

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

OFFICE: NVL0044 AND NVL0200

TRACKING NUMBER: DOI-BLM-NV-L020-2011-0024-DNA

CASEFILE/PROJECT NUMBER: LFHFJD390000

PROPOSED ACTION TITLE/TYPE: Becky and Sampson Creek Cheatgrass Treatment

LOCATION/LEGAL DESCRIPTION: North Antelope Valley, White Pine County, Nevada

Township 25 North, Range 66 East, Sections 16, 17, 20, 21 (Becky Fire)

Township 25 North, Range 66 East, Sections 8, 17, 20, 21, 29, 30, 32 (Sampson Creek Fire)

APPLICANT (if any): Bureau of Land Management – Ely District

A. Description of the Proposed Action and any applicable mitigation measures:

The Bureau of Land Management, Ely District is proposing to conduct chemical treatments with Imazapic on up to 1,403 acres to impede the invasion of cheatgrass within the boundaries of the Becky and Sampson Creek wildland fires. The application of Imazapic would take place as early as the fall of 2011. Resource management goals and objectives for the treatment of cheatgrass in the proposed area were developed during the creation of the North Antelope Valley Habitat Improvement and Fuels Reduction Project and are modified below to include the Becky Fire area:

Resource Management Goal: Reduce cheatgrass infestations on the Sampson Creek Fire of 2004 and Becky Fire of 1991 to improve ecological conditions, rangeland health, wildlife habitat, promote soil protection and reduce the fire hazard and soil erosion potential.

Resource Management Objectives (Short Term): Reduce the canopy cover of cheatgrass on approximately 1,403 acres within the Becky and Sampson Creek Fires by at least 75 percent or greater within one year. Establish at least three perennial grass plants per 9.6 ft² within two to three years after project implementation

Resource Management Objectives (Long Term): Increase the percent composition by weight (lbs/ac) of perennial grasses and forbs to a minimum of 75 percent of the ecological site potential and increase the percent composition (lbs/acre) of shrubs to a minimum of 50 percent of the ecological site potential on cheatgrass dominated sites within the Sampson Creek and Becky Fire boundaries within 5 to 10 years following seeding.

A Pesticide Use Proposal (PUP) would be completed and authorized prior to completing the treatment and a pesticide application report (PAR) would be completed after the treatment. Standards and guidelines for storage facilities, posting and handling, accountability and

transportation as listed in BLM Handbook 9011 (Pesticide Storage, Transportation, Spills and Disposal) Section II would be followed. There would be fundamental adherence to items listed in the Material Safety Data Sheet (MSDS) provided for the selected herbicide.

Imazapic would be applied to cheatgrass infested areas during September or October, prior to the fall emergence of cheatgrass. Areas that require treatment are considered to be composed of sufficient cheatgrass to carry a wildland fire as determined through monitoring during the 2010 field season.

Application rates and procedures would follow directions as listed on the herbicide specimen label for cheatgrass. The proposed application rate of Imazapic would be 6 ounces total herbicide solution per acre. However, application rate may vary depending on soil and litter conditions, but would be no less the 4 ounces total herbicide solution per acre and no more than 8 ounces per acre. Gaps between cheatgrass treatment areas that contain less than the threshold value but still contain cheatgrass would also be treated not to extend beyond the boundaries of the project area (see attached map). Imazapic would not be applied on any areas that are in excess of 25 percent slope unless it is determined that the soils contain sufficient cobbles and established perennial grasses and forbs (resistant to Imazapic) to provide some stability for the soil.

The site would be evaluated to determine if water catchments would be required to minimize any transport of the chemical offsite and/or into waterways (drainages).

The application of Imazapic would conform to all specifications outlined within the approved label and any applicable supplemental labels for buffering and drift. The application of Imazapic would conform to the best management practices outlined within the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) including:

- Appropriate buffers would be established around all areas with surface water and to downstream water bodies, habitats and species/populations of interest.
 - For Imazapic the buffer distances listed in Appendix C of the PEIS Table C-16 for the maximum application rate are 300 feet from non-target Aquatic Areas (aerial application), 900 feet from non-target terrestrial plants (aerial application) and 900 feet from Rare, Threatened, and Endangered Terrestrial Plants (aerial application). For the typical application rate the recommended buffer distance is 300 feet from Rare, Threatened, and Endangered Terrestrial Plants (aerial application).

