

U.S. Department of the Interior
Bureau of Land Management
Glenwood Springs Field Office
50629 US Highway 6 & 24
Glenwood Springs, CO 81601

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-N040-2009-0073 EA

CASEFILE NUMBER: 007574

PROJECT NAME: East Jack Pipeline Extension

LOCATION: T4S, R87W, Lot 8 Sec. 15, Lots 1 & 2 Sec. 21, 6th Principal Meridian. Refer to attached location map.

APPLICANT: Bureau of Land Management

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action: The proposed action would be to install 0.4 mile of water pipeline (1.5 inch diameter poly pipe) in an existing ditch. The pipeline would not be buried and there would be no ground disturbance from installation. The pipeline would capture water from overflow from an existing pond (East Jack Pond 4) and would supply water to another existing pond (East Jack Reservoir 3) located at the pipeline terminus. The water source for East Jack Pond 4 is a spring located on private land. A pipeline from the spring source to East Jack Pond 4 was installed last year. Refer to the attached map for the project location.

Installation will be accomplished by the grazing permittee. Maintenance of the project will be the responsibility of the grazing permittees. The projects would be authorized under cooperative agreement as per 43 CFR 4120.3-2.

Project Design Features:

- The U.S. Fish and Wildlife Service (USFWS) has determined that any federal action that will deplete water in the basin will prompt a "may affect" determination for the 4 Big River Fish under Section 7 of the Endangered Species Act. The project is covered by the programmatic biological assessment and will be included on the Resource Area's water depletion log, submitted to the FWS at the end of the year.

No Action Alternative: The installation of the proposed pipeline would not be authorized.

ALTERNATIVES CONSIDERED BUT ELIMINATED:

PURPOSE AND NEED FOR THE ACTION: The proposed action would provide livestock and wildlife with a more reliable source of water in an area of the grazing allotment that lacks sufficient watering sources. This would help improve grazing distribution, would help maintain/improve the condition of upland areas, and would help maintain/achieve Colorado Public Land Health Standards 3 (plant and animal communities).

PLAN CONFORMANCE REVIEW: The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Glenwood Springs Resource Management Plan.

Date Approved: January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 – Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan.

Decision Number/Page: The proposal implements land use plan decision LGM2 page 20.

Decision Language: LGM2 states "construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock."

STANDARDS FOR PUBLIC LAND HEALTH:

The Colorado Standards for Public Land Health consist of 5 standards: upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

The proposed action falls within the Deep Creek Landscape which was the subject of a formal land health assessment in 2008. Although the final evaluation and determination document have not yet been signed, the preliminary finding is that this portion of the landscape was meeting all of the Standards for Public Land Health.

The impact analysis below must address whether the proposed action or any alternatives being analyzed would result in any impacts that would maintain, improve, or deteriorate land health conditions for each of the five standards. These analyses are located in specific elements listed below:

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and no action alternative. In addition, the section presents comparative analyses of the direct and indirect consequences on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain critical environmental elements. Not all of the critical elements that require inclusion in this EA are present, or if they are present, may not be affected by the proposed action and alternative (Table 1). Only those mandatory critical elements that are present and affected are described in the following narrative.

In addition to the mandatory critical elements, there are additional resources that would be impacted by the proposed action and alternative. These are presented under **Other Affected Resources**.

Critical Elements

Table 1. Critical Elements of the Human Environment									
<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>		<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>	
	Yes	No	Yes	No		Yes	No	Yes	No
Air Quality	X			X	Prime or Unique Farmlands		X		X
ACECs		X		X	Special Status Species*	X		X	
Cultural Resources		X		X	Wastes, Hazardous or Solid		X		X
Environmental Justice	X			X	Water Quality, Surface and Ground*	X			X
Floodplains		X		X	Wetlands and Riparian Zones*		X		X
Invasive, Non-native Species		X		X	Wild and Scenic Rivers		X		X
Migratory Birds	X		X		Wilderness/ WSAs		X		X
Native American Religious Concerns		X		X					

* Public Land Health Standard

Cultural Resources

Affected Environment: One Class III cultural resource inventory (GSFO#15807-7) was conducted from the spring to East Jack Pond 4. No historic properties were identified eligible or potentially eligible for listing on the National Register of Historic Places. The pipeline route from East Jack Pond 4 to East Jack Reservoir 3 fits into the exemption for Class III survey due to slopes being 30% or greater and extensive human disturbance less than 50 years old.

