

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

**Determination of NEPA Adequacy (DNA)
Transfer of Grazing Permit for South Garden Park Allotment**

PREPARING OFFICE

U.S. Department of the Interior
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(DNA)
Transfer of Grazing Permit for South Garden
Park Allotment**

DOI-BLM-CO-F02-2015-0048NA

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

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OFFICE: RGFO LLCOF02000

TRACKING NUMBER: DOI-BLM-CO-F02-2015-0048 DN

CASEFILE/PROJECT NUMBER: Grazing Record # 0502939 (Richard B. Shepard) & Grazing Record# 0505447 (Travis Thomas)

PROPOSED ACTION TITLE/TYPE: Range – Grazing Permit Transfer and Renewal for South Garden Park Allotment #05066

LOCATION/LEGAL DESCRIPTION: T.17S., R.70W., Sec. 20 and 21 — Public Acres: 150

APPLICANT: Travis Thomas

A. Description of 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 to graze livestock on public lands included in the South Garden Park Allotment. The new lease/permit will expire after ten years. 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.

Control of the base property for the South Garden Park Allotment has transferred (through base property purchase) to Jeffrey Hays. Jeffrey Hays has leased the base property to Travis Thomas. The new lease will expire in ten years (2/28/2025).

The allotment has undergone internal interdisciplinary team review through Public Land Health Assessment conducted in 2001. The allotment is currently meeting public land health standards. In addition, the allotment was analyzed for permit renewal under BLM-CO-200-2001-0088 EA, conducted in September, 2001.

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.

