

**Determination of NEPA Adequacy
(DNA)
Playa Lake and Park Gulch Allotments - Range
Improvements**

DOI-BLM-CO-F02-2014-0060 DNA

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO**

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Chapter 1. Determination of NEPA Adequacy (DNA)

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U.S. Department of the Interior
Bureau of Land Management

OFFICE: RGFO LLCOF02000

TRACKING NUMBER: DOI-BLM-CO-F02-2014-0060 DNA

CASEFILE/PROJECT NUMBER: Kid Land & Livestock, Inc.- GR# 0504562 & Kid Land & Livestock, Inc. - GR# 0504561

PROPOSED ACTION TITLE/TYPE:

Playa Lakes and Park Gulch Allotments Range Improvements

LOCATION/LEGAL DESCRIPTION: Park County, 6th Principal Meridian

- T 9S, R76W, Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - Playa Lakes North Well
- T10S, R76W, Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - Playa Lakes South Well
- T 9S, R75W, Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ - Park Gulch North Well
- T 9S, R76W, Sec. 35, SW $\frac{1}{4}$ - Playa Lakes North Fence

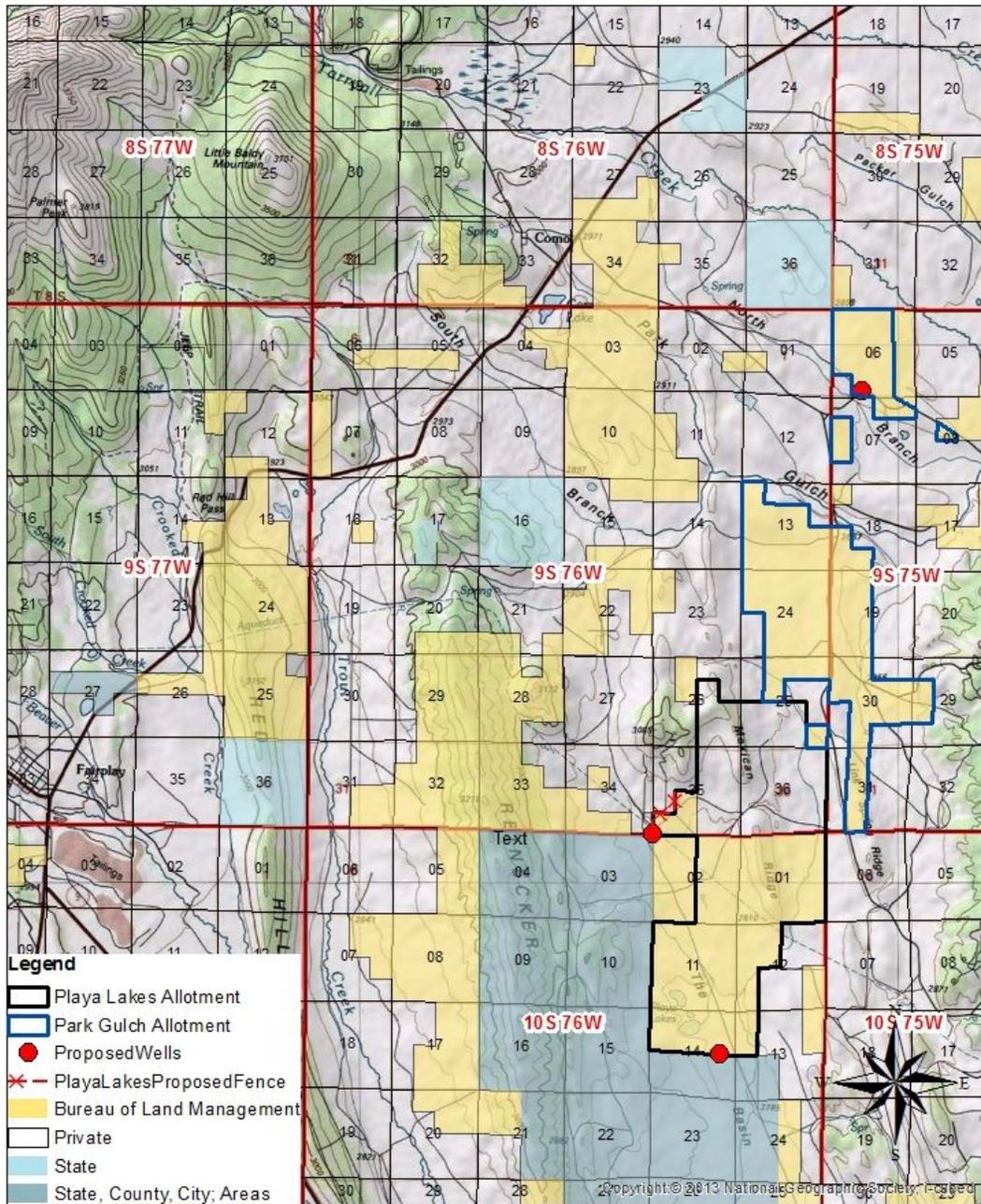
APPLICANT (if any):