A survey for mining claim markers in documented active claim sites would be conducted prior to conducting treatments. All mining claim marker locations and tag information would be recorded. Active mining claim markers that are destroyed would be re-staked using a legal mining claim marker. Re-staking of mining claim markers would occur in coordination with the existing mining claimants to assure accurate, legal staking procedures that would minimize damage to claims.

Livestock grazing would be scheduled around project treatment to ensure objectives are met. To ensure herbicide effectiveness, livestock grazing could potentially be restricted for ten months after herbicide application. If it is deemed necessary to apply seed to the project, livestock grazing would be restricted for a minimum of two years or until objectives are met (a minimum three perennial grasses are firmly rooted within a 9.6 ft² hoop). The BLM would coordinate with the permittee to schedule grazing in the project area that would ensure objectives are met while attempting to meet the needs of the livestock operation.

All treatment actions would comply with the Migratory Bird Treaty Act – Interim Management Guidance (Instruction Memorandum 2008-050) or the most current policy at the time of implementation.

Equipment would be washed prior to entering the proposed project area and prior to exiting the area to minimize the transport of noxious and invasive weeds.

Appropriate spill prevention measures would be implemented as prescribed by the authorized officer and appropriate technical specialist.

No new roads would be constructed or created during project implementation. Off-road travel would be held to a minimum however will be necessary to implement the chaining portion of the proposed action.

All actions would be (as possible) scheduled around peak recreation periods (i.e. hunting season, holidays, etc) to minimize the disruption to recreation within the area.

The Ely District Office Noxious Weed Prevention Schedule would be adhered to during all phases of project implementation.

Prior to implementation a notice would be placed in the local newspaper to inform the public of the treatment. Signs would be placed around the project area during the application of the chemical to warn the public. BLM representatives would be present to inform the public about what is occurring and the reasons why.

Monitoring would be conducted during the growing season following the application of the herbicide.

B. Land Use Plan (LUP) Conformance

<u>LUP Name*</u>	<u>Date Approved</u>
Ely District Resource Management Plan	August 2008
<u>Other Documents</u>	<u>Date Approved</u>
Final Programmatic Environmental Impact Statement (EIS)	
Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States	June 2007

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

Management Actions – Vegetation Resources (General Vegetation Management)

VEG-1: Emphasize treatment areas that have the best potential to maintain desired conditions or respond and return to the desired range of conditions and mosaic upon the landscape, using all available current or future tools and techniques. (Page 26)

VEG-4: Design management strategies to achieve plant composition within the desired range of conditions for vegetation communities, and emphasize plant and animal community health at the mid scale (watershed level). (Page 26)

VEG-7: Determine seed mixes on a site-specific basis dependent on the probability of successful establishment. Use native and adapted species that compete with annual invasive species or meet other objectives. (Page 27)

Management Actions –Fire

FM-5: In addition to fire, implement mechanical, biological, and chemical treatments along with other tools and techniques to achieve vegetation, fuels, and other resource objectives. (Page 108)

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

The proposed action is covered in the following environmental assessment (EA):

North Antelope Valley Habitat Improvement and Fuels Reduction Project EA No. NV-040-06-051 (August 2007)

Herbicide application using Imazapic is also addressed in the following EIS:

Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (June 2007)

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? 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 [X] No []

Documentation of answer and explanation:

The North Antelope Valley Habitat Improvement and Fuels Reduction EA (NV-040-06-051) analyzed the use of herbicide Oust XP for the purpose of controlling cheatgrass infestations within 500 acres of the Sampson Creek Fire. There are two differences among the proposed action noted in this document compared to the proposed action of the North Antelope Valley

Habitat Improvement and Fuels Reduction EA: 1) The herbicide proposed to utilize now is Imazapic rather than Oust XP; and 2) The area to be treated includes the entire Sampson Creek Fire and Becky Fire (a total of 1,403 acres rather than 500 acres. The North Antelope Valley Habitat Improvement and Fuels Reduction Project EA. proposed to treat 500 acres of the Sampson Fire with Oust XP. The new action proposes to utilize Imazapic herbicide instead of Oust XP on the Sampson and Becky Fires. The Sampson Fire burned within portions of the Becky Fire, which is immediately adjacent to the Sampson Fire. The new proposed action is substantially similar to the proposed action analyzed in the EA. The new proposed action includes, or is immediately adjacent to, the areas analyzed with similar resource conditions (see attached map). The geographical and resource conditions in the new proposed action are essentially the same to those areas which were analyzed in the EA. Scoping of the proposed action revealed no other resource concerns not previously analyzed. The natural vegetative communities and ecological sites are the same.

