# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
VALE DISTRICT
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## Documentation of Land Use Plan Conformance and NEPA Adequacy
## Jaca Reservoir (JU2X) Fire Emergency Stabilization and Rehabilitation Plan
### Determination of NEPA Adequacy (DNA)

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Office: Malheur/Jordan Field Office
Tracking Number: DOI-BLM-OR-V060-2015-044
Proposed Action Title/Type: Jaca Reservoir Fire (JU2X) Emergency Stabilization and Rehabilitation
Location: See attached map

## A. Describe the Proposed Action

### *Background*

The proposed action is described in the *Post-Fire Recovery Plan, Emergency Stabilization and Burned Area Rehabilitation, Jaca Reservoir Fire (JU2X), BLM Vale District Office, OREGON STATE OFFICE* (hereafter called ESR Plan, July 22, 2015). Specifically, this Determination of National Environmental Policy Act (NEPA) Adequacy evaluates proposed actions for emergency stabilization and rehabilitation of burned areas within the Jaca Reservoir fire. This document evaluates proposed actions in the ESR Plan for adequacy of existing NEPA analyses and conformance with the Final Environmental Impact Statement (FEIS, April 2001) for the Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision (ROD, September, 2002).

The Jaca Reservoir fire was ignited by lightning on June 28, 2015. Thunderstorms and low fuel moistures contributed to conditions that allowed the fire to escape initial attack and consume 13,461 acres. Approximately 470 acres within the burned area are private land holdings and 12,991 of the acres are administered by BLM. The Jaca Reservoir fire was contained on July 1, 2015.

Soils within the burned area consist of moderately deep, moderately well drained soils, have a very high run off potential, moderate permeability, and are commonly saturated for two weeks or more in the spring. Typical vegetation within these soils is mainly low sagebrush- bunchgrass and Wyoming big sagebrush.

The Jaca Reservoir Fire burned entirely within the Willow Creek livestock grazing allotment.
The fire impacted 16 miles of livestock management fences, five stock troughs, one culvert, and 2.8 miles of water pipeline as well as other livestock management infrastructure.

The burned area is currently classified as greater sage-grouse (*Centrocercus urophasianus*) habitat. Approximately 2,813 acres are designated as Priority Habitat Management Area (PHMA) and 10,648 acres of General Habitat Management Area (GHMA) (See Map 2). There is one sage-grouse lek present within the burn area with an “unoccupied pending” activity level. In 1993, 11 sage-grouse were observed using the Upper Dry Lake #1 lek; however, in 1997 the lek was monitored and no birds were observed. A lek is classified as unoccupied pending if it has displayed no sage-grouse activity during recent years;

however, more monitoring is required to show that the lek has been abandoned or that use of the lek has resumed and the lek should be classified as occupied. On average, a lek may have up to 4.1 years (Standard Deviation = 2.6 years) of inactivity before rebounding to occupied status (ODFW 2011).

The Jaca Reservoir Fire is also located within the Owyhee North Fire and Invasive Assessment Team (FIAT) Planning Area in the Northern Great Basin. The FIAT areas were identified due to the presence of greater sage-grouse priority habitat and threats posed by management strategies to reduce the threats to greater sage-grouse from invasive annual grasses, wildfires, and conifer expansion. The Owyhee North FIAT Planning Area is ranked the highest for fire response priority in the Vale District due to its overall high lek densities, large amounts of intact sagebrush, and high susceptibility to annual invasive grasses.

***Planned Actions***

The area burned by the Jaca Reservoir Fire is in need of treatment to ensure desirable vegetation would stabilize the site and prevent invasion of undesirable vegetation and/or noxious weeds. Treatments proposed in the Jaca Reservoir ESR plan are summarized below:

- Two aerial applications of imazapic herbicide to reduce the threat invasive annual grasses pose to priority greater sage-grouse habitat. Each aerial herbicide application would be applied on the entire 13,669 burned area. Imazapic would be applied at a six ounce per acre rate and include appropriate adjuvants.
- Inventory and treat noxious weeds with ground applications best suited to each site and weed type during the first year. Monitor and re-treat sites if necessary. Identified noxious weed sites would be treated new for two consecutive years. Target species would include such weeds as Russian and diffuse knapweed, Scotch thistle, bull thistle, Canada thistle, whitetop, and medusahead wildrye.
- Manual planting approximately 1000 acres of sagebrush or bitterbrush seedlings.
- Seeding desirable native perennial grasses in areas with high potential to become infested with medusahead wildrye for the purpose of site stabilization on approximately 360 acres. Ground-based seeding methods would be utilized. A seed mix composed of competitive native species such as streambank wheatgrass was deemed necessary by the IDT due to an infestation of medusahead wildrye in the lower elevations of the burned area. Establishment of fire resistant perennial grass species in the burned area is critical to interrupt the fire and invasive species cycle and protect adjacent sagebrush habitat. Seeding methods vary according to soils, site potential and minimizing impacts to resources.
- Protecting the area from livestock grazing during a period necessary for establishment and recovery of health and vigor of desired vegetation. Approximately three miles of three-strand temporary protective fence would be constructed to separate the burned area from unburned portions of affected pastures. Sixteen miles of existing management fence would be reconstructed within the affected allotments. Fence reconstruction may be as minimal as replacing H-braces and rock cribs but may be as large as full fence replacement, depending on the severity of the damage caused by the fire. In all fence reconstruction, metal materials would be used to the fullest extent possible. Fences requiring full replacement would be reconstructed in the same location as the previous fence.
- Assessment and stabilization of impacted known cultural resources.

