United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

DOI-BLM-CO-N404-2015-0034-DNA

PROJECT NAME. Sheep Gulch Vegetation Treatment.

PLANNING UNIT. Eagle County. Four miles north of the Town of Gypsum.

LEGAL DESCRIPTION. T. 4S, R86W, Sections 13, 14, 15, 22, 23, 24.

APPLICANT. None - Bureau of Land Management initiated project.

ISSUES AND CONCERNS. Population growth is occurring in rural areas in the intermountain west due to the attractive recreational and aesthetic amenities found here. This demographic change is increasing the size of the wildland-urban interface (WUI), defined as the area where structures and other human development meet or intermingle with undeveloped lands (often Federal lands). The expansion of the WUI in recent decades has significant implications for wildfire management and impact. The WUI creates an environment in which fire can move readily between structural and vegetation fuels. Its expansion has increased the likelihood that wildfires will threaten structures and people (Silvis Lab 2015).

There is a threat to life and property from wildfire moving from BLM lands to the adjacent private property. The need for this project is to 1) reduce the risk of wildfires, possibly catastrophic, that may enter private property from BLM land, 2) provide for firefighter and public safety, and 3) improve ecological health in the project area.

In the past there have been a variety of vegetation treatments in the project area. Prior to the Proposed Action the area was also used as a fire wood gathering area in the late 70's and early

80's. In 1987 there was a 40 acre wildfire and a 50 acre prescribed fire in the project area. In the fall of 2014 the BLM performed 147 acres of prescribed burning (See Map in Attachment A).

DESCRIPTION OF PROPOSED ACTION. The Colorado River Valley Field Office previously prepared an environmental assessment (DOI-BLM-CO-N040-2012-0048-EA - Eagle Valley Hazardous Fuels Treatments.) in 2012 (See Map in Attachment B) that described the environmental consequences of hazardous fuels reduction treatments in Sheep Gulch. This document addresses treating three of the Sheep Gulch units totaling 282 acres with prescribed fire (See Map in Attachment C).

It is anticipated that up to 3 miles of hand line and prep work will be necessary to create holding lines for the prescribed fire. Holding lines will be located along unit boundaries, roads, changes in fuel types, or where appropriate to control the prescribed fire. Holding lines will be evaluated after the burn and those that remain visually evident may be rehabilitated by scattering deadfall, limbs and rocks on the holding line.

Table 1. Treatments Units.

Treatment Unit	Acres	Location
Sheep Gulch Unit 2A	44	T4S R86W Sec.23,24
Sheep Gulch Unit 3A	142	T4S R86W Sec. 22,23
Sheep Gulch Unit 3B	96	T4S R86W Sec. 23,14

Hand Treatments: Hand treatments include use of hand tools and hand-operated power tools to cut, or clear, woody species for holding line preparation. This will include cutting smaller diameter (<8 inch DBH) pinyon and juniper trees 20 feet from a holding feature (road, constructed hand line, or hose lay). Limbs from tree clearing along holding features will be scattered either inside of or outside of the prescribed fire area. Sagebrush will be cleared at a width of up to 8 foot wide where necessary along hand lines or where hoses will be laid.

Prescribed Fire Treatment: Prescribed fire may occur as either pile burning or broadcast prescribed burns. Pile burning will be used to remove material generated from cut and pile operations. Broadcast prescribed fire will be used to create a mosaic of seral stages of vegetation through the removal of 40-90% of pinyon-juniper trees and 40-80% of sagebrush.

Pre/Post Treatment Activities: Pre and/or post treatment, some areas may be sprayed with herbicide to control invasive weeds. This treatment would occur between May and November, depending on the weed species, for two or three consecutive growing seasons, as needed and will be performed using backpack sprayers. Portions of the project area are in occupied habitat for the BLM sensitive plant, Harrington's penstemon. According to the BLM Glenwood Springs Field Office Integrated Weed Management Plan and Programmatic EA (BLM 2009), surveys and site-specific mitigation may be required prior to any herbicide applications in special status plant habitat. Depending on the composition of the herbaceous

understory, these treatments may be followed by reseeding with a native seed mix. Monitoring would occur yearly for 5 years following treatment to evaluate treatment success.

