

Finding of No Significant Impact (FONSI)

CO-200-2005-0025 EA
South Park Land Tenure Adjustment
Public Land Categorization and Allocation
USDI Bureau of Land Management
Royal Gorge Field Office
Park County, Colorado

BACKGROUND:

The Bureau of Land Management (BLM) prepared the South Park Land Tenure Adjustment Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) analyzing resource values on approximately 63,600 acres of BLM administered public land in Park County, Colorado. The purpose of the EA was to evaluate effects of amending public land ownership decisions defined in the 1996 Royal Gorge Resource Area Resource Management Plan (RGRA-RMP), specifically in South Park Subregion #4. The BLM RGRA-RMP had identified the existing fractured pattern of public land ownership in South Park as a long-term management issue and concern. These issues included lack of public access, parcel size, and relative land administration costs.

As a result, the majority of parcels of public land in South Park were identified for land tenure adjustment, specifically for disposal through exchange or transfer, or for disposal by any means in the RGRA-RMP. Only a relatively small percentage of public lands in South Park were identified for long-term retention in federal ownership. However, during the decade since RGRA-RMP completion, knowledge of natural resources and non-federal land management goals such as protection of mountain plover breeding habitat, fen and mire wetlands, and private conservation efforts increased markedly.

In light of this new resource information, BLM received requests by Park County Board of County Commissioner and the general public to reconsider land tenure decisions in South Park, as defined in the 1996 RGRA-RMP. The BLM Royal Gorge Field Office (RGFO) prepared the current EA which considered a range of four alternatives for 152 distinct parcels ranging from 2 acres to 4,534 acres in the South Park area.

As part of the NEPA public scoping process, a BLM RGFO Interdisciplinary Team (ID-Team) gathered and analyzed both new and updated data describing resource values, public concerns, and boundaries of public land parcels in South Park. The EA assessed best available public land ownership data, including public land parcels originally held during the RGRA-RMP as well as parcels acquired and disposed of since 1996 RGRA RMP completion. The latter had resulted in a net increase of 6,568 acres under BLM ownership.

The BLM ID Team combined the original 1996 RGRA-RMP criteria for land tenure evaluation with new resource information and developed an updated set of criteria for parcel analysis including:

- Presence of mountain plover habitat.
- Presence of fen and mire wetlands.
- Big-game habitat.
- Public access.
- Parcel size.
- Proximity to open space.
- Adjacency to private conservation easements.
- Visual resources.
- Cultural and historic resources.
- Range economics.

As part of the NEPA process, three draft alternatives, representing a range of land tenure allocations for *Category I- Disposal*, *Category II-Retention*, and *Category III- Restricted Exchange* lands, were made available for public review and comment from December 2007 to January 2008. Based on public comments a fourth alternative that increased acreage under Category II-Retention and Category III-Restricted Exchange was developed for comparison and analysis in the EA. The EA identified this fourth alternative, Alternative D, as the Proposed Action. Alternative D was chosen as the Proposed Action because it consolidates BLM lands in important habitat areas and disposes of lands difficult to manage and/or lands with little resource value and/or no public access.

In other words, the intention of the federal land consolidation proposed in Alternative D is protection of public lands with the highest resource value from future private land development while conserving valued resources, particularly wildlife habitat and cultural resource values. If and when any of the 3,953 acres of public land are proposed for transfer or sale from public ownership in alternative D, site specific impacts to identified resources would be determined in a parcel by parcel NEPA analysis.

The Proposed Action would also amend land tenure decisions described in the 1996 Royal Gorge Resource Area Resource Management Plan (RGRA-RMP) in South Park Subregion #4 (See Table below comparing Proposed Action and No Action). The BLM RGFO realty program also identified unclear RGRA-RMP language specific to the “Category II-Retention” land tenure category. Since 1996, RGRA-RMP Category II - retention language created confusion with potential land purchasers, exchangers and BLM staff. In order to clarify the land tenure categories to the public and BLM employees the ID Team proposed language modifications to Category II-Retention.