A. Description of Proposed Action and any applicable mitigation measures

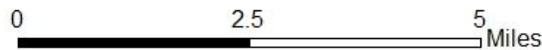
The proposed action is to allow construction of two livestock water wells within Playa Lakes Allotment #05939 and one livestock water well within Park Gulch Allotment #05800 to promote even livestock distribution on public land. This project will allow the permittee to utilize portions of the allotments that they cannot otherwise use due to the lack of livestock water. The proposed action also includes constructing $\frac{3}{4}$ mile of new fence that will serve as a boundary fence between private land and the Playa Lakes allotment. This fence is needed to allow the permittee to utilize this portion of the allotment in addition to alleviating trespass issues we have had with the adjacent land owner. The basic four wire BLM fence specifications would apply to this fence. The bottom wire would be smooth and set no less than 18 inches from ground level. The top wire would be barbed and set no more than 42 inches from ground level. The BLM will provide $\frac{1}{2}$ of the fence materials and the permittee will provide the rest of the fencing and construct the fence. Permittee will be responsible for future maintenance of fence and the water wells.

The wells will be drilled during the construction process and two tanks will be placed next to the well locations. The new tanks would consist of a 12.5 foot rubber tire tanks permanently established with a concrete base. The two Playa Lakes Wells will be solar powered. The Park Gulch North Well will be tied into an adjacent electric pole and pumped up the hill to two tanks. The permittee will coordinate with IREA to set up the connection. The tanks would include a wildlife ramp. The permittee would be responsible for maintenance of the improvements under a Range Improvement Cooperative Agreement (Form #1004-019). The addition of the wells will not impact the current stocking rate or current range management. The projects are in cooperation with the current grazing permittee, Front Range District Grazing Advisory Board, Colorado Parks & Wildlife – Habitat Partnership Program (HPP) and the BLM.

**LOCATION MAP: PLAYA LAKES & PARK GULCH ALLOTMENTS
PROPOSED RANGE IMPROVEMENTS - 3 LIVESTOCK
WATER WELLS AND 3/4 MILE NEW FENCE**