Design Features. The following design features are part of the Proposed Action.

Prescribed Fire Management.

- *Smoke Management Guide.* Best management practices from the Interagency Smoke Management Guide are incorporated into individual prescribed burn plans. Examples of smoke management techniques and procedures include: obtaining a smoke permit from the state/regulatory agency and not exceeding the parameters of the smoke permit, only burning on days where there is adequate ventilation.
- *Actions to Minimize Emissions and Enhance Dispersion.* Each prescriptive fire has unique characteristics, but in general, smoke impacts can be greatly minimized by burning during weather conditions that provide optimal dispersion and wind conditions for the types of materials being burned.
- *Monitoring.* Once a prescriptive fire is initiated, the agency monitors weather, burning and smoke dispersion conditions to assure air quality impacts remain within prescribed smoke management levels. If monitoring indicates conditions are no longer within prescription, managers stop the prescriptive treatment or declare the fire an unwanted wildland fire and initiate the Appropriate Management Response.
- *Authorization to Burn.* Consultation and approval by the State of Colorado is an on-going process. The BLM will obtain all necessary air pollutant emission permits and approvals from the State of Colorado prior to initiating a prescriptive fire.

Public Health and Safety.

- *Public Notification and Awareness.*
  - Interagency fire managers will establish and maintain close communications with state and local agencies regarding the status of prescriptive fire treatments.
  - Interagency fire managers will post public notices to inform the public of intended project work. Mitigation to reduce conflicts with public land users (e.g., big game hunters) includes: Vegetation treatments should avoid the annual Colorado rifle big game hunting seasons when possible.

Sensitive Plant Species.

- Surveys for sensitive plant species would be conducted prior to project implementation. To minimize impacts to sensitive plants, treatment design may be modified to avoid piling slash or burning in occupied habitat.
- To minimize impacts on Harrington's penstemon, it is recommended that no more than 40-50% of the sagebrush be burned since Harrington's penstemon often germinates under sagebrush plants due to favorable hydrologic conditions and because the brush serves to protect the plants from browsing.

Livestock Grazing.

- All treatments should be coordinated with the rangeland management specialist for timely and appropriate coordination with affected permittees.
- Proposed vegetation treatments should not occur in more than one pasture/year within an allotment.
- BLM will coordinate with affected livestock producers about treatment areas early in the planning processes to allow the producers time to implement any changes to their livestock operation because of the temporary loss of areas of use for livestock grazing. This coordination will also facilitate the planning and development of any range improvements needed to support livestock grazing until the rehabilitation objectives are met.

Vegetation.

- *Riparian Areas.* Burning treatments should avoid all riparian areas, springs, and stock ponds.
- *Weeds.*
  - Monitor and treat noxious and invasive weeds, including cheatgrass, for a minimum of 3 years post treatment.
  - Individual units will be evaluated for use of prescribed fire based on potential risk of cheatgrass (*Bromus tectorum*) or other exotic species invading or dominating the unit after fire.
- *Seeding.*
  - Seeding following prescribed fire treatments may be needed to ensure that a healthy native community reestablishes following treatments. The need for seeding would be based on local conditions (e.g., potential for natural regeneration, risk of invasive species, and erosion potential) and would be evaluated prior to treatment and during the first growing season after treatment.
  - If seeding is needed, it would occur in late fall or early spring in the same year as vegetation treatment. Appropriate seed mixes would be determined by the BLM ecologist.
  - Proposed vegetation treatments requiring seeding or rehabilitation should not occur in consecutive years within the same allotment unless the area is less than 100 acres in size and easily fenced with electric fence.
  - All seeded areas should be deferred from livestock grazing for a minimum of two growing seasons following treatment to allow for establishment of desirable grasses and forbs.

Soil and Water Resources.

- Areas of higher intensity treatments should be monitored for soil productivity, erosion and weeds. If deemed necessary, soil amendments (i.e. fertilizers, mycorrhizal additives, mulch, etc.) and/or seeding may be required to enhance soil health and maintain native vegetation.

