

**United States Department of the Interior
Bureau of Land Management**

Determination of NEPA Adequacy

DOI-BLM-CO-S050-2015-0016-DNA

January, 2015

Upper Maverick Draw Allotment Grazing Permit Renewal

Location: Montrose County, CO

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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PROPOSED ACTION TITLE: Upper Maverick Draw Allotment Grazing Permit Renewal

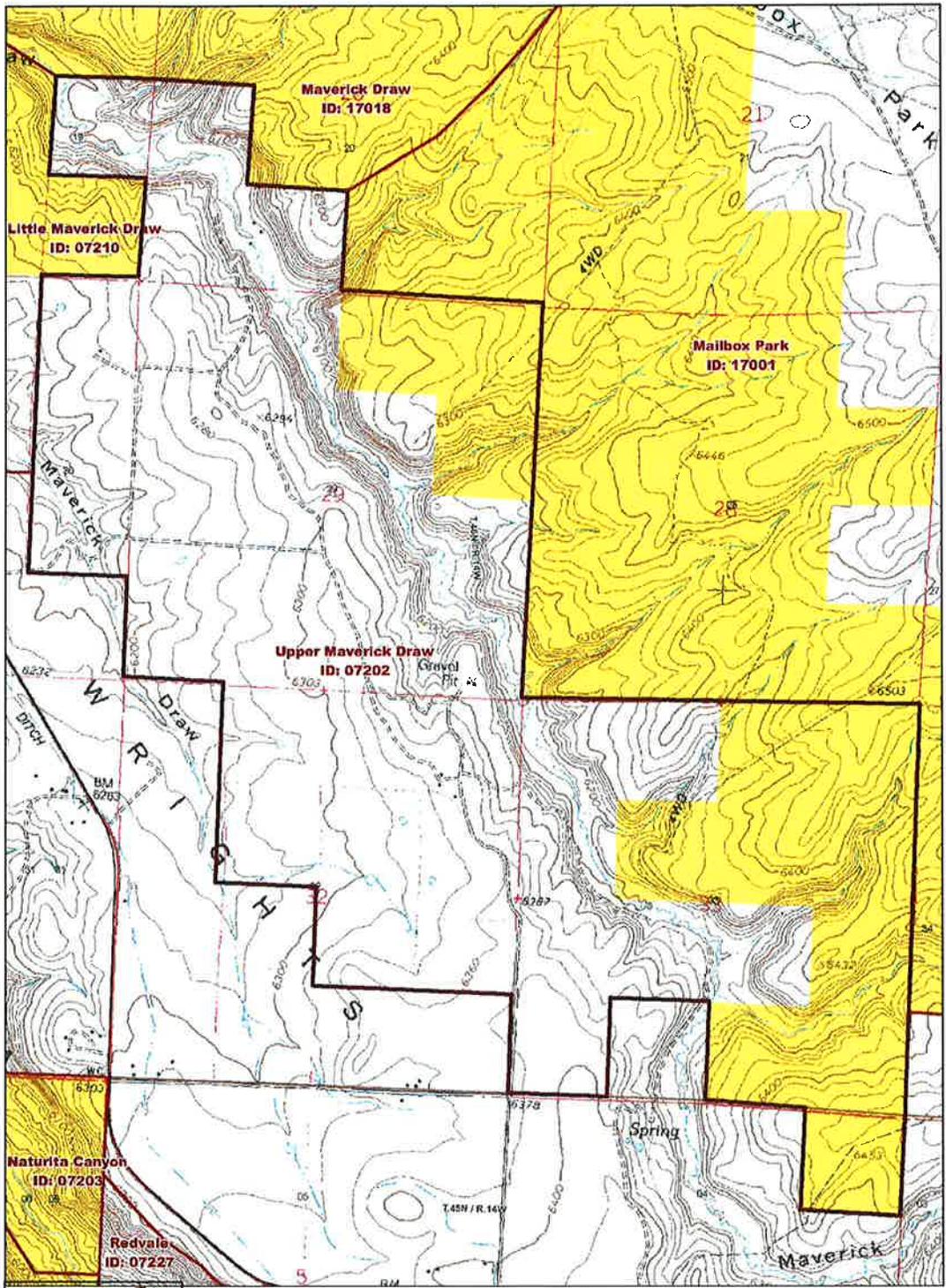
LOCATION/LEGAL DESCRIPTION: T. 46 N., R. 14 W., Sec. 28 and 33; T. 45. N., R 14 W., Sec. 4

APPLICANT: Marie Cadgene

BACKGROUND: The Upper Maverick Draw allotment is located approximately 1 mile north of the town of Redvale in Montrose County, CO. The allotment consists of 480 acres of public land which is managed concurrently with a large parcel of unfenced private land. These 480 acres of public land are on the steep canyon walls on the north side of Maverick Draw, which makes fully fencing private land from public land impractical. A 2005-2006 evaluation of grazable public land within the combined public and private land grazing allotment resulted in a determination that 10% of total AUMs in the allotment come from public land.