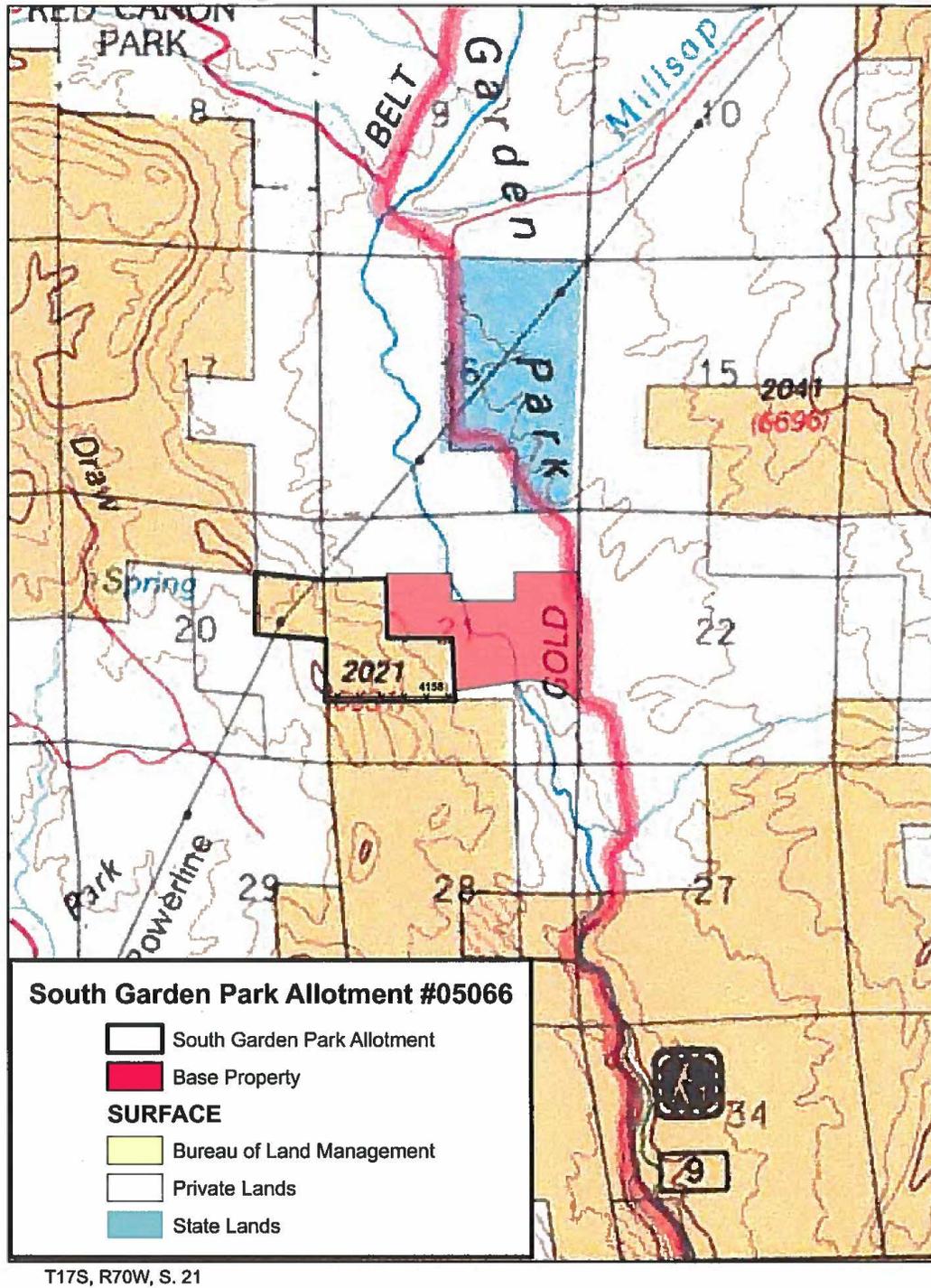


Figure 1.1.
Chapter 1 Determination of NEPA Adequacy (DNA)
A. Description of Proposed Action and any applicable mitigation measures

B. Land Use Plan Conformance

LUP Name: Royal Gorge Resource Management Plan	Date Approved: 05/13/1996
Other Document: Final Livestock Grazing EIS	Date Approved: 1995
Other Document	Date Approved

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): 5-2, 5-4, C-30, & C-44

Decision Language:

5-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

5-4: Grazing is authorized on 123 allotments.

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-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.

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.

1981 Royal Gorge Area Domestic Livestock Grazing Program EIS

BLM-CO-200-2001-0088 EA Term Grazing Lease Renewal

Date Approved: September 14, 2001.

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 2001

Date Approved: September, 2001

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 Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents. Grazing use on the allotments 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.

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 RMP/EIS and EA considered a range of alternatives. The existing EA for permit renewal was conducted in 2001 and continues to be appropriate for current conditions. The EA included a proposed action alternative, a no action alternative, and a no grazing alternative that were analyzed in the document. The proposed action is described in this document. The no action alternative was analyzed as the “current management” of the allotment in the previous EA with no changes in terms and conditions. The no grazing alternative was analyzed as removal of livestock grazing from the allotment. 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?

Yes. The previous information and circumstances and analysis are still valid in light of the 2001 Health Assessment, and no new issues concerning grazing have arisen on the allotment. Also, the EA was completed in 2001.

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. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through monitoring of land health standards.

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

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the recent permit renewal.

E. Persons/Agencies/BLM Staff Consulted

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: 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 areas [see Report CR-RG-15-146 (R)]. Based on the information collected during the literature review, it was determined that no Historic Properties will be impacted by the proposed action.

Native American Religious Concerns: Native American Tribal consultation has been completed for this allotment. There is no 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, Endangered and Proposed Species:

Since the 2001 analysis, the Threatened, Endangered and Proposed species list for Fremont County was changed as follows:

- Bald eagle- de-listed in 2010
- American peregrine falcon – de-listed in 2006

De-listed species are included on the BLM Sensitive Species list for five years post de-listing. While the proposed allotments provide foraging habitat for these two raptor species, the administrative name change for this permit would not have an effect on foraging habitat or behaviors of these birds.

There are no other changes to Threatened, Endangered and Proposed species within the proposed allotment and the previous analysis remains applicable and relevant. There would be NO EFFECT to any Threatened, Endangered and Proposed species, and no further analysis is needed for such species. Section 7 consultation is complete.

