

## **APPENDIX II - ENVIRONMENTAL COMPLIANCE**

### **Federal, State, and Private Lands Environmental Compliance Responsibilities**

All projects proposed in the Murphy Fire Complex: Wildhorse Zone Burned Area Emergency Stabilization Plan (BAER) that are prescribed, funded, or implemented by Federal agencies on Federal, State, or private lands are subject to compliance with the National Environmental Policy Act (NEPA) in accordance with the guidelines provided by the Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508), Department of the Interior and the Department of Agriculture. This Appendix documents the Burned Area Emergency Response Team considerations of NEPA compliance requirements for prescribed emergency stabilization and monitoring actions described in this plan for all jurisdictions within the Wildhorse Zone affected by the fire.

### **Related Plans and Cumulative Impact Analysis**

The Murphy Fire Complex: Wildhorse Zone Burned Area Emergency Stabilization Plan was reviewed and it was determined that actions proposed in the Burned Area Emergency Stabilization Plan within the boundary of U.S. Forest Service lands are consistent with the management objectives established by the Humboldt-Toiyabe National Forest. The existing land management plans and approved NEPA documents were reviewed and are summarized below.

*Humboldt National Forest Land and Resource Management Plan and Final Environmental Impact Statement, October 1999 Reprint with Amendments #1 – #6*

This document provides guidance for all natural resource management activities. It describes resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. The following goals - as well as their associated objectives, standards, and guidelines - are advanced in the Land and Resource Management Plan:

- Provide a broad range of recreation opportunities within land capabilities and according to recognized public need.
- Maintain existing developed site facilities.
- Encourage private enterprise to develop desired recreation opportunities adjacent to forest.
- Provide a broad spectrum of dispersed recreation opportunities.
- Increase emphasis on management of dispersed recreation opportunities.
- Provide a trail system adequate for administrators, permittees (including livestock) and the recreating public to travel to and within the National Forest both summer and winter.
- Provide for a pleasing visual landscape in the Humboldt National Forest.
- Preserve natural ecosystems in any proposed Research Natural Areas.
- Identify and protect significant historic, cultural, and natural aspects of our national heritage.
- Administer the designated wilderness areas in accordance with the Nevada Wilderness Protection Act of 1989.
- Manage fish and wildlife habitat to maintain or improve diversity and productivity.
- Involve concerned government agencies, environmental organizations, and special interest groups in wildlife and fisheries management programs.
- Produce a sustained yield of forage on all lands available and suitable for livestock grazing while maintaining or enhancing the productivity of the land. Obtain or maintain plant diversity to meet the objectives of the National Forest Management Act.
- Reduce conflicts between livestock grazing and wildlife for forage on key winter range.
- Maintain sensitive plant species.
- Manage classified wildlife and plant species.
- Organize timber harvest to meet public demands consistent with other resource objectives and environmental constraints.
- Manage wild horses in accordance with existing plans.
- Cooperate with counties and others in the management and inventory of noxious weeds.
- Provide water and soil resource input to other resource activities to protect or improve water

- quality and soil productivity.
- Quantify and secure instream flow needs for National Forest purposes including favorable flows of water based on the Organic Act and Multiple Use Act purposes.
- Protect National Forest lands from trespass and undesirable occupancy.
- Establish and maintain fuel mosaics which result in an acceptable hazard and spread potential of wildfire, allow appropriate wildfire suppression and contribute to other resource programs and aesthetics.
- A road management program will be established to develop and maintain a safe, economical, functional and environmentally sound transportation system that serves the resource elements.
- Improve and conserve the basic soil and water resources.
- Manage the airshed over the forest to meet air quality standards.
- Provide orderly exploration, development, and production of mineral and energy resources to provide for the needs of the American people and to protect and conserve other resources.
- Protect and improve riparian dependent resources.

*Humboldt-Toiyabe National Forest, Land and Resource Management Plan, Assessment of Wilderness Potential, 2006*

Humboldt-Toiyabe National Forest Plan revision is conducted in accordance with the 2005 Planning Rule (36 CFR 219), involving an assessment of wilderness potential. The following areas within the Wildhorse Zone were inventoried and their determination of eligibility assessed.

