

**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-110-2012-0086-DNA

**PROJECT NAME:** Roundtop Allotment Transfer and Permit Issuance to Mantle Ranch Associates

**LEGAL DESCRIPTION:**

Township	Range	Sections, Lots, or Portions Thereof
5 North	102 West	7, 18
	103 West	1-4, 10-15, 23, 24
6 North	102 West	31
	103 West	27, 28, 32-36

**APPLICANT:** Mantle Ranch and Associates

**ISSUES AND CONCERNS:** None.

**DESCRIPTION OF PROPOSED ACTION:** Mantle Ranch and Associates have entered into a base property lease with Blue Mountain Group for the Roundtop allotment (06302) (see Figure 1) and have submitted an application for the grazing permit. The application is the same as the current permit which was renewed in 2009 in environmental assessment (EA) CO-110-2008-227-EA. The grazing schedule is shown in Tables 1 and 2, and will remain the exact same as what was analyzed in the EA.

**Table 1: Odd Year Grazing Schedule for the Roundtop Allotment**

Roundtop Allotment Modified Schedule (Odd Years)									
Allotment			Livestock		Grazing Period		%PL	Type Use	AUM's
Name	Number	Pasture	Kind	Number	Begin	End			
Roundtop	06302	Upper	Cattle	200	5/20	7/10	69	Active	236
Roundtop	06302	Lower	Cattle	200	7/11	9/1	52	Active	181

**Table 2: Even Year Grazing Schedule for the Roundtop Allotment**

Roundtop Allotment Modified Schedule (Even Years)									
Allotment			Livestock		Grazing Period		%PL	Type Use	AUM's
Name	Number	Pasture	Kind	Number	Begin	End			
Roundtop	06302	Lower	Cattle	200	5/20	7/15	52	Active	195
Roundtop	06302	Upper	Cattle	200	7/16	9/1	69	Active	218

Decision to be Made: The White River Field Office (WRFO) will decide whether to issue the Roundtop grazing permit to Mantle Ranch and Associate, and if so, with what terms and conditions.

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:

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: Blue Mountain Group Grazing Permit Renewal

Date Approved: 07/06/2009

## 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:* The Proposed Action is the exact same grazing schedule on the same allotment as analyzed in CO-110-2008-227-EA. There will be no change from what was analyzed in the previous EA.

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:* Three alternatives (Continuation of Current Management, Modified Grazing Permit and a No Grazing Alternative) were analyzed in EA # CO-110-2008-227-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:* There is no new information that will change the previous analysis, and the alternatives analyzed are still adequate for the proposed grazing permit issuance.

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:* The direct, indirect, and cumulative effects will be the exact same as analyzed in the EA with implementation of the proposed action. There is no new information that will change what was analyzed in the 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:* The public involvement and interagency review with the associated NEPA was adequate for the Proposed Action. The grazing permittee aided in development of the alternatives, and the NEPA was posted on the

WRFO website. A grazing decision was issued with appropriate protest and appeal periods and none were received.

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the WRFO interdisciplinary team on 05/01/2012. 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.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	06/13/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	05/09/2012
Amber Shanklin	Biological Technician - Plants	Special Status Plant Species	06/14/2012

**REMARKS:**

*Cultural Resources:* The present document is only a Transfer of Permit, the reassignment of the permit to a new livestock operator. The affected environment and impacts from grazing for this allotment have been adequately analyzed as part of the 2009 Roundtop Allotment range permit renewal (EA CO-110-2008-227-EA). A file search of the cultural resource records performed 6/13/2012 (WRFO GIS data; WRFO CRM base maps; Compass) reveals there have been no significant changes to the cultural resource information within the allotment since 2009 that would warrant additional analysis. Field work remaining to be performed before the next scheduled permit renewal in 2019 includes monitoring sites evaluated as eligible to the National Register of Historic Places for potential impacts from grazing, and new Class III inventory of cattle concentration areas.

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.

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.

*Native American Religious Concerns:* No Native American religious concerns are known in the area, and the Ute Tribe of the Uintah and Ouray Reservation has expressed the desire to not be consulted with on small range projects such as a transfer of a grazing permit.

*Threatened and Endangered Wildlife Species:* There are no wildlife-related issues or concerns associated with the Proposed Action.

*Threatened and Endangered Plant Species:* There are no special status plant species issues or concerns associated with the Proposed Action.

