

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-110-2012-0134-DNA

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Magnolia Mule Deer Enhancement Treatments North Half

LEGAL DESCRIPTION:

Township 1 South, Range 96 West, Sections 17- 20 and 29 - 32
Township 1 South, Range 97 West, Sections 13 – 15, 22 – 27, 35 and 36
Township 2 South, Range 96 West, Section 6, 7, and 8
Township 2 South, Range 97 West, Sections 1, 2, 10, 11, and 15

APPLICANT: Colorado Parks and Wildlife

ISSUES AND CONCERNS: None. This project is being tiered to environmental assessments (EA) DOI-BLM-CO-110-2011-0158-EA and DOI-BLM-CO-110-2011-0004-EA. Both EA's analyzed the impact of mechanically treating immature pinyon-juniper and mountain shrub stands to enhance the availability and quality of seasonal forages on mule deer winter ranges to offset impacts to mule deer exposed to energy development in the Piceance Basin.

Background: Over the past four years, Colorado Parks and Wildlife (CPW) has collected baseline demographic and habitat utilization data across the Piceance Basin from about 1,100 deer collared with Very High Frequency (VHF) and Global Positioning System (GPS) transmitters. CPW will supplement the continued collection of these data with animal condition and distribution metrics, including winter fawn and annual adult doe survival, early and late winter body condition of adult females using ultrasonography, and deer abundance using helicopter mark-resight surveys. Collectively, these measures will be used to evaluate deer behavioral and physiological response to habitat treatments and industry-adopted Best Management Practices (BMPs) in areas undergoing natural gas development in contrast to those areas that are minimally developed.

DESCRIPTION OF PROPOSED ACTION: Delineated in close coordination with the White River Field Office (WRFO) wildlife staff, CPW has proposed mechanical treatment of approximately 660 acres in 91 parcels ranging from 1.6 to 24 acres located between Hatch Gulch to the south and Greasewood Gulch and Piceance Creek to the north and west, respectively (see Figure 1) as big game forage enhancement treatments. This project would serve to evaluate the success of mitigating mule deer behavioral and physiological responses to the human disturbance

associated with energy development activity using winter range habitat hydro-ax treatments. These treatments are identical to those analyzed in DOI-BLM-CO-110-2011-0158-EA.

This project would entail mechanically grinding above ground woody material from a number of small parcels of shrubland and woodland with a rubber-tired hydro-ax. Primary project access would be from existing roads or two-tracks. Machine access to individual treatment sites would be directly from these roads (where treatments are bisected) or cross-country traverses (up to one mile) that would require no vegetation clearing or ground leveling. CPW and contract personnel working in concert with BLM WRFO staff would remain in contact with the equipment operator and monitor the accuracy and progress of treatments; treatment site boundaries will be maintained using GPS units by the hydro-ax operator. Treatments would be dispersed across the project area and have been designed to target fire-disclimax shrubland communities that are represented by late successional mixed deciduous shrub/big sagebrush types that support young pinyon pine and Utah juniper regeneration and first-generation woodland stands that bear no evidence of previous woodland character. Larger trees (dbh \geq 8 inches) and standing dead trees (snags) encountered within the plots will be left standing. Treatments would start at the distal end of each ridge, working back to the proximal end to minimize machinery travel (and subsequent road development) along each ridge. There are no plans at present to supplement the existing vegetation community with seeding. Although there are minor inclusions of slopes between 25-35 percent within the treatment polygons, in practice, mechanical operations would be confined to slopes no greater than 30 percent. These treatments are scheduled to be conducted from late-November 2012 to March 2013. Machine operation and access would not be allowed under soil moisture conditions that result in rutting (3 inches or more) and hydro-ax and transport equipment would be cleaned to remove noxious weed seed prior to entering the project area. Weed control would be evaluated and implemented, where necessary, on a case-by-case basis through BLM's standard pesticide program protocols.

Monitoring of vegetation response is integral with study design. Monitoring plant response and integral reconnaissance for noxious and invasive weeds would be conducted over the following four-year period by contracted personnel guided by CPW and BLM wildlife staffs. Line and point intercept transects have been established in 50 percent of the treatment parcels as well as representative controls in adjacent undisturbed sites.

