

# Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

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OFFICE: LLC0F02000

PROJECT NUMBER: DOI-BLM-CO-F020-2015-0002 DNA

CASEFILE:

PROPOSED ACTION TITLE/TYPE: Grazing Permit Transfer for North Badger Creek Allotment #00002

LOCATION/LEGAL DESCRIPTION: T51N, R10E, S. 1 & 12 Fremont County

APPLICANT: Chandler Morton

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

*The transfer of grazing preference is conducted under Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 D (1). For NEPA analysis for permit issuance see part C below.*

The proposed action is to transfer the authorization (permit) to graze livestock on public lands included in the North Badger Creek Allotment #0002. The permit would be issued for ten years as previously scheduled. Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions. The allotment was assessed for Public Land Health Standards in 2007 and it was meeting standards at the time. There is no evidence that would dictate this assessment would change today.

As per CFR 4130.3-3 the authorized officer may modify the grazing schedule, terms and conditions of the permits at any time during the term when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives.

## **B. Land Use Plan (LUP) Conformance**

LUP Name Royal Gorge Resource Management Plan	Date Approved 5/13/96
Other Document	Date Approved
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: 6-2, 6-4, 6-6, C-30, C-43, C-44

6-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

6-4: Grazing is authorized on 70 allotments.

6-6: Allotments are categorized as 22 Improve and 4 Maintain.

C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing Environmental Impact Statement. Continue to use allotment management plans (AMPs) on an interim basis until replaced with IAPs.

C-43: Maximum allowable utilization on allotments with rotational grazing will be 80% annual production on grass species and 60% annual production on shrub species. These percentages may have to be reduced on allotments due to wildlife conflicts.

C-44: On single pasture allotments with season long spring/summer grazing, utilization will be held to the 40 to 60 percent range on forage species in lieu of a rest standard. This requirement will be on high elevation allotments where deferment or dormant season use is impractical because of deep snow and fencing the allotment into smaller units is uneconomical.

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):

### **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.  
DOI-BLM-CO-200-2009-0061 EA

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).

Public Land Health Assessment 2007

### **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?**

The RMP analyzed livestock grazing by allotment with the mandatory terms and conditions. The previous EA analyzed grazing use and permit renewal on the same allotments. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates, times, authorized levels of use or terms and conditions.

**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?**

Yes. The RMP and EA considered a range of alternatives. The existing EA for permit renewal continue to be appropriate for current conditions. The EA included a proposed action alternative whereby grazing prescriptions could potentially change, a no action alternative where grazing prescriptions would remain the same as the previous permit, and a no grazing alternative that were analyzed in the document. 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 assessment, 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 information and circumstances surrounding the grazing permit in this renewal are unchanged from the previous analysis. No new evidence or circumstances have arisen that would change the analysis.

**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?**

Yes. There are no negative direct or indirect impacts associated with the proposed action. The impacts analyzed in the permit renewal EAs remain unchanged.

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

Yes. Public scoping was conducted for the previous NEPA analysis. No issues were brought forward as a result of this scoping.

**REMARKS:**

Cultural Resources: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories and sites recorded on the public land in the allotment area [see Report CR-RG-15-073 (R)]. Based on the information collected during the literature review, it was determined that no historic properties would be impacted by the proposed undertaking. However, less than 3.5 percent of the study area has been inventoried, and the previous inventory was delineated along an existing road and did not consider natural topographic elements that may influence animal movement and subsequent impacts. Consequently, additional, phased inventory in these areas is required and will be conducted in FY15 under Cultural Resource Number CR-RG-15-074. If historic properties are encountered at that time, BLM cultural resource staff will work with the range specialists to identify appropriate means to protect and preserve those resources.

Native American Religious Concerns: The literature review indicated that no traditional cultural properties have been recorded within the allotment boundaries. Native American Tribal consultation has been completed for these allotments. There is no other known evidence that suggests the project area holds special significance for Native Americans. Therefore, it is

unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The proposed action will not result in impacts to TES species.

## CONCLUSION

### DOI-BLM-CO-F02-2015-0002 DN

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 PROJECT LEAD: Jeff Williams

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Sara L. Dawson

SIGNATURE OF THE RESPONSIBLE OFFICIAL:                    /s/ Keith E. Berger  
Keith E. Berger, Field Manager

DATE: 11/25/14

**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. 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.