



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652  
[www.co.blm.gov](http://www.co.blm.gov)



## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

**NUMBER:** DOI-BLM-CO-N040-2012-0042-DNA

**CASEFILE/PROJECT NUMBER (optional):** N/A

**PROJECT NAME:** Winter Ridge Greater Sage-Grouse Habitat Improvement – Pinyon-Juniper Removal – 2012 Addition

**PLANNING AREA:** The Winter Ridge Pinyon-Juniper Removal treatment is located 2-3 miles east of the Burns, Colorado in Eagle County (see map in appendix).

**LEGAL DESCRIPTION:** Portions of Township 2 South (T2S), Range 85 West (R85W) Sections 23, 24 and 25; and T2S, R84W, Sections 19 and 30: 6th P.M. (see project area maps below).

**APPLICANT:** Jointly funded project between Colorado Parks and Wildlife (CPW) and the Bureau of Land Management

**ISSUES AND CONCERNS (optional):** Approximately 415 acres of pinyon-juniper (PJ) woodlands to the northeast were successfully mechanically removed in December of 2011. The eastern half of this area was proposed for hand-cutting however it has been determined to be more economical and faster to mechanically remove the encroaching trees.

**DESCRIPTION OF PROPOSED ACTION:** This habitat project is designed to restore sagebrush shrublands that have been invaded by PJ woodlands and improve the quality of sagebrush habitat for sagebrush dependent species – specifically the greater sage-grouse (*Centrocercus urophasianus*). The project would maintain and enhance the available greater sage-grouse habitat on BLM lands which are considered as both critical to conserving the population and necessary to maintain range-wide connectivity and genetic diversity.

**BACKGROUND:** The greater sage-grouse, a species restricted to sagebrush rangelands in western North America, is declining across much of its range (NESRGSGWG 2004). The reasons for the decline have been tied to reduced habitat quality and quantity throughout its range. The reasons for habitat degradation vary by location but include: reductions in wildfires, urban expansion, agricultural conversion, herbicide treatments, rangeland pinyon-juniper expansion, and livestock grazing management.

Conservation Status. The U.S. Fish and Wildlife Service (USFWS) announced on March 5, 2010 that the greater sage-grouse would be added to the Endangered Species Act “Candidate” list. The USFWS determined that proposing the species for protection is precluded by the need to take action on other species facing more immediate and severe extinction threats. As a result, the greater sage-grouse was placed on the list of species that are candidates for Endangered Species Act Protection.

Northern Eagle/Southern Routt Conservation Plan. The Northern Eagle/Southern Routt greater sage-grouse population is one of the smaller populations in Colorado (<500 birds). Long-term population estimates for this population show a general decline. In 1995, the CDOW signed a Memorandum of Understanding (MOU) with the USFWS to develop local conservation plans for species not yet listed under the Endangered Species Act. A local work group made up of stakeholders in Northern Eagle and Southern Routt was convened in September 1998. The subsequent Northern Eagle/Southern Routt Conservation Plan identified the following list of issues to be addressed by conservation actions.

- Power Lines/Utilities
- Habitat Change (pinyon-juniper woodland encroachment)
- Disease
- Pesticides
- Land Use Changes and Residential Development
- Reservoir Development and Other Water-Related Issues
- Recreation
- Predation
- Grazing (both wildlife and domestic)
- Hunting (NESRGSGWG 2004).

Past Habitat Treatments. The BLM, with the assistance of CPW, has been performing similar habitat treatments over the last 6 years to the east in the Winter Ridge, Pisgah Mountain and Windy Point areas.

**DESCRIPTION OF PROPOSED ACTION:** The project involves hydro-axing approximately 400 acres PJ woodlands. The hydro-ax treatment is designed to target only PJ trees, leaving shrubs, grasses and forbs relatively undisturbed, thus protecting the soil from erosion and maintaining the herbaceous vegetation needed for sage-grouse habitat.