Design Features:

- 1) CPW project lead is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
- 2) If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office

(SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

- 3) Pursuant to 43 CFR 10.4(g), the applicant 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 applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
- 4) CPW and BLM WRFO wildlife biology staff shall be responsible for ensuring an updated project boundary (GIS shape file) is provided to the hydro-ax operator contractor, that reflects the alternative access route surveyed during the Class III cultural inventory (Slaughter and Elkins 2012) in order to ensure the eligible site 5RB7249 is avoided and that there is no effect to historic properties.

Decision to be Made: The BLM WRFO will decide whether or not to approve CPW's Magnolia Mule Deer Forage Enhancement Treatments project, and if so, under what conditions.

PLAN CONFORMANCE REVIEW:

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

Date Approved: July 1, 1997

Decision Number/Page: 2-26

Decision Language: "Ensure that big game habitats provide components and conditions necessary to sustain big game populations at levels commensurate with multiple use objectives and state-established population objectives."

"Maintain or enhance the productivity and quality of preferred forages on all big game ranges."

"Provide the forms, distribution and extent of vegetative cover and forage that satisfy the physiological and behavioral requirements of big game."

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: June 1996

Name of Document: Magnolia Mule Deer Forage Enhancement Treatments South Half; DOI-BLM-CO-110-2011-158-EA.

Date Approved: November 14, 2011

Name of Document: North Hatch Pilot Forage Treatments; DOI-BLM-CO-110-2011-0004-EA.

Date Approved: December 3, 2010

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?

Documentation of answer and explanation: Yes, mechanical treatments being analyzed in this document are identical to those described and analyzed in DOI-BLM-CO-110-2011-158-EA. The proposed treatment sites are north of those described in the parent EA, but essentially in identical ecological sites (ridge line, immature to submature pinyon-juniper and/or mountain shrub stands).

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?

Documentation of answer and explanation: Two alternatives, (Proposed Action and No Action Alternative) covering a reasonable range of alternatives to the Proposed Action were analyzed in DOI-BLM-CO-110-2011-158-EA. No reasons were identified to analyze additional alternatives 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?

Documentation of answer and explanation: Yes, the existing analysis remains valid in light of new status. In March 2012, CPW designated preliminary priority and preliminary general habitat (PPH and PGH, respectively) for the greater sage-grouse. The greater

sage-grouse is considered a candidate for listing under the Endangered Species Act – a designation that affords management attention equivalent to that of species considered “sensitive” by the BLM. Portions of five of the proposed polygons (treatment sites) are located in mapped PPH or PGH, however the Proposed Action is strictly limited to pinyon-juniper encroachment or immature pinyon-juniper stands. This Proposed Action does not include treatments in which sagebrush cover is removed or altered in conjunction with pinyon-juniper removal.

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 direct and indirect impacts as well as the cumulative impacts are similar to those identified and analyzed in DOI-BLM-CO-110-2011-0158-EA. Treatment acreages in the north half of the Magnolia area were identified in the *Background/Introduction* section of the original EA.

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

Documentation of answer and explanation: Yes, public involvement conducted for the White River ROD/RMP and DOI-BLM-CO-110-2011-158-EA is adequate for this Proposed Action. Scoping was the primary mechanism used by the BLM to initially identify issues. Internal scoping was initiated when the original EA was presented to the WRFO interdisciplinary team on 7/26/2011. External scoping was conducted by posting this project on the WRFO’s on-line National Environmental Policy Act (NEPA) register on 8/5/2011. The WRFO did not receive any comments or inquires about the project from the public as of 10/7/2011.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the WRFO interdisciplinary team on 08/28/2012. A complete list of resource specialists who participated in this review is available upon request from the WRFO. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	9/26/2012
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	8/29/2012
Zoe Miller	Ecologist	Special Status Plant Species	9/28/2012

REMARKS:

Cultural Resources: Much of the project area and its environs had been inventoried before the planning stage of the current project. Most recorded historic properties in this vicinity are

prehistoric open lithic scatters and camps, though aboriginal wooden architecture (e.g., wickiups) is known to infrequently occur.