- Rattlesnake 19,961 acres (not capable: lacks outstanding attributes)
- Pine Mountain 12,527 acres (not capable: lacks outstanding attributes)
- Copper Mountains 31,396 acres (capable)
- Hotsprings Butte 7,724 acres (not capable)
- Robinson 7,682 acres (not capable)

*Humboldt-Toiyabe National Forest Fire Management Plan, 2007*

The purpose of the Humboldt-Toiyabe National Forest Fire Management Plan is to provide information and guidance to line officers and fire managers in order to meet the general direction, for fire management related activities, as stated in the Humboldt National Forest Land and Resource Management Plan EIS and other Land and Resource Management Plans (LRMPs). The following wildland fire management goals are addressed in the Fire Management Plan:

- Human life (firefighter and public safety) takes priority over other considerations in every fire management activity.
- Effective detection and initial attack allow suppression costs to remain commensurate with the values at risk.
- Prescribed fire results in enhanced resource outputs and duplicates the recorded fire frequency, intensity, and effect.
- Fire plays its natural role in wilderness and in the Snake Mountain Range.
- The hazardous fuels management program reduces the risk to communities and wildlife habitat from large, severe wildfires and reduces the risk of wildfire escaping from wilderness.
- Emergency rehabilitation and restoration
  - Emergency rehabilitation of areas directly affected by fire suppression activities will be conducted immediately by the suppression resources.
  - A qualified Burned Area Emergency Rehabilitation (BAER) Team Leader will do a short-term assessment on wildland fires greater than 300 acres in size to determine severity of the burn, impacts to soil, potential resource impacts, risks to life and property, and impacts to downstream infrastructure (per FSH 2509.13).
  - In designated wilderness areas, burned area emergency rehabilitation is only allowed if it is necessary to prevent an unnatural loss of the wilderness resource, or to protect life, property, and other resource values outside of wilderness (FSM 2323.43)
  - Long-term restoration work to address resources damaged by wildfire is then identified and programmed as 'In the Black' projects.

*Environmental Assessment for Noxious Weed Control Program, Humboldt-Toiyabe National Forests, Elko, White Pine and Humboldt Counties, Nevada 1996*

The Humboldt-Toiyabe National Forest has an on-going noxious weed management program consistent with an Environmental Assessment.

- The primary goal of the Environmental Assessment is to use integrated pest management processes to maintain healthy, functioning ecosystems that meet the needs of society and the resources.
- The objectives of the program are: 1) to control new invading species and small infestations, 2) to control or limit the spread of established noxious weeds; and 3) to prevent the establishment of new weeds.
- The proposed action in the plan would apply to noxious weeds that have been identified or may be listed as such by the Nevada State Department of Agriculture or the Intermountain Region of the USDA-Forest Service. A current list of noxious weeds is contained in the project file for the plan.
- Meet requirements of the Federal Noxious Weed Act.

The noxious weed management program described in the environmental assessment is focused on the implementation of an Integrated Weed Management System (IWMS) that employs the following methods: preventative, manual, mechanical, biological, and/or chemical treatments for a list of 23 weed species. The following herbicides are specifically analyzed in the environmental assessment and are approved for use in an annual Pesticide Use Proposal (the most recent of which was approved by the Forest Supervisor for 2007): imazapyr, dicamba, picloram, sulfometuron methyl, chlorsulfuron, triclopyr, glyphosate (Roundup and Rodeo), clopyralid, metsulfuron methyl, Picloram/2,4-D mix and 2,4-D.

*Threatened and Sensitive Species of the Intermountain Region, 1991*

The 31+ million-acre Intermountain Region (Region 4) is the largest of the nine Regions in the USDA Forest Service (FS). Region 4, which lies between the Sierra Nevada and Rocky Mountains, in the States of Utah, Nevada, Idaho, Wyoming, and California, provides a wide range of biological diversity.