MITIGATION:

The following applicable mitigation from DOI-BLM-CO-110-2008-0227-EA has been carried forward:

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.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff for the life of the permit. Specific mitigation developed in this document will be followed.

REFERENCES:

Compass: Colorado's On-line Cultural Resource Database. Colorado Office of Archaeology & Historic Preservation. <http://www.coloradohistory-oahp.org/compass/>. Accessed 6/12/2012.

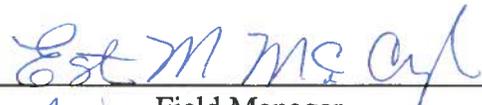
NAME OF PREPARER: Matthew L Dupire

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:

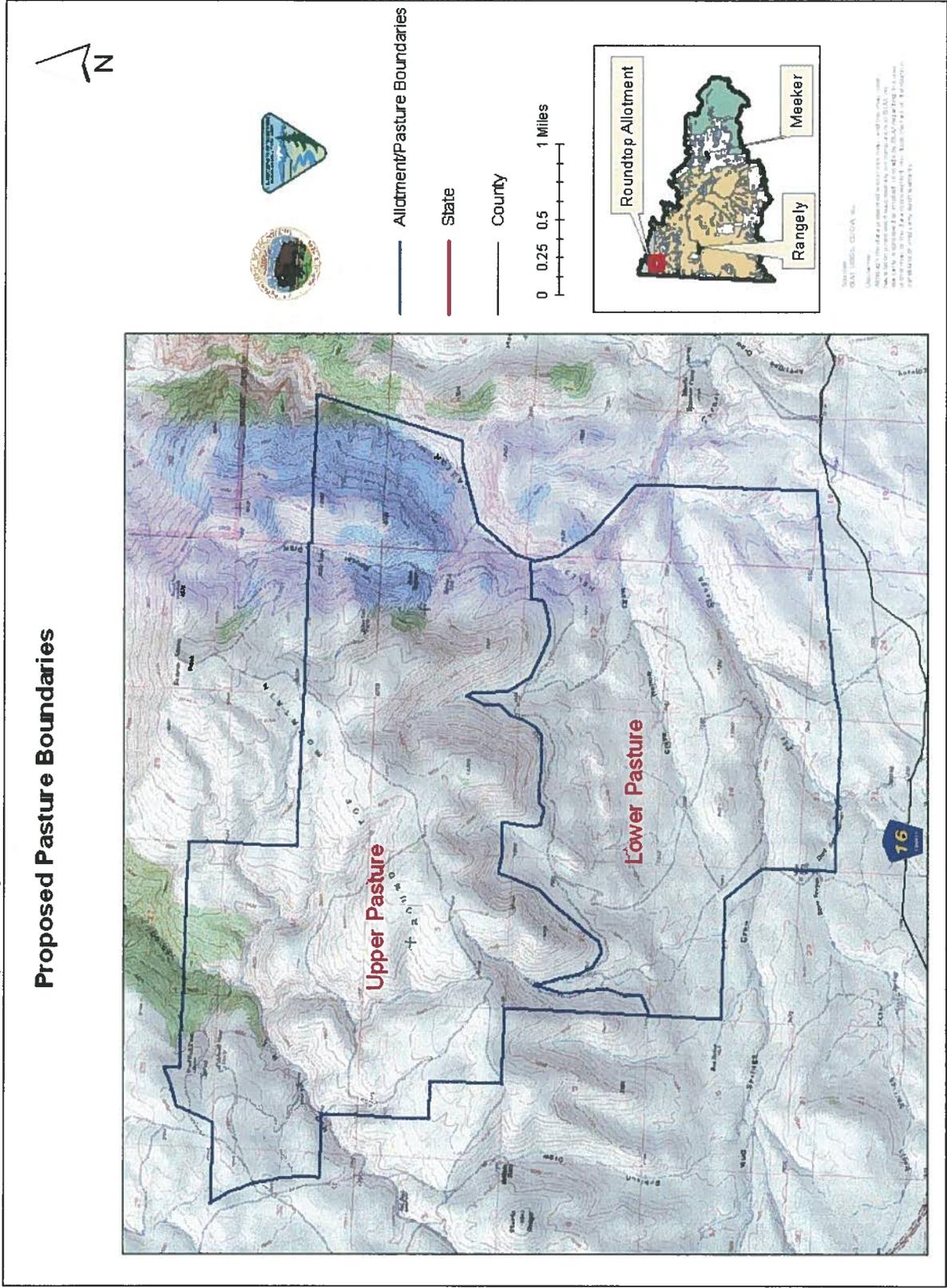
  
Acting Field Manager

DATE SIGNED: 8/30/12

ATTACHMENTS: Figure 1: Map of the Roundtop Grazing Allotment

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: Map of the Roundtop Grazing Allotment





