

**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-110-2013-0042-DNA

PROJECT NAME: Wyoming Hunting Outfitters Special Recreation Permit (SRP) application, Hogback Ridge Adventures SRP application, and John Etchart SRP permit modification.

LEGAL DESCRIPTION:

Wyoming Hunting Outfitters:

T1N, R97W Sections 19-22, 27-30
T1S, R97W Sections 1-36
T1S, R98W Sections 1, 11-15, 20-28, 32-36
T2S, R98W Sections 1-36
T3S, R99W Sections 13, 22-28, 32-36
T3S, R98W Sections 2-11, 15-22, 28-30
T2S, R97W Sections 1-20, 23-26
T1S, R96W Sections 5-10, 14-23, 25-36
T2S, R96W Sections 1-36

Hogback Ridge Adventures:

T4S, R94W, Sections 6-9, 16-21, 27-32
T3S, R94W, Sections 27, 34

John Etchart:

T2N, R95W, Sections 26, 35
T1N, R95W, Section 5
T1N, R94W, Sections 4-6
T2N, R94W, Sections 20, 22, 27-32

APPLICANTS: Bill DeShaw doing business as (dba) Wyoming Hunting Outfitters, Les Woodward dba Hogback Ridge Adventures, and John Etchart dba John Etchart.

ISSUES AND CONCERNS: None identified.

DESCRIPTION OF PROPOSED ACTION: This Determination of NEPA Adequacy (DNA) covers three separate Special Recreation Permit (SRP) related actions within the White River Field Office (WRFO).

Bill DeShaw, doing business as (dba) Wyoming Hunting Outfitters has applied for a Special Recreation Permit (SRP) to conduct commercial big game guided hunting operations on BLM lands within the WRFO (see Figure 1). There are currently no permitted commercial big game guided hunting SRP operations in the area proposed. Bill DeShaw is estimating a total of 162 client user days (90 days archery season, 36 days 2nd rifle season, and 36 days 3rd rifle season). The intended period of use would be during big game archery and 2nd and 3rd rifle hunting seasons, generally mid-August to mid-November of each year. It is anticipated that all of this use will occur on BLM WRFO lands. All use will be casual and dispersed in nature within the permitted areas only. No drop camps are proposed nor will be authorized with the issuance of this permit. Pick-up trucks and/or sport utility vehicles may be used during this operation on existing roads. No horse or pack stock will be used.

Les Woodward dba Hogback Ridge Adventures has applied for a SRP to conduct commercial big game guided hunting operations (see Figure 2) and mountain lion hunting (see Figure 3) operations on BLM lands within the WRFO. There are currently no permitted commercial big game SRP operations in the proposed area. There are currently 11 commercial mountain lion hunting operation permitted for the entire BLM WRFO. Les Woodward is estimating a total of 30 client days (10 days archery season, 15 days 1-4th rifle seasons, and 5 days mountain lion season). The intended period of use would be during big game archery, all rifle hunting seasons, and mountain lion season, generally mid-August through March of each year. It is anticipated that some of this use will occur on BLM WRFO lands and some will be on adjacent private land. All use will be casual and dispersed in nature within the permitted areas only. No drop camps are proposed nor will be authorized with the issuance of this permit. Pick-up trucks and/or sport utility vehicles may be used during this operation on existing roads. No horse or pack stock will be used. Hogback Ridge Adventures intends to offer two “make-a-wish” guided hunts for seriously ill youth each year.

John Etchart has proposed to modify his existing big game SRP by adjusting the boundaries of his permitted area and adding additional parcels of WRFO BLM land to his permitted area (see Figure 4). There are no drop camps permitted or proposed. The proponent has been in compliance with the terms and conditions of his SRP since its original issuance in 2010. John Etchart’s existing permit authorizes big game hunting for a total of 70 client days for archery through 4th rifle season, generally mid-August through December of each year. The use of pick-up trucks, horses, and pack are currently permitted and proposed for use in the new areas. There are three commercial big game SRP permittees that overlap various portions of his existing permitted area. The two proposed expansion areas adjacent to John Etchart’s existing permitted area overlap with three existing commercial big game SRP permittee’s. There are no commercial big game SRPs on the proposed additions west of County Road 7 (see Figure 4). The proponent’s rationale for expanding the boundary of his current permitted area includes using geographic features, such as ridgelines, to provide defined visible features for the permitted area’s boundary. The proponent’s rationale also includes having new supplementary access to the proposed additions through newly leased hunting rights on various private parcels. John Etchart has provided written permission from these land owners to the BLM WRFO specifying the access and hunting rights.