Visual Resource Management.

- Treatments would be designed to repeat natural mosaic openings found within the landscape, particularly when the treatment occurs within sagebrush and mixed mountain shrubland. Feathering or undulating edges would be incorporated into treatments where practicable to break up any distinct lines created in the landscape.

Cultural Resources.

- Significant cultural resources will be avoided and protected by a minimum of 100 meters around site boundaries.
- If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Native American Human Remains.

- Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Raptors.

- No raptor nests are known to occur in the project area. If nests are discovered by fire personnel the CRVFO biologist will be consulted.

LAND USE PLAN (LUP) CONFORMANCE REVIEW. The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan. Colorado River Valley Field Office (CRVFO) Record of Decision (ROD) and Approved Resource Management Plan (RMP) and the supporting Fire Management Plan (FMP) for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance (as revised 2013)

Date Approved. June 2015.

Decision Number and Language. WFM-OBJ-01. Integrate fire and fuels management across all BLM programs and across all jurisdictional boundaries to achieve land health standards, address wildland-urban interface issues and achieve commensurate resource and resource use objectives.

Fire Management Plan Guidance. The goals for Fire Management Unit C-140-03 include:

- Reduce hazardous fuel loading and the risks of wildland fire escaping public lands.
- To maintain or create diverse seral stages and improve herbaceous understory in mixed mountain shrublands/oakbrush vegetation types
- To maintain a diversity of vegetation types and vegetation cover.
- Maintain or restore shrublands by reducing the encroachment of pinyon-juniper woodlands on shrub and sagebrush communities.
- To reduce the risks of large-scale fires in critical watershed areas.

REVIEW OF EXISTING NEPA DOCUMENTS. Listed below are the NEPA document(s) that covers the proposed action.

- DOI-BLM-CO-N040-2012-0048-EA. Environmental Assessment of the Eagle Valley Hazardous Fuels Treatments. BLM Colorado River Valley Field Office, Colorado. 2012.

- DOI-BLM-CO-N040-2009-0078-EA. Integrated Weed Management Plan and Programmatic Environmental Assessment. BLM Glenwood Springs Field Office, Colorado. 2009.

REVIEW OF OTHER RELEVANT DOCUMENTS. The following additional documents are relevant to the proposed action:

- North Eagle Land Health Assessment Report (BLM 2004) noted that in the assessment area that juniper woodlands have invaded the shrubland communities where natural fire cycles would have otherwise precluded, or at least limited, them to a minor component of the vegetation community. Lack of fire or other disturbance seems to be contributing to a condition of extensive, homogeneous stands of mature to overmature shrubs and trees with a decline in cover and productivity of shrubs and herbaceous vegetation.

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?

Documentation of answer and explanation: Yes. Environmental Assessment # DOI-BLM-CO-N040-2012-0048-EA addressed the environmental consequences of hazardous fuels reduction treatments.

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?

   Documentation of answer and explanation: Yes. The existing NEPA document (DOI-BLM-CO-N040-2012-0048-EA analyzed the proposed action and one alternative. No unresolved conflicts concerning alternative uses of available resources were identified through public scoping; therefore, other alternatives were not analyzed. The same applies to the current proposed action given current concerns, interests, and resource values.

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?

   Documentation of answer and explanation: Yes to both.

   a) In 2004 a formal land health assessment determined that the Greenhorn Allotment was meeting all applicable land health standards but with some problem areas including encroachment of pinyon and juniper trees in sagebrush communities. The Upper Cottonwood Allotment was achieving land health standards.

   b) The only special status species noted was the BLM sensitive *Penstemon harringtoni*. This species has been documented in the project area and project design features are included to protect the populations.

   c) New information has been submitted by The Wilderness Society about the presence of wilderness characteristics on 159 acres of the project area. In recognition of the new information (i.e., Lands with Wilderness Characteristics Recommendation: BLM Colorado River Valley Field Office - Blowout Hill) that was submitted, this DNA includes an evaluation in the "Remarks" section below based on the criteria that are evaluated during a wilderness characteristic inventory (i.e., *opportunities for solitude, primitive and unconfined types of recreation and naturalness)* as defined in BLM Manual 6310 - Conducting Wilderness Characteristics Inventory on BLM Lands.

