

# Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior  
Bureau of Land Management  
San Luis Valley Field Office  
46525 Highway 114  
Saguache, CO 81212

OFFICE: San Luis Valley Field Office

PROJECT NUMBER: DOI-BLM-CO-F03-2015-0002-DN

CASEFILE:

<u>Authorization #</u>	<u>Permittee</u>
0503706	Flying X Cattle Co.
0503697	Hill Family Limited Partnership
0505020	Staudt, Kristi K.
0505044	John L. Werner
0505133	Innes Cattle Co.

PROPOSED ACTION TITLE/TYPE: Range – Term Grazing Permit Renewal for the following allotments:

McIntyre Gulch #24534	Rob Ranch #14554
Mesa #14555	Spring Creek Ind. #04576
Mitchell #04562	Stonehouse #24531
Nye #24518	

LOCATION/LEGAL DESCRIPTION: BLM lands in the New Mexico Principal Meridian, Saguache County, Colorado

McIntyre Gulch	T45N, R7E, Sec. 36. T45N, R8E, Secs. 20, 21, and 27-34. T46N, R8E, Secs. 3 and 4.
Mesa	T45N, R5E, Secs. 25 and 26. T45N, R6E, Sec. 31.
Mitchell	T44N, R6E, Sec. 1. T44N, R7E, Secs. 6 and 7.
Nye	T46N, R9E, Secs. 22, 23, 26 and 27.
Rob Ranch	T45N, R5E, Secs. 22 thru 26. T45N, R6E, Sec. 30.

Spring Creek Ind. T45N, R5E, Sec. 30 and 31.

Stonehouse T45N, R9E, Secs. 7, 8, 17, 18, 19, 20, 29 and 30.

**A. Description of the Proposed Action and any applicable mitigation measures**

The proposed action is to renew the authorizations (permit) to graze livestock on public lands for ten years. Grazing use on the allotments will remain as currently scheduled. There will not be changes in livestock numbers; authorized grazing dates and times, authorized levels of use; or terms and conditions.

As per CFR 4130.3-3 the authorized officer may modify the grazing schedule, terms and conditions of the permits at any time during the term when the active use or related management practices are not meeting the land use plan, allotment management plan, activity plan, or management objectives.

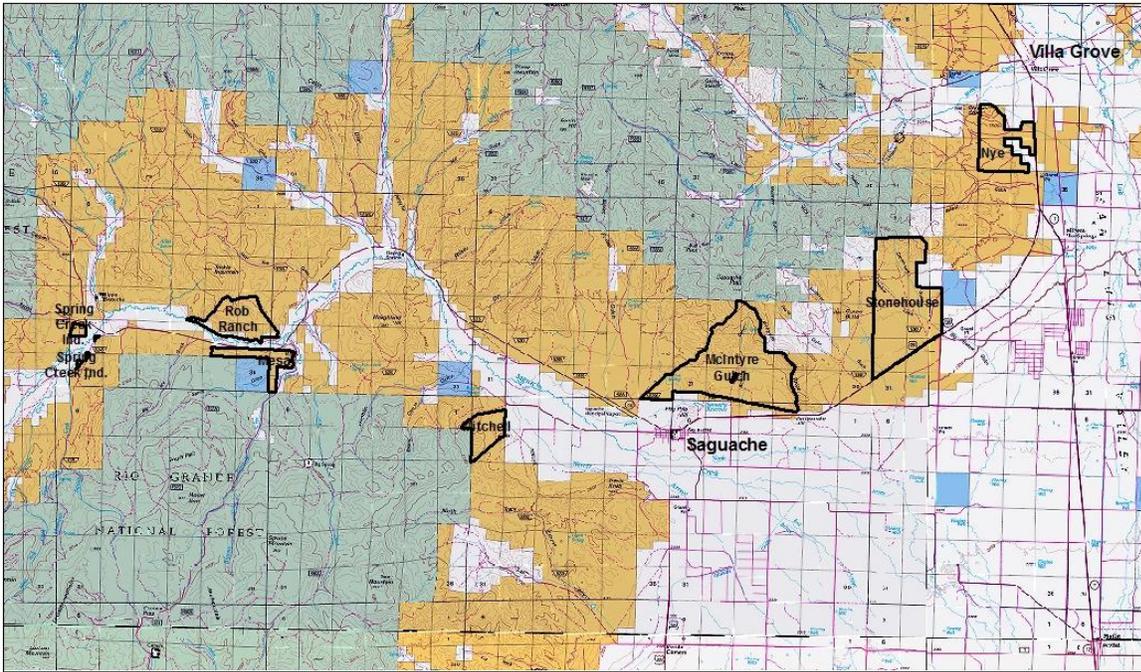
The allotments are currently scheduled as follows:

