

**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-N040-2009-0060-EA

**CASEFILE/PROJECT NUMBER:** 0507665

**PROJECT NAME:** Grazing Permit Transfer on the Harris Gulch (#18013), Hayden (#08015), & SW Rifle Creek (#18016) Allotments.

**LEGAL DESCRIPTION:** T.4S., R.93W. Sec. 6-9, 17, 29, 20, 29, 30; T.4S., R.94W. Sec. 1, 13, 24; See Attached Map.

**APPLICANT:** Grazing Permittee

**DESCRIPTION OF PROPOSED ACTION AND BACKGROUND:**

**PROPOSED ACTION:** The Proposed Action is to transfer a term grazing permit. The base property and Animal Unit Months (AUMS) authorized by this permit will remain the same as the previous permit. The number/kind of livestock and period of use will be altered from the previous permit. The permit will be issued for a 10-year period, unless the base property is leased for less, but for purposes of the EA, we are assuming 10 years of grazing by this or another applicant (in case of transfer<sup>a</sup>). The proposed actions are in accordance with 43 CFR 4130.2. The tables below summarize the current grazing schedule as well as the proposed changes.

**Current Grazing Schedule:**

Allotment Name and No.	Livestock Number & Kind	Grazing Period Begin	Grazing Period End	%PL	AUMS
Harris Gulch #18013	78 Cattle	6/15	8/31	90	180
SW Rifle Creek #18016	45 Cattle	5/16	6/14	100	44
Hayden #08015	3 Cattle	6/15	8/31	100	8

**Proposed Grazing Schedule:**

Allotment Name and No.	Livestock Number & Kind	Grazing Period Begin	Grazing Period End	%PL	AUMS
Harris Gulch #18013	800 Sheep	6/15	7/22	90	180
SW Rifle Creek #18016	850 Sheep	6/7	6/14	100	45
Hayden #08015	600 Sheep	6/15	6/16	100	8

<sup>a</sup> The grazing preference associated with the permit is currently attached to base property that is owned by Big Mountain Ranch. In the event this property is sold or leased, the permit will be transferred to the new owner or lessee unless the preference is transferred to a different base property prior to sale.

**Grazing Preference (AUMS)**

Allotment Name & Number	Total	Suspended	Active
Harris Gulch #18013	384	204	180
SW Rifle Creek #18016	119	74	45
Hayden #08015	8	0	8

The following terms and conditions will be included on the permit:

Grazing use on the Harris Gulch allotment shall be in accordance with the AMP approved on 4/2/1997. Any deviation must have prior approval from the BLM.

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout.

The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4).

**BACKGROUND:** There are two grazing permits that authorize grazing use on the Harris Gulch, SW Rifle Creek and Hayden allotments. The applicant is leasing base property and would like to run sheep on the allotments instead of cattle. The change would reduce the season of use on one permit and would also promote a more diverse use pattern on the landscape.

Other permitted use is outlined below:

Allotment Name and No.	Livestock Number & Kind	Grazing Period Begin	Grazing Period End	%PL	AUMS
Harris Gulch #18013	165 Cattle	6/15	8/31	90	381
SW Rifle Creek #18016	108 Cattle	5/16	6/14	100	107
Hayden #08015	6 Cattle	6/15	8/31	100	15

**ALTERNATIVES CONSIDERED BUT ELIMINATED:**

The No Grazing alternative has been eliminated from further consideration. No unresolved conflicts involving alternative use of available resources have been identified. This alternative would not meet the livestock grazing objective for the Field Office. Livestock was not identified as an issue in the Land Health Assessment. For this reason, discontinuance of grazing use (No Grazing) will not be considered or assessed.

**NEED FOR PROPOSED ACTION:**

The action is needed for the following reasons: (1) to meet the livestock grazing management objective of the Resource Management Plan of providing 56,885 animal unit months of livestock forage commensurate with meeting public land health standards, (2) to continue to allow livestock grazing on the specified allotment, (3) to meet the forage demands of local livestock operations, (4) to provide stability to these operations and help preserve their rural agricultural lands for open space and wildlife habitat,(5) to allow use of native rangeland resource for conversion into protein suitable for human consumption, and (6) to meet the Guidelines for Livestock Grazing Management and the Standards for Land Health.

**LAND USE PLAN (LUP) CONFORMANCE REVIEW:**

The proposed action is subject to the following plan:

Name of Plan: Glenwood Springs Resource Management Plan

Date Approved: Jan. 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; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

X  The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20). Administrative actions states, “Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan”. The livestock grazing management objective as amended states, “To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards.”

\_\_\_\_\_ The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

**Standards for Public Land Health:**

In January 1997, Colorado BLM approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

In 2001, the BLM conducted a formal land health assessment on the Rifle Creek landscape which encompassed all three allotments in this proposed grazing transfer. The determination document, which was signed on January 14, 2003, found that these allotments were meeting all the standards for land health at the time of the assessment.

This environmental analysis must address whether the proposed action or alternatives being analyzed would result in impacts that would maintain, improve, or deteriorate land health conditions relative to these five standards.

**COMPLIANCE WITH SECTION 302 OF FLPMA RELATIVE TO THE COMB WASH DECISION**

A review of applicable planning documents and a thoughtful consideration of new issues and new demands for the use of the public lands involved in this allotment have been made. This analysis concludes that the current land and resource uses are appropriate.

Reasons for the conclusion are: No new issues or new demands for the use of public lands involved in this grazing allotment have been identified since approval of the land use plan and amendments.

**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 2). 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.

<b>Table 2. Critical Elements of the Human Environment</b>									
<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	Threatened, Endangered, and Sensitive 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

**CRITICAL ELEMENTS**

**CULTURAL RESOURCES and NATIVE AMERICAN RELIGIOUS CONCERNS**

**Affected Environment:** A grazing permit transfer is not generally considered an undertaking as defined in 36 CFR 800.2(o) since the action does not have the potential to affect historic properties. However, the change in the type of livestock and season of use could change the potential for impacts. Additionally, there are at least two historic properties eligible or potentially eligible for listing on the National Register of Historic Places.

**Environmental Consequences:** The change from cattle to sheep along with the reduction in the season of use could prove to be beneficial to cultural resources. Trampling might be reduced as well as the potential for knocking over aboriginal habitation structures. Reduction in the season of use could also be beneficial to cultural and Native American concerns. Two historic properties were identified during the inventories for these allotments. A determination of “**Conditional No Adverse Affect**” has been made for this transfer.

**Mitigation:** In order to mitigate the potential affects to these historic properties periodic monitoring over the next 10 years of these sites should be completed and all ground disturbing activity and the placement of supplemental feed, etc, must be at least 100m from these areas of concern. The cultural resource specialist should be involved in discussions for improvements, maintenance, supplemental feeding areas, etc to ensure that the historic properties and area of concern is avoided.

**Education/Discovery stipulation** needs to be added to the lease renewal. The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4).

## ENVIRONMENTAL JUSTICE

Affected Environment: Review of 2004 data from US Census Bureau indicates the median annual income of Garfield County averages \$50,119 and is neither an impoverished or wealthy county. Median annual income of Mesa County averages \$40,045 and is not an impoverished or wealthy county. U.S. Census Bureau data from 2006 shows the minority population of Garfield and Mesa County comprises less than 0.7 % of the total population of Colorado<sup>b</sup>.

Garfield County	Mesa County
Median Household Income (2004)	Median Household Income (2004)
Estimate	Estimate
\$50,119	\$40,045

Environmental Consequences/Mitigation: The proposed action and alternatives are not expected to create a disproportionately high and adverse human health impact or environmental effect on minority or low-income populations within the area.

## INVASIVE, NON-NATIVE SPECIES

Affected Environment: The GSFO noxious weed infestation database and the 2003 land health determination identifies musk thistle (*Carduus nutans*), Canada thistle (*Cirsium arvense*), and houndstongue (*Cynoglossum officinale*) occur within the Harris Gulch Allotment. No information of noxious weed infestations has been identified within the Hayden and SW Rifle Creek Allotments. However, given the widespread nature of noxious weeds within the GSFO and the lack of weed inventory information on the above said allotments, it is expected that a higher level of noxious weed infestations on the three allotments exists.

Environmental Consequences/Mitigation: As livestock come in contact with noxious and invasive weed species they will continue to transport seed via coat and feces to other areas of the allotments. Most infestations will be isolated to watering facilities, salting areas, and other livestock high concentration locations. Under the proposed grazing schedule, this action would change the class of livestock from cattle to sheep and a reduction in the duration of grazing use. The duration and period of use would allow for ample grazing rest and recovery time for native plant species. Since sheep tend to be herded, the livestock class change would provide better distribution across the landscape. The proposed action was designed to sustain and/or improve land health; therefore, no adverse impacts to non-native, invasive species are expected.

## MIGRATORY BIRDS

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<sup>b</sup> Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, Census of Population and Housing, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report  
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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.

BLM Instruction Memorandum No. 2008-050 provides interim guidance to enhance coordination and communication toward meeting the Bureau of Land Management's (BLM) responsibilities under the Migratory Bird Treaty Act (MBTA) and the Executive Order (EO) 13186. The guidance directs Field Offices to promote the maintenance and improvement of habitat quantity and quality. To avoid, reduce or mitigate adverse impacts on the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.

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 Gray Vireo, Pinyon Jay, Juniper Titmouse, Lewis's Woodpecker and Grace's Warbler are 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 eagles.* Bald eagles (*Haliaeetus leucocephalus*), 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 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.

#### *Proposed Action*

Environmental Consequences/Mitigation: The propose grazing does have the potential to impact migratory bird species however limited bird count or species data exists for the area. The relative abundance of similar nesting wildlife habitats over the landscape reduces the concentration of migratory birds in a specific location. It is possible that trampling of ground nesting birds and/or eggs could occur, but intentional take of native birds is not anticipated. Overall grazing would not influence populations of migratory birds on a landscape level.

*Bald eagles.* Bald eagle winter roost habitat is located along portions of West, Middle, and Main Rifle Creeks.. Very little public land is located along the majority of these streams, and as such, BLM management has little direct influence on the wintering habitats for this species. However, where large cottonwood trees occur on public land portions of these streams, habitat looked good. PFC assessments done on the BLM portions of West and Middle Rifle Creeks rated both streams as Properly Functioning. In addition to water-based foraging opportunities, public lands within the landscape also provide upland foraging habitat for bald eagles. Bald eagles generally use upland habitats as a means to scavenge on winter-killed big game, and other species. Suitable quantities of upland forage for prey species is available within the greater landscape area.

## THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes an analysis on Standard 4)

### Affected Environment:

#### *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.htm>), 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*), Greenback cutthroat trout (*Oncorhynchus clarkii stomias*), razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus lucius*), bonytail chub (*Gila elegans*), and humpback chub (*Gila cypha*). The U. S. Fish and Wildlife Service announced the delisting of the bald eagle in June, 2007 with an effective date of August 8, 2007. The BLM now considers the bald eagle a sensitive species.

#### Aquatic Wildlife:

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

These allotments are located over 20 stream miles upstream from the Colorado River and Designated Critical Habitat for the Colorado pikeminnow and razorback sucker. Known occupied habitat is located downstream closer to Grand Junction, Colorado. However, with the recent alterations of upstream movement barriers near Grand Junction, Colorado, it is now possible for fish to move farther upstream than previously allowed. The Bonytail and Humpback chub are both located far downstream near the Colorado/Utah border.

#### Terrestrial Wildlife:

*Canada lynx*. Canada lynx are a federally threatened and Colorado endangered species. In 2000, the Canada lynx was listed under the ESA as a threatened species throughout its range in the contiguous United States. In February 2008 the USFWS proposed to revise the amount of critical habitat designated under the ESA for the federally threatened Canada lynx. None of the existing or proposed critical habitat is within the scope of this EA. Colorado Division of Wildlife (CDOW) mapped potential Canada lynx habitat does exist within higher elevation portions of the area with conifers. Potential habitat for lynx in Colorado is defined as those areas having the highest potential of lynx occurrences in the state.

#### Plants:

No suitable or occupied habitat for any of the four federally listed or candidate plant species is found in the Harris Gulch, Hayden or SW Rifle Creek allotments.