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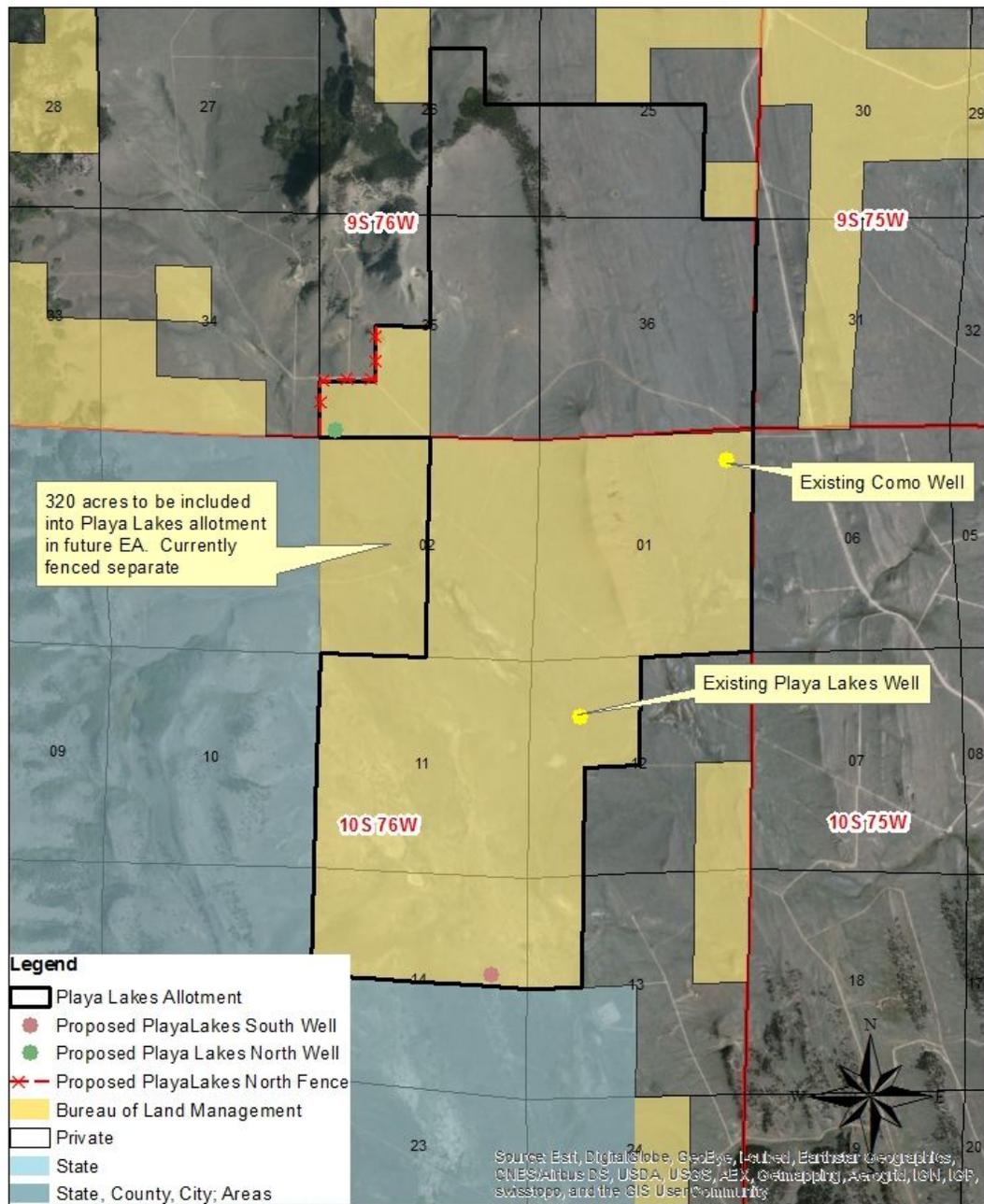


NOTE TO MAP USERS
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked for current status on any specific tract of land.

Figure 1.1.

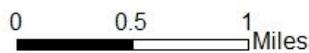
*Chapter 1 Determination of NEPA Adequacy (DNA)
A. Description of Proposed Action and any applicable mitigation measures*

**PROJECT MAP: PLAYA LAKES ALLOTMENT #05939
PROPOSED RANGE IMPROVEMENTS - 2 LIVESTOCK
WATER WELLS AND 3/4 MILE NEW FENCE**



