

**U.S. Department of the Interior
Bureau of Land Management
GRAND JUNCTION Field Office
2815 H ROAD
GRAND JUNCTION, CO 81506**

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-130-2012-0049-DNA

CASEFILE/PROJECT NUMBER (optional): Omer and Phyllis Burenheide #0507091, Carl McDaniel #0507090, and Brush Creek Ranch #0507046 on the Grassy Gulch Common Allotment (#16803)

PROJECT NAME: Grazing Permit Renewal for Omer and Phyllis Burenheide #0507091, Carl McDaniel #0507090, and Brush Creek Ranch #0507046 on the Grassy Gulch Common Allotment (#16803)

PLANNING UNIT: Collbran, CO

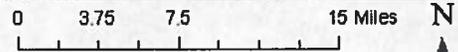
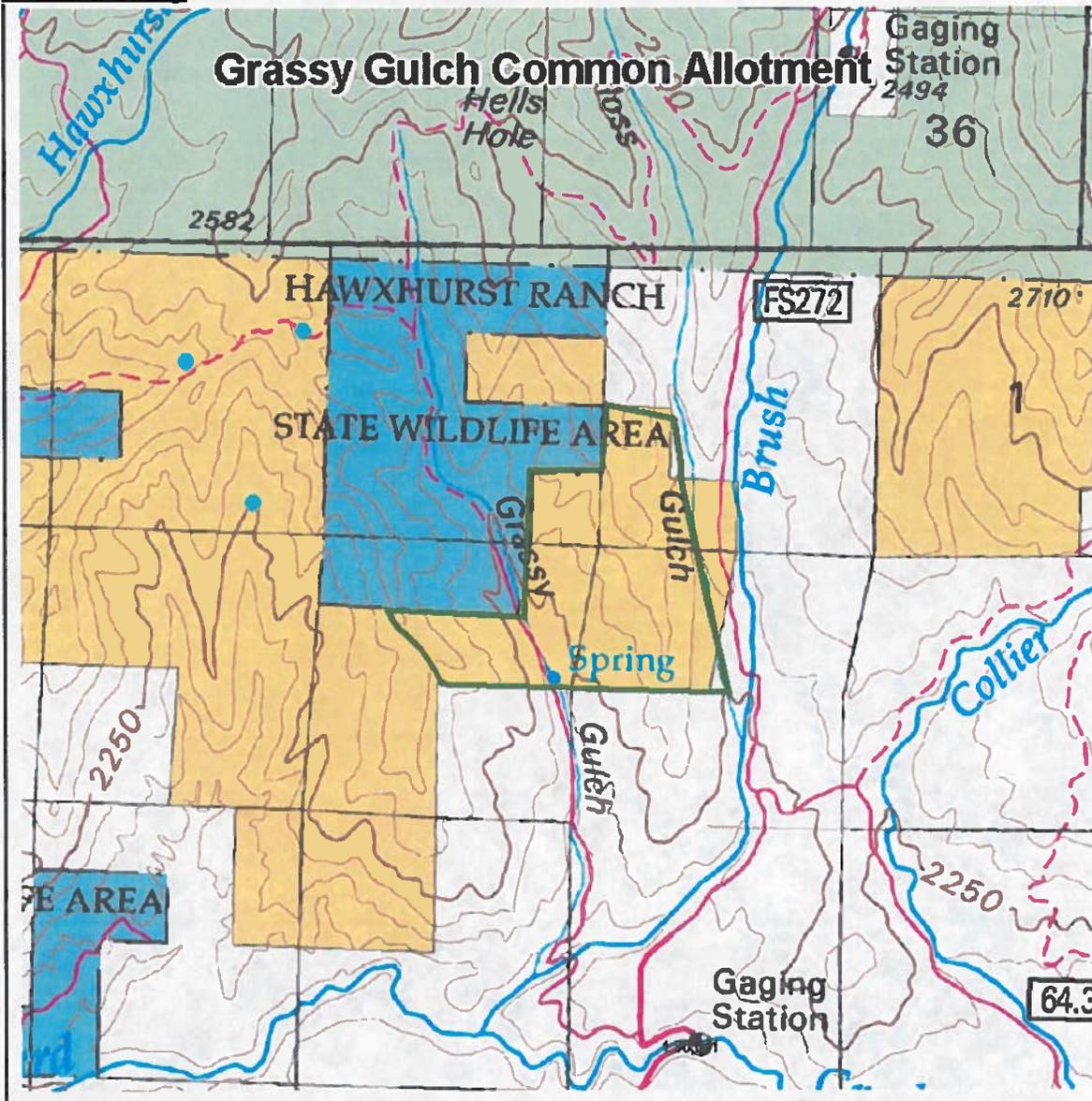
APPLICANT: Omer and Phyllis Burenheide, Carl McDaniel, and Brush Creek Ranch

BACKGROUND: The allotment is located approximately 7.5 miles northeast of Collbran in Mesa County. The allotment consists of approximately 445 acres of BLM land with no associated private, 93 AUM's are associated with the allotment. The vegetation is oakbrush, and serviceberry with an understory of grasses and forbs. The Grassy Gulch Allotment is in a "C" allotment plan which is reduced management. All permittees graze a small number of cattle for a very short period of time during the summer.

