

U.S. Department of the Interior
Bureau of Land Management
Glenwood Springs Field Office
2300 River Frontage Road
Silt, CO 81652

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-N040-2010-0009-EA

CASEFILE NUMBER: 0507589

PROJECT NAME: Grazing Permit Renewal on the Ute Creek Allotment

LOCATION: T4S R83W Sec 2, 3, 10, 11, 13, 14, 15, T3S R83W Sec 35 – Ute Creek Allotment No. 08707. Refer to attached allotment map.

APPLICANT: Grazing Permittee

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action: The Proposed Action is to renew the term grazing permit for the above applicant. 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 unless the base property is leased for less, but for purposes of the EA, we are assuming 10 years of grazing by this or another applicant (in case of transfer). The proposed action is in accordance with 43 CFR 4130.2. The tables below summarize the scheduled grazing use and grazing preference for the permits.

Mandatory Terms and Conditions

Scheduled Grazing Use:

Allotment Name & No.	Livestock No. & Kind	Period of use	Percent Public Land	AUMs
Ute Creek No. 08707	1900 Sheep	05/11 – 06/25	18	103
	5 Horse	05/11 – 06/25	18	1
	1900 Sheep	10/01 – 11/20	18	115
	5 Horse	10/01 – 11/20	18	2

Grazing Preference AUMs:

Allotment Name & No.	Active	Suspended	Total
Ute Creek No. 08707	216	164	380

The following Other Terms and Conditions were included on the previous (expiring) permits and will be carried forward on the renewed permit:

- 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 turnout.
- Horse use on the Ute Creek Allotment is only permitted in that portion of lot 6 lying east of Interstate 70, Sec. 23, T.4S., R.83W.

ALTERNATIVES CONSIDERED BUT ELIMINATED:

The No Grazing alternative has been eliminated from further consideration. No unresolved conflicts involving alternative use of available resources have been identified. For this reason, discontinuance of grazing use (No Grazing) will not be considered or assessed.

The No Action alternative has also been eliminated from further consideration. The No Action alternative would involve reissuing the permit/lease with current terms and conditions and no additional stipulations would be added to the permit/lease. Reissuing the permit/lease without the new stipulations would be unrealistic due to current Washington Office and Colorado State Office policies.

PURPOSE AND NEED FOR THE ACTION: These permits/leases are subject to renewal or transfer at the discretion of the Secretary of the Interior for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permits/leases consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and Glenwood Springs Field Office 's Resource Management Plan/Environmental Impact Statement. This Plan/EIS has been amended by Standards for Public Land Health in Colorado.

The renewal of the grazing permit is needed for the following reasons: (1) to meet the livestock grazing management objective of the Resource Management Plan of providing 56,885 animal unit months of livestock forage commensurate with meeting public land health standards, (2) to continue to allow livestock grazing on the specified allotment, (3) to meet the forage demands of local livestock operations, (4) to provide stability to these operations and help preserve their rural agricultural lands for open space and wildlife habitat, and (5) to allow use of native rangeland resource for conversion into protein suitable for human consumption.

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

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; amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 – Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and

amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan.

Decision Number/Page: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20).

Decision Language: 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.”

STANDARDS FOR PUBLIC LAND HEALTH:

The Colorado Standards for Public Land Health consist of 5 standards: upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

In 2003 the BLM Glenwood Springs Field Office conducted the North Eagle Watershed Land Health Assessment which included both the Ute Creek Allotment. The Land Health Assessment Report and Determination Document were signed on April 9, 2004.

The Ute Creek Allotment was meeting all the Standards for Public Land Health, except Standard 4 (specific to sage grouse). Although sage grouse historically occurred in the area, they have not been documented in the allotment for many years. Habitat fragmentation resulting from roads, powerlines, residential and commercial development, landfill activities, and/or other disturbances have all contributed to poor habitat connectivity on a landscape scale. In addition, the lack of fire or other natural disturbances have allowed sagebrush to become old and decadent in some areas. Overall, ground cover was adequate to protect soils with numerous grasses; however, most sites had less cover and diversity of forbs than expected.

The impact analysis must address whether the proposed action would result in impacts which would improve, maintain or deteriorate land health conditions for each of the parameters found in the Standards for Public Land Health.

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and no action alternative. In addition, the section presents comparative analyses of the direct and indirect consequences on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain critical environmental elements. Not all of the critical elements that require inclusion in this EA are present, or if they are present, may not be affected by the proposed action and alternative (Table 1). Only those mandatory critical elements that are present and affected are described in the following narrative.

In addition to the mandatory critical elements, there are additional resources that would be impacted by the proposed action and alternative. These are presented under **Other Affected Resources**.

Critical Elements

Table 1. Critical Elements of the Human Environment									
<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>		<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>	
	Yes	No	Yes	No		Yes	No	Yes	No
Air Quality		X		X	Prime or Unique Farmlands		X		X
ACECs		X		X	Special Status Species*	X		X	
Cultural Resources	X			X	Wastes, Hazardous or Solid		X		X
Environmental Justice	X			X	Water Quality, Surface and Ground*	X		X	
Floodplains		X		X	Wetlands and Riparian Zones*	X		X	
Invasive, Non-native Species	X		X		Wild and Scenic Rivers		X		X
Migratory Birds	X		X		Wilderness/ WSAs		X		X
Native American Religious Concerns		X		X					

* Public Land Health Standard

Cultural Resources and Native American Religious Concerns

Affected Environment: Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Additional range improvements (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (GSFO #1010-1) was completed for the Ute Allotment on November 25, 2009 following the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, CO-2001-026, and CO-2002-029. The results of the assessment are summarized in the table below. A copy of the cultural resource assessment is available at the GSFO office.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent (%) Allotment Inventory data Class III level	Number of Cultural Resources known in allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
8707	1727	3848	31	83	Yes	No additional acres need to be inventoried for the renewal. 19% of the allotment has 30%+ slopes.
Total	1727	3848	31	83	Yes	

Sixteen Class III cultural resource inventories have been conducted, covering 31 percent of the allotment. The percent inventoried is higher once the steep slopes (38%) have been removed from the analysis. Eleven historic properties have been identified. Historic properties are cultural resources that are considered eligible or potentially eligible for listing on the National Register of Historic Places. No areas of Native American concern were identified. Undiscovered historic era sites within this allotment could represent a time frame from the late 1800's through the 1950's; Native American sites could represent a time range from 200 to 10,000 years before present. Based on available data, there is a moderate to high potential for historic properties within the allotment.

Subsequent site field visits, inventory, and periodic monitoring may have to be done to identify if additional historic properties are present within the term of the permit and as funds are made available. If the BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

At present, there are is one known area of Native American concern within this allotment. On October 26, 2009 the Glenwood Springs Field Office mailed an informational letter and maps to the Ute Tribe (Northern Ute Tribe), Southern Ute Tribe, and the Ute Mountain Ute Tribes, identifying the proposed 2010 grazing permit renewals. No response has been received. If new data is disclosed, new terms and conditions may have to be added to the permit to accommodate their concerns. The BLM will take no action that would adversely affect these areas or location without consultation with the appropriate Native Americans.

Environmental Consequences:

The direct impacts that occur where livestock concentrate include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gulying, and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

Eleven historic properties were identified during the inventories for this allotment. A determination of **Conditional No Adverse Affect** has been made for this renewal. The cultural resource specialist should be involved in discussions about improvements, maintenance, supplemental feeding areas, etc to ensure that the historic properties and areas of concern are avoided.

Mitigation:

New improvements or maintenance of existing range improvements, additional feeding areas, etc., may require cultural resource **inventories, monitoring, and/or data recovery**. In order to mitigate this potential affect to historic properties all ground disturbing activity, salt blocks, and the placement of supplemental feed, etc, must be at least 100 m from the areas of concern. The cultural resource specialist should be involved in discussions for improvements, maintenance, supplemental feeding areas, etc to ensure that the historic properties and area of concern is avoided. This allotment may also contain other undiscovered historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other

statutes and executive orders. The BLM may require modification to development proposals to protect such properties, or disapprove any activity that is likely to result in damage to historic properties or areas of Native American concern.

Education/Discovery stipulation: 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).

Invasive, Non-native Species

Affected Environment: Some infestations of noxious weeds such as cheatgrass, musk and Canada thistle have been documented as occurring on the Ute Allotment.

Environmental Consequences/Mitigation: Weeds generally germinate and become established in areas of surface disturbing activities. Livestock grazing can contribute to the establishment and expansion of noxious weeds through various mechanisms. Improperly managed grazing, (over-grazing), can cause a decline in desirable native plant species and ground cover which provides a niche for noxious weed invasion. In addition, noxious weed seed can be transported and introduced to new areas by fecal deposition or by seed that clings to the animal's coat. Conversely, properly managed livestock grazing which does not create areas of bare ground and which maintains the vigor and health of native plant species, particularly herbaceous species, is not expected to cause a substantial increase in noxious weeds. Since the proposed action was designed to sustain and/or improve land health, no significant impacts to non-native, invasive species are expected. Noxious and invasive plant species are not expected to radically increase as a result of the continuation of livestock grazing practices and most infestations will be isolated to watering facilities, salting areas, and other livestock high concentration locations.

Migratory Birds

Affected Environment:

BLM Instruction Memorandum No. 2008-050 provides guidance toward meeting the Bureau of Land Management's (BLM) responsibilities under the Migratory Bird Treaty Act (MBTA) and the Executive Order (EO) 13186. The guidance directs Field Offices to promote the maintenance and improvement of habitat quantity and quality. To avoid, reduce or mitigate adverse impacts on the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service (USFWS) to "identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973." The "*BIRDS OF CONSERVATION CONCERN 2008*" (U.S. Fish and Wildlife Service 2008) is the most recent effort to carry out this mandate.

The MBTA prohibits the “take” of a protected species. Under the Act, the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The USFWS interprets “harm” and “kill” to include loss of eggs or nestlings due to abandonment or reduced attentiveness by one or both adults as a result of disturbance by human activity, as well as physical destruction of an occupied nest.

