



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
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## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

**NUMBER:** DOI-BLM-CO-N040-2012-0063-DNA

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

**PROJECT NAME:** Deer Pen Vegetation Treatment

**PLANNING AREA:** Deer Pen Vegetation treatment is located 2-3 miles Southwest of the Burns, Colorado in Eagle County (see map in appendix).

**LEGAL DESCRIPTION** T.2S, R.85W, Sections 27, 28,23

**APPLICANT:** BLM Colorado River Valley Field Office

**ISSUES AND CONCERNS** (optional): This DNA is to evaluate the original EA to ensure that it meets with new sage grouse guidance found in BLM-IM-WO-043-2012. 139 acres of pinyon-juniper (PJ) and sagebrush land are identified for prescribed fire. Within this 139 acre unit, 89 acres have recently been mapped as sage grouse priority habitat by Colorado Parks and Wildlife(CPW). Beginning in 2002 there have been subsequent treatments within the Deer Pen project area to reduce encroachment of pinyon-juniper in to improve sagebrush grouse habitat quality and reduce hazardous fuels that can lead to catastrophic wildfire.

**DESCRIPTION OF PROPOSED ACTION:** This habitat project is designed to restore sagebrush shrub lands that have been invaded by PJ woodlands and improve the quality of sagebrush habitat for sagebrush dependent species – specifically the greater sage-grouse. The project involves using prescribe fire to treat the PJ woodlands. The Prescribed fire is designed to reduce PJ encroachment on sage brush as well as create a variety of seral stages of sage brush enhancing vegetation needed for sage-grouse.

**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 (NESRGSWG 2004).

Past Habitat Treatments. The BLM, has been performing similar habitat treatments over the last 10 years in the Deer Pen area, covered under EA CO-140-2002-0062.

2004-757 acres treated on the east end of project area in a mosaic 30-50% actual burned

2005-668 acres treated on east end end of project area in a mosaic 20-40% actual burned

2008-332 acres treated on west side of project area in a mosaic 60-80% actual burned (this Unit is adjacent to 139 acre unit cover in this DNA)

2011-562 acres treated on southwest end of project area in a mosaic of 40-60% actual burned

**DESCRIPTION OF WORK.** The habitat treatment proposes to apply prescribe fire to PJ woodlands totaling approximately 139 acres. Fire will be directly targeted at reducing pinyon-juniper and other mixed mountain shrub but not target sage brush. If sage brush becomes ignited it will not be suppressed but be allowed to burn in a mosaic pattern. If the prescribed fire is consuming large patches of sage brush the ignitions will be ceased and delayed until a later date when burning conditions moderate. Larger, more inaccessible trees within the rocky drainages may not have fire applied to them as these are areas that would have had only infrequently experienced fire historically.

The expected timeframes to complete the project are either: In the spring or fall of the year when conditions are conducive to perform a prescribed fire. It is estimated that the project will take 2-3

operational periods to complete with several days of patrol to follow depending on forecasted weather conditions.

**ADDITIONAL MITIGATION MEASURES:**

Mitigation for Cultural Resources:

- All persons in the area who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh).
- Inadvertent Discovery: The National Historic Preservation Act (NHPA) [16 USC 470s., 36 CFR 800.13], as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer (AO) must be notified immediately. Within five working days the AO will determine the actions that will likely have to be completed before the site can be used (assuming in place preservation is not necessary).
- The Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001 et seq., 43 CFR 10.4] requires that if inadvertent discovery of Native American Human Remains or Objects of Cultural Patrimony occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).

