



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652



## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

**NEPA NUMBER:** DOI-BLM-CO-N040-2014-0043

**PROJECT NAME:** North Eby Creek Vegetation Treatment

**PLANNING UNIT:** Eagle County

**LEGAL DESCRIPTION:** T4S R84W Sec. 19,30,32

**APPLICANT:** None - Bureau of Land Management initiated project.

**ISSUES AND CONCERNS:** There is a need for BLM to work with communities and homeowners in wildland urban interface (WUI) areas to reduce the risks associated with wildland fire. WUI is simply defined as areas where human development meets or intermingles with lands and vegetation prone to wildland fire. Reducing pinyon-juniper woodlands that have expanded their range due to lack of disturbance is a common regional management action to 1) reduce the risk of catastrophic wildfires that may enter private property from BLM land, 2) provide for firefighter and public safety, and 3) improve ecological health in the project area. The Eby Creek Subdivision and surrounding private property have been identified as an area where defensible space is needed and can be created by removing vegetation capable of allowing a fire to spread unchecked. If the vegetation is cleared it is hoped that the rate and intensity of an advancing wildfire would be lowered and provide an area for fire suppression to occur.

**DESCRIPTION OF PROPOSED ACTION:** Fuels treatments authorized by this document include removal of pinyon and juniper trees by mastication with machinery and manually with chainsaws.

This DNA addresses one of many collective vegetation treatments designed to reduce hazardous fuels which can contribute to large severe wildfire in the greater Eagle Valley area (Table 1).

**Table 1. Treatments.**

Treatment	Location
Eby Creek North Vegetation Treatment	T4S R84W Sec.19,30,32

**BACKGROUND:** In the Eagle Valley Planning Area there has been an increase of hazardous fuels building up overtime. The increase in hazardous fuels has been tied to a variety of reasons and varies by location but include: fire suppression, urban expansion, agricultural practices, and expansion of pinyon-juniper woodlands.

This treatment will increase canopy spacing creating a break in continuous stands of pinyon-juniper woodlands. This modification of fuel arrangement reduces the spread of wildfires and decreases fire behavior which increases fire suppression success as well as improving fire firefighter and public safety.

**DESCRIPTION OF PROPOSED ACTION:** Fuels treatments authorized by this document include removal of pinyon and juniper trees by mastication with machinery and manually with chainsaws.

This DNA addresses one of many collective vegetation treatments designed to reduce hazardous fuels which can contribute to large severe wildfire in the greater Eagle Valley area (Table 1).

**Table 1. Treatments.**

Treatment	Location
Eby Creek North Vegetation Treatment	T4S R84W Sec.19,30,32

Treatments planned for this project area total approximately 106 acres.

**Mechanical Treatments:** Mechanical treatment involves the use of hand tools and hand-operated power tools to cut, clear, or prune herbaceous and woody species.

- Chainsaws will be used to lop and scatter approximately 13 acres of pinyon-juniper woodlands. in areas of early encroachment. All pinyon-juniper trees in in this area will be removed/cut and the slash scattered to less than 18 inches in height.
- There is a 32 acre area of moderate to heavy encroachment of pinyon-juniper woodlands where all trees will be removed and debris will be piled and burned. Pile locations will be identified to avoid damage to Harrington’s penstemon (*Penstemon harringtonii*).
- Nine acres directly south of the Eby Creek Subdivision will be cut and piled to create a spacing of 15-20 feet between the crowns of trees.
- Sagebrush mowing/mastication with machinery will be used to remove 40-60% of the sagebrush on approximately 48 acres. This can be completed with a variety of machinery including but not limited to a fecon flail or brush hog mower. The machinery could be of either tracked vehicles or rubber tired. The sagebrush will be mowed/masticated in a mosaic pattern to provide for fuel breaks and add diversity of age class structure in the sagebrush ecosystem.
- Hand thin and drag 5 acres.

**Pre/Post Treatment Activities:** Some areas may be sprayed to control invasive species/weeds. This treatment most likely would occur between May and November, depending on the weed species, for two or three consecutive growing seasons using a UTV sprayer, or backpack sprayers. Depending on the composition of the perennial and herbaceous understory, these treatments may be followed by reseeding with a native seed mix. Monitoring would occur yearly over the following 5 years to evaluate treatment success.