DOI-BLM-CO-200-2014-0060 DNA

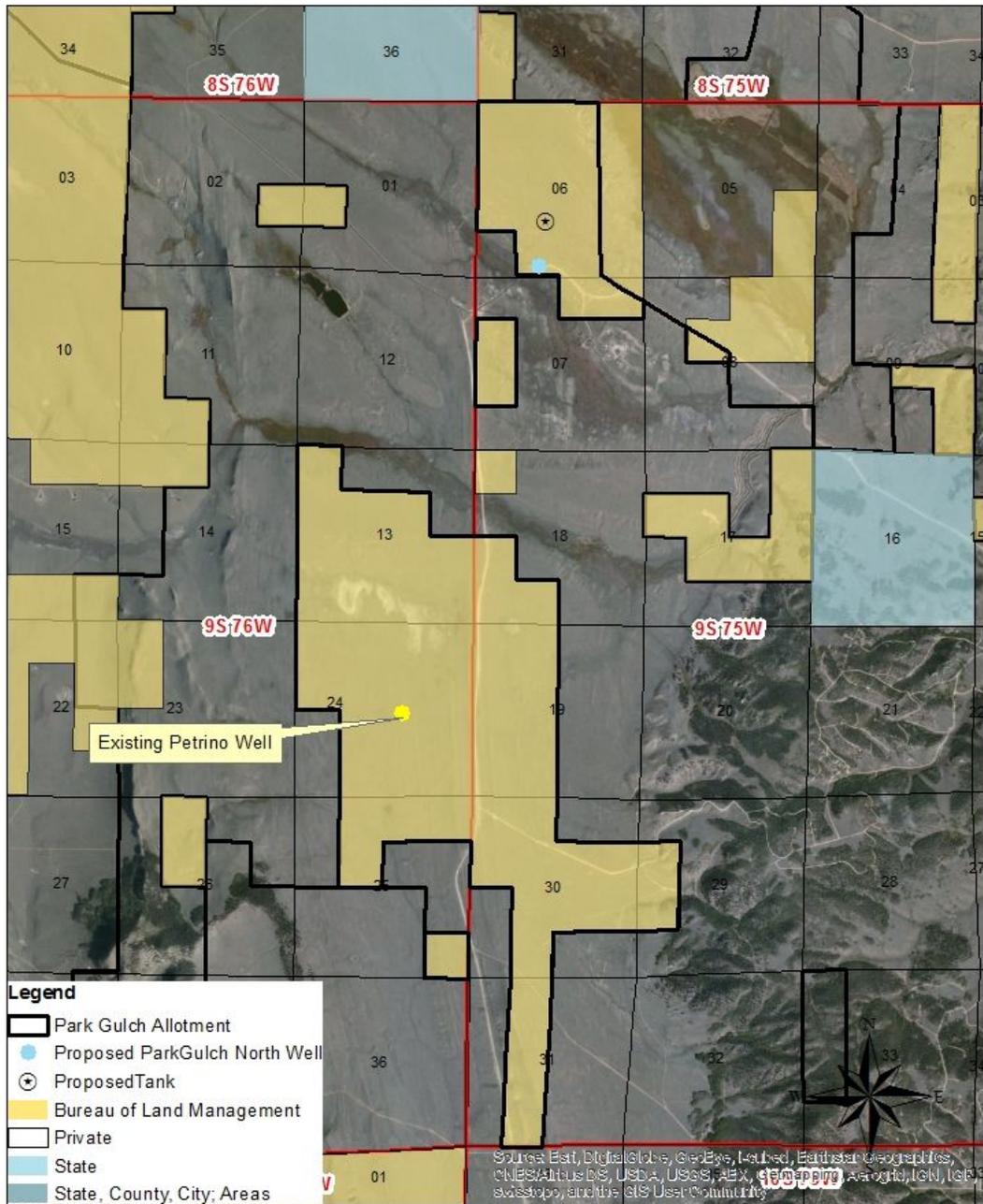
T9SR76W S. 35, T10SR76W S. 14



NOTE TO MAP USERS
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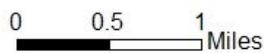
Figure 1.2.

PROJECT MAP: PARK GULCH ALLOTMENT #5800 PROPOSED RANGE IMPROVEMENT - LIVESTOCK WATER WELL



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T9SR76W S. 6



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Figure 1.3.

*Chapter 1 Determination of NEPA Adequacy (DNA)
 A. Description of Proposed Action and any applicable mitigation measures*

B. Land Use Plan Conformance

LUP: Royal Gorge Resource Management Plan	Date Approved: 05/13/96
Other Document: Royal Gorge Grazing EIS	Date Approved: April 2, 1980
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions).

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.

Park Gulch Allotment Term Grazing Permit Renewal CO-200-2007-0051 EA, Aug. 2007

Playa Lakes Allotment Term Grazing Permit Renewal CO-200-2007—0014 EA, Jan. 2007

Park Gulch & Playa Lakes Allotment Term Grazing Lease Transfer CO-200-2012-0022 DN, Feb. 2012

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 RMP states that “BLM will continue to construct range improvement projects on an as needed basis. BLM will complete NEPA documentation on each project as needed.” The Resource Management Plan analyzed the Royal Gorge Field Office area and grazing allotments therein. This project is located within the Royal Gorge Field Office. There are no other differences. The grazing permit renewal EA (CO-200-2007-0051 EA & CO-200-2007-0014 EA) covers the site specific allotment.

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 value?

Yes. The RGFO RMP contained four management alternatives, and these are identified as: 1) the Existing Management Alternative, which was a continuation of previous management practices of a mixed level of resource management, utilization and protection; 2) the Resource Conservation Alternative, emphasized resource conservation, providing increased protection for natural resources; 3) the Resource Utilization Alternative provided for utilization, production and development of the natural resources; and 4) the Preferred Alternative that emphasized resource conservation but with moderate levels of development and resource utilization.