Environmental Consequences/Mitigation:

Proposed Action: No historic properties have been identified and it is unlikely that any will be identified due to the steep slopes. A determination of No Adverse Affect was made for this project. The Education/Discovery stipulation needs to be added to the permit.

No Action Alternative: This alternative would be neither beneficial nor detrimental for cultural resources.

Invasive, Non-native Species

Affected Environment: Noxious weeds have not been documented at the proposed project site. However, given the widespread nature of weeds in the GSFO, a high likelihood of some level of invasive, non-native species exists.

Environmental Consequences/Mitigation:

Proposed Action: Under this alternative, the proposed project would capture water from an existing stock pond and transport it to another existing stock pond. No ground disturbance would take place seeing the pipeline would be placed on the surface of an existing ditch. The new water source would provide for better livestock distribution. No negative impacts to invasive, non-native species is expected to occur as a result of implementing the proposed action.

No Action Alternative: Under this alternative, the proposed pipeline project would not be implemented. No negative impacts to invasive, non-native species is expected to occur as a result of the no action alternative.

Migratory Birds

Affected Environment:

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service (USFWS) to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973.” *Birds of Conservation Concern 2008* (<http://www.fws.gov/migratorybirds/reports/BCC2008/BCC2008m.pdf>) is the most recent effort to carry out this mandate. The conservation concerns may be the result of population declines, naturally or human-caused small ranges or population sizes, threats to habitat, or other factors. The primary statutory authority for *Birds of Conservation Concern 2008 (BCC 2008)* is the Fish and Wildlife Conservation Act of 1980 (FWCA), as amended. Although there are general patterns that can be inferred, there is no single reason why any species was is on the list. The Glenwood Springs Field Office is within the Southern Rockies/Colorado Plateau Bird Conservation Region (BCR). The 2008 list include the following birds: Gunnison Sage Grouse, American Bittern, Bald Eagle, Ferruginous Hawk, Golden Eagle, Peregrine Falcon, Prairie Falcon, Snowy Plover, Mountain Plover, Long-billed Curlew, Yellow-billed Cuckoo, Burrowing Owl, Lewis's Woodpecker, Willow Flycatcher, Gray Vireo, Pinyon Jay, Juniper Titmouse, Veery, Bendire's Thrasher, Grace's Warbler, Brewer's Sparrow, Grasshopper Sparrow, Chestnut-collared Longspur, Black Rosy-Finch, Brown-capped Rosy-Finch, and Cassin's Finch.

Habitat loss due to alteration or destruction continues to be the major reason for the declines of many species (<http://www.fws.gov/migratorybirds/reports/BCC2008/BCC2008m.pdf>). When considering potential impacts to migratory birds the impact on habitat, including: 1) the degree of fragmentation/connectivity expected from the proposed project relative to before the proposed project; and 2) the fragmentation/connectivity within and between habitat types (e.g., within nesting habitat or between nesting and feeding habitats. Continued private land development,

surface disturbing actions in key habitats (e.g. riparian areas) and the proliferation of roads, pipelines, powerlines and trails are local factors that reduce habitat quality and quantity.

The GSFO planning area provides both foraging and nesting habitat for a variety of migratory birds that summer, winter, or migrate through the area. The habitat diversity provided by the broad expanses of sagebrush, mixed mountain shrub, aspen, pinyon-juniper woodlands, other types of coniferous forests and riparian and wetland areas support many bird species. The pinyon jay is characteristically found in pinyon/juniper woodlands and the Brewer's sparrow (*Spizella breweri*) is found within sagebrush habitats. Other Birds of Conservation Concern 2008 may also occur locally. Many species of raptors (red-tailed hawks, golden eagles, northern goshawks, Cooper's hawks, kestrels and owls) not on the Fish & Wildlife Service's Birds of Conservation Concern list also could occur in the area.