Cultural resource inventories were completed in 2013. Cultural sites identified by the inventory as significant were buffered and will be protected and avoided during project implementation.

Surveys for Harrington's Penstemon (*Penstemon harringtonii*) a BLM sensitive plant species, were conducted in the project area in June 2014. Concentrations of Harrington's Penstemon plants were found in three locations within the project area, totaling approximately 5 acres. Two of the three Penstemon areas are in a unit that was identified for hydroaxing; the third area was identified for handcutting. Mitigation for these populations is incorporated into the Design Features.

**Design Features.** The following design features are part of the proposed action:

#### ***Public Health and Safety***

- *Public Notification and Awareness.* Interagency fire managers establish and maintain close communications with State and local agencies regarding the status of prescriptive fire treatments.
- Post public notices to inform the public of intended project work. Mitigation to reduce conflicts with public land users (e.g. big game hunters) includes: Mechanical vegetation treatments should avoid the annual Colorado rifle big game hunting seasons.

#### ***Wildlife***

- *Migratory Birds.* To minimize impacts on breeding migratory birds (specifically birds of conservation concern), it is recommended that no surface disturbing activities (mechanical treatment) occur from May 15 through July 15. This timeframe encompasses the core breeding period for the majority of migratory birds in the project area. Exceptions or variances to this restriction will be considered and evaluated according to policies and deemed appropriate by BLM authorized officer.
- *Raptors.* To protect breeding raptors, a raptor survey would be conducted for all proposed surface disturbances if habitat is determined to be suitable by the BLM biologist. BLM biologist will determine if surveys will be necessary. Surveys would follow BLM standard protocol and, if feasible, would be conducted 1 to 2 weeks prior to surface disturbance activities. Survey clearances expire May 1 of the following year. No surface disturbing activities would occur within the established protection buffers 0.25-mile buffer around any raptor nest when the nest is active and not initiating a fire within a 0.125-mile buffer of any nest identified during pre-treatment surveys, regardless of season, for active raptor nests during the breeding period for the species of interest (varies by species and would be determined by the BLM biologist). Variances or exceptions to these requirements may be granted by the BLM authorized officer according to policy. The BLM biologist would provide maps of nest locations and avoidance buffers.
- *Wintering Big Game.* To protect wintering big game, it is recommended that surface disturbing activities not occur from December 1 through April 15. Because this project would likely benefit these species in the long-term, an exception to this restriction may be appropriate. Exceptions are evaluated on a case-by-case basis and may be granted by a BLM authorized officer depending on location within the project, weather severity, and other factors.

#### ***Special Status Plants***

- To minimize impacts to Harrington's penstemon occurrences within the project area, treatment within the three concentration areas would be limited to handcutting of encroaching pinyon-juniper woodlands. If trees are to be gathered into piles for burning, piling and burning would occur between October 1 and March 1 while the plants are dormant.
- Herbicide treatments within 0.5 mile buffer of Harrington's penstemon will consist of spot

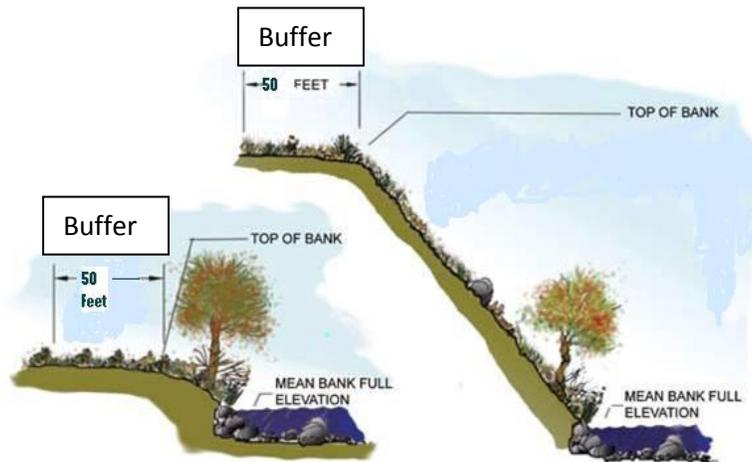
spraying (backpack sprayer or UTV mounted nozzle sprayer) only. No aerial or broadcast (boom) spraying would occur within 0.5-miles of occupied Harrington's penstemon habitat.