The EA was made available for a 30-day public review on February 27, 2008. Comments or questions on the EA were received from eight individuals and eight organizations (listed in Item 4 below). Most comments received on the EA and alternatives favored land tenure adjustments presented in the Proposed Action, Alternative D. The Colorado Division of Wildlife (CDOW) expressed concerns with public land tenure categories in the eastern and southern portions of the

study area under Alternative D. Specifically, CDOW officials expressed concern that some of the lands designated in the exchange-restricted category should be reclassified into the BLM retention category. BLM met with CDOW officials in October, 2008 to discuss CDOW concerns for those parcels in the exchange-restricted and disposal category. BLM maintains that under restricted circumstances resource value protection could result with a transfer of land ownership from BLM to another responsible entity. In other words, exchange-restricted parcels could remain in BLM ownership until an entity agrees to manage these parcels to protect the identified resources. BLM's intent is to review potential exchange proponents in relation to expertise and capability to appropriately manage such valued resources. For most valued resources, exchange options would likely be limited to other public land management agencies.

The full administrative record, including the EA that discusses and analyzes the proposed action and alternatives, is available for review at the Bureau of Land Management (BLM) Royal Gorge Field Office, 3028 E Main Street, Canon City, Colorado. The EA is also available at the following website:

http://www.blm.gov/co/st/en/fo/rgfo/planning/south_park_land_tenure.html

PLAN CONFORMANCE AND CONSISTENCY

The Royal Gorge Resource Area Resource Management Plan (RGRA-RMP) Record of Decision specified that land adjustments in the South Park Subregion will be made with the following guidance:

- Parcels considered difficult and uneconomical to manage with no significant resource values will be identified for sale
- Exchange could be used when the result is clearly in the best interest of the public and management will be improved
- Identified parcels for acquisition or retention will provide values for public use and have access
- All uses will be equally considered in analyzing proposals

The RGRA-RMP also stated that riparian inventories will be completed and mapped as soon as possible so limitations can be implemented and enforced. In response to this requirement the EA ID Team mapped and identified important wetlands and incorporated their protection into Alternative D.

Following the enactment of the RGRA-RMP plan maintenance action number M-8 was instituted. This maintenance action requires the BLM to assess the impacts of all proposed actions on mountain plover habitat in South Park Subregion # 4. In response to this maintenance action, the BLM ID Team assessed mountain plover habitat in Subregion # 4 and chose to protect the highest value mountain plover habitat in this area by incorporating the protection of these lands into Alternative D.

The EA also evaluated parcels for public access, those without access or with limited and difficult access were categorized under the disposal category. In general parcels with good

public access that contained high value fen and mire wetlands, visual resources, high value mountain plover habitat, historic or cultural resources were categorized for retention. Parcels with all the aforementioned attributes and adjacency to other similarly managed public lands were categorized as exchange-restricted.

By re-designating lands, including resource mapping and protecting important wetlands, as required by the RGRA-RMP, this EA and proposed plan amendment is consistent with the goals and objectives of the RGRA-RMP.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the "Record of Decision and Resource Management Plan," (Month/year); (2) the Proposed Action and alternatives are in conformance with the "Record of Decision and Resource Management Plan,"; and (3) the Proposed Action and alternatives do not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in [*list your RMP EIS here*]; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

CONTEXT: The South Park region of Colorado is located west of Denver and encompasses approximately 480,000 acres of intermontane grassland at approximately 10,000 ft. in Park County Colorado. The valley contains the headwaters of the South Platte River and Antero, Spinney Mountain and Elevenmile reservoirs making this area an important source of drinking water supplies for Colorado's Front Range cities.

In 1996 the Royal Gorge Resource Area Record of Decision and approved Resource Management Plan identified 57,793 acres of BLM-administered lands, 347,531 acres of private lands and 79,230 acres of state lands in the South Park Eco-Sub-Region. These numbers were approximate at the time of ROD publishing and have been revised based on land acquisitions and

exchanges since that time, and are based on best-available bureau GIS data. According to these acreage estimates, South Park is largely privately owned with BLM being the minority land owner in the area. Being the minority land owner in South Park forces BLM to target the most essential BLM owned habitat areas in South Park for retention and/or exchange-restricted status, hence the larger numbers in these categories compared to the disposal category.

This arrangement creates opportunity as well as challenges.

Opportunities presented by this arrangement are:

- Partnering with state agencies, private landowners and local and county governments to protect important natural resources and promoting tourism.
- Protecting important resources by retaining BLM ownership.
- Protecting lands that will be otherwise subdivided for development

Challenges presented by this arrangement are:

- The need to preserve critical wetlands, fens, and critical habitat while being a minority landowner in South Park.
- Inability to access BLM parcels to monitor private party use.
- Requests to retain small BLM parcels lacking public access that are inefficient to manage.
- Subdivision of BLM lands earmarked for disposal.