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

Yes No

Documentation of answer and explanation:

The North Antelope Valley Habitat Improvement and Fuels Reduction Project (EA NV-040-06-051) analyzed a range of alternatives including manual, mechanical, chemical, and prescribed fire treatments. The EA analyzed treating the Sampson Fire with Oust XP to control cheatgrass. The proposed action is substantially similar to the chemical analysis that was addressed in the existing EA, however, the specific chemical is different, and an additional 903 acres within the Sampson Fire and the immediate adjacent Becky Fire would be treated. The current environmental concerns, interests, and resource values have not changed at the site since the time the existing EA was prepared. There have not been unresolved conflicts regarding available resources on public lands that would necessitate the analysis of any additional 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, 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 No

Documentation of answer and explanation:

To date, there is no new data or circumstances such as rangeland health standard assessments, recent endangered species listings, or updated lists of BLM-sensitive species occurring at the site. The difference between this proposed action and the proposed action analyzed in the EA is the type of herbicide used and an additional 903 acres within and immediately adjacent to the Sampson Fire would be treated.

The US Fish and Wildlife Service recently concluded that the greater sage-grouse is warranted for protection under the Endangered Species Act, however precluded at this time by higher priority species.

The proposed action occurs within greater sage-grouse habitat however timing of the treatment avoids potential impacts with the species. The achievement of the goals of the proposed action would generally be considered a benefit to the greater sage grouse habitat.

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 No

Documentation of answer and explanation:

The proposed treatment area is incorporated within and immediately adjacent to the areas analyzed under the proposed action and alternative action of EA NV-040-06-051. The issues and affected environment are also similar to those described in the EA. The direct, indirect and cumulative effects resulting from implementation of the proposed action would be substantially similar to those analyzed in the North Antelope Valley Habitat Improvement and Fuels Reduction Project EA NV-040-06-051.

The impacts associated with the use of chemical herbicides (Sulfometuron Methyl and Chlorosulfuron) within the area of the Sampson Creek Fire has been analyzed and disclosed within the North Antelope Valley Habitat Improvement and Fuels Reduction Project Environmental Assessment. The impacts of the use of Imazapic, as proposed within the current proposed action, have been analyzed and disclosed within the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement. All applicable mitigations from the previous analysis have been incorporated into the proposed action. There have been no other resource concerns identified above those identified within the previous site specific analysis. The impacts disclosed within the Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement indicate that impacts to the resources analyzed from the application of Imazapic would be substantially similar to or at a level less than analyzed.

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

Yes No

Documentation of answer and explanation:

The project proposal was posted on the Ely District Office website on October 4, 2006 under "NEPA Projects" at <http://www.nv.blm.gov/ely>. A letter describing the project proposal was mailed to groups and individuals on October 5, 2006 who have expressed interest in participating in habitat improvement and hazardous fuels reduction projects, as well as state and federal wildlife agencies. A tribal coordination meeting was conducted at the Ely District Office on October 17, 2006. Coordination occurred with the grazing permittees, Nevada Department of Wildlife (NDOW) and other interested public affected by the project proposal. A project area tour for all public interests occurred on November 8, 2006. Suggestions from the tour were to treat cheatgrass-infested areas as a priority. Following the tour, mitigating measures and standard operating procedures have been incorporated which would minimize the impacts and