**DESCRIPTION OF HYDRO-AX WORK.** The habitat treatment proposes the mechanical removal of PJ woodlands totaling approximately 400 acres. A contractor will grind/mulch PJ trees with contractor furnished rubber-tired equipment (e.g., Hydro-Ax, Fecon Bull Hog or similar equipment). Larger, more inaccessible trees within the rocky drainages may be left uncut as determined on-site with BLM/CDOW’s project representatives.

Project specifications:

- The contractor will drive the rubber-tired equipment (e.g. Hydro-axe, fail, etc.) off-route within areas identified for treatment, removing all parts of the tree to a stubble height of no more than 6 inches.

- Vegetation shall be reduced to a mulch material with a minimum of 80% of the woody material less than 1" in diameter and 6" long. The mulch shall be scattered evenly across the soil surface and not remain in piles greater than 8" deep.
- The contractor will be responsible for power-washing or comparable cleaning, to ensure that noxious weed seeds are removed from any and all equipment and vehicles used on the project prior to entering the project area. BLM will require a pre-work inspection to ensure compliance.
- The contractor will post signs (1/8-1/4 mile either side of work area) on public access roads and trails warning visitors of dangerous heavy equipment use in the area. These signs will be checked daily to ensure they are in place. The signage will be coordinated with and pre-approved by the BLM/CDOW Project Inspector (PI).
- The BLM/CDOW project inspector must be informed of any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts. The objects shall not be damaged, destroyed, removed, moved, or disturbed. Any person who knowingly violates this may be subject to fines and/or imprisonment (Public Law 16-95; 16 U.S.C. 470).
- Any routes that may be created during the project will be covered with woody material to prevent continued use after project completion.
- Wheeled motorized equipment shall not be operated when conditions are muddy or the soil moisture is high enough for the vehicles to leave ruts over 4.0 inches in depth.

The expected timeframes to complete the project is between November 1 and December 30, 2012. No work would be performed during second or third Colorado big game rifle hunting seasons. It is estimated that the project will take 120-140 hours to complete.

#### **ADDITIONAL MITIGATION MEASURES:**

**LAND USE PLAN (LUP) CONFORMANCE REVIEW:** The proposed action is subject to the following plan:

Name of Plan: Glenwood Springs Resource Management Plan

Date Approved: Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in September 2009.

✓ The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20). Administrative actions

states, “Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan”. The livestock grazing management objective as amended states, “To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards.”

\_\_\_\_\_ The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

### **REVIEW OF EXISTING NEPA DOCUMENTS:**

List by name and date all existing National Environmental Policy Act (NEPA) documents that cover the proposed action.

Name of Document(s): CO-140-2011-0081 EA, Winter Ridge Greater Sage-Grouse Habitat Improvement – Pinyon-Juniper Removal.

Date Approved: 11-1-11.

Name of Document: Deer Pen Vegetation Treatment, CO-140-2002-0062EA

Date Approved: 8/26/03

Name of Document: Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance, CO-140-2001-0051EA

Date Approved: September 2002

### **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?

Documentation of answer and explanation: Yes. The current Proposed Action was analyzed in the above mentioned Environmental Assessment. The proposed action is the same action analyzed in the existing document.

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?

Documentation of answer and explanation: Yes. The existing NEPA document analyzed the proposed action. No unresolved conflicts concerning alternative uses of available resources were identified through public scoping; therefore, other alternatives were not

analyzed. The same applies to the current proposed action given current concerns, interests, and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and 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?

Documentation of answer and explanation: Yes. In 2003, a formal land health assessment determined that the allotment was meeting all applicable land health standards. A Trend Photo was taken in 2008 showing a general overview of the allotment. New information does not substantially change the analysis of the new proposed action.

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?

Documentation of answer and explanation: Yes. The current Proposed Action is the same as what was analyzed in the existing NEPA document. The direct, indirect and cumulative impacts would be the same as those identified in the existing NEPA document. The environmental assessment thoroughly reviewed the many specific environmental impacts including vegetation, water resources, air quality, wildlife, cultural, threatened and endangered species, wilderness, and riparian resources.

