

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)

North Barnes Ridge Drift Fence, Fence line clearing DOI-BLM-CO-N05-2016-0051-DNA

Identifying Information

Project Title: North Barnes Ridge Drift Fence, Fence line clearing, RIP #018433

Legal Description: T3S R96W sec 15 NW and 16 NE

Applicant: Oldland Brothers Ranch, Jerry Oldland

Allotment Number: 02822

Permit Number: 0501409

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).

"Rangeland improvements would be identified in activity plans. Range improvements are necessary to control livestock use and improve rangeland condition." (page 2-25)

Background

In July 2015 the BLM reviewed and approved a wire drift fence proposed by the Oldland Brothers Ranch (DOI-BLM-CO-N05-2015-0022-EA). At that time, the proposal was to construct approximately 3,200 feet of three or four strand wire drift fence near the north end of Barnes Ridge to improve livestock control in this area. The wire fence would be more effective at

controlling livestock and easier to maintain than the existing (non-historic) brush fence. The drift fence would be built to BLM specifications and the wire spacing would be wildlife friendly. The drift fence would be located and constructed such that it does not affect the brush fence. Fence line clearing would be done by hand (chainsaw) and soil disturbance would be limited to the digging of post holes. During construction the fence line will be adjusted so no Douglas fir trees need to be cut for construction or future maintenance. Access to the site is on a non-constructed faint winding cross-country route (wide enough for a vehicle) through the dense pinyon/juniper dominated vegetation. There is no public access to this area.

Proposed Action

Oldland Brothers Ranch would like to construct the drift fence as previously analyzed with the exception of clearing the fence line by hand (chainsaws). They have requested to use a hydro-ax to clear the actual fence line. Use of a hydro-ax would make the initial clearing of the fence line easier and would provide a cleared area that would facilitate future fence maintenance. The hydro-ax would access the site via the non-constructed faint winding cross-country route. The fence would likely be constructed in early 2016 or late 2016.

Design Features:

1. Clearing of the non-constructed route in to the fence line would be limited to minimal branch removal to get the equipment through. The route would not be hydro-axed.
2. Future administrative use of the cleared area adjacent to the fence and the non-constructed route in to the fence would be limited to fence maintenance activities only (no hunting outfitting/guiding use).
3. Hydro-ax work would be done at a time and in a manner to minimize soil disturbance (ideally when soils are frozen).
4. Hydro-ax work would be done outside of the May 15 to July 15 timeframe to minimize impacts to migratory birds and woodland raptors.
5. If there is any spill of any chemical, oil, hydraulic fluid, or petroleum product during hydro-axing a ranch representative would contact the BLM WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) at 1(877)518-5608.

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: DIO-BLM-CO-N05-2015-0022-EA Slash EV, LOV, Oldland Brothers Range Improvement Projects

Date Approved: July 9, 2015

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?

Yes, the overall project is unchanged. The only change is that fence line clearing will be facilitated by the use of mechanized equipment (hydro-ax) verses by hand (chainsaw). A similar area will be cleared but the work will be accomplished more efficiently.

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?

The EA analyzed two alternatives: the Proposed Action and the No Action. In general, the Proposed Action considered implementation of the drift fence to improve livestock control and grazing management in the West Stewart Gulch allotment. The No Action Alternative would have denied the project and the drift fence would not have been constructed. This would have resulted in more work for the permittee to maintain the brush drift fence that only provides partial control of livestock in the area.

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?

Since the July 2015 analysis there is no new information or different circumstances that would affect the current analysis. The current analysis is adequate to address the use of a hydro-ax to clear this fence line with the proposed design features. There is no substantial environmental effect that has not already been analyzed.

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 fence line clearing would occur in the same location and to the same extent as previously analyzed. The only difference would be the physical means of removing the material. Woody vegetation along the proposed fence line route is not dense. Cleared woody material would be smaller (chips rather than branches) but on this scale and at this site there would be no significant difference between the two methods. There would be no change in the direct, indirect, or cumulative effects to any resource in the West Stewart Allotment.