Design Features: None.

Decision to be Made: The BLM will decide whether or not to issue SRPs to Bill DeShaw and Les Woodward and whether or not to modify John Etchart's existing SRP within the White River Field Office, and if so, under 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: 2-43

Decision Language: "Special recreation permits (SRPs) will be issued to qualified guides and outfitters based on need and demand for services."

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: Special Recreation Permit Program
Environmental Assessment # CO-017-WR-070

Date Approved: August 2, 2002

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 new Proposed Action is essentially similar to the selected alternative analyzed in the EA CO-017-WR-070. It is within the same analysis area and there are no substantial differences.

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) were analyzed in EA CO-017-WR-070. 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: Additional projects have been analyzed in the area but no known changes in circumstances or information have been found, thus the original analysis is still valid. Please see the comments below regarding cultural resources, wild horses, and threatened and endangered wildlife and plants species for further discussion.

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 that could result from implementing this Proposed Action would still remain similar to EA CO-017-WR-070.

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

Documentation of answer and explanation: This project was posted on the WRFO online NEPA register on 2/5/2013. As of 3/15/2013 one written comment was received with no issues or concerns identified. Three adjacent big game SRP holders were notified of the Proposed Action but no issues or concerns were identified. A copy of the completed DNA will also be posted to the online NEPA register.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 2/5/2013. 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.

Name	Title	Resource	Date
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	3/12/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	2/7/2013
Baili Foster	Ecologist	Special Status Plant Species	3/6/2013

REMARKS:

Cultural Resources: No ground disturbing activities are part of the Proposed Action. All activity will be casual use. No drop camps are proposed. Therefore no new Class III cultural resource inventory was performed. Historic properties are known to exist within the proposed area to be used for guided hunting. Also, there always exists the possibility for new discoveries of cultural resources. Therefore, the following stipulations must be followed by the Special Recreation Permit holder:

Mitigation:

1. The permit holder 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. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the applicant must notify the Authorized Officer (AO), by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony.

Native American Religious Concerns: Standing wood architectural sites deemed sensitive by Native American tribes are present in the area. These archaeological sites must not be disturbed. See above Mitigation under Cultural Resources.

Special Status Wildlife Species: There are no special status wildlife species issues or concerns associated with the Proposed Action.

Special Status Plant Species: The Wyoming Hunting Outfitters portion of the Proposed Action is adjacent to three Areas of Critical Concern (ACEC) Duck Creek, Dudley Bluffs, and Ryan Gulch. All of these ACECs were designated to protect two federally listed plant species; Dudley Bluffs twinpod (*Physaria obcordata*) and Dudley Bluffs bladderpod (*Physaria congesta*). There are several other populations of *Physaria congesta* and *Physaria obcordata* throughout the project area. These species are restricted primarily to barren shale outcrops of the Thirteen Mile Creek Tongue of the Green River Formation on steeply-sloped surfaces, though some occurrences of the twinpod have been documented on the Parachute Creek Member of the Green River Formation.

The Wyoming Hunting Outfitters SRP permit holder, Bill DeShaw, and others authorized to operate under these permits will be made aware and familiar with special status plant species (SSPS) and their habitat (Figures 5, 6, 7, 8 & 9) if permitted in such areas. When possible,

guided hunting groups will bypass SSPS habitat in order to limit the amount of potential direct impact. Mitigation measures below will reduce any potential impact to SSPS.

Due to the dispersal of use and small group numbers that will be accessing the area as well as the time frame in which all activities will be conducted, the Proposed Action is not likely to have an effect on special status plant species.