The following federally listed, FS sensitive species and species of management concern are known to occur in the Humboldt-Toiyabe National Forest and were considered in analyzing fire impacts from the Murphy Fire Complex: Wildhorse Zone:

<b>Wildlife</b>	<b>Listing</b>	<b>Comments</b>
Bull Trout	Federally Threatened	Migratory habitat - Jerbidge
Bald Eagle	Federally Threatened	Soon to be delisted, but monitoring required five years afterwards
Columbia Spotted Frog	Federal Candidate species	
Reband Trout	FS Sensitive	
Sage Grouse	FS Sensitive	
Mule Deer		Year round habitat
Northern Goshawk	FS Sensitive	
Flammulated Owl	FS Sensitive	
Mountain Quail	FS Sensitive	
Spotted Bat		
Townsend Big Ear Bat	FS Sensitive	
Elk		Winter Range

Noxious weed management is required when any ground disturbing action or activity occurs, and to determine the risk of introducing or spreading noxious weeds associated with the action. For projects having a moderate to high risk of introducing or spreading noxious weeds, the project decision document must identify noxious weed control measures that must be undertaken during project implementation. The Project Analysis Card Resource Comments (2081.2 – Exhibit 02) is included in supporting documentation.

By the nature of the work, fire management and suppression vehicles are at risk of carrying invasive plant seeds or propagules to the wild lands. Chapter 2080 also provides guidelines for BAER:

- Avoid seeding small areas where natural regeneration is possible.
- Address noxious weed prevention in the rehabilitation plan.
- For any reseeding, always have seed tested.
- Replant as soon as practical after the disturbance activity to take advantage of the seedbed and to establish desirable species before the arrival of invading noxious weeds.
- Maintain as much microhabitat for desirable vegetation as feasible in areas that will have ground disturbance.
- Reestablish vegetation (native where practicable) on bare ground caused by ground disturbing activities to minimize noxious weed spread.
- Stockpile weed seed free topsoil and replace on disturbed areas such as road embankments, cuts, fills, and shoulders.
- Identify sites where equipment can be cleaned.
- When using native materials such as rock, sand, and gravel, select sites that are weed free.
- Use light-on-the-land methods to the greatest extent possible.

*Environmental Assessment Bruneau River Watershed Environmental Analysis, Humboldt National Forest, Mountain City Ranger District, Nevada 1994*

The purpose of this environmental assessment is to manage the Bruneau River watershed as a prescriptive use area to establish and maintain a sustainable, healthy, functioning Bruneau River watershed ecosystem that meets the needs of society and the resources. This prescriptive use area is within the burn. Some important issues addressed in the analysis:

- MOU was developed and signed by Humboldt National Forest, Nevada Division of Wildlife and the Rocky Mountain Elk Foundation
- About 15 miles of the Bruneau River was fenced to exclude 49,333 animal months of sheep grazing and 9,757 animal months of cattle grazing. The prescriptive use area fenced was 24,321 acres.
- 200 elk were released within the Bruneau River watershed.
- The Bruneau River ecosystem is managed to provide for healthy, self sustaining populations of mule deer, elk, fisheries, and other wildlife.
- Manage the ecosystem to provide for livestock grazing opportunities.
- Consider stream channel maintenance and water flows for fisheries as products of a properly functioning watershed.
- Develop and apply management prescriptions to riparian, upland, and upland mesic sites which drive these resources to Desired Future Condition within 10 years.
- Incorporate adjacent livestock grazing allotments into the watershed analysis area if consistent with other management objectives.
- Temper management decisions with due consideration to social and economic effects.
- Emphasize biodiversity in management prescriptions.

### **Cumulative Impact Analysis**

Cumulative effects are the environmental impacts resulting from the incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions. For this analysis, cumulative impacts are limited to the total effect of all treatments proposed in this BAER Plan, but this analysis does not consider all other Federal or Non-Federal actions that may occur in the project areas

beyond the scope of BAER. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time. The emergency stabilization treatments for areas affected by the Murphy Fire Complex, as proposed in the Murphy Fire Complex: Wildhorse Zone Burned Area Emergency Stabilization Plan does not result in an intensity of impact (i.e. major ground disturbance, etc.) that would cumulatively constitute a significant impact on the quality of the environment. The treatments are consistent with the above jurisdictional management plans and associated environmental compliance documents and categorical exclusions listed below.