**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: January 1984 and revised 1988.

Amendments: Amended November 1991 for Oil and Gas Leasing and Development. Amended November 1996 to include Colorado Standards and Guidelines. Amended August 1997 for the Castle Peak Travel Management Plan. Amended March 1999 for Oil and Gas Leasing & Development. Amended September 2002 for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

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

Page or Decision Number: The entire Amendment for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance is applicable. The following portions of the fire plan are specifically related to the proposed action:

Part 6 (GSFO Resource Area-wide Management Goals) on page 12. The major goals in this part are:

- a. Reduce hazardous fuel loading and the risks of wildfire escaping public lands to an acceptable level.
- b. Increase the quality of public land forage/cover for elk to lessen impacts on private lands.
- c. To support the conservation of the Eagle/southern Routt population of Greater sage grouse.
- d. Increase the quantity and quality of sagebrush shrublands for sagebrush-dependent species.

Part 13 (Prescribed Fire) on pages 28-30.

Part 14(Non-Fire Vegetation Treatments) on pages 31-32.

Part 15 (Vegetation Treatment Guidelines) on pages 33-36.

Part 16 (Fire Management Zones) on page 57 (C-140-03 Upper Colorado). The general guidance for prescribed vegetation treatments in this section are:

- a. Reduce hazardous fuel loading and the risks of wildland fire escaping public lands.
- b. To maintain or create diverse seral stages and improve herbaceous understory in mixed mountain shrublands/oakbrush vegetation types
- c. To maintain a diversity of vegetation types and vegetation cover.
- d. Maintain or restore shrublands by reducing the encroachment of pinyon-juniper woodlands on shrub and sagebrush communities.
- e. To reduce fuels around significant cultural sites.

\_\_\_\_\_ 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): 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 and is in concurrence with the new sage grouse guidance through confirmation through the local Colorado Parks and Wildlife Conservation Biologist.

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 or have arose from the past 10 years activities; therefore, other alternatives were not analyzed for this DNA. 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. New information does not substantially change the analysis of the proposed action. The proposed action is in concurrence with the BLM IM-WO-043-2012 Greater Sage Grouse Interim Management and procedures.

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. No comments specific to the new proposed action were received.

**INTERDISCIPLINARY REVIEW:**

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Rusty Stark	Fire Management Specialist	Fire/Fuels Preparer-lead
Everett Barts	Rangeland Management Specialist	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

**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.

Greater Sage-Grouse Interim Management Policies and Procedures BLM-IM-WO-043-2012  
Date Approved: 12/22/2011