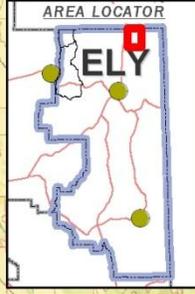
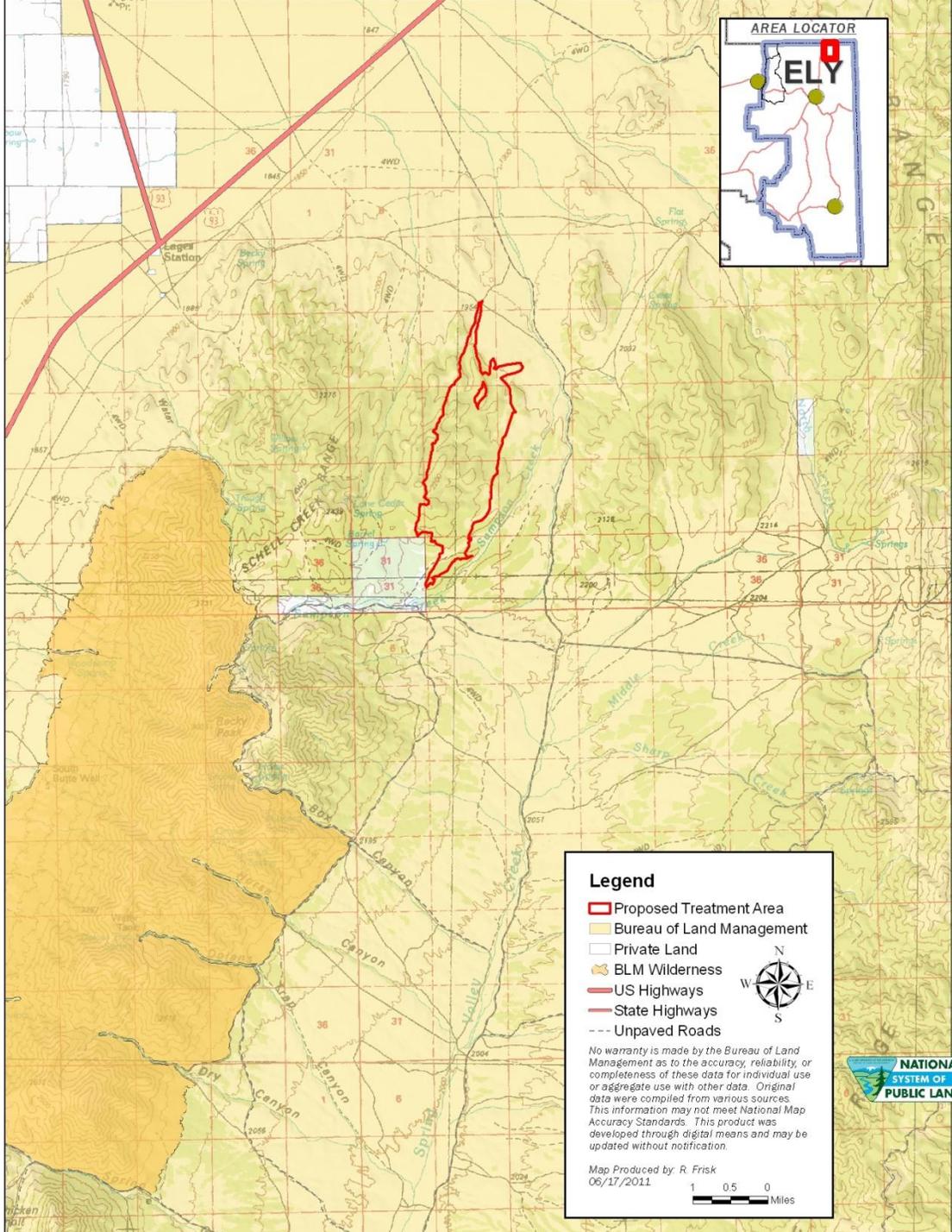
concerns which were identified on the tour. NDOW stated they were supportive of the project through informal discussions and the field tour held on November 8, 2006.

The majority of public involvement covered the previously proposed action. A notice would be placed in the local newspaper to inform the public of the treatment prior to implementation of the current proposed action. A scoping letter will be sent out to interested parties for opportunities to comment on the new proposed action.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource/Agency Represented
Mark D’Aversa	Hydrologist	Soil, Air Quality, Water Quality, Water Resources, Floodplains, Riparian/Wetlands
Craig Hoover	Rangeland Management Specialist	Invasive, Non-Native Species, Range, Vegetative Resources
Zach Peterson	Forester	Forest Resources
Leslie Riley	Archaeologist	Cultural, Archaeology, Historical, Paleontological
Ben Noyes	Wild Horse & Burro Specialist	Wild Horses
Nancy Williams	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Animals, Special Status Plants
Dave Jacobsen	Wilderness Planner	Wilderness Values, Visual Resource Management
John Miller	Outdoor Recreation Planner	Recreation
Dave Davis	Geologist	Minerals
Cindy Longinetti	Realty Specialist	Lands-Disposal
Brenda Linnell	Realty Specialist	Lands-All other
Melanie Peterson	Environmental Protection Specialist	Wastes, Hazardous & Solid
Elvis Wall	Civil Engineering Technician	Native American Religious Concerns, Tribal Coordination
Gloria Tibbetts	Planning & Environmental Coordinator	Environmental Justice
Tenille Lenard	ESR Management and Program Analyst	Emergency Stabilization & Rehabilitation
Rob Frisk	Prescribed Fire & Fuels	Fire, Fuels, Vegetation

