

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2010-0175-DNA

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Burke Brothers Application for Grazing Preference

LEGAL DESCRIPTION:

Allotment Name and Number	Township	Range	All of Section(s)	Portions of Section(s)
Little Hills 06006	1 North	96 West		31
	1 South	96 West	6-8, 15-23, 26-35	5, 9, 14, 24, 25, and 36
	1 South	97 West	1, 12, 13, 24	2, 11, 14, 23, 25, 26, 36
	2 South	95 West		19, 30
	2 South	96 West	2-7, 9-11	1, 8, 12-18, 23, 24, 25
	2 South	97 West		1, 11 - 13

APPLICANT: Burke Brothers

ISSUES AND CONCERNS:

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is approval of Burke Brothers application for grazing preference on the Little Hills allotment (06006) and issuance of a grazing permit for a term of 5 years from March 1, 2010 through Feb 28, 2014, when the term of the current grazing permit expires. Burke Brothers have acquired this preference through transfer from Lex and Jan Burke and already control the majority of the grazing preference on the Little Hills allotment. This transfer of grazing preference is in compliance with 43 CFR 4110.2-3

Year 1						
Allotment Name	Livestock Number	Kind	Date On	Date Off	% BLM	AUMs
Little Hills	100	Cattle	06/01	10/30	100	500

LAND USE PLAN (LUP) CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Number/Page: P 2-23, Livestock Grazing Management: With minor exceptions, livestock grazing will be managed as described in the 1981 Rangeland Program Summary, Record of Decision for the 1981 White River Resource Area Grazing Management Final Environmental Impact Statement. 1) Allocation of forage among predominant grazing animals and other uses.

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: White River Resource Area Grazing Management FEIS

Date Approved: April 1981

Name of Document: Piceance Basin Resource Management Plan (RMP)

Date Approved: March 1985

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?

Documentation of answer and explanation: Yes, the Proposed Action is the same action on the same allotment and the same level of grazing as that which was analyzed in the

1981 White River Grazing Management EIS and the 1997 White River Resource Area RMP.

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?

Documentation of answer and explanation: Various alternatives, including the Proposed Action and No Grazing were analyzed in the 1981 White River Grazing Management EIS and the 1997 White River Resource Area RMP.

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?

Documentation of answer and explanation: Yes, the existing analysis remains valid absent any new information or circumstances. No new information or new circumstances would substantially change analysis of the Proposed Action.

The Magnolia area hosts a small, remnant population of greater sage-grouse that are associated with the Parachute-Piceance-Roan (PPR) Greater Sage-Grouse Population that is the target of population and habitat restoration efforts by the Colorado Division of Wildlife (CDOW), BLM, and a host of local stakeholders through the PPR Conservation Plan (2008). Evidence suggests that this population is very small (<24 birds), isolated, and at risk of extirpation. This insular population fulfills virtually all its life history requirements, including nesting, brood-rearing and wintering functions in a constricted 2- to 3-mile band of sage-steppe habitats primarily north of Rio Blanco County (RBC) 3 and almost wholly encompassed by this grazing allotment.

The height and cover of herbaceous ground cover are known to influence sage-grouse nest site selection, nest success, and chick survival and suggests that grazing by livestock or wild herbivores during the nest and brood-rearing seasons have potential to affect grouse populations. Authorized livestock use is potentially season-long and coincident with the entire sage-grouse nest (15 April to 15 July) and brood-rearing periods (through August), but no studies have been implemented to determine the influence of livestock grazing on ground cover properties important for nest and brood concealment and forage/prey production.

Brewer's sparrow, which nests across Magnolia's big sagebrush and mixed shrub communities from mid-May through late July, is a recent addition to BLM's sensitive species list. Based on annual Breeding Bird Surveys orchestrated by the U.S. Geological Survey, Brewer's sparrow populations appear to have undergone statistically significant declines (from about -3 to -6%/yr) throughout its range during 1966-1996 (Sauer et al. 1997). Recent breeding bird surveys conducted by WRFO wildlife staff in this area indicate that the sparrows are well distributed in suitable habitat at low to moderate densities (e.g., ~60/km² in 2010). Strong reductions in the density and height of

herbaceous ground cover during the nesting season from collective ungulate grazing is capable of substantially (50% or more) depressing nest success and/or breeding densities of, particularly, ground-nesting and near-ground nesting birds that are insectivorous by nature or rely heavily on insect prey to feed nestlings during brood-rearing functions (Walsberg 2005, Krueper et.al. 2003). These effects likely extend to most shrubland birds, including Brewer's sparrow.

Since this grazing transfer is an administrative function and represents one-fifth of the total livestock (horse and cattle) grazing use authorized on the Little Hills allotment, an updated analysis of grazing-related influences on sage-grouse and migratory birds would be more effectively conducted in the context of overall livestock management during the allotment's scheduled permit renewal date in 2014.

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?

Documentation of answer and explanation: Yes, the methodology and analytical approach used in the WRRR RMP and the White River Grazing Management EIS continues to be valid for describing the level and season of grazing.

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

Documentation of answer and explanation: Yes, public involvement conducted for the WRRR RMP and the WRRR EIS on Grazing Management is adequate for this grazing preference application.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by the White River Field Office interdisciplinary team on 11/2/2010.
Date

A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: As this is only a change in preference and there is not a change in actual use of the allotment by livestock, this action does not have the potential to negatively impact cultural resources. A cultural resource assessment of the allotment needs to be done prior to the planned permit renewal in 2014. (KB 10/6/2010)

Native American Religious Concerns: No known concerns. (KB 10/6/2010)

Threatened and Endangered Wildlife Species: There are no animals listed or proposed to the Endangered Species Act (ESA) that are known to inhabit or derive important benefit from the project area.