Vegetation on the BLM portion of the allotment is entirely Rocky Mountain pinion juniper woodland, which provides minimal forage value for livestock. Elevation on the allotment ranges from 6,000 to 7,000 feet and average annual precipitation is 10-12 inches. A Land Health Assessment (LHA) was completed in 2005-2006, and all public land acres in the allotment were determined to be meeting Standards 1, 2, 4 and 5 (soils, wetland and riparian, T&E species, and water quality). All public land acres in the allotment met with problems for Standard 3 (vegetation). Problems included low perennial grass and forb cover, which was attributed to low serial stage of the vegetation. Current grazing was not found to be a causal factor in meeting Standard 3 with problems.

In 2006 the Norwood LHA Grazing Permit Renewal EA and FONSI was completed; a Decision resulting from this FONSI was issuance of a 10 year grazing permit on Upper Maverick Draw allotment. This permit was issued 3/1/2006 and expires 2/28/2015. It permits 60 head of cattle from 11/15 to 12/14 annually, for a total of 6 AUMs. In November 2014 the current permittee, Marie Cadgene, applied for a renewal of this permit under the exact same terms and conditions as the previous permit.



Upper Maverick Draw Allotment # 07202

1:14,280
1 in = 0.23 miles

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

The proposed action is to continue livestock grazing on the Upper Maverick Draw allotment by issuing a new 10 year grazing permit to Marie Cadgene. Permitted dates, AUMs, livestock numbers, and all permit Terms and Conditions would remain the same as the previous permit. The proposed grazing schedule would be as follows:

Allotment	Livestock Number	Livestock Kind	Grazing Period		%PL*	Type Use	AUMs**
			ON	OFF			
Upper Maverick Draw #07202	60	Cattle	11/15	12/14	10	Active	6

*%PL- is the percentage of AUM forage provided by public land.

**AUM-The amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month

TERMS AND CONDITIONS

Grazing will be deferred on new vegetation treatments to allow two growing seasons of rest unless otherwise authorized or further restricted.

Seasonal utilization levels on palatable forage shall not exceed 50%, unless otherwise approved by the Rangeland Management Specialist.

Dormant and growing season utilization shall not exceed an average of 30% use on the native woody riparian species in Maverick Draw.

Periodic authorization of grazing outside the time period specified in the grazing permit may be allowed. This kind of authorization would be granted only after notification and consultation with appropriate Uncompahgre Field Office Staff.

The BLM authorized officer will be contacted prior to any range improvement maintenance activity, e.g. cleaning of ponds or reservoirs with heavy equipment, which would involve soil surface disturbance.

The BLM Rangeland Management Specialist will work with the permittee to find opportunities to allow portions of the allotments to receive occasional rest in order to increase plant vigor. This may also allow fine fuels to accumulate and help natural fires to perpetuate the desired landscape mosaic.

Grazing will be managed in a way that does not encourage the establishment or spread of noxious weeds or other invasive plants, or significant degradation of the native plant community. The permittee is required to maintain all newly constructed range improvements (specifically water sources such as reservoirs catchments or developed springs) to a weed free status as directed by the authorized officer. Failure to achieve this status could result in cancellation of the permit, “contracting-out” the control work and requiring reimbursement, and /or not allowing grazing until the control is achieved. Permittees are required to control weeds on BLM lands

using integrated pest management techniques. Before chemical or biological methods are used, the permittee must obtain copies of the appropriate Pesticide Use Proposals from the BLM.

If human remains or historic, archaeological, or paleontological materials are found in the course of any allotment activities, the operator shall refrain from further actions that might impact the materials and contact the BLM. Additional stipulations may be added to this permit if new cultural or paleontological sites are identified that could be affected by livestock grazing.

Use supervision checks by BLM staff will be used to assure compliance. The Uncompahgre Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate allotments. Evaluation of monitoring data will be used to make appropriate changes to grazing management to protect land health.