The conservation concerns are the result of population declines - naturally or human-caused, small ranges or population sizes, threats to habitat, or other factors. Although there are general patterns that can be inferred, there is no single reason why any species was is on the list. Habitat loss is believed to be the major reason for the declines of many species. When considering potential impacts to migratory birds the impact on habitat, including: 1) the degree of fragmentation/connectivity expected from the proposed project relative to before the proposed project; and 2) the fragmentation/connectivity within and between habitat types (e.g., within nesting habitat or between nesting and feeding habitats. Continued private land development, surface disturbing actions in key habitats (e.g. riparian areas) and the proliferation of roads, pipelines, powerlines and trails are local factors that reduce habitat quality and quantity for many species.

The Glenwood Springs Field Office is within the Southern Rockies/Colorado Plateau Bird Conservation Region (BCR). The 2008 list of Birds of Conservation include the following: Gunnison Sage-Grouse (*Centrocercus minimus*), American Bittern (*Botaurus lentiginosus*), Bald Eagle (*Haliaeetus leucocephalus*), Ferruginous Hawk (*Buteo regalis*), Golden Eagle (*Aquila chrysaetos*), Peregrine Falcon (*Falco peregrines*), Prairie Falcon (*Falco mexicanus*), Snowy Plover (*Charadrius alexandrinus nivosus/tenuirostris*), Mountain Plover (*Charadrius montanus*), Long-billed Curlew (*Numenius americanus*), Yellow-billed Cuckoo (*Coccyzus americanus*), Burrowing Owl (*Athene cunicularia*), Lewis's Woodpecker (*Melanerpes lewis*), Willow Flycatcher (*Empidonax traillii*), Gray Vireo (*Vireo vicinior*), Pinyon Jay (*Gymnorhinus cyanocephalus*), Juniper Titmouse (*Baeolophus ridgwayi*), Veery (*Catharus fuscescens*), Bendire's Thrasher (*Toxostoma bendirei*), Grace's Warbler (*Dendroica graciae*), Brewer's Sparrow (*Spizella breweri*), Grasshopper Sparrow (*Ammodramus savannarum*), Chestnut-collared Longspur (*Calcarius ornatus*), Black Rosy-Finch (*Leucosticte atrata*), Brown-capped Rosy-Finch (*Leucosticte australis*), and Cassin's Finch (*Carpodacus cassinii*).

The GSFO planning area provides both foraging and nesting habitat for a variety of migratory birds that summer, winter, or migrate through the area. The habitat diversity provided by the broad expanses of sagebrush, mixed mountain shrub, oakbrush, aspen, pinyon-juniper woodlands, other types of coniferous forests and riparian and wetland areas support many bird species. The Gray Vireo, Pinyon Jay, Juniper Titmouse, Lewis's Woodpecker and Grace's Warbler are characteristically found in pinyon/juniper woodlands and the Brewer's sparrow (*Spizella breweri*) is found within sagebrush habitats. Many species of raptors (red-tailed hawks, Cooper's hawks, kestrels and owls) not on the Fish & Wildlife Service's Birds of Conservation Concern list also could occur in the area. Raptor surveys have not been conducted in the area.

Bald eagle (*Haliaeetus leucocephalus*). Bald eagles are increasing in numbers throughout their range and were removed from the federal threatened and endangered species list in 2007 however bald eagles are still protected under the Migratory Bird Treaty Act. Bald eagles are

known to winter along portions of the Colorado, Eagle and Roaring Fork Rivers and its major tributaries. Wintering bald eagles are generally present from mid-November to mid-April. Large mature cottonwood trees along the rivers and their major tributaries are used as roosting and perching sites, and these waterways provide the main food sources of fish and waterfowl. Upland habitats adjacent to these waterways are used as scavenging areas primarily for winter killed animals. Major threats include habitat loss, human disturbance and illegal shooting.

Environmental Consequences/Mitigation:

Limited specific bird count or species data exists for the area. No intentional take of native bird species is anticipated under the proposed action. Responses of individual bird species to land management activities are often habitat and species specific. Birds generally do not respond to the presence of livestock but are impacted by improper grazing. Improper livestock grazing has the potential to: reduce ground cover and forage, degrade riparian areas, the spread of exotic species, accidentally destroy ground nests through trampling, and alter natural fire regimes. Grazing can also affect riparian habitats which are vitally important to most migratory bird species. The abundance of food, water, and shade which attracts migratory birds to these areas also attracts livestock. On a landscape scale the greater concern is its cumulative impact on the fragmentation of habitats.

2009 Assessment of the Ute Creek Allotment. Riparian conditions on Ute Creek and Muddy Creek seem to be in proper functioning condition with no problems noted. Factors such as: the kind, proportion, and amount (cover or density) of vegetation in the riparian wetland community was good.

The uplands consist of approximately 70% sagebrush and 25% pinyon/juniper woodland and 5% mixed mountain shrubland. The herbaceous understory is patchy. Utilization on grass is estimated to be light to moderate. The ocular estimate of livestock grazing use was 6-20% within the lynx linkage portion of the allotment. The shrub cover is good however a lot of the sagebrush is decadent and in need of a disturbance to rejuvenate new growth. Undesirable species (crested wheat grass and cheatgrass) are found in the understory vegetation of shrubs. Some thistle was noted however noxious weeds are minimal in the overall plant community. Some stands of sagebrush and other browse species show signs of hedging. The current habitat conditions of the allotment appear acceptable, with expected species and structural diversity for this low elevation allotment consisting of mostly sagebrush shrublands. The 2009 on-site assessment determined that the grazing system with the split seasons of use seems to be allowing ample residual herbivore forage after the season of grazing use to sustain lynx and/or prey. Thus it was concluded the continuation of the current grazing system and stocking rates in the Ute Creek allotment will continue to promote the achievement of public land health standard Standard 2 (Riparian Systems) and Standard 3 (Healthy and Productive Plant and Animal Communities).

Given current overall existing habitat conditions/trends (see riparian and vegetation sections), it is unlikely that livestock grazing as proposed (i.e. numbers, duration, terms/conditions attached), would reduce the extent or quality of habitat available for migratory bird breeding functions or movement. In conclusion, the effects of the proposed action on migratory bird species is expected to be minimal and isolated, but not enough to influence populations of migratory birds on a landscape level or cause clear direct or indirect impacts.

Special Status Species – Plants (includes an analysis of Public Land Health Standard 4)

Affected Environment:

Federally Listed, Proposed or Candidate Plant Species:

According to the latest species list from the U. S. Fish and Wildlife Service (<http://mountain-prairie.fws.gov/endspp/CountyLists/COLORADO.pdf>), the only Federally listed, proposed or candidate plant species that may reside, have habitat, and/or be impacted by actions occurring in Eagle County is Ute ladies'-tresses orchid (*Spiranthes diluvialis*). Habitat for the Ute ladies'-tresses orchid is found below 6,500 feet along streams, lakes or in wetland areas with saturated or subirrigated soils. The Ute ladies'-tresses orchid has not been found within or adjacent to the Ute Creek allotments and no suitable or potential habitat has been identified within the allotment.

BLM Sensitive Plant Species

The only BLM sensitive plant species with habitat and/or occurrence records in Eagle County is Harrington's penstemon (*Penstemon harringtonii*). Harrington's penstemon is found in open sagebrush communities or sagebrush/mixed mountain shrub communities between 6,400 and 10,000 feet. In the Colorado Natural Heritage Program's database, there are several documented occurrences of Harrington's penstemon within the Ute Creek allotment. Several small occurrences were documented in a survey in 1996 prior to patenting the landfill to Eagle County. However, no Harrington's penstemon plants were found at the four assessment sites within the Ute Creek allotment during the 2003 land health assessment.

Environmental Consequences/Mitigation:

Federally Listed, Proposed or Candidate Plant Species

Due to the absence of any known occurrences or suitable habitat for any listed, proposed or candidate plant species, the proposed action should have "No Effect" on these species.

BLM Sensitive Plant Species

The flowering stalks of Harrington's penstemon are highly palatable to livestock and wildlife. The spring grazing period for this permit is from May 11th through June 25th, which overlaps the flowering period for Harrington's penstemon (early to late June). Reduction in Harrington's penstemon populations could result if excessive grazing removes a high percentage of the flower stalks annually thereby inhibiting seed dissemination and reproduction.

Little information exists in the allotment files to evaluate the impact of current livestock grazing on Harrington's penstemon within the Ute Creek allotment. The 2003 Land Health assessment and a site visit in early November 2009, noted that livestock grazing appeared to be light in all areas visited throughout the allotment. Continuation of livestock grazing under the proposed schedule and intensity should have no adverse impacts on the long-term viability of the species at the local or population level.

Analysis on the Public Land Health Standard for Special Status Plant Species:

Standard 4 for special status plant species was being met at the time of the land health assessment in 2003, and based on present conditions, continuation of livestock grazing under the current grazing system would not likely prevent Standard 4 for special status plant species from being met.

Special Status Species – Terrestrial Wildlife (includes an analysis of Public Land Health Standard 4)

Federally Listed, Proposed or Candidate - Terrestrial Wildlife Species

According to the latest species list from the U. S. Fish and Wildlife Service (U.S. Fish and Wildlife Service. 2008), the following Federally listed, proposed, or candidate terrestrial wildlife species may occur within or be impacted by actions occurring within the GSFO (Table 1):

Table 1.

Terrestrial Wildlife Species	Habitat/Range	Eagle County	Garfield County	Mesa County	Pitkin County	Routt County
Black-footed Ferret (<i>Mustela nigripes</i>)	In Colorado habitat includes the eastern plains, the mountain parks and the western valleys. Specifically grasslands or shrublands that supported some species of prairie dog, the ferret’s primary prey.	X				
Canada lynx (<i>Lynx Canadensis</i>)	Mesic forests of lodgepole pine, subalpine fir, Engelmann spruce, and quaking aspen in the upper montane and subalpine zones, generally between 8,000 and 12,000 feet in elevation.	X	X	X	X	X
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	Mature montane forests, shady canyons, and steep canyons. The key components in montane forests are common to old-growth forests: uneven-age stands with high canopy closure and tree density, fallen logs and snags.	X	X		X	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Mature riparian forests of cottonwoods and other large deciduous trees with a well-developed understory of tall riparian shrubs. Uncommon summer resident of Colorado.	X	X	X	X	X
Uncompahgre fritillary butterfly (<i>Boloria acrocne</i>)	Patches of snow willow (<i>Salix spp.</i>) at high elevations.	X			X	

These species: their status, their distributions, habitat associations, and as appropriate their association to the project area is summarized below.

