

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

OFFICE: Rawlins Field Office, High Desert District, Wyoming

TRACKING NUMBER: BLM-WY-030-DNA14-237

CASEFILE/PROJECT NUMBER: RIPS #016231

PROPOSED ACTION TITLE/TYPE: Middle Canyon Prescribed Burn

LOCATION/LEGAL DESCRIPTION: Township 19 North, Range 70, 71 West, Various Sections

APPLICANT (if any): Bureau of Land Management, Wyoming Game and Fish Dept.

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

The proposed action, **Middle Canyon Prescribed Burn Vegetation Treatment**, consists of a broadcast-scale vegetation treatment intended to cover delineated ridgelines, canyons, and plateaus within the Iron Mountain (09013) and J.D. McClees (01212) grazing allotments. The proposed vegetation treatment would consist of utilizing prescribed fire to target mountain mahogany and mixed mountain shrubs on portions of the allotments across the area east of Hay Canyon and east of Road Canyon (see attached treatment map.) The overall project boundary covers 11,100 acres of mixed deeded and public lands, with 3,015 acres of deeded and public lands specifically targeted for treatment within this boundary. The overall project boundary includes lands previously analyzed through the Iron Mountain Prescribed Burn Environmental Analysis, Finding of No Significant Impacts, and Decision Record process.

The overall goals of the proposed action are specifically tied to the vegetative resource that will be directly affected by the treatment, mixed mountain shrub/grass types and mountain mahogany stands covering the majority of the project area. The primary goal is to set back succession of true mountain mahogany and mixed mountain shrub communities, allowing for greater recruitment of young plants and creating uneven aged stands across the landscape. Secondary goals of the project include removing sight barriers to bighorn sheep on steeper slopes, and increasing the resulting quality and quantity of the herbaceous component throughout the project. This project will also serve to re-introduce disturbance into the ecosystem in a controlled, limited manner. In order to accomplish these overall goals, the following resource objectives have been identified for the proposed action:

Treat (blacken or top-kill) 50 to 75% of dense mountain mahogany stands and bitterbrush/mixed mountain shrub stands across the target treatment polygon(s) in a mosaic pattern.

Minimize shrub mortality (total kill and removal) across the project area. General acceptable total mortality levels should be less than 10% in mountain mahogany, but could go as high as 50% for bitterbrush as a function of the season and timing of the treatment.

On slopes greater than 60%, attempt to achieve total consumption of the above-ground

portion of standing shrubs.

In general, the identified goals and objectives would result in a prescribed burn project that attempts to achieve higher fire intensity and resulting consumption on the steeper slopes. This would also result in higher overall mortality levels and less mosaic in these areas, which is acceptable. Additionally, on benches, draw bottoms, and more gentle terrain (<30% slopes), the fire behavior would exhibit less intensity, resulting in lower consumption and more mosaic. Overall, if fire behavior is only moving through the understory beneath the shrub species but is high enough to blister and top-kill the plants, it may continue to achieve acceptable results, but fire that is only moving through and removing the herbaceous component of the vegetation would be considered undesirable. Fire could be introduced into the target unit(s) by either ground or aerial ignition. Although no ground-disturbing activities are planned to contain the project, portions of mountain mahogany stands along the east boundary and along the northwest corner (see attached map) will be mechanically prepared by either mowing with equipment or cutting a swath of brush manually.

The BLM lands within the affected grazing allotments are currently authorized for livestock use under 2 separate grazing leases and annual authorizations (09013 Iron Mountain; 01212 J.D. McLees). The Lessees and associated deeded landowners in the respective management units have been fully involved with the planning process and have agreed to modify their grazing management schedules which will allow rest and/or deferment from livestock grazing in treated areas for two growing seasons following treatment.

The proposed treatment would cover the steep and broken terrain immediately north of Chugwater Creek and east of Limestone Ridge/Iron Mountain. Under the grazing leases, the affected pastures are utilized by cattle (and a small amount of horses) making active use of the area during the spring/summer/early fall seasons.

The entire project area includes bighorn sheep, mule deer, elk, and pronghorn antelope winter/yearlong range, and mule deer and elk crucial winter range lies over all of the target areas. In order to mitigate impacts to these habitats, surface disturbing and disruptive activities will be prohibited between November 15 and April 30th.