These opportunities and challenges required the BLM to take a hard look at lands in South Park and assign the correct land tenure category based on the criteria outlined in the RGRA-RMP and the EA. Both these documents require the chosen land categories protect the most resources, provide the most recreation, and protect historical grazing and important cultural sites while remaining affordable and tractable. With these criteria in mind, the BLM chose Alternative D. A comparison of Alternative D the proposed action and Alternative B the no action alternative are available in *Table A* below.

Table A-Land Tenure Acreage Comparison Between Alternative D and Alternative B

Alternatives	Acres in Each Land Tenure Category		
	Category I Disposal	Category II Retention	Category III Exchange-Restricted
Alternative D Proposed Action	3,953	40,316	19,330
Alternative B No Action Alternative	12,900	7,910	43,551

*For comparison purposes the categories are the new categories with an assumption that the retention/exchange category in RGRA-RMP/Alternative B is retention.

The acreages in each category of the proposed decision reflect the changing land uses in this area that have led to increased public and agency concerns for the protection of accessible historic open spaces, animal habitat, and riparian resources.

INTENSITY:

1. Alternative D provides the following beneficial effects compared to Alternative B the no action alternative:

- Protection of 95% of the BLM administered mountain plover habitat.
- An increase of 23% in BLM public lands retained or designated exchange-restricted.
- Protection of lands that may otherwise be subdivided.
- Retention of grazing leases that facilitate historic ranching activities and protect important resources
- Supports the possible selection of South Park as a National Heritage Area.
- Protection of high value fen and mire wetlands, visual resources, high value mountain plover habitat, historic and cultural resources

2. Degree of effect on public health and safety.

By retaining more lands than the RGRA-RMP specified the BLM’s chosen alternative is promoting healthy outdoor recreation experiences and protecting important wetlands. The protected wetlands include swales, fens, mires, and emergent types that augment water flows into the South Platte River, a major source of municipal water supplies for Colorado’s Front Range. Therefore the selection of Alternative D would enhance public health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The South Park area of Colorado has been nominated as the South Park National Heritage Area. This status confers special federal funding and recognition that assists

local governments in preserving important cultural features and historic ways of life such as ranching.

The valley also contains important wetland complexes that feed the South Platte River and contain important plant and animal species. Most of the streams in South Park are low gradient with large amounts of wetland areas in the valley bottoms. Wetlands typically act as filters cleaning water as it flows through them leading to high amounts of clean water if the wetlands are left undisturbed.

South Park also contains a high concentration of fens that add high quality water to the area. The geologic and hydrologic setting found in South Park combines to create wetlands known as “extreme rich fens,” so named because of their high concentrations of minerals. These fens provide habitat for 14 state-rare plant species, two of which are BLM Sensitive and globally rare: Porter feathergrass (*Ptilagrostis porteri*) and Greenland primrose (*Primula egaliksensis*). They also provide habitat for 11 state- and globally-rare invertebrate species. Other wetland types located in Park County include playa lakes, wet meadows, springs, alkaline wet meadows and springs, and riparian wetlands. These important features were identified following approval of the RGRA-RMP and earmarked for protection under the EA.

The most significant rare wildlife species managed by BLM in South Park is the mountain plover. On May 3, 1993, the USFWS listed the mountain plover as a Candidate Species under the ESA. On February 16, 1999, a notice was published in the Federal Register proposing to list the mountain plover as a threatened species. On September 9, 2003 the US Fish and Wildlife Service found that listing the plover was not warranted and withdrew the proposed rule. Colorado Natural Heritage Program (CNHP) considers the mountain plover globally imperiled (G2/S2B). The species is listed by the U.S. Forest Service and the BLM as a Sensitive Species, and by the Colorado Division of Wildlife as a Species of Special Concern. BLM manages approximately 12 % (25,156 acres) of the potential mountain plover habitat in South Park. According to RGRA-RMP maintenance action M-8 the Royal Gorge Field Office must maintain a database on mountain plover habitat in South Park Subregion # 4. Any action proposed in these areas must be analyzed for its potential impact to mountain plover habitat. The mountain plover habitat mapping and analysis, and the selection of Alternative D, that protects 95% of the mountain plover habitat on BLM lands in South Park, support the RGRA-RMP and the subsequent maintenance action M-8.