### **Applicable and Relevant Categorical Exclusions**

The individual actions proposed in this plan for the Murphy Fire Complex: Wildhorse Zone are Categorically Excluded from further environmental analysis as provided for in the *specified relevant departmental and agency Categorical Exclusions*. All applicable and relevant Department and Agency Categorical Exclusions are listed below. Categorical Exclusion decisions were made with consideration given to the results of required emergency consultations completed by the Burned Area Emergency Response Team and documented below.

- ❖ Applicable Categorical Exclusions for Humboldt-Toiyabe National Forest (FSH 1909.15):
  - 31 Categories of Actions Excluded from Documentation:
    - 31.11 (a) (2): Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;
    - 31.11 (a) (3): Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;
    - 31.11 (a) (6): Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;
    - 31.12 (4): Repair and maintenance of roads, trails, and landline boundaries.
  - Categories of Actions for Which a Project or Case File and Decision Memo Are Required:
    - 31.2 (5): Regeneration of an area to native tree species, including site preparation which does not involve herbicides or result in vegetation type conversion (such as planting trees or mechanical seed dispersal of native tree species following a fire, flood, or landslide).
    - 31.2 (11): Post-fire rehabilitation activities, not to exceed 4200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds), to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities: shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and shall be completed within three years following a wildland fire.

### **Statement of Compliance for Forest Service Lands within the Murphy Fire Complex: Wildhorse Zone Burned Area Emergency Response Plan.**

This section documents consideration given to the requirements of specific environmental laws in the development of forest lands within the Wild Horse Zone of the Murphy Complex Burned Area Emergency Stabilization Plan. Specific consultations initiated or completed during development and implementation of this plan are also documented. The following executive orders and legislative acts have been reviewed as they apply to the Burned Area Emergency Stabilization Plan:

- National Historic Preservation Act (NHPA) – The BAER Archeologist contacted Ms. Alice Baldrice, from the Nevada SHPO's (State Historic Preservation Officer) office to advise the SHPO that the National Interagency BAER Team was preparing an Emergency Stabilization (ES) plan to address post-fire effects that may result from the Murphy Fire Complex: Wildhorse Zone incident. It was conveyed to Ms. Becker that the ES plan may contain treatments that could potentially affect Historic Properties. In that event, it was communicated to Ms. Becker that the lead agency

on the incident addressed in the Murphy Complex: Wildhorse Zone BAER Plan (FS) would fully comply with Section 106 of the National Historic Preservation Act, as amended and under its implementing regulations as provided under 36 CFR Part 800. Contacts and coordination was also made with

