

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management
San Luis Valley Field Office
46525 Highway 114
Saguache, CO 81212

OFFICE: San Luis Valley Field Office – LLCOF03000

PROJECT NUMBER: DOI-BLM-CO-FO3-2014-019-DN

CASEFILE: (if applicable)

PROPOSED ACTION TITLE/TYPE: Rio Grande Riparian Improvement Project

LOCATION/LEGAL DESCRIPTION:

T. 35N, R.11E, Sec. 35

T. 34N, R.11E, Sec. 2, 11, 14, & 35

T. 33N, R. 11E, Sec. 10, 14 & 22

APPLICANT (if any): BLM

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

The San Luis Valley BLM proposes to improve 20 acres of riparian habitat along the lower Rio Grande (figure 1). Seventeen riparian exclosures (figure 2) have been proposed to be constructed along 16 miles of the west bank of the lower Rio Grande in an effort to decrease sedimentation, stabilize streambanks and allow riparian vegetation to re-establish and expand along river bank. The construction of exclosures and willow planting will be completed in phases over the next several years. This project will improve and increase riparian habitat, which is being impacted by trespass livestock. This project will not disturb extensive areas and is beneficial in the long-term in restoring watershed health. The exclosure sites will start at approximately the La Saucos cemetery and run south to the Lobatos Bridge. No new travel routes will be created during implementation of this project, all materials needed for construction of exclosures will be transported to project sites using existing travel routes. Exclosure fences will be constructed to “wildlife friendly” specifications (Hanophy, W. 2009), 4-wire - barbed with bottom smooth (bottom wire 16”, next two strands from bottom up at 8” and 6” with top wire 42” high). The exclosures will be constructed by hand crews using traditional methods including the use of a small tractor with auger attachment.

