

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

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OFFICE: BLM, Buffalo Field Office (BFO), 1425 Fort Street, Buffalo, WY 82834

TRACKING NUMBER: WY-070-DNA11-212

PROPOSED ACTION TITLE: Dry Creek Petrified Tree Fire Rehabilitation

LOCATION/LEGAL DESCRIPTION: portions of WY 6PM, T51N, R80W, Sec 29-32

APPLICANT (if any): BFO

**A. Description of the Proposed Activity and any applicable mitigation measures**

The proposed activity implements the rehabilitation of grasses and sagebrush while reducing cheatgrass and other invasive species at the site of the Petrified Tree lightning-caused fire which burned 522 contiguous acres (281 acres of BLM surface) in August 2010. BLM policy precludes grazing on burned allotments for two growing seasons. These acres are within key sage-grouse habitat. The goals and objectives are to:

- Improve rangeland health;
  - Decrease, or minimize the increase of cheatgrass post fire
  - By year 3 the burned area will have more native cover than invasive
  - By year 5 the burn will exceed the *Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for the Public Lands Administered by the BLM in the State of Wyoming*
- Understand the effect of using cheatgrass inhibitors (imazapic) and reseeding. Improve our knowledge and ability to restore core areas after wildfire.
  - Measure the effectiveness of three variables in the post fire environment seeding, herbicide, and season
  - Design and document a process for successful sage-grouse habitat restoration techniques useful for the BFO
- Improve sage-grouse habitat
  - By year 3, native grass and forbs will be common
  - Successfully restore the burned area on a trajectory toward suitable sage-grouse habitat within 5 years
  - Understand which imazapic treatments and seeding combinations work best for sage-grouse habitat restoration so the results may further rehabilitation of oil and gas fields

The proposed activity, including allotment lessee coordination, test plots, seeding, seed mixes, herbicide treatment(s), timing, wildlife and botany mitigation measures is described in the “Dry Creek Petrified Tree Burn Restoration Proposal (Proposal).”

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

LUP Name: Buffalo Resource Management Plan (RMP), 1985; amended 2001 & 2003

Other: Executive Order 13112, Invasive Species, 1999

Interior Department Order 3310, 2010 (Sections 201 and 202, Federal Land Policy and Management Act)

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

The Buffalo RMP, 1985, provides for: treatment of invasive species in grazing management goal #1. Actual work projects will tier to BLM and BFO programmatic national environmental policy act (NEPA)

documents. The work may be done by BFO or contracted with counties or other entities (p. 10 to 11). The goal for category “C” allotments is to manage allotments custodially while protecting resource values (p. 30).

The 2001 Buffalo RMP Amendment provides for: the cost effective protection of life, property, and resource values from wildfire and for fire and suppression damage to receive rehabilitation. Priority for wildfire suppression [and rehabilitation] is, in part, developed recreation sites. The 40-acre Dry Creek Petrified Tree Environmental Education is adjacent to the burn and proposed rehabilitation activity. A 0.5 mile buffer area around the developed recreation site impacted was by the August 2010 fire (pp. 5, 28). Lightning causes most fires in the area, including this one. Rehabilitation measures include reseeding, preventing soil erosion, and temporary grazing suspension (p. 6 to 7). An objective is maintaining and improving forage wildlife habitat, watershed protection, and livestock grazing (p.18). A vegetative resources management goal is to improve native species diversity and reduce invasive weeds through complimentary treatments that include herbicides (pp. 33 to 34). The 2001 supplement adopted the goals of the *Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for BLM lands in Wyoming* (Appendix B).

The 2003 Buffalo RMP Amendment provides for: supporting measures to protect BLM recognized sensitive species (here sage-grouse) (pp. 8 and Appendix E). Areas, such as those seeded, will receive an intensive cultural inventory prior to disturbance (p. 8). Vegetation herbicide treatments of invasive species, cheatgrass, requires a PUP (pesticide use proposal) approved by the BLM WY State Office (approved March 2011).

Buffalo RMP, 201# (projected approval 2012 to 2013) provides for: a special management area approximating 2,500 acres around Dry Creek Petrified Tree Environmental Education area in recognition of the recreation value afforded this area (p. TBD) in 2 alternatives, including the preferred alternative.

