

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

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**Determination of NEPA Adequacy (DNA)  
Mexican Ridge Allotment — Range Improvement**

**PREPARING OFFICE**

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





**Determination of NEPA Adequacy  
(DNA)  
Mexican Ridge Allotment — Range Improvement**

**DOI-BLM-CO-F020-2015-0030 DN**

**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)**

*Worksheet*

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U.S. Department of the Interior  
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OFFICE: RGFOLLCOF02000

TRACKING NUMBER: DOI-BLM-CO-F020-2015-0030 DN

CASEFILE/PROJECT NUMBER: Range Improvement # 018104 Mexican Ridge South Well

PROPOSED ACTION TITLE/TYPE: Range: Mexican Ridge South Livestock Water Well

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

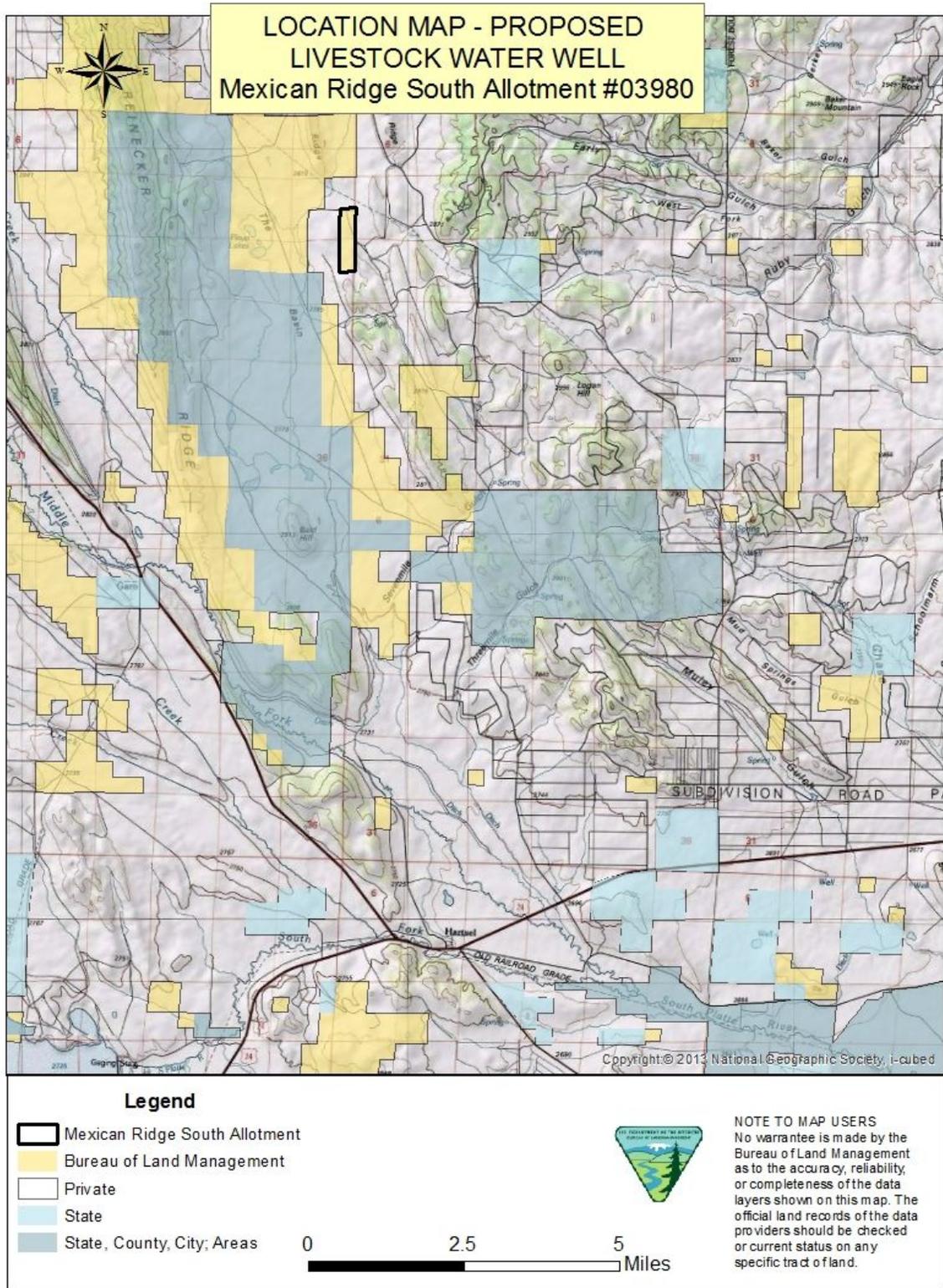
- T10S, R76W, Sec. 13, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>

APPLICANT: Permittee, WRE LLC – Jeff Modesitt

## **A. Description of Proposed Action and any applicable mitigation measures**

The proposed action is to allow construction of a livestock water well within Mexican Ridge South Allotment #03980 to promote better livestock distribution on public land. This project will allow the permittee to utilize a portion of the allotment that he cannot otherwise use due to the lack of livestock water.