Figure 1. Location Map

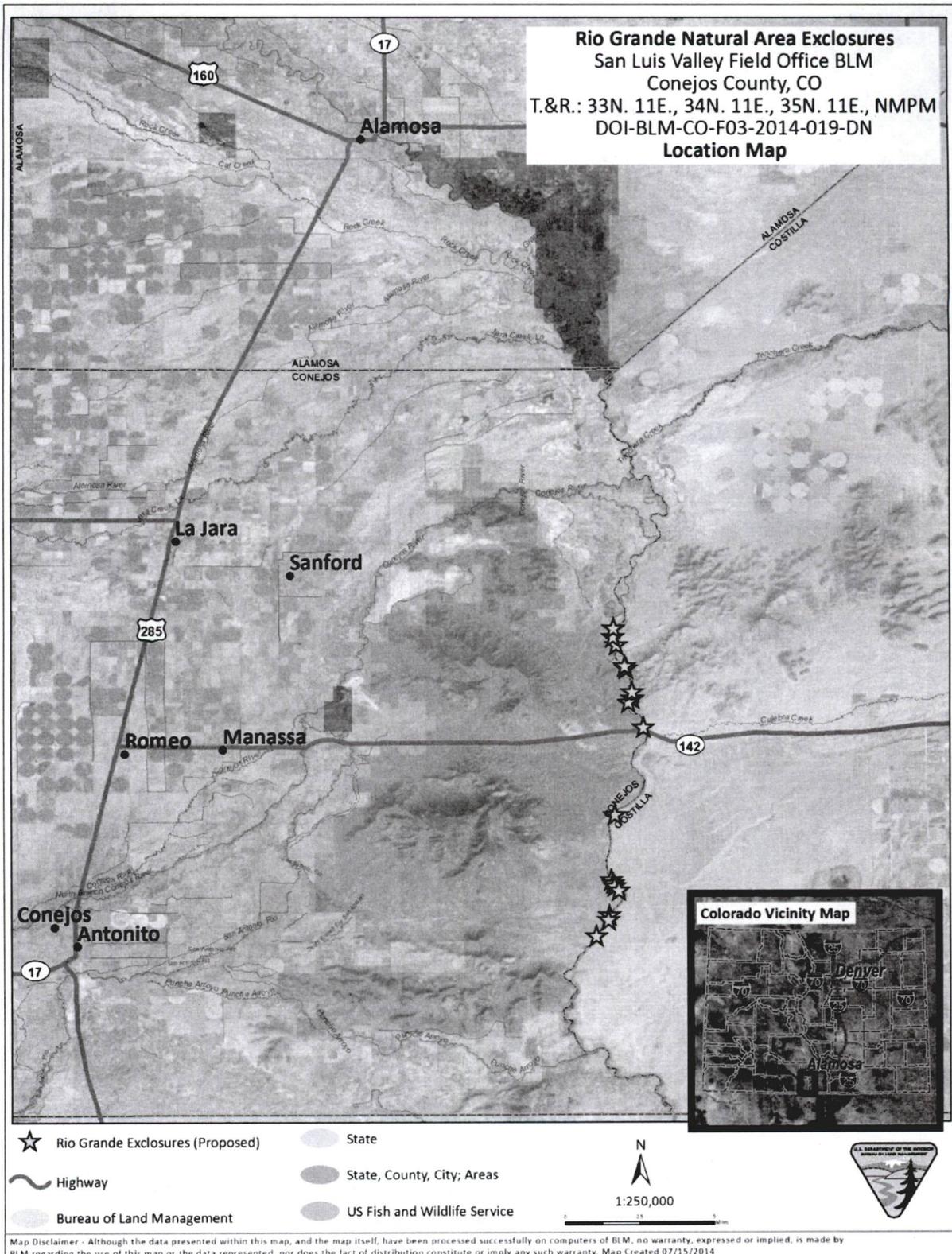
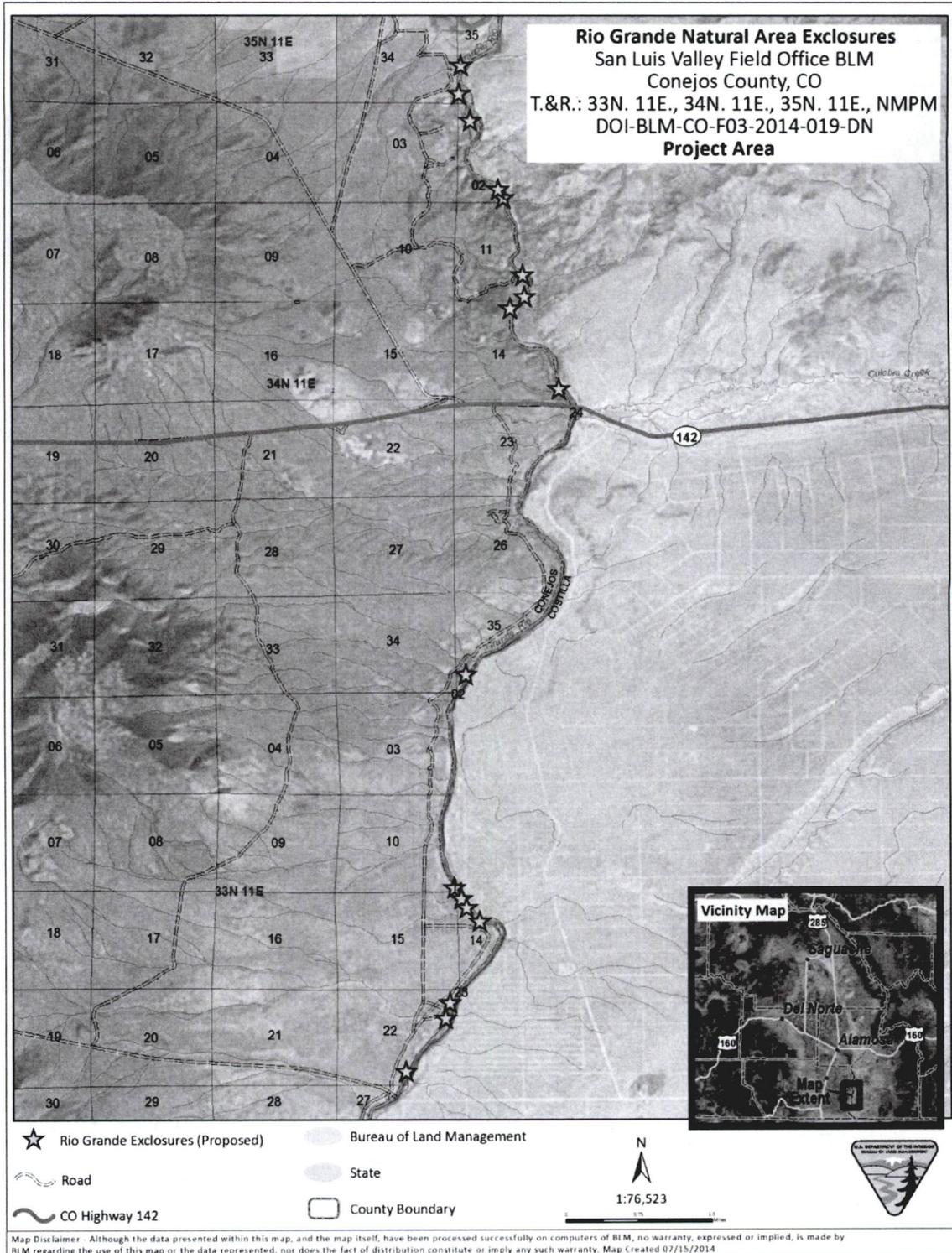


Figure 2. Exclosure Location Map



B. Land Use Plan (LUP) Conformance

San Luis Resource Area Resource Management Plan (RMP)	Date Approved 12/18/1991
Environmental Assessment for Watershed and Fisheries Conservation Treatments	Date Approved 2005

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Riparian 1-3: Maintain approximately 1,400 acres of riparian zones in good to excellent condition and improve condition on 455 acres.