ISSUES AND CONCERNS: An environmental assessment #CO-GJFO-02-37-EA was completed in 2002 for the grazing permit renewal of Omer and Phyllis Burenheide #0507091, Carl McDaniel #0507090, and Brush Creek Ranch #0507046 grazing permits for Grassy Gulch Common Allotment (#16803). The term for this permit was for ten years starting on October 1, 2002 to September 30, 2012. The Grassy Gulch Common allotment is a Custodial, "C" category allotment based on there are no major current issues.

LEGAL DESCRIPTION:
T9S R94W Sec. 3, 4, 9 & 10
See Map below

Allotment Map



- Water Sources
- Grassy Gulch Common

DESCRIPTION OF PROPOSED ACTION

The proposed action is to approve Omer and Phyllis Burenheide, Carl McDaniel, and Brush Creek Ranch's application for grazing permit renewal on the Grassy Gulch Common Allotment (#16803), grazing permit numbers #0507090, #0507091 and #0507046. A new permit will be issued to listed permittees for the Grassy Gulch Common Allotment (#16803) for a period of ten years. The new permit will authorize the same grazing use for all permittees as the previous permit and no changes in grazing use are proposed. The term of the new ten year Grazing Permits would be from October 01, 2012, to September 30, 2022.

The proposed grazing schedule for Brush Creek Common #16803 is as follows:

Permittee/#	Livestock Number	Livestock Kind	Grazing Period		%PL	Type Use	AUMs
			ON	OFF			
Burenheide/0507091	34	C	06/01	06/15	100	A	17
McDaniel/0507090	50	C	06/01	06/15	100	A	25
Brush Creek Ranch/ 0507046	34	C	06/01	06/15	100	A	17

%PL is the percentage of BLM lands used for grazing within the allotment.

AUM-The amount of forage necessary for the sustenance of one cow/calf pair or its equivalent for a period of one month.

Allotment Summary:

Allotment	Federal Acres	Private Acres	Animal Unit Months (AUMs)		
			Active	Suspended	Total
Grassy Gulch Common/16803	445	0	59	0	59

Terms and Conditions on the Grazing Permit would be:

1. Use supervision checks by BLM staff will be conducted to assure grazing compliance. The Grand Junction Field Office will use utilization checks, collect trend data, and evaluate allotments whenever necessary. Evaluation of monitoring will be used to make appropriate changes to grazing management in order to protect land health.
2. Maintenance of all structural rangeland improvements (RI) and other projects are the responsibility of the permittee to which they have been assigned. Maintenance would be in accordance with cooperative agreements and/or range improvement permits (43 CFR 4120.3-1). Failure to maintain assigned projects in a satisfactory/functional condition may result in withholding authorization to graze livestock until maintenance is completed. Construction of new RI on BLM administered lands is prohibited without approval from the authorized officer.
 - a. The BLM authorized officer will be contacted prior to any range project maintenance activity. An example includes but not limited to cleaning of ponds with heavy equipment, which would involve soil surface disturbance.

3. Permittees or leasees shall provide reasonable access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands related to grazing administration.
4. It is the responsibility of the permittee to inform all persons associated with work on federal lands subject to the permit that would be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.
5. Surface disturbing range improvements associated with the allotment (e.g., fences, ponds) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures.
6. It is the responsibility of the Permittee to inform all persons associated with work on federal lands subject to the permit that they would be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.
7. Surface disturbing range improvements associated with the allotment (e.g., fences, ponds) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures.
8. If newly discovered cultural resources are identified during project implementation, work in that area should stop and the BLM Authorized Officer should be notified immediately (36 CFR 800.13).
9. Notify the Authorized Officer (AO) by telephone and with written confirmation, immediately upon discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Activities would stop in the immediate area of the find, and the discovery would be protected for 30 days or until notified to proceed in writing by the AO.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action is subject to the following plan:

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: GRAND JUNCTION Resource Management Plan

Date Approved: January 1987

Decision Number/Page: 2-17

Decision Language: Manage livestock grazing as described in the Grand Junction Grazing Management Environmental Statement using the new priorities and general management categories established through the allotment categorization process and this plan.