The new tank would consist of a (12.5 foot) 1,300 gallon rubber tire permanently established with a concrete base. The tank would include a wildlife ramp. The permittee would be responsible for maintenance of the facility under a Range Improvement Cooperative Agreement (Form #1004-019). The addition of the well will not impact the current stocking rate or current range management. The project is in cooperation with the current grazing permittee and the BLM. The permittee will pay for the drilling and the solar pump/panels and the BLM will provide the rubber tire tank.



**Figure 1.1.**  
*Chapter 1 Determination of NEPA Adequacy (DNA)*  
*A. Description of Proposed Action and any applicable mitigation measures*

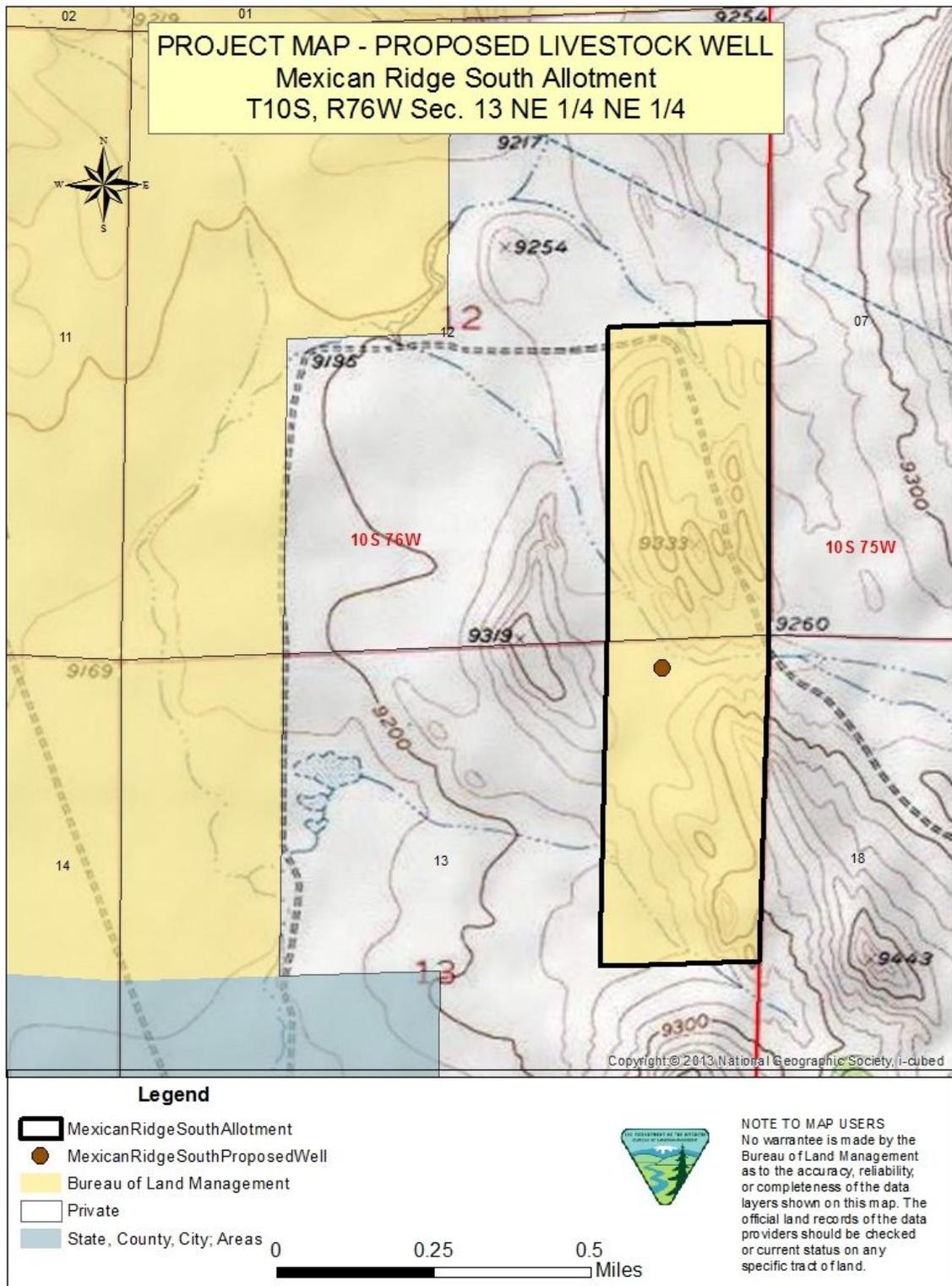


Figure 1.2.

