

**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-110-2011-109-DNA

CASEFILE/PROJECT NUMBER: 0501407

PROJECT NAME: Grazing Permit Issuance

LEGAL DESCRIPTION:

Allotment			Legal Description		
No.:	Name:	BLM Acres:	TWP (S):	RGE (W.)	Section(s)/Lot(s) \or Portions of
02935	MTW	18,438	T 2S,	R 96W	Sec: 31
			T 2S	R 97W	Sec: 35, 36
			T 3S	R 96W	Sec 6, 7, 18, 19, 30
			T 3S	R 97W	Sec:1,2,10-15, 22-27, 33-36
			T 4S	R 97W	Sec: 1-4, 9-12, 14-16, 21-23, 27
			T 5S	R 97W	Sec: 5, 8, 18, 19
02966	McKee / Collins	9,441	T 2 S	R 96W	Sec 17-21, 28-32
			T 2S	R 97W	Sec:10-16, 22-26

APPLICANT: MTW Ranch LLC

ISSUES AND CONCERNS: None.

DESCRIPTION OF PROPOSED ACTION:

The Proposed Action is to issue a revised livestock grazing permit to MTW Ranch to reflect their remaining preference after leasing half of their base property to Slash EV Ranch. This permit is based on their grazing application dated May 3, 2011. The grazing preference outlined in the schedules below reflects MTW's remaining preference on the MTW and McKee/Collins allotments. A map of these two allotments is attached as Figure 1. This permit is being issued with the same grazing schedules and with the same terms and conditions as authorized in the permit currently in place for these allotments (see CO-110-08-012-EA) and will be in effect for the term of their base property lease to Slash EV. This grazing permit and associated grazing schedules are outlined in Tables 1, 2, and 3 below. The terms and conditions can be found in the EA listed above. Mitigation measures are listed below.

**Table 1**

<b>MTW Grazing Permit</b>						
<b>Allotment Name &amp; #</b>	<b>Number</b>	<b>Kind</b>	<b>Begin</b>	<b>End</b>	<b>%PL</b>	<b>AUMs</b>
MTW 02935	100	C	5/1	5/20	92	60
	200	C	5/21	6/30	92	248
	200	C	7/1	9/30	7	42
	200	C	10/1	10/31	92	187
	100	C	11/1	12/31	92	184
McKee/Collins 02966	103	C	12/1	12/31	100	105
	68	C	1/1	1/30	100	67

**Table 2**

<b>Odd Year Grazing Schedule for MTW cattle on MTW and McKee/Collins allotments</b>						
<b>Pasture Name</b>	<b>Livestock Number</b>	<b>Kind+</b>	<b>Date On</b>	<b>Date Off</b>	<b>% BLM</b>	<b>BLM AUMs</b>
Cb	50	Cattle	5/1	5/20	92	30
Scandard	50	Cattle	5/1	5/20	91	30
E. Willow Creek	50	Cattle	5/21	6/10	81	27
Sorghum	50	Cattle	5/21	6/10	100	33
Trail Ridge	200	Cattle	6/11	6/30	94	126
Summer	200	Cattle	7/1	9/30	7	42
Trail Ridge	200	Cattle	10/1	10/20	94	125
E. Willow Creek (drift)	100	Cattle	10/21	10/31	81	29
Cb (drift and sort)	100	Cattle	10/21	10/31	92	33
W. Willow Creek	25	Cattle	11/1	11/30	94	23
Scandard	75	Cattle	11/1	12/31	91	136
Sorghum	50	Cattle	11/16	12/15	100	50
<b>MTW allotment total</b>						<b>684</b>
McKee/Collins	103	Cattle	12/1	12/30	100	105
	68	Cattle	1/1	1/30	100	67
<b>McKee/Collins allotment total</b>						<b>172</b>