<u>Allotment</u>	<u>Number</u>	<u>Kind</u>	<u>Grazing Period</u>		<u>% Public Land</u>	<u>Type Use</u>	<u>AUMs</u>
			<u>Begin</u>	<u>End</u>			
McIntyre Gulch	100	Cattle	09/15	10/23	100	Improve	132
Mesa	6	Cattle	*06/16	09/30	100	Improve	21
Mitchell	51	Cattle	09/16	10/15	100	Improve	51
Nye	21	Cattle	*06/16	09/30	100	Improve	75
Rob Ranch	127	Cattle	11/16	12/31	59	Improve	113
Spring Creek Ind.	2	Cattle	**10/01	05/15	100	Custodial	15
Stonehouse	80	Cattle	*06/16	09/30	100	Improve	280

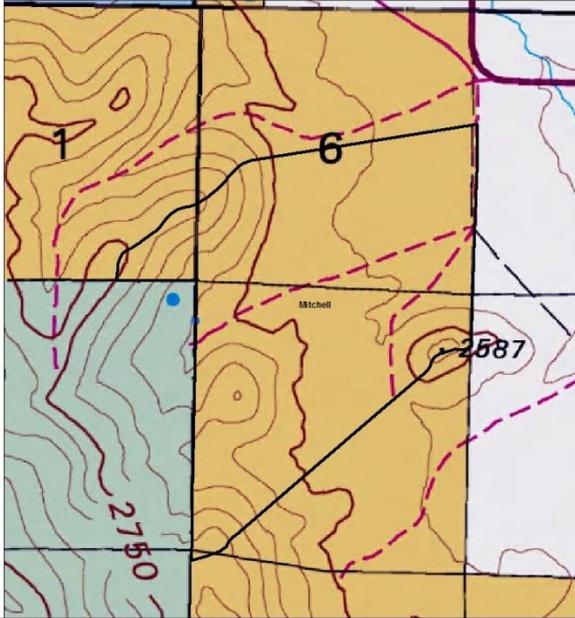
\*Grazing use is part of a multi pasture deferred rotation with adjacent allotments. As a result, use does not occur during the entire scheduled period.

\*\*Allotment is grazed in conjunction with the adjacent private lands.

The Terms & Conditions associated with each allotment are too lengthy to list in this document. They can be reviewed in the previous permit renewal EA's referenced in the list of associated NEPA documents.