This grazing permit authorizes livestock trailing to and from the BLM allotment provided notification is given to the BLM office at least 24 hours in advance of the trailing activity. Failure to notify the BLM of trailing activity across BLM land will be considered trespass.

Salting and mineral supplement sites must be established further than ¼ mile from permanent water sources, reservoir sites, or Threatened and Endangered species habitat and will be moved from year to year. Permittees will be encouraged to place salt and mineral supplements as far away from these critical sites as possible.

B. Land Use Plan (LUP) Conformance

LUP Name: San Juan/San Miguel Resource Management Plan

Date Approved: September 1985

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Chapter 2, Resource Decisions, pages 5-11 describes objectives relating to livestock grazing and Appendix One, Table 1-1 provides management guidelines for livestock emphasis areas.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- 7/26/2006 CO-150-2006-012 EA Norwood LHA Grazing Permit Renewal
- 2005-2006 Norwood Land Health Assessment

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 identical to the proposed action in the existing NEPA document; it has the exact same grazing schedule and Terms and Conditions as analyzed in the existing document. It is at the same specific site, with no changes in geographic or resource 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?

In the 2006 Norwood LHA Grazing Permit Renewal EA, a No Action (or current management) alternative was analyzed. A reduced grazing or no grazing alternative was not analyzed. The impacts of the proposed action would very likely be the same as a no grazing/reduced grazing alternative. In a no grazing/reduced-grazing alternative, livestock would continue to use private land adjacent to public land at the full discretion of the property owner. Because steep, rocky terrain makes fencing public land from private land impractical, a small percentage of livestock would wander onto public land from private pastures. Even under a no or reduced grazing scenario, BLM land would likely receive incidental grazing that would be difficult to avoid. The environmental consequences of no grazing or reduced grazing would therefore be the same as the proposed action, and the range of alternatives analyzed in the existing NEPA document are appropriate.

Current environmental concerns, interests, and resource values are the same as those analyzed in the 2006 EA. There have been no new discoveries in resource values and there is no data to indicate any new environmental concerns exist.

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 existing analysis is valid in light of existing data. There have been no discoveries of endangered or threatened species under ESA, no new listing of ESA species in the project area, and no discoveries of BLM sensitive species. There are no new documented noxious or invasive weed occurrences. There is no new data that indicates changes in land health.

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?

Direct, indirect, and cumulative effects resulting from the implementation of the new proposed action would be unchanged from those analyzed in the existing NEPA document.

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

Public involvement was conducted along with interagency review. This review was adequate for the proposed action.

E. Persons/Agencies /BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Glade Hadden	Archaeologist	Cultural Resources and Native American Religious Concerns
Ken Holsinger	Biologist	Threatened and Endangered Species

REMARKS:

Cultural Resources: Cultural resource evaluation of the Upper Maverick Draw allotment has been completed, and the Cultural Resources Information for Range Allotments form is on file (00UB – 022). Class II work required for the initial evaluation was completed in 2000, and it is recommended that the permit be renewed with no further work required.

Native American Religious Concerns: There are no known Traditional Cultural Properties or significant cultural value localities within this allotment. The BLM has consulted with representatives from the Uintah and Ouray (Northern) Ute tribe, Southern Ute Tribe and the Tribal Historic Preservation Office of the Ute Mountain Ute Tribe.

Threatened and Endangered Species: The Upper Maverick Draw allotment is occupied by the BLM sensitive Bald Eagle however current livestock management/grazing in this allotments is unlikely to result in a declining trend toward federal listing which is consistent with the findings in the 2006 EA. There are mapped Bald Eagle roost sites on the private lands within the allotment that were identified prior to the 2005 LHA and continue to be active today. Bald Eagle are likely to continue to be unaffected by continued livestock use of the public lands within this allotment.

There are no other species listed, proposed, or candidate to the Endangered Species Act or considered sensitive by the BLM that are known to inhabit or derive important use of the Uncompahgre Common allotment.

Migratory bird effects continue to remain as described in the original EA nest disturbances, nest parasites, and abandonments are expected to continue as a result of domestic livestock grazing. The affects are not likely to result in a trend towards federal protection for any migratory species of conservation concern.

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 requirements of the NEPA.