- Karen Kumiega zone archeologist for the Humboldt-Toiyabe National Forest, Ted Howard, Cultural Coordinator for the Duck Valley Shoshone-Paiute Tribes, and Bryan Hockett, archeologist for the BLM/Elko Field Office were contacted about cultural resources concerns.
- Executive Order 11988: Floodplain Management – No proposed treatments would occupy or modify floodplains and all proposed treatments are in compliance with this order.
- Executive Order 11990: Protection of Wetlands – No proposed treatments would result in long-term impacts to or loss of wetlands and all proposed treatments are in compliance with this order.
- Executive Order 12372: Intergovernmental Review – Coordination and consultation is ongoing with affected Tribes, Federal, State, and local agencies. A copy of the plan will be disseminated to all affected agencies.
- Executive Order 12892: Federal Actions to Address Environmental Justice in Minority and Low-income Populations – The actions proposed in this plan would result in no adverse human health or environmental effects for minority or low-income populations and Indian Tribes.
- Endangered Species Act – Section 7 Consultation: Selena Werbon from the U.S. Fish and Wildlife Service (FWS) Nevada State Office and Barb Cheney, FWS Idaho State Office was contacted on July 30 by telephone regarding Endangered Species Act Section 7 consultation strategy for the Murphy Complex: Wild Horse Zone emergency stabilization effort. The primary species of concern identified for consideration in Endangered Species Act consultation were the Bull trout, Bald eagle and Columbia spotted frog. Based on current information it was determined that the Murphy Complex: Wildhorse Zone Fire had no affect to the federally listed bull trout and bald eagle, therefore not requiring section 7 consultation. There is possibly an adverse affect to the Columbia spotted frog (candidate species) that will require conferencing between the Forest Service and the U.S. Fish and Wildlife Service regarding suppression, suppression rehabilitation, and emergency stabilization treatments. The Humboldt-Toiyabe National Forest Mountain City District will follow-up on conferencing between the FS and U.S. Fish and Wildlife Service for the fire and post-fire rehab activities on their lands as per standard practice. In addition, a decision memorandum will be completed by the Humboldt-Toiyabe National Forest.
- Clean Water Act: Including the removal of the bridge at Hicks Summit and construction of the low water crossing where Road 745 meets FS Road 055 and crosses Meadow Creek, all proposed treatments are in compliance with this Act and long-term impacts are considered beneficial to water quality. The bridge removal and low stream low water crossing completed during the suppression of the fire will not impact Meadow Creek a tributary of the Bruneau River.
- Clean Air Act: Implementation of treatments proposed in this plan may result in short-term localized impacts to air quality due to equipment emissions and/or increases in particulates during ground based activities. However, stabilization of the burned watershed would have long-term beneficial effects on air quality by reducing the potential for soil erosion. There is one Class I airshed just to the east of the burn in the Jarbidge Wilderness that was the first designated wilderness area in Nevada. Implementation of treatments will benefit this important Class I airshed.

## **CONSULTATIONS**

Scoping meetings were held in the town of Elko. On July 30, a scoping meeting was held with the BAER team and representatives of the NFS, BLM, Nevada Division of Forestry, and Nevada Department of Wildlife. Representatives from the BLM in Idaho were also involved in the meeting by conference call. Later in the day FWS representatives from Nevada and Idaho were involved in a conference call with the wildlife biologist BAER team representative, FS biologists and Nevada Department of Wildlife. On August 1, 2007, representatives of the different agencies and the team leader of the BAER Team met with the Governor of Nevada, two State Senators and the Elko County Commissioners in Elko to discuss rehabilitation efforts. On August 5 representatives from the BAER Team met in person with BLM representatives from Idaho to discuss ongoing BAER planning by the two planning teams. BLM is

completing a separate BAER plan for the Muphy Complex: Castleford Zone. On 08/07, the BAER Team Leader met with the Elko County Commissioners and a Department of Transportation Road Engineer to discuss road treatments. On 08/09 the BAER Team Leader met with the Regional Forester and Forestry Supervisor to discuss the BAER Plan and sign the 2500-8. Meeting participant lists are available in the documentation files and are summarized below by organization. Additionally, every evening at 2000hrs consultation with agency representatives and the BAER team occurred in the FS office in Elko from 07/30 to 08/04 and at 1900 hrs starting 08/05 to 08/09. Telephone and email were used to share information and concerns from other organizations outside of the local area.

The following organizations were consulted in the development of the Murphy Fire Complex: Wildhorse Zone BAER Plan:

- \$ Humboldt-Toiyabe National Forest, Mountain City Ranger District, Ruby Mountains/Jarbidge Ranger District
- \$ Bureau of Land Management, Twin Falls Field Office
- \$ Bureau of Land Management, Elko Field Office
- \$ Duck Valley Shoshone-Paiute Tribes
- \$ Nevada Department of Wildlife
- \$ Nevada Division of Forestry
- \$ Natural Resources Conservation Service
- \$ U.S. Fish and Wildlife Service Nevada State, and Idaho Offices for Ecological Services (see summary above)
- \$ Nevada State Historic Preservation Office (see summary above)
- \$ Elko County Board of Commissioners