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Bureau of Land Management</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black; margin-right: 5px;"></span> Private</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> State</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> US Forest Service</li> </ul>	<p><b>Term Grazing Permit Renewal</b></p> <p>DOI-BLM-CO-300-2015-0002-DN</p> <div style="text-align: center;"> <p>0 1.25 2.5 5 Miles</p> </div>	<div style="text-align: center;"> </div> <p><small>NOTE TO MAP USERS No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.</small></p>
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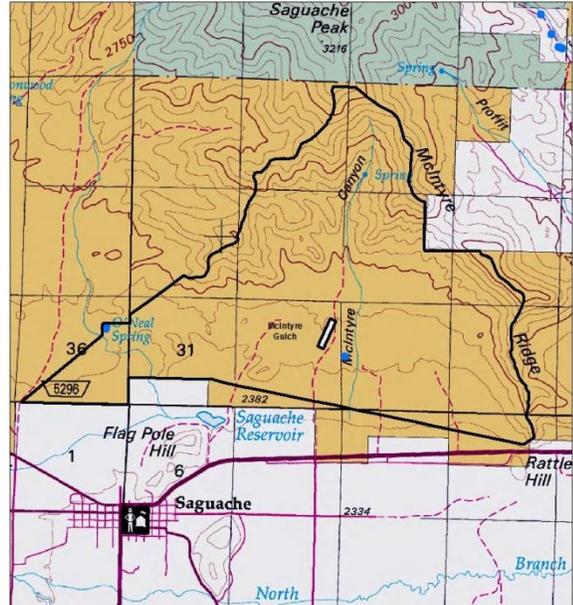
**Legend**

- Mitchell
- Existing Stock Water Tanks
- Bureau of Land Management
- Private
- State
- US Forest Service

**TPR Mitchell #04562**  
 DOI-BLM-CO-300-2015-0002-DN  
**T44N, R6E, Sec. 1;**  
**T44N, R7E, Sec. 6 & 7**

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0 0.075 0.15 0.3 0.45 0.6 Miles



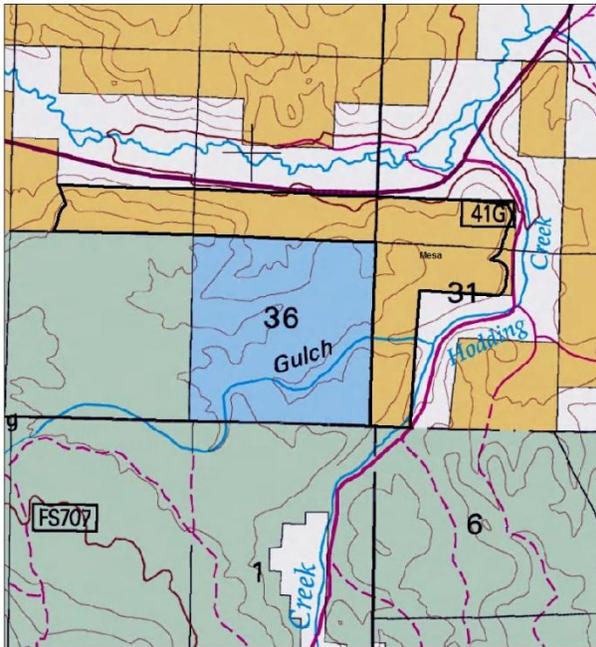
**Legend**

- McIntyre Gulch
- Existing Stock Water Tanks
- Bureau of Land Management
- Private
- State
- US Forest Service

**TPR McIntyre Gulch #24534**  
 DOI-BLM-CO-300-2015-0002-DN  
**T45N, R7E, Sec. 36,**  
**T45N, R8E, Sec. 20, 21, 27-34;**  
**T46N, R8E, Sec. 3, 4**

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0 0.175 0.35 0.7 1.05 1.4 Miles



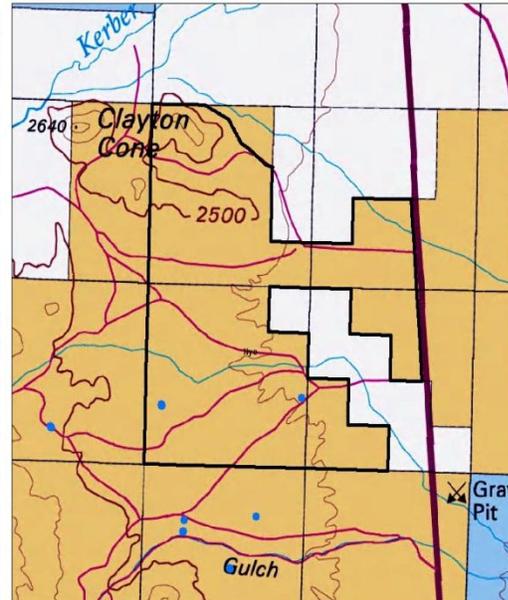
**Legend**

- Mesa
- Existing Stock Water Tanks
- Bureau of Land Management
- Private
- State
- US Forest Service