REVIEW OF EXISTING NEPA DOCUMENTS:

Name of Document: Grassy Gulch Common Permit Renewal (#16803)
CO-GJFO-02-37-EA

Date Approved: August 6, 2002

NEPA ADEQUACY CRITERIA:

1. Is the Proposed Action substantially the same action and at the site specifically analyzed in an existing document? *The Permit to be issued has exactly the same grazing schedules as analyzed in the existing document. There are however slightly altered terms and conditions to protect various resource needs. No terms and conditions were added which changed management of permitted grazing schedule.*
2. Was a reasonable range of alternatives to the Proposed Action analyzed in the existing NEPA document(s), and does that range and analysis appropriately consider current environmental concerns, interests, and resource values? *Other than the proposed action alternative, there was only the No Action alternative which was eliminated from detailed analysis because it does not meet the purpose and need for the action to allow grazing on public lands in a responsible manner that is compatible with Standards for Public Land Health.*
3. Does the information or circumstances upon which the existing NEPA document(s) are based remain valid and connected to the Proposed Action? *The information is valid and connected to the proposed action. This allotment was reviewed in 2002 prior to permit renewal.*
4. Is the analysis still valid in light of new studies or resource assessment information? *Most recent monitoring information combined with the assessment of resource conditions found that the previous analysis in 2002 was acceptable and no new information has come forward.*
5. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the Proposed Action? *The methodology and analytical approach used in the 2002 document was completely appropriate for development of the proposed action.*
6. Are the direct and indirect impacts of the Proposed Action unchanged from those identified in the existing NEPA document? *The direct and indirect impacts are unchanged from the existing NEPA document in that changing the operator and maintaining the same grazing schedules and Permit terms and conditions maintain consistency.*

7. Are the cumulative impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document(s)? *The cumulative impacts remain unchanged. The parent document did not find any cumulative impacts.*

8. Is the public involvement and interagency review associated with the existing NEPA document(s) adequate for the Proposed Action? *Public involvement was conducted through the NEPA log process, which is accessible to the public, along with interagency review. This review was adequate for the Proposed Action.*

INTERDISCIPLINARY REVIEW: Identify those team members conducting or participating in the NEPA analysis and preparation of this work sheet (by name and title).

<u>Name</u>	<u>Title</u>	<u>Review Completed</u>
Heidi Plank	Wildlife Biologist/Special Status Plant and Animal Species	8/21/12
Anna Lincoln	Ecologist/Special Status Species	8/21/12
Alissa Leavitt-Reynolds	Archaeologist	9/6/12
Nate Dieterich	Hydrologist (Water/Soil/Air Resources)	8/23/12

REMARKS:

Water Quality: Previous analysis of grazing impacts in the Grassy Gulch allotment was sufficient. Continued grazing in this allotment under the terms and conditions of the allotment management plan is not anticipated to impact water quality in downstream perennial systems (Buzzard and Plateau Creeks). However, previous analysis failed to identify any impacts from livestock grazing on the primary water source, Grassy Gulch Spring. Because the streams identified in the allotment area are considered ephemeral, during dry conditions livestock may be concentrated near reliable water sources such as Grassy Gulch Spring. Livestock concentration in spring source areas may result in compaction which can result in reduced stream flows. Concentrating livestock in these areas may also result in decreased water quality due to increased nutrients, turbidity, and sedimentation. If future monitoring shows signs of degradation to the spring source or functioning riparian vegetation associated with this spring source, the source area should be fenced.

Water Rights: A review of the State's water rights database was conducted to verify any existing water rights on public lands within the Grassy Gulch allotment. No such rights were identified. Therefore, as directed by BLM policy, the BLM will file for livestock and wildlife uses at Grassy Gulch Spring which is located on Federal lands in the NW ¼ of Section 10, township 9S, Range 94W.

Cultural Resources:

A Class I assessment synthesizing ten years of permit renewal evaluations of 240 grazing allotments managed by GJFO was completed for the BLM by Grand River Institute (GJFO-

CRIR 1109-09; Conner & Darnell 2009) which updated and upgraded the previous 5 year grazing permit renewal synthesis (McDonald 2003). This information was not available in the 2002 assessment for this allotment and would not have been applied during NEPA for any of the permit renewals.

A file search for this allotment was completed for this allotment as part of the 2009 synthesis. These allotments were assessed by this document and are in Physiographic Unit H located on the upland benches on the slopes of the Grand Mesa and Battlement Mesa, both north and south of Plateau Creek and east of the Colorado River. The physiographic unit is roughly the same as the 2003 synthesis. As of 2009, thirty five allotments had been previously evaluated and approximately 19,300 acres or 28.5 percent of the allotments have had cultural resource inventory completed on BLM lands. This Unit has the highest level of inventory in the field office, almost double the average for the field office as a whole. Based on previous inventory the average site/acre ratio in this area is 1:68 and of the 35 allotments previously reviewed the site density ranged from Moderate to High (2009:50).