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

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

- Invasive Species Management, WY-070-EA09-099, BFO, 2010
- Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement (EIS); Record of Decision (ROD), BLM, 2007
- Powder River Basin Pesticide Use, WY-070-EA05-248, BFO, 2005
- Final EIS (FEIS) . . . for the Powder River Basin (PRB) Oil and Gas Project, BFO, 2003
- 60 Bar Fuels Reduction and Daley Fire Complex, WY 070-02-EA-239, BFO, 2002

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).

- Final Biological Opinion for the Powder River Basin Oil and Gas Project, ES-6-WY-070-F012, US Fish and Wildlife Service (FWS), 2007
- Grazing Lease Renewals, Amended Biological Assessment, BFO, 2006
- Burnt Hollow Management Plan, BFO, 2005
- Grazing Lease Renewals, Biological Assessment, BFO, 2004
- Big Spring Fire, Burned Area Emergency Stabilization & Rehabilitation Plan, BFO 2003
- Burnt Hollow Management Plan, WY-070-03-199, BFO, 2003
- Final Biological and Conference Opinion for the Powder River Basin Oil and Gas Project, Campbell, Converse, Johnson, and Sheridan Counties, Wyoming (Formal Consultation No. ES-6-WY-02-F006), FWS, 2002

- Final Biological Assessment for the Powder River Basin Oil and Gas Project, BFO, 2002
- Daley Wildfire Complex Rehabilitation, Biological Assessment, BFO, 2002
- Daley Fire Complex, Burned Area Emergency Rehabilitation Team, BFO, 2002

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed activity 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, the proposed chemical and mechanical treatments of invasive species and reseeded of native species were a feature in the 1985 RMP EIS, pp. 13, 61, 64, 69, 70, and 72, FEIS, 16, and ROD, 10 to 11, the 2001 Amendment, pp. 33 to 34, the 2003 Amendment ROD, Appendix F, the BLM programmatic FEIS and record of decision (ROD) approving vegetation treatments in the 17 western states, the BFO's Invasive Species Management, WY-070-EA09-099, BFO, 2010, pp.36 to 38, and Big Spring Fire, Burned Area Emergency Stabilization & Rehabilitation Plan, BFO, 2003. These land use plans and environmental assessments address invasive weed treatments, habitat improvement, and/or post fire or post-disturbance plant community rehabilitation within areas managed by the BFO. BFO's Invasive Species Management EA and plan for the Big Spring Fire rehabilitation are sufficiently similar to the Dry Creek Petrified Tree area as they are in sage-steppe prairie and the Powder River watershed. There are no wetlands or floodplains in the area of this proposed activity.

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

Yes, two alternatives were analyzed in Invasive Species Management, WY-070-EA09-099; 1) integrated pest management approach using a combination of manual/physical, biological, cultural, mechanical, and chemical control methods; and, 2) no action alternative, (no use of herbicides). Alternatives considered but not analyzed further were: prescribed fire and the sole use of control by either biological, cultural, herbicide, manual or physical means. The resource values in the BLM programmatic ROD emphasize early detection of and rapid response to invasive species on BLM public lands (Appendix B). BFO's RMPs (1985, 2001, 2003) and the rehabilitation plans for Burnt Hollow, Big Spring, and Daley emphasize prompt reseeded or setting the conditions for the rapid natural reseeded by native species. The 2003 RMP Amendment directs the completion of a cultural inventory prior to surface disturbing activities. While herbicide and natural reseeded are not surface disturbing activities, seed drilling is a surface disturbing activity so the inventory must precede seed drilling as appropriate.