PROPOSED TREATMENT AREA (BECKY AND SAMPSON CREEK FIRES)



Legend

- Proposed Treatment Area
- Bureau of Land Management
- Private Land
- BLM Wilderness
- US Highways
- State Highways
- Unpaved Roads

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Map Produced by: R. Frisk
06/17/2011



BLM

Ely District Office

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELY DISTRICT OFFICE**

INTRODUCTION

I have reviewed the Determination of NEPA Adequacy (DNA) DOI-BLM-NV-L020-2011-0024-DNA, for the *Becky & Sampson Creek Cheatgrass Treatment*, dated , August 2, 2011, taking into consideration the project design specifications.

I have also considered the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA:

Context:

The project area analyzed in the DNA is located on public land near Sampson Creek within North Steptoe Valley of the Schell Creek Range of east-central Nevada (See map in attached DNA). The project area previously burned by two separate wildfires; the Sampson Creek Fire of 2004 and the Becky Fire of 1991. Cheatgrass (*Bromus tectorum*) established within the project area after the wildfires. The Sampson Creek Fire was aerial seeded during the 2004/2005 winter with a mix of perennial grasses and forbs, and portions of the Becky Fire were treated with pre-emergent herbicide (Landmark XP) in the fall of 2009. While some seeded species have established on the Sampson Creek Fire and cheatgrass was suppressed on portions of the Becky Fire after previous treatments, cheatgrass still remains over much of the project area. The proposal is to aerial apply herbicide over the project area to suppress cheatgrass and allow perennial species to proliferate or become established.

The proposed action will treat approximately 1,403 acres. All of the lands within the proposed project area occur on lands administered by the Schell Field Office of the Bureau of Land Management.

The area is located in the following legal land descriptions (White Pine County, Nevada, Mt. Diablo Base and Meridian):

Township 25 North, Range 66 East, Sections 8, 16, 17, 20, 21, 29, 30, 32

The proposed action does not have impacts or influence outside the watersheds where the project occurs. The proposed action does not have any regional or global implications that would expand the context of the impacts.

Intensity:

1) Impacts that may be both beneficial and adverse:

All impacts, both beneficial and adverse have been analyzed and disclosed within the NEPA documents referenced under Section C of the DNA worksheet. In general the impacts associated with the Becky and Sampson Cheatgrass Treatment are considered to be improving the quality of the human environment through the treatment of invasive annual grasses. The proposed action will improve the probability of perennial grass species establishment, which will improve habitat for wildlife and watershed characteristics. All applicable mitigation and standard operating procedures have been incorporated into the proposed action as design features. The implementation of the proposed action will result in reducing the potential for uncontrollable wildland fire carried by invasive annual grasses and improve ecological conditions, rangeland health, wildlife habitat, and reduce the soil erosion potential. Short term displacement of livestock and recreation may result, however in the long term the impacts of the proposed action will lead to better forage for livestock and similar if not more recreational opportunities.

2) The degree to which the Proposed Action affects public health or safety:

All applicable mitigation and standard operating procedures have been incorporated into the proposed action to prevent impacts to public health and safety. Analysis of the proposed chemical within the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement indicates that there is little to no harm to humans from contact with the herbicide (page 4-183). All provisions have been made to inform and educate the public as to the proposed action. Specifically, when and where the herbicide will be applied. Government representatives would be on site within the area to inform the public of what is going on to try and prevent the public from being in the area during implementation. There are no affects to public health or safety anticipated as a result of implementation of the proposed action.