#### *BLM Sensitive Species*

##### Plants:

BLM sensitive plant species with habitat and/or occurrence records in Garfield County include adobe thistle (*Cirsium perplexans*), DeBeque milkvetch (*Astragalus debequaeus*), Naturita milkvetch (*Astragalus naturitensis*), Roan Cliffs blazing star (*Mentzelia rhizomata*), Piceance bladderpod (*Lesquerella parviflora*), and Harrington's penstemon (*Penstemon harringtonii*). None of the three allotments in the proposed grazing transfer are known to contain any suitable habitat for any of these sensitive plant species.

Environmental Consequences/Mitigation:

*Listed, Proposed, and Candidate Species*

**Aquatic Wildlife:**

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

The proposed changes in grazing season of use and class of livestock would have **“No Effect”** to this fish or their habitat. These allotments are far upstream of suitable and occupied habitat and a large reservoir (Rifle Gap) is located between the grazing allotments and the Colorado River.

**Terrestrial Wildlife:**

*Canada Lynx.* A site specific consultation was completed for grazing within the Harris Gulch Allotment in 2008. A formal LHA was completed for this allotment. Four sites throughout the allotment were visited, three outside of lynx habitat and one in lynx habitat. Overall, the allotment was in good condition and was meeting the standard for healthy and productive plant and wildlife communities. One site visited in the allotment did not meet standard 3 for healthy vegetative communities due to weeds. This was a small livestock concentration area which represents less than 10% of the allotment. The most recent range monitoring was completed in the summer of 2005, outside of lynx habitat. This allotment is meeting Standard 4 and livestock grazing is not degrading lynx habitat (also see Biological Assessment in Appendix A).

Based on the proposed management, the proposed renewal **“MAY AFFECT, BUT IS NOT LIKELY TO ADVERSELY AFFECT”** the Threatened - Canada lynx.

Furthermore, the proposed action is in conformance with the recently completed programmatic consultation for lynx regarding the GSFO livestock grazing program. None of the actions will result in the destruction or adverse modification of Fish & Wildlife Service designated critical habitat (also see Biological Opinion in Appendix B).

**Plants:**

Due to the absence of any occupied or suitable habitat within or immediately adjacent to these three allotments, the proposed grazing transfer would have **“No Effect”** to any of the listed or candidate plant species.

*BLM Sensitive Species:*

**Plants:**

Due to the absence of any known occupied or suitable habitat for BLM sensitive plant species within these three allotments, the proposed action would have No Impact on these species.

Analysis on the Public Land Health Standard for T&E Species:

A formal land health assessment (LHA) was completed for these three allotments in 2001. At that time, the uplands and streams in these allotments were meeting Standard 4. The change from cattle to sheep and the shortening of the grazing season on this permit

should help to maintain or improve land health conditions relative to Standard4 for special status species.

**WATER QUALITY, SURFACE AND GROUND** (includes an analysis on Standard 5)

Affected Environment: The Harris Gulch, Hayden, and SW Rifle Creek Allotments are located north of the City of Rifle, northwest of Rifle Gap Reservoir, and east of Highway 13 within the 21,421 acre West Rifle Creek 6<sup>th</sup> field watershed. More specifically, the Hayden and Harris Gulch Allotments are located east of the perennial West Rifle Creek while the SW Rifle Creek Allotment is located west of West Rifle Creek. The perennial Harris Gulch which is tributary to West Rifle Creek to the southwest occurs within the Harris Gulch Allotment. One mapped unnamed ephemeral tributary to West Rifle Creek to the east occurs within the SW Rifle Creek Allotment while no mapped drainages occur within the Hayden Allotment.

According to the *Stream Classifications and Water Quality Standards* (CDPHE, Water Quality Control Commission, Regulation No. 37) list, the three allotments are within the Lower Colorado River Basin segment 10 that includes West Rifle Creek and all tributaries and wetlands from the source to Rifle Gap Reservoir. This segment has been classified aquatic life cold 1, recreation E, water supply, and agriculture. Aquatic life cold 1 indicates that this water course is capable of sustaining a wide variety of cold water biota. Recreation class E refers to waters in which primary contact recreation is presumed to be present. In addition, these waters are suitable or intended to become suitable for potable water supplies and agricultural purposes that include irrigation and livestock use.

The State of Colorado has developed a *303(d) List of Water Quality Limited Segments Requiring TMDLS* (CDPHE, Water Quality Control Commission, Regulation No. 93) that identifies stream segments that are not currently meeting water quality standards with technology based controls alone and a *Monitoring and Evaluation List* (CDPHE, Water Quality Control Commission, Regulation No. 94) that identifies water bodies suspected to have water quality problems. At this time, West Rifle Creek and its tributaries are not listed on either of these lists. Limited water quality data is available for Harris Gulch and West Rifle Creek that was collected by the BLM in 1981 and in 2001 as part of the Rifle Creek Watershed Land Health Assessment. The limited parameters collected are presented in the following table and did not show any violation of standards established by the State of Colorado.

2001 Rifle Creek Watershed Land Health Assessment							
Stream Name	Date	Discharge (cfs)	Temp. (°C)	Cond. (µS/cm)	pH	Salinity 0/00	Sediment (mg/l)
West Rifle Creek	5/16/2001	0.92	17	950	8.4	0.6	
Harris Gulch trib to West Rifle Creek	6/19/2001	0.35	12	350	8.5	0.6	
West Rifle Creek (6 samples)	4/9/1981	0.5-16.6	4.5-16	700-1610	8.1		484 & 7470

**Environmental Consequences/Mitigation:** Grazing activities would result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. In addition, the number of livestock in the area would increase the amount of feces present in close proximity to nearby drainages. The introduction of livestock feces to water bodies often leads to water quality degradation by increasing fecal coliform bacteria levels. Due to the proximity of the proposed activities to area drainages, there is potential that additional sediment associated with grazing practices as well as fecal coliform bacteria from livestock feces could reach Harris Gulch or possibly West Rifle Creek. However, based on historical area water quality data being good, the period of use, and amount of cattle; the likelihood of measureable water quality degradation associated with grazing practices is minimal, thus no mitigation is being proposed at this time.

**Analysis on the Public Land Health Standard 5 for Water Quality:** In 2001, the BLM Glenwood Springs Field Office conducted the Rifle Creek Watershed Land Health Assessment that included the Hayden, Harris Gulch, and SW Rifle Creek Allotments. The water quality parameters measured during the Rifle Creek Watershed Land Health Assessment were very limited but did not show any violations of the water quality standards established by the State of Colorado. Based on the results of the land health assessment and existing conditions in the area, the proposed action would not likely prevent Standard 5 for Water Quality from being met.

**Wetlands and Riparian Zones (includes an analysis on Standard 2)**

Affected Environment: There is no known wetland or riparian resources within the Hayden and SW Rifle Allotments. The table below lists known riparian areas and their Proper Functioning Condition (PFC) assessment for the Harris Gulch Allotment:

<b>Riparian Area Name</b>	<b>Miles</b>	<b>Year Assessed</b>	<b>Condition Rating</b>
Harris Gulch	2.5	2001	Proper Functioning Condition

In addition to the above, there are several springs on the allotment that support riparian vegetation. The condition of these riparian zones have not been assessed or inventoried.

Environmental Consequences/Mitigation: The proposed action would transfer and issue a grazing permit resulting in a change in class of livestock from cattle to sheep and a reduction in the duration of grazing use. The duration and period of use on the Harris Gulch Allotment would be 38 days in the late spring/early summer. The reduced duration of use would allow for more grazing rest and recovery time for riparian plant species; however, grazing use would still take place by cattle from the other permit on the allotment from June 15 to August 31. Since sheep are typically herded, this could reduce the amount of grazing use in the riparian zone even further. In consideration of the above, the proposed action is not expected to cause adverse

impacts to riparian zones and would likely be beneficial to riparian resources. The condition of the riparian area would be maintained or improved.

There would be no impacts to riparian resources on the Hayden and SW Rifle Allotment since they are not present within the allotments.

Analysis on the Public Land Health Standard for riparian systems: The proposed action would not result in failure to achieve this standard and should maintain and/or improve land health conditions for riparian systems.

**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.

<b>Table 2. Other Resources Considered in the Analysis.</b>			
<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	

**RANGE MANAGEMENT**

Affected Environment: Refer to the Proposed Action section for the description of the Affected Environment.

Environmental Consequences/Mitigation: This permit would authorize grazing use by sheep from 6/15 to 7/22 on the Harris Gulch allotment. Spring use on the allotment would focus some of the grazing pressure on green-up of grasses, forbs, and shrubs and rest the allotment during the summer. The period of use in the proposed action would avoid the critical growing periods of the forage resources during the later spring and summer months although cattle use would continue until 8/31. Sheep would more likely than not use mostly the lower portion of the

allotment before moving onto private property on Horse Mountain. Grazing use authorized on the SW Rifle Creek and Hayden allotments will be incidental and would not be significant.

**SOILS** (includes an analysis on Standard 1)

Affected Environment: According to the *Soil Survey of Rifle Area, Colorado: Parts of Garfield and Mesa Counties* (USDA 1985), the Hayden Allotment contains one soil map unit (19), the Harris Gulch Allotment contains six different soil map units (2, 17, 19, 39, 66, 67), and the SW Rifle Creek Allotment contains six different soil map units (23, 24, 39, 48, 64, 67) that can be identified by the numerical code assigned by the soil survey (e.g. Cochetopa loam=17). These soil map units are scattered throughout the allotments and have been identified as having slight to severe erosion hazards. In addition, areas within the Harris Gulch and SW Rifle Creek Allotments are mapped as CSU 4 (Controlled Surface Use) for erosive soils on slopes greater than 30% and NSO 15 (No Surface Occupancy) for slopes greater than 50% regardless of soil type. In the Harris Gulch Allotment, these areas are concentrated along Harris Gulch itself while the SW Rifle Creek Allotment predominately consists of NSO 15 due to the steep slopes along the northeast side of the Grand Hogback. Following is a brief description of the 10 different soil map units found within the three allotments.

- Arle-Ansari-Rock outcrop complex (2) – This complex is found on mountainsides and alluvial fans at elevations ranging from 5,500 to 7,500 feet and on slopes of 12 to 65 percent. The soils are derived from red-bed shale and sandstone while the Rock outcrop is primarily red sandstone. Approximately 45 percent of the complex is composed of the Arle soil, 35 percent the Ansari soil, and 20 percent Rock outcrop. The Arle soil is moderately deep, well drained, and has medium surface runoff and severe erosion hazard. The Ansari soil is shallow, well drained, and has rapid surface runoff and severe erosion hazard. This complex is used primarily for wildlife habitat and grazing.
- Cochetopa loam (17) – This deep, well drained soil is found on mountainsides and alluvial fans at elevations ranging from 7,000 to 9,500 feet and on slopes of 9 to 50 percent. Parent material for this soil is basaltic alluvium. Surface runoff for this soil is slow and erosion hazard is severe. Primary uses for this soil include grazing and wildlife habitat.
- Cochetopa-Jerry complex (19) – These moderately steep soils are found on mountainsides at elevations ranging from 7,000 to 9,500 feet and on slopes of 25 to 50 percent. They are derived from sandstone, shale, and basalt. Approximately 50 percent of this complex is Cochetopa soil and approximately 40 percent Jerry soil. Both of these soils are deep, well drained and have slow surface runoff with moderate erosion hazard. Primary uses for this complex include grazing and wildlife habitat.
- Detra fine sandy loam (23) – This deep, well drained soil is found on mountainsides at elevations ranging from 6,500 to 8,000 feet and on slopes of 12 to 25 percent. This soil is derived from red-bed shale and sandstone. Surface runoff for this soil is slow and the erosion hazard is slight. Primary uses for this soil include grazing and wildlife habitat.

