed for all birds listed at 50 CFR 10.13. Surveys will be conducted before any disturbance activities commence. If surveys occur between April 1 and May 15, due to the heavy frequency of nesting behavior a 14-day window for disturbance is imposed. Disturbance must commence within 14 days of the completion of the survey to be within compliance. If disturbance does not occur within 14 days, a new survey is required. If initial surveys take place after May 15, a single survey can suffice and the 14-day restriction need not be imposed. Disturbance can commence at any time after the survey completion if no breeding birds or their activity are documented.

If surveys are not conducted by a BLM wildlife biologist, a BLM-approved wildlife biologist may be used to complete the surveys. Survey results and the discovery of any nesting sites will be reported to the BLM and Nevada Department of Wildlife (NDOW) whereupon suitable protection measures will be determined depending on the species (i.e., avoidance buffer, postponement of operations, etc.). Site reporting may be done at initial encounter by the surveying wildlife biologist to the BLM wildlife biologist via phone call and resolved before the submission of the written report. If it is determined from the survey that breeding activity is present, all operations shall be postponed in the immediate vicinity, as determined by the BLM wildlife biologist based on the species identified until after breeding activity ceases.

2. In consultation with NDOW for greater sage-grouse:
 - Maintain lekking hourly timing stipulations 6pm-9am from March 1 to May 15 for weed spraying. NDOW would request to the extent possible avoid spraying weeds during the lekking periods as certain weeds can be sprayed during the fall months.
 - Maintain lekking (March 1- May 15) and nesting (April 1-June 30) seasonal stipulations for drill seeding activities within identified sage grouse seasonal habitats.
 - Maintain lekking along with nesting habitat seasonal stipulation for fence construction on the northwest and southeast fencing portions as the locations of the proposed fence is in close proximity to lekking and nesting sage grouse. However if this fence is required to manage early turnout of cattle then NDOW recognizes the benefit to protect the BLM's investment in seeding.
 - All brood rearing/summer (May 15 to September 15) and winter (November 1 to February 28) timing restrictions may be waived for the treatment options.

3. Flight diverters will be installed on any temporary fences constructed within 1.2 miles of any active or pending sage-grouse leks.
4. Please see *Special Status Species* section for conservation actions for Goose Creek milkvetch protection.

2.3. Documentation

Required Design Feature (RDF) documentation is attached. Disturbance cap does not apply. Lek buffers applied- 1.2 mile fence buffer; no noise buffer due to lack of habitat. Nearest lek is within fire perimeter. There would be a positive net conservation gain from this action.