**MITIGATION:**

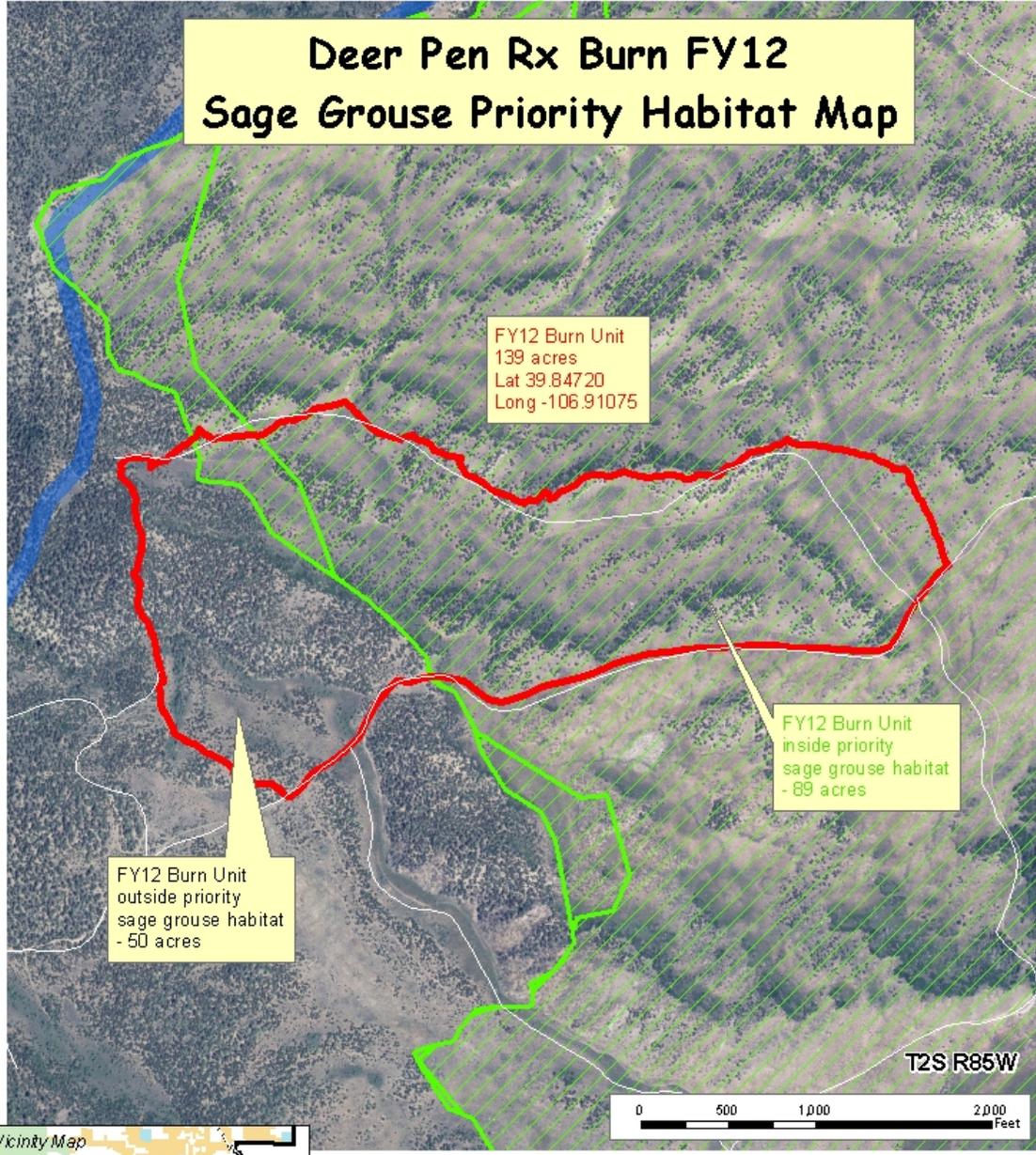
The "Other Terms and Conditions" identified in the proposed action are the same mitigation measures that were approved in the existing NEPA document.

**NAME OF PREPARER:** Rusty Stark

**DATE:** 4/20/12

**Appendix – Project Map**

# Deer Pen Rx Burn FY12 Sage Grouse Priority Habitat Map

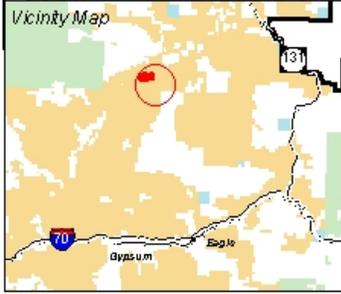


FY12 Burn Unit  
139 acres  
Lat 39.84720  
Long -106.91075

FY12 Burn Unit  
inside priority  
sage grouse habitat  
- 89 acres

FY12 Burn Unit  
outside priority  
sage grouse habitat  
- 50 acres

T2S R85W



### Legend

- FY12 Burn Unit Boundary - 139 acres
- Burn Unit 12 within Sage Grouse Priority Habitat Area - 89 acres
- Burn Unit 12 outside Sage Grouse Priority Habitat Area - 50 acres
- Sage Grouse Priority Habitat
- BLM Land
- Private Land
- Deer Pen Project Boundary



Bureau of Land Management - UCRIFMU, 2815 H Road, Grand Junction, CO 81505 04/16/12  
 Data Source: T:\GIS\gwork\work\projects\fire\fire\_k\_e\_d\ictb\east\_zone\deer\_pen\project\0012\deer\_pen\_rx\_burn\_fy12\_aerial\_photo\_w\_priority\_sage\_grouse\_habitat.mxd

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## CONCLUSION

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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:

  
Field Office Manager

DATE SIGNED:

4/20/2012

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.