

**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-110-2013-0080-DNA

PROJECT NAME: Special Recreation Permit (SRP) boundary modification-Three Springs Ranch and Oldland & Uphoff

LEGAL DESCRIPTION:

*Three Springs Ranch SRP:*

T5N, R101W

T5N, R100W

*Oldland & Uphoff SRP:*

T3S, R96W, sections 3, 4, 9, 10, 15, 20, 21, 26

T2S, R96W, section 31

T2S, R97W, section 36

APPLICANTS: Joel Tuck dba Three Springs Ranch

Rueben Oldland dba Oldland & Uphoff

ISSUES AND CONCERNS: None identified.

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

Joel Tuck has proposed to modify his existing commercial big game SRP by adjusting the boundaries of his permitted area to include all BLM administered lands within Colorado Parks and Wildlife (CPW)-Game Management Unit (GMU) 10 boundary in the WRFO (see Figure 1). In 2009, Three Springs Ranch SRP permitted area included all of the proposed additions. In 2010, this area was requested by the applicant to be reduced to the existing area (see Figure 1). The rationale for reducing and then requesting the same additional BLM administered lands is that GMU 10 is managed by CPW as a big game trophy unit which can require up to 18 hunter preference points in order for a hunter to successfully draw a hunting tag for this GMU. This results in dramatic fluctuations in demand and need over the years for commercially guided big game hunts. The proponent now feels that there is enough identified demand for commercially guided hunts in GMU 10 that he has a need to add the proposed additional BLM administered lands to his existing SRP. There are two other commercial big game SRPs for GMU 10 and only one permittee has reported 1 guided hunt in GMU 10 in the past 3 years.

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 2009. Three Springs Ranch is identified as a Ranching For Wildlife ranch on the CPW web site. Joel Tuck's existing permit authorizes big game hunting up to 130 client days from archery season through 4<sup>th</sup> rifle season, which is generally mid-August through mid-January of each year. The use of pick-up trucks on existing roads are currently permitted and proposed for use in the new areas.

Rueben "Jerry" Oldland has proposed to modify his existing commercial big game SRP by adjusting the boundaries of his permitted area to include areas adjacent to his private property and his permitted SPR area (see Figure 2). The rationale for this proposal is that the proposed additions are adjacent to his existing permitted area or adjacent to his private property. The small northern addition slopes down to part of the hay meadows and is intermixed with his private property (see Figure 2). The eastern addition is proposed to provide additional commercially guided hunting opportunities on public lands for his clients that currently are able to hunt his private property to the north of this proposed area and on a parcel of private property to the southwest of this proposed area (see Figure 2). There are no drop camps permitted or proposed. There are no other commercial big game SRPs within or adjacent to the proposed additional area. The proponent has been in compliance with the terms and conditions of his permit since it was issued in 1998. The existing permit authorizes big game hunting up to 72 client days from archery season through 4<sup>th</sup> rifle season, which is generally mid-August through mid-November of each year. The use of pick-up trucks on existing roads are currently permitted and proposed for use in the new areas.

Design Features: None.

Decision to be Made: The BLM will decide whether or not to modify Joel Tuck's existing SRP and whether or not to modify Rueben Oldland'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 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 04/16/2013. As of 05/15/2013 no comments have been received and no issues or concerns have been 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 04/16/2013. 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.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	04/25/2013
Laura Dixon	Wildlife Biologist	Special Status Wildlife Species	04/18/2013
Baili Foster	Ecologist Intern	Special Status Plant Species	04/22/2013

#### REMARKS:

*Cultural Resources:* The areas proposed in the SRP include vast acreage of public lands where many cultural properties are known to exist. The proposed SRP is for guided hunting activities on public land. Vehicles will use existing roads. No drop camps are proposed. The nature of the Proposed Action is such that no impact can be expected on historic properties if the following mitigation is followed.

Mitigation:

1. The applicant is responsible for informing all persons who are associated with the permit 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:* Archaeological sites are identified in the area of the Proposed Action. As long as these sites are not disturbed (see above mitigation), there are no Native American religious concerns known in the area.