Black-footed Ferret (*Mustela nigripes*). Federally listed as endangered. Black-footed ferrets have ranged statewide but never have been abundant in Colorado. Their habitat included the eastern plains, the mountain parks and the western valleys – grasslands or shrub lands that supported some species of prairie dog, the ferret’s primary prey. Little is known about their natural history. They mate in early spring and give birth to a litter of three or four mouse-sized pups after a seven-week gestation period. Black-footed ferrets are reported to be killed. They are susceptible to distemper, predators like owls and coyotes, and vehicles. It is assumed that plowing for agriculture and programs to eradicate prairie dogs have driven the black-footed ferret to the verge of extinction. State and federal biologists have established two major black-footed ferret colonies: one at Coyote Basin (Colorado-Utah border west of Rangely) and another

at the BLM's Wolf Creek Management Area southeast of Dinosaur National Monument (CDOW 2009). Because no known occurrences have been documented and the occurrence of the species in this area is unlikely due to range and habitat conditions, this species is not considered further.

Canada Lynx (*Lynx canadensis*). Federally listed as threatened. Canada lynx (*Lynx canadensis*) was listed as a federally threatened species, effective April 24, 2000 (Federal Register Volume 65, No. 58). Canada lynx occupy high-latitude or high-elevation coniferous forests characterized by cold, snowy winters and an adequate prey base (Ruggiero et al. 1999). The preferred prey of Canada lynx throughout their range is the snowshoe hare (*Lepus americanus*). In the western United States, lynx are associated with mesic forests of lodgepole pine, subalpine fir, Engelmann spruce, and quaking aspen in the upper montane and subalpine zones, generally between 8,000 and 12,000 feet in elevation. Although snowshoe hares are the preferred prey in Colorado, lynx also feed on other species such as the mountain cottontail (*Sylvilagus nuttallii*), pine squirrel (*Tamiasciurus hudsonicus*), and blue grouse (*Dendragapus obscurus*).

The U.S. Forest Service (USFS) has mapped suitable denning, winter, and other habitat for lynx within the White River National Forest (WRNF). The mapped suitable habitat in the WRNF comprises several areas known as Lynx Analysis Units (LAUs). Lynx analysis units (LAUs) are management areas that contain suitable lynx habitat and approximate the size of a female home range. Several LAUs border BLM lands however no areas large enough to be considered LAUs occur within the GSFO. BLM lands within the GSFO area generally support the movement of lynx dispersing to a new area or, potentially, moving to lower elevations during severe winter weather in search of prey. The allotment is part of the Castle Peak linkage area.

Mexican Spotted Owl (*Strix occidentalis*). Federally listed as endangered. This owl nests, roosts, and hunts in mature coniferous forests in canyons and foothills. The only extant populations in Colorado are in the Pikes Peak and Wet Mountain areas of south-central Colorado and the Mesa Verde area of southwestern Colorado. Because no known occurrences have been documented and the occurrence of the species in this area is unlikely due to range and habitat conditions, this species is not considered further.

Western Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*). Candidate for Federal listing. This secretive species occurs in mature riparian forests of cottonwoods and other large deciduous trees with a well-developed understory of tall riparian shrubs. Western cuckoos breed in large blocks of riparian habitats, particularly woodlands with cottonwoods (*Populus fremontii*) and willows (*Salix* sp.). A few sightings of yellow-billed cuckoo have occurred in western Colorado along the Colorado River near Grand Junction (USFWS 2009b). Riparian areas in the project area do not provide suitable habitat for this species due to the patchy nature of the stands and the general lack of a tall-shrub understory. Because no known occurrences have been documented and the occurrence of the species in this area is unlikely due to range and habitat conditions, this species is not considered further.

Uncompahgre fritillary butterfly (*Boloria acrocne*). Federally listed as endangered. The butterfly has been verified at only two areas in the San Juan Mountains in Colorado. There is anecdotal evidence of other colonies in the San Juans and southern Sawatch ranges in Colorado. The butterfly exists above treeline in patches of its larval host plant, snow willow. The butterfly

is most often found on north and east facing slopes, which provide a moist, cool, microclimate. The greatest known controllable threat is butterfly collecting. Climatological patterns, disease, parasitism, predation, and trampling of larvae by humans and livestock might pose additional threats. Because no known occurrences have been documented and the occurrence of the species in this area is unlikely due to range, elevation and habitat conditions, this species is not considered further.

BLM Sensitive - Terrestrial Wildlife Species

According to the latest *Colorado BLM State Director's Sensitive Species List (Animals and Plants) June, 2000*, the following terrestrial wildlife species may occur within or be impacted by actions occurring within the GSFO (Table - BLM Sensitive - Terrestrial Wildlife Species):

Table - BLM Sensitive - Terrestrial Wildlife Species

Name	Habitat/Range	Habitat Potential Present / Absent
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>) and Fringed myotis (<i>Myotis thysanodes</i>)	Occur as scattered populations at moderate elevations on the Western Slope, along the foothills of the Front Range and the mesas of southeastern Colorado. Maximum elevation is 7,500 feet. Breeds and roosts in caves, trees, mines, and buildings; hunts over pinyon-juniper, montane conifer, and semi-desert shrubland habitats. Known occurrences - Potential in caves, mines or trees	Present
Northern goshawk (<i>Accipiter gentilis</i>)	Resident in foothills and mountains and occasional in migration and winter at lower elevations. Predominantly uses mature stands of aspen, and pines (ponderosa and lodgepole). Uncommon - seasonal	Present
Goldeneye, Barrow's (<i>Bucephala islandica</i>)	Rare winter resident and spring/fall migrant in lowlands and mountains; a few breed in the northern mountains. Uncommon - seasonal	Absent
Ibis, white-faced (<i>Plegadis chihi</i>)	Inhabits wet meadows, marsh edges and reservoir shorelines. Very rare, non-breeding, summer migrant to western Colorado valleys and mountain lakes. Main breeding area is in the San Luis valley.	Absent
Greater sage grouse (<i>Centrocercus urophasianus</i>)	Resident of relatively large, open sagebrush flats or rolling sagebrush hills. Uncommon and unlikely in this part of the GSFO or associated habitats	Present

The following paragraphs address species with a habitat potential to be present in the project area.

Fringed Myotis (*Myotis thysanodes*) and Townsend's Big-eared Bat (*Plecotus townsendii*).

Occur as scattered populations at moderate elevations on the Western Slope of Colorado. Habitat associations are not well defined. Both of these bats will forage over water and along the edge of vegetation (pinyon-juniper woodlands, montane conifer woodlands, semi-desert shrublands) for aerial insects. Although they commonly roost in caves, rock crevices, mines, or buildings, they also may roost in tree cavities. Both species are widely distributed and usually occur in small groups. The animals roost in rock crevices, caves, mines, buildings and trees. Townsend's big-eared bat is not very abundant anywhere in its range and this is attributed to

patchy distribution and limited availability of suitable roosting habitat (Gruver, J.C. and D.A. Keinath 2006).

Northern Goshawk (*Accipiter gentilis*). The Northern Goshawk is the largest North American accipiter. The goshawk is a forest habitat generalist that uses a variety of forest type, forest ages, structural conditions and successional stages. Goshawks prey on small-medium sized birds and mammals. It breeds in coniferous deciduous and mixed forests. The nest is typically located on a northerly aspect in a drainage or canyon and is often near a stream. Nest areas contain one or more stands of large, old trees with a dense canopy cover. A goshawk pair occupies its nest area from March until late September. The nest area is the center of all movements and behaviors associated with breeding from courtship through fledging.

Goldeneye, Barrow's (*Bucephala islandica*). Rare and local breeder in Flat Tops Wilderness Area in Garfield and adjacent counties. First confirmed record this century of fledged young or broods on 3 shallow lakes in Flat Tops Wilderness in 1990; also found in 1991 and 1994 (CLO 2009). Prefers alkaline-freshwater lakes in parkland areas and to a lesser extent subalpine/alpine lakes/beaver ponds for breeding.

Ibis, white-faced (*Plegadis chihi*). The species inhabits primarily freshwater wetlands, especially cattail (*Typha* spp.) and bulrush (*Scirpus* spp.) marshes. This species feeds in flooded hay meadows, agricultural fields, and estuarine wetlands. This species breeds in isolated colonies in mainly shallow marshes with “islands” of emergent vegetation. This species is more commonly found on the eastern slope of Colorado. Sparse historical records indicate that this species is uncommon within the GSFO.

Greater sage grouse (*Centrocercus urophasianus*). Sage grouse, as the name implies, are found only in areas where sagebrush is abundant, providing both food and cover. Although these birds are found at altitudes of 6000-8500 feet, they are not forest grouse and prefer relatively open sagebrush flats or rolling sagebrush hills. In winter, sagebrush accounts for 100% of the diet for these birds. In addition, it provides important escape cover and protection from the elements. In late winter, males begin to concentrate on traditional strutting grounds or leks. Females arrive at the leks 1-2 weeks later. Leks can occur on a variety of land types or formations (windswept ridges, knolls, areas of flat sagebrush, flat bare openings in the sagebrush. Breeding occurs on the leks and in the adjacent sagebrush, typically from March through May. Females and their chicks remain largely dependent on forbs and insects for food well into early fall. Cultivated herbaceous broad-leaved plants (alfalfa, clover) are important early fall food sources when available (CDOW 2009a). The Northern Eagle/Southern Routt population, while small (<500 birds), probably has, or had, a relationship with the larger population in Moffat, Rio Blanco and western Routt counties, and probably with the Middle Park population to the east. Sage-grouse are still present in the Radium area between State Bridge and Kremmling (Northern Eagle/Southern Routt Greater Sage-Grouse Work Group 2004) and likely to occur in the Gypsum Hills area and the area north of Wolcott which includes the Ute Creek allotment.

