

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-N05-2014-0100-DNA

PROJECT NAME: White River Adventures, LLC- Big Game Special Recreation Permit

LEGAL DESCRIPTION: T3N, R103W
T2N, R103W
T3N, R102W
T2N, R102W
T3N, R101W
T2N, R101W
T1N, R101W
T3N, R100W
T2N, R100W
T1N, R100W
T3N, R99W
T2N, R99W
T1N, R99W
T3N, R98W
T2N, R98W
T1N, R98W
T3N, R97W
T2N, R97W
T1N, R97W
T3N, R96W

APPLICANT: Travis Kruckenberg

DESCRIPTION OF PROPOSED ACTION: Travis Kruckenberg doing business as White River Adventures, LLC (WRA) has applied for Special Recreation Permit (SRP) to conduct commercial guiding and outfitting for big game hunters on BLM lands within the White River Field Office (WRFO) (see Figure 1). The actions to be taken are the issuance of a new SPR for WRA. The intended period of use would be from the beginning of big game archery season through all rifle hunting seasons (1st-late cow elk hunt), generally late-August through December of each year.

WRA is estimating a maximum of 137 client user days (40 days archery season, 10 days 1st rifle season, 36 days 2nd rifle season, 36 days 3rd rifle season, and 15 days late cow elk rifle season). No temporary facilities are proposed. It is anticipated that some of this hunting will take place on adjacent leased private lands. WRA will provide written authorization to use any leased private lands used in conjunction with this proposal before a SRP is issued. All use will be casual and dispersed in nature within the permitted areas only. No drop camps will be authorized with the issuance of these permits. Transportation that is planned to be used during the commercial operations includes full-sized motor vehicles, all-terrain vehicles, and snowmobiles may be used on existing routes only. On rare occasions when motorized routes access is limited, horse and pack stock may be used and will be day use only.

Design Features:

1. All WRA guides will practice Tread Lightly and Leave No Trace land ethics.
2. It is the policy of WRA to utilize time and equipment resources of the company to engage in practices including, but not limited to: clean-up of trash left by others, remove wrecked or damaged equipment left on the land, trail maintenance, and road maintenance. These projects will only be undertaken by WRA when agreed to in partnership with the BLM and authorized in writing by the Authorized Officer.
3. Provide all clients with a thorough safety talk and maps before the hunting begins.
4. Provide interpretation of the area's natural history as opportunities present themselves.
5. All guides will be familiar with the companies' guidelines for handling an accident, have an emergency phone list, and know how to operate a GPS unit.
6. Evacuation plans will be identified and discussed prior to all hunts with guides and clients.
7. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities (Attachment 1).
8. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved project area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources

on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by Federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.

9. Grazing permittees will be notified by a BLM Rangeland Specialist if commercial SRPs or filming permits are authorized or proposed in their permitted grazing allotment.

Decision to be Made: The BLM will decide whether or not to issue the new SRP to WRA for commercial guiding and outfitting for big game hunting, 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: 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 Permits within the WRFO Involving Special Areas, More than 14 Days Consecutive Use, and/or Staging Areas Greater than Three Acres (DOI-BLM-CO-N05-2014-0057-EA)

Date Approved: July, 31, 2014

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: DOI-BLM-CO-N05-2014-0057-EA. 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: DOI-BLM-CO-N05-2014-0057-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, and 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: DOI-BLM-CO-N05-2014-0057-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: A copy of the completed DNA will also be posted to the online NEPA register. All existing SRP holders that have permitted operating areas that overlap with this proposal were sent a copy of this DNA. No comments were received.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 06/17/2014. 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 Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	7/2/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	07/01/2014
Justina Thorsen	Acting Ecologist	Special Status Plant Species	6/25/2014

REMARKS:

Cultural Resources: Though there is no planned ground disturbance from drop camps or blind construction there is always a slight potential for unauthorized artifact collection with increased human activity in the area. Should any artifact collection occur during permitted activities it would represent a permanent, long term, irreversible and irretrievable loss of a portion of the regional archaeological database.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