### ***Vegetation***

- *Riparian Areas.* Burning and mechanical treatments should avoid all riparian areas as well as wet meadow habitat associated with stream water collection areas or stock ponds.
- *Weeds*
  - All heavy equipment (private and BLM) will be power-washed before entering public lands. This includes all lowboys hauling heavy equipment and fire equipment.
  - Treatment areas will be inventoried for noxious and invasive weeds prior to treatment. If possible, weeds will be treated prior to any mechanical treatments or burning activities to minimize potential of spreading weeds.
  - Monitor and treat noxious and invasive weeds for a minimum of 3 years post treatment.
  - Pile burning will be conducted with approval of the BLM authorized officer.
- *Seeding*
  - Seeding following mechanical may be essential to ensure that a healthy native community reestablishes following treatments. The need for seeding would be based on local conditions (e.g., potential for natural regeneration, risk of invasive species, and erosion potential).
  - If seeding is needed, it would occur from late fall to late winter in the same year as vegetation treatment. Seed mixes would be determined by the BLM ecologist.
  - Proposed vegetation treatments requiring seeding or rehabilitation should not occur in consecutive years within the same allotment unless the area is less than 100 acres in size and easily fenced with electric fence. All seeded areas should be deferred from livestock grazing for a minimum of two growing seasons following treatment to allow for establishment of desirable grasses and forbs.

### ***Soil and Water Resources***

- Areas of higher intensity treatments should be monitored for soil productivity, erosion and weeds. If deemed necessary, soil amendments (i.e. fertilizers, mycorrhizal additives, mulch, etc.) and/or seeding may be required to enhance soil health and maintain native vegetation.
- Maintain water quality, stream stability and soils by buffering all stream drainages (including intermittent and ephemeral channels) from surface disturbance. At a minimum, buffer the top of the stream bank by the width of the heavy equipment used or 10ft if hand thinned. See diagram below for an example:



- Incorporate larger buffers, where possible, to create vegetated mosaics along drainages.
- Minimize surface disturbance on slopes greater than 30 percent and fragile/saline soils.

#### ***Visual Resource Management.***

- Mechanical treatments are designed and flagged prior to treatment to avoid the creation or enhancement of linear features within the landscape. Treatments are designed to repeat natural mosaic openings found within the landscape, particularly when the treatment occurs within sagebrush and mixed mountain shrubland. Feathering or undulating edges are incorporated into treatments where practicable to break up any distinct lines created in the landscape.

#### ***Cultural Resources***

- The project area contains one eligible site (5EA.2982) to the NRHP which will be protected and avoided during project implementation.
- Significant cultural resources will be avoided and protected by a minimum of 100 meters around site boundaries.
- All hydro-axing must be at least 6-inches above the current ground surface.
- Equipment is operated in dry or frozen soil with rubber tires to minimize surface disturbance.

#### ***Other***

- Where appropriate, provide opportunities for the public to collect firewood, in an effort to reduce the volume of hazardous fuels, reducing soil impacts from burning, and in an effort to reduce the volume of timber and slash targeted in the burn piles and reduce air emissions.

**LAND USE PLAN (LUP) CONFORMANCE REVIEW:** The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

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.

Determination

The proposed action is in conformance with the current land use plan, as amended, even though it is not specifically provided for.

**REVIEW OF EXISTING NEPA DOCUMENTS:** Below is listed the existing NEPA document that covers the proposed action.

- DOI-BLM-CO-N040-2009-0078-EA. Integrated Weed Management Plan and Programmatic Environmental Assessment. BLM Glenwood Springs Field Office, Colorado. 2009.
- DOI-BLM-CO-N040-2012-0048-EA. Environmental Assessment of the Eagle Valley Hazardous Fuels Treatments. BLM Colorado River Valley Field Office, Colorado. 2012.