Bald eagle (*Haliaeetus leucocephalus*). Bald eagles are known to winter along portions of the Colorado, Eagle and Roaring Fork Rivers and its major tributaries. Wintering bald eagles are generally present from mid-November to mid-April. Large mature cottonwood trees along the the rivers and their major tributaries are used as roosting and perching sites, and these waterways provide the main food sources of fish and waterfowl. Upland habitats adjacent to these waterways are used as scavenging areas primarily for winter killed mule deer and elk. Major threats include habitat loss, human disturbance and illegal shooting. Bald eagles are increasing in numbers throughout their range and were removed from the federal threatened and endangered species list in 2007 however bald eagles are still protected under the Migratory Bird Treaty Act.

Environmental Consequences/Mitigation:

Proposed Action:

Limited bird count or species data exists for the area; however the greater concern is the continued fragmentation of habitat and losses of large blocks of contiguous habitat required by many bird species. No intentional take of native bird species is anticipated under the proposed action. This impact is expected to be minimal and isolated and would not influence populations of migratory birds on a landscape level.

No Action:

No direct, indirect or cumulative impacts are expected to populations of migratory birds on a landscape level.

Special Status Species (includes an analysis of Public Land Health Standard 4)

Affected Environment:

Federally Listed, Proposed and Candidate Species:

According to the latest species list from the U. S. Fish and Wildlife Service (<http://mountain-prairie.fws.gov/endspp/CountyLists/COLORADO.pdf>), the following Federally listed, proposed, or candidate plant and animal species may occur within or be impacted by actions occurring in Garfield County: Colorado hookless cactus (*Sclerocactus glaucus*), Ute ladies'-tresses orchid (*Spiranthes diluvialis*), Parachute beardtongue (*Penstemon debilis*), DeBeque phacelia (*Phacelia submutica*), Canada lynx (*Lynx canadensis*), Mexican spotted owl (*Strix occidentalis*), yellow-

billed cuckoo (*Coccyzus americanus*), razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus lucius*), bonytail chub (*Gila elegans*), humpback chub (*Gila cypha*), and Greenback cutthroat trout (*Oncorhynchus clarkii stomias*).

The project would result in the depletion of water from the Colorado River Basin. As such, the Colorado River Endangered Fishes (Colorado pikeminnow, razorback sucker, humpback chub, and bonytail) that reside downstream of the action area are addressed in detail.

No suitable habitat is found within the project area for any of the four federally-listed, proposed or candidate plant species that occur in Garfield County. No occupied habitat is present within the vicinity that could be indirectly impacted by the proposed action.

BLM Sensitive Species:

The BLM sensitive plant, Harrington's penstemon (*Penstemon harringtonii*), is found in open sagebrush parks on rocky loam or rocky clay loam soils between 6,000 and 10,000 feet elevation. This species is known to occur within 2 miles of the project area. However, the project site is dominated by a dense canopy of mixed mountain shrubs and a dense understory of herbaceous vegetation. Vegetation in the project area is too dense to support Harrington's penstemon and no penstemon plants were seen here during the 2008 Land Health Assessment.

Environmental Consequences/Mitigation:

Proposed Action:

Federally Listed, Proposed and Candidate Species:

Colorado River Endangered Fishes (Colorado pikeminnow, razorback sucker, bonytail, humpback chub:

These fishes are all federally listed as Endangered, and Critical Habitat is designated within the Colorado River and its 100-year floodplain from the town of Rifle downstream to Lake Powell for the razorback sucker and Colorado pikeminnow. Critical Habitat for the bonytail and humpback chub is located near the Colorado Utah border. In July 2008, BLM prepared a Programmatic Biological Assessment (PBA) that addresses water depleting activities in the Colorado River Basin. In response to BLM's PBA, the FWS issued a Programmatic Biological Opinion (PBO)(#ES/GJ-6-CO-08-F-0010) on February 25, 2009, which determined that water depletions from the Colorado River Basin resulting from BLM actions described in the PBO are not likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker or result in the destruction or adverse modification of their critical habitat. The PBO addresses internal and external BLM projects including impoundments, diversions, water wells, pipelines, and spring developments. The FWS determined that projects that fit under the umbrella of the PBA would avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletion impacts to the Upper Colorado River Basin if they deplete relatively small amounts of water (less than 100 AF) and BLM makes a one-time contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in the amount equal to the average annual acre-feet depleted by each project. The PBO instructed BLM to make an annual payment to the National Fish and Wildlife Foundation (NFWF) to cover all BLM authorized actions that result in water

