

**Worksheet**  
**Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)**  
**NV062-DNA07-076**

U.S. Department of the Interior  
 Bureau of Land Management (BLM)  
 Battle Mountain Field Office

**Project File Number (RIPS#):** 005201

**Note:** This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled “Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy” transmitting this worksheet and the “Guidelines for Using the DNA Worksheet” located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM’s internal analysis process and does not constitute an appealable decision.)

**A. Proposed Action Title/Type:**

Birch Creek–Willow Creek Drift Fence
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**Location of Proposed Action:**

Roberts Mountain Pasture portion of the JD grazing allotment; along the ridge dividing the Birch Creek and Willow Creek drainages; adjacent to the eastern boundary of the Roberts Mountain Wilderness Study Area (WSA) (NV-060-541); within the W½ of the W½ of the W½ of T24N-R50E Section 35 and the E½ of the NE¼ of the NE¼ of T23½N-R50E Section 1. (see attached map)
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**Description of the Proposed Action:**

During 2007, the BLM Battle Mountain Field Office proposes to construct up to one mile of fence along a saddle on the ridge which divides the Birch Creek and Willow Creek drainages located within the Roberts Mountain Pasture portion of the JD grazing allotment. Existing roads will be used to access the project site, construction will be by hand, and fencing materials will be transported along the fence route on foot. This fence is intended to eliminate the non-permissible drifting of fall-grazing cattle from the Willow Creek drainage into the Birch Creek drainage where they can damage Lahontan Cutthroat Trout (LCT) habitat. The proposed drift fence will also contribute to the protection and enhancement of sensitive riparian and aspen areas located within the Birch Creek drainage by reducing the possibility of hot season grazing in this area. Because of the presence of solid rock just beneath the soil surface along much of the proposed route of the fence, non-standard fence construction methods, such as attachment of the fence to trees, would be used. Maintenance of the proposed drift fence would be assigned to the affected permittee through a cooperative agreement.
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**Applicant (if any):**

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

LUP: Shoshone-Eureka RMP	February 26, 1986 as amended on June 24, 1997
Other: Shoshone-Eureka RMP ROD	1986
Shoshone-Eureka RMP Amendment	1987
Shoshone-Eureka RMP Amendment ROD	1987
Shoshone-Eureka Rangeland Program Summary	1988

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

n/a

- The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Shoshone-Eureka RMP ROD, 1986  
 Part II - Management Decisions Summary  
 A. Resource Decisions –Wildlife Habitat Management

Objectives (page 25): *“To improve and maintain habitat for state listed sensitive species and federally listed threatened or endangered species.”*

Implementation (page 26): *“Wildlife habitat management plans will address...management of crucial habitats to provide for threatened, endangered, or sensitive species where present”*

Objectives (page 25): *“To maintain and improve wildlife habitat and to reduce habitat conflicts while providing for other appropriate resource uses.”*

Implementation (page 26): *“Wildlife habitat management plans will address...improvement of riparian, wetland, and aquatic habitats”*

**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

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

Environmental Impact Statement for the Shoshone-Eureka RMP (INT FEIS 84-02)	1984
Environmental Assessment for the Birch Creek Drift Fence (NV062-EA04-78)	2004

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard’s assessment and determinations, and monitoring the report):

Endangered Species Act	1973
NE Great Basin Resource Advisory Council Standards and Guidelines	2003
Biological Opinion for the Livestock Grazing System for the JD Allotment, Eureka County Nevada	August, 2004

**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

Yes. The current proposed action is substantially part of the action previously analyzed in the Birch Creek Drift Fence Environmental Assessment (NV062-EA04-78). As was the case with

the Birch Creek Drift Fence, the current proposed action is intended to eliminate hot season grazing within the Birch Creek drainage in order to comply with USFWS mandates regarding protection of LCT habitat and to act in accordance with Section 9 of the Endangered Species Act of 1973. [see Section I. Introduction/Overview, *Purpose and Need* on page 1 of the Birch Creek Drift Fence EA]

Both the current proposed action and the previously analyzed action involve building drift fences. The current proposed action, like the previously analyzed action, would utilize hand construction methods with minimal ground disturbance and limited clearing of vegetation. Both actions provide for minimization of impacts on visual resources associated with the Roberts Mountain WSA. As was the case with the previously analyzed action, the current action proposes to use only existing roads to access the project site with movement of construction material along the fence line to be accomplished by hand crews. [see Section II. Alternatives Including the Proposed Action, *Proposed Action* on pages 1-2 of the Birch Creek Drift Fence EA]