The existing EA's for permit renewal was conducted in 2007 and continues to be appropriate for current conditions. The EA's included a proposed action alternative, which would have provided for any change in grazing or season of use, a no action alternative, that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change 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 assessments, 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 RMP was concluded in 1996 and the permit renewal EA's were done in 2007. The EA's covered most recent issues including most recent health standards assessments and T&E species listing. There is no new information or issues that would change what was analyzed and concluded in the existing NEPA documents.

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?

As discussed in Section B above, the RMP analyzed the need for future range improvement projects. The most recent Term Grazing Permit Renewal CO-200-2007-0057 EA, Sept. 2007, and CO-200-2007—0014 EA, Jan. 2007 provides analysis and examination of direct, indirect and cumulative impacts of the proposed action. This DNA ensures that the specialists have reviewed and provided remarks below regarding impacts from the proposed action.

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

The views and concerns of the public were actively solicited during the planning process of the RMP. In addition, public scoping was conducted during the planning process of the grazing permit renewal EA's. In both cases no grazing or range improvement concerns were identified.

E. Persons/Agencies/BLM Staff Consulted

Table 1.1. Interdisciplinary Team

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 7/18/2014
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 8/18/14
John Lamman	Range Management Spec.	Weeds	JL, 7/28/14
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 8/14/14
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 7/25/14
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 7/17/14

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Ty Webb	Fire Management Officer	Air Quality	TW,8/18/14
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 7/21/14
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 7/21/2014
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	N/A
Ken Reed	Forester	Forestry	KR, 7/17/14
Michael Troyer	Archaeologist	Cultural, Native American	MDT 7/17/14
Greg Valladares	Realty Specialist	Realty	GV, 8/21/14
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A
Ty Webb	Fire Management Officer	Fire	TW,8/18/14

Other Agency Represented:

The Colorado Parks & Wildlife – Habitat for Partnership Program, and Front Range District Grazing Advisory Board.

Note

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

REMARKS:

Cadastral Services: Based on BLM and Park County records the boundaries for the proposed fence in Section 35 of T. 9 S., R. 76 W., has not yet been surveyed. A survey to locate the boundaries within section 35 may be needed for the proposed fence.

Cultural Resources:

No historic properties were found in the area of potential effect [see report CR-RG-14-134 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns:

No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: The project occurs within the breeding range of mountain plover, a BLM sensitive species. No habitat disturbance (removal of vegetation such as timber,

brush, or grass) is allowed during the periods of May 15 - July 30, the breeding and brood rearing season for mountain plover in South Park Colorado.:

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Lands with Wilderness Characteristics: Inventories for wilderness characteristics were updated in 2013. The project area was found to not possess wilderness characteristics therefore there would no impact to this resource from the proposed action.

Realty: Based on the Master Title Plats for the project area, there is a potential conflict with an authorized water pipeline (COC-0-9361) in the vicinity of the proposed Playa Lakes North Well, in T. 9S., R. 76W., sec. 35. The water pipeline is authorized to the City of Colorado Springs and the right of way is 66 feet wide (33 feet either side of the center line).

MITIGATION:

Geology/Minerals: The federal minerals in the proposed project area are open to mineral location, therefore requiring coordination between surface uses as applicable. If there are unpatented mining claims that are active in the proposed project location, any associated claim markers encountered during project implementation cannot be disturbed (reference CO-2012-013). However, as of July 2014, there are no active claims in these areas.

Wastes, Solid or Hazardous: If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan.

If concrete is proposed as part of the project, all concrete washout water needs to be contained and properly disposed of at a permitted offsite disposal facility. Completion, management and abandonment of the well need to be in accordance with applicable regulations, to minimize potential for aquifer contamination.

Realty: Regarding potential conflicts with the proposed Playa Lakes North livestock water well and water pipeline (COC-0-9361), Colorado Springs Utilities has been contacted and made aware

of this project. They will meet with the BLM Range Specialist and mark the pipeline and the proposed well site will be relocated south of the pipeline, no more than 200 feet.

Conclusion

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 requirement of NEPA.

Christine Cloninger
Signature of Project Lead

Melissa K.S. Garcia
Signature of Supervisor

/s/ Martin Weimer
Signature of NEPA Coordinator

/s/ Keith E. Berger
Signature of the Responsible Official

8/22/14
Date

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 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.