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

Threatened and Endangered Plant Species: Two federally listed threatened species, *Physaria obcordata* (Dudley Bluffs Twinpod) and *Physaria congesta* (Dudley Bluffs Bladderpod), are known to occur within the boundary of the Proposed Action. Four BLM sensitive species also occur within the boundary of the Proposed Action, including: *Penstemon grahamii* (Graham's beardtongue), *Aliciella stenothyrsa* (Narrow-stem gilia), *Astragalus detritalis* (Debris milkvetch), and *Lesquerella parviflora* (Piceance bladderpod). Trampling of plants is a possibility, although unlikely, due to the casual and dispersed nature of the proposed hunting activity. The proposed action will occur outside of the blooming season, minimizing the potential for adverse impacts to seed production activity. There should be no measurable impact upon special status plant species associated with the proposed action.

MITIGATION:

The following applicable mitigation from DOI-BLM-CO-N05-2014-0057-EA has been carried forward:

Standard cultural and paleontological resources mitigation includes the following:

1. The applicant 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 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. The applicant is responsible for informing all persons who are associated with commercial operations that they will be subject to prosecution for disturbing or collecting vertebrate vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

Plant protection mitigation includes:

1. The applicant will be provided with educational materials about *Physaria obovata*, *Physaria congesta*, and *Penstemon grahamii* (Attachment 1) along with maps of plant awareness areas. White River Adventures, Travis Kruckenberg, and others authorized to operate under this permit will attempt to avoid special status plant species areas

designated in the attached map (Figure 2) and be aware of plant's habitats.

2. If an animal is downed on a white shale outcrop, the outfitter and guides will either quarter or carry the animal off the 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.

Wild Horses mitigation measures:

1. The permittee/guide shall inform all staff and clients that wild horses are protected by Federal law and will prevent harassment of wild horses from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.

- a) All guides shall possess a map indicating boundary of the HMA as well as the HAs.
- b) The permittee will discourage the discharge of firearms within HMAs during the foaling season (March 1 – June 15) that is not directly associated with the permitted commercial activity. For example, discourage target shooting or sighting in of firearms in these areas during this time when permitted for commercial mountain lion hunting.
- c) Stay at least 100 feet away from wild horses.
- d) Do not feed or try to attract any wild horse towards you.
- e) Keep dogs under control so they do not disturb or chase wild horses.
- f) Report sick, injured animals, or other violations against wild horses to the BLM.
- g) Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
- h) Camps, within the HMA, shall be at least ¼ mile away from wild horse water sources.

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 five 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: Kent E. Walter
Field Manager

DATE SIGNED: 08/06/2014

ATTACHMENTS:

- Figure 1-White River Adventures Big Game SRP Proposal
- Figure 2-Plant Awareness Areas
- Attachment 1-Plant Educational Materials