3) Unique characteristics of the geographic area such as proximity to historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

There are no unique characteristics that would be affected in the project area from the proposed action. The proposed action would help preserve existing perennial species within the project area, and adjacent intact vegetation communities within the project vicinity. No culturally significant plants have been identified in the project area that would be affected by the herbicide. No cultural or historical resources would be affected as no ground disturbing activity is proposed. There are no national parks lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas in the vicinity of the proposed project area.

- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial:*

There are no highly controversial effects on the quality of the human environment anticipated as a result of implementation of the proposed action. All applications of herbicide would conform to the specification of the approved label and any applicable supplemental labels. The application of herbicide under these conditions is considered to be predictable and therefore is a tool utilized to accomplish the objectives outlined. No controversial comments were received during the public scoping period for the project.

- 5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:*

There are no known effects which are highly uncertain or involve unique or unknown risks to the human environment. As previously mentioned, all applications of herbicide would conform to the specification of the approved label and any applicable supplemental labels. The application of herbicide under these conditions is considered to be predictable and therefore is a tool utilized to accomplish the objectives outlined. The risks associated with the proposed action have been identified in the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (2007). The proposed action would follow all standard operating procedures identified in the above document to prevent any uncertain risks. There were no uncertain risks identified in the above document that will be associated with the proposed action.

- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:*

The proposed action would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. All future actions would be subject to the provisions of the National Environmental Policy Act and the guidance provided by the Council on Environmental Quality.

- 7) *Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:*

All cumulative impacts have been disclosed within the NEPA documents listed within section C of the DNA. There are not other past, present, or reasonably foreseeable actions that are within the bounds of the cumulative impacts analysis area as defined by the direct and indirect extent of the potential impacts that have been disclosed. Any other project proposed within the area would be required to comply with the NEPA and the requirements therein. This would include analyzing the

cumulative impacts of the proposed action with any past or present actions including the Becky and Sampson Cheatgrass Treatment.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources:

There will be no ground disturbing activities that may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing on the National Register of Historic Places. Effects of the proposed action on cultural or historic resources would be minimal as described in Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (2007; page 4-148).

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:

It has been determined that no federally listed threatened or endangered species occur within the proposed project area.

- 10) Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment:

The proposed action will not violate or threaten to violate any Federal, State or local law or requirement imposed for the protection of the environment.

FINDING OF NO SIGNIFICANT IMPACT

I have concluded that the analysis in the documents listed in Section C of the DNA is sufficient to determine that the proposed action will not have a significant effect on the quality of the human environment.

_____/s/ Tye Petersen_____
Tye H. Petersen
Fire Management Officer
Ely District Office

_____/08/02/2011_____
Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office

702 North Industrial Way, HC 33 Box 33500

Ely, NV 89301

http://www.blm.gov/nv/st/en/fo/ely_field_office.html



In Reply Refer To:

9210 (NVL0044)

DECISION RECORD **Becky & Sampson Creek Cheatgrass Treatment**

Background

The Bureau of Land Management has completed a determination of NEPA adequacy (DNA) to document an interdisciplinary review of existing NEPA documents in relation to the current proposed action. The current proposed action is to conduct a chemical treatment (herbicide) to control cheatgrass (*Bromus tectorum*), an invasive annual grass, on two previous wildfires; the Becky Fire of 1991 and Sampson Fire of 2004. The Becky and Sampson Cheatgrass Treatment area is a combined 1,403 acres located on public land near Sampson Creek within North Steptoe Valley of the Schell Creek Range of east-central Nevada (see map in attached DNA). The Sampson Creek Fire was aerial seeded during the 2004/2005 winter with a mix of perennial grasses and forbs, and portions of the Becky Fire were treated with pre-emergent herbicide (Landmark XP) in the fall of 2009. While some seeded species have established on the Sampson Fire and cheatgrass was suppressed on portions of the Becky Fire after previous treatments, cheatgrass still remains over much of the project area. The proposal is to aerial apply herbicide (Imazapic) over the project area to suppress cheatgrass and allow perennial species to proliferate or become established. This herbicide is approved to reduce/prevent germination of invasive annual grasses, and will not harm existing or established perennial grasses, forbs and shrubs.

On August 2, 2011 a Finding of No Significant Impact was signed for the Becky and Sampson Creek Cheatgrass Treatment documenting that the proposed action was adequately covered by existing NEPA documents as documented in the attached DNA (DOI-BLM-NV-L020-2011-0024-DNA). The FONSI demonstrates that an environmental impact statement pursuant to Section 102(C) of the National Environmental Policy Act is not required.

