

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY**

NUMBER: CO-120-07-10-DNA

PROJECT NAME: North Park Habitat Improvement Project: Evans and Meyring sage treatments

LEGAL DESCRIPTION: Evans sage treatment: T7N R79W Sec 31, 32, 33  
Meyring sage treatment: T6NR 80W Sec 20

APPLICANT: BLM

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is to treat 180-200 acres of mature, even-aged stands of sagebrush within grazing allotment # 07150, and 80-100 acres within allotment # 07112. The treatments would be accomplished by using a heavy tired brush beater to mow down sagebrush 6-8 inches above the ground, resulting in removal of the dense overstory of older, more decadent sagebrush plants. The treatment would be applied in patches of about 5-10 acres and separated by patches of untreated stands of sagebrush (see Attachment #1 for proposed treatment areas).

The purpose of the project would be to remove the dense overstory to increase the productivity of young sagebrush, and allow grasses and forbs to increase, improving early brood habitat for sage-grouse. The treatment would also improve forage for mule deer, pronghorn, and Rocky Mountain elk, and improve nesting cover for sagebrush dependent songbirds and small mammals, all of which inhabit the area during various seasons of the year. In addition, livestock forage would increase due to the expected increase in grass production in the treated areas.

The proposed treatment would occur in the fall of 2007, after sagebrush plants have become brittle and dry. The treated areas would be rested from livestock grazing for two successive growing seasons using either electric fence or livestock exclusion within the allotment. The treatment would only occur during dry soil conditions to prevent rutting/soil compaction due to wet soils.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The Proposed Action is subject to the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

The Proposed Action is in conformance with the LUP because it is specifically provided for in the Kremmling RMP/ROD as follows:

-Under *Livestock Grazing and Management (II B-4 level 2 # 6)*, the ROD calls for investing in cost effective range improvements...to implement grazing systems and meet specific objectives of AMPs. The Proposed Action is located in a livestock management priority area and the planned action is compatible with this priority.

-In addition, the Proposed Action is addressed in the ROD in "*Wildlife Habitat Management, Including Threatened and Endangered Species*" (II-5.), which states, "Manage public land habitat to support optimum wildlife population levels as determined by the Colorado Division of Wildlife's Strategic Plan."

#### REVIEW OF EXISTING NEPA DOCUMENTS:

The following NEPA documents cover the Proposed Action:

- EA Document (CO-018-97-14) describes control of sagebrush through the use of brush beating, 2, 4-D and Tebuthiurion (Spike 20P) on thirteen different areas within Jackson County, Colorado. This EA specifically stated that in the future, additional sagebrush treatments might be added and that such treatments would be subjected to the appropriate level of environmental review and tiered to this document.
- Vegetative Treatment on BLM Lands in 13 Western States EIS and Accompanying ROD and the Colorado ROD (July 23, 1991).

#### NEPA ADEQUACY CRITERIA:

1. Is the Proposed Action substantially the same action and at the site specifically analyzed in an existing document?

Yes. Vegetative species composition and condition as well as climatic conditions and topography of the site are similar to sites addressed in the above EA (CO-018-97-14). Wildlife and livestock grazing objectives for the Proposed Action as well as the objectives in the above NEPA documents are also identical. The Proposed Action has been completed in adjacent areas with similar physical attributes as the Proposed Action.

2. Was a reasonable range of alternatives to the Proposed Action analyzed in the existing NEPA document(s), and does that range and analysis appropriately consider current environmental concerns, interests, and resource values?

Yes. Other sagebrush treatments were analyzed, including brush beating and the No Action Alternative.

3. Does the information or circumstances upon which the existing NEPA document(s) are based remain valid and germane to the Proposed Action? Is the analysis still valid in light of new studies or resource assessment information?

Yes. There has been no major change in circumstances or new information related to the Proposed Action. The biological needs of big game animals, Greater sage-grouse, and domestic livestock were used in the design of the proposed project and the previously prepared environmental documents as well.