Signature of Project Lead Angela LaSasso Date 2/2/2015

Signature of NEPA Coordinator J. Bondgen Date 2/5/2015

Signature of the Responsible Official Barbara Sharrow
Barbara Sharrow
Field Manager, Uncompahgre Field Office

Date 3-4-15

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.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 South Townsend
Montrose, CO 81401
www.blm.gov/co/st/en/fo/ufo.html

LLCOS05000 (4130)

In Reply Refer To:
4160 (CO-S05)

MAR - 5 2015

Marie J. Cadgene
PO Box 10
Redvale, CO 81431

NOTICE OF PROPOSED DECISION

Dear Ms. Cadgene:

INTRODUCTION

In 1998, the Uncompahgre Field Office (UFO) identified ten different landscape units within our jurisdiction where a Landscape Health Assessment (LHA) would be completed every ten years. The results of these assessments are to be the basis for responding to applications for, renewing, and/or fully processing all grazing permits administered by this office. The Norwood land health area is one of the ten landscape units within the UFO.

BACKGROUND

In 2005-2006, the UFO conducted the Norwood LHA. Upper Maverick Draw allotment #07202 is within the Norwood LHA area and land health for the allotment was analyzed in that assessment. Data from the Norwood LHA was used in the 2006 Norwood LHA Grazing Permit Renewal, CO-150-2006-012 EA (Norwood Grazing EA).

The goals of the Norwood LHA were to determine 1) whether there were any areas that were not meeting the Colorado Standards for Public Land Health and 2) if areas were not meeting Standards, the cause of that failure. A copy of the Norwood LHA is available upon request. The LHA revealed all public land acres in the allotment were meeting Standards 1, 2, 4 and 5 (soils, wetland and riparian, T&E species, and water quality). All public land acres in the allotment met with problems for Standard 3 (vegetation). Problems included low perennial grass and forb cover, which was attributed to low serial stage of the vegetation. Current grazing was not found

to be a causal factor in meeting Standard 3 with problems.

The Norwood Grazing EA analyzed the Proposed Action and a No Action Alternative. The Proposed Action was based on land health determinations made in the Norwood LHA, and contained new Terms and Conditions to continue to meet, or where Standards were not met and livestock grazing determined to be a causal factor, work towards meeting, Land Health Standards. The No Action Alternative would continue current management under the same Terms and Conditions as the previous permit. The Proposed Action was selected from the alternatives, and a Finding Of No Significant Impact (FONSI) was completed for the action in July 2006. A decision resulting from the FONSI was issuance of a 10 year grazing permit on Uncompahgre Common allotment. This permit authorizes 60 head of cattle from 11/15 to 12/14 annually, on 10% public land, for a total of 6 AUMs.

In November 2014 the current permittee, Marie J. Cadgene, applied for a renewal of this permit under the exact same Terms and Conditions as the previous permit. In January 2015, the BLM UFO conducted a determination of NEPA adequacy (DNA) to decide if the Norwood Grazing EA sufficiently analyzed the environmental consequences of issuing another 10 year grazing permit, under the exact same Terms and Conditions, on Upper Maverick Draw allotment. This DNA found all NEPA adequacy criteria met, and circumstances to be such that no changes in environmental consequences, as disclosed in in the Norwood Grazing EA, would result from this action.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A Finding of No Significant Impact (FONSI) was prepared for the 2006 Norwood LHA Grazing Permit Renewal, CO-150-2006-012 EA, based on the information contained in that EA and consideration of criteria for significance (40 CFR 1508.27). The conclusion in the FONSI, dated July 26, 2006, remains valid and a new FONSI does not need to be prepared. It is my determination that: 1) the implementation of the portion of the Proposed Action described in the proposed decision will not have significant environmental impacts; 2) the Proposed Action is in conformance with the San Juan/ San Miguel Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

PROPOSED DECISION

Therefore, it is my proposed decision to implement the following portion of the Proposed Action in the 2006 Norwood Grazing EA. This action will issue a term grazing permit to Marie J. Cadgene on Upper Maverick Draw allotment. The grazing permit will be valid for 10 years beginning March 1, 2015, with an expiration date of February 28, 2025. Payment of annual grazing fees will be due prior to turn out of livestock. The grazing permit will authorize the following:

Allotment	Livestock Number	Livestock Kind	Grazing Period		%PL*	Type Use	AUMs**
			ON	OFF			
Upper Maverick Draw #07202	60	Cattle	11/15	12/14	10	Active	6

*%PL- is the percentage of AUM forage provided by public land.

