

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)

### Hogback Ridge Adventures - 2015 Mountain Lion Special Recreation Permit renewal DOI-BLM-CO-N05-2015-0120-DNA

#### Identifying Information

**Project Title:** Hogback Ridge Adventures-2015 Mountain Lion Special Recreation Permit renewal

**Legal Description:** T1S, R95W  
T2S, R95W  
T1S, R96W  
T2S, R96W  
T1S, R97W Sections 1, 11-13, 21-27, 33-36  
T2S, R97W Sections 1-4, 9-15, 23-25  
T3S, R95W Sections 1-14  
T1N, R96W Sections 7-8, 16-21, 26-36

**Applicant:** Leslie Woodward

#### 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:** "Special recreation permits (SRPs) will be issued to qualified guides and outfitters based on need and demand for services." (page 2-43)

#### Proposed Action

##### *Project Components and General Schedule*

Leslie Woodward doing business as Hogback Ridge Adventures (HRA) has applied for renewal of an expired Special Recreation Permit (SRP) CO-N05-SRP-013-140L as a multi-year (five

year) SRP for commercial outfitting and guiding of mountain lion hunting. HRA's operating plan estimates 15 total client days each year from January 1 through March 31 for BLM lands within Game Management Unit (GMU) 22 (Figure 1). Leslie Woodward has held a SRP with the WRFO the past two years, has successfully administered his permit, adhered to all terms and conditions, and has received an acceptable SRP performance evaluation rating each year. It is anticipated that a portion of this use will occur on BLM WRFO lands and a portion will occur on adjacent private land. All use will be casual and dispersed in nature within the permitted areas only. No drop camps are proposed nor will be authorized with the issuance of this permit. Pick-up trucks and/or sport utility vehicles would be used during this operation on existing roads. No horses or pack stock would be used. HRA intends to offer two "make-a-wish" guided hunts for seriously ill youth each year.

***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant 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.
2. 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 AO. The applicant 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 applicant, 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.
3. Pursuant to 43 CFR 10.4(g), the applicant 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 must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate 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 applicant must immediately contact the appropriate BLM representative.

## Review of Existing NEPA Documents

**Name of Document:** White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

**Date Approved:** June 1996

**Name of Document:** Special Recreation Permits within the WRFO Involving Specials Areas, More than 14 Days Consecutive Use, and/or Staging Areas Greater than Three Acres Environmental Assessment (DOI-BLM-CO-NO5-2014-0057-EA)

**Date Approved:** July 31, 2014

## 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 new Proposed Action is essentially similar to the selected alternative analyzed in the environmental assessment DOI-BLM-CO-NO5-2014-0057-EA. It is within the same analysis area and there are no substantial differences.*

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?

*Two alternatives (Proposed Action and No Action Alternative) were analyzed in DOI-BLM-CO-NO5-2014-0057-EA. No reasons were 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?

*Additional projects have been analyzed in the area, but no known changes in circumstances or information have been found, thus the original analysis is still valid. Please see the comments below regarding cultural resources, wild horses, and threatened and endangered wildlife and plants species for further discussion.*

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?

*The direct, indirect, and cumulative effects that could result from implementing this Proposed Action would still remain similar to DOI-BLM-CO-N05-2014-0057-EA.*

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

*Yes, public involvement is adequate. A copy of the completed DNA will be posted to the online NEPA ePlanning register. No issues or concerns were identified for other mountain lion SRPs and none are anticipated for this SRP.*

## **Interdisciplinary Review**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 9/8/2015. 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.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	9/8/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	9/8/2015
Matthew Dupire	Ecologist	Special Status Plant Species	9/8/2015
Aaron Grimes	Outdoor Recreation Planner	Project Lead	9/2/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	9/9/2015

**Cultural Resources:** Cultural resources are known to occur within the boundary of the Proposed Undertaking. Though there are no planned ground disturbances from drop camps or blind construction, which will limit adverse impacts to cultural resources, there is always a potential for unauthorized artifact collection with increased human activity in the area. Should any artifact collection occur during permitted activities it would represent a permanent, long term, irreversible and irretrievable loss of a portion of the regional archaeological database.