4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the Proposed Action?

Yes. The methodology /analytical approach previously used are appropriate for the Proposed Action.

5. Are the direct and indirect impacts of the Proposed Action unchanged from those identified in the existing NEPA documents?

Yes. The direct and indirect impacts of the Proposed Action are not different than those identified in the existing NEPA documents.

6. Are the cumulative impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document(s)?

Yes. The Proposed Action would not change the previous analysis of cumulative impacts. Changes would be similar to those discussed in earlier NEPA documents. A small area is proposed for treatment and because of the large areas currently occupied by sagebrush, cumulative impacts would not change.

7. Is the public involvement and interagency review associated with the existing NEPA document(s) adequate for the Proposed Action?

Yes. Public involvement in the previous environmental analysis provided more than adequate coverage for the Proposed Action. The proposed project has been discussed with and supported by the Colorado Division of Wildlife, Owl Mountain Partnership and the affected livestock grazing permittees. It has also been listed on the KFO NEPA Register.

INTERDISCIPLINARY REVIEW: Identify those team members conducting or participating in the NEPA analysis and preparation of this work sheet (by name and title).

Name	Title	Area of Responsibility	Date Review Completed
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian Resources	2/12/07
Frank Rupp	Archeologist	Cultural and Native American Religious Concerns	Cultural: 3/12/07 & 7/23/07  Native American Religious Concerns: 4/15/2007
Megan McGuire	Wildlife Biologist	T&E	1/29/07
Joe Stout	P&EC	NEPA Compliance	8/15/07
Peter Torma	Rangeland Management Specialist	Range	1/29/07
Renee Straub	Natural Res. Spec.	Visual Resources	4/19/07

\* See the EA for a complete list of the team members participating in the preparation of the original NEPA document.

REMARKS:

Cultural Resources: Within the Evans treatment area, one cultural site was discovered during the cultural inventory, (5JA1741) but was outside the Area of Potential Effect, and would be avoided during project implementation. There would be no effect to cultural resources as a result of implementing this project proposal. Within the Meyring treatment area, one Isolated Find (JA1809) was discovered during the cultural inventory. The site is by definition, “not eligible” to the National Register of Historic Places. There would be no effect to cultural resources as a result of implementing this project proposal.

MITIGATION: The project would be implemented and administered by the Kremmling Field Office, and the North Park Rangeland Management Specialist would ensure compliance with the Proposed Action.

Standard Cultural Stipulations:

- 1) BLM and/or the contractor are responsible for informing all his employees, contractors, subcontractors, or the employees of any of them that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
  
- 2) BLM and/or the contractor shall immediately bring to the attention of BLM authorized officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of

operations under this contract. The BLM and/or the contractor shall **immediately** suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Contracting Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Contracting Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, BLM and/or the contractor shall bear the cost of the services of a non-Federal professional.

-Within five working days the Contracting Officer will inform the BLM and/or the contractor as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the BLM and/or the contractor will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Contracting Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Contracting Officer are correct and that mitigation is appropriate.

-If BLM and/or the contractor wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Contracting Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the BLM and/or the contractor will be responsible for mitigation costs. The Contracting Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Contracting Officer that the required mitigation has been completed, the BLM and/or the contractor will then be allowed to resume operations at that site.

-Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the Contract Area but directly associated with the impacted resource will be included in this evaluation and/or mitigation.

-Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the Contract Area will also be protected. Impacts that occur to such resources will be mitigated at the BLM and/or the contractor cost.

3. Pursuant to 43 CFR 10.4(g), BLM and/or the contractor will notify the BLM authorized officer by telephone, with 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 BLM and/or the contractor must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

NAME OF PREPARER: Peter Torma

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 8/15/07

ATTACHMENTS:

- 1). Project map

# CONCLUSION

CO-120-2007-10-DNA

Based on the review documented above, I conclude that this proposal conforms to the land use plan 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: /s/ David Stout

DATE SIGNED: 8/23/07

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.