depletions. The East Jack Creek Pipeline Extension project would deplete 0.3 AF of water annually. The depletion fee for this project is approximately \$5.49 (\$18.29 x .03 AF). This project has been entered into the Glenwood Springs Field Office water depletion log which will be submitted to the Colorado State Office at the end of the Fiscal Year. The CSO is responsible for paying depletion fees based on the annual statewide total.

Plants:

Due to the absence of occupied or suitable habitat for any of the four listed or candidate plant species within or adjacent to the project area, the proposed action would have “**No Effect**” on these plants.

BLM Sensitive Species:

Due to the absence of suitable habitat for Harrington’s penstemon within the project area, the proposed action would have No Impact on this Sensitive species.

No Action Alternative:

Under the No Action alternative, no pipeline would be installed between the two existing ponds and no impacts to any Federally listed, proposed, candidate or BLM Sensitive species would occur.

Analysis on the Public Land Health Standard for Special Status Species:

In 2008, a formal Land Health Assessment was conducted for the Deep Creek Landscape which includes the project area. The preliminary assessment indicates the project area was meeting Standard 4 for Threatened, Endangered and Other Special Status Species.

Other Affected Resources

In addition to the critical elements, the resources presented in Table 2 were considered for impact analysis relative to the proposed action and no action alternative. Resources that would be affected by the proposed action and no action alternative are discussed below.

Table 2. Other Resources Considered in the Analysis.			
<i>Resource</i>	<i>NA or Not Present</i>	<i>Present and Not Affected</i>	<i>Present and Affected</i>
Access and Transportation		X	
Cadastral Survey	X		
Fire/Fuels Management	X		
Forest Management	X		
Geology and Minerals	X		
Law Enforcement	X		
Paleontology	X		
Noise	X		
Range Management			X
Realty Authorizations	X		
Recreation		X	
Socio-Economics	X		
Soils*		X	
Vegetation*			X
Visual Resources		X	

Wildlife, Aquatic*			X
Wildlife, Terrestrial*			X

*Land Health Standard

Range Management:

Affected Environment: The proposed project is located in the Onion Ridge Allotment. Permitted grazing use is as follows:

Livestock No./Kind	Period of Use	% PL	AUMS
245 Cattle	05/16 – 07/10	100	451
245 Cattle	09/29 – 10/01	100	24

Environmental Consequences/Mitigation:

Proposed Action: The proposed action would provide livestock and wildlife with a more reliable source of water in an area of the grazing allotment that lacks sufficient watering sources. This would help improve grazing distribution, would improve conformance with the Guidelines for Livestock Grazing Management in Colorado (Guideline No. 2 - grazing management practices that address distribution), would maintain/improve the condition of upland areas, and would help achieve/maintain of Colorado Public Land Health Standard 3 (plant and animal communities).

No Action: The project would not be constructed. The additional drinking water source would not be supplied; consequently, grazing distribution would not be improved. There would be no improved conformance with the Guidelines for Livestock Grazing Management in Colorado (Guideline No. 2 - grazing management practices that address distribution). This alternative would not help achieve/maintain Colorado Public Land Health Standard 3 (plant and animal communities).

Vegetation (includes an analysis of Public Land Health Standard 3)

Affected Environment: Vegetation in the project area consists of mountain big sagebrush, green rabbitbrush, snowberry and oakbrush with an understory of Idaho fescue, Columbian needlegrass, western wheat, bluegrasses and various perennial forbs.