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

Documentation of answer and explanation: Yes. For the existing NEPA document, notices of public scoping were issued through Colorado BLM's internet web page seeking public comments on grazing permit/lease renewals. No comments specific to the new proposed action were received.

**INTERDISCIPLINARY REVIEW:**

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Isaac Pittman	Rangeland Management Specialist	NEPA Lead, Range Management
Carla DeYoung	Ecologist	ACEC, Vegetation, T/E/S Plants, Land Heath Stds
Pauline Adams	Hydrologist	Air Quality, Water Quality, Soils, Riparian and Wetlands
Greg Wolfgang	Outdoor Recreation Planner	VRM, Recreation, Travel Management
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Erin Leifeld	Archaeologist	Cultural Resources and Native American Concerns
Brian Hopkins	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife, Aquatic Wildlife, T/E/S Terrestrial & Aquatic Wildlife

Monte Senor	Rangeland Management Specialist	Invasive, Non-native Species
Everett Bartz	Rangeland Management Specialist	Riparian

## Cultural Resources

**Affected Environment:** A records search of the general project area, and a Class III inventory totaling 292 acres of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by a Colorado BLM permitted cultural resource contracting firm (CRVFO CRIR# 15412-01). A total of nine isolated finds (5EA2960-5EA2965 and 5EA2967-5EA2969) and one site (5EA2966) were documented during this inventory, all of which are not eligible for the National Register of Historic Places (NRHP). In addition, a small area within the proposed project had been previously inventoried (CRVFO CRIR# 15411-01) totaling 119 acres and no cultural resources were identified within this area. Therefore, a BLM decision of **No Historic Properties Affected** based upon the National Historic Preservation Act (16U.S.C 470f), the National SHPO/BLM Programmatic Agreement (1997), and the Colorado Protocol (1998) was made for the proposed action. If the treatment or the areas affected is changed, additional cultural resource survey may be necessary.

**Proposed Action:** No adverse effects to historic properties will occur if mitigation is followed. Indirect long-term cumulative impacts from increased access, greater ground visibility, and the potential for increased erosion, may increase the potential for buried cultural manifestations being exposed and could lead to a range of impacts from illegal collection to vandalism. If the treatment or the areas affected is changed, additional cultural resource survey may be necessary.

### Mitigation:

1. All hydro-axing must be at least 6 inches above the current ground surface.
2. Equipment is operated in dry or frozen soil with rubber tires to minimize surface disturbance.
3. **Cultural Resource Stipulation:** If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

**Native American Human Remains Stipulation:** Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer

has issued a written notice to proceed, whichever occurs first. Additional areas or changes in the methodology to achieve the proposed effect may require additional archaeological inspection by a qualified archaeologist. These changes include but are not limited to roller chopper, aerator treatment, or other ground disturbing equipment.

### **Native American Religious Concerns**

**Affected Environment:** American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation.

**Proposed Action:** Although cultural resources were documented during project inventory, no cultural resources were located that suggest the project area holds special significance to Native Americans for traditional or religious purposes. The project would not alter or limit any access if there were traditional uses that are not known to the agency. Accordingly, Native American Indian consultation was conducted on October 8, 2012 for the proposed undertaking with the Ute Indian Tribe of the Uintah and Ouray Reservation, Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe. No comments or concerns were received regarding the proposed action. If the treatment or the areas affected is changed, additional cultural resource survey may be necessary and additional tribal consultation may need to be conducted.

**Mitigation:** Same as Cultural Resources.

### **REFERENCE:**

Northern Eagle/Southern Routt Greater Sage-Grouse Work Group (NESRGSGWG). 2004. Northern Eagle/Southern Routt Greater Sage-Grouse Conservation Plan. Colorado Division of Wildlife. Denver, Colorado.

