

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## DETERMINATION OF NEPA ADEQUACY (DNA)

### *Segar Mountain Allotment (03202) Grazing Permit Revision and Reissuance*

**DOI-BLM-CO-N05-2015-0087-DNA**

#### Identifying Information

**Project Title:** Chad and Elanor Carter – Segar Mountain Allotment 03202 Grazing Permit Revision and Reissuance

#### Legal Description:

**Table 1. Legal Description of the Segar Mountain Allotment**

Allotment		BLM Acres	Township.	Range	Sections
Name	No.				
Segar Mountain	03202	5,690	1S	95W	18, 19, 25-36
			2S	95W	4, 5

**Applicant:** Chad and Elanor Carter

**Allotment Number:** 03202

**Permit/Authorization Number:** 0503686

#### Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** July 1997

**Decision Language:** “Maintain or enhance a healthy rangeland vegetative composition and species diversity, capable of supplying forage at a sustained yield to meet the demand for livestock grazing.” (page 2-22)

“A minimum rest requirement (period of no livestock grazing) will be developed for each allotment as integrated activity plans are developed. This period of rest is the minimum time required to restore plant vigor, improve watershed conditions, and improve rangeland conditions. Minimum rest periods will be incorporated into grazing systems during activity plan preparation (See Appendix C, Colorado Livestock Grazing Management Guidelines).” (page 2-23)

“An average of 50 percent of the annual above ground forage production will be reserved for maintenance of the plant's life cycle requirements, watershed protection, visual resource enhancement, and food and cover requirements of small game and nongame wildlife species. The remaining 50 percent of the forage base will be allocated among predominant grazing users.” (page 2-11)

## Proposed Action

The Proposed Action is to issue a revised livestock grazing permit to Chad and Elanor Carter for the Segar Mountain allotment (see Exhibit A) to reflect the adjusted percent of public land, from 93 to 100 percent, since they lost control of approximately 320 private acres within the allotment which they previously leased. This change in percent public lands results in two fewer livestock (from 73 down to 71 head) and seven fewer days (from 10/30 to 10/24) than that analyzed in CO-110-2008-127-EA. These changes are within the range of analysis of the CO-110-2008-127-EA.

**Table 2. Revised Grazing Schedule for the Segar Mountain Allotment**

Proposed Grazing Permit (Carter - 050368) for Segar Mountain Allotment								
Allotment No. 03202	Livestock		Date		% PL	BLM AUMs scheduled	Suspended AUMs	Total AUMs
Pasture Name	#	Kind	On	Off				
Segar Mountain	71	C	6/15	10/24	100	308	0	308

## Terms and Conditions

### *Standard Terms and Conditions*

Livestock grazing permits and leases must specify terms and conditions pursuant to 43 CFR 4130.3, 4130.3-1, and 4130.3-2. The Standard Terms and Conditions that are applied to every permit in Colorado are listed in Appendix B.

### *Other Grazing Lease Terms and Conditions*

Livestock grazing permits may also contain site-specific terms and conditions “determined by the authorized officer to be appropriate to achieve management and resource conditions objectives”, to ensure conformance with Colorado Public Land Health Standards and fundamentals of rangeland health, and to “assist in the orderly administration of the public rangelands” (43 CFR 4130.3, 4130.3-2). The following terms and conditions from the CO-110-2008-127-EA would be included in the grazing permit being renewed.

1. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
2. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).
3. Livestock use will occur as outlined in the Grazing Schedule in the Proposed Action portion of BLM-N05-2015-0085-DNA in accordance with 43 CFR 4120.2(d).
4. The permittee/lessee is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
5. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the authorized officer (AO). The permittee/lessee will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The permittee/lessee, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
6. Pursuant to 43 CFR 10.4(g), the permittee/lessee must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator/holder/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
7. The permittee/lessee is responsible for informing all persons who are associated with allotment operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/lessee must immediately contact the appropriate BLM representative.

Applicable mitigation measures from CO-110-2008-127-EA that will remain on the permit:

8. The livestock operator will, as often as necessary to minimize use in the riparian area, repeatedly throughout the grazing season drive any cattle that drift down to the channel of Segar Gulch back up onto the ridge top and slopes of Segar Mountain to minimize impacts to this riparian system. Specific cattle identified as repeatedly returning to and

preferring the riparian area should be culled from the herd to reduce perpetuation of this behavior.

9. Project specific proposals for range improvements will be analyzed on a case by case basis. Projects that involve excavation, potentially down into the underlying rock formation will require the presence of a paleontological monitor.

### **Limits of Flexibility**

The permittee will be provided flexibility during the grazing year from the submitted plan of operation for which does not require prior approval from the BLM. This flexibility will be limited to on or off dates and number of animals to adjust to changing climatic changes, forage variability, and operational needs. This flexibility will be limited to 10 days either side of the on or off dates provided total days of use do not exceed 10 days from the schedule approved in the annual plan of operations. The permittee will also be able to adjust number of animals by 10 percent (+/-) from the annual plan of operation provided the total AUMs used does not exceed the AUMs scheduled.