Environmental Consequences/Mitigation:

Proposed Action:

The proposed pipeline would capture overflow water from an existing pond and pipe it to another existing pond. The pipeline would be placed on the surface in an existing diversion ditch with no new disturbance. Once the pipeline is completed and the lower pond begins to hold water, it is likely that livestock use would increase in the area around the lower pond. The increase in livestock use would result in a localized reduction in vegetative diversity and cover immediately adjacent to the pond but would improve vegetative conditions in the allotment as a whole by providing more even livestock grazing distribution.

No Action Alternative: Under the no action alternative, no pipeline would be placed into the ditch connecting the two existing ponds. There would be no increase in grazing use around the lower pond since it would not hold water and vegetation around the lower pond would not become reduced in cover and composition due to increased grazing. However, livestock would continue to concentrate around other water sources in the allotment and vegetative conditions in these areas would not improve.

Analysis on the Public Land Health Standard for Plant and Animal Communities (partial, see also **Wildlife, Aquatic and Wildlife, Terrestrial**): A formal Land Health Assessment was conducted for the area in 2008. The preliminary assessment indicates the Onion Ridge allotment which includes the project area was meeting Standard 3 for Plant Communities. The proposed action would likely cause a localized deterioration in vegetative condition immediately adjacent to the pond but would improve vegetative conditions in the Onion Ridge allotment as a whole. The proposed action should help maintain or improve overall conditions relative to Land Health Standard 3 within the allotment.

Wildlife, Aquatic (includes an analysis of Public Land Health Standard 3):

Affected Environment: The proposed pipeline would not be located directly near any perennial water source. The project area is generally drained via small ephemeral washes that only run during spring snowmelt and summer thunderstorm activity. Ephemeral Jack Creek is the largest drainage in close proximity to the project. Water diversion ditches also exist in the area and run water seasonally. The project site is within .75 miles of Deep Creek a large perennial stream that contains brook, cutthroat, and brown trout. In addition, the creek contains a variety of aquatic insects.

Environmental Consequences/Mitigation:

Proposed Action: The pipeline would capture overflow water from an existing pond and pipe it to another existing pond. The water line would be placed into an existing diversion ditch with no new disturbance. The pond is small and given the distance to Deep Creek no sediment concerns are anticipated from placement of the new pipeline. It is likely that once completed, livestock use would increase in the area around the existing pond site as it fills and is useable. However, overall distribution of livestock should be improved which should help improve all upland conditions on the allotment benefiting the entire watershed. Fish residing in Deep Creek should not be negatively affected by the project.

No Action: Under the no action alternative, no pipeline would be placed into the ditch connecting the two existing ponds. No impacts to aquatic wildlife would result.

Analysis on the Public Land Health Standard 3 for Plant and Animal Communities (partial, see also **Vegetation and Wildlife, Terrestrial**): A formal Land Health Assessment was completed for the area in 2008. The area was generally meeting Standard 3 for aquatic wildlife. The proposed action should have little bearing on the watersheds ability to continue to meet Standard 3 for aquatic wildlife.

Wildlife, Terrestrial (includes an analysis of Public Land Health Standard 3)

Affected Environment:

The allotment provides important habitat for a variety of obligate species of birds, raptors, small mammals, reptiles. The project is within CDOW mapped big game summer range and winter ranges. Terrestrial habitats have historically been altered by roads, fences, buildings, public recreation use, vegetative treatments and livestock developments.

Environmental Consequences/Mitigation:

Proposed Action:

The proposed action - installing 0.4 miles of water pipeline (1.5 inch diameter poly pipe) in an existing ditch - by its very nature is negligible to terrestrial wildlife. The lack of ground disturbance further reduces the projects impacts. The pipeline would not be buried and there would be no ground disturbance from installation. Wildlife species may be temporarily displaced from the site during construction, due to noise and an increase in human activity, however, wildlife would return to the general area once installation is complete.

No Action Alternative:

No construction would take place under the No Action Alternative. The habitat is generally in good condition and the area would continue to provide suitable habitat for wildlife species.

Analysis on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): Neither the proposed action nor the no action alternative would prevent Standard 3 from being met.

SUMMARY OF CUMULATIVE IMPACTS

No cumulative impacts have been identified.