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. There were no comments or inquiries from the public for the original proposal. The modified project

will be posted on the BLM's ePlanning online National Environmental Policy Act (NEPA) register.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 11/17/2015. 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.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	12/7/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	12/11/2015
Aaron Grimes	Outdoor Recreation Planner	Travel and Transportation Management	12/01/2015
Matt Dupire	Ecologist	Special Status Plant Species	12/10/2015
Mary Taylor	Rangeland Management Specialist	Project Lead	11/17/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	1/6/2015

Cultural Resources: Cultural resources were adequately addressed in the original EA (DOI-BLM-CO-N05-2015-0022). As a result, no National Register or otherwise eligible historic properties will be impacted by the Proposed Action.

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. Design features outlined in the Proposed Action would be expected to reduce/eliminate impacts to terrestrial wildlife species inhabiting the area.

Threatened and Endangered Plant Species: The North Barnes Ridge drift fence is mapped as potential habitat for the BLM sensitive species debris milkvetch. A survey for debris milkvetch was conducted on April 23, 2015 within 100 meters of the proposed fence line and no plants were found. Based on results of the survey, there are expected to be no direct or indirect impacts to debris milkvetch as a result of the Proposed Action.

Travel and Transportation Management: Because the Proposed Action is located in an area of BLM land that does not have public access, it is unlikely that implementing the project would result in the creation of a new public travel route or that it would provide any new access to public lands. Overall, the Proposed Action, as designed, should not result in the creation of any noticeable travel route because motorized travel to the fence line would be limited to

maintenance of the fence line only, which is expected to be infrequent once the project has been completed.

Tribes, Individuals, Organizations, or Agencies Consulted

Due to the absence of special status species or sites of cultural concern in the area of the proposed drift fence no consultation with the U.S. Fish and Wildlife Service or State Historic Preservation Office occurred for this project.

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.