+ includes bulls

**Table 3**

<b>Even Year Grazing Schedule for MTW cattle on MTW and McKee/Collins allotments</b>						
<b>Pasture Name</b>	<b>Livestock Number</b>	<b>Kind+</b>	<b>Date On</b>	<b>Date Off</b>	<b>% BLM</b>	<b>BLM AUMs</b>
Cb	100	Cattle	5/1	5/20	92	61
Scandard	50	Cattle	5/15	6/10	91	39
E. Willow Creek	50	Cattle	5/15	6/20	72	43
Sorghum	100	Cattle	5/21	6/20	100	100
Trail Ridge	100	Cattle	6/11	6/20	94	31
Trail Ridge	200	Cattle	6/21	7/10	94	125
Summer	200	Cattle	7/11	10/10	7	42
Trail Ridge	200	Cattle	10/11	10/20	94	62
E. Willow Creek (drift )	100	Cattle	10/21	10/31	72	26

<b>Even Year Grazing Schedule for MTW cattle on MTW and McKee/Collins allotments</b>						
<b>Pasture Name</b>	<b>Livestock Number</b>	<b>Kind+</b>	<b>Date On</b>	<b>Date Off</b>	<b>% BLM</b>	<b>BLM AUMs</b>
Cb	100	Cattle	10/21	10/31	92	34
Scandard	75	Cattle	11/1	12/15	91	102
W. Willow Creek	50	Cattle	11/1	11/30	94	47
<b>MTW allotment total</b>						<b>712</b>
McKee/Collins	103	Cattle	12/1	12/30	100	105
	68	Cattle	1/1	1/30	100	67
<b>McKee/Collins allotment total</b>						<b>172</b>

+ includes bulls

Decision to be Made: The BLM will decide whether or not to issue a revised grazing permit to the MTW Ranch under the same terms and conditions included in CO-110-2008-012-EA.

PLAN CONFORMANCE REVIEW:

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

Date Approved: July 1, 1997

Decision Number/Page: 2-23

Decision Language: "With minor exceptions, livestock grazing will be managed as described in the 1981 *Rangeland Program Summary* (RPS). That document is the Record of Decision for the 1981 *White River Grazing Management Final Environmental Impact Statement* (Grazing EIS)."

REVIEW OF EXISTING NEPA DOCUMENTS:

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

Date Approved: June 1996

Name of Document: MTW Grazing Permit Renewal and Allotment Management Plan CO-110-2008-012-EA

Date Approved: October 20, 2008

## NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? 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? If there are differences, can you explain why they are not substantial?

*Yes, the Proposed Action is to issue a permit to graze livestock under the same schedules and terms and conditions and in the same allotments as analyzed in the 2008 environmental assessment document listed above. The permitted AUMs will be split between Slash EV and MTW and the grazing use will remain the same as that previously analyzed.*

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

*Two alternatives (no action alternative and no grazing alternative) covering a reasonable range of alternatives to the Proposed Action were analyzed in CO-110-2008-012-EA. No reasons were identified or presented to analyze additional alternatives to the Proposed Action, and these alternatives are considered to be adequate and valid for the Proposed Action.*

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?

*Yes, the existing analysis remains valid and is absent of any new information or circumstances that would change the analysis of the Proposed Action.*

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?

*The direct, indirect, and cumulative impacts remain unchanged from those identified and analyzed in the White River ROD/RMP and in the site specific analysis in DOI-BLM-CO-110-2008-012-EA.*

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

*Public involvement conducted for the White River ROD/RMP, BLM-CO-110-2008-012-EA, and this document (CO110-2011-109-DNA) is adequate for issuance of this grazing permit.*

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on May 3, 2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Kristen Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	6/17/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/24/2011
Mary Taylor	Rangeland Management Specialist	Special Status Plant Species	5/4/2011

**REMARKS:** *Cultural Resources:* There are no cultural-related issues or concerns associated with the Proposed Action. Cultural issues were adequately addressed in the original environmental assessment. As stated in the CO-110-2008-012-EA, areas of livestock concentration have to be surveyed before the 10 year permit term is up. No livestock concentrations areas exist on the McKee-Collins Allotment. There are eight concentration areas on the MTW Allotment, a total of only approximately 5 acres, and as none have been surveyed to current standards these areas are still required to be surveyed.