**TPR Mesa #14555**  
 DOI-BLM-CO-300-2015-0002-DN  
**T45N, R6E, Sec 25 and 26;**  
**T45N, R6E, Sec 31**

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0 0.1 0.2 0.4 0.6 0.8 Miles



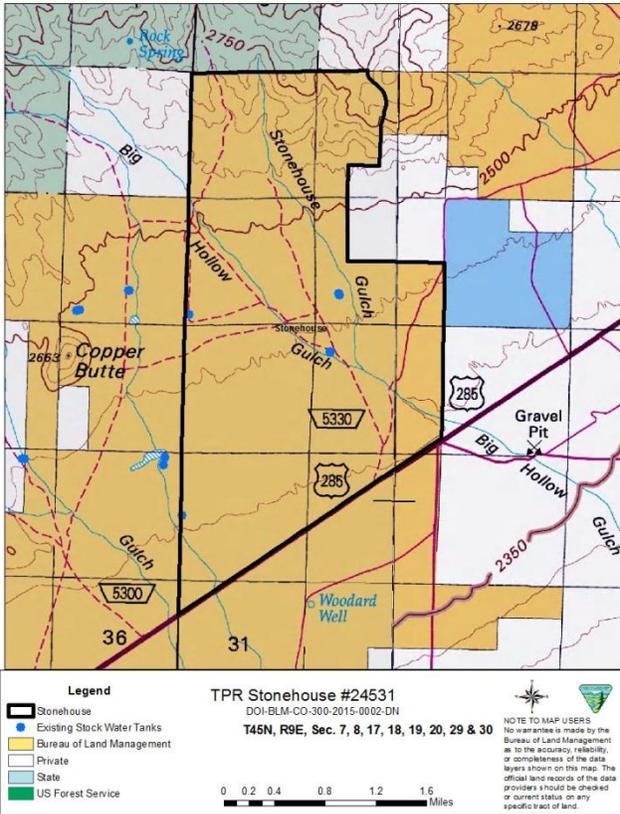
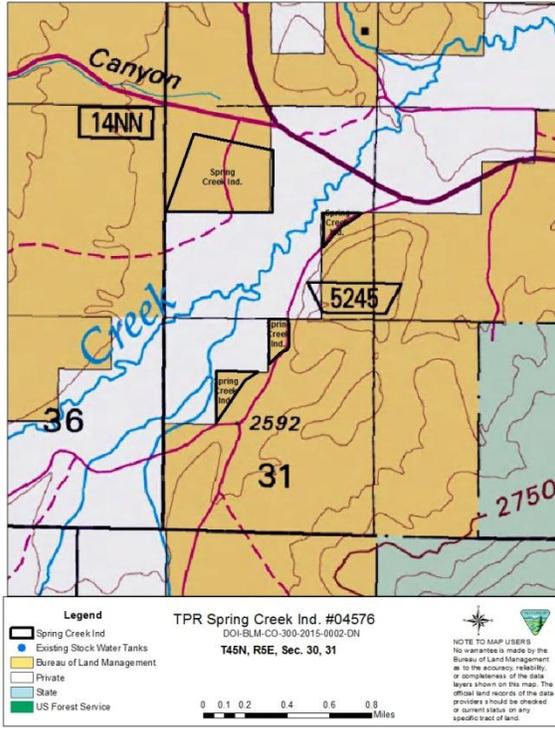
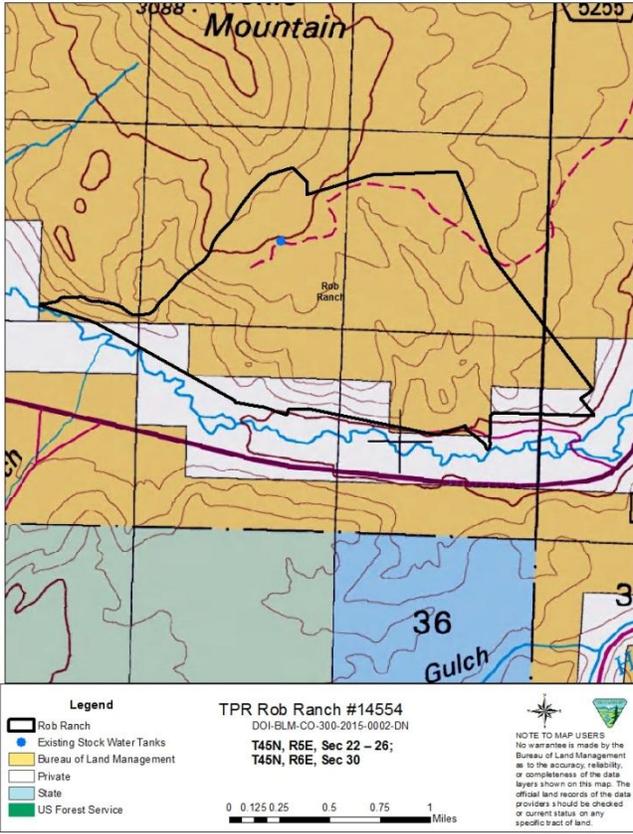
**Legend**