The project is located farther than two miles from the closest occupied greater sage grouse lek perimeter, and does **not** lie within any Wyoming Governor's sage grouse core areas. The closest documented lek lies over 2 miles west of the northwest project boundary, over 5 miles from the west boundary of the target area.

There are no verified and documented raptor nests within the project boundary or project area which would require disturbance stipulations or other mitigation measures.

The riparian area adjacent to Hay Gulch along the western project boundary is classified as possible habitat for the Preble's Meadow Jumping Mouse (PMJM), and upland areas adjacent to this area could possibly include hibernaculum areas for this species. A total of 20.5 acres of potential PMJM habitat could be affected along a 2.5 mile long riparian corridor. There could also be the potential for Ute's Ladies' Tresses habitat adjacent to the project. Conservation

measures incorporated as project design features into the proposed action for the PMJM and Ute's Ladies' Tresses are:

- Vehicles will be washed before and after any assignment.
- No heavy earth moving or construction equipment would be used, which decreases the potential for the introduction of invasive and noxious weeds.
- The area will be monitored for invasive and noxious weeds following the prescribed burn.
- Construction of firelines in PMJM and Ute's Ladies' Tresses habitat will be avoided.
- No vehicle traffic would occur in PMJM or Ute's Ladies' Tresses habitat, except on existing roads and two-tracks.
- Vehicles will remain on existing roads for ignition activities.
- Vehicles will be staged (parked) on existing roads and not be within identified PMJM and Ute's Ladies' Tresses habitat.
- Vehicles and equipment will avoid riparian habitat.
- The BLM would delineate the amount of suitable PMJM habitat burned as a result of this action and report it to the USFWS.
- If spraying of noxious weeds is necessary, pesticide use will comply with the RFO-RMP and all other applicable guidelines and regulations.
- Pesticides specific to dicots will be preferred within 0.25 miles of potential Ute's Ladies' Tresses habitat where these are adequate to control the noxious weed present.
- The BLM will notify the USFWS when PMJM habitat has recovered and returned to useable from the prescribed burn.
- READ protocol will be used to notify fire personnel of the species present and where they could be found.
- The BLM will reinitiate consultation if the prescribed burn is outside the described action.

A cultural resource reconnaissance was conducted for the project area to identify and evaluate cultural properties that may be affected by the proposed project during August of 2013, and clearance for the project was approved. A culturally sensitive area was identified including and surrounding a cabin site/foundation remains on private lands within Middle Canyon (see attached Request for Cultural Resources Determination), and in addition to the standard cultural material

stipulation, project design features specific to the site would include clearing the vegetation surrounding the site to 50 feet so that fire cannot carry through the site. Vegetation would be cleared by hand and consist of removing burnable vegetative material above ground. No soil-disturbing control methods would be implemented in association with this site.

B. Land Use Plan (LUP) Conformance

LUP Name: Rawlins Field Office RMP

Date Approved: December 24, 2008

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

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43CFR 1610.5-3. The proposed action conforms to multiple Management Goals, Objectives, and Actions starting on Page 2-10 of the Record of Decision and Approved RMP.

Specifically, the RFO ROD and Approved RMP states as follows:

2.3.14 Vegetation Section - Management Objectives:

“#3 Maintain, restore, and enhance the health and diversity of plant communities through the use of management prescriptions (such as prescribed natural fire, burning, plantings, seedings, and chemical, mechanical, biological, and grazing treatments or other treatments) in coordination with other local, state, and federal management plans and policies.” (page 2-46);

2.3.18 Wildlife Habitat and Fisheries Section - Management Objectives:

“#4 Maintain, restore, or enhance habitat function in crucial winter range.”(page 2-52)

2.3.3 Fire and Fuels Section Management Actions:

“#4 Fuel treatments, including prescribed fire, mechanical, chemical and biological treatments will be used for fuels reduction and to meet other multiple-use resource objectives, including returning fire to its natural role in the ecosystem (also see Section 2.3.14). Wildland-urban interfaces (WUI) and communities at risk will receive priority for fuels reduction.” (page 2-14)

2.3.4 Forest Management Section - Management Goals:

“#2 Manage woodland communities (such as aspen, limber pine and juniper) for a healthy mix of successional stages within the natural range of variation that incorporates diverse structures and composition into each forest stand type.” (page 2-15)

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): N/A

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.

