



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Glenwood Springs Field Office  
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Glenwood Springs, Colorado 81601  
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## CATEGORICAL EXCLUSION

NUMBER: CO140\_2008\_026CE

CASEFILE/PROJECT NUMBER: 0503433

PROJECT NAME: Albertson Cattle Company Grazing Permit Issuance

LEGAL DESCRIPTION: T. 3 S., R. 85 W., Sixth Principal Meridian, Eagle County, Colorado. Bull Gulch Allotment No. 08625. Refer to the attached allotment map.

APPLICANT: Albertson Cattle Company, LLLP

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is to transfer grazing preference and issue a term grazing permit for the above applicant. The previous permit was issued to Double W Partnership and is due to expire on April 15, 2008 as per the termination date of their base property lease with Albertson Cattle Company. The base property lease will not be renewed and the owner of the base property, Albertson Cattle Company, has applied for the transfer of grazing preference. The number/kind of livestock, period of use, percent public land and Animal Unit Months (AUMs) will remain the same as the previous permit. The permit would be issued for a 10-year period. The proposed action is in accordance with 43 CFR 4130.2. The tables below summarize the scheduled grazing use and grazing preference for the permit.

### Scheduled Grazing Use:

Allotment Name & No.	Livestock Kind & No.	Period of use	%PL	AUMs
Bull Gulch No. 08625	100 Cattle	05/01 – 06/30	100	201
	41 Cattle	07/01 – 08/31	100	84
	90 Yearlings	07/01 – 08/31	100	183

### Grazing Preference (AUMs):

Allotment Name & No.	Active AUMs	Suspended AUMs	Permitted AUMs
Bull Gulch No. 08625	462	244	706

### Current Terms and Conditions that will be carried forward:

- Travel restrictions within the Castle Peak Travel Management Area: In areas closed to

motorized travel, or during seasonal closures to motorized travel, normal grazing administration, facilities maintenance, or facilities operation will be accessed by non-motorized methods only unless authorized by an approved administrative access agreement. In areas closed to motorized travel, or during seasonal closures to motorized travel, the permittee will be required to get pre-approval from a BLM authorizing officer for reconstruction of existing permitted facilities or other operations requiring motorized equipment. In case of an emergency, the permittee will be allowed access by motorized vehicle but must notify a BLM authorizing officer within 72 hours of the emergency. The permittee will not be allowed to use motorized equipment in an area closed to motorized travel for activities other than those authorized by the BLM.

- The operator is responsible for informing all persons who are associated with the allotment operations that if historic or archaeological materials are discovered during any allotment activities and/or grazing activities, the operator is to immediately stop activities in the immediate area of the find, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
- Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.
- Additional stipulations may be required over the term of the permit, if new cultural sites are identified that have the potential to be adversely impacted from livestock grazing, or if Native American concerns need to be addressed.
- Unless otherwise stipulated, utilization levels for should not exceed 50% by weight, on key grass species and 40 % of the key browse species current year's growth, for winter allotments, and the end of the growing season for allotments used during the growing season. Application of this term may be flexible to recognize livestock management that includes sufficient opportunity for regrowth, spring growth prior to grazing, or growing season deferment, as long as range conditions do not decline.
- Grazing in riparian areas by livestock along Posey Creek<sup>1</sup> will leave an average minimum 4-inch stubble height of herbaceous vegetation and will not exceed an average utilization of 40% of the current years growth for browse species. Livestock will be moved to another portion of the allotment, moved to the next scheduled pasture, or removed immediately from the allotment when the above utilization levels occur.
- Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be required prior to turn out.

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

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<sup>1</sup> The previous term and condition included the riparian area along Bull Gulch. This has been removed since Proper Functioning Condition assessment has determined that Bull Gulch is a non riparian system.

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):

**CATEGORICAL EXCLUSION REVIEW:**

The proposed action qualifies as a categorical exclusion under 516 DM 11, Section: D. Range Management. Number 1 and 11. Issuance of livestock grazing permits/leases. None of the following exceptions in 516 DM 2, Appendix 2, apply.

EXCLUSION	YES	NO
1. Have significant impacts on public health or safety.		X
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
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
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

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
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
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
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:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Isaac Pittman	Range Management Specialist	Range
Mike Kinser	Range Management Specialist	Riparian/Wetlands
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Kay Hopkins	Outdoor Recreation Planner	ACEC, VRM, WSR, Wilderness
Carla DeYoung	Ecologist	T/E/S Plants, Noxious Weeds, Vegetation
Desa Ausmus	Wildlife Biologist	Wildlife, T&E Wildlife, Migratory Birds
Tom Fresques	Fisheries Biologist	Fisheries, T&E Fish
Jeff O'Connell	Hydrologist	Soil, Air, Water

REMARKS/MITIGATION:

**T&E Species:** The Bull Gulch Allotment provides habitat for the threatened Canada lynx. Lynx habitat is comprised of 915 acres of winter/foraging habitat and 2006 acres of other habitat. Habitat on this allotment is limited to steep slopes at the head of Bull Gulch. Livestock grazing within the forested portion of this allotment is highly unlikely due to topography.

Programmatic consultation 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 from the FWS (ES/GJ-6-CO-03-F-013). Consultation specific to this allotment regarding Canada lynx and livestock grazing was also completed. A “May Affect, Not Likely to Adversely Affect” determination was made and concurrence was obtained from the FWS.

**Land Health Standards:** The allotment included in this grazing permit issuance was assessed as documented in the Sweetwater to Burns Watershed Land Health Assessment Report and Determination Document for Assessment of Standards, 2007. The allotment was considered to be meeting the Standards at the time and current livestock grazing was not identified as a land health issue.

**Cultural Resources/Native American Concern:** Additional survey has been conducted since

the last permit renewal EA (CO140-2003-22) was prepared. These surveys have inventoried approximately 13% of the allotment. Three historic properties have been identified and no livestock damage to these sites was identified. No Native American Religious concern areas have been identified. On October 23, 2006 the Glenwood Springs Field Office mailed a scoping letter and maps to the Ute Tribe (Northern Ute Tribe), Southern Ute Tribe, and the Ute Mountain Ute Tribe, identifying the proposed 2007 grazing permit renewals. No response has been received. The following Education/Discovery stipulation needs to be added to the permit issuance:

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).

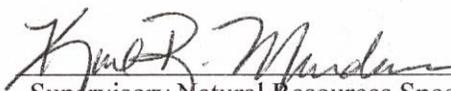
NAME OF PREPARER: Michael R. Kinser, Range Management Specialist

DATE: February 13, 2008

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 exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Supervisory Natural Resources Specialist

DATE SIGNED:

2/19/2008