- Dollard-Rock outcrop, shale, complex (24) – This complex consists of shale outcrops and shale derived soils that are found on hills and mountainsides at elevations ranging from 6,000 to 7,500 feet and on slopes of 25 to 65 percent. Approximately 60 percent of the complex is the Dollard soil and 20 percent is shale outcrop. The Dollard soil is moderately deep, well drained and has rapid surface runoff with severe erosion hazard. Surface runoff for the Rock outcrop is rapid and the erosion hazard is very severe. This complex is primarily used for limited grazing and wildlife habitat.
- Jerry loam (39) – This deep, well drained soil is found on mountainsides at elevations ranging from 7,000 to 9,500 feet and on slopes of 12 to 50 percent. Parent material for this soil is sandstone, shale, and basalt. Surface runoff for this soil is slow and the erosion hazard is moderate. Primary uses for this soil include wildlife habitat and grazing.
- Northwater loam (48) – This deep, well drained soil is found on mountainsides at elevations ranging from 7,600 to 8,400 feet and on slopes of 15 to 65 percent. The Northwater loam is derived from sedimentary rocks. Surface runoff for this soil is slow and the erosion hazard is slight. Primary uses for this soil include grazing, wildlife habitat, and recreation.
- Tanna silty clay loam – This moderately deep, well drained soil is found on mountainsides at elevations ranging from 6,500 to 7,600 feet and on slopes of 25 to 45 percent. This soil is derived mainly from weathered shale. Surface runoff for this soil is rapid and the erosion hazard is severe. This soil is used primarily for wildlife habitat and grazing.
- Torriorthents-Camborthids-Rock outcrop complex, steep (66) – This soil map unit consists of sandstone and shale bedrock and soils of variable depth occurring on slopes of 15 to 70 percent. About 45 percent of this complex is Torriorthents, 20 percent is Camborthids, and 15 percent is Rock outcrop. The Camborthids occur on the lower toe slopes on foothills and mountainsides while the Torriorthents are found on the foothills and mountainsides below the Rock outcrop. The Torriorthents are shallow to moderately deep, and clayey to loamy with gravel, cobbles, and stones. The Camborthids are shallow to deep and clayey to loamy. Rock outcrop primarily consists of Mesa Verde sandstones and Wasatch shales with occasional basaltic boulders and stones. This complex is characterized by moderate to severe erosion hazard. Primary uses for this complex include grazing, wildlife habitat, and recreation.
- Torriorthents-Rock outcrop complex, steep (67) – This complex consists of stony soils and exposed outcrops of Mesa Verde sandstone and Wasatch shale that occur on slopes of 15 to 70 percent. Approximately 60 percent of this complex is Torriorthents and 25 percent is Rock outcrop. The Torriorthents are clayey to loamy and contain gravel, cobbles, and stones; many of which are basaltic in origin. They are found on mountainsides below the Rock outcrop. Erosion hazard for this complex varies from moderate to severe. Primary uses for this complex include limited grazing, wildlife habitat, and recreation.

Environmental Consequences/Mitigation: As mentioned above, a high percentage of the Harris Gulch and SW Rifle Creek Allotments occur on soils with moderate to severe erosion hazards and on slopes greater than 30% (17°). Grazing activities would result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. Due to the proximity of all three allotments to area drainages, there is potential that additional sediment associated with grazing practices could reach Harris Gulch and West Rifle Creek. However, based on the amount of sheep, the period of use, and the distance from major perennial drainages with the exception of Harris Gulch; the likelihood of sediment associated with grazing reaching West Rifle Creek is minimal thus no mitigation is being proposed at this time.

Analysis on the Public Land Health Standard 1 for Upland Soils: In 2001, the BLM Glenwood Springs Field Office conducted the Rifle Creek Watershed Land Health Assessment that included the Hayden, Harris Gulch, and SW Rifle Creek Allotments. At that time, the allotments were rated as achieving or moving towards achieving Standard 1 for Upland Soils. Given the results of the Rifle Creek Watershed Land Health Assessment and the amount of sheep and period of use, it is not likely that the proposed activities would prevent Standard 1 for Upland Soils from being met.

## **VEGETATION** (includes an analysis on Standard 3)

Affected Environment: The SW Rifle Creek allotment lies on the north-east side of the Grand Hogback and nearly 90% of the allotment consists of slopes greater than 30%. Vegetation is mostly mixed mountain shrub (serviceberry, snowberry, sagebrush, oak) with some pockets of Douglas-fir.

The Hayden allotment consists of moderately steep, west-facing slopes. The vegetation is a mosaic of oakbrush/mixed mountain shrubs interspersed with sagebrush parks.

The Harris Gulch allotment is predominantly steep, southwest-facing slopes. Roughly half of the allotment has slopes which exceed 30%. Vegetation is mostly mixed mountain shrublands (snowberry, oakbrush, and serviceberry) with aspen in the upper elevations and some pinyon/juniper woodlands at the lower elevations. The 2001 Land Health Assessment noted some areas of concentrated livestock use along Harris Gulch and other water sources. These areas had reduced vegetative cover and species diversity and had noxious weeds such as musk thistle and houndstongue.

Environmental Consequences/Mitigation:

The proposed action would transfer a grazing permit with a change in class of livestock from cattle to sheep and a reduction in the duration of grazing use. The period of grazing use on the SW Rifle Creek allotment would change from 30 days to 8 days. Sheep would graze the Hayden allotment for only two days in late spring. The duration and period of use on the Harris Gulch Allotment be reduced from 2.5 months in the late spring and summer to 38 days in the late spring/early summer. The reduced duration of

use would allow for more grazing rest and recovery time for plant species; however, grazing use would still take place by cattle from the other permit on the allotment from June 15 to August 31.

Due to the steep slopes and the shrub-dominated vegetation, these allotments may be more suitable for sheep grazing than cattle. Sheep will utilize some of the available browse forage as well as grasses and forbs which will reduce some of the grazing pressure on the herbaceous vegetation. Also, sheep are more inclined to graze in steeper terrain, whereas cattle tend to concentrate in the stream bottoms and other flatter portions of the allotments. If the sheep are herded on a regular basis, this will further reduce the amount of grazing in any one portion of these allotments.

The proposed action is not expected to cause a decline in vegetation condition and would likely result in an improvement in overall vegetative conditions.

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 completed for these allotments in 2001. At that time, these three allotments were meeting Standard 3 for plant communities. The proposed change in class of livestock from cattle to sheep and the reduced season of use should not result in a failure to achieve this standard and should maintain or improve land health conditions for plant communities.

#### **WILDLIFE AQUATIC** (includes an analysis on Standard 3)

##### Affected Environment:

The majority of the lands within these three allotments are drained via small ephemeral washes. One perennial water source is found on the Harris Gulch allotment, Harris Gulch. This stream is too small to harbor and sustain fish but does contain aquatic insects. All three allotments are located in close proximity to West Rifle Creek which contains rainbow and brook trout and speckled dace as well as aquatic insects.

##### Environmental Consequences/Mitigation:

The proposed action calls for a change in class of livestock from cattle to sheep and reduced seasons of use. Grazing activities would result in some soil compaction and displacement and increase the likelihood of erosional processes, especially on steep slopes, areas devoid of vegetation, and in livestock concentration areas such as mineral sites, watering areas, and drainage bottoms. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. Due to the proximity of all three allotments to area drainages, there is potential that additional sediment associated with grazing practices could reach Harris Gulch and West Rifle Creek. Excessive sediment input can impact trout species by silting in important spawning substrates and can smother eggs and reduce productivity. Increased sediment can also fill in important pool habitat needed as summer and winter thermal refugia by fish. Aquatic insects can be impacted as the spaces between stream substrates where these insects live is silted in. This reduces

stream productivity and reduces food sources for fish and terrestrial bat and bird species. To minimize potential sediment impacts mitigation is proposed.

**Mitigation:**

- A herder will be present on the allotment each day of the grazing season. The herder will make a diligent effort to minimize grazing use by sheep on the creek bottoms. Sheep can be herded to creek bottoms for brief periods for watering purposes only. Once sheep have been watered they will be herded away from the creek bottoms. Sheep will be herded and moved to fresh feed every few days.

Analysis on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Terrestrial):

A formal Land Health Assessment was completed for these allotments back in 2001. At that time the majority of the streams were meeting Standard 3 for aquatic wildlife. The proposed change in class of livestock and reduced season of use coupled with the proposed mitigation should have little bearing on the areas ability to continue to meet Standard 3.

**WILDLIFE TERRESTRIAL** (includes an analysis on Standard 3)

Affected Environment:

The allotments provide important habitat for a variety of obligate species of birds, raptors, small mammals, reptiles, and are particularly important as food and cover for wintering big game. Terrestrial habitats have historically been physically altered by roads, fences, buildings, public recreation use, vegetative treatments and livestock developments.

*Species of High Public Interest.* BLM lands within this allotment provide a portion of the less-developed summer range available to deer and elk. The allotments overlap with CDOW mapped deer and elk summer range, elk production areas, elk severe winter range. Summer range is that part of the overall range where 90% of the individuals are located between spring green-up and the first heavy snowfall. Summer range is not necessarily exclusive of winter range; in some areas winter range and summer range may overlap. Elk production areas are that part of the overall range of elk known to be occupied by the females from May 15 to June 15 for calving. Elk severe winter range is considered that part of the overall range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten.

*Mule Deer.* The Rifle Creek D - 42 DAU is located in west central Colorado, north and east of Rifle, Colorado. Since 1994, the population objective for the Rifle Creek deer herd has been 8,400 animals. The sex ratio objective is 20 bucks: 100 does. The deer population was relatively high in D - 42 during the early 1980's through the early 1990's. Since that time, the herd declined dramatically, and then rebounded moderately in recent years. The decline of this herd mirrored the falling numbers in most mule deer populations throughout Colorado and the Western U.S. Recent years have shown

increased numbers of deer in D – 42 and current models estimate a population of 8,300 deer.

The most important aspect of the DAU planning process is obtaining input from all segments of the affected local populations, including the US Forest Service and Bureau of Land Management, HPP committees, and interested public. Meetings were held to solicit input from the USFS, BLM, the local public, and the Garfield County Board of County Commissioners. The most significant issue that was identified during the DAU planning process was habitat quality and quantity, particularly on winter ranges. Winter range habitat quality and quantity was the most frequently identified issue by the general public, CDOW employees, the HPP committee, and land management agencies. Another issue is high motor vehicle mortality on major roads due to increased traffic. There is also some concern, primarily within the CDOW, that long-term fawn: doe ratios are not as high as would be expected. It is possible this is due to density-dependence related to winter range declines. Many stakeholders expressed interest in increasing buck: doe ratios and thereby improving buck quality.

Generally, most stakeholders indicated that deer population size and composition are at acceptable levels, although there is significant demand for larger bucks. The majority of respondents were satisfied with current management and the general consensus was to maintain the population size at current levels and increase the buck: doe ratio objective to 30 –35 bucks: 100 does.

*Elk.* The allotments are in the White River elk data analysis unit (DAU) which includes portions of Routt, Moffat, Rio Blanco, Garfield, and Eagle counties in northwest Colorado and consists of 12 Game Management Units (GMUs): 11, 211, 12, 13, 131, 231, 23, 24, 25, 26, 33 and 34. CDOW computer modeling data as well as other information, including harvest and aerial surveys, show that the elk herd has been increasing since the late 1950's. The highest population estimate was in 2001 when the DAU was estimated to contain 53,800 elk. The lowest population estimate was in 1953 (7,700 elk). During the 1980's the population objective was 18,000 elk. In 1987, the CDOW raised the population objective to 25,000 elk. In 1989, the DAU was expanded to include GMU 211 and the population objective was increased to 26,500 elk to include the estimated 1,500 elk that occurred in GMU 211. In 1994, the DAU was expanded again to include GMU 11 and the population objective was raised to 28,500 elk. The White River elk herd has averaged 28,700 elk since 1953. The herd appears to have been steadily increasing except after severe winters such as 1983-84 and 1992-93. The population average by decade are: 8,500 elk in the 1950's, 15,300 elk in the 1960's, 28,800 elk during the 1970's, 30,100 elk in the 1980's, and 42,100 elk in the 1990's. The CDOW recommendation of managing this elk population in an objective range of 32,000 – 39,000 elk presented here represents a reduction of approximately 25%, to the lower end of the objective range, from current population estimates of elk in DAU E-6. Furthermore, it is recommended, the short term goal is for this elk population to be managed to the lower end of this population objective range (32,000) to allow for range rest and recovery from the past 5 years of drought

([http://wildlife.state.co.us/NR/rdonlyres/20C35481-85A0-4B79-BA04-7B1C0CFECC59/0/E6\\_DAUPlan2005Final.pdf](http://wildlife.state.co.us/NR/rdonlyres/20C35481-85A0-4B79-BA04-7B1C0CFECC59/0/E6_DAUPlan2005Final.pdf)).