## B. Land Use Plan (LUP) Conformance

LUP Name: Southeastern Oregon Resource Management Plan (SEORMP) Date Approved 2002

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Southeastern Oregon Resource Management Plan: Rangeland Vegetation, pages 38-41; Wildlife Habitat Pages 50-51; Rangeland/Grazing Use Pages 56-60.

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

The Buzzard Complex Fire Emergency Stabilization and Rehabilitation Environmental Assessment (2014).

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

Draft (1998), Final (2001), and Record of Decision (2002) Environmental Impact Statement prepared for the Southeastern Oregon Resource Management Plan

Vale District Integrated Weed Control Plan EA (1989)

Northwest Area Noxious Weed Control Program EIS (1987)

Final Programmatic Environmental Impact Statement and Environmental Report for Vegetation Treatments on Public Lands Administered by the Bureau of Land Management in the Western United States, Including Alaska (2007)

The Final EIS for Vegetation Treatments Using Herbicides on BLM Lands in Oregon (2010)

Greater Sage-Grouse Interim Management Policies and Procedures (BLM WO IM 2012-043, December, 2011)

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

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

None

## D. NEPA Adequacy Criteria

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

**Yes.**

**Documentation of answer and explanation:**

The Jaca Reservoir treatments, resources, issues and conditions are essentially similar to those analyzed in the 2014 Buzzard Complex ESR Environmental Assessment. The Jaca Reservoir Fire is approximately 45 miles southeast of the Saddle Draw fire, managed within the Buzzard Complex suppression effort. Common considerations between the Buzzard Complex ESR EA and the Jaca Reservoir ESR proposed action includes the following:

**Proposed Treatments**

The seeding, planting, temporary fence construction, and imazapic applications within the proposed action were analyzed - in the Saddle Draw fire located on the Vale District - within the Buzzard Complex Fire Emergency Stabilization and Rehabilitation Environmental Assessment, specifically:

- Project Design Features, pg. 14.
- Non-Aerial Seeding Treatments , pg. 18.
- Seedling Planting, pg. 19.
- Temporary Fence Construction, pg. 24.
- Reconstruction of Existing Fence, pg. 24
- Aerial Applications of Imazapic for Invasive Annual Grass Control, pg. 19.
- Noxious Weed Herbicide Treatments- General, pg. 20
- Stabilization of Known Archaeological Sites, pg. 25.
- Livestock Closure, pg. 26.

**Resources and Conditions**

Landforms, soil types, and plant community classifications are similar to - or the same as - those described in the Buzzard ESR EA (Affected Environment and Environmental Consequences pgs. 32-116). The Jaca Reservoir burned area is dominated by soils that support complexes of low sagebrush – bunchgrass and Wyoming big sagebrush – bunchgrass plant communities. The Saddle Draw portion of the Buzzard Complex supports plant communities that are largely the same. Both burned areas support sagebrush steppe communities that are susceptible to medusahead wildrye and cheatgrass infestation after to burning. The Jaca Reservoir burned area is generally the same as the Buzzard Complex ESR EA middle elevation ecological zone. This ecological zone is between 4000-4600’ above mean sea level and it receives between 10-13” of precipitation annually. A lower elevation area west of Jaca Reservoir is similar to the low elevation ecological zone described in the Buzzard ESR EA. It occupies a lower elevation bottomland with invasive annual grass cover estimated between 10-15%.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?**

**Yes**

**Documentation of answer and explanation**: With respect to current concerns, interests, and resources values specific to the Jaca Reservoir Fire burned area, the Buzzard ESR EA analyzed an appropriate range of alternatives. The EA analyzed a proposed action constrained by numerous project design elements, a no action alternative, and eliminated two alternatives from detailed analysis because they were not feasible to implement or did not meet purpose and need.