Wildlife and Fish Habitat 1-10: Manage wetlands component of the riparian systems in a good to excellent conditions.

Wildlife and Fish Habitat 1-11: Manage streams to maintain the fisheries potential.

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.

-Environmental Assessment for Watershed and Fisheries Conservation Treatments, 2005

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).

-San Luis Valley Field Office 5th Field Watershed Condition Class Assessment, March 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. Yes. The Watershed and Fisheries Conservation Treatments EA analyzed on a programmatic scale the need for fencing areas in need of reclamation and enhancement of riparian habitat, planting of willows and other vegetation for restoration of riparian areas, stream banks or disturbed areas.

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 existing proposed action included treatments that would support

recover, and protect riparian habitat. The action taken would include the construction of wildlife friendly enclosures, to help with streambank stabilization, decrease sedimentation, allow riparian vegetation to flourish, assist in erosion control, and re-vegetation of juvenile willows to expand along the river bank. The enclosures will also include gates to help release potential livestock that enter. The other alternative that was analyzed in the 2005 EA was the no change alternative which maintained the current system of doing business relative to watershed and fisheries conservation treatments.

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? The information and circumstances surrounding Watershed and Fisheries Conservation Treatments are unchanged from the previous analysis. However, there have been some changes in listed species and critical habitat designation. Those changes are described below under **Listing Changes and Critical Habitat Designations**. 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 Watershed and Fisheries Conservation Treatments EA remains 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.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Chris Boone	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds, Fisheries	CTB, 7/22/2014
Melissa Shawcroft	Range Management Spec.	Range, Vegetation,	MJS 7/16/2014
Eduardo Duran	NRS	Riparian, T&E Plant species, Farmland	END 7/16/2014
Andrew Archuleta	Physical Scientist, Invasive	Minerals, Paleontology, Waste Hazardous or Solid, Invasive Plants	ASA 8/4/2014
Negussie Tedela	Hydrologist	Hydrology, Water Quality/Rights, Soils, Air Quality	NHT 7/21/2014
Sean Hines/Leon	Cadastral Surveyor	Cadastral Survey	LM 7/16/2014

Montoya			
Clayton Davey	Park Ranger	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	CBD 7/22/14
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	MW 8/19/14
Brian Fredericks	Archaeologist	Cultural, Native American	BAF 8/4/2014
Leon Montoya	Realty Specialist	Lands and Realty	LM 7/16/2014
Jill Lucero/Sue Swift-Miller	Wetlands Biologist	Wetlands	JRL 7/17/2014
Paul Minow	Fire/ Fuels Specialist	Fire/ Fuels	PSM 7/16/2014

REMARKS:

Cultural Resources: Cultural resource inventory of lands involved with specific project proposals must be done in project planning stages to identify any National Register of Historic Places eligible cultural resources. Mitigation or avoidance could then be used to protect National Register of Historic Places eligible cultural resources.

All persons who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on Public Lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh).

All work in the vicinity of the resource will cease and the Authorized Officer will be notified immediately if subsurface cultural values are uncovered during operations. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the archaeologist. The SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure within 48 hours of the discovery. 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. 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. 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 30 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.

Native American Religious Concerns: Consultation will be conducted for the full scope of the Rio Grande exclosure project, including specific conservation treatment proposals. Rio Grande National Forest Tribal Consultation Bulletin, February 2001, contained initial information on the EA for Watershed and Fisheries Conservation Treatments.

Threatened and Endangered Plant Species: Listed Threatened and Endangered Species or their habitat does not occur within this project boundary at this time. Therefore there will be no effect to any listed species.

