

# SURVEYING ON BIA- ADMINISTERED LANDS



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Environmental Protection Specialist

# BIA-Administered Lands

- \* BIA is the Surface Management Agency for:
  - Ute Indian Tribe Lands and
  - Allotted Lands
- \* BIA works together with the Ute Indian Tribe to manage Tribal lands.



# Ute Indian Tribe Requirements

## To Survey on the Reservation you need:

- \* **Business License** – Allows contractors/firms to do business on the Uintah and Ouray Reservation.
  - \* **Access Permit** – requires detailed vehicle information and personnel information. Valid photo identification should be carried at all times.
- \* **Both** of these documents are required and can be obtained from the Tribe's Energy and Minerals Department. Failure to present these documents on Tribal lands may result in:
    - Fines
    - Access Revocation
    - Banishment from the Reservation

# Tribal Requirements, cont'd.

- ❖ Prior to surveying on Tribal lands it is required that a Tribal Compliance Officer be notified. At their discretion, they may accompany you or request that you identify your proposed survey locations.
- ❖ Compliance Officers oversee a variety of oil and gas fields on the reservation. Please contact the Energy and Minerals Department for specific Compliance Officer info.

## **Points of Contact:**

- ❖ **Bruce Pargeets, Director Energy and Minerals: (435) 725-4999**
- ❖ **Energy and Minerals Department: (435) 725-4975**

# BIA Requirements

- \* **New Environmental Consulting Firms:** Must submit a Statement of Qualification or company resume prior to surveying on the Reservation.
- \* **Survey protocol:** Follows established USFWS/BLM guidelines for all plant species except *Sclerocactus*.
- \* *Sclerocactus* surveys should be conducted in accordance with the Ute Indian Tribe's *Sclerocactus* Management Plan (the Plan).

# Ute Indian Tribe

- \* Kirby Arrive, Natural Resources Department Director, is responsible for the administration and implementation of the Plan
- \* Currently the Tribe's botanist position is unfilled; but Jean Sinclear is contracted to assist in the Plan's implementation.

# Ute Indian Tribe *Sclerocactus* Management Plan

- \* Adopted via Tribal Resolution in August 2015
- \* Formal Programmatic Section 7 Consultation with the FWS on the Plan was completed on December 7, 2017.
- \* Oil and gas operators have been provided a copy of the Plan and the Final Biological Opinion. If you are in need of a copy to complete a survey please contact your client or Kirby Arrive.

# Applicability

Surface Ownership	Subsurface Ownership	Tribal Management Plan Would Apply	USFWS Recommendations Would Apply
Tribal or Allotted	Federal	X	
Tribal or Allotted	Tribal or Allotted	X	
State Agencies (e.g. SITLA, DWR)	Tribal or Allotted	X	
Fee	Tribal or Allotted	X	
Tribal or Allotted	State	X	
Tribal or Allotted	Fee	X	
Fee	Federal		X
State Agencies (e.g., SITLA, DWR)	Federal		X
Federal (e.g., USFWS Refuge)	Federal		X
Federal (e.g., USFWS Refuge)	Tribal or Allotted		X

# The Plan's Survey Guidance

- \* Field surveys shall be conducted to confirm the presence/ absence of *Sclerocactus* on 100% of the proposed project area within the USFWS defined potential habitat.
- \* Referencing the previous table, and unless otherwise required by the Natural Resources Department, field surveys shall extend out to a minimum of 100 feet from the edge of proposed disturbance. If definitive boundaries of the project area are unknown, but a general shape is known:
  - \* Polygon: survey 100% of the 10 acres surrounding the likely center point of the polygon.
  - \* Linear: 100 feet on both sides of the centerline of the proposed feature, regardless of existing access routes or utility corridors.

# The Plan's Survey Guidance, cont'd

- \* Obtain a total count of cacti located in the survey area. Record findings into separate categories: Alive/dead, seedling/young adult/mature, and phenological stage(s).
- \* If cacti are found that could be possible *Sclerocactus* hybrids, identify them by scientific name, if possible. Describe how these “different” individuals were distinguished from the targeted cactus. Take photos that clearly depict the characteristics/conditions that support the identification.
- \* No cacti (living or dead) will be collected or removed for any purpose without prior written approval from the Tribe. Photos, using a GPS capable camera, will be used during field surveys.

# The Plan's Survey Guidance, cont'd

- \* Unless otherwise authorized by the Natural Resources Department, timing for conducting surveys shall be:
  - \* *S. brevispinus*: March 15 through June 30
  - \* *S. wetlandicus*: During any time of year, lacking in snow cover.

# The Plan's Survey Guidance, cont'd

- \* Clearance surveys should be valid for up to 4 years. However, if construction is to occur within the 4-year window, an additional reduced-effort “spot check” survey shall be conducted in the year of project construction.
- \* A written report documenting the “spot check” will be submitted to the Natural Resources Department for approval prior to initiating any new or upgraded surface disturbance.
- \* “Spot checks” shall be conducted within 30 feet of the perimeter of the previous survey and at a moderate intensity (survey lines will be spaced 10 feet apart and walked at a moderately slow speed, using a meander survey method).

# The Plan's Survey Guidance, cont'd

- \* Exceptions to these “spot checks” include:
  - \* An original survey area within 100 feet and downslope of known cactus locations shall require a 100% new clearance survey; or
  - \* Areas within a 10-foot diameter of active ant mounds/colonies that fall within the original 100% clearance survey boundary should be surveyed following standard clearance survey protocols for new cactus seedlings.

# The Plan's Survey Guidance, cont'd

- \* Copies of all field survey reports will be electronically provided to the Tribe's Natural Resources Department within 30 days of the field survey. No approval or authorization may be granted until these final reports are received and accepted by the Natural Resources Department.
- \* Surveyors will prepare and submit an annual compilation of plant survey spatial data and survey reports to the Natural Resources Department no later than January 31.



**Any questions contact:**

**Ataya Cesspooch, Environmental Protection Specialist**

**(435) 722-4346**

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**Or**

**Kirby Arrive, Natural Resources Dept. Director**

**(435) 823-6005**

**[Kirbya@utetribe.com](mailto:Kirbya@utetribe.com)**