**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. Priority and general habitat management areas (PHMA and GHMA) for the greater sage-grouse occur within the project area. The greater sage-grouse is a candidate for listing under the Endangered Species Act, and is considered a BLM sensitive species. There are two known active leks located on BLM administered lands within the project area. Lekking typically occurs from early March

through mid- to late-May. Activities taking place in close proximity to leks (generally within 0.60 mi) have the potential to disrupt lekking and reproductive activities.

**Threatened and Endangered Plant Species:** Dudley Bluffs Bladderpod and Dudley Bluffs Twinpod are two federally threatened plants that inhabit the permit boundary. These plants are associated with white shale outcrops of the Green River Formation and are only found in the Piceance Basin approximately 20 miles southwest of Meeker. Due to the light and dispersed use (15 user days) and the proposed time of use outside of the growing season, there are expected to be negligible impacts to threatened and endangered plants.

## Mitigation

1. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities.
2. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved operating area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Manager.
3. Plant protection mitigation: The applicant and all guides and employees associated with the authorized operations will be provided with educational materials about *Physaria obcordata* and *Physaria congesta* (Figure 2). The applicant and all guides and employees will attempt to avoid the plant awareness area (Figure 3) and will be aware of the plants' habitat. If an animal is downed on a white shale outcrop, the outfitter and guides will either quarter and carry the animal off the white shale, or if this is not possible, the area of disturbance will be kept to a minimum while field dressing and all scraps will be removed from white shale outcrop.
4. Wild Horse Mitigation measures:
  - a. The permittee/guide shall inform all staff and clients that wild horses are protected by Federal law and will prevent harassment of wild horses from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment.

- b. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.
  - c. All guides shall possess a map indicating boundary of the HMA as well as the HAs. (Figure 14)
  - d. The permittee will discourage the discharge of firearms within HMA during the foaling season (March 1 – June 15) that is not directly associated with the permitted commercial activity. For example, discourage target shooting or sighting in of firearms in these areas during this time when permitted for commercial mountain lion hunting.
  - e. Stay at least 100 feet away from wild horses.
  - f. Do not feed or try to attract any wild horse towards you.
  - g. Keep dogs under control so they do not disturb or chase wild horses.
  - h. Report sick, injured animals, or other violations against wild horses to the BLM.
  - i. Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
5. No access will be allowed on federally administered portions of BLM Road 1007 (Barnes Ridge Road; T4S R96W section 3 and T3S R96W sections 34 and 27) from March 1 – March 31 to avoid disrupting greater sage-grouse during the lekking season.

## 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.

  
\_\_\_\_\_

Field Manager

  
\_\_\_\_\_

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

Figure 1 (Hogback Ridge Adventures Mountain Lion SRP Operating Area)