To ensure that historic properties would not be affected by the undertaking a total of 1,114 acres was inventoried for cultural resources at the Class III (100% pedestrian) level (Slaughter and Elkins 2012). The survey included the all the parcels to be treated and also the proposed cross-country routes to be used to access the treatment areas. Four isolated finds, three prehistoric and one historic were discovered in the undertaking's area of potential effect (APE). These isolated finds are categorically Not Eligible for National Register of Historic Places (NRHP). In addition one newly recorded historic pole cache site (5RB7249) was located within one of the proposed access routes. This site is recommended as eligible for inclusion on the NRHP. An alternative access route was inventoried that avoids the site. Provided the alternate access route that avoids site 5RB7249 is utilized and the site is avoided, a finding of *no historic properties adversely affected* is recommended for the survey parcels.

Native American Religious Concerns: There are no known Native American concerns in the project area.

Threatened and Endangered Wildlife Species: There are no listed, proposed, or candidate species associated with the Proposed Action. Although several polygons are encompassed by range mapped by CPW as general sage-grouse range, the mapping is coarse and habitats targeted for treatment specifically involve a substantial pinyon-juniper component which precludes their utility as sage-grouse habitat. The early seral woodland habitats selected for treatment possess little to no effective utility for BLM sensitive species (e.g., Brewer's sparrow) or U.S. Fish and Wildlife Service (FWS) Birds of Conservation Concern (e.g., juniper titmouse, pinyon jay) and the project would be conducted in the late fall and winter months, thereby avoiding any potential for disrupting migratory bird nesting activities.

Threatened and Endangered Plant Species: The Proposed Action occurs within 600 m of occupied habitat for the federally threatened Dudley Bluffs bladderpod (*Physaria congesta*) and Dudley Bluffs twinpod (*Physaria obcordata*). The FWS recommended a 300 m survey buffer (as opposed to the normally required 600 m buffer) for the threatened species and associated habitat around each disturbance polygon. A stipulation of this reduced survey effort requires CPW will monitor and control non-native species infestations on the treatment sites for three years post-disturbance according to mitigation in DOI-BLM-CO-110-2011-0158-EA. Hayden-Wing Associates completed full surveys in 2010, 2011, and 2012 and found no occupied habitat within 300 m of the Proposed Action. Therefore there are no concerns related to the threatened *Physaria* spp associated with the Proposed Action. However, in these surveys approximately 260 acres of *Physaria* spp. suitable habitat was identified within 300 m of the Proposed Action. The mitigation mentioned above will reduce impacts from invasive species to suitable habitat.

MITIGATION:

The following applicable mitigation from DOI-BLM-CO-110-2011-0158-EA has been carried forward:

1. In order to preserve soil productivity, erosion features such as riling, gullyng, piping and mass wasting in the treatment areas or adjacent to the treatment areas as a result of this action will be addressed immediately after observation by developing a plan and implementing BMPs, with BLM approval, to assure successful soil stabilization and to address erosion problems that may develop.
2. Construction equipment will be washed prior to being brought onto the project area and again following completion of the project.
3. Treatments will be implemented in late November 2012 after the growing season, thereby reducing fugitive dust impacts on listed plant species and pollinators.
4. BLM will require CPW to monitor and control non-native species infestations on the treatment sites for three years post-disturbance. If non-native or invasive species are found, CPW will be required to complete post-project weed treatment that would be consistent with the BLM White River Field Office Integrated Weed Management Plan (IWMP) and Biological Opinion (TAILS #65413-2010-I-0035). The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP. Small infestations will be controlled manually within 600 m of occupied *P. congesta* population. If infestations are too large to control manually, ground herbicide treatments may be applied within the treatment buffers (specified in the IWMP) to *P. congesta*. Only ground (spot) treatment using backpack sprayers will be permitted and no aerial application of any herbicide will be permitted. CPW may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by XTO. If XTO does not provide use under their PUP then CPW will have to obtain a new PUP from the WRFO BLM. The CPA, as directed by CPW, must use the herbicides at the lowest rate needed with indicator dye. After herbicide application, CPW must prepare a Pesticide Application Record (PAR) as well as monitor the infestations within a month to ensure success.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

REFERENCES CITED:

Slaughter, Stephanie and Melissa Elkins
2012 XTO Energy: A Class III Cultural Resources Inventory of ca. 1114 Acres for Mule Deer Habitat Treatment, South Magnolia Clearance Area, in Rio Blanco County, Colorado;

BLM Project No. 12-154-27, SHPO Project No. RB.LM.R1297. Metcalf Archaeological Consultants, Inc.