Flexibilities that require approval by the BLM are adjustments made beyond the above criteria. BLM-approved flexibilities and/or changes to this plan may be required due to such factors as forage influences from grazing, drought, fire, and/or water availability.

### ***Monitoring and Evaluation***

There are two long term trend sites located in the Segar Mountain allotment to measure ground cover and plant community composition. The study sites were established in key areas to monitor livestock grazing use and vegetative conditions and were established under protocol developed in the *Grazing Allotment Monitoring Plan for the White River Resource Area*. The next cycle for reading the long term trend sites will be in 2016 or 2017 but re-reading trend studies by BLM staff in the future will be partially dependent on workload capabilities and priorities. There have not been any land-health assessments or riparian assessments since the 2008 permit renewal. Actual use in the allotment since 2008 has been well below permitted levels and overall conditions in the allotment are good.

### **Review of Existing NEPA Documents**

**Name of Document:** CO-110-2008-127-EA Grazing Permit Renewal for Chad Carter and Mike Lopez on the Segar Mountain Allotment #03202.

**Date Approved:** September 4, 2008

### **NEPA Adequacy Criteria**

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? 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? If there are differences, can you explain why they are not substantial?

*The grazing permit that will be issued to the livestock operator will authorize grazing as previously analyzed in CO-110-2008-127-EA, later revised in DNA CO-110-2014-0030-DNA due to Carter transferring half of his grazing preference to another operator. The grazing use period, authorized AUMs, and terms and conditions will be unchanged overall but are now split between the two operators. The only change is that the Carters have lost control of unfenced private property within the allotment so the percent public land is being adjusted to reflect this change. The number of livestock is also being adjusted to authorize grazing at a level that is consistent with the Carters' preference in the Segar Mountain allotment.*

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

*Three alternatives (Proposed Action, Continuation of Current Management, and No Grazing) were analyzed in CO-110-2008-127-EA. In general the Proposed Action analyzed grazing at a reduced number of AUMs to more accurately reflect the average carrying capacity of the allotment. The Continuation of Current Management Alternative would have authorized grazing at more than twice as many AUMs, which was more than the estimated carrying capacity for the allotment and was creating resource concerns. Finally, the No Grazing Alternative considered not issuing a permit for livestock grazing use, which would not be in compliance with the White River ROD/RMP. No reasons have been identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.*

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

*Cultural resources were adequately addressed in the original environmental assessment (CO-110-2008-127-EA) and no additional fieldwork is required under this Proposed Action. There are no threatened or endangered animal species that are known to inhabit or derive important use from the Segar Mountain allotment area. Additionally, there has been no change in the proposed grazing schedule and similarly no measurable alterations in habitat conditions since the original analysis. There are no special status plant issues or concerns associated with this action because there will be no change in the grazing system. Land health assessments, riparian assessments, and rangeland monitoring conducted for the 2008 analysis remain adequate and valid. Implementation of a large scale water development project on the ridge-top of Segar Mountain (analyzed in CO-110-2008-127-EA) has likely improved livestock distribution and benefited livestock management and resource conditions though no assessments have been conducted since the 2008 analysis.*

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?

*Under the Proposed Action, livestock grazing in the Segar Mountain allotment will be unchanged except for the reduction of six head to keep use within Carter’s current grazing preference. There are no other changes in resource management or development associated with this allotment; hence there would be no change to direct, indirect or cumulative effects.*

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

*Yes, public involvement is adequate for the current Proposed Action. This project was posted on the BLM’s ePlanning on-line National Environmental Policy Act (NEPA) register on 7/9/2015. No comments or inquiries have been received.*

### **Interdisciplinary Review**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on July 7, 2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

**Table 3. Interdisciplinary Review**

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	7/20/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/17/2015
Matt Dupire	Ecologist	Special Status Plant Species	7/21/2015
Mary Taylor	Rangeland Management Specialist	Project Lead	7/21/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	7/22/2015

**Cultural Resources:** There are no known historic properties within the grazing allotment that would be adversely affected by the proposed action. Cultural resources were adequately addressed in the original environmental assessment (CO-110-2008-127-EA) and no additional fieldwork is required. Any project specific range improvement projects will be inventoried for cultural resources before construction or development of the improvements may begin. Suitable mitigation will be identified to avoid or mitigate impacts associated with any rangeland developments proposed.

**Native American Religious Concerns:** No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. Non special status animal species were adequately addressed in the original environmental assessment (CO-110-2008-127-EA). The minor changes in the proposed grazing schedule would not be expected to have any measurable influence on terrestrial or aquatic wildlife nor the habitats that support these species.

**Threatened and Endangered Plant Species:** Special status plants were adequately addressed in the original environmental assessment (CO-110-2008-127-EA). There are no special status plant issues or concerns associated with this action because there will be no change in the grazing system.