      In addition to the rationale in the "Remarks" section the BLM considered the following aspects of the proposed action:

      - the proposed prescribed fire is on the eastern edge of the inventory unit comprising only a 159 acre overlap,

- the prescribed fire and prep work is not considered a surface disturbing activity that would negatively impact the naturalness of the inventory unit,
- mitigation is included to rehabilitate any holding line if the line is highly visible after the burn, and
- the CRVFO successfully implemented a habitat/fuels treatment in 2014 in a another inventory unit north of Blowout Hill (i.e., 2014 mechanical treatment in the Bull Gulch Wilderness Study Area contiguous inventory unit).

Whether wilderness characteristics are present or not on the overlapping 159 acres, this prescribed fire including design features is anticipated to mimic the impacts and the results of a wildland fire. In conclusion, BLM has reasonably concluded that new information on the potential presence of wilderness characteristics would not substantially change the analysis for the proposed action.

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?

   Documentation of answer and explanation: Yes. The current proposed action is the same as what was analyzed in the existing NEPA document (DOI-BLM-CO-N040-2012-0048-EA. The direct, indirect and cumulative impacts would be the similar as those identified in the existing NEPA document. The environmental assessment thoroughly reviewed the many specific environmental impacts including vegetation, water resources, air quality, wildlife, cultural, threatened and endangered species, and riparian resources.

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

   Documentation of answer and explanation: Yes.

   For the existing NEPA document, the CRVFO made the proposed action available for public review and comment for 30 days by posting on the BLM website, posting announcements in local newspapers and notifying selected interested parties by a letter sent via regular mail.

   The BLM CRVFO discussed the Sheep Gulch Vegetation Treatment with representatives of The Wilderness Society and Wilderness Workshop on May 2, 2015.

   Eagle County and Colorado Parks and Wildlife are supportive of this project.

INTERDISCIPLINARY REVIEW. The following individuals participated in the review of the proposed action and provided input to this DNA.

Name	*Title*	*Responsibility*
Hilary Boyd	Wildlife Biologist	Migratory Birds, Aquatic Wildlife, Terrestrial Wildlife, Special Status Fish and Wildlife
Pauline Adams	Hydrologist	Air Quality, Water Quality, Soils
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; Vegetation; Special Status Plants; Wetlands & Riparian Zones
Kristi Wallner	Rangeland Management Specialist	Grazing Management
Erin Leifeld	Archaeologist	Cultural Resources, Native American Concerns
Kim Leitzainger	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Rusty Stark	Fuels Specialist	Project Lead, Burn Plan, Prescribed Burning
Brian Hopkins	Assistant Field Manager	NEPA Compliance

REFERENCES.

BLM. 2004. Land Health Assessment Report - North Eagle Watershed. Colorado River valley Field Office. Silt, Colorado. Unpublushed.

BLM 2015. Colorado River Valley Field Office Record of Decision and Approved Resource Management Plan. Website: http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp /kfo-gsfo /colorado_river_valley0.html. Accessed on 7-25-15.

Silvis Lab. 2015. The Wildland Urban Interface. Website: http://silvis.forest. wisc.edu/maps/wui_main. Accessed on 3-2-15.

REMARKS.

Funding. The vegetation treatments described in this DNA would be funded using contributions from Hazardous Fuels Program Elements when they become available.

Cultural Resources. A records search of the general project area and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), were completed by a certified cultural resource contractor (CRVFO CRIR# 591, 5402-18, 5403-4, 18011-2, 15413-2 and OAHP# EA.LM.NR95). A total of 282 acres were inventoried for this project at a Class III level and ten cultural resources were identified within the project area. Of the ten cultural resources five are prehistoric sites (5EA1830, 5EA1831, 5EA1834, 5EA2912, 5EA2915) and one is a historic site (5EA2977) all of which are not eligible for the National Register of Historic Places (NRHP). Additionally, there are four prehistoric isolated finds

(5EA2979-5EA2981) which are also not eligible for the NRHP. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources. This project has a determination of *no historic properties affected* if the design conditions and cultural resource stipulations are followed.

