



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, Colorado 81601
www.co.blm.gov

CATEGORICAL EXCLUSION

NUMBER: CO140_2008_082CE

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Grazing Permit Transfer for the Driveway Common Allotment

LEGAL DESCRIPTION: T.08S., R.87W., section 32 W1/2. Driveway Common Allotment No. 08338. Sixth Principal Meridian, Pitkin County, Colorado. Refer to attached map.

APPLICANT: Martin James Nieslanik

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is to transfer a term grazing permit from Conrad & Lavania Cerise to Martin James Nieslanik. The grazing schedule and grazing preference animal unit months (AUMs) will remain unchanged from the previous permit. The permit will be issued for a 10-year period. The tables below summarize the scheduled grazing use and grazing preference for the permit.

Scheduled Grazing Use (mandatory terms and conditions):

Allotment Name & No.	Pasture	Livestock Kind & No.	Period of use	%PL	AUMs
Driveway Common 08338	N/A	20 Cattle	05/16- 06/25	100	27
Driveway Common 08338	N/A	45 Cattle	06/24- 06/25	100	3

Grazing Preference (AUMs):

Allotment Name & No.	Active AUMs	Suspended AUMs	Permitted AUMs
Driveway Common 08338	31	0	31

Current Terms and Conditions that will be carried forward:

- 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 turn out.
- An actual use report for the allotment shall be submitted annually to the BLM office no later than 15 days after livestock have been removed (i.e., the grazing end date on the permit).

Other Terms and Conditions that will be added to the permit:

- The operator is responsible for informing all persons who are associated with the allotment operations that if historic or archaeological material are discovered during any allotment activities and/or grazing activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear to be eligible for the national register of historic places and the mitigation measures the operator will have to undertake before the identified area can be used for grazing again.

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):

CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under 516 DM 11, Section: D. Range Management. Number 11. Issuance of livestock grazing permits/leases.

- (11) Issuance of livestock grazing permits/leases where
- (a) The new grazing permit/lease is consistent with the use specified on the previous permit/lease, such that
 - (1) the same kind of livestock is grazed,

- (2) the active use previously authorized is not exceeded, and
- (3) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease, and
- (b) The grazing allotment(s) has been assessed and evaluated and the Responsible Official has documented in a determination that the allotment(s) is
 - (1) meeting land health standards, or
 - (2) not meeting land health standards due to factors that do not include existing livestock grazing.

The Departmental Manual (516 DM 2.3A(3) & App. 2) requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of bureau actions normally do not require the preparation of an EA or EIS.

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		X

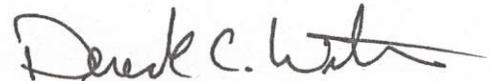
INTERDISCIPLINARY REVIEW:

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Dereck Wilson	Rangeland Management Specialist	Rangeland Management, NEPA Lead
Michael Kinser	Rangeland Management Specialist	Wetlands and Riparian Zones
Kay Hopkins	Outdoor Recreation Planner	WSR, Wilderness, VRM
Cheryl Harrison	Archaeologist	Cultural Resources and Native American Concerns
Desa Ausmus	Wildlife Biologist	Migratory Birds, T&E, Terrestrial Wildlife
Carla DeYoung	Ecologist	Vegetation, T/E/S Plants, Land Heath Stds, ACEC
Jeff O'Connell	Hydrologist	Soil, Air, Water, Geology
Dereck Wilson	Rangeland Management Specialist	Invasive, Non-Native Species
Tom Fresques	Fisheries Biologist	Wildlife Aquatic, T&E Fish

REMARKS/MITIGATION:

Cultural Resources and Native American Concerns: A grazing permit transfer is not an undertaking as defined in 36 CFR 800.2(o) since the action (a name change only) does not have the potential to affect historic properties; therefore, no further work is necessary to comply with Section 106 of the National Historic Preservation Act. A grazing permit transfer that is just a change in permittee is not likely to affect sacred sites or traditional cultural properties, therefore the Ute tribes have not been contacted regarding this project.

NAME OF PREPARER: Dereck Wilson, Range Management Specialist



DATE: 3/30/08

DECISION AND RATIONALE: I have reviewed this categorical exclusion record 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

5/30/2008

DATE SIGNED: _____