Mitigation:

1. The Wyoming Hunting Outfitters SRP holder, Bill DeShaw, and others authorized to operate under the permit will attempt to avoid sensitive special status plant species areas designated in the attached map (Figures 5) and be aware of the plants habitats (Figure 6, 7, 8, & 9).
2. If an animal is downed on a white shale outcrop, the outfitter will both quarter and carry the animal off of white shale, or if this is not possible, the area of disturbance will be kept to a minimum while field dressing and all scraps will be removed from white shale outcrop.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff before, during, and after the permitted seasons. The applicants will be placed on a probationary status for a minimum of two consecutive years prior to the conversion of the permits to a 5-year status. Annual reviews will be conducted of each applicant's operations to insure compliance with the agreed upon terms, stipulations, and conditions of the permit. WRFO recreation staff and law enforcement personnel will also conduct periodic, random on-site inspections of each permittee's operations to insure compliance. The issuance of these permits is discretionary and can be revoked by the WRFO Authorized Officer at any time.

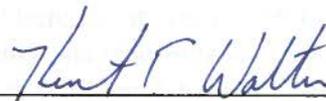
NAME OF PREPARER: Aaron Grimes, Outdoor Recreation Planner

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:

03/18/13

ATTACHMENTS:

- Figure 1: Wyoming Hunting Outfitters –big game proposed area
- Figure 2: Hogback Ridge Adventures-big game proposed area
- Figure 3: Hogback Ridge Adventures-lion hunting proposed area

- Figure 4: Etchart-big game boundary modification proposal
- Figure 5: WY Hunting Outfitters-Avoidance Areas
- Figure 6: White Shale plant habitat example-foreground & hillside in background
- Figure 7: Pinyon-Juniper plant habitat example-Uinta formation soils
- Figure 8: Dudley Bluffs bladderpod (*Physaria congesta*)
- Figure 9: Dudley Bluffs twinpod (*Physaria obcordata*)

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 2. Hogback Ridge Adventures-big game proposed area