PERSONS AND AGENCIES CONSULTED:

Grazing permittee

INTERDISCIPLINARY REVIEW:

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Michael Kinser	Rangeland Management Specialist	NEPA Lead, Wetlands and Riparian Zones, Range Management
Cheryl Harrison	Archaeologist	Cultural Resources and Native American Religious Concerns
Jeff O'Connell	Hydrologist/Geologist	Soil, Air, Water, Geology
Brian Hopkins	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife, T&E
Dereck Wilson	Rangeland Management Specialist	Invasive, Non-native Species

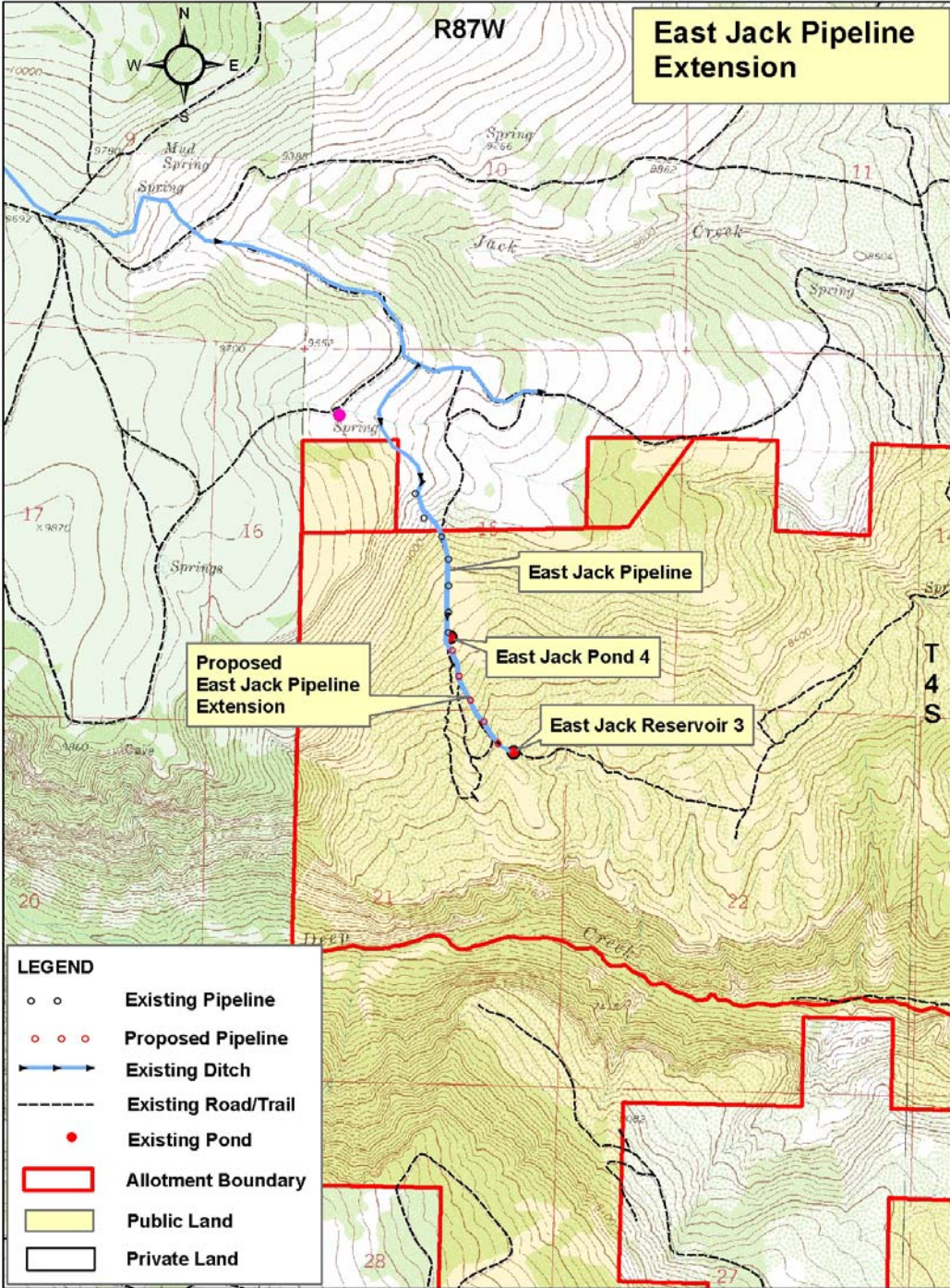
Carla DeYoung	Ecologist	ACEC, T/E/S Plants, Vegetation, Land Health Stds
Kay Hopkins	Outdoor Recreation Planner	WSR, Wilderness, VRM
Carole Huey	Realty Specialist	Lands & Realty