Additional areas or changes in the methodology to achieve the proposed effect may require additional archaeological inspection by a qualified archaeologist. These changes include but are not limited to prescribed burn, aerator treatment, or other ground disturbing equipment.

Native American Religious Concerns. American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to "historic properties" and "archaeological resources". In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation.

This project area does not contain cultural resources that are known to be significant to Native American tribes. The cultural resource report describing the project and results from inventory was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe. The letter, sent on February 4, 2013, requested the tribes to identify issues and areas of concern within the project area. No comments were received at that time.

Lands with Wilderness Characteristics. The Colorado River Valley Field Office completed a review of BLM lands to determine whether they possess wilderness characteristics during the recent resource management plan revision process. BLM did not determine the 11,350 acre inventory unit 443 (also known as Blowout Hill) to contain wilderness characteristics. This DNA does not change BLM's 2013 determination. However in recognition of the new information that was submitted by The Wilderness Society on Blowout Hill, this DNA includes an discussion of the criteria that are evaluated during a wilderness characteristic inventory (i.e., *opportunities for solitude, primitive and unconfined types of recreation and naturalness)* as defined in BLM Manual 6310 - Conducting Wilderness Characteristics Inventory on BLM Lands.

Opportunities for Solitude. Elements influencing opportunities for solitude may include size, configuration, topographic and vegetative screening, and ability of the visitor to find seclusion. It is the combination of these and similar elements upon which an overall impact to solitude must be considered. The proposed action would reduce vegetative screening by

removing woody vegetation on an overlapping 159 acres that lie within the inventory unit of 11,350 acres. However the configuration of the area and topographic screening of overall unit remains unchanged. Considering all the elements that influence solitude and that solitude does not have to be found in every area of the unit, a visitor would still have the same opportunity to avoid the sights, sounds, and evidence of other people in the surrounding area of the unit so that opportunities for solitude within the unit as a whole would be unchanged. There would also be a temporary loss of opportunities for solitude when fire crews would be in the project area removing woody vegetation and while the burn was being conducted.