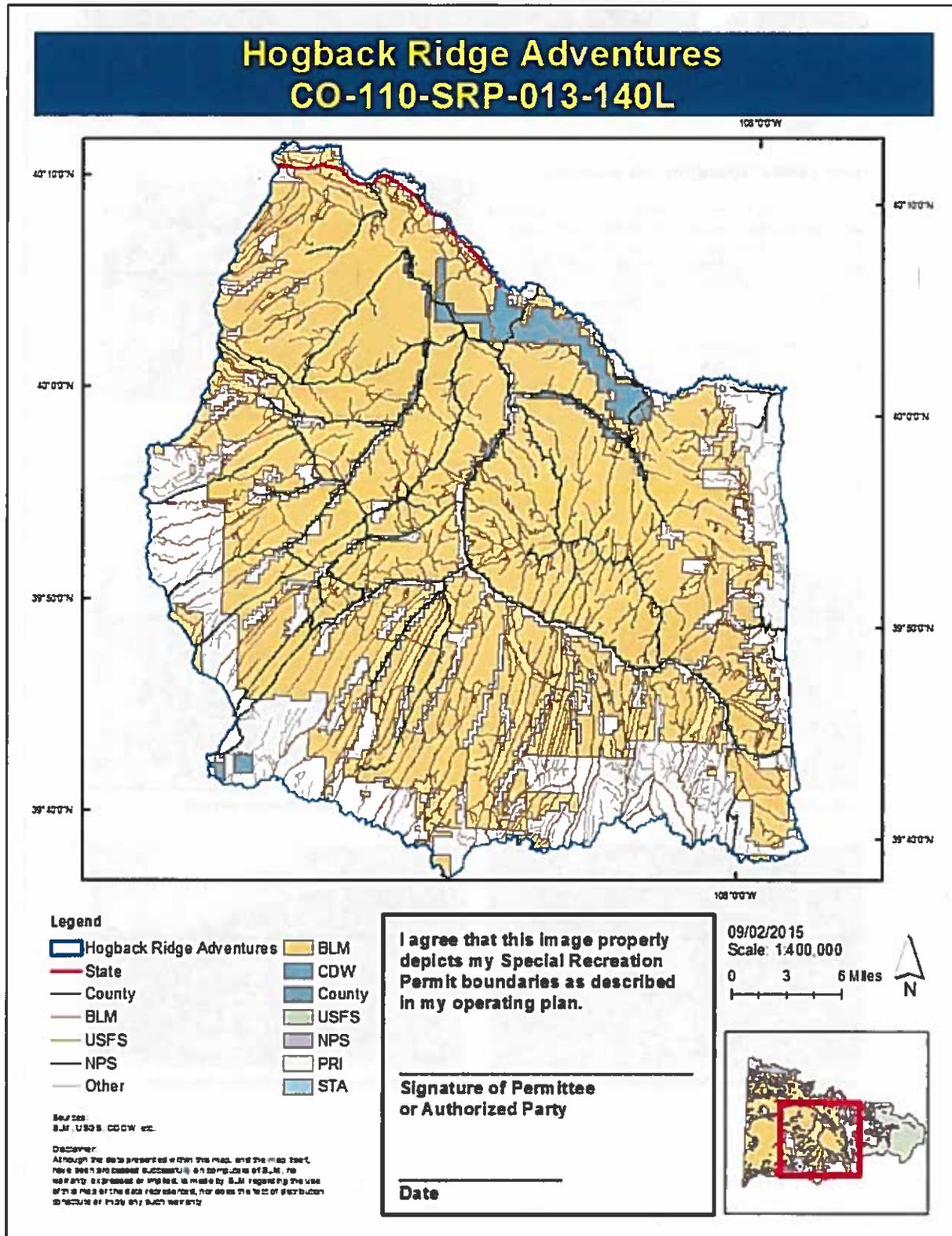


Figure 2 (Special Status Plant Educational Materials)



# Threatened Plants Information Factsheet

DOI BLM White River Field Office

## Dudley Bluffs Twinpod (*Physaria obcordata*)

The Dudley Bluffs Twinpod is an herbaceous perennial plant in the Mustard family. It is endemic to and is found exclusively within a 20 by 30 mile area of Piceance Basin in Northwestern Colorado.

Dudley Bluffs Twinpod tends to grow on barren white shale outcrops. It tends to grow on steep side slopes, but can be found in small wash settings below sideslopes where soil and substrates have eroded and deposited on more level locations.

Plants have a basal rosette of silvery leaves with flowering stems that rise 5-7 inches tall and display bright yellow flowers when in bloom. The species scientific name (*obcordata*) refers to the heart-shaped fruit, or two-lobed seed pod.

The Dudley Bluffs Twinpod is designated as "Threatened" and protected under the Endangered Species Act. The species range has not increased since it was first listed in 1990.

Primary threats to the Dudley



Dudley Bluffs Twinpod with heart shaped seed pods.

Bluffs Twinpod include: Energy Development, Oil Shale Mining, Road Construction and Maintenance, Invasive Species Infestations, Off-road Vehicle Use, Overgrazing by Livestock, and trampling by wild-horses.



Dudley Bluffs Twinpod growing on a steep side slope.



Dudley Bluffs Twinpod without flowers or seed pods.



Dudley Bluffs Twinpod Habitat: barren white shale outcrop.



Dudley Bluffs Twinpod Habitat: barren white shale outcrop.



# Threatened Plants Information Factsheet

DOI BLM White River Field Office

## Dudley Bluffs Bladderpod (*Physaria congesta*)

The Dudley Bluffs Bladderpod is an herbaceous perennial plant in the Mustard family. It is endemic to and only occurs within a 1.0 square mile area of Piceance Basin in Northwest-ern Colorado.