*Native American Religious Concerns:* No known concerns.

*Threatened and Endangered Wildlife Species:* There are no wildlife-related issues or concerns associated with the Proposed Action. All wildlife issues were adequately addressed in the original environmental assessment.

*Threatened and Endangered Plant Species:* There is no occupied, suitable, or potential habitat for threatened, endangered, or special status plant species in the MTW grazing allotment. The McKee/Collins allotment contains 515 acres of the Dudley Bluffs ACEC at the extreme western end of the pasture. In this area there are three distinct populations of Dudley Bluffs twinpod (*Physaria obcordata*) occupying approximately 22 acres on the steep barren side slopes and ridge points of exposed Thirteen Mile Tongue member of the Green River formation. The McKee/Collins allotment is permitted as a winter use pasture for livestock grazing from December 1 through January 30. This use period is outside of the active growing and reproductive period for *Physaria obcordata*. Incidental livestock trailing through occupied habitat for *P. obcordata* though unlikely due to the steep terrain would have no impact on recruitment or the sustainability of the population. See CO-110-2008-012-EA page 20 for full discussion.

## MITIGATION:

1. The permittee is responsible for informing all persons who are associated with the allotment that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the permittee must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
3. Cultural resource inventories will be conducted in areas of livestock concentration. There are eight concentration areas on the MTW Allotment, a total of approximately five acres that have to be surveyed before the permit is renewed, to determine if grazing activities are having a significant, adverse effect on cultural resources.

The following applicable mitigation from DOI-BLM-CO-110-2008-012-EA has been carried forward:

4. Cultural resource inventory will be required for any range improvement projects determined necessary to manage the allotment including any new proposed mineral block locations.
5. A monitoring schedule will be implemented by BLM staff on the populations of *P. obcordata* within the McKee/Collins pasture to monitor population trend as stated within the recovery plan for Dudley Bluffs bladderpod and twinpod.
6. Please contact the BLM – WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) through the 24-hour spill reporting line at 1 (877) 518-5608, if the permittee suspects the release of any chemical, oil, solid waste, petroleum product, or sewage is observed within the allotment.
7. Immediate action should be taken to reduce trailing issues when they are identified. If accelerated erosion (rilling, gullying etc.) is occurring due to trailing please contact the authorized officer to determine if a change in management or a rangeland development project should be constructed or the grazing approach altered to reduce impacts.
8. If direct livestock use of undeveloped springs is documented, these areas should be considered for rangeland improvement projects that would fence the source and develop the spring if it is used as a water source by wildlife and/or livestock. Springs that are already developed, should be maintained in good condition to continue to protect water quality.

9. The BLM cannot require but recommends livestock management in the Summer Pasture to reduce direct impacts to stream channels and springs. This can be done by providing alternative water sources, placement of nutrient blocks, and wrangling to reduced concentrated use in areas adjacent to stream channels.
10. Continue monitoring of current key areas and establish additional Daubenmire canopy coverage transects to identify trends and changes in ecological site cover, composition and frequency.
11. No range construction projects that have the potential to create disturbance will be permitted without paleontological clearance in advance. All animal supplements such as salt blocks and water tanks and feed should be placed away from outcrop formations.

COMPLIANCE PLAN: Monitoring studies for these allotments will be reviewed to determine the effectiveness of the stocking rates and grazing schedules. Adjustments will be made if needed. See CO-110-2008-012-EA page 6 for full discussion.

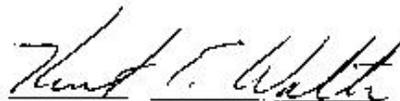
NAME OF PREPARER: Mary Taylor

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to 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 AUTHORIZED OFFICIAL:

  
Field Manager

DATE SIGNED:

07/07/11

ATTACHMENTS: Figure 1: The MTW and McKee/Collins Allotments

Note: The signed Conclusion in this DNA 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.

Figure 1. The MTW and McKee/Collins Allotments