United States Department of the Interior



*BUREAU OF LAND MANAGEMENT  
White River Field Office  
220 E. Market Street  
Meeker, Colorado 81641*

CO-110 (WRFO)  
Sec 3. CF (0501458)

Certified Mail No. 7008 1830 0001 1051 7130  
Return Receipt Requested

August 30, 2012

Mantle Ranch  
20428 RBC Rd 5  
Rifle, CO 81650-8833

**NOTICE OF PROPOSED DECISION**

Dear Mr. Mantle:

The Bureau of Land Management White River Field Office received your grazing application and base property lease for the grazing preference on the Roundtop (06302) grazing allotment. To comply with the National Environmental Policy Act (NEPA) of 1969, as amended, this office prepared a determination of NEPA adequacy (DNA) for the issuance of grazing preference to Mantle Ranch. This review was tiered to an Environmental Assessment (EA) that was prepared and signed in July of 2009. The EA (# CO-110-2008-227-EA) resulted in a Finding of No Significant Impact, and a copy the document is on file at the White River Field Office.

The EA analyzed three alternatives: The Proposed Action (Alternative A Continuation of Current Management), a modified grazing permit (Alternative B Modified Grazing Permit), and a No Grazing Alternative (Alternative C). A Notice of Proposed Decision for alternative B was signed and sent out on July 8, 2009 and received no protests or appeals. Your application for the grazing preference on the Roundtop allotment is for the exact same period of use that was analyzed in the EA mentioned above. Below is a brief description of the Alternative B (Modified Grazing Permit) in EA CO-110-2008-227-EA

Roundtop Allotment Modified Schedule (Odd Years)									
Allotment			Livestock		Grazing Period		%PL	Type Use	AUM's
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## PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action as analyzed in DOI-BLM-CO-110-2012-0086-DNA which tiers CO-110-2008-227-EA for authorization of livestock grazing use on the Roundtop (06302) grazing allotment for a term of three years until May 15, 2015 as supported by 43 CFR 4130.2(d)(3)]. This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as qualified applicants under 4130.2(a) and (e). Changes being made to the existing permit, in the proposed grazing schedule are supported by regulation 43 CFR 4180.1(a) and (b) and 4180.2(c) which direct the authorized officer to take appropriate action as soon as practicable but not later than the next grazing year upon determination that existing grazing management needs to be modified to ensure the Fundamentals of Rangeland Health and Standards and Guidelines are being met. Proposed changes are also supported by 43 CFR 4180.2 (e) (1-7) and (10-12). Proposed decreases in permitted use are addressed in 43 CFR 4110.3-2(b). The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3); White River Record of Decision and Approved Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

**Grazing Permit Terms and Conditions:** The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing permit issued under this alternative:

1. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
2. The permittee or lessee must provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands, as outlined in 43 CFR 4130.3-2(h).
3. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or here after approved by the Secretary of the Interior.
4. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of gazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land management within the allotment(s) described.

e. Repeated willful unauthorized grazing use.

5. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
6. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).
7. Livestock use will occur as outlined in the Grazing Schedule in the Proposed Action portion of the Environmental Assessment document CO-110-2008-127-EA that analyzes grazing on the Segar Mountain Allotment in accordance with 43 CFR 4120.2(d).
8. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
9. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
10. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
11. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
12. Grazing permits or leases are subject to the nondiscrimination clauses set forth in the Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
13. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
14. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
15. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250 will be assessed).
16. No Member of, or Delegated to, Congress or Resident Commissioner, after his/her election of appointment, either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C 22), 18

U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

17. 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.
18. 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.

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager White River Field Office, 220 E. Market Street, Meeker, CO 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the *proposed decision* is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, CO 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond

If you have any questions, contact either Matt Dupire at 878-3839, or myself at 878-3873.

Sincerely,

  
for Kent Walter  
Field Manager