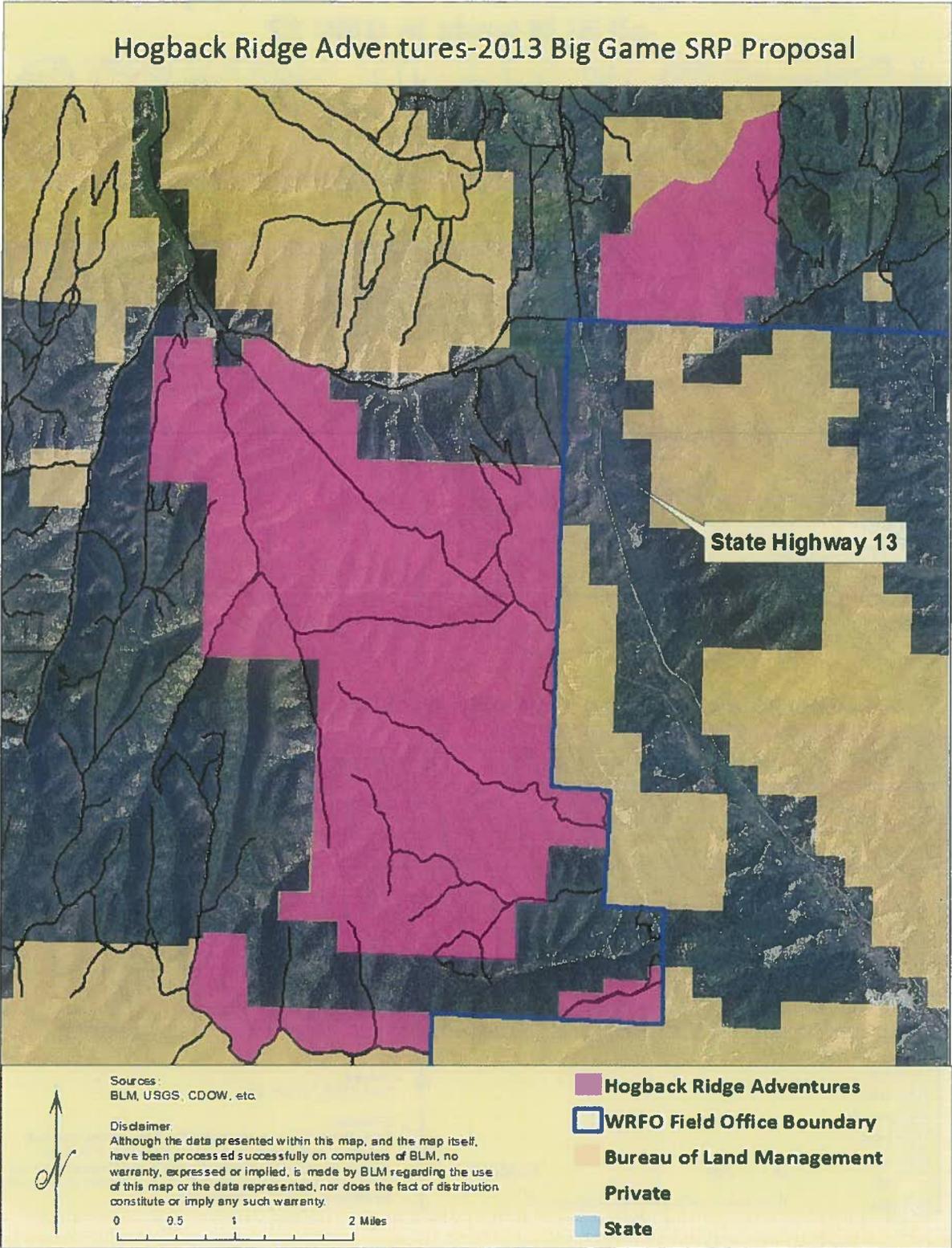


Figure 3. Hogback Ridge Adventures-lion hunting proposed area

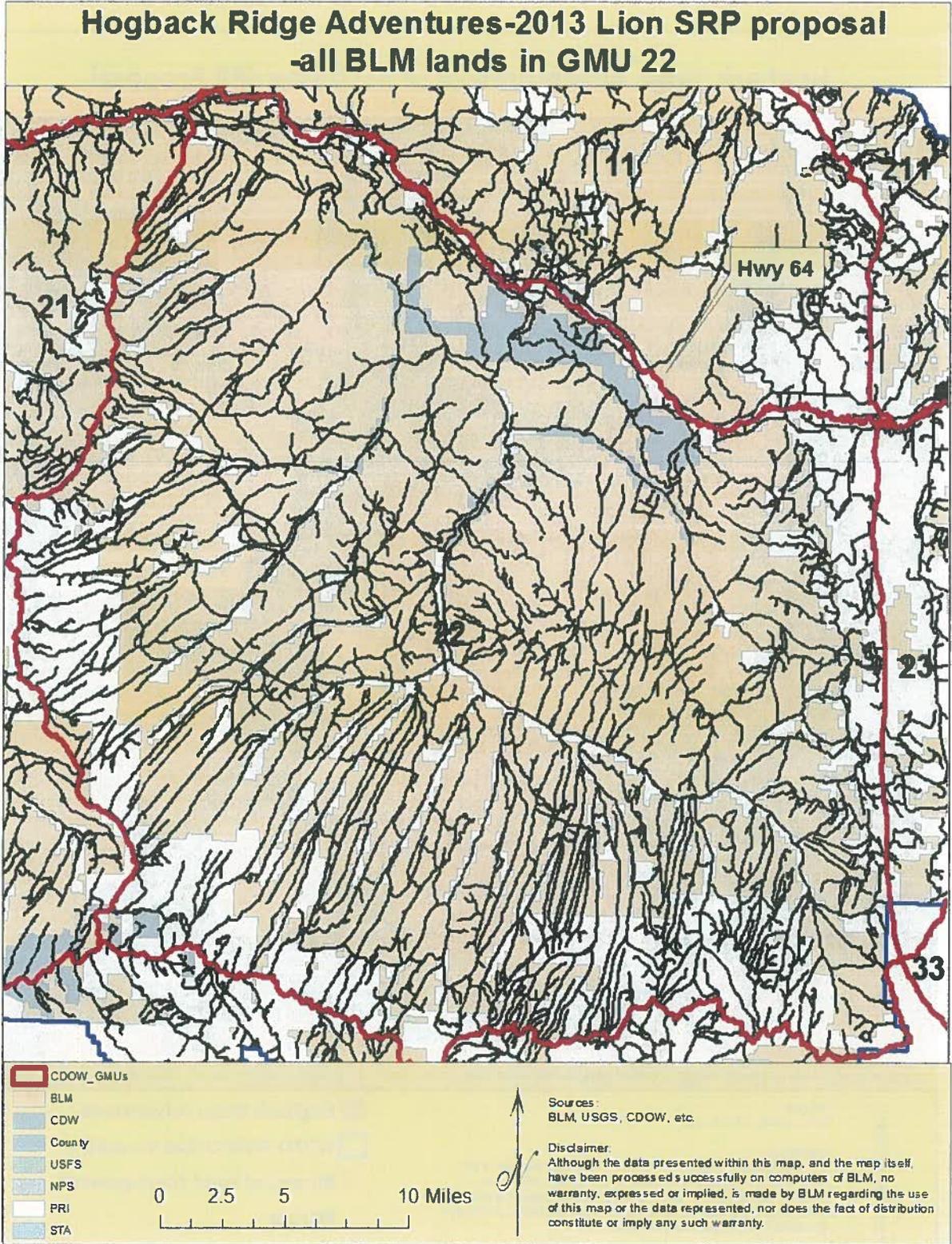


Figure 4 Etchart-big game boundary modification proposal

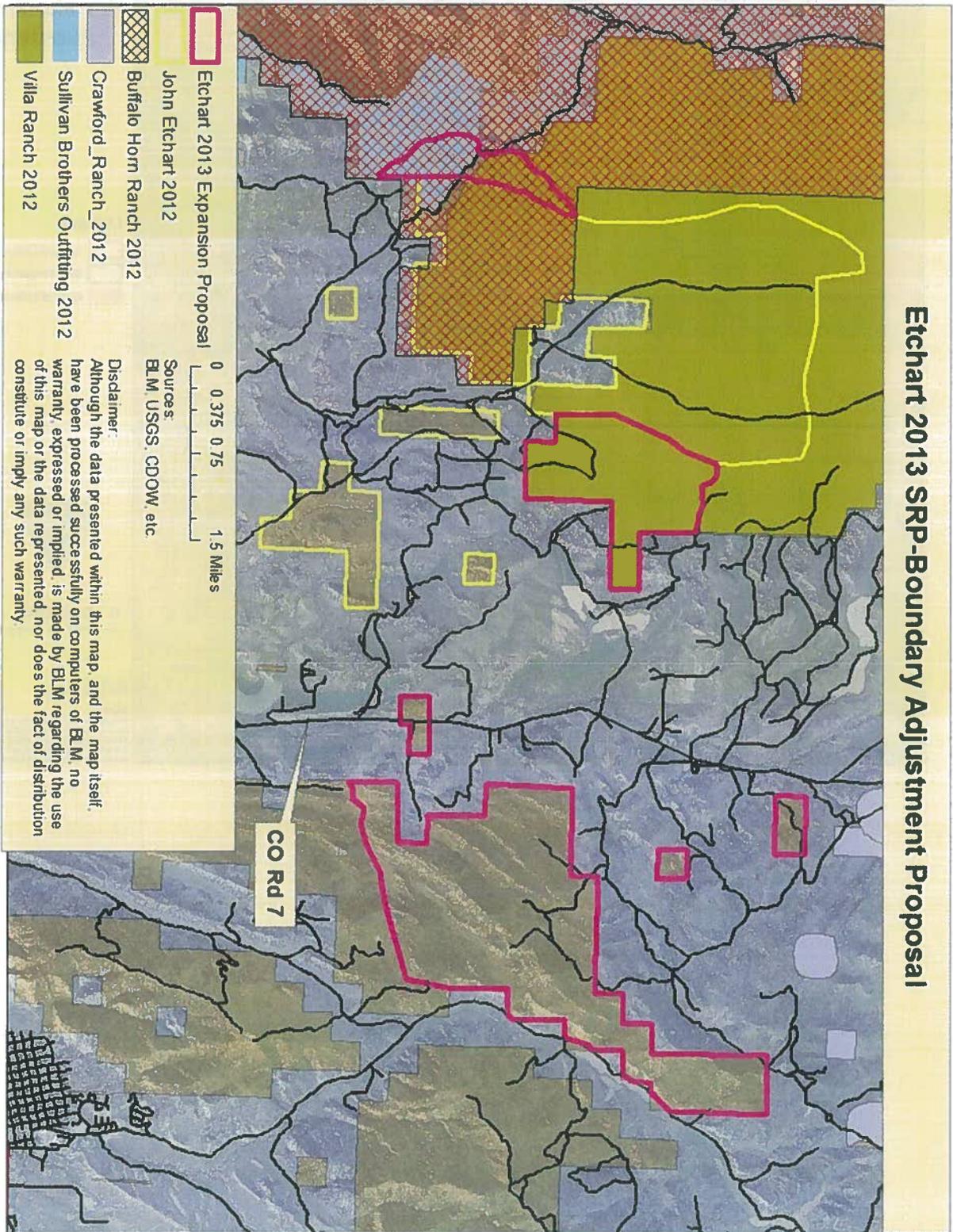


Figure 5 WY Hunting Outfitters-Avoidance Areas

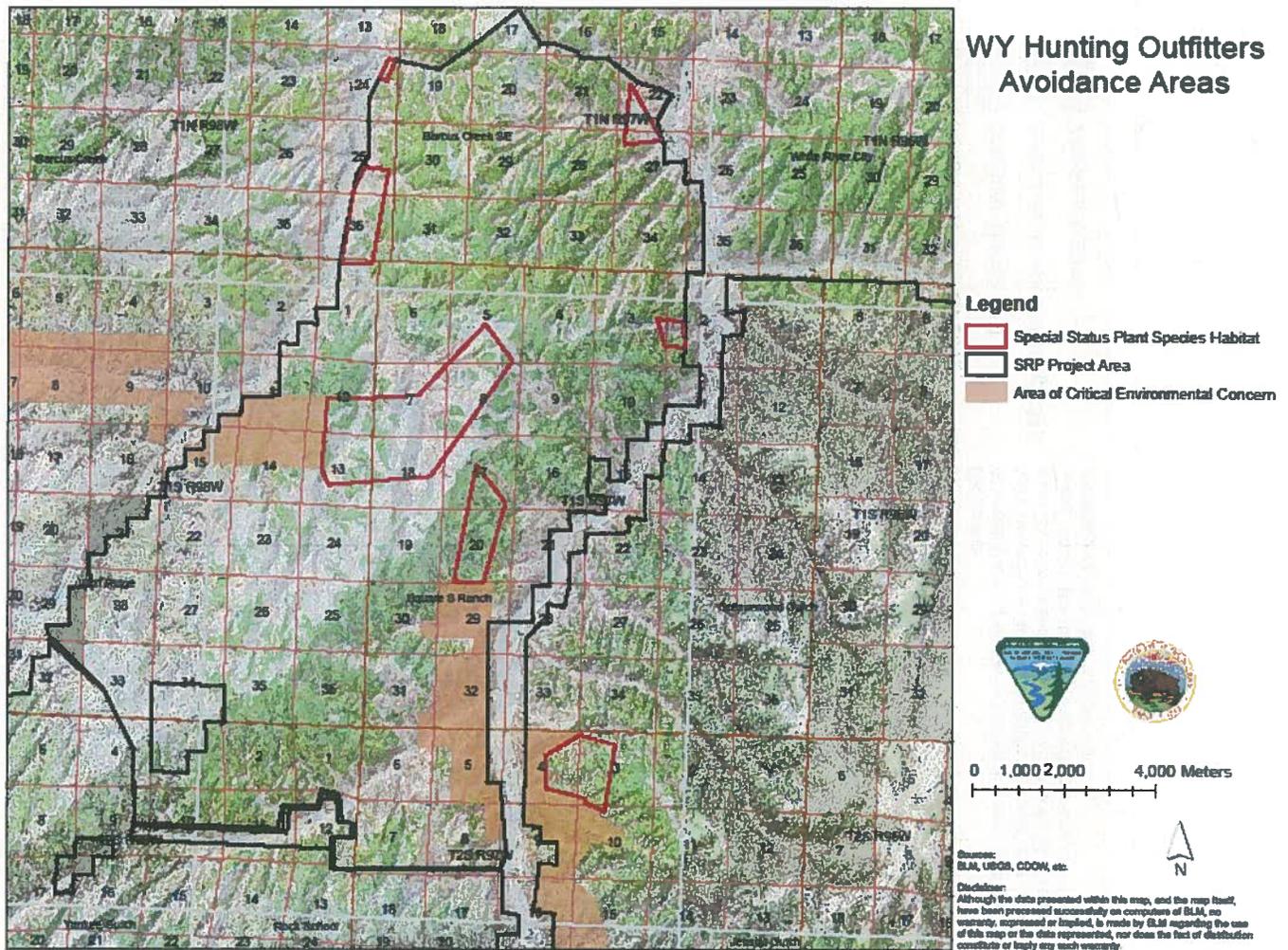


Figure 6: White Shale plant habitat example-foreground & hillside in background

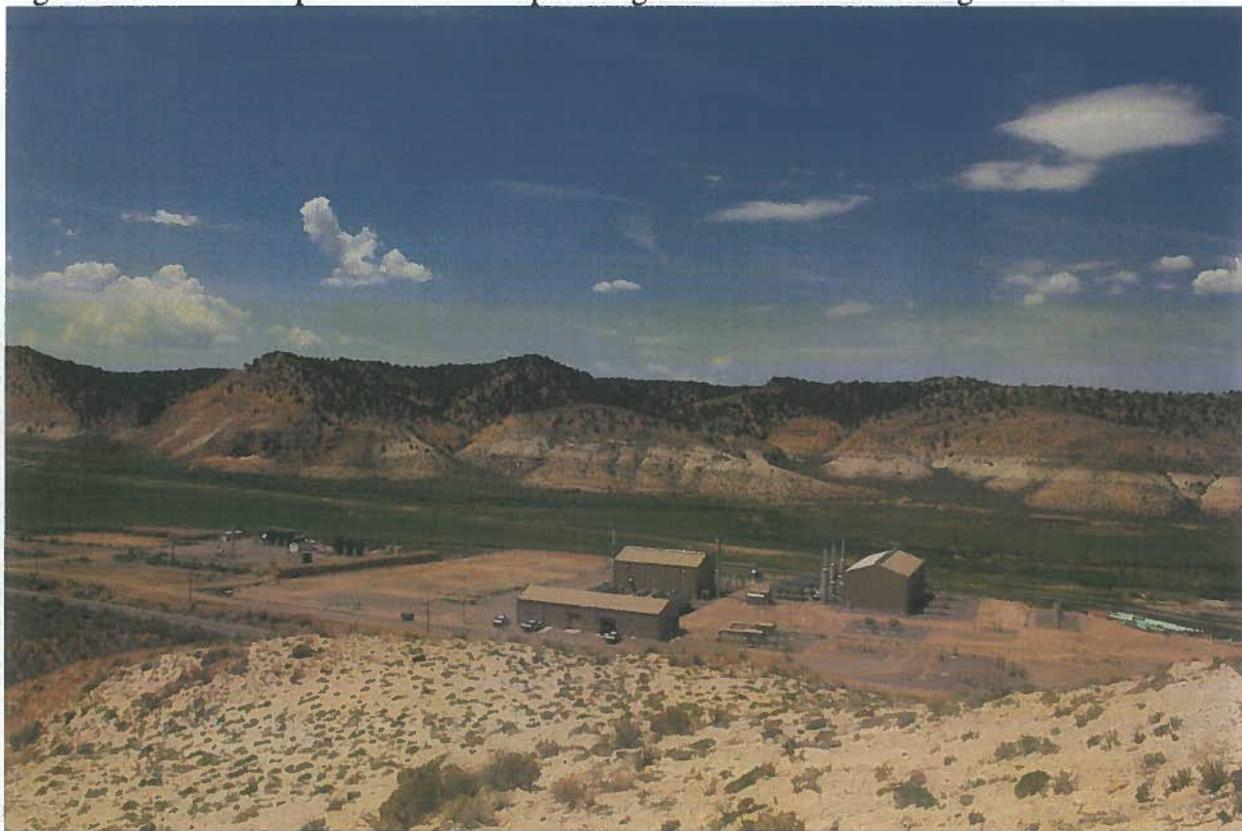


Figure 7: Pinyon-Juniper plant habitat example-Uinta formation soils



Figure 8: Dudley Bluffs bladderpod (*Physaria congesta*)



Figure 9: Dudley Bluffs twinpod (*Physaria obcordata*)



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DECISION RECORD

PROJECT NAME: Wyoming Hunting Outfitters Special Recreation Permit (SRP) application, Hogback Ridge Adventures SRP application, and John Etchart SRP permit modification.