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

*Special Status Plant Species:* The Three Springs Ranch portion of the Proposed Action is adjacent to three Areas of Critical Concern (ACEC): Moosehead Mountain, Coal Oil Rim, and Raven Ridge. There are no special status plant species (SSPS) located within Moosehead Mountain or Coal Oil Rim ACEC therefore, there are no associated concerns within these areas. However, the Raven Ridge ACEC contains several WRFO SSPS (Table 1).

**Table 1. Special Status Plant Species with the potential to occur in the Project Area**

Name	Species	Federal Status	Habitat
White River beardtongue	<i>Penstemon scariosus</i> var. <i>albifluvis</i>	Candidate	Sparsely vegetated shale slopes of the Green River Formation Desert in shrub and pinyon/juniper communities (5,000-7,200 ft)
Graham's beardtongue	<i>Penstemon grahamii</i>	Proposed	Talus slopes and knolls of the Green River Formation in sparsely vegetated desert scrub and pinyon/juniper (5,800-6,000 ft)
Debris milkvetch	<i>Astragalus detritalis</i>	Sensitive	Pinyon/juniper and mixed desert shrub, often on rocky soils ranging from sandy clays to sandy loams. Also alluvial terraces with cobbles (5,400-7,200 ft)
Duchesne milkvetch	<i>Astragalus duchesnensis</i>	Sensitive	Pinyon/juniper woodland and desert shrub, around sandstone or shale outcrops (4,600-6,400 ft)

Rollins cryptantha	<i>Cryptantha rollinsii</i> ( <i>Oreocarya rollinsii</i> )	Sensitive	White shale slopes of the Green River Formation, in pinyon/juniper or cold desert shrub communities (5,300-5,800 ft)
Ligulate feverfew	<i>Bolophyta ligulata</i> ( <i>Parthenium ligulatum</i> )	Sensitive	Barren shale knolls (5,400-6,500 ft)
Ephedra buckwheat	<i>Eriogonum ephedroides</i>	Sensitive	Shale and clay flats of slopes in saltbush, sage and pinyon/juniper habitats (4,900-6,900 ft)
Narrow-stem gilia	<i>Aliciella stenothyrsa</i> ( <i>Gilia stenothyrsa</i> )	Sensitive	Grassland, sagebrush, mountain mahogany or pinyon/juniper; silty to gravelly loam soils of the Green River formation (6,200 -8,600 ft)

These species are restricted primarily to barren shale outcrops of the Green River Formation.

The Three Springs Ranch SRP permit holder, Joel Tuck, and others authorized to operate under these permits will be made aware and familiar with SSPS and their habitat (Figures 4 and 5) 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 Three Springs Ranch SRP holder, Joel Tuck, and others authorized to operate under the permit will attempt to avoid special status plant species areas designated in the attached map (Figure 3) and be aware of the plants habitats (Figure 4 and 5).
2. If an animal is downed on a white shale outcrop, Three Springs Ranch SRP holder, Joel Tuck, and others authorized to operate under the permit will carry the required animal portions off of white shale and the area of disturbance will be kept to a minimum while field dressing.

**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:

05/21/13

ATTACHMENTS: Figure 1 Three Springs Ranch SRP Proposal  
Figure 2 Oldland & Uphoff SRP Proposal  
Figure 3 Raven Ridge-plant avoidance areas  
Figure 4 Plant habitats  
Figure 5 Plant habitats continued

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 Three Springs Ranch SRP Proposal