Dudley Bluffs Bladderpod tends to grow on barren shale out-crops of ridges or in pinyon-juniper savannah areas. It of-ten grows on level surfaces where outcrops of white shale geology have been exposed. It can also be found growing along gentle slopes of drainag-es and windswept ridges.

Plants are very small, cushion-shaped, sized one to three centimeters in diameter, with silvery spatulate leaves. When in bloom, they display a single dense crown of bright yellow flowers.

The Dudley Bluffs Bladderpod is designated as "Threatened" and protected under the En-dangered Species Act. The species range has not in-creased since it was first listed in 1990.

Primary threats to the Dudley Bluffs Bladderpod include:



Dudley Bluffs Bladderpod with no flowers or seed pods.

Energy Development, Oil Shale Mining, Road Construction and Maintenance, Invasive Species Infestations, Off-road Vehicle Use, Overgrazing by Livestock, and Trampling by wild-horses



Size Reference: Individuals are about the size of a quarter.



Habitat: Barren white shale outcrop on a ridge top.

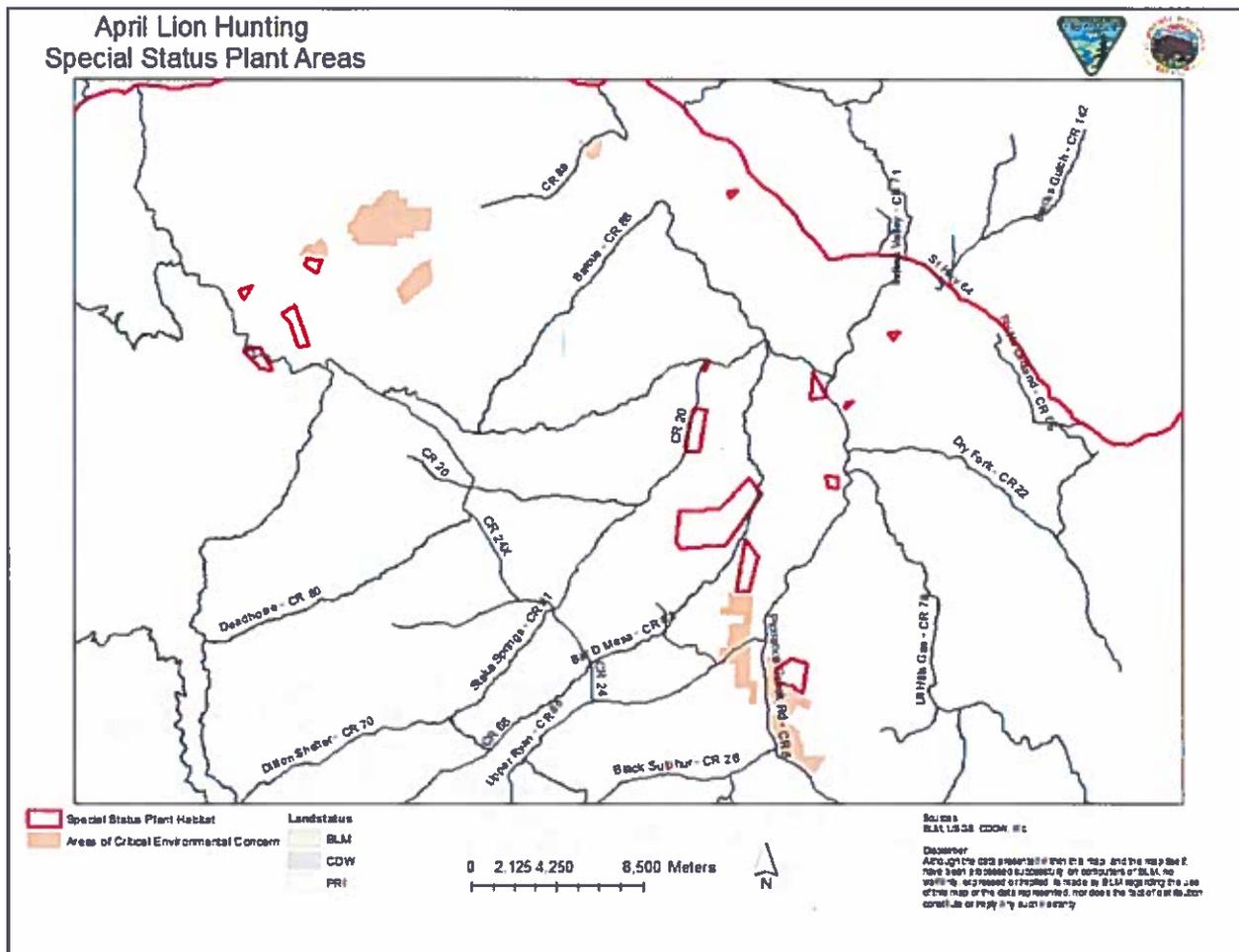


Habitat: Shale outcrop within pinyon-juniper savannah.



Habitat: Shale outcrop in Pinyon/Juniper/Sagebrush at bottom of photo.

Figure 3 (Special Status Plant Areas)



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

## DECISION RECORD

### Hogback Ridge Adventures – 2015 Mountain Lion Special Recreation Permit renewal DOI-BLM-CO-N05-2015-0120-DNA

#### Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0120-DNA, authorizing the renewal Special Recreation Permit (SRP) CO-N05-SRP-013-140L as a multi-year (five year) SRP for commercial outfitting and guiding of mountain lion hunting to Leslie Woodward doing business as Hogback Ridge Adventures.

#### Mitigation

1. The applicant 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.
2. 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 AO. The applicant 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 applicant, 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.
3. Pursuant to 43 CFR 10.4(g), the applicant 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 must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate 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 applicant must immediately contact the appropriate BLM representative.
5. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities.
6. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved operating area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Manager.
7. Plant protection mitigation: The applicant and all guides and employees associated with the authorized operations will be provided with educational materials about *Physaria obcordata* and *Physaria congesta* (Figure 2). The applicant and all guides and employees will attempt to avoid the plant awareness area (Figure 3) and will be aware of the plants' habitat. If an animal is downed on a white shale outcrop, the outfitter and guides will either quarter and carry the animal off the white shale, or if this is not possible, the area of disturbance will be kept to a minimum while field dressing and all scraps will be removed from white shale outcrop.