- Nye
- Existing Stock Water Tanks
- Bureau of Land Management
- Private
- State
- US Forest Service

**TPR Nye #24518**  
 DOI-BLM-CO-300-2015-0002-DN  
**T46N, R9E, Sec. 22, 23, 26 & 27**

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0 0.125 0.25 0.5 0.75 1 Miles



**B. Land Use Plan (LUP) Conformance**

LUP Name SLA Resource Management Plan	Date Approved 12/18/1991
Other Document	Date Approved
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

- 1-6: Continue the 50 fully implemented AMP's, if necessary to meet present and future objectives, and continue to review and implement the 36 allotment management plans not implemented.
- 1-7: Provide 40% of increased forage production to livestock grazing and 60%, if needed, to non-livestock uses and needs.
- 1-8: Monitor all grazing areas and take appropriate methods to accomplish enhanced riparian values, enhance effected habitat where special status plants & animals are present.
- 1-9: Allow livestock grazing year round based on planning objectives, where no conflict occurs with wildlife or mitigated. Early spring use (3/1 – 4/30) could be allowed for special management prescriptions.
- 1-6 (Land Use Allocation): Continue authorizing 32,400 AUMs annually for livestock grazing on existing grazing allotments.

**C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

- McIntyre Gulch                    DOI-BLM-CO-140-2012-0004 EA 2012  
   CO-500-2005-0008 EA 2005
- Mitchell                                CO-220-SFO-01-04 EA 2001
- Mesa                                        CO-056-99-30 EA 2000    CO-500-2005-0008 EA 2005
- Nye    CO-056-99-32 EA 2000
- Rob Ranch                                CO-056-99-30 EA 2000        CO-500-2005-0008 EA 2005
- Spring Creek Ind.                    CO-500-2005-0008 EA 2005
- Stonehouse                                CO-056-99-32 EA 2000

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- McIntyre Gulch                    Lower Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009
- Mitchell                                Lower Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009
- Mesa                                        Middle Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009
- Nye    Lower Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009
- Rob Ranch                                Middle Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009

Spring Creek Ind.

Middle Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009

Stonehouse

Lower Saguache Creek Ecosystem Analysis and Land Health Assessment 9/30/2009

#### **D. 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?**

Yes. The previous EA's analyzed grazing use and permit renewal for the same allotments. The Proposed Action is substantially the same action and at the same sites specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers, authorized grazing dates, times, authorized levels of use or terms and conditions.