#### Environmental Consequences/Mitigation:

Given the diversity of vegetation found on these allotments, it can be presumed that these allotments provide cover, forage, breeding, and nesting habitat for a variety of big game, small game, and non-game mammals, reptiles, and birds. There is no indication that native terrestrial wildlife populations are not spatially distributed across the landscape with a density, composition, and frequency of species suitable to ensure reproductive capability and sustainability. It is unlikely that the proposed action would have any large scale negative impacts to density, composition, and frequency of terrestrial species or terrestrial wildlife habitat. Under the proposed action the all allotments will receive more growing season rest. The proposed grazing management should maintain habitat condition and provide for the forage and cover needs of resident wildlife.

*Species of High Public Interest.* The magnitude of competitive interactions between big game and livestock is poorly understood. Livestock and wild ungulate carrying capacities should be evaluated holistically and be used to guide stocking rate decisions and wild ungulate population objectives. Qualitatively viewing the big game population trends and objectives in relationship to the proposed stable level of livestock AUMs, it can be assumed that the current stocking rates will continue to be compatible with CDOW big game objectives.

#### Analysis on the Public Land Health Standard for Plant and Animal Communities

(partial, see also Vegetation and Aquatic Wildlife): The 2001 Rifle Creek LHA found all acres within the allotments were found to be achieving or moving towards achieving Standard 3 (little or no departure from expected conditions for the ecological site) for terrestrial wildlife. The period of grazing use on the allotments should allow adequate rest and recovery following grazing to maintain plant health and soil conditions which benefit terrestrial wildlife. Based on the grazing management in place and the changes proposed, the proposed action should help maintain Standard 3 for terrestrial wildlife.

#### CUMULATIVE IMPACTS SUMMARY

No cumulative impacts have been identified. It is more likely that cumulative impacts would be lesser under this grazing authorization than the previously combined cattle authorizations.

#### MITIGATION:

A herder will be present on the allotment each day of the grazing season. The herder will make a diligent effort to minimize grazing use by sheep on the creek bottoms. Sheep can be herded to creek bottoms for brief periods for watering purposes only. Once sheep have been watered they will be herded away from the creek bottoms. Sheep will be herded and moved to fresh feed every few days.

PERSONS/AGENCIES CONSULTED:

Grazing Permittees  
Southern Ute Tribe  
Northern Ute Tribe  
Ute Mtn. Ute Tribe

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Isaac Pittman	Rangeland Management Specialist	Range, NEPA Lead
Mike Kinser	Rangeland Management Specialist	Riparian Zones
Jeff O'Connell	Hydrologist/Geologist	Soil, Air, Water, Geology
Kay Hopkins	Outdoor Recreation Planner	Wilderness, VRM, WSR, Recreation
Carla DeYoung	Ecologist	ACEC, T/E/S Plants, Vegetation, Land Health Assessments
Cheryl Harrison	Archaeologist	Cultural & Native American Concerns
Tom Fresques	Fisheries Biologist	Wildlife Aquatic, T&E (Fish)
Brian Hopkins	Wildlife Biologist	Wildlife Terrestrial, T&E
Dereck Wilson	Range Management Specialist	Invasive, Non-native Species

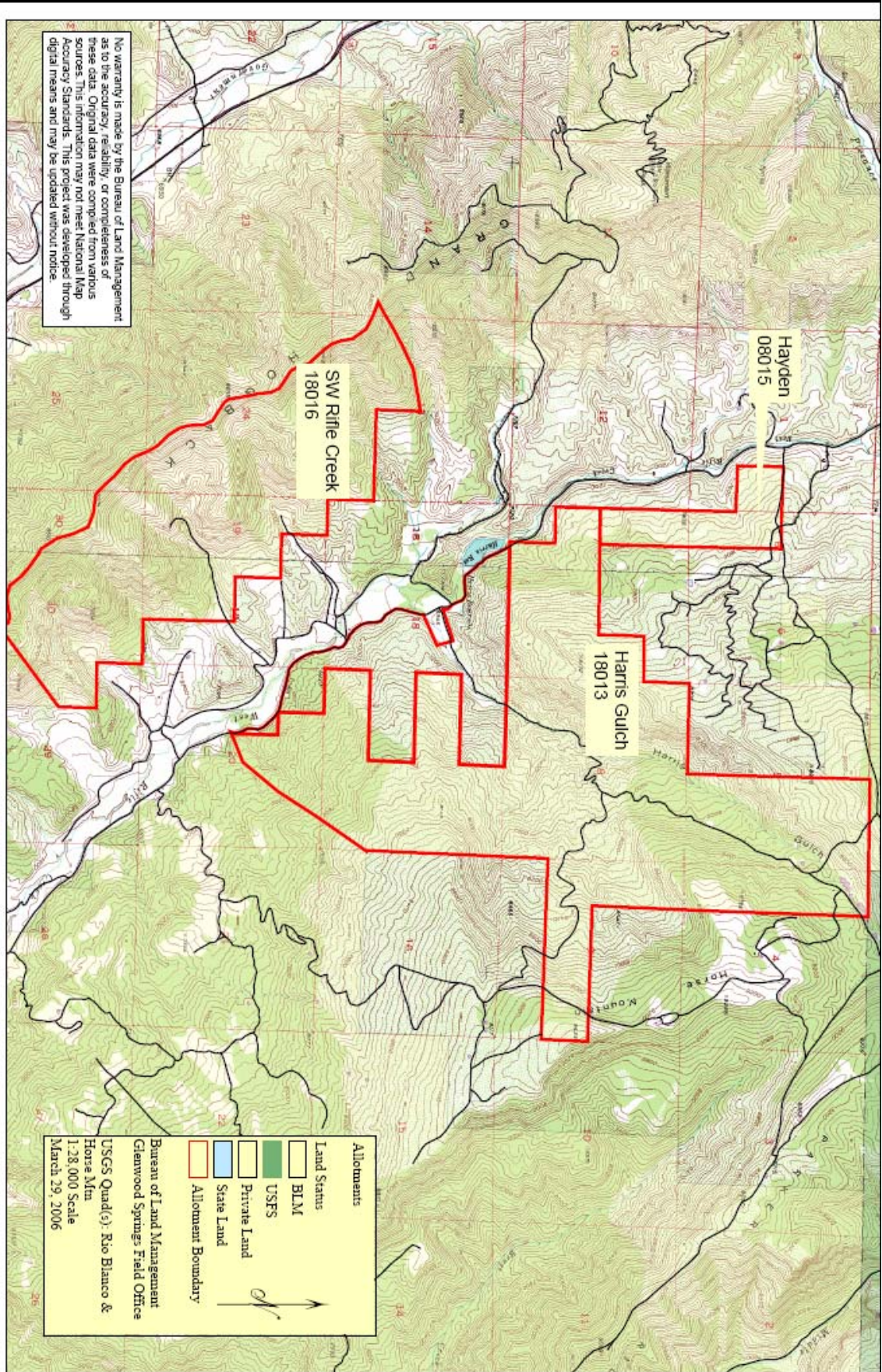
SIGNATURE OF PREPARER:

DATE SIGNED:

ATTACHMENTS: Allotment Map

APPENDICES:

A - Biological Assessment for the Glenwood Springs Field Office Regarding Grazing Permit Renewals and Canada Lynx – FY 2009  
B – Biological Opinion ES/GJ-6-CO-03-F-013



## APPENDIX A

**Biological Assessment for the  
Glenwood Springs Field Office  
Regarding Grazing Permit Renewals and  
Canada Lynx – FY 2009**

**Garfield, Routt, Eagle and Pitkin Counties, Colorado**

February 12, 2009

**Submitted by:**

**Bureau of Land Management  
Glenwood Springs Field Office  
Glenwood Springs, CO**

Prepared by:

Desa Ausmus, Wildlife Biologist  
Bureau of Land Management  
Little Snake Field Office  
Craig, CO

## **I. Introduction**

The Canada lynx was listed as a threatened species under the Endangered Species Act (Federal Register, Volume 65, No. 58, March 24, 2000) effective April 24, 2000. In the proposed rule, the U.S. Fish and Wildlife Service concluded that the population in the United States is threatened by human alteration of forests, low numbers as a result of past overexploitation, expansion of the range of competitors and elevated levels of human access into lynx habitat. The final rule designating critical habitat was published in the Federal Register on November 9, 2006. There is no critical habitat designated in Colorado.

Threatened and endangered species are managed under the authority of the Endangered Species Act of 1973 (PL 93-205, as amended). The Endangered Species Act requires Federal agencies to ensure that all actions which they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of their critical habitat. This Biological Assessment regarding the renewal of 12 livestock grazing permits was prepared in accordance with the above provisions.

## **II. Project Description and Location**

The proposed action consists of the renewal of term grazing permits on twelve allotments that either contain mapped lynx habitat, are located within a mapped landscape linkage or both. Each permit will be issued for a 10-year period, unless the base property is leased for less, but for purposes of the BA, we are assuming 10 years of grazing by the current applicant, or another applicant, in the case of a transfer. These allotments are all located within the Glenwood Springs Field Office (GSFO). Table 1 identifies the twelve allotments and lists allotment name, allotment type, acres of public land and predominant habitat type.

All 12 allotments were included in the Glenwood Springs Field Office's programmatic biological assessment. Site-specific consultation has not been completed for four of the allotments. Eight of the allotments have already had site-specific consultations and these permits are being re-issued for another 10 year period. Each consultation made a "May Affect, Not Likely to Adversely Affect" determination and a concurrence letter was received from FWS. Additional data, supporting this determination for these eight allotments, is included in this BA.

**Table 1. Allotment Type, Size and Dominant Habitat Type in Lynx Habitat**

<b>ALLOTMENT NAME</b>	<b>LIVESTOCK TYPE</b>	<b>ACRES OF PUBLIC (BLM) LAND</b>	<b>PREDOMINANT HABITAT TYPE</b>
Antelope Creek	cattle	3,820	pinyon-juniper/ sagebrush/aspens/ lodgepole
Cantley Homestead	cattle	331	aspens/oakbrush/fir
Jackson	cattle	322	oakbrush/spruce- fir/aspens
W. Hardscrabble Common	cattle	16,300	oakbrush/sage/aspens/ conifer
Spruce Gulch Common	cattle	1,715	oakbrush/aspens/Douglas- fir/ ponderosa pine
Red Hill Common	cattle	11,936	pinyon-juniper/sage
Porcupine Common	cattle	1,927	oak brush /juniper /mountain shrub
E. Hardscrabble	cattle	7,614	pinyon-juniper /mountain shrub
Salt Creek Forest	cattle	780	pinyon-juniper /mountain shrub/ sage
E. Divide Common	cattle	13,777	oakbrush/aspens/spruce- fir
N. Thompson Creek Common	cattle	3,415	oakbrush /pinyon-juniper
Harris Gulch	sheep	2,238	conifer/aspens/oakbrush

**Total = 12****Total Acres = 64,175**

### III. Consultation History

To date, the GSFO has completed 8 project level consultations regarding livestock grazing and Canada lynx. These were all specific to individual permits up for renewal for a given year for permits/leases on grazing allotments that contained mapped lynx habitat. Each consultation made a “May Affect, Not Likely to Adversely Affect” determination and a concurrence letter was received from FWS.

In addition, programmatic consultation (ES/GJ-6-CO-03-F-013) for Canada lynx was completed on the entire grazing program as administered by the GSFO. A “May Affect, Not Likely to Adversely Affect” determination was made and concurrence was obtained via a Biological Opinion from the FWS. A Biological Opinion was required at the time due to the Kessler Court Decision. Since that time, that decision has been remanded and a BO is no longer required for NLAA determinations. Copies of all of these Biological Assessments, concurrence letters, and the Biological Opinion are available for review at the Glenwood Springs Field Office.