**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 project?**

Yes, the existing analysis is valid in light of new information and circumstances. The fire of August 2010 burned both BLM and contiguous surface. The present grazing allotment lease is suspended for two growing seasons, in accord with BLM policy. This enables restoration of grassland species. (Sage often takes years to re-establish.) The BLM parcel clearly lacks wilderness characteristics per USDI Order 3310 since it is far less than 5,000 acres and does not offer outstanding opportunities for solitude as it is next to a paved public road and part of a developed recreation area. The sage-grouse is a BLM-sensitive species. The BLM parcel is in key sage-grouse habitat – thus the rehabilitation of this burnt habitat supports the BLM sensitive species and range improvement goals (RMP 2001 and 2003). The preferred and likely herbicide treatment is imazapic (trade name, Plateau; reference to commercial products or trade names

does not imply an endorsement of them). (BLM Programmatic ROD, p. 2-1). This could change based on availability and the need for rapid response. The anticipated application rate is moderate (6 ounces per acre, per the manufacturer's instructions) as application will likely be on bare ground as opposed to on a layer of duff. Seeding rates will be in the range of 10 to 16 pounds per acre, depending on whether broadcast or drilled and whether on bare ground or through a duff layer. Seed mix will comport with the regional standards noted in the RMPs and supported by the Big Spring, Burnt Hollow, and Daley rehabilitation plans.

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

Yes, the direct, indirect, and cumulative effects that would result from implementation of the new proposed action is similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents and in the rehabilitation plans from Big Spring, Burnt Hollow, and Daley. In this activity there is no impact to threatened or endangered species. Projected impacts from reseeding and reducing invasive species (particularly cheatgrass) will have positive effects on the sage-obligate species such as the sensitive species-listed sage-grouse. Commensurate with the RMP, re-seeding is accomplished with seed certified as weed free and with documentation of current testing (FEIS, p. 4-395).

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

Yes, consultation and coordination occurred between the BLM and the US Fish and Wildlife Service for an environmental impact statement and a follow-up: Powder River Basin Oil and Gas Project, ES-6-WY-02-F006, 2002, and ES-6-WY-070-F012, FWS, 2007. The Powder River Oil and Gas Project Amendment to the RMP had numerous, recent sessions of public meetings and receipt of public input and comments, as did the more recent Fortification Creek Plan Amendment which is occurring in similarly situated terrain several miles east of this project area. The BLM received extensive public feedback in its analysis of the use of vegetation treatments in the 17 western states (ROD, p. 5-1 to 5-3). The BFO coordinated with representatives from the Johnson County Weed and Pest department in the analysis and decisions to reduce invasive cheatgrass for this activity. The BFO has on-going communication with the grazing allotment lessee, verbally and in writing. Public notice of the March 2011 application was made through the BFO website.

**E. Persons/Agencies/BLM Staff Consulted**

| <u>Name</u>                  | <u>Title</u>                                    | <u>Resource/Agency Represented</u> |
|------------------------------|---|------------------------------------|
| <i>Bob &amp; Debbie Hepp</i> | <i>Grazing Lessee</i>                           | <i>Self</i>                        |
| <i>Arnie Irwin</i>           | <i>Soil Scientist</i>                           | <i>BLM</i>                         |
| <i>Janelle Gonzales</i>      | <i>Rangeland Management Specialist</i>          | <i>BLM</i>                         |
| <i>Bill Ostheimer</i>        | <i>Wildlife Biologist, IDT Lead</i>             | <i>BLM</i>                         |
| <i>Don Brewer</i>            | <i>Wildlife Biologist</i>                       | <i>BLM</i>                         |
| <i>Jennifer Walker</i>       | <i>Fire Ecologist</i>                           | <i>BLM</i>                         |
| <i>Allison Barnes</i>        | <i>Outdoor Recreation Planner</i>               | <i>BLM</i>                         |
| <i>Seth Lambert</i>          | <i>Archeologist</i>                             | <i>BLM</i>                         |
| <i>Tom Bills</i>             | <i>Planning &amp; Environmental Coordinator</i> | <i>BLM</i>                         |
| <i>Eric Holborn</i>          | <i>Natural Resource Specialist</i>              | <i>BLM</i>                         |
| <i>John Kelley</i>           | <i>Planning &amp; Environmental Coordinator</i> | <i>BLM</i>                         |

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

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA, and has an effective date of 16 March 2011.

*UWA C. Keimer 4.19.11*

Signature of Project Lead

*Janet Kelly 19 APR 2011*

Signature of NEPA Coordinator

*[Signature]*

Signature of the Buffalo Field Manager:

~~4/19/11~~ 4/20/11

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.