**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?**

Yes. The RMP and EA's considered a range of alternatives. The RMP consisted of the existing management alternative, the natural resource enhancement alternative, the preferred alternative and the no action alternative. The existing EAs continue to be appropriate for permit renewal for current conditions. The EAs included a proposed action alternative, an alternative management alternative and a no grazing alternative that were analyzed in the document. No new environmental conditions or changes in resource values have arisen that would invalidate those alternatives analyzed.

**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?**

The information and circumstances surrounding the grazing permit in this renewal are unchanged from the previous analysis. No new evidence or circumstances have arisen that would change the 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?**

Yes. There are no negative direct or indirect impacts associated with the proposed action. The impacts analyzed in the permit renewal EA's remain unchanged.

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

Yes. Public scoping was conducted for the previous NEPA analysis. No new issues were brought forward as a result of this scoping.

**E. Persons/Agencies /BLM Staff Consulted**

<b>INTERDISCIPLINARY TEAM REVIEW</b>			
<b>NAME</b>	<b>TITLE</b>	<b>AREA OF RESPONSIBILITY</b>	<b>Initials/date</b>
Joel Humphries	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds, Fisheries	JTH, 2/9/2015
Jeff Williams	Range Management Spec.	Range, Vegetation	JW, 12/16/14
Eduardo Duran	NRS	Riparian, T&E species, Farmland	END, 1/20/15
Rebecca Morris	Physical Scientist	Minerals, Paleontology, Waste Hazardous or Solid	RM 1/5/15
Negussie Tedela	Hydrologist	Hydrology, Water Quality/Rights, Soils, Air Quality	NHT 01/27/2015
Sean Noonan	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	STN, 12/8/14
Eduardo Duran	Invasive Plants Coordinator	Invasive Plants	END, 2/4/15
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 12/17/14
Brian Fredericks	Archaeologist	Cultural, Native American	BAF, 2/4/15
Leon Montoya	Realty Specialist	Realty	LAM 12/10/14

Other Agency Represented:

**REMARKS:**

Cultural Resources: In accordance with Instruction Memorandum No. CO-2002-029, four steps must be taken to complete cultural work for TPRs. These basic steps are: (1) Native American consultation, (2) literature search, (3) survey, and (4) mitigation. After review of previous Environment Assessments (CO-056-99-30EA, CO-056-99-32EA, CO-220-SFO-01-04EA, CO-500-05-008EA) it was determined that Native American consultation was adequately addressed. If during the life the ten year grazing renewal, cultural resources of interest to the tribes or individual tribes, an effort to consult will be conducted. A class I literature review was conducted in an effort to identify cultural resource that could be affected by the proposed action. After careful consideration it was determined that no new impacts will result to previously recorded cultural resources during the ten year term of the action. Additional survey will be conducted and documented on (1) areas around permanent water, such as water tanks, lakes, and ponds (i.e., springs, rivers, streams, and artificial holding-facilities), (2) sheltered areas located in rockshelters and along rock faces with rock art, and (3) known permanent salt/mineral block locations. If cultural resources are located during survey, strategies will be discussed with management to mitigate affects to the historic properties.

Native American Religious Concerns: Native American concerns are addressed in previous Environmental Assessments; CO-056-99-30EA, CO-056-99-32EA, CO-220-SFO-01-04EA, CO-500-05-008EA.

Threatened and Endangered Species: This DNA was prepared in accordance with the Endangered Species Act of 1973, as amended. Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS), in accordance with the Endangered Species Act, was not required.

MITIGATION: None.

## CONCLUSION

### DOI-BLM-CO-F03-2015-0002-DN

Based on the review documented above, I conclude that this proposal conforms to the 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.

SIGNATURE OF PROJECT LEAD: Jeff Williams

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Andrew Archuleta  
Field Manager

DATE: 2/19/2015

**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.