**U.S. Forest Service Compliance Summary for the Murphy Fire Complex: Wildhorse Zone BAER Plan. Number is consistent with the BAER Plan Specification Number.**

<b>#</b>	<b>Treatment or Action</b>	<b>Consistency review of existing Management Plans</b>	<b>NEPA documentation (EIS, EA, or Cat Ex)</b>	<b>Reference to Assessment</b>	<b>Findings of Significance</b>
1	Plan Preparation	Consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.11 (a) (2)	N/A	No significant impact
2	Hicks For Improvement	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Watershed Assessment	No significant impact
3	Upsize Culverts	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Watershed Assessment	No significant impact
4	Inspection/Cleaning of Culverts/Bridges	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Watershed Assessment	No significant impact
5	Post Storm Road Patrol and Maintenance	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Watershed Assessment	No significant impact
6	Streambank/Road Stabilization	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.11 (a) (3)	Watershed Assessment	No significant impact
7	Native American Consultation	Generally consistent with Humboldt-Toiyabe NF Land and Resource Plan	Cat Ex 31.11 (a) (6)	Archeology Assessment	No significant impact
8	Noxious Weed Treatment	Fully consistent with Humboldt-Toiyabe NF Noxious Weed EA	EA	Vegetation Assessment	No significant impact
9	Noxious Weed Monitoring	Fully consistent with Humboldt-Toiyabe NF Noxious Weed EA	EA	Vegetation Assessment	No significant impact
10	Monitor Vegetation Recovery	Generally consistent with Humboldt-Toiyabe NF Land and Resource Plan Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Vegetation Assessment	No significant impact
11	Protective Fencing	Generally consistent with Humboldt-Toiyabe NF Land and Resource Plan Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Vegetation Assessment	No significant impact
12	Install Safety Signs	Generally consistent with Humboldt-Toiyabe NF Fire Mgmt Plan	Cat Ex 31.2 #11	Watershed Assessment Operations Assessment	No significant impact

## Forest Service Categorical Exclusions: Extraordinary Circumstances

Forest Service Policy (FSH 1909.15 Chapter 30.3) requires that certain resource conditions be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an environmental assessment or an environmental impact statement. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion, but indicates the need for further analysis to determine if a cause and effect relationship exists and the degree of potential effect. All proposed treatments on lands administered by the Forest Service are compared against the list of extraordinary circumstances listed below and the applicability of that circumstance is indicated as Yes or No in the left column. Those with a “yes” are discussed below.

<u>Yes</u>	<u>No</u>	<u>Extraordinary Circumstance</u>
	X	a. Federally listed threatened or endangered species or designated critical habitat species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.
X		b. Flood plains, wetlands, or municipal watersheds.
	X	c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.
X		d. Inventoried roadless areas.
	X	e. Research natural areas.
	X	f. American Indians and Alaska Native religious or cultural sites.
X		g. Archaeological sites, or historic properties or areas.

Circumstance b) Flood plains, Wetlands, or Municipal Watersheds: As described in detail in the Watershed Assessment and Vegetation Assessment, nine treatments are proposed that would have an effect on flood plains and wetlands, but the proposed action would be a positive not negative impact.

There are no municipal watersheds that will be affected:

- Treatment #2 Hicks Ford Improvement;
- Treatment #3 Upsize Culverts;
- Treatment #4 Inspection/Cleaning of Culverts/Bridges;
- Treatment #5 Post Storm Road Patrol and Maintenance;
- Treatment #6 Streambank/Road Stabilization;
- Treatment #8 Noxious Weed Treatment;
- Treatment #9 Noxious Weed Detection;
- Treatment #10 Monitor Vegetation Recovery; and
- Treatment #11 Protective Fencing