- 2011 Hayden-Wing Associates, LLC. Rare Plant and Suitable Habitat Surveys, Colorado Parks and Wildlife & ExxonMobil Comparison of Mechanical Treatments of Vegetation Removal for Mule Deer Forage Enhancement. Piceance Basin, Rio Blanco County, Colorado.
- 2012 Hayden-Wing Associates, LLC. Special Status Plant Species and Suitable Habitat Surveys. XTO Energy, Inc. and Colorado Parks and Wildlife Pinyon-Juniper Removal Project. Piceance Basin, Rio Blanco County, CO.

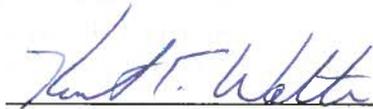
NAME OF PREPARER: Lisa Belmonte

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:

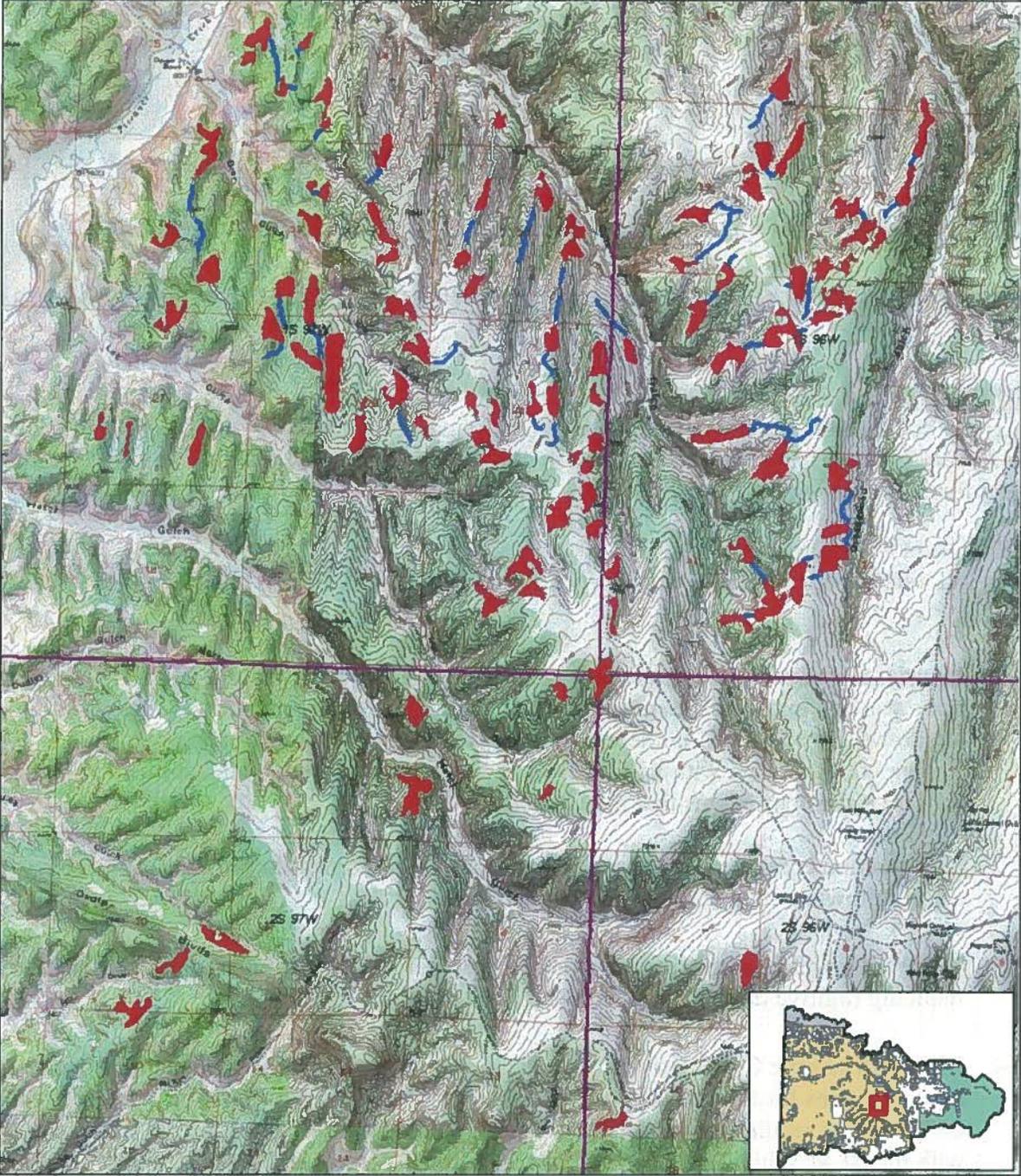
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ATTACHMENTS:

