

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **CATEGORICAL EXCLUSION**

NUMBER: CO-120-2007-32-CE

PROJECT NAME: Transfer Base Property and Bureau of Land Management (BLM) Grazing Permit # 051731 from Ellison Heart V Ranch to Mulroy Ranch LLC and Lease to James Ellison.

LEGAL DESCRIPTION: BLM Allotment # 07585 (Ellison A) includes all or part of the following:

T2S, R82W, 6<sup>th</sup> PM, Sections 13 and 24  
T2S, R83W, 6<sup>th</sup> PM, Sections 7, 18, and 19  
See Attachment 1 for map of project area

APPLICANT: Mulroy Ranch LLC

DESCRIPTION OF PROPOSED ACTION: The Proposed Action would transfer the base property and livestock grazing preference on Allotment # 07585 (Ellison A) from the Ellison Heart V Ranch to the Mulroy Ranch LLC (see Attachment #1 for map of project area). Mulroy Ranch would then lease the base property and livestock grazing preference on Allotment # 07585 (Ellison A) to James Ellison for a period of three years beginning on March 30, 2007. Mulroy Ranch LLC would transfer the base property to James Ellison through a three year base property lease. James Ellison would become the livestock grazing permittee and hold the authorization (Grazing Permit # 051731) (Attachment #2) with Standard Terms and Conditions (Attachment #3) to graze livestock on Allotment # 07585 (Ellison A).

BLM Livestock Grazing Permit # 051731 authorizes livestock grazing to the following extent:

<b>Allotment</b>	<b>Active AUMs*</b>	<b>Suspended AUMs</b>	<b>Total AUMs</b>
07585 (Ellison A)	64	0	64

\* AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

No changes would be made to the amount of authorized grazing preference, the number or kind of livestock, or the season of use with implementation of the Proposed Action.

The permittee would alternate seasons of use on Allotment # 07585 (Ellison A). In even years, the season of use would be May 23 to June 21. In odd years, the season of use would be June 23 to July 22.

BLM livestock grazing permit # 051731 would authorize:

Allotment	Year	Number of Livestock	Kind of Livestock	Grazing Season Start	Grazing Season End	% Public Land	Type of Use	AUMs
07585	Even	130	Cattle	5/23	6/21	50	Active	64
07585	Odd	130	Cattle	6/23	7/22	50	Active	64

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

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock grazing management pages 5 through 8.

Decision Language: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority.

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, Number: (D) (1) “*Approval of Transfer Grazing Preference.*” None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental		X

effects or involve unique or unknown environmental risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

<b>Name</b>	<b>Title</b>	<b>Area of Responsibility</b>	<b>Date Review Completed</b>
Paula Belcher	Hydrologist	Soil, Water, Air, Riparian	5/17/07
Charles Cesar	Wildlife Biologist	Endangered, Threatened, and Sensitive Species	7/9/07
Frank G. Rupp	Archaeologist	Cultural Resources/Native American Religious concerns	7/10/07
Richard Johnson	Rangeland Management Specialist	Range	7/24/07
Joe Stout	Planning and Environmental Coordinator	NEPA Compliance	8/15/07

**REMARKS:**

Cultural Resources: Transfer of a grazing permit is not considered to be a ground disturbing activity nor a federal undertaking for cultural resources. BLM lands were identified for cultural inventory in 1999 upon renewal of the permit. These lands are scheduled for cultural inventory during the FY-2007 field season. Standard cultural discovery stipulations are made part of this categorical exclusion and transfer of the grazing permit.

Native American Religious Concerns: The American Indians (all three Ute Tribes, Shoshone and the Arapaho) were consulted in 1999 for the original grazing permit renewal. No concerns were identified at that time. A new consultation was not initiated for this grazing permit transfer.

Threatened and Endangered Species: The propose project would not impact Endangered, Threatened or Sensitive Species

**COMPLIANCE PLAN:** Compliance with the grazing permit and its terms and conditions would be accomplished through the Kremmling Field Office (KFO) Range Management Program. Livestock grazing would be monitored by the range staff and other BLM personnel, as appropriate, to ensure compliance. The KFO Range Monitoring Program would be used to schedule periodic utilization checks, collect data, and evaluate allotment condition. Changes would be made to the grazing permit, based on monitoring, when changes are determined to be necessary to protect public land health.

**MITIGATION:**

Standard Cultural Stipulations:

-The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

Standard Cultural Stipulations:

-The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures BLM will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

-Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

-Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such

resources, which are related to the authorizations activities, will be mitigated at the holder's cost.

Native American Religious Concerns:

-Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

NAME OF PREPARER: Richard Johnson

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 8/15/07

ATTACHMENTS:

1. Map of Allotment # 07585 (Ellison A)
2. Livestock Grazing Permit # 051731
3. Standard Terms and Conditions

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ David Stout

DATE SIGNED: 8/21/07