Figure 1-White River Adventures Big Game SRP Proposal

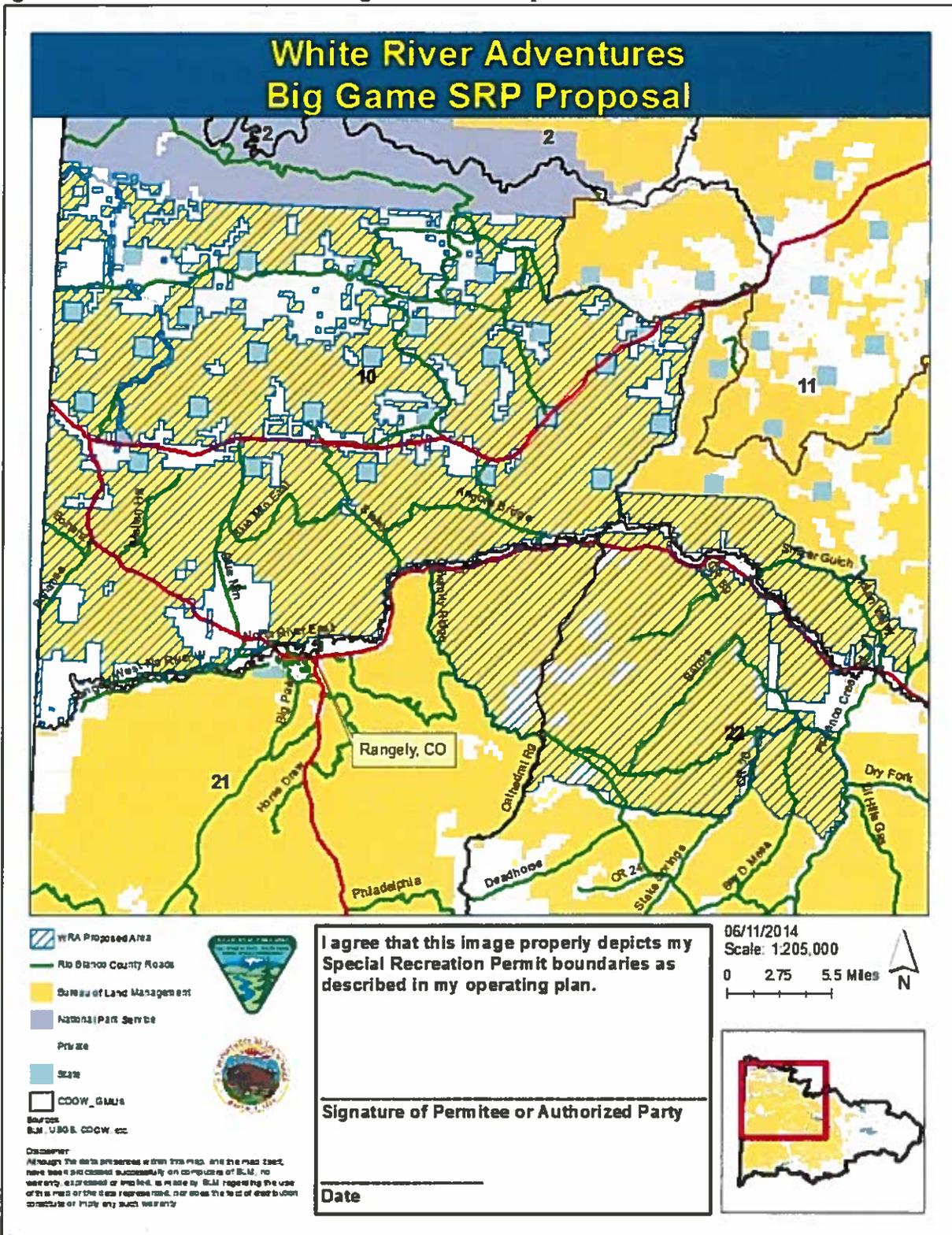
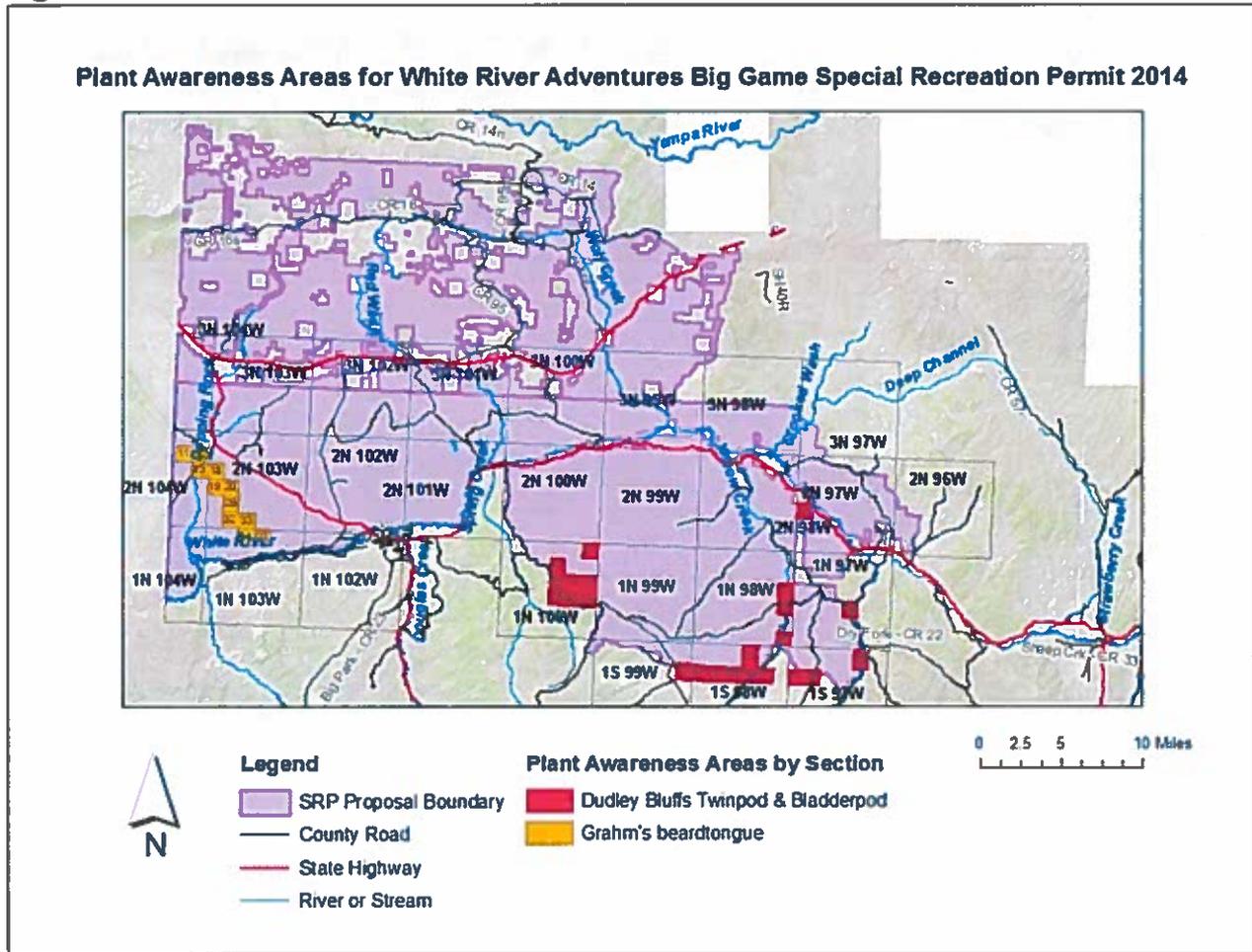