Environmental Consequences/Mitigation:

Federally Listed, Proposed or Candidate - Terrestrial Wildlife Species.

No U.S. Fish & Wildlife Service designated critical habitat for any of the above terrestrial wildlife species is found within the GSFO.

Canada Lynx (*Lynx canadensis*). The proposed action would not result in direct mortality of individual lynx. Excessive losses of forage on a large scale could result in a reduction in hiding and movement cover and directly affect lynx's ability to effectively move through the landscape. This is unlikely from grazing and is more consistent with actions such as a severe wildfire. Indirect impacts associated with grazing are mainly associated with competition between livestock and lynx prey species for available forage. The Canada Lynx Conservation Assessment and Strategy identified that "grazing, in conjunction with increasing elk populations, may have resulted in increased competition for forage resources with lynx prey". In summary, livestock compete with lynx prey species (snowshoe hare, jack rabbits, cottontails, blue grouse, voles, squirrels) for available forage. In addition, livestock can remove hiding cover important to the survival of prey species, which could ultimately result in lower prey species productivity and density.

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" was made and concurrence determination was obtained from the FWS (ES/GJ-6-CO-03-F-013). As per the programmatic consultation (ES/GJ-6-CO-03-F-013), for allotments containing no lynx habitat but located within a mapped landscape linkage, the assessment of public land health Standard 3 is being used to determine vegetative and wildlife condition.

A 2009 biological on-site assessment specific to this allotment regarding Canada lynx and livestock grazing was also initiated. In the portion of the linkage area where livestock grazing is being renewed, the allowable number of animal unit months and periods of use, along with the land health standards and terms/conditions are compatible with maintaining adequate lynx and prey habitat. The 2009 assessment determined that the grazing system with the split seasons of use seems to be allowing ample residual herbivore forage after the season of grazing use to sustain lynx and/or prey. Thus it was concluded the continuation of the current grazing system and stocking rates in this allotment will continue to promote the achievement of public land health Standard 2 (Riparian Systems) and Standard 3 (Healthy and Productive Plant and Animal Communities).

It was determined the current grazing management does not appear to be impacting the quality or usability of the linkage area. Directly, indirectly or cumulatively the proposed action was determined not to result in the destruction or adverse modification of Fish & Wildlife Service designated critical habitat. The proposed action would not negatively affect the suitability of habitat within a LAU. Connectivity to other habitats across landscape linkage areas would not be degraded. Based on the proposed management, the BLM reached a determination of "May Affect, Not Likely to Adversely Affect" for the Canada lynx. A "May Affect, Not Likely to Adversely Affect" determination was made and a Biological Assessment (BA) was submitted to the FWS on 12/21/2009 and received on 12/23/2009.

BLM Sensitive Terrestrial Wildlife Species.

Fringed Myotis and Townsend's Big-eared Bats. Distribution seems is likely to be locally determined by availability of roosts, such as caves, mines, tunnels, crevices and masonry

structures with suitable temperatures. No bat roosts or hibernaculum have been documented within the area of the proposed action.

The greatest threats to Townsend's Big-eared Bat (and likely Fringed Myotis) are the: (a) loss/modification/disturbance of roosting habitat resulting from uninformed closure of abandoned mines, recreation and renewed mining at historical sites; (b) loss/modification/disturbance of foraging habitat resulting from elimination of forest canopy, elimination or alteration of wetland habitat and conversion of native shrub and grasslands to urban or agricultural uses; and (c) exposure to environmental toxins (Gruver, J.C. and D.A. Keinath 2006). It is plausible that over-grazing by livestock could contribute to the decline of the functionality of foraging habitat for bats. The allowable number of animal unit months and periods of use, along with land health standards and terms/conditions; should continue to maintain adequate habitat conditions (suitability and connectivity) for bats.

Northern Goshawk. It is plausible that over-grazing by livestock could contribute to the decline of the functionality of the habitat. A reduction in forage availability could limit prey population density. However no nest sites are known to occur within the area of the proposed action and nesting birds are unlikely in the predominant habitat types. The allowable number of animal unit months and periods of use, along with land health standards and terms/conditions; should continue to maintain adequate habitat conditions (suitability and connectivity) for Northern goshawks.

Greater sage grouse. The Northern Eagle/Southern Routt Work Group does not believe that any one factor, including grazing, is the sole reason for sage-grouse decline in the area (Northern Eagle/Southern Routt Greater Sage-Grouse Work Group 2004). Habitat fragmentation and loss of habitat resulting from roads, residential and commercial development, off highway vehicle use, public recreation, powerlines and pipelines has reduced connectivity of sagebrush vegetation vital to this species. In addition, fire suppression, drought, and livestock and wild ungulate grazing have all impacted habitat quality for sage grouse. Sagebrush habitats are being invaded by juniper trees, and drought and historic grazing practices have reduced vegetative productivity and diversity.

The allotment is mapped as winter habitat. Sagebrush is essential for survival throughout the year, but especially during the winter. Greater Sage-Grouse increase use of sagebrush in the fall after the first killing frost eliminates most forbs (Northern Eagle/Southern Routt Greater Sage-Grouse Work Group 2004).

The current habitat conditions of the allotment appear acceptable, with expected species and structural diversity for this low elevation allotment consisting of mostly sagebrush shrublands. The 2009 on-site biological assessment determined that the grazing system with the split seasons of use seems to be allowing ample residual herbivore forage after the season of grazing use.

Analysis on the Public Land Health Standard 4 for Terrestrial Wildlife Special Status Species: (partial, see also Plants and Aquatic Wildlife): A 2009 on-site Assessment of the Ute Creek allotment noted riparian conditions on Ute Creek and Muddy Creek seem to be in proper functioning

condition with no problems noted. Factors such as the kind, proportion, and amount (cover or density) of vegetation in the riparian wetland community were good.

Upland Areas. The allotment consists of approximately 70% sagebrush and 25% pinyon/juniper woodland and 5% mixed mountain shrubland. The herbaceous understory is patchy. Utilization on grass is estimated to be light to moderate. The ocular estimate of livestock grazing use was 6-20% within the lynx linkage portion of the allotment. The shrub cover is good however a lot of the sagebrush is decadent and in need of a disturbance to rejuvenate new growth. Undesirable species (crested wheat grass and cheatgrass) are found in the understory vegetation of shrubs. Some thistle was noted however noxious weeds are minimal in the overall plant community. Some stands of sagebrush and other browse species show signs of hedging. The current habitat conditions of the allotment appear acceptable, with expected species and structural diversity for this low elevation allotment consisting of mostly sagebrush shrublands.

As per the programmatic consultation (ES/GJ-6-CO-03-F-013), for allotments containing no lynx habitat but located within a mapped landscape linkage, the assessment of public land health Standard 3 is being used to determine vegetative and wildlife condition.

The current grazing management does not appear to be impacting the quality or usability of the linkage area. The 2009 on-site assessment determined that the grazing system with the split seasons of use seems to be allowing ample residual herbivore forage after the season of grazing use to sustain lynx and/or prey. Thus it was concluded the continuation of the current grazing system and stocking rates in the Ute Creek allotment will continue to promote the achievement of public land health standard Standard 2 (Riparian Systems) and Standard 3 (Healthy and Productive Plant and Animal Communities).

In 2004, a land health assessment was conducted on the landscape which encompasses this proposed action. This analysis concurs with the 2004 land health assessment. Current livestock grazing is not an issue. The renewal of the grazing permit should not prevent Standard 3 or 4 from being met for special status terrestrial wildlife species.

Special Status Species – Aquatic Wildlife (includes an analysis of Public Land Health Standard 4)

Federally Listed, Proposed or Candidate Aquatic Wildlife Species

According to the latest species list from the U. S. Fish and Wildlife Service (U.S. Fish and Wildlife Service. 2008), the following Federally listed, proposed, or candidate aquatic wildlife species may occur within or be impacted by actions occurring within the GSFO (Table Table - Special Status Species – Aquatic Wildlife):

Table - Special Status Species – Aquatic Wildlife

Aquatic Wildlife Species	Habitat/Range	Eagle County	Garfield County	Mesa County	Pitkin County	Routt County
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Cold, clear, gravely headwater streams and mountain lakes. Originally found in the mountain and foothill areas of the Arkansas and South Platte river systems in Colorado and part of Wyoming.	X	X	X	X	X

Aquatic Wildlife Species	Habitat/Range	Eagle County	Garfield County	Mesa County	Pitkin County	Routt County
Bonytail (<i>Gila elegans</i>)	Large, fast-flowing waterways of the Colorado River system.	X	X	X	X	X
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	Swift flowing muddy rivers with quiet, warm backwaters of the Green, Yampa, White, Colorado, Gunnison, San Juan, and Dolores rivers.	X	X	X	X	X
Humpback chub (<i>Gila cypha</i>)	Deep, fast-moving, turbid waters often associated with large boulders and steep cliffs such as canyon-bound portions of the Colorado River system such as Black Rocks and Westwater canyons.	X	X	X		X
Razorback sucker (<i>Xyrauchen texanus</i>)	Deep, clear to turbid waters of large rivers and reservoirs over mud, sand or gravel. Currently low numbers in the Yampa, Colorado and Gunnison rivers. Reproducing populations remain only in the Colorado River near Grand Junction.	X	X	X	X	X

These species: their status, their distributions, habitat associations, and as appropriate their association to the project area is summarized below.

Greenback Cutthroat Trout (*Oncorhynchus clarki stomias*). Federally listed as threatened. The greenback cutthroat trout was not identified on the USFWS list for Garfield County; however, recent surveys have identified a population in Cache Creek, located several drainages east of the project area. The greenback is the subspecies of cutthroat trout native to the Platte River drainage on the Eastern Slope of Colorado, while the Colorado River cutthroat trout is the subspecies native to Garfield County and throughout the Western Slope of Colorado. Although the occurrence of greenbacks in Cache Creek and potentially elsewhere in the GSFO and WRNF areas is apparently the result of human intervention (e.g., sanctioned or *ad hoc* transplanted of fish from the Eastern Slope), its status as threatened applies to Western Slope populations. However, because drainages within the project area do not support this species, it is not considered further.