8. Wild Horse Mitigation measures:
  - a. The permittee/guide shall inform all staff and clients that wild horses are protected by Federal law and will prevent harassment of wild horses from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment.
  - b. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.

- c. All guides shall possess a map indicating boundary of the HMA as well as the HAs. (Figure 14 of the EA)
  - d. The permittee will discourage the discharge of firearms within HMA during the foaling season (March 1 – June 15) that is not directly associated with the permitted commercial activity. For example, discourage target shooting or sighting in of firearms in these areas during this time when permitted for commercial mountain lion hunting.
  - e. Stay at least 100 feet away from wild horses.
  - f. Do not feed or try to attract any wild horse towards you.
  - g. Keep dogs under control so they do not disturb or chase wild horses.
  - h. Report sick, injured animals, or other violations against wild horses to the BLM.
  - i. Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
9. Terrestrial Wildlife/Special Status Animal Species Mitigation: No access will be allowed on federally administered portions of BLM Road 1007 (Barnes Ridge Road; T4S R96W section 3 and T3S R96W sections 34 and 27) from March 1 – March 31 to avoid disrupting greater sage-grouse during the lekking season.

### **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

### **Environmental Analysis and Finding of No Significant Impact**

The Proposed Action was analyzed in DOI-BLM-N05-2014-0057-EA and it was found to have no significant impacts, thus an EIS is not required.

### **Public Involvement**

This project will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

### **Rationale**

The proposal for renewing this Special Recreation Permit conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. Renewing this SRPs enhances the quality and quantity of recreational opportunities available to the public in the WRFO and provides services that otherwise would not be available.

### **Monitoring and Compliance**

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after authorized commercial operations. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance

related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

## **Administrative Remedies**

### Process for Appeals

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals, who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. §4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal. "Information on Taking Appeals to the Board of Land Appeals" is enclosed for your convenience.

\*\* Attach Form 1842-1 Information on Taking Appeals to the Interior Board of Lands Appeals to the letter.\*\*

## **Signature of Authorized Official**

  
\_\_\_\_\_  
Field Manager

  
\_\_\_\_\_  
Date