NAME OF PREPARER: Michael R. Kinser

DATE: June 12, 2009

APPENDICES: None

ATTACHMENTS: Location map





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, Colorado 81601



IN REPLY REFER TO:
ON 0507706
(CO-140)

June 12, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED DECISION

Dear _____

Introduction:

After the construction of the project known as East Jack Pipeline that was completed last summer, you requested an additional extension of the pipeline. The project would involve installation of 0.4 mile of water pipeline (1.5 inch diameter poly pipe) in an existing ditch. The pipeline would not be buried and there would be no ground disturbance from installation. The pipeline would capture water from overflow from an existing pond that was constructed last summer (East Jack Pond 4) and would supply water to another existing pond (East Jack Reservoir 3) located at the pipeline terminus. The Bureau of Land Management (BLM) would supply materials and you would supply the labor necessary for installation.

The proposed project would provide livestock with a more reliable source of water in an area of the allotment that lacks sufficient watering sources.

The proposed project has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The review and NEPA compliance has been completed as documented in Environmental Assessment (EA) No. DOI-BLM-CO-N040-2009-0073.

Finding Of No Significant Impact (FONSI):

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. The proposed action with mitigation measures result in a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

Rationale: The analysis of the proposed action with mitigation measures did not identify any impacts that would be significant in nature either in context or intensity. In addition, there is nothing to indicate the action is highly controversial or that it is related to other actions with individually insignificant but cumulatively significant actions.

Proposed Decision:

Under authority of 43 4120.3-1(f), 43 CFR 4120.3-2(a), 43 CFR 4120.3-4 and 43 CFR 4160.1(a), it is my proposed decision to adopt the "Proposed Action" of the EA which would authorize the installation of 0.4 miles of pipeline. The project will be authorized under the enclosed Cooperative Range Improvement Agreement. The agreement specifies how the costs or labor, or both, shall be divided between the United States and cooperators(s) as well as standards, design, construction and maintenance criteria for the range improvement.

Rationale for the Proposed Decision

Construction of the proposed range improvement is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 - Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan. The action is in conformance with Livestock Grazing Management, Planned Management Actions (pg. 20) of the RMP which states, "construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock."

An interdisciplinary team prepared an EA (No. DOI-BLM-CO-N040-2009-0073) for the proposed pipeline. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the proposed range improvement would provide livestock and wildlife with an additional source of water, would help improve grazing distribution, would maintain or improve the condition of upland areas and wildlife habitat, would help maintain or achieve Colorado Public Land Health Standard 3 (plant and animal communities, and would improve conformance with the Guidelines for Livestock Management in Colorado.

Authority

43 4120.3-1(f) states: "Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part."

43 CFR 4120.3-2(a) states: "The Bureau of Land Management may enter into a cooperative range improvement agreement with any person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperators(s)."

43 CFR 4120.3-4 states: "Range improvement permits and cooperative range improvement agreements shall specify the standards, design, construction and maintenance criteria for the range improvements and other additional conditions and stipulations or modifications deemed necessary by the authorized officer."

43 CFR 4160.1(a) states: "Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public".

Protest and/or Appeal

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Karl R. Mendonca, Supervisory Natural Resource Specialist, Bureau of Land Management, 50629 US Highway 6 & 24, Glenwood Springs, Colorado 81601 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions, feel free to contact either Mike Kinser of my range staff at (970)947-2818, or myself at (970)947-2811.

Sincerely,



Karl R. Mendonca
Supervisory Natural Resource Specialist

Enclosure(s)

Cooperative Range Improvement Agreement (BLM Form 4120-6)