These four species of Federally listed big-river fishes occur within the Colorado River drainage basin downstream from the project area.

Bonytail (*G. elegans*). Federally listed as endangered. This large chub is a member of the minnow family. Their current distribution and habitat status are largely unknown due to its rapid decline prior to research into its natural history. Historically, bonytails were present in the Colorado River system, which includes the Yampa, Green, Colorado and Gunnison rivers. The bonytail is extremely rare in Colorado and no self-sustaining population exist throughout the Colorado River basin. Only one has been captured in the state since 1980. Restoration stocking of bonytail in the wild to develop adult populations is the priority recovery action in Colorado.

Colorado Pikeminnow (*Ptychocheilus lucius*). Federally listed as endangered. The Colorado pikeminnow (formerly Colorado squawfish) Colorado pikeminnow were once abundant in the main stem of the Colorado River and most of its major tributaries in Colorado, Wyoming, Utah,

New Mexico, Arizona, Nevada, California and Mexico. Now, they exist primarily in the Green River below the confluence with the Yampa River, the lower Duchesne River in Utah, the Yampa River below Craig, Colo., the White River from Taylor Draw Dam near Rangely downstream to the confluence with the Green River, the Gunnison River in Colorado, and the Colorado River from Palisade, Colo., downstream to Lake Powell. Biologists believe Colorado pikeminnow populations in the upper Colorado River basin are now relatively stable and in some areas may even be growing. Designated Critical Habitat for the Colorado pikeminnow includes the Colorado River and its 100-year floodplain west (downstream) from the town of Rifle.

Humpback Chub (*Gila cypha*). Federally listed as endangered. The nearest known habitat for the humpback chub and bonytail is within the Colorado River approximately 70 miles downstream from the project area. Only one population of humpback chub, at Black Rocks west of Grand Junction, is known to exist in Colorado.

Razorback Sucker (*Xyrauchen texanus*). Federally listed as endangered. The razorback sucker was once widespread throughout most of the Colorado River Basin from Wyoming to Mexico. In the upper Colorado River Basin, they are now found only in the upper Green River in Utah, the lower Yampa River in Colorado and occasionally in the Colorado River near Grand Junction. Because so few of these fish remain in the wild, biologists have been actively raising them in hatcheries in Utah and Colorado and stocking them in the Colorado River. Designated Critical Habitat for the razorback sucker includes the Colorado River and its 100-year floodplain west (downstream) from the town of Rifle.

BLM Sensitive Aquatic Wildlife Species

According to the latest *Colorado BLM State Director's Sensitive Species List (Animals and Plants) June, 2000*, the following aquatic wildlife species may occur within or be impacted by actions occurring within the GSFO (Table - Colorado BLM Sensitive Species - Aquatic):

Table - Colorado BLM Sensitive Species - Aquatic

Name	Habitat	Habitat Potential Present / Absent
Northern leopard frog (<i>Rana pipiens</i>)	Wet meadows and the banks and shallows of marshes, ponds, glacial kettle ponds, beaver ponds, lakes, reservoirs, streams, and irrigation ditches.	Present
Flannelmouth sucker (<i>Catostomas latipinnis</i>)	Generally restricted to rivers and major tributaries.	Absent
Roundtail chub (<i>Gila robusta</i>)	Generally restricted to rivers and major tributaries.	Absent
Colorado River cutthroat trout (<i>Oncorhynchus clarki pleuriticus</i>)	Occurs in clear, cool headwaters streams with coarse substrates, well-distributed pools, stable streambanks, and abundant stream cover.	Absent

The following paragraphs address species with a habitat potential to be present in the project area.

Leopard Frog (*Rana pipiens*). Northern leopard frogs are generally found between 3,500 to 11,000 feet in Colorado, in wet meadows and in shallow lentic habitats. Northern leopard frogs require year 'round water sources, deep enough to provide ice free refugia in the winter. The presence of northern leopard frogs has been associated with sites with more herbaceous cover as opposed to sites with earlier successional stages of emergent vegetation. Leopard frogs feed primarily on emergent adults of aquatic insects or on terrestrial insects attracted to the water. Within the GSFO, this species has been documented in various locales. Suitable habitat is abundant within the GSFO, and is located where quality riparian vegetation exists in conjunction with reliable perennial water sources. Larger populations of this species have been documented northwest of King Mountain within the small drainage that feeds and exits King Mountain (Ligon) Reservoir, June Creek and East Divide Creek south of Silt, Colorado, and in portions of the Rifle Creek watershed north of Rifle, Colorado. Population declines have been attributed to habitat alteration and loss, the effects of introduced bullfrogs and gamefish, aerial pesticide applications, and droughts that limit the availability of year 'round water

The greenback cutthroat trout is not found within the area or the vicinity of the proposed action. The four species of Federally listed big-river fishes are endemic to the Colorado River basin and reside almost exclusively within the mainstem Colorado River and its periodically flooded sidechannel impoundments and backwater habitats. All of these fish are all well adapted to the high sediment loads traditionally carried by the Colorado River and its larger tributaries. In general, periodic to frequent influxes of sediment are important in the creation and maintenance of important microhabitats for these species. Movement and redistribution of sediments helps to create and maintain backwater habitats important to many life stages of these fish. Periodic inundation of floodplain areas with water/sediment provides optimal seedbed areas for native cottonwood regeneration to occur. Any increased sediment loading into ephemeral drainages and eventually the Colorado River resulting from continued livestock grazing as proposed would have "No Effect" to these fishes or their habitat.

Environmental Consequences/Mitigation:

Federally Listed, Proposed or Candidate Aquatic Wildlife Species. Neither the greenback cutthroat trout nor the four species of Federally listed big-river fishes are found within the area or the vicinity of the proposed action. Livestock grazing as proposed would have "No Effect" to these fishes or their habitat.

BLM Sensitive Aquatic Wildlife Species. The Bluehead sucker, Flannemouth sucker, and Roundtail chub are endemic to the Colorado River basin and reside within the mainstem Colorado River and its major tributary rivers/streams. The proposed action would have negligible negative impact to these species or their habitats.

Analysis on the Public Land Health Standard 4 for Aquatic Wildlife Special Status Species: (partial, see also Plants and Terrestrial Wildlife): A Land Health Assessment was completed for these lands in 2004. At that time habitat/riparian management are not a concern for any of the perennial streams assessed. Geological factors outside of BLM management are limiting the majority of the streams as fisheries. At that time area streams were meeting Standard 4 for aquatic wildlife. The current habitat trends lead to a conclusion that the proposed action

(continuation of current management) should have little bearing on the areas ability to continue to meet Standard 4.

Water Quality, Surface & Ground (includes an analysis of Public Land Health Standard 5)

Affected Environment: The Ute Creek Allotment is located north of the Town of Wolcott, the Eagle River and I-70, and east of the ephemeral Alkali Creek and State Route 131. The allotment is within several 6th field watersheds that include the 7,736 acre Eagle River above Wolcott that contains the Eagle River and encompasses the southern portion of the allotment; the 3,215 acre Ute Creek that contains the ephemeral Ute Creek and encompasses the eastern portion of the allotment; the 20,286 acre Alkali Creek that contains the ephemeral Alkali Creek and encompasses the western portion of the allotment; and the 8,703 acre Muddy Creek that contains the ephemeral Muddy Creek and encompasses the northern portion of the allotment. Primary drainages as mentioned above include the Eagle River, the ephemeral Ute Creek which is tributary to the Eagle River to the south, the ephemeral Alkali Creek which is also tributary to the Eagle River to the south, and the ephemeral Muddy Creek which is tributary to Alkali Creek.

According to the *Stream Classifications and Water Quality Standards* (CDPHE, Water Quality Control Commission, Regulation No. 33) list, the drainages mentioned above with the exception of Alkali Creek are within the Eagle River Basin segment 10a that includes all tributaries to the Eagle River from a point immediately below the confluence with Lake Creek to the confluence with the Colorado River. This segment has been classified aquatic life cold 1, recreation E, water supply, and agriculture. Alkali Creek is within the Eagle River Basin segment 11 that includes the mainstem of Alkali Creek from its source to the confluence with the Eagle River. This segment has been classified aquatic life cold 2, recreation P, and agriculture.

The aquatic life cold 1 classification indicates that a water course is capable of sustaining a wide variety of cold water biota while aquatic life cold 2 refers to waters that are not capable of sustaining a wide variety of cold water biota. Recreation class E refers to waters in which primary contact recreation is presumed to be present while class P refers to surface waters that have the potential to be used for primary contact recreation. In addition, the water supply designation refers to waters that are suitable or intended to become suitable for potable water supplies and the agriculture designation refers to waters used for agricultural purposes that include irrigation and livestock use.

The drainages mentioned above are not currently listed on the State of Colorado's *303(d) List of Water Quality Limited Segments Requiring TMDLS* (CDPHE, Water Quality Control Commission, Regulation No. 93) or the *Monitoring and Evaluation List* (CDPHE, Water Quality Control Commission, Regulation No. 94) as waterbodies suspected to have water quality problems. At this time, very limited current water quality data is available for the drainages mentioned above.

Environmental Consequences/Mitigation: Grazing activities could result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms.

In addition, the number of livestock in the area would increase the amount of feces present in close proximity to nearby drainages and could lead to stream bank trampling. The introduction of livestock feces to waterbodies often leads to water quality degradation by increasing fecal coliform bacteria levels and often leads to algal blooms which increase water temperatures. However, based on the lack of perennial drainages in the allotment and good vegetative cover, the potential for measureable water quality degradation in nearby perennial drainages associated with the proposed activities is minimal.

Analysis on the Public Land Health Standard 5 for Water Quality: In 2003 the BLM Glenwood Springs Field Office assessed water quality conditions in the area as part of the North Eagle Land Health Assessment. During the assessment, limited water quality parameters were collected but suggested overall good water quality. In drainages such as Alkali Creek and Muddy Creek, sediment and conductivity can be relatively high but can be attributed to natural geologic conditions and in direct response to runoff events. Based on the period of use and the distance of the allotment from perennial drainages, the proposed activities would not likely prevent Standard 5 for Water Quality from being met.