This Biological Assessment is for Canada lynx, and is at the site-specific project level and tiers to the programmatic grazing consultation noted above.

#### IV. Species Considered & Species Evaluated

Table 2 below, contains a list of Threatened, Endangered, Proposed, and Candidate species located or with potential to be located on lands administered by the Bureau of Land Management’s Glenwood Springs Field Office. Although all of the below listed species are found on the GSFO species list, the only species addressed under this consultation is Canada lynx. Other species would be consulted on in the event of any “May Effect” determination through NEPA analysis.

**Table 2. List of Threatened, Endangered and Candidate Species**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Bony-tailed chub	<i>Gila elegans</i>	Endangered
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	Endangered
Humpback chub	<i>Gila cypha</i>	Endangered
Razorback sucker	<i>Xyrauchen texanus</i>	Endangered
Black-footed ferret	<i>Mustela nigripes</i>	Endangered
Uncompahgre fritillary butterfly	<i>Boloria acrocneuma</i>	Endangered
Canada lynx	<i>Lynx canadensis</i>	Threatened
Ute ladies’-tresses orchid	<i>Spiranthes diluvialis</i>	Threatened
Uinta Basin hookless cactus	<i>Sclerocactus glaucus</i>	Threatened
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened
Parachute penstemon	<i>Penstemon debilis</i>	Candidate
DeBeque phacelia	<i>Phacelia scopulina var. submutica</i>	Candidate
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Candidate

#### V. Description of the Species (Canada Lynx) and their Habitat

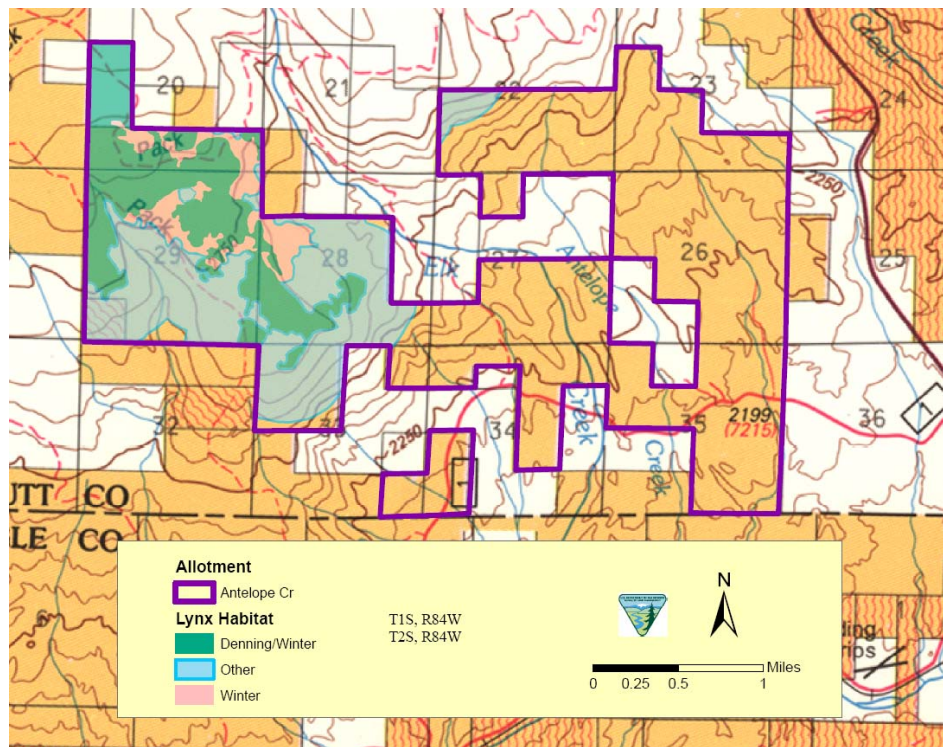
The general summary of lynx habitat was discussed in the Programmatic Consultation ES/GJ-6-CO-03-F-013, which this BA is tiered to. Below is site specific information on local habitat conditions within the 12 livestock grazing allotments being addressed in this BA. Information includes proposed management, allotment habitat characteristics, existing range data, and data collection associated with Land Health Assessments (LHA) regarding Standard 4 for lynx that was conducted on the allotments.

#### Allotments without site specific consultations

# 1. Antelope Creek

## *Background*

The Antelope Creek Allotment contains 3820 acres of BLM managed lands. Lynx habitat is mapped in the north-west portion of the allotment and is comprised of 559 acres of winter/denning habitat, 162 acres of winter foraging habitat and 736 acres of other habitat. Lynx habitat in this allotment is not currently located within an LAU, but lies within the Egeria Landscape Linkage. Vegetation within lynx habitat is comprised primarily of lodgepole pine, ponderosa pine, spruce and aspen.



Map displaying lynx habitat on the Antelope Creek allotment

The Antelope Creek Allotment is located in the Colorado River - Burns to State Bridge watershed. A formal LHA was completed for this landscape in 2006/2007. All of the sites visited in lynx habitat were found to be meeting Standard 3 for healthy plant and animal communities. All areas containing lynx habitat were found to be in good condition, providing healthy and productive habitat for lynx and their prey. Based on the overall condition of upland and riparian habitats located on public lands, Standard 4 for Canada lynx was being met within the Colorado River – Burns to State Bridge watershed. Movement is not being impeded and vegetation capable of providing alternative prey for lynx is abundant.

Habitat assessments specific to Canada lynx were completed for this allotment in 2008. Sites in both winter foraging and other habitat were evaluated. Overall, the allotment was in good condition. Utilization ranged from none to slight, with only wild ungulate sign noted. Abundant grasses and forbs were present with good diversity and productivity in aspen stands. Areas dominated by lodgepole pine forest had a sparse, but appropriate understory. The Antelope

Creek Allotment was meeting Standard 4 and current grazing management does not appear to be impacting the usability of lynx habitat.



Photos of lynx habitat on the Antelope Creek Allotment

The main riparian areas within this allotment are Antelope Creek, Elk Creek, Stifel Creek and Tepee Creek. A riparian condition assessment (PFC) was done in 2006 and all sections of the above creeks within the Antelope Creek Allotment were rated as Proper Functioning. Riparian vegetation was in good condition and was providing suitable cover for wildlife movement.

***Proposed Action***

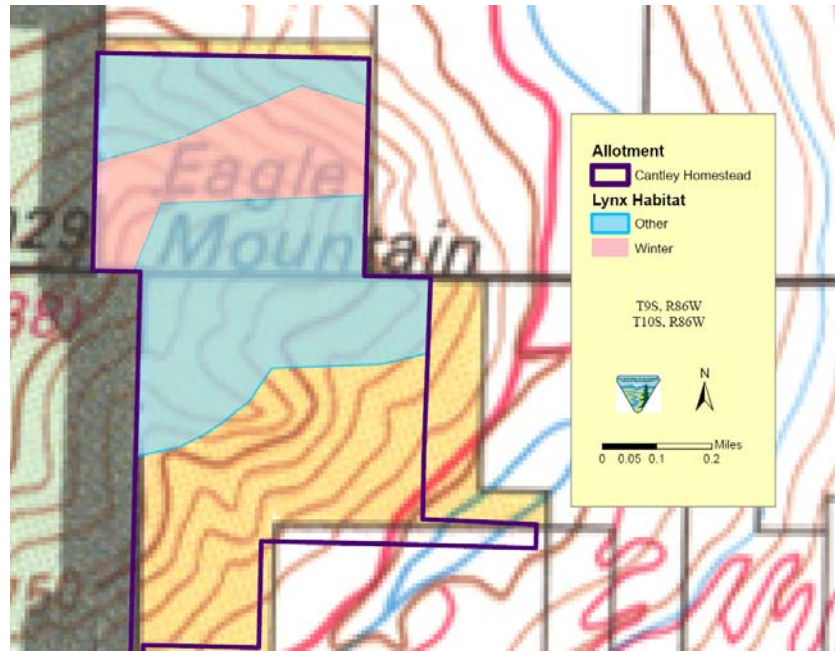
<b>Public Land Acres</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
3820	107 Cattle	05/01 – 07/31	100	324

Grazing in this allotment is permitted from the beginning of May through the end of July. Cattle are moved through the allotment during the three month grazing period, ensuring that no area receives season long grazing. This grazing system allows for sufficient growing season rest and adequate plant recovery periods. Seed production, dissemination, and seedling establishment are not hindered from livestock grazing.

**2. Cantley Homestead**

***Background***

The Cantley Homestead Allotment contains 331 acres of BLM managed lands. Lynx habitat is comprised of 55 acres of winter foraging habitat and 145 acres of other habitat. Lynx habitat in this allotment is not currently located within an LAU, but lies adjacent to the White River National Forest’s Snowmass LAU. Vegetation within lynx habitat is comprised primarily of aspen, spruce/fir and oakbrush.



Map displaying lynx habitat on the Cantley Homestead Allotment.

No formal LHA has been completed for this allotment. The allotment was visited in 2008 to assess lynx habitat. Lynx habitat within this allotment is very steep and probably receives little, if any, grazing from domestic livestock. Wild ungulate sign was noted just below mapped winter habitat. Although 145 acres of other lynx habitat is mapped within this allotment, most of the vegetation is oakbrush and is not considered to have high value to lynx or their prey species.

***Proposed Action***

<b>Public Land Acres</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
331	50 cattle	6/21 – 6/30	100	17

Livestock grazing is permitted on the Cantley Homestead Allotment for 10 days each June. Cattle are basically trailed through the lower elevations of the allotment on their way to the White River National Forest. This allotment receives adequate growing season rest which allows for plant rest and recovery. Seed production, dissemination, and seedling establishment is not being hindered. It is unlikely that grazing is impacting lynx habitat on the Cantley Homestead Allotment.

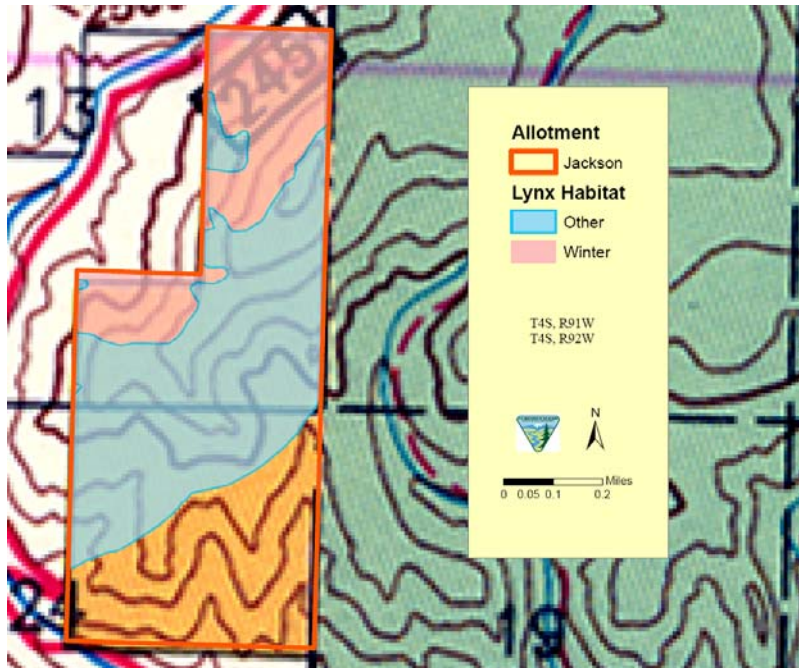


Photos of lynx habitat on the Cantley Homestead Allotment

### 3. Jackson

#### *Background*

The Jackson Allotment contains 322 acres of BLM managed lands. Lynx habitat is mapped in the northern two thirds of the allotment and is comprised of 70 acres of winter habitat and 159 acres of other habitat. Lynx habitat in the allotment is not within a LAU, but is adjacent to the White River National Forest BarHL LAU. Vegetation in mapped lynx habitat is comprised of aspen/spruce-fir and oakbrush.



Map displaying lynx habitat on the Jackson Allotment.



Photo of lynx habitat on the Jackson allotment

A formal LHA was completed for this allotment in 2007/2008. Due to the steep topography, the allotment was assessed from the base of the hill. No evidence of livestock grazing or any land health issues were noted. Since much of the lynx habitat within this allotment is very steep, it probably receives little, if any, grazing from domestic livestock. Although 145 acres of other lynx habitat is mapped within this allotment, most of the vegetation is oakbrush and is not considered to have high value to lynx or their prey species.