### Tribes, Individuals, Organizations, or Agencies Consulted

Consultation letters and contact was made with the Eastern Shoshone Tribe of the Wind River Reservation, Ute Indian Tribe of the Uintah and Ouray Reservation, the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe for this project. If additional information comes out in consultation, aspects of the project may be changed in response to tribal concerns.

### Conclusion

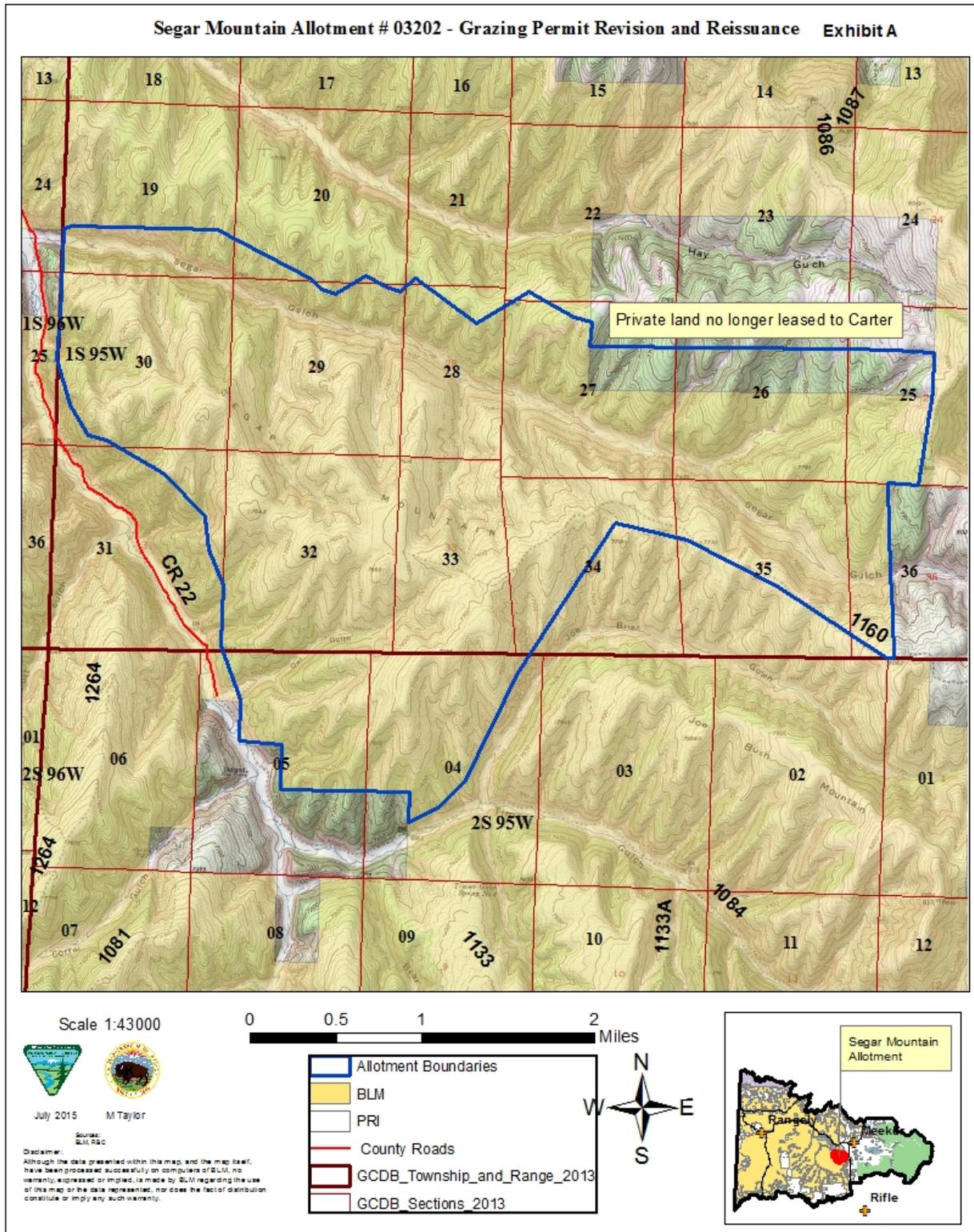
Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

*Est M McCyl*  
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Field Manager

*2/27/2015*  
\_\_\_\_\_  
Date

Note: The signed Conclusion of 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.

# Appendix A. Figures



## Appendix B. Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the BLM within the allotment described.
  - e. Repeated willful unauthorized grazing use.
  - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory

Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

13. This grazing permit conveys no right, title or interest held by the United States in any lands or resources.
14. This grazing permit is subject to a) modification, suspension or cancellation as required by land plans and applicable law; b) annual review of terms and conditions as appropriate; and c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated thereunder by the Secretary of the Interior.