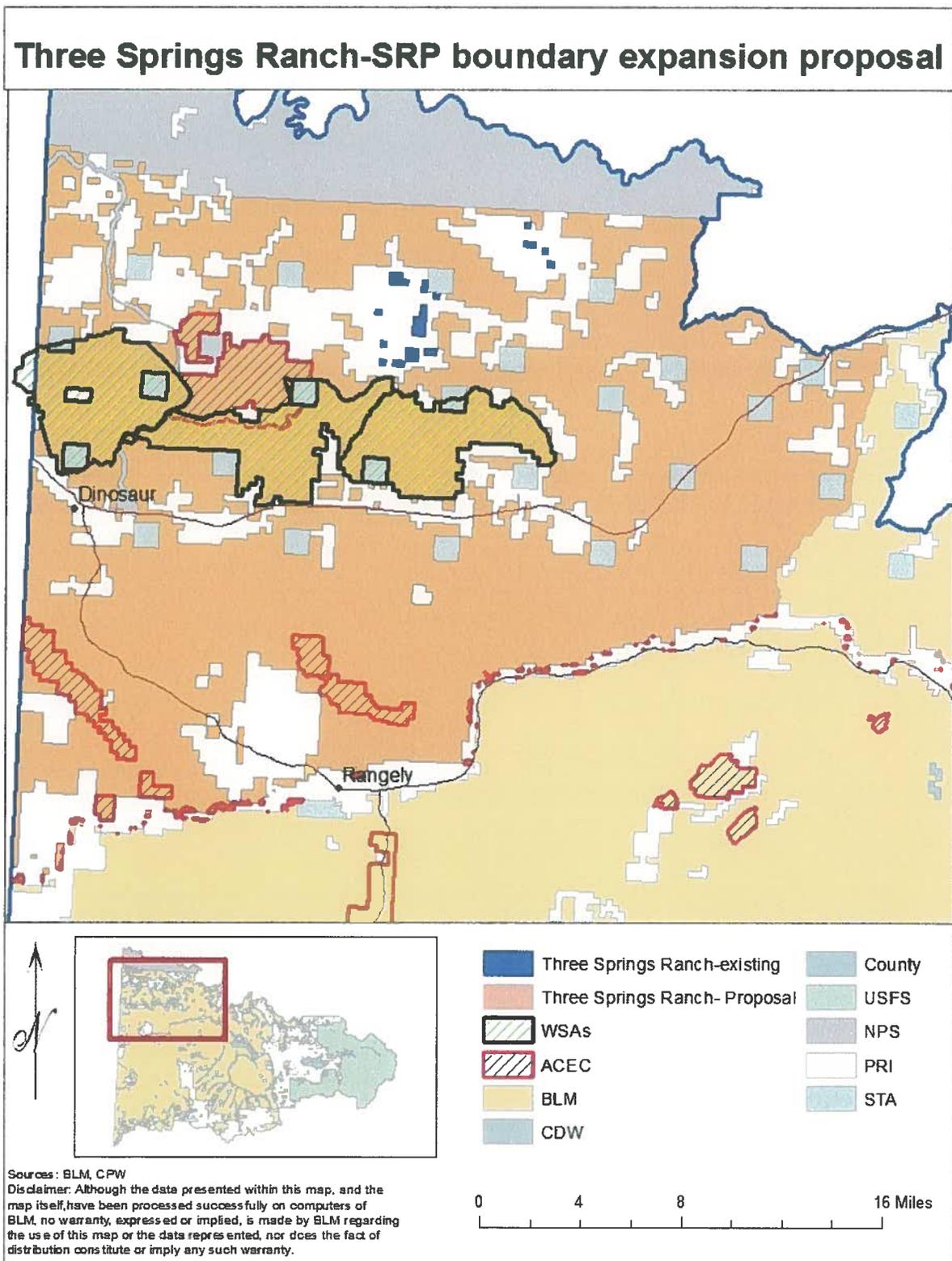


Figure 2 Oldland & Uphoff SRP Proposal

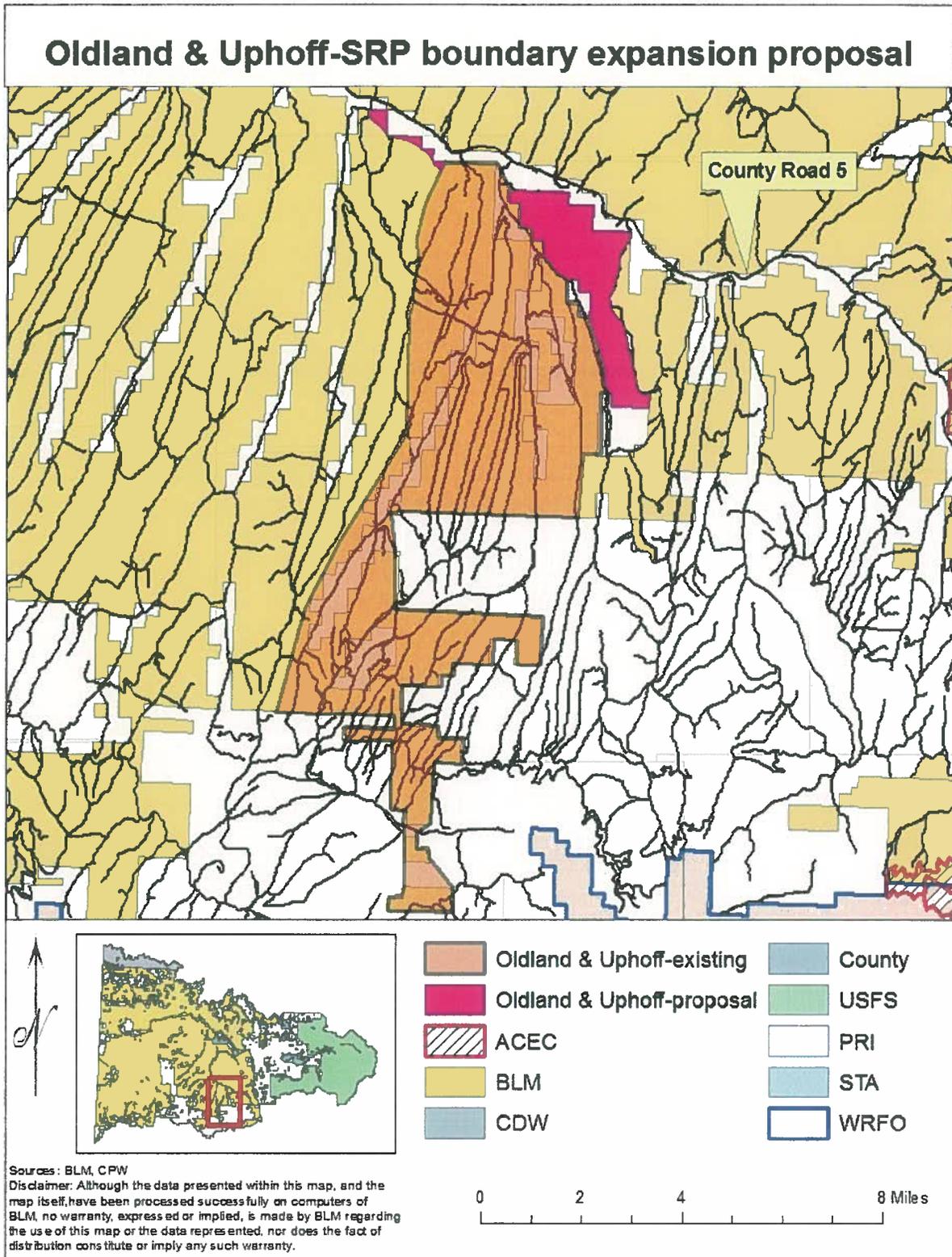


Figure 3-Raven Ridge-plant avoidance area

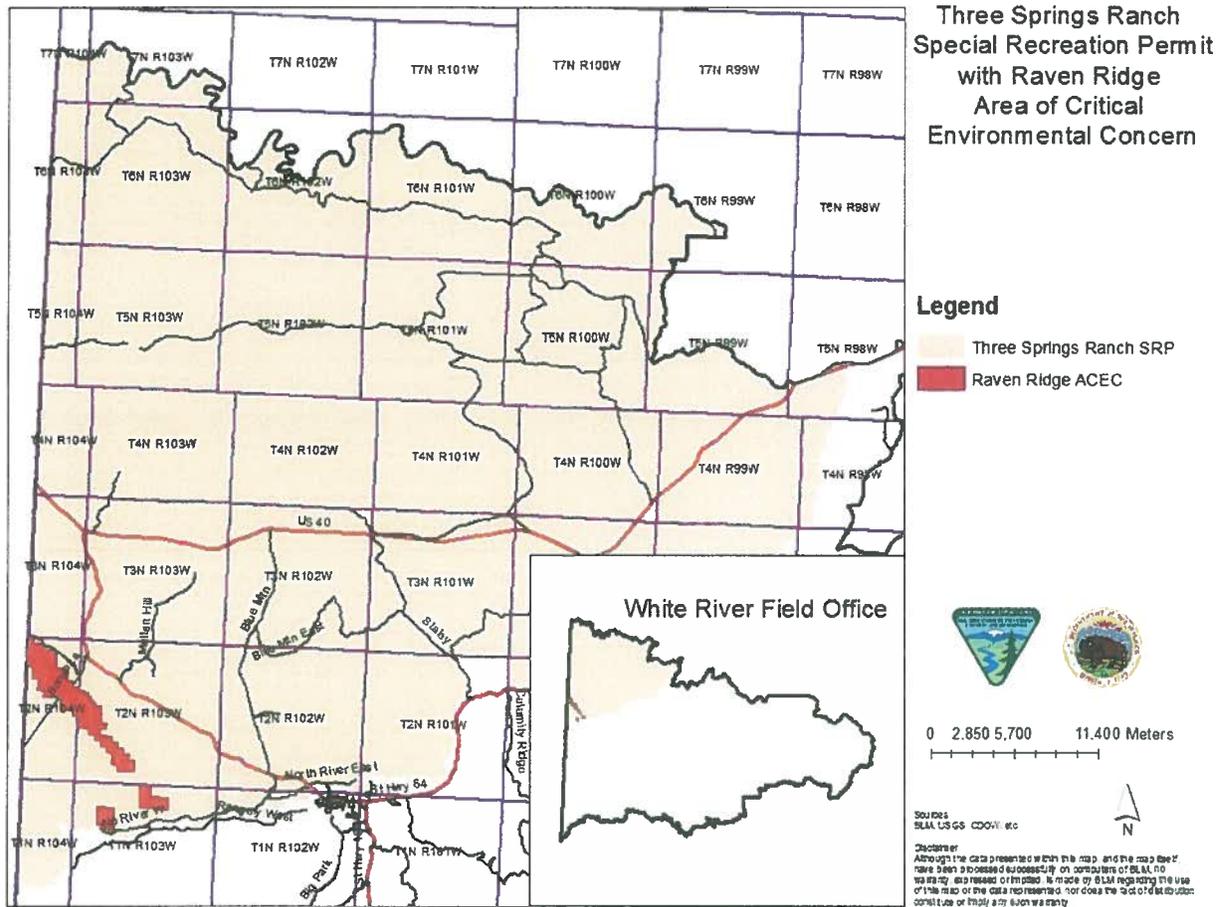
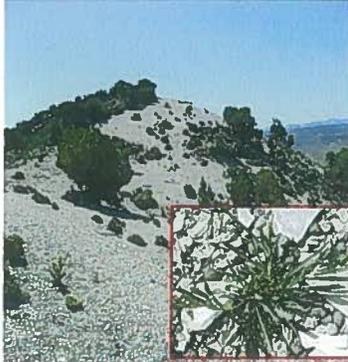


Figure 4-plant habitats

### White River penstemon



**Description:** Multiple green stems arising from a woody root crown. Mature plants are 6 to 20 in. tall. Leaves are opposite, linear 1.2 to 6.7 in long. Flowers comprised of five petals and are a pale blue to lavender.

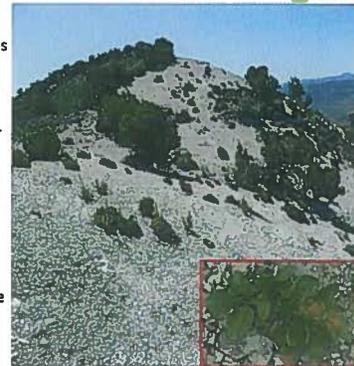
**Habitat:** Sparsely vegetated shale slopes of the Green River Formation Desert shrub and pinyon/juniper communities (5,000-7,200 ft)

**Blooming Season:** Flowers occur May to early June.

**Description:** Relatively low growing with one to three stems 2 to 8 inches tall. Leaves are elliptic in shape, 0.6 to 2 in. long. The species normally bears two to six flowers per stem. Flowers are pinkish purple 1 to 1.5 in. long.