The Buzzard Complex ESR EA included a very specific Purpose and Need statement (pg. 3). The Purpose and Need was primarily to stabilize greater sage-grouse habitat, minimize threats to life and property, reduce soil loss, stabilize archaeological resources, reduce risk of noxious weed and annual grass infestation, and protect the area from livestock grazing until objectives were met. The Jaca Reservoir Fire ESR plan presents similar or the same issues and needs as those described in the Buzzard ESR EA. Therefore, a narrow range of reasonable alternatives was appropriate to address the purpose and need of the Buzzard ESR EA. The range of alternatives is also appropriate for the Jaca Reservoir ESR plan analysis. There are no environmental concerns, interests, or resource values that would necessitate a broader range of alternatives.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

**Yes**.

**Documentation of answer and explanation**: There is no significant new information or circumstances that would warrant additional analysis. The Buzzard ESR EA analyzed the effects of alternatives including the proposed action within the ESR plan on invasive annual grasses, the effects of invasive annual grass cover on fire regimes, and the effects of site stabilization and rehabilitation on priority and general sage-grouse habitat. All of these issues would be addressed the same as in the Buzzard Complex ESR EA (See page 13). The effects analysis outlined in the Buzzard ESR EA (See page 57 and 96) fully describes the effects on vegetation, noxious weeds, and annual grasses present in the Jaca Reservoir burned area. The invasive annual grasses in the Jaca Reservoir burned area would be treated with imazapic prior to germination in the fall, as analyzed in the Buzzard Complex ESR EA (See page 19).

In March, 2010 the U.S. Fish and Wildlife Service issued its finding that Greater Sage-Grouse are "warranted but precluded" for listing under the ESA (Notice, 75 FR 13910 – 14014; 03/23/2010). Thirty-eight scientists from federal, state and nongovernmental organizations collaborated to synthesize the information and findings on Greater Sage-Grouse, and compiled in Ecology and Conservation of Greater Sage-Grouse: a Landscape Species and its Habitats (Monograph, 2011). Following this, in December, 2011, the BLM issued Instruction Memorandum No. 2012-043 which provides interim management policies and procedures for Greater Sage-Grouse. Also released in December, 2011 was the BLM's A Report on National Greater Sage-Grouse Conservation Measures developed by the BLM's National Technical Team on Greater Sage-Grouse (NTT Report).

The *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement* were published in June, 2015. The protest period and Oregon

Governor's Consistency Review period closed on July 30, 2015. The final Record of Decision for the Oregon Greater Sage-grouse Resource Management Plan Amendment is expected in September, 2015. The Jaca Reservoir ESR Plan is consistent with the interim management for sage-grouse under the interim guidance, as well as the Oregon Proposed RMPA EIS (PRMPA).

No new threatened/endangered or Special Status Species (SSS) or environmental concerns have been identified in the project area, since the 2014 EA for the Buzzard Complex ESR plan. The Proposed Action meets goals and objectives of all current management strategies to meet sage-grouse habitat needs.

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

**Yes.**

**Documentation of answer and explanation:** The methodology and analytical approach used in the Buzzard ESR EA would continue to be appropriate for the current proposed action. The Saddle Draw (Vale District portion of Buzzard Complex Fires) is approximately 45 miles from the Jaca Reservoir ESR treatment area; however, the issues of controlling invasive annual grasses, the relationship between annual grass cover and fire return intervals, and conserving greater sage-grouse habitat remain the same.

Plant community composition and condition on the Jaca Reservoir burned area were similar or the same to those described for the middle to lower elevations in the Buzzard Complex ESR EA (See page 57 and 96)

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

**Yes.**

**Documentation of answer and explanation:** Direct and indirect effects of the proposed action are the same as those analyzed in the proposed action; pages 30-116 of the Buzzard ESR EA. Cumulative impacts of the proposed action are similar or the same as those analyzed in Chapter 3 of the Buzzard ESR EA (See pages 30-116).

The effects of the ESR plan would be to stabilize the burned area and prevent the spread of annual grasses from existing patches on the landscape. The Jaca Reservoir ESR plan would also rehabilitate resources that may not recover naturally. Project design elements from the Buzzard ESR EA (See page 13) that would be utilized in the Jaca Reservoir ESR plan, would minimize or completely avoid adverse effects on SSS plants, cultural resources, migratory birds, and soils.

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

**Yes.**

**Documentation of answer and explanation:** The Buzzard ESR EA analysis documents were reviewed by a diverse representation of public entities. This included Federal, state, local, and tribal governments as well as private entities and environmental advocacy groups. The notice of availability of the Environmental Analysis and opportunity to comment on the Buzzard ESR EA was sent to approximately

75 individuals, organizations, agencies, local governments, state governments, and federal governments, many of which are the identical interested or potentially affected publics for this ESR Plan.

## E. Interdisciplinary Analysis:

The following team members conducted or participated in the preparation of this worksheet.

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|---|---|
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## F. Conclusion

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

Signature of the Responsible Official

8/10/2015

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.