



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

DOI-BLM-CO-N040-2009-0062-CX

A. Background

BLM Office: Glenwood Springs Field Office Lease/Serial/Case File No: 0503932

Proposed Action Title/Type: Transfer of Grazing Preference and Grazing Permit Issuance

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

Description of Proposed Action: The Proposed Action is to transfer grazing preference and issue the associated term grazing permit. This grazing transfer is a result of the change in control of the base property (i.e., the current holder of the grazing permit and preference will be leasing their base property). The lessee of the base property 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. These actions are administrative in nature and serve only to transfer previously authorized livestock grazing privileges from one permit holder to another under same or similar conditions as those already permitted. Generally, livestock grazing has been occurring on the affected BLM lands for many years under terms and conditions previously issued with the livestock grazing permits. Accordingly, this action does not serve as the authorization to initiate livestock grazing on BLM lands. The permit would be issued for a 3-year period to coincide with the term of the base property lease. The proposed action is in accordance with 43 CFR 4110.2-3 and 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.
- 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 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.
- 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).
- Additional stipulations may be required over the term of the permit if new cultural resources are identified that have the potential to be adversely impacted from livestock grazing, or if Native American concerns need to be addressed.
- 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.

B. Land Use Plan Conformance: The Proposed Action is subject to and has been reviewed for and is in conformance with (43 CFR §1610.5 and § 2800, BLM 1617.3) the following plan:

Name of Plan: Record of Decision and Glenwood Springs Resource Management Plan.

Date Approved/Amended: 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.

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

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Section D, Range Management, Number 1 and 11:

- (1) Approval of transfers of grazing preference.
- (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.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

EXTRAORDINARY CIRCUMSTANCES	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:

Name	Title	Area of Responsibility
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Kay Hopkins	Outdoor Recreation Planner	ACEC, VRM, WSR, Wilderness
Carla DeYoung	Ecologist	T/E/S Plants, Vegetation
Brian Hopkins	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Tom Fresques	Fisheries Biologist	Fisheries, T/E/S Fish
Jeff O'Connell	Hydrologist	Soil, Air, Water
Mike Kinser	Rangeland Mgt Spec.	Range, Wetlands & Riparian Zones

Dereck Wilson

Rangeland Mgt Spec.

Noxious Weeds

REMARKS/MITIGATION (the following mitigations will be carried forward within the permit under Special Conditions:

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, 2006. The allotment was considered to be meeting the Standards at the time and current livestock grazing was not identified as a land health issue.

I considered this action and determined that it 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.

D. Signature

Authorizing Official: Karl R. Mendonca Date: 3/12/2009
Karl Mendonca, Field Manager

Contact Person

For additional information concerning this CX review, contact Mike Kinser, Rangeland Management Specialist, Glenwood Springs Field Office, 50629 Highway 6 and 24, Glenwood Springs, CO 81601, 970-947-2818.