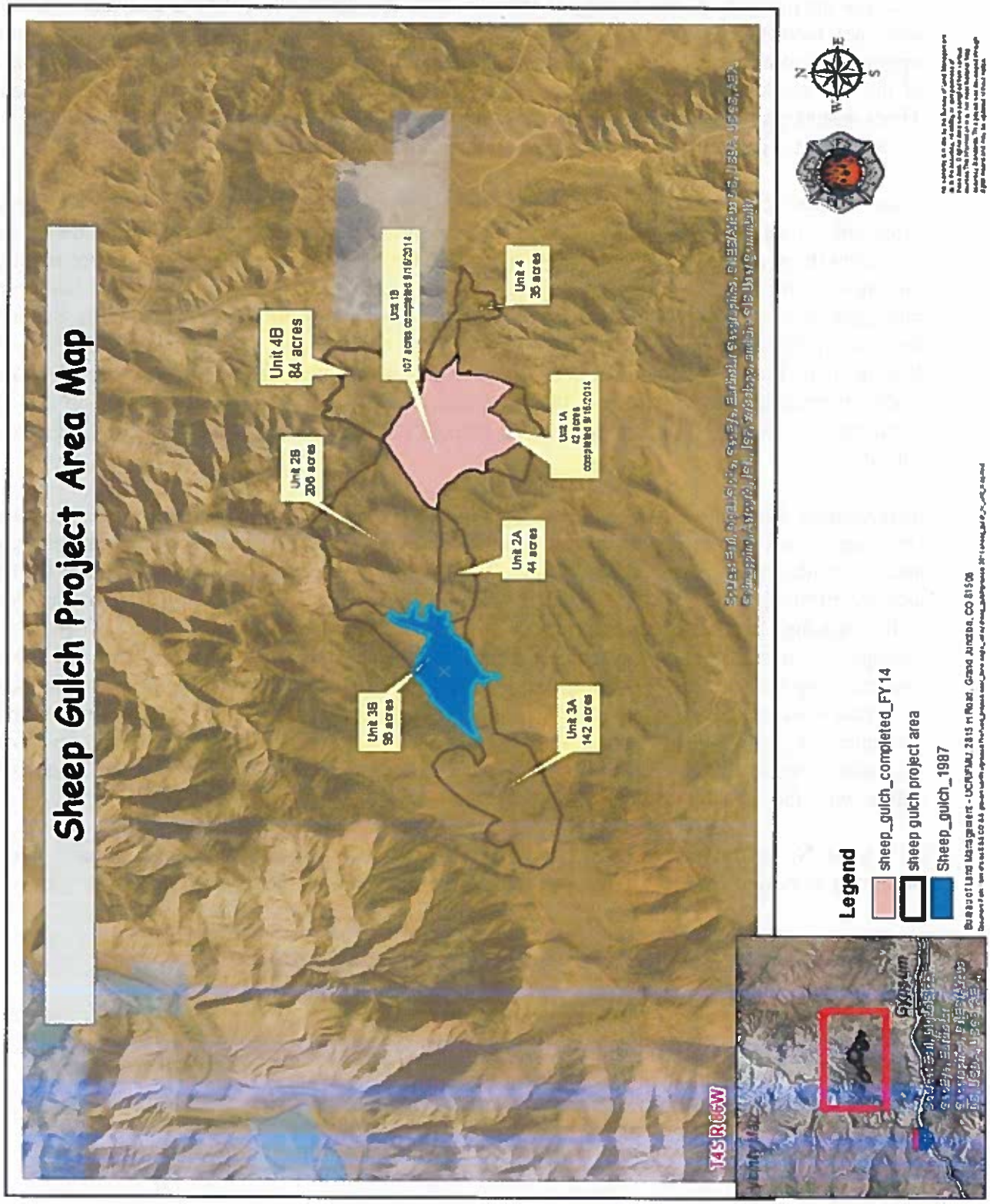
Primitive and Unconfined Type of Recreation. When considering whether or not an area offers an outstanding opportunity for a primitive and unconfined type of recreation the BLM considers those activities that provide dispersed, undeveloped recreation which do not require facilities, motor vehicles, motorized equipment, or mechanized transport. This area has been managed for motorized OHV activities since the designation of the Gypsum Hills Special Recreation Management Area through the signing of the 1997 Castle Peak Final Travel Management Plan. This action is consistent with management direction authorized by that RMP amendment. In conclusion, the proposed action does not change the availability to participate in locally popular recreation activities, neither motorized nor non-motorized activities.

Naturalness. Naturalness concerns the varying degrees of human modification to the existing landscape. This area in general has been modified by roads, trails and livestock developments and the evidence of dispersed recreation. This project will remove woody vegetation in the area by mimicking a natural wildland fire. The treatment area may incur short-term changes to the existing level of naturalness from vehicle tracks if the crews need to drive off-route to manage the prescribe fire. The vehicle tracks will last for about a year until rain and snow washes away the tire tracks. Long-term, the area will regrow natural vegetation types such as: grass species, forbs, sagebrush and pinyon-juniper woodlands; that are common and characteristic vegetation types in the region. The area will retain its existing level of naturalness in the long term and appear to have been affected primarily by the forces of nature, with the fuels treatment substantially unnoticeable.