On 5 March 2010, the USFWS concluded that the greater sage-grouse warranted listing as an endangered species under the Endangered Species Act, but that listing was precluded by the need to complete listing actions of higher priority. Range-wide, this species is considered a candidate for listing, a designation that affords management attention equivalent to that of species considered “sensitive” by the BLM. Also in 2010, Colorado BLM also added Brewer’s sparrow, a species strongly associated with sage-steppe habitats, to its State Director’s Sensitive Species List.

Special Status Plant Species: The Little Hills allotment contains four small populations of *Physaria obcordata*, a federally listed threatened plant species. These populations are located in the southwestern corner of the allotment along Rio Blanco County Road (RBCR) 5, in T2S R97W Section 22. Most of this occupied habitat is located within the Dudley Bluffs Area of Critical Environmental Concern (ACEC), which was designated because it provides extensive habitat for threatened species.

The *P. obcordata* populations within the Little Hills allotment were surveyed by the BLM botanist on July 7, 2010. Minimal evidence of cattle use in the occupied habitat area was evident. One small trail was located within the occupied habitat, but as no other signs of cattle were present, it is likely that this trail was established by wild game or surveyors and researchers studying the plant populations.

The occupied *P. obcordata* habitat is located on extremely steep shale slopes that cattle are unlikely to traverse. Of the 16.53 acres of occupied habitat within the Little Hills allotment, 96% occurs on slopes greater than 25%. Scree slopes this steep are generally accepted to be too steep for livestock to effectively use and therefore see no grazing pressure. Therefore, continued grazing within the Little Hills allotment is expected to have no effect on threatened plant species or their associated habitats. (JKS 8/16/2010)

MITIGATION: None

NAME OF PREPARER: Mark Hafkenschiel and Matthew Dupire Rangeland Management Specialists

NAME OF ENVIRONMENTAL COORDINATOR: Kristin Bowen

DATE: November 2, 2010

ATTACHMENTS: Map of Allotment

CONCLUSION

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Based on the review documented above, I conclude that this proposal with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. The legal preference to graze the allotment already exists. This approval merely sanctions the transfer of the grazing preference from one party to another. There are no other changes occurring under the allotment approval.

SIGNATURE OF RESPONSIBLE OFFICIAL:

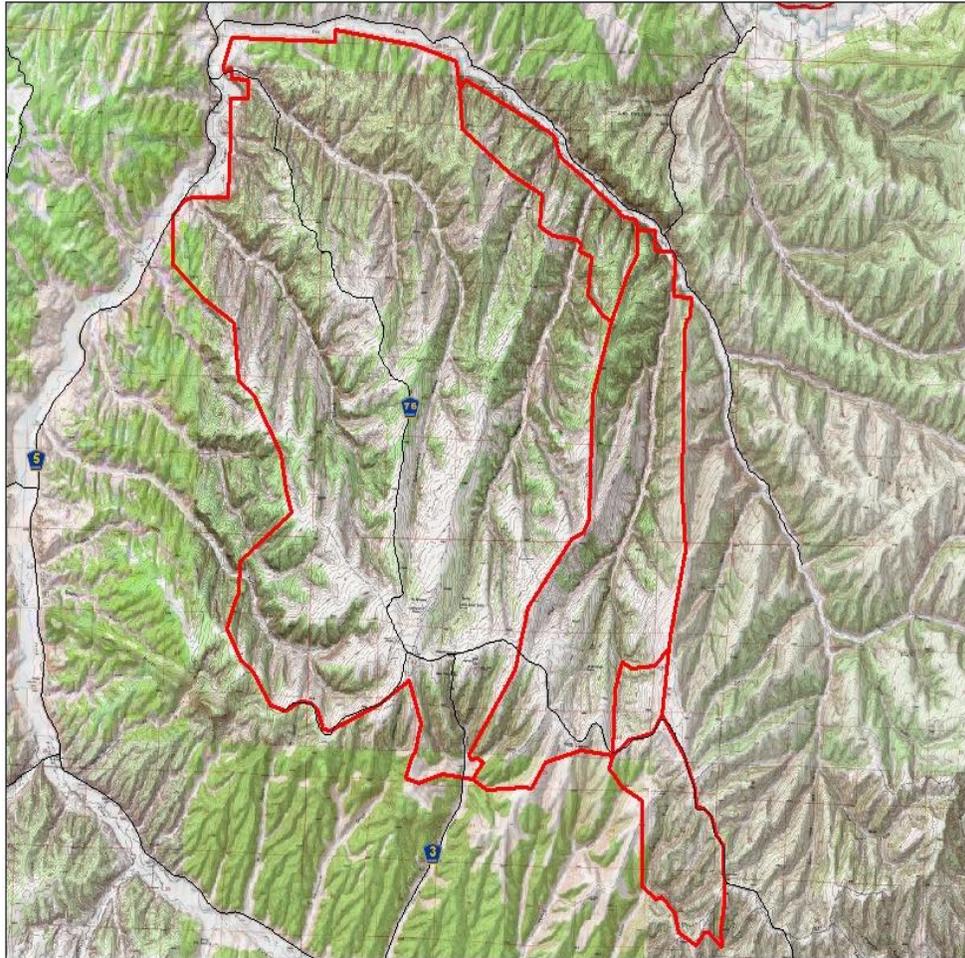

Field Manager

DATE SIGNED: 11/3/2010

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.



Little Hills Grazing Allotment (06006)



Map Disclaimer:
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Legend

- County
- State
- FO Boundary
- Allotment Boundary