Figure 2-Plant Awareness Areas





Threatened Plants Information Factsheet

DOI BLM White River Field Office

Dudley Bluffs Twinpod (*Physaria obcordata*)

The Dudley Bluffs Twinpod is an herbaceous perennial plant in the Mustard family. It is endemic to and is found exclusively within a 20 by 30 mile area of Piceance Basin in Northwestern Colorado.

Dudley Bluffs Twinpod tends to grow on barren white shale outcrops. It tends to grow on steep side slopes, but can be found in small wash settings below sideslopes where soil and substrates have eroded and deposited on more level locations.

Plants have a basal rosette of silvery leaves with flowering stems that rise 5-7 inches tall and display bright yellow flowers when in bloom. The species scientific name (*obcordata*) refers to the heart-shaped fruit, or two-lobed seed pod.

The Dudley Bluffs Twinpod is designated as "Threatened" and protected under the Endangered Species Act. The species range has not increased since it was first listed in 1990.

Primary threats to the Dudley



Dudley Bluffs Twinpod with heart shaped seed pods.

Bluffs Twinpod include: Energy Development, Oil Shale Mining, Road Construction and Maintenance, Invasive Species Infestations, Off-road Vehicle Use, Overgrazing by Livestock, and trampling by wild horses.



Dudley Bluffs Twinpod growing on a steep side slope.



Dudley Bluffs Twinpod without flowers or seed pods.