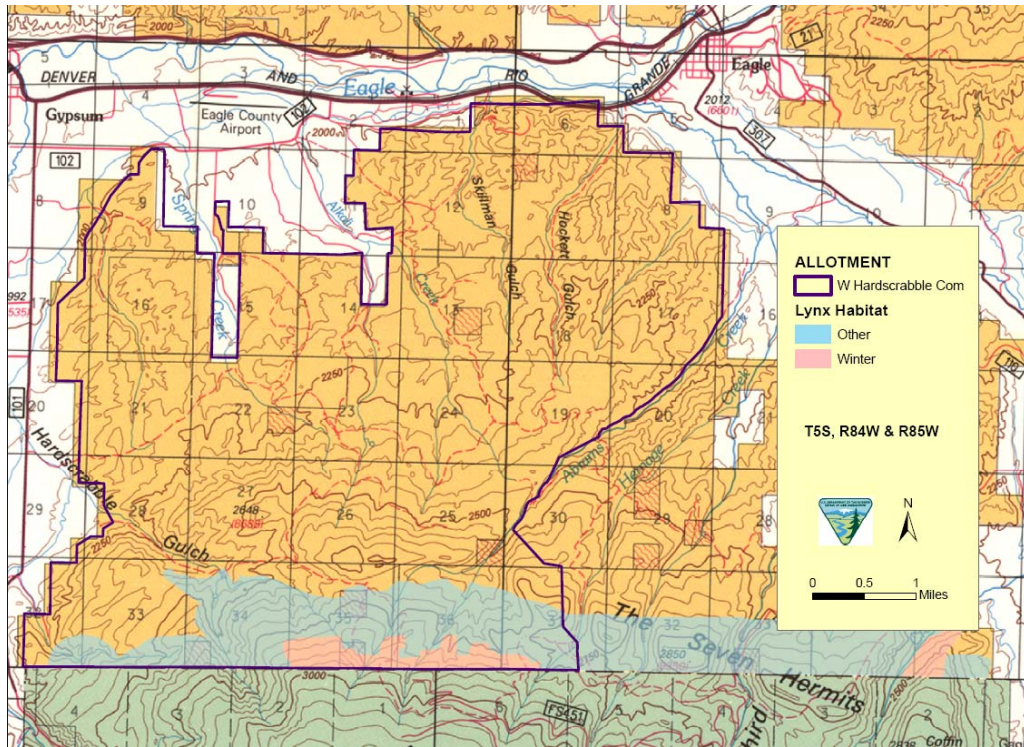
***Proposed Action***

<b>Public Land Acres</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
322	20 Cattle	06/16 – 07/31	100	30

Grazing is permitted on the allotment for about six weeks during the summer. Only the flatter portion of the allotment, at the top of the slope is likely utilized by livestock. The allotment is being managed within BLM’s guidelines and receives adequate rest for plant recovery.

**4. W. Hardscrabble Common**

The W. Hardscrabble Common Allotment contains 16,300 acres of BLM managed lands. Lynx habitat is mapped in the extreme southern portion of the allotment and consists of 325 acres of winter habitat and 1765 acres of other habitat. Lynx habitat in the allotment is not within a LAU, but is adjacent to the White River National Forest’s Battlement LAU. Vegetation in mapped lynx habitat includes lodgepole pine, aspen stands, sagebrush and oakbrush.



Map displaying lynx habitat on the W. Hardscrabble Allotment.

The W. Hardscrabble Common Allotment is located in the Eagle River South watershed. A formal LHA was completed for this landscape in 2002/2003. The allotment as a whole was considered to be meeting Standard 3 for healthy plant and animal communities, with some problem areas. The main problems were found on the lower elevation sagebrush sites. On these sites, sagebrush was in poor condition with pinyon-juniper encroachment. Many sites had low vigor and productivity, possible due to drought conditions that year. Higher elevation areas containing lynx habitat were found to be in good condition, providing healthy and productive habitat for lynx and their prey. The allotment was determined to be meeting Standard 4 for Canada lynx.

Habitat assessments specific to Canada lynx were completed for this allotment in 2003. Sites in both winter foraging and other habitat were evaluated. Overall, lynx habitat in the allotment was in good condition. Grazing in areas dominated by aspen and lodgepole pine was low. Some weeds, such as Canada thistle, musk thistle and houndstongue were noted. The W. Hardscrabble Common Allotment was meeting Standard 4 and current grazing management does not appear to be impacting the usability of lynx habitat.



Photo of lynx habitat on the W. Hardscrabble allotment

***Proposed Action***

<b>Public Land Acres</b>	<b>Operator number</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
16,300	1	395 cattle	5/01 – 6/30	100	597
		10 cattle	10/16 – 10/31	100	5
	2	128 cattle	5/01 – 6/30	100	194
		10 cattle	10/16 – 10/31	100	5
	3	100 cattle	5/01 – 6/30	100	151
		10 cattle	10/16 – 10/31	100	5

The West Hardscrabble Allotment is under an Allotment Management Plan (AMP). The AMP specifies a grazing system in which cattle are rotated amongst five different “areas” of the allotment during the spring use period. Period of use in each grazing area varies from 10 to 15 days. The AMP acknowledged that pastures could not be designated due to the lack of fencing and water availability. Given the lack of pasture fencing and lack of water in some areas of the allotment, cattle are actually rotated amongst three to four areas of the allotment. Lower elevation areas of the allotment are used first then cattle are moved to higher elevation areas prior to moving onto the adjacent National Forest allotment. Period of use varies from two to three weeks in each area of the allotment; however, due to lack of pasture fencing there is always some livestock drift between the grazing areas.

Grazing in this allotment is permitted from the beginning of May through the end of June. Grazing also occurs for about two weeks in the fall. Cattle are moved through the allotment during both grazing periods, ensuring that no area receives season long grazing. This grazing

system allows for sufficient growing season rest and adequate plant recovery periods. Seed production, dissemination, and seedling establishment are not hindered from livestock grazing.

**Allotments with completed site-specific consultations**

Allotment specific consultations have been completed for the following eight allotments. One allotment, Harris Gulch, is proposed to have a change in livestock class. The other seven allotments will have no change or very minor changes to the grazing permits. The proposed action is to re-issue the grazing permit for another 10 years. Since the grazing schedules have already been consulted on, they will not be re-stated in this BA. New information collected since the initial consultation, supporting the NLAA determination is presented below.

**1. Harris Gulch**

A site specific consultation was completed for grazing within the Harris Gulch Allotment in 2008. The permittee would like to change the class of livestock from cattle to sheep.

A formal LHA was completed for this allotment. Four sites throughout the allotment were visited, three outside of lynx habitat and one in lynx habitat. Overall, the allotment was in good condition and was meeting the standard for healthy and productive plant and wildlife communities. One site visited in the allotment did not meet standard 3 for healthy vegetative communities due to weeds. This was a small livestock concentration area which represents less than 10% of the allotment. The most recent range monitoring was completed in the summer of 2005, outside of lynx habitat. This allotment is meeting Standard 4 and livestock grazing is not degrading lynx habitat.

***Proposed Action***

**Previous Grazing Schedule:**

<b>Public Land Acres</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
3316 acres	78 cattle	6/15 to 8/31	90%	180

**Proposed Grazing Schedule:**

<b>Public Land Acres</b>	<b>Livestock Kind &amp; No.</b>	<b>Period of use</b>	<b>% Public Land</b>	<b>AUMs</b>
3316 acres	800 sheep	06/15 – 07/15	90%	147
	800 sheep	10/19 – 10/25	90%	33

The Harris Gulch Allotment would be grazed for four weeks in the early summer and again in the fall for six days. This would provide adequate growing season rest which allows for plant rest and recovery. Seed production, dissemination, and seedling establishment would not be hindered. The allotment is currently in good condition, and the proposed changes to the permit are not expected to change the condition of lynx habitat on the allotment.

## **2. E. Hardscrabble**

A site specific consultation was completed for grazing within the E. Hardscrabble Allotment in July of 2000. Since this time, a formal land health assessment (2002/2003) and a lynx habitat evaluation (2000) have been completed.

The E. Hardscrabble Allotment is located in the Eagle River South watershed. A formal LHA was completed for this watershed in 2002/2003. Some sites within the allotment were found to not be meeting Standard 3 for health plant and animal communities. The main problems were found on the lower elevation sagebrush sites. On these sites, sagebrush was in poor condition with pinyon-juniper encroachment. Many sites had low vigor and productivity, possible due to drought conditions that year. Weeds were also found on several of these sites. Vegetative communities in upper elevations were in much better condition. Aspen and conifer stands had better vigor and productivity than lower elevation sites. All sites within mapped lynx habitat were found to be meeting Standard 3 and provided suitable habitat for lynx and their prey.

Habitat assessments specific to Canada lynx were completed for this allotment in 2000, after the initial consultation was complete. Nine sites were visited within the allotment. Overall, lynx habitat in the allotment was in good condition. Utilization ranged from none to slight and livestock sign was noted at five of the sites. Milk thistle and hounds tongue were found at one site. The East Hardscrabble Common Allotment was meeting Standard 4 and current grazing management does not appear to be impacting the usability of lynx habitat.

## **3. Salt Creek Forest**

A site specific consultation was completed for grazing within the Salt Creek Forest Allotment in July of 2000. Since this time, a formal LHA and a lynx habitat evaluation have been completed.

The Salt Creek Forest Allotment is located in the Eagle River South watershed. A formal LHA was completed for this watershed in 2002/2003. The allotment was found to be meeting Standard 3 for healthy plant and animal communities. The allotment is in good condition and provides productive habitat for Canada lynx. The Salt Creek Forest Allotment was meeting Standard 4 and current grazing management does not appear to be impacting the usability of lynx habitat.

Habitat assessments specific to Canada lynx were completed for this allotment in 2000, after the initial consultation was complete. Two sites were visited within lynx habitat. Utilization was none to slight with no evidence of livestock use. The vegetative community was in good condition and aspen regeneration was abundant at one site. At least 4 different age classes of aspen were noted with many small saplings present. Understory grasses, shrubs, and forbs were diverse and abundant and in good condition. The allotment was meeting Standard 4.

## **4. Porcupine**

A site specific consultation was completed for grazing within the Porcupine Allotment in July of 2000. Since this time, a formal LHA and a lynx habitat evaluation have been completed.

The Porcupine Allotment is located in the Rifle-West watershed. A formal LHA was completed for this watershed in 2004/2005. One site within lynx habitat was visited. Mapped habitat in the allotment is located on steep side hills or within steep drainages that are not being accessed by livestock. Lynx habitat in the allotment was in good condition. Understory vegetation was in good condition and aspen and conifer trees were healthy. Based on the overall condition of habitat, Standard 4 for Canada lynx was being met.

Habitat assessments specific to Canada lynx were completed for this allotment in 2000, after the initial consultation was complete. One site was assessed but a larger portion was hiked through. This allotment is mostly mixed mountain shrub with some Doug-fir and aspen in the southeast corner. Evidence of livestock use was apparent. Utilization was light except for along the main cattle trail through the heavy oakbrush where in small openings use was moderate to heavy. Understory grasses were productive and vigorous. Canada thistle and broader areas of houndstongue were noted. Livestock sign was far less evident farther up the steep slope to the east. This is where the best lynx habitat was located with a denser stand of Doug-fir and a couple of aspen stringers. Several small seeps and springs with cottontails were noted. Lynx habitat within the Porcupine Allotment is in good condition and the allotment was meeting Standard 4.

## **5. North Thompson Creek**

A site specific consultation was completed for grazing within the North Thompson Creek Allotment in July of 2000. Since this time a lynx habitat evaluation (2001) has been completed. No formal LHA has been completed for this allotment.

Lynx habitat in this allotment is located on a steep northeast facing slope. The habitat was diverse with good vegetative structure and diversity. Vegetation was healthy with good production. Aspen at the site were healthy with at least 3 different age classes noted. Some recruitment was evident in the area. Some elk sign was noted as was bear sign. Livestock grazing is not occurring on this portion of the allotment due to the steep terrain and is not an issue. The site appears to be in late seral stage or nearing climax. The allotment was determined to be meeting Standard 4 for Canada lynx.