Wetlands and Riparian Zones (includes an analysis on Public Land Health Standard 2)

Affected Environment: The table below lists known riparian areas and their Proper Functioning Condition (PFC) assessment for the Ute Creek Allotment:

Riparian Area Name	Approximate Miles	Year Assessed	Condition Rating
Ute Creek	1.7	2003	Proper Functioning Condition
Muddy Creek Upper Reach	0.3	2003	Proper Functioning Condition
Muddy Creek Upper Reach	0.2	2003	Functioning at Risk Upward Trend
Eagle River	0.5	2003	Proper Functioning Condition

The Proper Functioning Condition assessments above did not raise or identify any issues with livestock grazing. Documented field observations of Ute Creek in 2009 stated that Ute Creek is in good condition and it is sedge/rush dominated with dense cover. Photos taken with the field report support these observations. There is no current monitoring, inventory or documented field observations for the affected riparian areas other than what is discussed above.

Environmental Consequences/Mitigation: The Ute Creek Allotment would be grazed for a 46 day period in the spring and a 51 day period in the fall. There would be 3.2 months of grazing rest between these two grazing periods. Sheep are herded and typically do not graze any given area of the allotment for an extended period of time; consequently, the duration of grazing use on any given section of a riparian zone would be short (approximately seven days). No riparian areas exist in the area of the Ute Creek allotment designated for horse use. The period of use and grazing management for the allotments discussed above would allow for ample grazing rest and recovery time for riparian plant species. In consideration of this and the conditions of riparian zones described in the Affected Environment, renewal of the grazing permit is not expected to

cause adverse impacts to riparian zones. The condition of riparian areas would be maintained or improved. There would be no cumulative impacts.

Analysis on the Public Land Health Standard 2 for Riparian Systems: The proposed action would not result in failure to achieve this standard and should maintain land health conditions for riparian systems.

Other Affected Resources

In addition to the critical elements, the resources presented in Table 2 were considered for impact analysis relative to the proposed action and no action alternative. Resources that would be affected by the proposed action and no action alternative are discussed below.

Table 2. Other Resources Considered in the Analysis.			
<i>Resource</i>	<i>NA or Not Present</i>	<i>Present and Not Affected</i>	<i>Present and Affected</i>
Access and Transportation		X	
Cadastral Survey	X		
Fire/Fuels Management	X		
Forest Management	X		
Geology and Minerals	X		
Law Enforcement	X		
Paleontology	X		
Noise	X		
Range Management		X	
Realty Authorizations		X	
Recreation		X	
Socio-Economics		X	
Soils*			X
Vegetation*			X
Visual Resources		X	
Wildlife, Aquatic*			X
Wildlife, Terrestrial*			X

*Public Land Health Standard

Soils (includes an analysis of Public Land Health Standard 1)

Affected Environment: According to the *Soil Survey of Aspen-Gypsum Area, Colorado: Parts of Eagle, Garfield, and Pitkin Counties* (USDA 1992), the Ute Creek Allotment contains nine different soil map units that can be identified by the numerical code assigned by the soil survey. Some of these soil map units are identified as having severe erosion hazard potential. In addition, a small percentage of the allotment is mapped as CSU 4 (Controlled Surface Use) for erosive soils on slopes greater than 30% and NSO 15 (No Surface Occupancy) for slopes greater than 50% regardless of soil type. Following is a brief description of the nine soil map units found within the Ute Creek Allotment.

- Curecanti-Fughes complex (22) – This soil map unit is found on mountainsides and foot slopes at elevations ranging from 6,500 to 8,300 feet and on slopes of 12 to 25 percent.

Approximately 55 percent of this soil map unit is Curecanti soil and 30 percent Fughes soil. The Curecanti soil is deep, well drained, and derived from sandstone colluviums and alluvium. Surface runoff is slow and the water erosion hazard moderate. The Fughes soil is also deep, well drained, and derived from alluvium and colluviums. Surface runoff is rapid and the water erosion hazard moderate. Primary uses for this complex include rangeland and home development.

- Evanston loam (39) – This deep, well drained soil formed in mixed alluvium and is found on alluvial fans, terraces, and valley sides at elevations ranging from 6,500 to 8,000 feet and on slopes of 6 to 25 percent. Surface runoff for this soil is medium and the erosion hazard is classified as moderate. Primary uses for this soil include rangeland, wildlife habitat, and homesites.
- Evanston loam (40) - This deep, well drained soil formed in mixed alluvium and is found on alluvial fans, terraces, and valley sides at elevations ranging from 6,500 to 8,000 feet and on slopes of 25 to 45 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as moderate to severe. Primary uses for this soil include rangeland and wildlife habitat.
- Forsey cobbly loam (47) – This deep, well drained soil is found on alluvial fans, mountainsides, and ridges at elevations ranging from 7,500 to 9,500 feet and on slopes of 25 to 65 percent. This soil is derived from alluvium and colluvium of mixed mineralogy. The surface runoff for this soil is medium and the water erosion hazard is moderate. Primary uses for this soil include rangeland and wildlife habitat.
- Kobar silty clay loam (73) – This deep, well drained soil is found on alluvial fans and terraces at elevations ranging from 6,800 to 7,400 feet and on slopes of 3 to 25 percent. It is derived primarily from Mancos shale alluvium. Surface runoff is rapid and the water erosion hazard is moderate. Primary uses for this soil include rangeland and hayland.
- Moyerson-Rock outcrop complex (88) – This soil map unit is found on mountainsides and ridges at elevations ranging from 7,500 to 8,500 feet and on slopes of 15 to 60 percent. Approximately 60 percent of this unit is Moyerson silty clay loam, 25 percent shale Rock outcrop, and the remaining 15 percent composed of other soil types. The Moyerson soil is shallow, well drained and derived from sandstone and shale alluvium and colluvium. Surface runoff is medium and the water erosion hazard is high. Primary uses for this soil map unit include rangeland and wildlife habitat.
- Tanna-Pinelli complex (103) – This soil map unit is occurs on fans and valley sides at elevations ranging from 6,500 to 8,300 feet and on slopes of 12 to 25 percent. Approximately 50 percent of this unit is Tanna soil, 40 percent Pinelli soil, and 10 percent other soil types. The Tanna soil is moderately deep, well drained and is derived from alluvium and residuum. Runoff for this soil is rapid and the water erosion hazard is moderate. The Pinelli soil is deep, well drained and is derived from sedimentary alluvium. Runoff for this soil is rapid and the water erosion hazard is moderate. Primary uses for this soil map unit include rangeland and wildlife habitat.
- Torriorthents-Camborthids-Rock outcrop complex (104) – This soil map unit occurs on south-facing mountainsides, hills, and ridges with slopes ranging from 6 to 65 percent. Approximately 45 percent of this unit is Torriorthents, 20 percent Camborthids, and 15

percent Rock outcrop. The Torriorthents are shallow to moderately deep, well drained, and are derived from sedimentary rock. Surface runoff is rapid and the water erosion hazard is severe. The Camborthids are shallow to deep, well drained, and are derived from sandstone, shale, and basalt. Surface runoff is rapid and the water erosion hazard is severe. The Rock outcrop component of this unit consists of exposed sandstone, shale, and basalt. This soil map unit is used primarily for wildlife habitat.

- Torriorthents-Camborthids-Rock outcrop complex (105) – This soil map unit occurs on south-facing mountainsides, hills, and ridges with slopes ranging from 45 to 95 percent. Approximately 45 percent of this unit is Torriorthents, 20 percent Camborthids, and 15 percent Rock outcrop. The Torriorthents are shallow to moderately deep, well drained, and are derived from sedimentary rock. Surface runoff is rapid and the water erosion hazard is severe. The Camborthids are shallow to deep, well drained, and are derived from sandstone, shale, and basalt. Surface runoff is rapid and the water erosion hazard is severe. The Rock outcrop component of this unit consists of exposed sandstone, shale, and basalt. This soil map unit is used primarily for wildlife habitat.

Environmental Consequences/Mitigation: Grazing activities would result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. Based on the scheduled period of use, good vegetative cover, and the lack of perennial drainages within this allotment, the potential for measureable sediment transport and negative soil impacts is minimal.

Analysis on the Public Land Health Standard 1 for Upland Soils: In 2003 the BLM Glenwood Springs Field Office assessed area conditions as part of the North Eagle Land Health Assessment. During that time, all acres assessed within the Ute Creek Allotment were rated as achieving or moving towards achieving Standard 1 for Upland Soils. Based on the period of use in the proposed action and good vegetative cover, the proposed activities would not likely prevent Standard 1 from being met.

Vegetation (includes an analysis of Public Land Health Standard 3)

Affected Environment:

The Ute Creek Allotment is dominated by sagebrush shrublands mixed with some longflower rabbitbrush and antelope bitterbrush. Primary herbaceous species are bottlebrush squirreltail, western wheatgrass, crested wheatgrass, mat penstemon and Indian paintbrush. Pinyon-juniper woodlands dominate on the ridges and steeper slopes. Some oakbrush/mixed mountain shrublands are present in the higher elevations of the allotment. Cheatgrass is present in disturbed areas, primarily under pinyon or juniper trees. A few musk thistles are scattered throughout the southern portion of the allotment.

Environmental Consequences/Mitigation:

The current and proposed grazing schedule for the Ute Creek Allotment is for 1900 sheep and 5 horses from 5/11-6/25 and from 10/1-11/20. In spring, sheep graze predominantly on herbaceous vegetation such as grasses and forbs. In fall, sheep will switch to grazing more on

shrubs than on herbaceous vegetation. Horses tend to prefer herbaceous vegetation in all seasons. Prolonged grazing or poor livestock distribution may result in areas of bare ground, heavily hedged shrubs, or a reduction in the diversity and cover of herbaceous species. Proper grazing management and livestock distribution removes only a portion of the current year's growth and does not deplete root reserves. Sheep are typically herded to fresh feed every few days; therefore, prolonged grazing is unlikely to occur. This should provide adequate rest and recovery either prior to or following grazing for seed dissemination and seedling establishment.