There is no negative cause and effect relationship between the treatments and flood plains or wetlands. Those treatments would aid in protecting flood plains and wetlands and protect and improve water quality. There is potentially a cause and effect relationship between improving undersize culverts or replacing culverts and floodplains and wetlands; however, the potential effect would be a long-term benefit to the floodplain and wetlands by mitigating impacts from road traffic and allowing rivers and creeks to flow unimpeded. Short-term impacts to floodplain and wetland values would be identified and mitigated in the Army Corps of Engineers Clean Water Act Section 404 permitting process. Proposed work falls under the Nationwide permit. There is a cause and effect relationship between repairing fencing for active adjacent allotments and the Bruneau River Prescriptive Use Area; however, the potential effect of the repair would be a benefit by protecting the floodplain and wetlands from grazing during natural recovery. The Bruneau Canyon temporary road closure would also benefit floodplains and wetlands while native riparian vegetation recovers. In summary, there are no proposed actions that are expected to have a high degree of negative effect on these resource conditions.

Circumstance d) Inventoried Roadless Areas: There are classified roadless areas within the Wildhorse Zone of the Murphy Fire Complex (Rattlesnake, Pine Mountain, Copper Mountains, Hotsprings, and Robinson. Only Copper Mountains is considered capable. The other areas are considered not capable

due to lacking outstanding attributes, or too small. There are a number of classified roads (primarily open maintained Forest System Roads) within the area, but none within the classified roadless areas. The following treatments are proposed to occur adjacent to roadless areas *and* involve activities addressed in the 2001 Roadless Rule (36 CFR Part 294):

- Treatment #2 Hicks Ford Improvement;
- Treatment #3 Upsize Culverts;
- Treatment #4 Inspection/Cleaning of Culverts/Bridges;
- Treatment #5 Post Storm Road Patrol and Maintenance;
- Treatment #6 Streambank/Road Stabilization;
- Treatment #8 Noxious Weed Treatment;
- Treatment #9 Noxious Weed Detection;
- Treatment #10 Monitor Vegetation Recovery;
- Treatment#11 Protective Fencing; Fences will be surveyed and action taken as needed.

The treatments do not involve roads that occur in roadless areas, but were considered under the prohibition on road construction and road reconstruction adjacent to inventoried roadless areas (36 CFR Part 294 §294.12) and found to be excepted from the prohibition under item (c) "maintenance of classified roads is permissible" as all proposed actions are for the purpose of maintaining classified Forest System roads in their pre-fire condition and the proposed actions do not constitute a substantial improvement to the roads. In summary, the Bruneau Canyon Road (FS 067) is temporarily closed until a decision is made to repair storm damage or leave the road closed. Other roads in the area are currently being maintained and the proposed actions are simply a continuation of existing maintenance practices to restore the use of these corridors to pre-fire conditions, there is no cause-effect relationship between the proposed action and the roadless areas as extraordinary circumstances. Treatment #8, #10 and #11 will benefit roadless areas by allowing native plant recovery.

Circumstance g) Archaeological Sites, or Historic Properties or Areas:

- Treatment #7, Pursuant to Federal cultural resource laws, Federal undertakings, including emergency stabilization that may affect significant heritage resources of religious significance or traditional cultural importance require the lead Federal agency to consult with affected tribes as equal partners. Therefore, local tribes must be consulted concerning any stabilization that may occur at, on, or near historic properties of Native American origin that are located in areas subject to emergency stabilization efforts. The Duck Valley Shoshone-Paiute Tribes have been identified as the most appropriate consultation party.

The U.S. Forest Service categorical exclusions and applicable extraordinary circumstances will be further detailed in a Decision Memo prepared by the Humboldt-Toiyobe National Forest.

## **Conclusion**

I have reviewed the proposals in the Murphy Fire Complex: Wildhorse Zone Burned Area Emergency Response Plan in accordance with the criteria above and have determined that the proposed actions would not involve any significant environmental effect. Therefore, it is categorically excluded from further environmental (NEPA) review and documentation or tiered from existing and valid environmental documents. Burned area emergency response team technical specialists have completed necessary coordination and consultation to insure compliance with the National Historic Preservation Act, Endangered Species Act, Clean Water Act and other Federal, State and local environment review requirements.