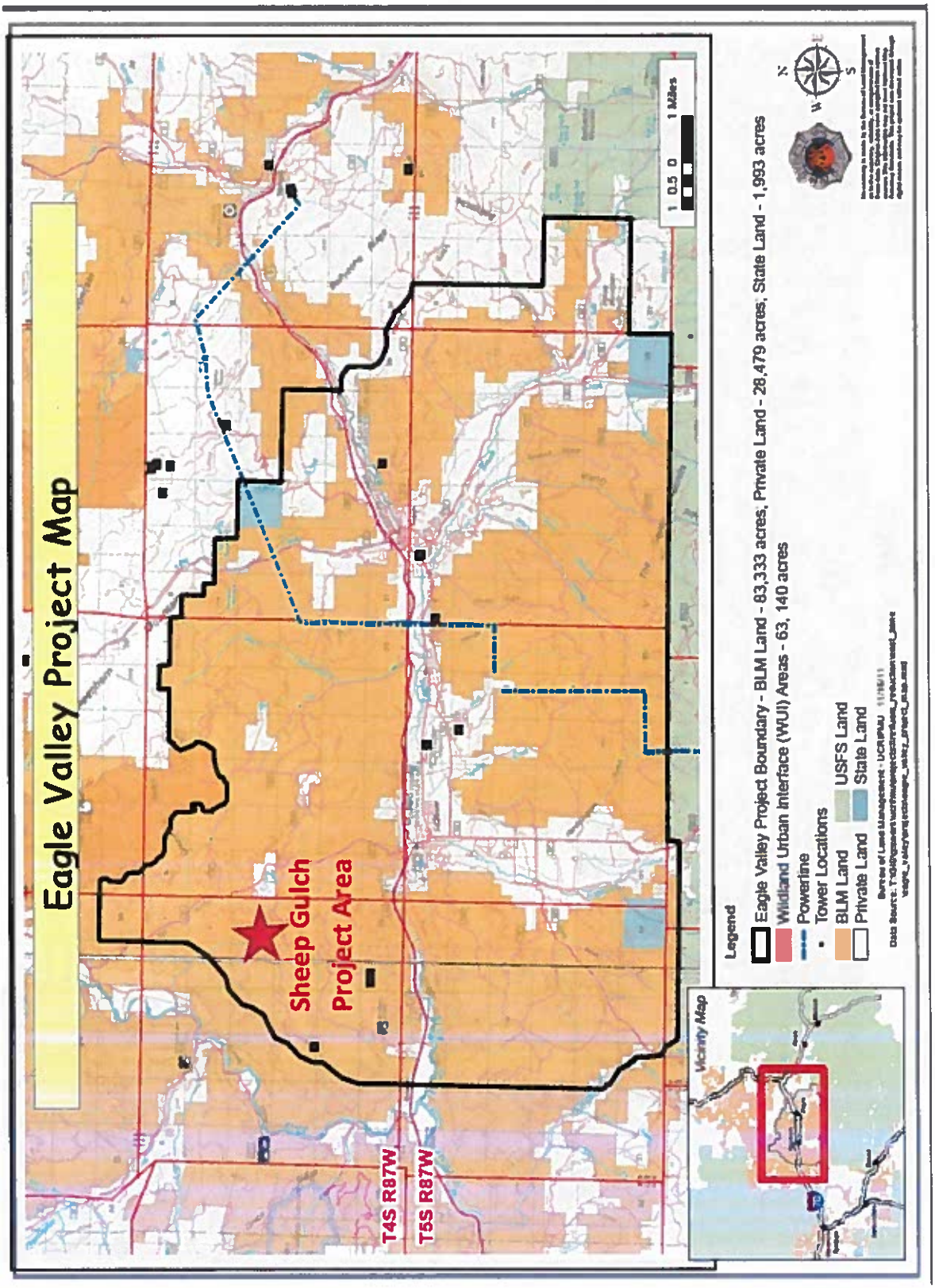
MITIGATION: Mitigation measures approved in the existing NEPA document have been incorporated as design features in the proposed action (see section above).

NAME OF PREPARER. Rusty Stark, Fire Management Specialist.