**AUM-The amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

OTHER TERMS AND CONDITIONS

- Grazing will be deferred on new vegetation treatments to allow two growing seasons of rest unless otherwise authorized or further restricted.
- Seasonal utilization levels on palatable forage shall not exceed 50%, unless otherwise approved by the Rangeland Management Specialist.
- Dormant and growing season utilization shall not exceed an average of 30% use on the native woody riparian species in Maverick Draw.
- Periodic authorization of grazing outside the time period specified in the grazing permit may be allowed. This kind of authorization would be granted only after notification and consultation with appropriate Uncompahgre Field Office Staff.
- The BLM authorized officer will be contacted prior to any range improvement maintenance activity, e.g. cleaning of ponds or reservoirs with heavy equipment, which would involve soil surface disturbance.
- The BLM Rangeland Management Specialist will work with the permittee to find opportunities to allow portions of the allotments to receive occasional rest in order to increase plant vigor. This may also allow fine fuels to accumulate and help natural fires to perpetuate the desired landscape mosaic.
- Grazing will be managed in a way that does not encourage the establishment or spread of noxious weeds or other invasive plants, or significant degradation of the native plant community. The permittee is required to maintain all newly constructed range improvements (specifically water sources such as reservoirs catchments or developed springs) to a weed free status as directed by the authorized officer. Failure to achieve this status could result in cancellation of the permit, “contracting-out” the control work and requiring reimbursement, and /or not allowing grazing until the control is achieved. Permittees are required to control weeds on BLM lands using integrated pest management techniques. Before chemical or biological methods are used, the permittee must obtain copies of the appropriate Pesticide Use Proposals from the BLM.
- If human remains or historic, archaeological, or paleontological materials are found in the course of any allotment activities, the operator shall refrain from further actions that might impact the materials and contact the BLM. Additional stipulations may be added to this permit if new cultural or paleontological sites are identified that could be affected by livestock grazing.
- Use supervision checks by BLM staff will be used to assure compliance. The Uncompahgre Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate allotments. Evaluation of monitoring data will be used to make appropriate changes to grazing management to protect land health.
- This grazing permit authorizes livestock trailing to and from the BLM allotment provided notification is given to the BLM office at least 24 hours in advance of the trailing

activity. Failure to notify the BLM of trailing activity across BLM land will be considered trespass.

- Salting and mineral supplement sites must be established further than ¼ mile from permanent water sources, reservoir sites, or Threatened and Endangered species habitat and will be moved from year to year. Permittees will be encouraged to place salt and mineral supplements as far away from these critical sites as possible.

This proposed decision represents no change from current management.

Enclosed, please find a new grazing permit being offered to you under this proposed decision. You should review these documents thoroughly. If you agree to the Terms and Conditions, please sign and return the enclosed permit. After I sign the permit, we will return your copy to you. In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

The San Juan/San Miguel Resource Management Plan has identified grazing as a valid use of the Upper Maverick Draw allotment, and the Interdisciplinary Team that prepared the 2006 Norwood Grazing EA found no basis for changing or altering this finding. The 2006 Norwood LHA showed all acres in the allotment met BLM Colorado Standards for Public Land Health 1, 2, 4 (soils, wetland and riparian, T&E species, and water quality). All public land acres in the allotment met with problems for Standard 3 (vegetation). Problems included low perennial grass and forb cover, which was attributed to low serial stage of the vegetation. Current grazing was not found to be a causal factor in meeting Standard 3 with problems. There is no new data to indicate conditions on the allotment have changed. The 2014 DNA found that the environmental consequences of issuing another 10 year grazing permit, under the exact same Terms and Conditions, on Upper Maverick Draw allotment are the same as described in the 2006 Norwood Grazing EA. This DNA found all NEPA adequacy criteria met, and circumstances to be such that no changes in environmental consequences, as disclosed in in the Norwood Grazing EA, would result from this action.

AUTHORITY

This proposed decision is issued under the authority of 43 CFR 4160.1. The applicant, Marie J. Cadgene, meets the qualifications to hold a grazing permit, according to 43 CFR 4110.1 and the base property held by the applicant meet the requirements of 43 CFR 4110.2-1. The grazing permit for this allotment is in conformance with the San Juan/San Miguel Resource Management Plan.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the Uncompahgre Field Office, 2465 South Townsend Montrose, CO 81401.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Uncompahgre Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Regional Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

Sincerely,



Barbara Sharrow
Field Office Manager

Enclosure:
Grazing Permit