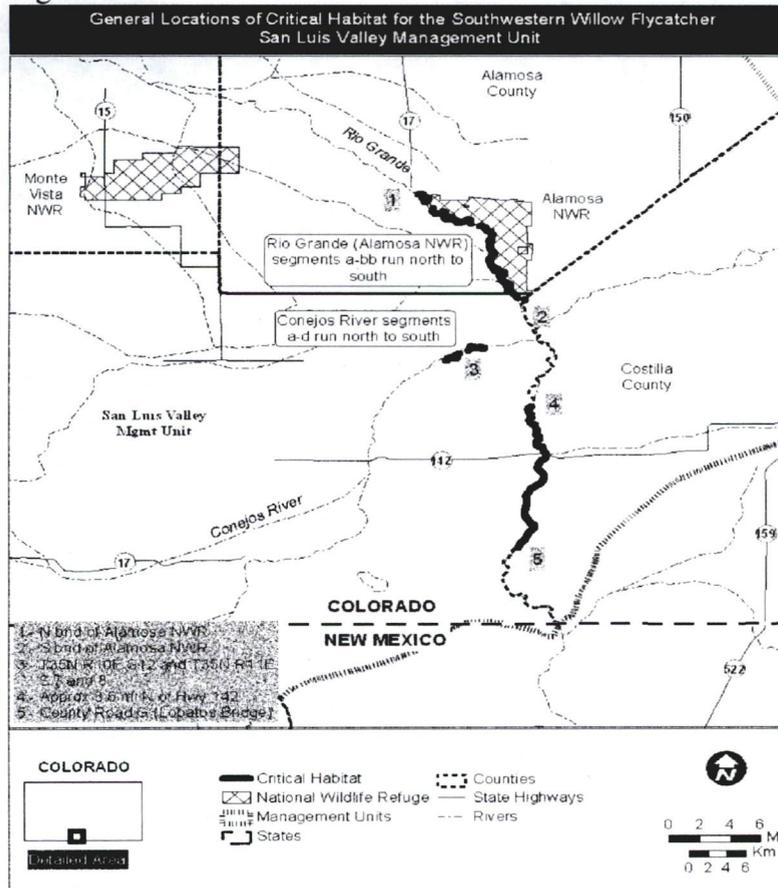
Threatened, Endangered and/or Proposed Animal Species: A Programmatic Biological Assessment (BA) and Biological Evaluation (BE) was completed in 2003 as a supporting NEPA document for the Environmental Assessment for Watershed and Fisheries Conservation Treatments, 2005. The BE also incorporates Bureau of Land Management Sensitive species. The BA determined that the proposed actions of the EA will have No Effect (NE) upon Uncompahgre Fritillary Butterfly and May Effect, but are Not Likely to Adversely Affect (NLAA) Bald Eagle, Canada Lynx, Mexican Spotted Owl and the Southwestern Willow Flycatcher. The U.S. Fish and Wildlife Service (FWS) concurred with the BA's determinations on October 14, 2003.

Listing Changes and Critical Habitat Designations:

Species status changes and designation of critical habitat are as follows; the bald eagle was delisted August 2007 and now is identified as a BLM sensitive species. In addition, the New Mexico meadow jumping mouse (NMMJM) was listed as Endangered (E) July 2014. Designation of Critical Habitat for the Southwestern willow flycatcher (SWFL) occurred January 2013, which included the San Luis Valley Management Area (SLVMA). The listing of the NMMJM and the designation of SWFL critical habitat have been considered in this DNA as follows:

Suitable habitat does not currently exist for the NMMJM within the seventeen riparian exclosures and therefore this project will have No Effect on this species. However, these exclosures will be constructed immediately around portions of Critical Habitat that run along the Rio Grande River for the SWFL, Figure 3. The intent of these exclosures has been described in the projects proposed action above. Hence, the predominance of its purpose is to ensure the restoration of decimated willow communities through regeneration and healthy long-term maintenance of the riparian ecosystem. For the SWFL, the original BA determination of NLAA remains valid. In the long term, this project is expected to have a beneficial effect on the SWFL and all other willow riparian associated species.

Figure 3:



Proposed Species

North American Wolverine, Gunnison's sage grouse and yellow-billed cuckoo do not have habitat within the project area, therefore there will be No Effect on these species.

BLM Sensitive Species Additional Considerations

Great Basin silver spot butterfly: This species has been known to occur near the Rio Grande National Forest. Although this species could be present within the wetter meadows interspersed with willows and other woody wetland species along the Rio Grande River, it is not expected to reside within the project areas due to the lack of a healthy riparian ecosystem. Therefore there will be No Impact on these species. In the long term, this project is expected to have a beneficial impact on the silver spot butterfly.

Brewer's sparrow, burrowing owl, mountain plover, fringed myotis and swift fox: These species do not have habitat within the project area, therefore there will be No Impact on these species.

Rio Grande sucker: Historically, the Rio Grande sucker was common throughout the Rio Grande River and associated tributaries. However it has not been documented along the stretches of the Rio Grande where the project areas are located. Despite its presence or absence, this

project will not occur within this species habitat, and therefore will have *No Impact*. In the long term, this project is expected to have a beneficial impact on the river and riparian ecosystem and all associated aquatic species.

MITIGATION:

- Avoid exclosure construction during the SWFL breeding season early May to mid-August in general.

Literature Cited:

Hanophy, W. 2009. Fencing with Wildlife in Mind. Colorado Division of Wildlife, Denver, CO. 36 pp

CONCLUSION

DOI-BLM-CO-200-2014-0017 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: /s/ *Eduardo Duran*

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR:

SIGNATURE OF AUTHORIZED OFFICIAL:



Andrew Archuleta, Field Manager

DATE SIGNED:

9/9/2014

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. 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.