## **6. Spruce Gulch Common**

A site specific consultation was completed for grazing within the Spruce Gulch Common Allotment in November of 2000. Since this time, a formal LHA has been completed. A wildfire burned some of the lynx habitat within this allotment in 2008.

The Spruce Gulch Common Allotment is located in the Rifle-West watershed. A formal LHA was completed for this watershed in 2004/2005. One site within lynx habitat was visited. Mapped habitat in the allotment is located on steep side hills or within steep drainages that are not being accessed by livestock. Lynx habitat in the allotment was in good condition.

Understory vegetation was in good condition and aspen and conifer trees were healthy. Based on the overall condition of habitat, Standard 4 for Canada lynx was being met.

## **7. Red Hill Common**

A site specific consultation was completed for grazing within the Red Hill Common Allotment in November of 2000. Since this time, a formal LHA and a lynx habitat evaluation have been completed.

The Red Hill Common Allotment is located in the Eagle River South watershed. A formal LHA was completed for this watershed in 2002/2003. For the most part, the Red Hill Common Allotment was meeting land health standards. Overall, ground cover was adequate to protect soils and vegetation was in fair to good condition. Some issues were found on the lower elevation sagebrush sites. Vegetative communities in upper elevations were in much better condition. All sites within mapped lynx habitat were found to be meeting Standard 3 and provided suitable habitat for lynx and their prey.

Habitat assessments specific to Canada lynx were completed for this allotment in 2001. One site was visited within the allotment. The habitat was diverse with good vegetative structure. Vegetation was healthy with good production. Aspen at the site were healthy with 3 different age classes noted. Some recruitment was evident. Mountain mahogany was moderately browsed and elk and some deer sign was evident. No livestock sign was noted and use was obviously slight. The allotment was meeting Standard 4 and was providing productive habitat for Canada lynx.

## **8. East Divide Common**

A site specific consultation was completed for grazing within the East Divide Common Allotment in December of 2001. Since this time, a lynx habitat evaluation has been completed.

Habitat assessments specific to Canada lynx were completed for this allotment in 2002. Three sites were assessed in lynx habitat on this allotment. Aspen were very healthy and large but age class diversity was somewhat lacking. At least 3 age classes were noted and some regeneration was occurring across the area but small saplings were being stripped of their leaves. This was likely from elk and possibly cattle. It appeared that aspen regeneration may be being hindered across large portions of the allotment. Conifers were in good condition with smaller and larger trees present. Understory was diverse with good structure and good productivity. Livestock sign was present but use was light in the forested, heavy canopied areas. Small openings showed slightly higher use on grasses. Overall, the allotment was found to be meeting Standard 4 and providing suitable and productive habitat for Canada lynx.

## **VI. Effects of Proposed Action on Canada Lynx**

The general effects of livestock grazing were disclosed and discussed in the Programmatic Consultation ES/GJ-6-CO-03-F-013, which this BA is tiered to. Site specific effects related to the renewal of these twelve grazing permits are discussed below.

## **VI.1. Proposed Action(s) Relative Effects to Lynx Productivity Risk Factors**

The biggest potential effect to lynx is livestock competition with lynx prey species for forage resources. Any reductions in forage that would lead to a reduction in prey or prey density could result in lower lynx productivity over time. However, based on existing range data for these allotments, utilization levels within lynx habitat are generally in the slight to light category with occasional areas of moderate use. Given the grazing management strategies in place, it is unlikely that any allotment will receive heavy or severe grazing pressure. Livestock are distributed across the allotments primarily within the rangeland habitats (sagebrush, p/j) outside of forested lynx habitats, and generally do not concentrate in any one area too long.

All of the allotments containing lynx habitat and addressed in this BA are being managed to meet one or more of the following guidelines:

- Periodic rest or deferment from grazing during the critical [plant] growth periods
- Adequate [plant] recovery and regrowth periods
- Opportunity for seed dissemination and seedling establishment

Each of the allotments incorporates at least some rest during the growing season and adequate plant recovery and regrowth periods via the implementation of rotation, deferral, or season of use. As such, it is likely that opportunities for seed dissemination and seedling establishment are occurring, given localized climate conditions related to moisture capture and drought. Managing these allotments within the above guidelines should ensure that these allotments continue to meet the Public Land Health Standards. Water developments for livestock are generally located within the sagebrush – grassland habitats away from mapped lynx habitat. This helps to distribute livestock use away from the more densely forested habitats, and limits use within riparian areas.

## **VI.2. Proposed Action(s) Relative Effects to Lynx Movement Risk Factors**

### ***General Movement and Dispersal***

The LCAS identified several risk factors that could affect lynx movements, including the alteration of shrub-steppe habitat which could contribute to reduced incidence and success of lynx dispersal across shrub-steppe habitats. It is plausible that over grazing by livestock could be a factor contributing to the decline of the shrub-steppe plant community, thus reducing forage availability to the point that it limits leoprid population density. The LCAS states that livestock grazing within shrub-steppe within the elevational ranges of forested lynx habitat should be managed to maintain or achieve mid seral or higher condition, to maximize cover and prey availability.

### ***Identified Habitat Linkages***

Four habitat linkages have been identified and mapped within the GSFO. These linkages are comprised of public, private, state and USFS lands and serves as likely corridors in which lynx

might travel during dispersal movements. These corridors link larger forested landscapes located on adjacent White River and Routt National Forest lands. Small portions of the each linkage provide the vegetative components (summer forage, winter forage, and possibly some denning habitat) necessary to support and possibly sustain lynx. However, the majority of vegetation located within these linkages does not provide lynx habitat. These vegetative communities provide habitat for alternative prey species and cover for movement and dispersal. The Antelope Creek Allotment is located within the Egeria Landscape Linkage.

It is plausible that over-grazing by livestock could be a factor contributing to the decline of the functionality of landscape linkages. A reduction in forage availability could limit prey population density. In addition, a reduction in vegetative cover could impair lynx's ability to successfully move through the landscape.

However, based on how the Antelope Creek Allotment would be managed, impacts to lynx and lynx habitat should be insignificant. The permit calls for growing season rest and ample opportunity for plant regrowth and recovery. Seed production, dissemination and seedling establishment should not be hindered under the proposed management schemes. Continued livestock grazing should create no barrier to potential lynx movement.

## **VII. Inter-related and Inter-dependant Effects**

Wild ungulates also play a role in the overall condition of vegetation across the 568,000-acre GSFO. The GSFO serves as primary mule deer and elk winter range for several CDOW Data Analysis Units (DAU's). Most elk move to high elevations and other landownership (National Forest Service Lands) as snow melts in the spring. Deer disperse more than elk across all elevations in the summer. Thus, grazing ungulates are relatively constant on many portions of all allotments throughout the year. The conditions of all allotments change annually with varying weather patterns (e.g. drought) and varying ungulate utilization and distribution. Elk in particular may be having some localized impacts to aspen stands, due to high utilization levels on young saplings. Deer concentrate more heavily on browse and may be partially to blame for poor sagebrush condition in some heavily used winter ranges.

## **VIII. Cumulative Effects**

As it pertains to ESA, cumulative effects are defined as: *those effects of future State or private activities, not involving Federal activities that are reasonably certain to occur within the action area of the Federal action subject to consultation.* [50 CFR 402.02]

Cumulative effects do not include any past or ongoing action, but “involve only future non-Federal actions”. Future Federal actions requiring separate consultation (unrelated to the proposed action) are not considered in the cumulative effects section.

In addition to public lands, the GSFO planning area contains a large amount of private land, and some scattered parcels of state land and state wildlife area lands. An undetermined amount, and diverse variety of land management activities are ongoing on private and state lands adjacent to BLM administered lands within the GSFO. Future actions reasonably certain to occur are

numerous and varied on these lands. Human development is occurring at an ever-increasing rate as native rangelands and ranches are being converted to residential and commercial properties. This trend is reasonably certain to continue to some degree. In addition, farming, ranching, and various recreational activities are ongoing and are reasonably certain to continue on other private and state lands. Livestock grazing is also occurring on some private and state lands within the area, and is reasonably certain to continue in some areas despite an overall reduction in grazing and other agricultural activities due to the selling of ranches and resulting residential and commercial developments.

Cumulatively, many of the future actions planned on private and state lands may have some undetermined effect on lynx and lynx habitat. The proposed action is not anticipated to result in negative cumulative impacts to lynx when viewed in conjunction with those activities currently occurring and reasonably certain to occur on adjacent private and state lands.

## **IX. Determination of Effects**

Based on the proposed management, the proposed renewal of these twelve livestock grazing permits “MAY AFFECT, BUT IS NOT LIKELY TO ADVERSELY AFFECT” the Threatened - Canada lynx. Furthermore, the proposed action is in conformance with the recently completed programmatic consultation for lynx regarding the GSFO livestock grazing program. None of the actions will result in the destruction or adverse modification of Fish & Wildlife Service designated critical habitat.

Due to this determination, Formal Consultation is not determined to be necessary. This Biological Assessment is being submitted in order to obtain concurrence with our determination that management of these twelve grazing allotments is within the guidance outlined in the Programmatic Biological Opinion. In addition we seek to have this BA appended to the Programmatic Biological Opinion.

### **Rationale:**

1. Permit standards and guidelines that result in acceptable residual herbivore forage and acceptable riparian conditions are design features of all BLM livestock grazing permits/allotment management plans as directed in the *Glenwood Springs Resource Management Plan* (1984, revised 1988), and *Colorado Public Land Standards for Public Land Health and Guidelines for Livestock Grazing* (1997).
2. Range and Land Health Assessment data shows that lynx habitat within these twelve allotments are in good condition. Where livestock grazing is occurring utilization has generally been light with some areas of moderate use. Light to moderate use should leave sufficient forage for lynx prey species and provide adequate cover for movement and dispersal.

## APPENDIX B

Biological Opinion ES/GJ-6-CO-03-F-013



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
764 Horizon Drive, Building B
Grand Junction, Colorado 81506-3946



IN REPLY REFER TO:
ES/GJ-6-CO-03-F-013
TAILS 65413-2009-I-0066

April 2, 2009

Memorandum

To: Field Manager, Bureau of Land Management, Glenwood Springs Field Office, Glenwood Springs, Colorado
From: Acting Western Colorado Supervisor, Fish and Wildlife Service, Ecological Services, Grand Junction, Colorado
Subject: Comments on Storm King Allotment Livestock Grazing Permit issuance under Programmatic Biological Opinion ES/GJ-6-CO-03-F-013

Your letter dated February 13, 2009, included the project level Biological Assessment (BA) for the effects of renewing 10-year grazing permits on 12 allotments. Your letter was received in our office on February 17, 2009. Your project level BA tiers to programmatic biological opinion ES/GJ-6-CO-03-F-013, and provides information which updates our programmatic consultation. The programmatic opinion analyzed the effects of your grazing program on Canada lynx.

Project Description

The proposed action consists of the renewal of 10-year grazing permits on 12 allotments that are within a lynx landscape linkage or contain mapped lynx habitat. These allotments are located within the Glenwood Springs Field Office (GSFO). All 12 allotments up for renewal were previously addressed during the programmatic consultation. Eight of the allotments were issued 10-year permit renewals in the past and are now up for renewal again. The remaining four allotments have not been analyzed at the site-specific level and are addressed herein.

Allotments with prior section 7 consultation

Harris Gulch

Section 7 consultation was completed for the Harris Gulch allotment in 2008. However, the permittee has proposed to change the class of livestock from cattle to sheep. The proposal will allow sheep grazing on the 3,316 acre allotment as follows:

- 800 sheep/ grazing period from June 15 - July 15/ 147 animal unit months (AUMs)
800 sheep/ grazing period from October 19 - October 25/ 33 AUMs

Section 7 consultation has been completed on seven additional allotments (see following list) in the past to address the effects of grazing on lynx. With the exception of the Harris Gulch allotment (above), no proposed changes in livestock class, timing restrictions or requirements are proposed in the following allotments. Specifics regarding livestock class, timing restrictions or requirements within these allotments are documented in the programmatic biological opinion.