## 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 provided for in the following LUP decisions: C-38 (Continue to construct range improvements on an as needed basis. Complete NEPA documentation on each project as needed.)“Range improvement projects (i.e. fences, spring developments, water catchments, reservoirs, water pipelines, water troughs, cattleguards, wells, water storage tanks, and livestock trails) will continue to be constructed on an as needed basis. Specifications for these projects will be as directed by BLM manuals. NEPA documentation will be completed on each project as needed”.

## 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.**

Mexican Ridge South Allotment – New Grazing Authorization

DOI-BLM-CO-F02-2014-009 EA, Nov. 2013

**List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).**

South Park Land Health Assessment, September 30, 2014

## 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 authorization EA (DOI-BLM-CO-F02-2014-009 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 for grazing authorization was conducted in 2014 and continues to be appropriate for current conditions. The EA 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 authorization EA was done in 2014. The EA 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 Grazing Permit Authorization DOI-BLM-CO-F02-2014-009 EA, Apr. 2014, 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 authorization EA. In both cases no grazing or range improvement concerns were identified.

**E. Persons/Agencies/BLM Staff Consulted**

**Table 1.1. Interdisciplinary Team**

| <b>INTERDISCIPLINARY TEAM REVIEW</b> |                        |  |                      |
|--------------------------------------|------------------------|--|----------------------|
| <b>NAME</b>                          | <b>TITLE</b>           | <b>AREA OF RESPONSIBILITY</b>              | <b>Initials/date</b> |
| Matt Rustand                         | Wildlife Biologist     | Terrestrial Wildlife, T&E, Migratory Birds | MR, 2/17/2015        |
| Chris Cloninger                      | Range Management Spec. | Range, Vegetation, Farmland                | CC, 1/23/15          |
| John Lamman                          | Range Management Spec. | Weeds                                      | JL, 1/23/2014        |

| <b>INTERDISCIPLINARY TEAM REVIEW</b> |                            |  |                      |
|--------------------------------------|----------------------------|--|----------------------|
| <b>NAME</b>                          | <b>TITLE</b>               | <b>AREA OF RESPONSIBILITY</b>                          | <b>Initials/date</b> |
| Dave Gilbert                         | Fisheries Biologist        | Aquatic Wildlife, Riparian/Wetlands                    | DG, 2/17/2015        |
| Stephanie Carter                     | Geologist                  | Minerals, Paleontology, Waste Hazardous or Solid       | NA                   |
| Melissa Smeins                       | Geologist                  | Minerals, Paleontology, Waste Hazardous or Solid       | MJs, 03/02/2015      |
| John Smeins                          | Hydrologist                | Hydrology, Water Quality/Rights, Soils                 | JS, 1/23/14          |
| Ty Webb                              | Fire Management Officer    | Air Quality  | TW, 2/9/15           |
| Dave Parker                          | Cadastral Surveyor         | Cadastral Survey                                       | DP, 2/4/15           |
| Linda Skinner                        | Outdoor Recreation Planner | Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers | LS, 1/29/2015        |
| John Nahomenuk                       | River Manager              | Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers | N/A                  |
| Ken Reed                             | Forester                   | Forestry   | KR, 2/2/15           |
| Michael Troyer                       | Archaeologist              | Cultural, Native American                              | MDT, 4/28/2015       |
| Richard Rotte                        | Realty Specialist          | Realty   | RAR, 2/5/15          |
| Steve Cunningham                     | Law Enforcement Ranger     | Law Enforcement  | N/A                  |
| Ty Webb                              | Fire Management Officer    | Fire   | TW, 2/9/15           |

Other Agency Represented:

**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:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-15-104 (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: There are no records of any federally listed species. The area is within mountain plover breeding habitat. The project area will be surveyed for nesting and/or brood rearing mountain plover if construction is to occur April 10 through July 10. If nesting/brood rearing plover are detected, the project will be delayed until plovers have vacated the affected area.

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.

Paleontological Resources: This project is located within a geologic formation that may contain federally protected vertebrate fossil remains. In order to prevent potential impacts to paleontologic resources, a stipulation will be attached to the permit that directs the holder to notify the BLM RGFO immediately if any vertebrate fossils or their traces are discovered during operations. Operations may continue as long as the fossil specimen would not be damaged or destroyed by the activity. Within 5 working days of notification, the BLM RGFO shall evaluate or have evaluated such discoveries and shall notify the operator what action shall be taken with respect to such discoveries.

Wastes, Hazardous or Solid: 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.

MITIGATION: None.

## 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

/s/ Melissa K.S. Garcia  
Signature of Supervisor

/s/ Martin Weimer

\_\_\_\_\_  
Signature of NEPA Coordinator

Melissa K.S. Garcia, Acting Field Office Manager

\_\_\_\_\_  
Signature of the Responsible Official

5/11/15

\_\_\_\_\_  
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.