Since the initial evaluation of this allotment in 2002, additional cultural surveys have been identified (BLM GJFO CRIR 9891.01/ME.LM.NR247; BLM GJFO CRIR 5490-02). These surveys result in a total of 20 of the 439 acres in the allotment have been covered by previous surveys. The surveys in this allotment have revealed no isolated finds and no cultural resource sites. Overall cultural resource density (site or isolate/acres) in this allotment is unknown though expected to be low based on steep slopes and thick vegetation cover. In 2011 the BLM Grand Junction Field Office Class I Predictive Model rates this area as Moderate for cultural resources.

Ten additional acres of inventory was recommended in 2002 and 20 acres have been completed since then. Additional survey (about four acres) is recommended in areas of potential cattle concentration such as the road and the spring location is recommended to occur prior to the next renewal. **No mitigation is currently recommended in this allotment.** If newly discovered historic properties are identified on BLM lands, the BLM will evaluate the sites. If the BLM determines that grazing activities will adversely impact any historic properties mitigation will be identified and implemented in consultation with the Colorado SHPO within the ten-year period of the permit.

Native American Religious Concerns: Grand Junction Field Office has consulted with the Uinta and Ouray Agency Ute Indian Tribe and the Southern Ute Indian Tribe for grazing permit renewals since 1999. This consultation included allotments adjacent to those addressed in the current document. No response was received. In 2002 the Ute Mountain Ute Tribe was included in the consultations. The Southern Ute Indian Tribe was the only tribe to respond to the 2002 letter, indicating that there were no concerns with the grazing permit renewals. The cultural resource evaluations for all 2003 grazing permit renewals, and a map showing the allotment locations, was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe (Northern Ute), requesting the tribes to identify issues and areas of concern. The Grazing Permit renewals were also brought forward at an information meeting in the Fall of 2002 with both the Northern and Southern Ute. Correspondence was followed by phone calls to the Cultural Resource Directors. Based on the results of the current literature review, there is no other known evidence that suggests that the continued grazing of this

allotment will impact areas or sites that hold special significance for Native Americans. No additional consultation was conducted.

Fish and Wildlife (including sensitive species and migratory birds): Previous analysis of grazing impacts on sensitive species, fish and wildlife in the Grassy Gulch allotment was sufficient.

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation necessary	Comments included in DNA text	BLM Evaluator Initial & Date
PHYSICAL RESOURCES						
Air and Climate	<input type="checkbox"/>	N. Dieterich 8/23/12				
Geological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DSG 8/27/12
Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DSG 8/27/12
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N. Dieterich 8/23/12
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N. Dieterich 8/23/12
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MT 8/15/12
Sensitive Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ARL 8/21/12 HLP 8/21/12
Threatened or Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ARL 8/21/12
Vegetation, Forestry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 7/31/12
Wetlands/Riparian Zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CARS 8/13/12
Wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HLP 8/21/12
Cultural or Historical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALR 9/6/12
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DSG 8/27/12
Tribal & American Indian Religious Concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALR 9/6/12
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Social	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 8/10/12
Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 8/10/12
Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 8/10/12
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AEK 8/23/12
Prime or Unique Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 8/10/12
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Special Designations (ACEC, SMAs etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Wild and Scenic Rivers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Wilderness	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 8/21/12
Range Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JAM 7/31/12
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JAM 7/31/12
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RBL 8/28/12

NAME OF PREPARER: Jacob A. Martin - RMS

NAME OF ENVIRONMENTAL COORDINATOR: Collin Ewing

DATE: 10/2/12

CONCLUSION

DOI-BLM-CO-130-2012-0049-DNA

Grazing Permit Renewal for Omer and Phyllis Burenheide #0507091, Carl McDaniel #0507090, and Brush Creek Ranch #0507046 on the Grassy Gulch Common Allotment (#16803)

 X Based on the review documented above, I conclude that this proposal conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

 Based on the review documented above, I conclude that either the proposal does not conform with the land use plan, or that additional NEPA analysis is needed.

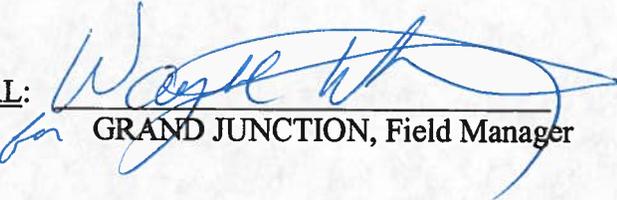
Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

REVIEW OF EXISTING NEPA DOCUMENTS:

Name of Document: Grassy Gulch Common Permit Renewal (#16803)
CO-GJFO-02-37-EA

Date Approved: August 6, 2002

SIGNATURE OF RESPONSIBLE OFFICIAL:


for GRAND JUNCTION, Field Manager

DATE SIGNED:

~~8~~ 9/28/12