Iron Mountain Prescribed Burn
(Environmental Assessment #DOI-BLM-WY-030-2009-0141)

Date Approved April 21, 2009

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).

- Lower Laramie River Watershed Standards and Guidelines Evaluation Report – 9/28/2007
- Biological Assessment 6840 (WYD03)
- Biological Opinion 06E13000/WY14F0126

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, the proposed action is a feature of and is essentially identical to the preferred and selected alternative in the Iron Mountain Prescribed Burn EA. The overall project boundary includes lands previously analyzed through that process, with additional acreage located immediately adjacent, and resource conditions are identical to those previously analyzed.

Documentation of answer and explanation:

This proposed action, utilizing prescribed fire as a disturbance tool in order to manipulate vegetation conditions and improve habitat conditions on federal lands, is analyzed as a component of the proposed action in the Iron Mountain Prescribed Burn EA. It is described and thoroughly analyzed in this document. The location of the proposed action is identical and immediately adjacent to that described and included in the document which covers potential treatment proposals in the Iron Mountain/Limestone Ridge area. The resource conditions for the current Proposed Action are essentially the same as what was analyzed in the referenced EA.

Specific to the proposed project, a cultural resources reconnaissance was performed for the proposed treatment site, and stipulations have been added to the project to prevent negative impacts to significant areas. Consultation has been completed with the RFO wildlife staff. The

Wyoming Game and Fish Department (WGFD) is not only supportive of the proposed action, department habitat personnel proposed the project, are the primary proponents, and are funding a significant amount of the costs. Section 7 consultation was conducted with the United States Fish and Wildlife Service (USFWS). Best management practices and mitigation measures have been incorporated into the project design in order to mitigate impacts to current or potential Threatened and Endangered species. The USFWS issued an Incidental Take Statement for PMJM as a part of its Biological Opinion (attached.) There are no other substantive objections which would cause the proposed action to be analyzed any differently than in the previous document.

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 values?

Yes, the range of alternatives analyzed in the existing EA is appropriate to the proposed action.

Documentation of answer and explanation:

The alternatives considered (in addition to the proposed action) for treating mixed mountain shrub stands in the Iron Mountain Prescribed Burn EA consisted of the “No Action” alternative and using only mechanical means to treat shrub stands. The No Action alternative is required under NEPA, and the “Mechanical treatment only” alternative was dropped because of the steep slopes in the treatment area which make this type of treatment unrealistic and unachievable. After consideration of the alternatives, the decision was made to implement the proposed action, although other alternate methods, such as biological control, mechanical treatments, and/or a combination of any or all could continue to be considered in specific situations where vegetation treatment is proposed or necessary. The nature of these particular shrub stands and the overall area and surrounding terrain influences and limits the proposed treatment method over alternates which may fail to address management criteria.

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, the existing analysis continues to be valid, and applies to this proposed action as well as the previously analyzed action.

Documentation of answer and explanation:

The Iron Mountain Prescribed Burn EA and ROD documents contain recent and sufficient analysis pertinent to the proposed action. The project area was evaluated for compliance with the Wyoming Standards and Guidelines for Rangeland Health as part of the Lower Laramie River Watershed evaluation in 2007. Overall, the upland vegetation within the allotments met the standards for rangeland health, although concerns were expressed in the review about “...vegetation within the mule deer and elk winter habitat zone has been largely untreated and natural treatment events have been aggressively suppressed before large acreages can be burned.

As with higher elevation vegetation, this has allowed monotypic shrub stands to be dominated by mature-to decadent, even-aged classes of shrubs.”

Treatment of these vegetation types was specifically discussed: “Management changes that would focus on stratifying shrub stands and diversifying overall community composition, stand age and structural class, and habitat production would center on setting portions of the communities back to early seral stages... application of treatments to remove portions of the existing vegetation in a mosaic pattern, allowing re-colonization of new, juvenile shrub species...” Additionally, the Recommendations for Wildlife Habitat include: “Vegetation treatments designed to modify the age and structural composition of predominant shrub stands and stratify the seral stage mix within stands should be continued **and/or initiated and implemented** throughout the watershed.” (emphasis added). This proposed project specifically addresses these concerns.