Decision

It is my decision to implement the Becky and Sampson Creek Cheatgrass Treatment as described in the attached DNA (DOI-BLM-NV-L020-2011-0024-DNA). All actions, design features, standard operating procedures and monitoring as described in the proposed action will be incorporated during project implementation.

This decision is in conformance with vegetation and fire management resource goals, objectives and decisions as described in the Ely District Resource Management Plan (2008). This decision complies with the Healthy Forest Restoration Act (2003). The decision is consistent with plans and policies of neighboring local, county, state and federal agencies and governments including the Final Programmatic Environmental Impact Statement-Vegetation Treatments Using

Herbicides on Bureau of Land Management Lands in 17 Western States (2007), The Northeastern Great Basin Resource Advisory Council Standards and Guidelines (1997), and all supplemental authorities listed in Appendix A of the Bureau of Land Management National Environmental Policy Act Handbook (H-1790-1).

Rationale

The decision to implement the Becky and Sampson Creek Cheatgrass Treatment as described in the attached DNA is based on the supporting analysis listed in section C of the DNA and the ability of the proposed action to meet the purpose and need for the treatment. The proposed treatment of cheatgrass in the Sampson Creek Fire was proposed in the North Antelope Valley Habitat Improvement and Fuels Reduction Environmental Assessment. The only differences between the proposed action of the DNA and the above listed environmental assessment are: 1) Imazapic will be the herbicide used rather than Oust XP, and 2) the Becky Fire area will be treated in addition to the Sampson Creek Fire.

The invasion of cheatgrass has created a hazard from wildfire as this fine flashy fuel can support fast moving wildfires. In addition to reducing the threat of wildfire, this treatment will improve ecological conditions, rangeland health, wildlife habitat, and reduce the soil erosion potential.

Adequate alternatives have been analyzed within the supporting NEPA documents listed in section C of the attached DNA. The proposed action is the best alternative for the purpose and need described.

Public Involvement

A public scoping letter describing this proposed project was mailed to interested parties on June 20th and 22nd, 2011. The Ely District BLM office received three comments in response to the scoping letter. Two individuals expressed support of the project. One individual expressed concern about project timeframes in conjunction with access to the adjoining grazing allotment. Herbicide treatment is not expected to significantly hinder the ability to graze within the adjoining allotment due to timing of the coinciding activities and further coordination with the permittee will minimize any concerns.

Public scoping letters were sent to interested parties, local Native American Tribes, and posted to the Ely District BLM website when the environmental assessment (EA) for the North Antelope Valley Habitat Improvement and Fuels Reduction Project was being completed. The preliminary project objectives and actions, and request for comments were also presented to the local Native American Tribes. A public tour of the project area was held for interested public and Native American Tribes prior to completing the EA. One member of the interested public suggested treating the Sampson Creek and Becky Fire areas during the public tour. A public comment period was also provided for the preliminary EA. Comments received during the scoping, public tour and preliminary EA comment period were incorporated into the design features for the selected alternative. This proposed project will meet the purpose and need of the original proposed project in the above mentioned EA. The other referenced NEPA documents held similar levels of public involvement throughout the NEPA process.

Appeal Procedures

All of the documents supporting this decision are available for review by the public.

This wildfire management decision is issued under 43 CFR 4190.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21 (a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals (IBLA) must decide and appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed. 43 CFR 4.416.

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at:

Bureau of Land Management, Ely District Office
HC 33 Box 33500
Ely, Nevada 89301.

If a statement of reasons for the appeal is not included with the notice, it must be filed at the following address within 30 days after the notice of appeal is filed with the Authorized Officer:

The Interior Board of Land Appeals,
Office of Hearings and Appeals,
U.S. Department of the Interior,
801 North Quincy St., Suite 300
Arlington VA 22203

If you wish to file a petition for stay pursuant to 43 CFR Par 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

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

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor (at the below address) no later than 15 days after filing the

document with the Authorized Officer and/or IBLA.

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

Approval

/s/ Tye H. Petersen
Tye H. Petersen
Fire Management Officer
Ely District Office

08/02/2011
Date

Attachments:

Finding of No Significant Impact (FONSI)

Becky and Sampson Creek Cheatgrass Treatment DNA (DOI-BLM-NV-L020-2011-0024-DNA)