Dudley Bluffs Twinpod Habitat: barren white shale outcrop.



Dudley Bluffs Twinpod Habitat: barren white shale outcrop.



Threatened Plants Information Factsheet

DOI BLM White River Field Office

Dudley Bluffs Bladderpod (*Physaria congesta*)

The Dudley Bluffs Bladderpod is an herbaceous perennial plant in the Mustard family. It is endemic to and only occurs within a 1.0 square mile area of Piceance Basin in Northwestern Colorado.

Dudley Bluffs Bladderpod tends to grow on barren shale outcrops of ridges or in pinyon-juniper savannah areas. It often grows on level surfaces where outcrops of white shale geology have been exposed. It can also be found growing along gentle slopes of drainages and windswept ridges.

Plants are very small, cushion-shaped, sized one to three centimeters in diameter, with silvery spatulate leaves. When in bloom, they display a single dense crown of bright yellow flowers.

The Dudley Bluffs Bladderpod is designated as "Threatened" and protected under the Endangered Species Act. The species range has not increased since it was first listed in 1990.

Primary threats to the Dudley Bluffs Bladderpod include



Dudley Bluffs Bladderpod with no flowers or seed pods.

Energy Development, Oil Shale Mining, Road Construction and Maintenance, Invasive Species Infestations, Off-road Vehicle Use, Overgrazing by Livestock, and Trampling by wild-horses.



Size Reference: Individuals are about the size of a quarter.



Habitat: Barren white shale outcrop on a ridge top.



Habitat: Shale outcrop within pinyon-juniper savannah.



Habitat: Shale outcrop in Pinyon/Juniper/Sagebrush at bottom of photo.



Threatened Plants Information Factsheet

DOI BLM White River Field Office

Graham's Beardtongue (*Penstemon grahamii*)

Graham's Beardtongue is an herbaceous perennial plant in the Plantain family. It is endemic to and only occurs within the Uinta Basin of northeastern Utah and northwestern Colorado.

Graham's Beardtongue tends to grow on barren white shale outcrops where there is little, but diverse plant cover. Habitat consists of sparsely vegetated desert shrub and pinyon/juniper communities. It is often found on Southwest to Western facing slopes of less than 40 degrees.

Each plant has one to three stems, usually 7-18 cm tall, arising from a taproot. Leaves are thick, leathery and dark green to grayish in color, narrowing toward the stem. When in bloom, flowers can be found in clusters of 3-20 and petals vary in color from light to dark lavender or pinkish. The common name is derived from the yellow, bearded staminode that protrudes from the mouth of the flower.

Graham's Beardtongue is proposed as "Threatened" and is protected under the Endangered Species Act.



Graham's Beardtongue in flower: not a hairy yellow tongue.

Primary threats include: Energy Development, Oil Shale Mining, Off-road Vehicle Use, Overgrazing by Livestock, and Overharvesting for horticultural use.



Graham's Beardtongue without seeds or flowers.



Habitat: Barren white shale outcrop on a ridge top.



Habitat: Sparsely vegetated shale outcrop.



Habitat: Shale outcrop in Pinyon/Juniper community.

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.

**U.S. Department of the Interior
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DECISION RECORD

PROJECT NAME: White River Adventures, LLC- Big Game Special Recreation Permit

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-N05-2014-0100-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0100-DNA, authorizing the issuance of a Special Recreation Permit to Travis Kruckenberg doing business as White River Adventures, LLC.

Mitigation Measures

The following applicable mitigation from DOI-BLM-CO-N05-2014-0057-EA has been carried forward:

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1. The applicant 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.
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- f. Report sick, injured animals, or other violations against wild horses to the BLM.
- g. Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
- h. Camps, within the HMA, shall be at least ¼ mile away from wild horse water sources.

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

A copy of the completed Documentation of NEPA Adequacy will also be posted on 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

Process for Appeals

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals, who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. §4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal. "Information on Taking Appeals to the Board of Land Appeals" is enclosed for your convenience.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

08/06/2014