- East Hardscrabble
Salt Creek Forest
Porcupine
North Thompson Creek
Spruce Gulch Common
Red Hill Common
East Divide Common

Allotments without prior site specific section 7 consultation

The following allotments were identified in the programmatic BO ES/GJ-6-CO-03-F-013. However, site specific information was not provided and project level analysis under section 7 was never completed.

Antelope Creek

The Antelope Creek allotment consists of 3,820 acres, grazes 107 cattle during a period spanning May 1 - July 31 and yielding 324 AUMs. Livestock are moved throughout the allotment during the three month grazing period to ensure that no area receives season long grazing pressure.

Cantley Homestead

The Cantley Homestead allotment contains 331 acres, grazes 50 cattle during a period spanning June 21 - June 30 yielding 17 AUMs. Livestock are trailed through the lower elevation of the allotment on the way to grazing allotments on the White River National Forest.

Jackson

The Jackson allotment contains 322 acres, grazes 20 cattle, during a period spanning June 16-July 31.

West Hardscrabble Common

The West Hardscrabble Common allotment contains 16,300 acres and is used by three separate operators. The grazing season within this allotment is split with the first rotation occurring between May 1 - June 30 and the second rotation occurring October 16 - October 31. All three operators graze during the same time period, grazing 623 cattle in the first rotation yielding 942 AUMs. The second rotation allows a total of 30 cattle (10 per operator), yielding a total of 15 AUMs (5 per operator). The West Hardscrabble allotment is under an allotment management plan (AMP), which specifies that cattle will be rotated amongst five different "area" of the allotment during the first rotation. Each "area" is grazed for a period of 10-15 days.

Status of the Species and Environmental Baseline

The status of the species tiers to the extensive description of the status of the species in biological opinion ES/GJ-6-CO-03-F-013 and is updated with the following information.

2

Lynx in Colorado are considered a portion of the lower 48 distinct population segment currently listed under the Act. The Colorado Division of Wildlife (CDOW) is currently tracking approximately 43 adult lynx. Two hundred eighteen lynx have been released during the reintroduction program. There are 114 known mortalities and 61 missing animals (Shenk, CDOW, pers. comm., 2009). The CDOW continues to monitor the population to the extent possible. It has become nearly impossible to determine the extent of the lynx population in Colorado due to failed collars, unknown mortalities, etc. Highway mortality ranks as one of the highest human caused mortalities factors for the Colorado lynx reintroduction overall, only exceeded by animals that have been shot. Three release protocols were used during the initial releases of lynx. By adjusting the release protocol, CDOW observed a reduction in the number of starvation deaths (Shenk 2004). Shenk (pers. comm. 2008) observed that 3 lynx have died of starvation under their current release protocol, one each in years 2000, 2001, and 2008. One hundred sixteen kittens have been born in Colorado (Shenk 2006), but survival of kittens is currently unknown. The CDOW reported zero reproduction in 2007 and 2009.

Table 2. Kittens born in Colorado

Table with 2 columns: Year, Number of Kittens. Rows: 2003 (16), 2004 (36), 2005 (46), 2006 (11), 2007 (0), 2008 (0)

In addition, on August 20, 2008, the Service issued biological opinion ES/LK-6-CO-08-F-024, to the U.S. Forest Service for a proposal to amend seven Forest Plans within the Southern Rocky Mountain Geographic area (i.e. Colorado and southeastern Wyoming). Biological opinion number ES/LK-6-CO-08-F-024 contains the latest range-wide status of the Canada lynx and is incorporated here by reference.

Environmental Baseline

The environmental baseline for the proposed action is generally described in programmatic biological opinion ES/GJ-6-CO-03-F-013. Standards and guidelines that direct livestock grazing for the Glenwood Field Office are designed to allow grazing at a sustainable level. However, conditions within individual allotments may be influenced by other things, including wild ungulate populations, drought, etc.

The BA reported that all of the 12 grazing allotments are in good condition within the lynx habitat areas and are meeting standard 4 of the Colorado Standards for Public Land Health. The BA reported that aspen regeneration may be hindered across large portions of the East Divide Common allotment but reported that standard four was still being met. In addition, the BA reported that a fire occurred within the Spruce Gulch Common Allotment.

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Effects Analysis

The general effects of livestock grazing are contained in the programmatic biological opinion ES/GJ-6-CO-03-F-013.

The biggest potential effect to lynx is livestock competition with lynx prey species for forage resources. Any reductions in forage that would lead to a reduction in prey or prey density could result in lower lynx productivity over time. Given the existing and proposed grazing management strategies, BLM believes that reauthorization of grazing permits for the allotments discussed herein will continue to meet the Public Land Health Standards. As stated in the programmatic opinion, we have concluded that the Standards for public land health are adequate to support lynx conservation. The existence of these standards alone does not necessarily ensure compliance with the standards.

Two of the allotments were reported to have somewhat degraded condition. A fire was reported to have occurred within the Spruce Gulch Common allotment. However, the fire occurred in very steep terrain and livestock grazing is not anticipated to occur within the burned area and will not effect regeneration of the vegetation. Regeneration of aspen clones have been hindered within the East Divide Common allotment. Based on information documented in the programmatic biological opinion ES/GJ-6-CO-03-F-013, the current conditions within the East Divide Common allotment represent degraded conditions compared to past evaluations of habitat conditions. However, the BA concluded that the allotment was meeting standard 4 of the Colorado Standards for Public Land Health.

The lynx habitat components contained within the allotments considered herein make up only a portion of the lynx habitat within their respective landscapes including lynx analysis units and landscape linkages. The majority of lynx habitat lies within the U.S. Forest Service boundary. Therefore, lynx habitat contained within the allotments described herein function as part of a larger landscape and management of the larger landscape for lynx requires a coordinated effort between land management agencies. Several of the allotments considered herein fall within one or more of the landscape linkages, and compliance to the standards for public land health will ensure that the appropriate habitat conditions exist within each linkage to facilitate movement of lynx across the landscape.

Updated Cumulative Effects Analysis

In addition to public lands, the Glenwood Springs Field Office planning area contains a large amount of private land, and some scattered parcels of State land and State wildlife area lands. An undetermined amount, and diverse variety of land management activities are ongoing on private and State lands adjacent to Bureau of Land Management administered lands within the Glenwood Springs Field Office area. Future actions reasonably certain to occur are numerous and varied on these lands. Human development is occurring at an ever-increasing rate as native rangelands and ranches are being converted to residential and commercial properties. This trend is reasonably certain to continue to some degree. In addition, farming, ranching, and various recreational activities are ongoing and are reasonably certain to continue on other private and

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State lands. Livestock grazing is also occurring on some private and State lands within the area, and is reasonably certain to continue in some areas despite an overall reduction in grazing and other agricultural activities due to the selling of ranches and resulting residential and commercial developments.

Cumulatively, many of the future actions planned on private and State lands may have some undetermined effect on lynx and lynx habitat. The proposed action is not anticipated to result in negative cumulative impacts to lynx when viewed in conjunction with those activities currently occurring and reasonably certain to occur on adjacent private and state lands.

#### **Conclusion**

After reviewing the current status of the Canada lynx, the environmental baseline for the action area, the effects of the action, and the cumulative effects, it is the Service's opinion that the proposed renewal of grazing permits on the subject allotments, is not likely to jeopardize the continued existence of the Canada lynx. Furthermore, the Service concurs with the "may affect, not likely to adversely affect" determination of the BA.

On November 9, 2006, the Service published its final rule designating critical habitat for lynx. Habitats within Colorado were not included in the final rule. Therefore, no adverse modification of critical habitat will result from the proposed action.

#### **Rationale**

Permit standards and guidelines that result in acceptable residual herbivore forage and acceptable riparian conditions are design features of all BLM livestock grazing permits/allotment management plans as directed in the *Glenwood Springs Resource Management Plan* (1984, revised 1988), and *Colorado Public Land Standards for Public Land Health and Guidelines for Livestock Grazing*. These same standards and guidelines are consistent with Lynx Conservation Assessment and Strategy (LCAS) standards and guidelines. Therefore, grazing as proposed is predicted to only result in insignificant and/or discountable effects to lynx and their habitat. Although regeneration of aspen trees within the East Divide Common Allotment may be inhibited by livestock grazing, other factors may be contributing to this condition, including impacts from wild ungulates. In addition, lynx habitat within the allotment is a minor contributor to larger blocks of habitat on the White River National Forest.

#### **Incidental Take Statement**

Take is to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (Endangered Species Act, 16 U.S.C. 1531 et seq.). Harm is an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

Harass is an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). Incidental take is a taking that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant (50 CFR § 402.02).

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be a prohibited taking under the Act, provided that such taking is in compliance with the terms and conditions of an Incidental Take Statement.

#### **Amount or extent of take anticipated**

In issuing an incidental take statement, the Service provides a statement of anticipated incidental take. Generally, incidental take is expressed as the number of individuals reasonably likely to be taken or the extent of habitat likely to be destroyed or disturbed, and over what time period the anticipated take will occur. We do not anticipate that the proposed action will result in take of lynx.

#### **Comment/Recommendations**

We will attach this project level analysis to biological opinion number ES/GJ-6-CO-03-F-013. It may be necessary to reinitiate consultation at the programmatic level if an individual project generated by the BLM's grazing program results in jeopardy or adverse modification determination, or an adverse effect determination is made for any allotment permit renewal.

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#### **Literature Cited**

- Shenk, T.M. 2004. Colorado Division of Wildlife Job Progress Report. Post Release Monitoring of Lynx Reintroduced to Colorado. 9 pp.
- Shenk, T.M. 2006. Colorado Division of Wildlife Research Report. Post Release Monitoring of Lynx Reintroduced to Colorado. 46 pp.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
GLENWOOD SPRINGS FIELD OFFICE  
**FINDING OF NO SIGNIFICANT IMPACT**

**Grazing Permit Transfer with Changes on the Harris Gulch, Hayden  
and SW Rifle Creek Allotments**

**DOI-BLM-CO140-2009-0060-EA**

**Finding of No Significant Impact**

I have reviewed the direct, indirect and cumulative effects of the proposed action documented in the EA for the grazing permit renewal on the Dean Gulch Allotment. The effects of the proposed action are disclosed in the Alternatives and Environmental Impacts sections of the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significant, as used in NEPA, requires consideration of both *context* and *intensity* as follows:

**(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27):**

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

**(b) Intensity. This requirement refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).**

*1. Impacts that may be both beneficial and/or adverse.*

Impacts associated with the livestock grazing permit renewal are identified and discussed in the Environmental Impacts section of the EA. The proposed action will not have any significant beneficial or adverse impacts on the resources identified and described in the EA.

*2. The degree to which the proposed action affects health or safety.*

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for multiple uses while maintaining or improving resource conditions to meet standards for rangeland health in the allotment. Similar actions have not significantly affected public health or 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.*

Two historic properties were identified during the inventories for these allotments. A determination of “Conditional No Adverse Affect” has been made for this transfer.

*4. The degree to which the effects are likely to be highly controversial.*

The analysis did not identify any effects that are highly controversial.

*5. The degree to which the effects are highly uncertain or involve unique or unknown risks.*

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for the determination of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

*6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.*

This EA is specific to the Harris Gulch, SW Rifle Creek, and Hayden Allotments. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration in or outside of this allotment.

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

The analysis in the EA did not identify any related actions with cumulative significant effects.

*8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant, cultural, or historical resources.*

Two historic properties were identified during the inventories for these allotments. A determination of “Conditional No Adverse Affect” has been made for this transfer.

*9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

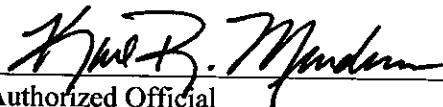
There is no designated critical habitat for any listed Threatened or Endangered species within the project area. The EA discloses that the proposed action is not likely to adversely affect any species listed as threatened or endangered.

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

The proposed action does not violate or threaten to violate any Federal, State or local laws or requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed in the EA will not significantly affect the quality of the human

environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.

  
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Authorized Official  
Glenwood Springs Field Office

5/14/2009  
Date