**Habitat:** Talus slopes and knolls of the Green River Formation in sparsely vegetated desert scrub and pinyon/juniper (5,800-6,000 ft)

**Blooming Season:** Blooms late May to mid June.



### Duchesne milkvetch



**Description:** 6-16 inches tall with narrow leaves regularly spaced on long, thin branches. Flowers are ascending on the upper branches. Flowers are purple with white wings. Pods hang down from the upward-pointing branches and are olive or even purplish in color

**Habitat:** Pinyon/juniper woodland and desert shrub, around sandstone or shale outcrops (4,600-6,400 ft)

**Blooming Season:** Flowers occur late April to June.

**Description:** Small, mat-forming plant with spatula-shaped leaves. Leaves spotted with gray dot-like glands.

**Habitat:** Barren shale knolls (5,400-6,500 ft)

**Blooming Season:** Blooms from May to June.

### Ligulate feverfew



Figure 5-plant habitats cont.

### Narrow-stem gilia



**Description:** Small, silvery-green, hairy basal leaves when not blooming. Leaves are deeply dissected. When blooming, white to pale cream flowers extend on a stalk

**Habitat:** Grassland, sagebrush, mountain mahogany or pinyon/juniper; silty to gravelly loam soils of the Green River formation (6,200 -8,600 ft)

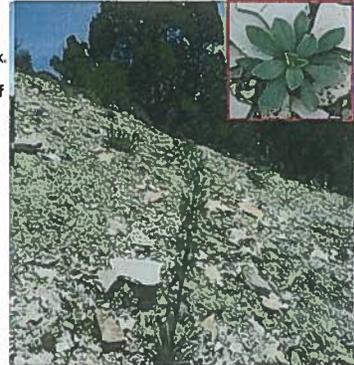
**Blooming Season:** Late May-June/late June-early July

**Description:** A densely bristled plant 4– 14 inches tall. Leaves are mostly clustered at the base. Very small white flowers, densely clustered up stalk.

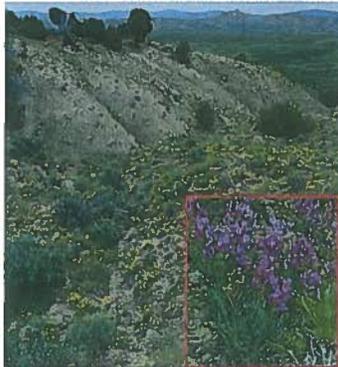
**Habitat:** White shale slopes of the Green River Formation, in pinyon/juniper or cold desert shrub communities (5,300-5,800 ft)

**Blooming Season:** Flowers from May to June; fruits are present through July.

### Rollins cryptantha



### Debris milkvetch



**Description:** Narrow leaflets, often clustered into groups of three. Flowers are oblong, slightly incurved and vivid pink-purple in color.

**Habitat:** Pinyon/juniper and mixed desert shrub, often on rocky soils ranging from sandy clays to sandy loams. Also alluvial terraces with cobbles (5,400-7,200 ft)

**Blooming Seasons:** Blooms late April to early June; fruits are present late May to June.

**Description:** Grayish green spreading stems. Woody base extends with maturity. Narrow, pale yellow flowers.

**Habitat:** Shale and clay flats of slopes in saltbush, sage and pinyon/juniper habitats (4,900-6,900 ft)

**Blooming Seasons:** Blooms from late June to July; fruits in September.

### Ephedra buckwheat



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## **DECISION RECORD**

**PROJECT NAME:** Special Recreation Permit (SRP) boundary modification-Three Springs Ranch and Oldland & Uphoff

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-110-2013-0080-DNA

### **DECISION**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-110-2013-0080-DNA modifying Joel Tuck's existing SRP and modifying Rueben Oldland's existing SRP within the White River Field Office.

### **Mitigation Measures**

1. The applicant is responsible for informing all persons who are associated with the permit 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 Three Springs Ranch SRP holder, Joel Tuck, and others authorized to operate under the permit will attempt to avoid special status plant species areas designated in the attached map (Figure 3) and be aware of the plants habitats (Figure 4 and 5).
4. If an animal is downed on a white shale outcrop, Three Springs Ranch SRP holder, Joel Tuck, and others authorized to operate under the permit will carry the required animal portions off of white shale and the area of disturbance will be kept to a minimum while field dressing.

### **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.

Decision – DOI-BLM-CO-110-2013-0080-DNA

**PUBLIC INVOLVEMENT**

This project was posted on the WRFO online NEPA register on 04/16/2013. As of 05/15/2013 no written comments were received with no issues or concerns identified. 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:** 05/21/13