**REVIEW OF OTHER RELEVANT DOCUMENTS:** The following additional documents are relevant to the proposed action:

- Final Environmental Impact Statement: Vegetation Treatment on BLM Lands in Thirteen Western States. Prepared for the BLM Washington Office by the BLM Wyoming State Office, Cheyenne. 1991.
- Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment. BLM Glenwood Springs Field Office, Colorado. 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 DOI-BLM-CO-N040-2012-0048-EA. The proposed action is the same action's that were analyzed in the existing NEPA 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 (DOI-BLM-CO-N040-2012-0048-EA) analyzed the proposed action and one alternative. 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 to both. In 2004 a formal land health assessment determined that the Greenhorn allotment was meeting all applicable land health standards but with some areas of problems. The Upper Cottonwood allotment was achieving land health standards. The only existing special status species noted was the Penstemon harringtonii. This species has been documented within the project area and measures to protect it will be taken.

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 (DOI-BLM-CO-N040-2012-0048-EA. The direct, indirect and cumulative impacts would be the similar 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, the CRVFO made the proposed action available for public review and comment for 30 days by posting on the BLM website, posting announcements in local newspapers and notifying selected interested parties by a letter sent via regular mail. Eagle County and CPW are both supportive and informed on this project.

**INTERDISCIPLINARY REVIEW:** The following individuals participated in the review of the proposed action and provided input to this DNA.

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Hilary Boyd	Wildlife Biologist	Migratory Birds, Aquatic Wildlife, Terrestrial Wildlife, Special Status Fish and Wildlife
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, Vegetation, Special Status Plants
Everett Bartz	Rangeland Management Specialist	Grazing Management, Wetlands and Riparian Areas
Erin Leifeld	Archaeologist	Cultural Resources, Native American Concerns
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Rusty Stark	Fuels Specialist	Project Lead
Pauline Adams	Hydrologist	Air Quality, Water Quality, Soils
Brian Hopkins	Planning and Environmental Coordinator	NEPA
Kristy Wallner	Rangeland management Specialist	Invasive, Non-native species (Noxious weeds)

**REMARKS:**

**Funding.** The vegetation treatments described in this DNA would be funded using contributions from Hazardous Fuels Program Elements when they become available.

**Cultural Resources.** A records search of the general project area and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by a certified cultural resource contractor (CRVFO CRIR# 15413-1). A total of 385 acres were inventoried for this project at a Class III level. Six new cultural resources were identified and recorded during project inventory. One is a prehistoric open architectural site (5EA.2982) that is eligible for the National Register of Historic Places (NRHP). Five are isolated finds consisting of prehistoric artifacts (5EA.2984 & 5EA.2985), historic trash scatter (5EA.2983 & 5EA.2986), and a USGS GLO brass-cap survey marker dated to 1918 (5EA.2987). All of the isolated finds are not eligible for the NRHP. About 40 acres of the project area was not inventoried to Class III standards due to steep slopes and the rugged nature of the topography. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

The project area contains one eligible site (5EA.2982) to the NRHP which will be protected and avoided during project implementation. The isolated finds throughout the remaining project area were limited and will not be affected by project implementation. Reducing fuels within the project area has the potential to be beneficial to cultural resources, specifically architectural or aboriginal wooden structure sites. Fuels reduction will help reduce fuel load and protect sensitive sites from potential threats cause by wildfire. The project has a determination of no adverse effect if design criteria and mitigation measures are followed.

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 aerator treatment, or other ground disturbing equipment.

**Native American Religious Concerns.** 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.

This project area contains cultural resources that are known to be significant to Native American tribes although no impact should occur to these resources because they will be avoided and protected during project implementation. The cultural resource report describing the project and results from inventory was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe. The letter, sent on February 4, 2013, requested the tribes to identify issues and areas of concern within the project area. No comments were received at that time.