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-110-2013-0042-DNA

DECISION

It is my decision to implement the Proposed Action, as described in DOI-BLM-CO-110-2013-0042-DNA, authorizing the issuance of Special Recreation Permits to Bill DeShaw dba Wyoming Hunting Outfitters and Les Woodward dba Hogback Ridge Adventures, and the modification John Etchart's Special Recreation Permit on lands within the White River Field Office.

Mitigation Measures

1. The permit holder 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. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the applicant must notify the Authorized Officer (AO), by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony.
3. The Wyoming Hunting Outfitters SRP holder, Bill DeShaw, and others authorized to operate under this permit will attempt to avoid sensitive special status plant species areas designated in the attached map (Figure 5) and be aware of the plant's habitats (Figures 6, 7, 8, & 9).
4. If an animal is downed on a white shale outcrop, the outfitter and guides will either quarter and carry the animal off of white shale or if this is not possible, the area of disturbance will be kept to a minimum while field dressing and all scraps will be removed from white shale outcrop.

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

This project was posted on the WRFO online NEPA register on 2/5/2013. As of 3/15/2013 one written comment was received with no issues or concerns identified. Four adjacent Big Game SRP holders were notified of the Proposed Action but no issues or concerns were identified or receives from these individuals. A copy of the completed DNA will also be posted to the online NEPA register.

RATIONALE

The proposal for issuing these Special Recreation Permits conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of NEPA.

ADMINISTRATIVE REMEDIES