Analysis on the Public Land Health Standard for Plant and Animal Communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): In 2003, the BLM Glenwood Springs Field Office conducted the North Eagle Watershed Land Health Assessment which included the Ute Creek Allotment. The allotment was meeting Standard 3 for plant communities at the time of the assessment, with few concerns noted. Some areas of old, decadent sagebrush were noted. Grasses appeared diverse and productive at all sites visited; however, forbs were less diverse and abundant than expected. Big game use was moderate to heavy in the southern portion of the allotment. Continuation of livestock grazing under the proposed system should provide for adequate rest and recovery prior to or following grazing to maintain vegetative health. The proposed action should have little bearing on the ability of the allotment to continue to meet Standard 3 for healthy plant communities.

Wildlife, Aquatic (includes an analysis of Public Land Health Standard 3):

Affected Environment:

Fish. Fisheries potential is limited for all waters except the Eagle River to the south. No fish are known to exist in the other perennial waters within the area of the proposed action primarily due to low seasonal flows and heavy sedimentation caused by flashy runoff and local geologic conditions.

Amphibians. Several amphibians of interest are found within the GSFO, the Boreal Toad (*Bufo boreas boreas*) and the Great Basin spadefoot toad (*Spea intermontana*). The distribution of the boreal toad is restricted to areas with suitable breeding habitat in spruce-fir forests and alpine meadows generally between 7,500 and 12,000 feet elevation. Breeding habitat includes lakes, marshes, ponds, and bogs with sunny exposures and quiet shallow water. Great Basin spadefoot toads occupy arid grasslands and high sagebrush, desert shrub, and pinion-juniper woodlands. Great Basin spadefoot toad has been documented in the western third of the field office from the town of Rifle west to the boundary with the Grand Junction Field Office. This represents the eastern extent (fringe) of the species overall range and populations are believed to be small and sporadic.

Environmental Consequences/Mitigation:

Fish. Continued grazing activities could result in some soil compaction and displacement and increase the likelihood of erosional processes, especially on steep slopes, areas devoid of vegetation, and at livestock concentration areas such as stock waters, salting sites, and drainage bottoms. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms.

Sediment can impact fish species by silting in important spawning substrates and in the event eggs are present, by smothering eggs which leads to loss of productivity. Excessive sediment can also fill in important pool habitats reducing their depth and usability during critical summer and winter periods when they are needed for thermal refuge and survival. Aquatic insect productivity can be impaired as sediment covers clean gravels and cobbles and fills in the interstitial spaces used by these insects. This can reduce food sources for fish and terrestrial bird and bat species. The reauthorization of grazing as proposed provides for plenty of growing season rest and adequate plant rest and recovery periods which should maintain good vegetative cover and help to limit offsite soil movement. Stream and riparian habitats are in good condition, and continued livestock grazing as proposed should have minimal impact to nearby streams, fish, or their habitats.

Amphibians. It is plausible that over-grazing by livestock could contribute to the decline of the functionality of the habitat for amphibians. Overgrazing impacts on wetlands and riparian vegetation could impact individual animals and prey populations. Primary, the allotment is outside the range (overall, elevation, and habitat) of most amphibian species of interest and known to occur in the GSFO. Secondly, land health standard 2 for riparian systems is being achieved (BLM 2004). Thus maintaining the current number of animal unit months and periods of use, along with land health standards and terms/conditions; should continue to maintain adequate habitat conditions (suitability and connectivity) to ensure amphibians are maintained at viable population levels commensurate with the species and habitat's potential.

Analysis on the Public Land Health Standard 3 for Aquatic Animal Communities (partial, see also Vegetation and Wildlife, Terrestrial): A land health assessment was completed for these lands in 2004. At that time habitat/riparian management are not a concern for any of the perennial streams assessed. Geological factors outside of BLM management were limiting the majority of the streams as fisheries. At that time area streams were meeting Standard 3 for aquatic wildlife. The current habitat trends lead to a conclusion that the proposed action (continuation of current management) should have little bearing on the areas ability to continue to meet this standard.

Wildlife, Terrestrial (includes an analysis of Public Land Health Standard 3)

Affected Environment:

The GSFO planning area supports a wide variety of terrestrial wildlife species that summer, winter, or migrate through the area. The habitat diversity provided by the broad expanses of sagebrush, mixed mountain shrub, aspen, pinyon-juniper woodlands, other types of coniferous forests, and riparian/wetland areas support many species. The current condition of wildlife habitats varies across the landscape. Some habitat is altered by power lines, pipelines, fences, public recreation use, residential and commercial development, vegetative treatments, livestock and wild ungulate grazing, oil and gas development, and roads/trails. These factors have contributed to some degradation/fragmentation of habitat as well as causing disturbance to some species.

Reptiles. Reptile species most likely to occur include the western fence lizard (*Sceloporus undulatus*) and gopher snake (bullsnake) (*Pituophis catenifer*) in xeric shrublands or grassy clearings and the western terrestrial garter snake (*Thamnophis elegans*) along creeks. Other reptiles potentially present along

creeks, although more commonly found at lower elevations than the site, are the milk snake (*Lampropeltis triangulum*) and smooth green snake (*Opheodrys vernalis*).

Birds. Passerine (perching) birds commonly found in the area include the: American robin (*Turdus migratorius*), Pinyon jay (*Gymnorhinus cyanocephalus*) western scrub-jay (*Aphelocoma californica*), and black-billed magpie (*Pica pica*). Two gallinaceous species, the wild turkey (*Meleagris gallopavo*) and the Dusty grouse (*Dendragapus obscurus*), are found here.

Birds of prey (eagles, falcons, hawks, and owls) may migrate through the area or nest in cottonwoods, conifers, or very tall oaks, while the numerous songbirds and small mammal populations provide the primary prey base. Common raptor species in the area include the: red-tailed hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*) American kestrel (*Falco sparverius*), great horned owl (*Bubo virginianus*), Cooper's hawk (*Accipiter cooperii*), and sharp-shinned hawk (*A. striatus*).

Numerous streams, rivers, reservoirs, ponds, and associated riparian vegetation provide habitat for a wide variety of waterfowl and shorebirds. Common species include: great blue herons (*Ardea Herodias*), Canada geese (*Branta canadensis*), mallards (*Anas platyrhynchos*), pintails (*A. acuta*), gadwalls (*A. strepera*), and American wigeon (*A. americana*) are common.

Mammals. Numerous small mammals reside within the planning area, including ground squirrels (*Spermophilus* spp.), chipmunks (*Neotamias* spp.), rabbits (*Sylvilagus* spp.), skunks (*Mephitis mephitis*), and raccoons (*Procyon lotor*). Many of these small mammals provide the main prey for raptors and larger carnivores. These species are most likely to occur along the drainages, near the margins of dense oakbrush, in pinyon-juniper woodland, or in the small area of aspen and spruce/fir. Larger carnivores expected to occur include the bobcat (*Lynx rufus*) and the coyote (*Canis latrans*). Black bears (*Ursus americanus*) make use of oaks and the associated chokecherries and serviceberries for cover and food, while mountain lions (*Felis concolor*) are likely to occur during seasons when mule deer (*Odocoileus hemionus*) are present.

Big Game. The mule deer (*Odocoileus hemionus*) is a recreationally important species that are common throughout suitable habitats in the region. Another recreationally important big game ungulate (hoofed animal), the Rocky Mountain elk (*Cervus elaphus nelsonii*), is also present. Mule deer and elk usually occupy higher elevations, forested habitat, during the summer and then migrate to sagebrush-dominant ridges and south-facing slopes at lower elevation in the winter.

Mule Deer. The proposed action lies within CDOW game management unit (GMU) 35. No DAU plan exists for elk however, the D-8 State Bridge Deer Data Analysis Unit (DAU) Plan (CDOW 2010) indicates the 2008 post hunt deer population to be an estimated at 13,850 deer within GMUs: 15, 35, 36, and 45 (CDOW 2009b). The CDOW recommended population objective for deer is 13,500-16,500. During most of the 1980's the population objective was 26,000 deer. In 1988, the CDOW lowered the population objective to 21,000 deer. Since that time, however, loss of habitat, particularly winter range, has resulted in a deer population objective that likely exceeds the available habitat carrying capacity. CDOW now recommends lowering the population objective to 13,500-16,500 deer. Maintaining the population at a lower density may result in less competition among deer and between deer and elk, improved habitat condition, better body condition, higher recruitment of fawns, increased population growth rate, and thus more opportunity for hunter harvest (CDOW 2009b).

BLM lands provide a large portion of the undeveloped winter range available to deer and elk. The GSFO's Resource Management Plan (RMP) allocated existing forage proportionately to livestock and big

game, the criterion being active preference for livestock and 5-year average demand for big game. The RMP allocated all available forage on allotments in big game winter range -unavailable to livestock because of stocking rate limitations or slope restrictions - to big game. Summer range was not limiting to big game; therefore, allocating forage beyond CDOW population goals in summer range was deemed to be unnecessary since winter range is what limits herd size. In addition , the RMP allocated additional forage produced through vegetation manipulation on wildlife winter range first to big game and then to livestock up to active preference. On summer range, allocate additional forage was allocated to livestock first.

Environmental Consequences/Mitigation:

Reptiles. It is plausible that over-grazing by livestock could contribute to the decline of the functionality of the habitat for reptiles. A impacts on upland and riparian vegetation could impact individual animals and prey populations. Primary, the project area is outside the range (overall, elevation, habitat) of most reptile species of interest and known to occur in the GSFO. Secondly, land health standard 2 for riparian systems and standard 3 for productive plant communities are being achieved (BLM 2004). Thus the allowable number of animal unit months and periods of use, along with land health standards and terms/conditions; should continue to maintain adequate habitat conditions (suitability and connectivity) to ensure reptiles are maintained at viable population levels commensurate with the species and habitat's potential.

Birds and Mammals. Overgrazing affects bird and mammals by altering habitat structure and food availability. Grazing invariably reduces the height and ground cover of plants, at least temporarily, thus reducing the cover they need for protection, feeding, roosting and nesting. There is no indication or data to support that the proposed action would have any large scale negative impacts to density, composition, or frequency of terrestrial species or the quality or connectivity of terrestrial wildlife habitat. This area receives adequate growing season plant rest and recovery periods. The land health assessment data along with range compliance data indicates that current livestock grazing consistent with achieving land health standards for bird and mammal species.