Migratory Birds:

In 2013, BLM published its strategy *BLM Strategic Plan for Migratory Bird Conservation* (IM 2013-119) and signed a 2010 Memorandum of Understanding with the US Fish and Wildlife Service for managing and conserving migratory birds. The intent is to comply with the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 USC 703), and Executive Order 13186. These documents identify the priority migratory bird species in the planning area within Partners in Flight Physiographic Areas and priority species of conservation concern in Colorado’s Land Bird Conservation Plan (Beidleman 2000) that need to be considered during planning and analysis, and avoid effects to breeding activities when possible. Of these species, Table 2 describes the bird species that are known to occur or believed to have habitat within a ¼ mile of the proposed allotment boundary.

BLM Priority Migratory Birds	Important Habitat in Planning Area	Life History Traits	CO Breeding Dates
Cassin’s finch (<i>Carpodacus cassinii</i>)	winter	Seed and aspen bud eater, ground forager, tree nester, migratory in CO	April 10 to August 20
Cassin's sparrow (<i>Aimophila cassinii</i>)	breeding	Ground nester, insect eater, ground forager, migratory in CO	May 21 to August 5

horned lark (<i>Eremophila alpestris</i>) 5	breeding, winter	Seed eater, ground forager, ground nester on bare ground, resident in CO	March 1 to August 20
loggerhead shrike (<i>Lanius ludovicianus</i>)	breeding	Insect eater, aerial dive hunting, tree nesting, migratory in CO	April 10 to August 20
Virginia's warbler (<i>Oreothlypis virginiae</i>)	breeding	Eats insects, gleaner, ground nester in dense shrubs, migratory in CO	May 25 to August 15
Williamson's sapsucker (<i>Sphyrapicus thyroideus</i>)	breeding	Eats insects, bark forager, cavity nester, migratory in CO	May 1 to August 15
American dipper (<i>Cinclus mexicanus</i>)	breeding, winter	Eats insects, surface diver, cliff nester, year round in CO	February 21 to August 15
Colorado Partners In Flight & Landbird Conservation Priority Birds	Important Habitat in Planning Area	Life History Traits	CO Breeding Dates
broad-tailed hummingbird (<i>Selasphorus platycercus</i>)	breeding	Consumes nectar from flowers, willows and currants, hovering, tree nester, migratory in CO	May 1 to August 20
Grace's warbler (<i>Dendroica graciae</i>)	breeding	Eats insects, gleaner, tree nester, stays in tops of trees, southwestern part of CO	May 15 to August 5
green-tailed towhee (<i>Pipilo chlorurus</i>)	breeding	Seed eater, ground forager, shrub nester, migratory in CO	May 1 to August 20
Lewis' woodpecker (<i>Melanerpes lewis</i>)	breeding, winter	Insect eater, aerial capture, cavity nester, migratory in CO	April 15 to August 5
prairie falcon (<i>Falco mexicanus</i>)	breeding	Aerial forager birds, especially starlings	March 10 to July 25
violet-green swallow (<i>Tachycineta thalassina</i>)	breeding	Insect eater, aerial capture, cavity nester, migratory in CO	May 5 to August 20

In Table 2, the species in bold text are those that have the greatest potential for being affected during the breeding season by livestock or livestock operations. These species nest on the ground or in shrubs. Nesting hiding cover could be removed, nests may be trampled and eggs or chicks may be exposed to nest parasitism, predators and/or lost due to trampling, utilization, and operations. Because livestock operations have been on-going in this location, it is assumed that these migratory bird species that are present in the proposed allotment have acclimated to the livestock operations. Because the RGFO has no baseline inventory data on these migratory bird species, monitoring is needed to determine if this assumption is correct.

MITIGATION & MONITORING: Collect baseline inventory data on the breeding activities of the migratory bird species in bold text as described in Table 2.

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

6/9/15

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.