Grant T. Walter

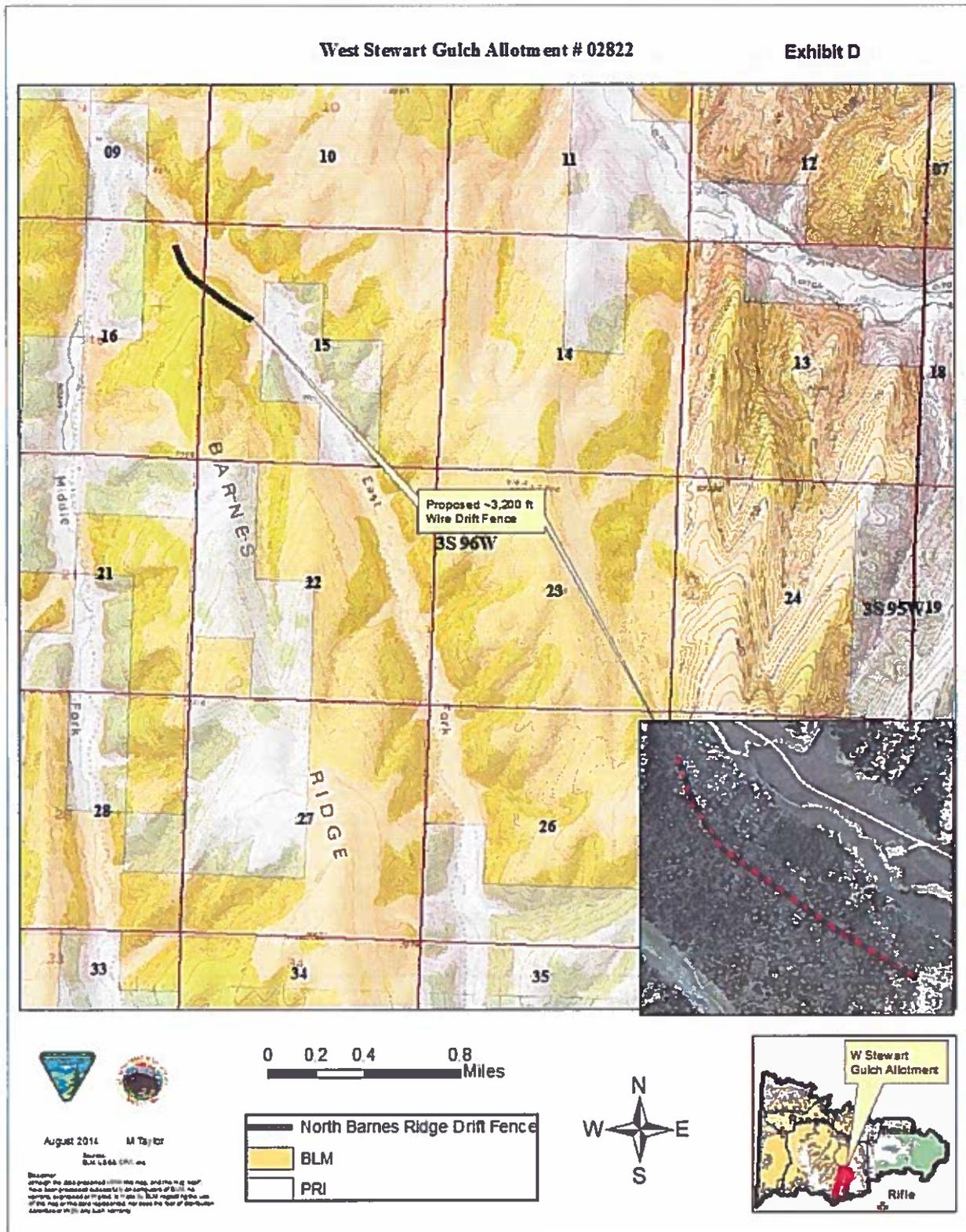
Field Manager

01/12/2016

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



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

White River Field Office
220 East Market Street
Meeker, CO 81641



Certified Mail No. 7014 0150 0000 5651 3963
Return Receipt Requested

In Reply Refer To:
4100 (LLCON05000)

January 12, 2016

c/o Jerry Oldland
Oldland Brothers Ranch
14667 RBC Rd 5
Rifle CO 81650

NOTICE OF PROPOSED DECISION

Dear Mr. Oldland:

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed your request to revise the fence line clearing on the North Barnes Ridge Drift Fence project on the West Stewart Gulch Allotment.

BACKGROUND

The North Barnes Ridge Drift Fence project was analyzed in July 2015 in NEPA document DOI-BLM-CO-N05-2015-0022-EA. Recently you requested to use a hydro-ax to clear the fence line rather than to clear the area by hand (chainsaw). With that change and associated design features the drift fence would be constructed as previously analyzed.

To comply with the National Environmental Policy Act, this office prepared a Determination of NEPA Adequacy (DNA) worksheet to evaluate the changes in your proposal (DOI-BLM-CO-N05-2016-0051-DNA). I determined that this proposal conforms to the land use plan and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-N05-2015-0022-EA and it was found to have no significant impacts, thus an EIS is not required.

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as described in DOI-BLM-CO-N05-2016-0051-DNA for authorization of use of a hydro-ax to clear the fence line area for the North Barnes Ridge Drift Fence, which was analyzed in DOI-BLM-CO-N05-2015-0022-EA.

Final Decision

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

Previous analysis of the Proposed Action has concluded that there are no significant negative impacts associated with this action. The proposed range improvement is in conformance with the White River ROD/RMP and is not expected to create any resource concerns. Implementing the drift fence should improve livestock control and management and should allow the area affected by this action to continue meeting the Colorado Public Land Health Standards.

MONITORING AND COMPLIANCE

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff throughout the term of this permit. Specific mitigation developed in this document will be followed. The livestock grazing permittee will be notified immediately of compliance related issues, and will be provided a specified timeframe to resolve such issues.

AUTHORITY

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4120.3.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative

law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Mary Taylor, Rangeland Management Specialist at 878-3807, or myself at 878-3800.

Sincerely,



Kent E. Walter
Field Manager