The only information or circumstances that have since materialized which would influence the proposed action, alternatives, environmental effects, or the decision is the re-listing of the PMJM. In order to mitigate or negate impacts to the species, Best Management Practices (BMPs) have been incorporated into the proposed action as project design features (see project description, above.) These BMPs/Project Design Features are referenced by the USFWS as Terms and Conditions of the Incidental Take Statement issued by the service. In addition, the proposed treatments would be implemented following accepted protocol, standard operating procedures, and mitigation measures. As mentioned previously, other BLM resource management disciplines, the WGFD, and the Wyoming State Historic Preservation Office (SHPO) have been contacted and advised of the proposed action and their comments have been analyzed. No new information was offered which would invalidate the analysis performed in the previous documents.

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, there would be similar direct, indirect, and cumulative effects from the proposed action to those previously analyzed. Impacts analyzed in the Iron Mountain Prescribed Burn EA and ROD include effects on overall soils/watershed health, riparian/wetland health, upland vegetation, wildlife/TE&S species/weeds, fisheries, water quality, air quality, and cultural resources. These impacts would be the same as those to be realized from the proposed action.

Documentation of answer and explanation:

Direct, indirect, and cumulative impacts of the proposed action would be almost identical to those described in the Iron Mountain Prescribed Burn EA (which is partially included within and immediately adjacent to the currently proposed action), and (through consultation with associated RFO resource management staffs) no additional site specific impacts have been identified from the proposed action. Qualitative impacts are the same as those previously

analyzed. Quantitative impacts are similar, involving the addition of around 3,015 acres of treated vegetation to the 3,700 acres that have already been treated or are approved to be treated in the previously analyzed project. The treatment of these shrub stands would cause impacts which would influence resources within similar and adjacent habitat communities as those analyzed previously in the Iron Mountain Prescribed Burn EA. The proposed action would essentially double the size and footprint of treated vegetation in the overall project area. The proposed action and the previously analyzed project lie within an area and watershed that has seen very little managed prescribed burning and negligible wildfire activity in the last 20 or so years. The area affected by the proposed action and previous action will result in less than 7,000 treated acres within a 1,026,000 acre watershed.

Consistent with the existing NEPA analysis, secondary impacts from the resulting improvement in grazing management (i.e. improved wildlife and livestock use distribution and utilization patterns, additional forage high in nutrition and palatability) would lead to improved vegetative, watershed, and wildlife habitat conditions and health along the east slope foothills of Limestone Ridge, Iron Mountain, and Indian Guide Mountain.

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

Yes, public and interagency involvement and review of the existing NEPA document is adequate for the currently proposed action.

Documentation of answer and explanation:

Involvement of affected parties, including “interested publics”, agencies, and intra-agency disciplines was considered adequate for the Iron Mountain EA, FONSI, and ROD, and is considered to be adequate for this proposed action. When the Lower Laramie River Watershed was reviewed for compliance with rangeland Standards and Guidelines, interested publics were identified, and no new individuals, groups, or agencies have surfaced involving the Iron Mountain or J.D. McClees allotments in the interim. In addition, site and project specific consultation has been instituted with the Rawlins Field Office BLM wildlife, archeology, range, reclamation, recreation, hydrology, and fuels staffs, the livestock grazing permittees/private landowners in the allotments, the WGFD, and the USFWS.

E. Persons/Agencies /BLM Staff Consulted

Name Title Resource/Agency Represented

The following participated in the preparation and analysis of this specific NEPA analysis and worksheet:

<u>Name</u>	
Joel Humphries	BLM, RFO Wildlife Biologist
Heath Cline	BLM, RFO Supervisor Wildlife Biologist
Bonnie Bruce	BLM, RFO Archeologist
Natasha Keierleber	BLM, RFO Archeologist

Kelly Owens
Susan Foley
David Hullum
Chris Otto

BLM, RFO Hydrologist
BLM, RFO Soil Scientist/Weed Specialist
BLM, RFO Outdoor Recreation Planner
BLM, HDD Fuels Specialist

The following were consulted and participated in the development and design of the proposed action and/or were notified and asked for comments specific to the proposed action:

<u>Name</u>	
Ryan Amundson	Wyoming Game and Fish Department
Dennis Magnusen	Iron Mountain Ranch
Bonnie Reider	McClees Ranch
Lynn Gemlo	USFWS

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 requirements of the NEPA.

 2/9/15

Signature of Project Lead

 2/9/15

Signature of NEPA Coordinator

 FEB 11 2015

Signature of the Responsible Official: 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.