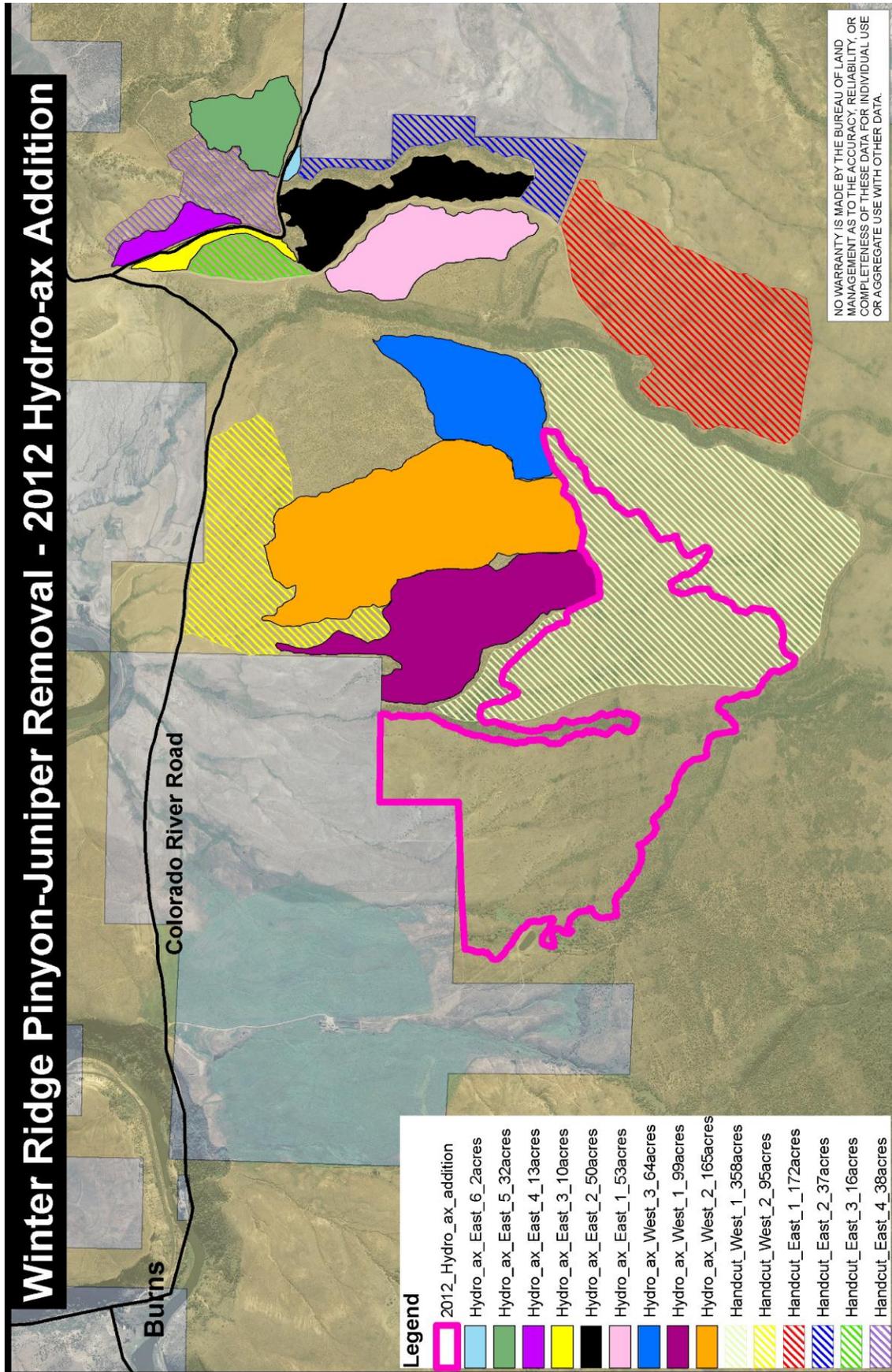
### **MITIGATION:**

The “Other Terms and Conditions” identified in the new proposed action are substantially the same mitigation measures that were approved in the existing NEPA document.

**NAME OF PREPARER:** Brian Hopkins

**DATE:** 11/15/2012

**Appendix – Project Map**



## CONCLUSION

DOI-BLM-CO-N040-2012-0042-DNA

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 RESPONSIBLE OFFICIAL:

  
Associate Field Manager

DATE SIGNED: 11-15-2012

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.