Alternative D, the preferred alternative, would protect approximately 60,000 acres of the approximately 64,000 acres of BLM public land in South Park. According to EA analysis the protection of 64,000 acres under the proposed alternative would preserve 95% of BLM administered mountain plover habitat and most of the important wetland resources in this area. Moreover the selection of Alternative D would protect the unique characteristics of South Park Subregion # 4 of the Royal Gorge Field Office.

There are no prime farmlands or wild and scenic rivers in the study area.

4. Degree to which the possible effects on the quality of the human environment area likely to be highly controversial.

BLM staff held numerous meetings, conducted interviews and organized and attended field trips to address the affects of this action on the human environment with the following South Park constituents:

- Central Colorado Cattlemens Association.
- City of Aurora.
- Colorado Cattlemens Agricultural Land Trust
- Colorado Division of Wildlife.
- Colorado Natural Heritage Program.
- Colorado Open Lands.
- Colorado State Land Board.
- Nature Conservancy.
- Park County Commissioners.
- Park County Office of Historic Preservation.
- Park County Office of Tourism and Community Development.
- South Park Wetlands Focus Group
- United States Fish and Wildlife Service.
- United State Forest Service

These constituents expressed concern with the loss of mountain plover habitat, important globally imperiled plant communities, open space and cultural heritage sites, among other things. By expressing these concerns this group convinced the BLM to retain more land in South Park and restrict the transfer of exchanged lands to entities equipped to protect the identified resources.

In addition to these meetings and correspondence BLM held several public meetings where comments were accepted. The result of this public outreach was the formulation of Alternative D the preferred alternative. BLM listened to the constituents of South Park and worked together with them to formulate an alternative that satisfied all parties. Through the numerous public meetings, field trips and interviews the BLM received input that the agency listened to, considered and made part of the process. These meetings with constituents and other public land holding agencies also convinced the BLM to adjust land tenure categories so that the most important fens, wetlands and mountain plover habitat were protected. The consideration and incorporation of agency and constituent comments and concerns ensures this project will not have any highly controversial effects on the human environment.

5. Degree to which the possible effects from the proposed action are highly uncertain or involve unique or unknown risks.

Possible effects from alternative D do not involve any substantial unique or unknown risks. The proposed action will simply protect important resources and provide recreational opportunities for residents of Colorado.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Alternative D does not set any precedents for future actions. The BLM's evaluation and selection of land adjustments in South Park Subregion # 4 followed established procedures and criteria outlined by the ID Team, the RGRA-RMP, relevant BLM rules and regulations and incorporated public input and comment from constituents, non-governmental organizations and elected officials.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

There are no other individually significant actions that when combined with the proposed action would create cumulative impacts. Because the proposed action protects more BLM land with significant resources than the Royal Gorge Resource Area Resource Management Plan.

8. Degree to which the action may adversely affect field office; sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Previous cultural resources inventories document that both prehistoric and historic sites are present in South Park. Many of the sites are eligible for the National Register of Historic Places. This means, the greater the percentage of land that BLM continues to administer, the higher the percentage of historic properties that will benefit from federal management. All lands that leave federal ownership will be subjected to cultural resources inventories, and any historic properties located during those inventories would be subject to mitigation. Given the approximately 40,000 acres of BLM public lands earmarked for retention and the approximately 19,000 acres of BLM public lands in the exchange-restricted category alternative D would provide the most protection for cultural resources.

BLM consulted with the following tribes regarding the proposed amendment: Apache Tribe of Oklahoma, Cheyenne and Arapaho Tribes of Oklahoma, Cheyenne River Lakota Tribe, Comanche Tribe of Oklahoma, Crow Creek Sioux, Kiowa Tribe of Oklahoma, Northern Arapaho Tribe, Northern Cheyenne Tribe, Northern Ute

Tribe, Oglala Lakota Tribe, Rosebud Sioux Tribe, Shoshone Tribe, Southern Ute Tribe, Standing Rock Lakota Tribe, and the Ute Mountain Ute Tribe. No tribes indicated any specific concerns with any alternatives.

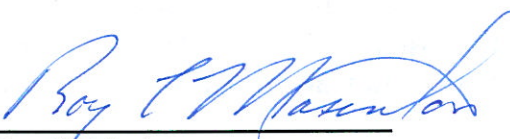
9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

There are no endangered or threatened species or critical habitat in the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

This action does not threaten or violate any Federal, State, or local law or requirements imposed for the protection of the environment.

Approved By:



Roy L. Masinton
Field Manager
Royal Gorge Field Office

10/30/08
Date