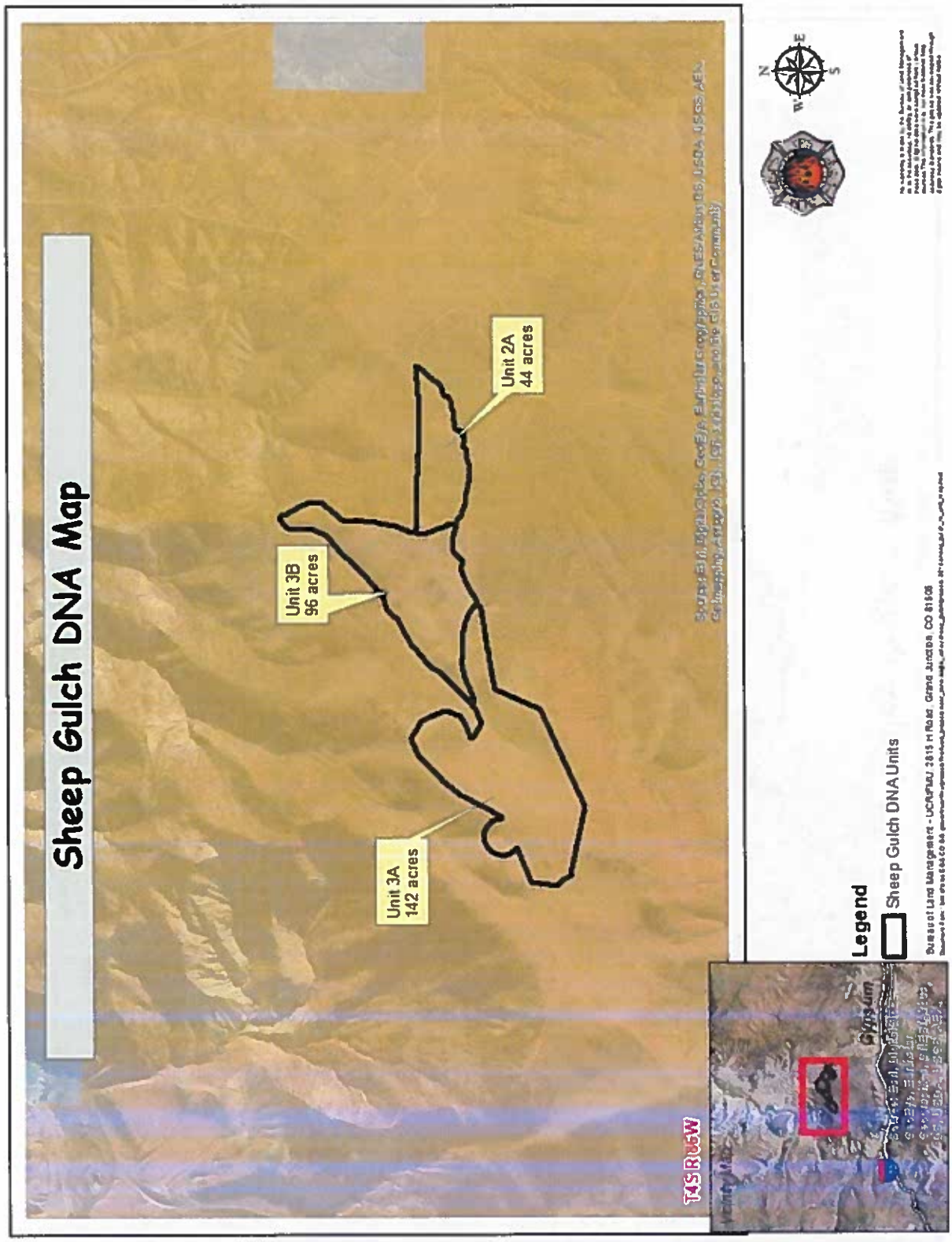
Attachment A



Attachment B



Attachment C



CONCLUSION.

Based on the NEPA review documented above, I conclude that the proposed action conforms to the land use plan as amended and that the NEPA documentation previously prepared fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL. _____
Karl Mendonca
Field Manager
Colorado River Valley Field Office

DATE SIGNED. 7/29/2015

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.

DECISION.

It has been determined that the approval of the Proposed Action is consistent with the scope of the aforementioned NEPA documentation. Any authorization of the Proposed Action is subject to specifications as identified in the DNA, therefore, it is my decision to implement the project as described in the DNA.

SIGNATURE OF RESPONSIBLE OFFICIAL. Karl B Mendonca

Karl Mendonca
Field Manager
Colorado River Valley Field Office

DATE SIGNED. 7/29/2015