**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, resource values, and circumstances?**

Yes. The range of alternatives analyzed in the Birch Creek Drift Fence Environmental Assessment (NV062-EA04-78) is appropriate with respect to the current proposed action. The BLM is required to comply with USFWS terms and conditions identified in the Biological Opinion dated August 11, 2004, as well as the reporting/monitoring requirements allowing exemption from the prohibitions of Section 9 of the Endangered Species Act of 1973, any alternative other than exclusion of fall-grazing cattle from the Birch Creek drainage is unacceptable. [see Section II. Alternatives Including the Proposed Action, *No Action Alternative* on page 2 of the Birch Creek Drift Fence EA].

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Yes. The existing analysis and conclusions remain adequate in light of any new information or circumstances. The permittee has shown a strong preference for fall grazing of the Willow Creek area of the Roberts Mountain Pasture. This is permissible under the terms and conditions of the *Biological Opinion for Livestock Grazing System for the JD Allotment, Eureka County Nevada* (August, 2004). The existing analysis is adequate: fall-grazing cattle must be excluded from the Birch Creek drainage in order to protect LCT habitat, and the best way to do this while still allowing permissible grazing in the Willow Creek drainage is with a drift fence along the ridgeline that separates the two drainages. All new information and circumstances are considered insignificant with regard to analysis of the proposed action.

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

Yes. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the current proposed action. With respect to understanding the status of federally protected LCT inhabiting Birch Creek, see Section III. *Affected Environment, Threatened and Endangered Species: Special Status Species* on page 7 of the Birch Creek Drift Fence EA. Concerning BLM's legal obligations vis-à-vis USFWS mandates and federal law, see Section I. *Introduction/Overview, Purpose and Need* on page 1 of the Birch Creek Drift Fence

EA.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

Yes. The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the existing NEPA document (see Chapter 3 of the EA). Site-specific impacts to resources (as analyzed in the EA) are expected to be the same for the current proposed action as those analyzed in the EA.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes. The existing analysis for the previous action indicates that past activities in and around the Roberts Mountain WSA have been limited to grazing and recreation, and that these uses have not had significant impacts. These uses are expected to continue in association with the previous action as well as with the current proposed action. The cumulative impacts of the previously analyzed action are enhanced or protected surface vegetation, reduced runoff, lessened erosion of exposed soil, and increased percolation of water into the ground (see Chapter 4 of the EA). We would expect to see the same cumulative impacts associated with the current proposed action.

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

Yes. The Shoshone-Eureka RMP ROD 1986 and the Shoshone-Eureka RMP Amendment ROD 1987 were processed through public and interagency review. The Birch Creek Drift Fence Environmental Assessment 2004 was developed and approved with consultation, coordination, and cooperation of the public, the affected grazing permittee, the U.S. Fish and Wildlife Service, the Nevada Department of Wildlife and various BLM resource specialists. Previous public involvement and interagency review with existing NEPA documents along with permittee and Fish and Wildlife Service involvement on the current proposed action are deemed adequate.

**E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.**

<u>Name and Title</u>	<u>Resource Represented</u>	<u>Signature/Date</u>
Jason Theodozio– Rangeland Management Specialist	Range	
Mike Stamm– Wildlife Biologist	T&E Species, Wildlife	
Noelle Glines-Bovio– Recreation Specialist	Wilderness, VRM, Recreation	
Christopher Cook– Archaeologist	Cultural Resources	

**F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.**

- An existing road would be used to access the fence project.
- No motor vehicles would be used within the WSA.
- Fence supplies and materials would be carried along the construction path on foot.
- Fence would be constructed by hand crews.
- Clearing of vegetation would be limited to plants located in the fence line.
- Steel “T” posts would be solid green in color.
- Construction would be scheduled after snowmelt.
- Construction would not occur during migratory bird nesting season.

**CONCLUSION**

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

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

Signature of the  
Environmental Coordinator: \_\_\_\_\_  
(Date)

Signature of the  
Authorized Official: \_\_\_\_\_  
(Date)