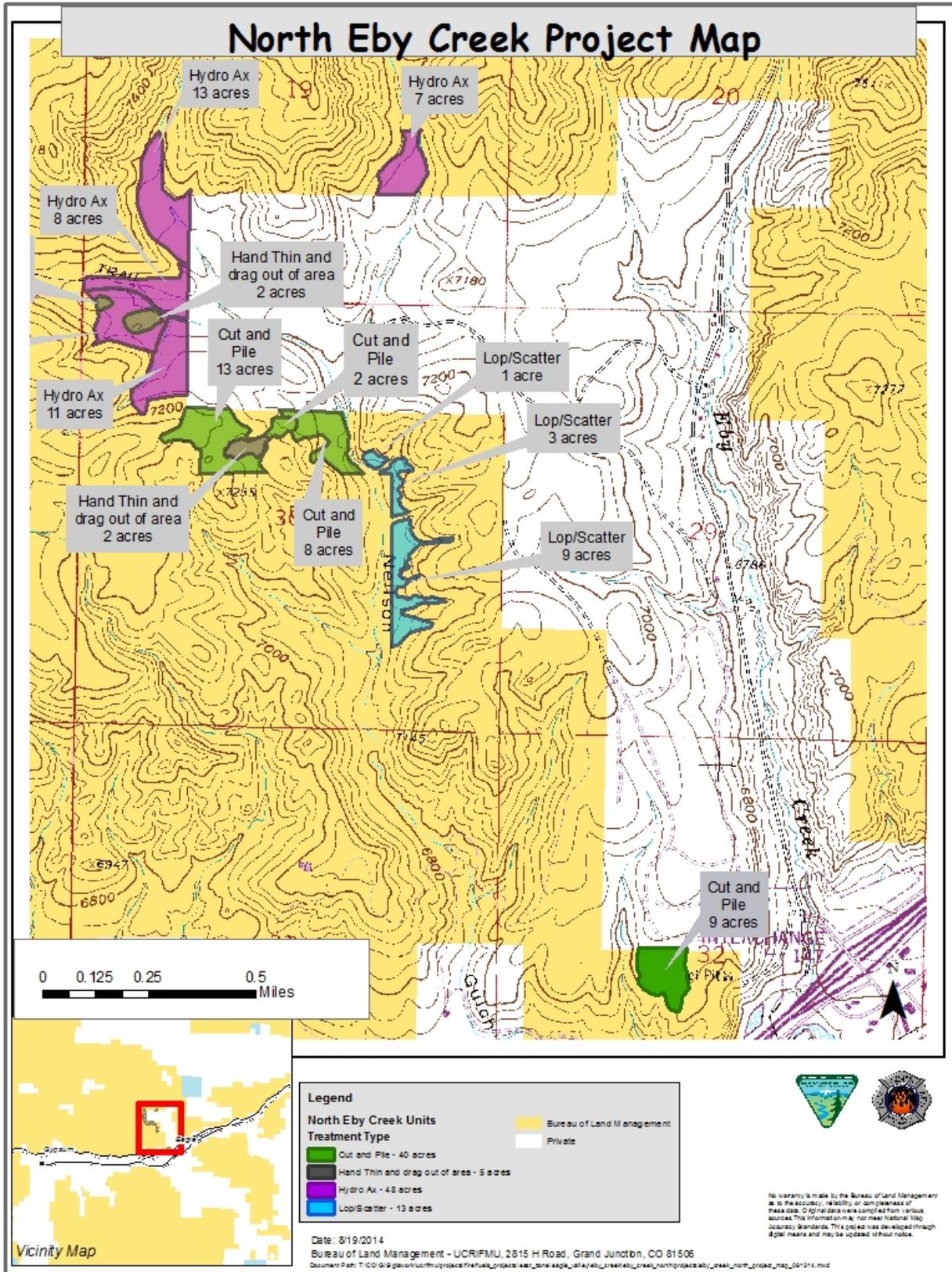
***Cultural Resource Stipulations.*** If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries 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.*** 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.

**MITIGATION:** See design criteria above.

**NAME OF PREPARER:** Rusty Stark, Fire Management Specialist

Attachment A.



## CONCLUSION

DOI-BLM-CO-N040-2014-0043--DNA

Based on the NEPA review documented above, I conclude that the proposed action conforms to the land use plan as amended 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: \_\_\_\_\_

  
Supervisory Natural Resource Specialist

DATE SIGNED: \_\_\_\_\_

9/5/2014

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.