Figure 1 – Map of Magnolia Mule Deer Enhancement Treatments (North Half).

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.

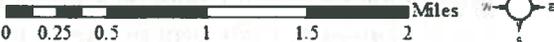
Figure 1. Magnolia Mule Deer Enhancement Treatments – North Half



Legend

- Treatment Area Access
- Mule Deer Enhancement Polygons

Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



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

DECISION RECORD

PROJECT NAME: Magnolia Mule Deer Enhancement Treatments North Half

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-110-2012-0134-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2012-0134-DNA, authorizing the implementation of Colorado Parks and Wildlife and BLM's mule deer forage enhancement treatments.

Mitigation Measures

The following applicable mitigation from DOI-BLM-CO-110-2011-0158-EA has been carried forward:

1. In order to preserve soil productivity, erosion features such as riling, gulying, piping and mass wasting in the treatment areas or adjacent to the treatment areas as a result of this action will be addressed immediately after observation by developing a plan and implementing BMPs, with BLM approval, to assure successful soil stabilization and to address erosion problems that may develop.
2. Construction equipment will be washed prior to being brought onto the project area and again following completion of the project.
3. Treatments will be implemented in late November 2012 after the growing season, thereby reducing fugitive dust impacts on listed plant species and pollinators.
4. BLM will require CPW to monitor and control non-native species infestations on the treatment sites for three years post-disturbance. If non-native or invasive species are found, CPW will be required to complete post-project weed treatment that would be consistent with the BLM White River Field Office Integrated Weed Management Plan (IWMP) and Biological Opinion (TAILS #65413-2010-I-0035). The individual plants and/or larger infestations will be recorded on a GPS unit to notify the BLM in addition to flagging, as stated in the IWMP. Small infestations will be controlled manually within 600 m of occupied *P. congesta* population. If infestations are too large to control manually, ground herbicide treatments may be applied within the treatment buffers (specified in the IWMP) to *P. congesta*. Only ground (spot) treatment using backpack sprayers will be permitted and no aerial application of any herbicide will be permitted. CPW may use the Pesticide Use Proposal (PUP) and Certified Pesticide Applicator (CPA) already held by XTO. If XTO

does not provide use under their PUP then CPW will have to obtain a new PUP from the WRFO BLM. The CPA, as directed by CPW, must use the herbicides at the lowest rate needed with indicator dye. After herbicide application, CPW must prepare a Pesticide Application Record (PAR) as well as monitor the infestations within a month to ensure success.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 9/4/2012.

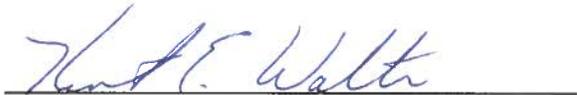
RATIONALE

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. This project would support CPW's research into ways to enhance the availability and quality of seasonal forages on mule deer winter ranges to offset impacts to mule deer exposed to energy development in the Piceance Basin.

ADMINISTRATIVE REMEDIES

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

11/01/12