Protest

This decision may be protested. Protests shall be filed with the authorized officer at the Bureau of Land Management (BLM) White River Field Office. Protests must be postmarked by the 15th calendar day after the receipt of the proposed decision by the affected party. Protests postmarked more than 15 calendar days after notification of the decision will not be considered.

Protests must be in writing. E-mail and faxed protests will not be accepted. The protest letter must be postmarked by the close of the protest period. The protest must include:

1. The name, mailing address, telephone number, and interest of the person filing the protest;
2. A statement of the issue being protested;
3. A concise statement explaining why the authorized officer’s proposed decision is believed to be incorrect (this is a critical part of your protest). Document all relevant facts; and
4. A permit number or other identification of the case (i.e. permittee name).

Upon filing of a protest, the authorized officer shall reconsider the decision in light of the evidence submitted by the protestor, and in view of other information pertinent to the case. At the conclusion of the review of the protest, the authorized officer shall prepare a recommended decision on the protest, and it shall be reviewed by the next higher level authority. If the authorized officer is the Field Manager, the higher level authority is the District Manager. If the authorized officer is subordinate to the Field Manager, the higher level authority is the Field Manager. The decision of the higher level authority shall be the final decision of the BLM. This final decision may be appealed. Final decisions on protests will be made by the 15th calendar day of the receipt of protests.

SIGNATURE OF AUTHORIZED OFFICIAL: 
Field Manager

DATE SIGNED: 03/10/13