Big Game. Mule Deer. The south/southeast portions of the allotment is CDOW mapped mule deer critical winter range. This dataset was created by combining Deer DAUs, mule deer winter concentration areas, and "high density" mule deer severe winter range data. Several significant issues were identified in the D-8 State Bridge Deer DAU Plan. The most significant issues were mule deer habitat (loss of habitat due to urban growth and rural subdivision development; habitat senescence due to fire suppression; changes in habitat due to fragmentation, historic overgrazing by livestock, and inconsistent land management practices); Interstate 70 as a source of roadkills and as a barrier to migration; weather (severe winters and drought) and the potential for starvation of deer; and competition between deer and elk for remaining habitat (CDOW 2010).

Elk. The southeast 1/3 of the allotment is severe elk winter range is that part of the overall range of elk where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. The winter of 1983-1984 is a good example of a severe winter.

Most issues between domestic livestock and big game concerns forage allocation and land health.

Forage Allocation. Managing the timing and intensity of livestock grazing is critical to maintaining habitat conditions preferable to big game. For example, cattle grazing during the early season could improve the quality of winter forage for elk but cattle must be removed early enough to allow plants to re-grow. However, the magnitude of competitive interactions between big game and livestock is poorly understood. Livestock and wild ungulate carrying capacities should be evaluated holistically and be used to guide stocking rate decisions and wild ungulate population objectives. The GSFO's RMP allocated existing forage proportionately (50/50) to livestock and big game and that seem to be adequate on this allotment.

Overall, elk populations since the late 1970s to present have been increasing while livestock numbers and periods of use have decreased. Qualitatively viewing the big game population trends and CDOW objectives in relationship to the proposed action (maintaining the existing level of livestock AUMs and periods of use, along with land health standards and terms/conditions), it can be assumed that the proposed action (based on the cumulative annual use of forage by big game and domestic livestock) remains compatible with the CDOW big game objectives while achieving public land health standards.

Analysis on the Public Land Health Standard for Terrestrial Animal Communities (partial, see also Vegetation and Wildlife, Aquatic): The 2004 land health assessment noted the Greenhorn allotment was achieving Standard 3, but problem areas were identified during the land health assessment. The main problems with this allotment were encroaching junipers, old growth pinyon-juniper stands with little herbaceous or shrub understory, and overly dense sagebrush stands with little age class diversity and limited regeneration. Some minor livestock distribution problems existed on the extreme northern and southern boundaries of the allotment in small areas where livestock appear to be concentrating. This resulted in some higher use levels and poor plant vigor at these sites" (BLM 2004). Overall the proposed action (continuation of current management) should maintain the areas ability to continue to achieve this standard.

SUMMARY OF CUMULATIVE IMPACTS

No cumulative impacts have been identified.

PERSONS AND AGENCIES CONSULTED:

A notice of public scoping was posted on the Colorado BLM's Internet web page and a news release was issued on October 20, 2009 regarding grazing permits and associated allotments scheduled for renewal in 2010. The public was provided an opportunity to offer any information or concerns, or to be considered as an interested public on a permit or allotment scheduled for renewal. There have been no responses received specific to this permit renewal or the allotment addressed in this NEPA document. The Glenwood Springs Field Office Internet NEPA Register also lists grazing permit renewal NEPA documents that have been initiated. They are generally posted approximately one month prior to the estimated completion date.

The following individuals, groups, organizations and/or local governments were also consulted:

- The grazing permittee associated with the permit renewal
- Uintah and Ouray Tribe
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe
- USFWS

INTERDISCIPLINARY REVIEW:

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Michael Kinser	Rangeland Management Specialist	NEPA Lead, Wetlands and Riparian Zones, Range Management
Carla DeYoung	Ecologist	ACEC, Vegetation, T/E/S Plants, Land Health Stds
Jeff O'Connell	Hydrologist/Geologist	Soil, Air, Water, Geology
Greg Wolfgang	Outdoor Recreation Planner	WSR, Wilderness, VRM, Recreation, Travel
Cheryl Harrison	Archaeologist	Cultural Resources and Native American Concerns
Brian Hopkins	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife, T/E/S Terrestrial Wildlife, Aquatic Wildlife and T/E/S Aquatic Wildlife
Dereck Wilson	Rangeland Management Specialist	Invasive, Non-native Species

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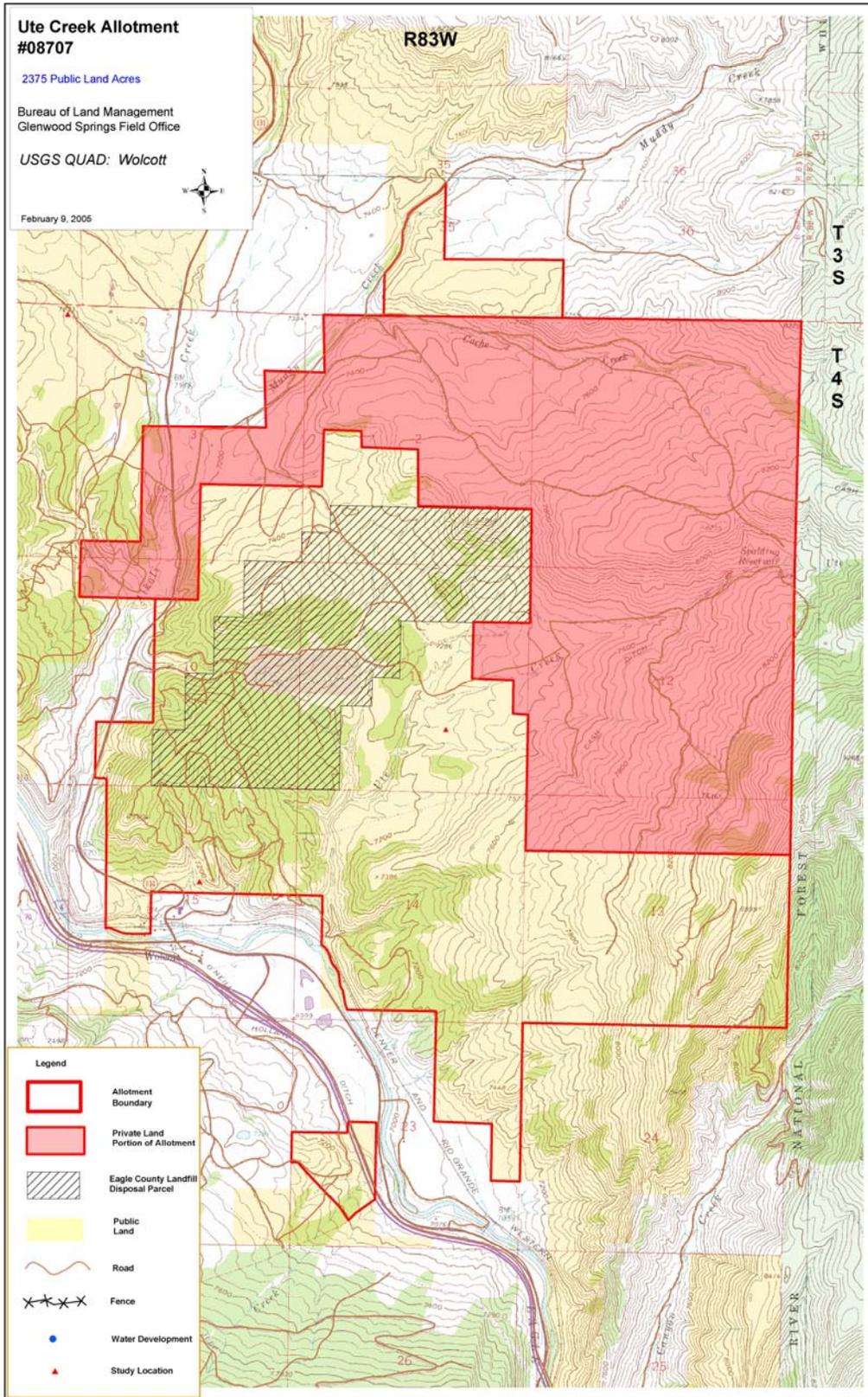
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APPENDICES: None

ATTACHMENTS: Allotment Map

SIGNATURE OF PREPARER:

DATE SIGNED:



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GLENWOOD SPRINGS FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT

Grazing Permit Renewal on the Ute Creek Allotment.

DOI-BLM-CO140-2010-0009-EA

Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed action documented in the EA for the grazing permit renewal on the Ute Creek Allotment. The effects of the proposed action are disclosed in the Alternatives and Environmental Impacts sections of the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significant, as used in NEPA, requires consideration of both *context* and *intensity* as follows:

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and/or adverse.

Impacts associated with the livestock grazing permit renewal are identified and discussed in the Affected Environment and Environmental Consequences section of the EA. The proposed action will not have any significant beneficial or adverse impacts on the resources identified and described in the EA.

2. The degree to which the proposed action affects health or safety.

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for multiple uses while maintaining or improving resource conditions to meet standards for rangeland health in the allotment. Similar actions have not significantly affected public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

4. The degree to which the effects are likely to be highly controversial.

The analysis did not identify any effects that are highly controversial.

5. The degree to which the effects are highly uncertain or involve unique or unknown risks.

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for the determination of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

This EA is specific to the Ute Creek Allotment. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration in or outside of this allotment.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The analysis in the EA did not identify any related actions with cumulative significant effects.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant, cultural, or historical resources.

The proposed action is not considered to adversely affect districts, sites, highways or structures. A determination of "Conditional No Adverse Affect" has been made for historic properties that occur in the allotment.

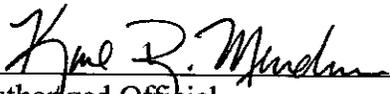
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

There is no designated critical habitat for any listed Threatened or Endangered species within the project area. The EA discloses that the proposed action may affect, but is not likely to adversely affect" the Threatened - Canada lynx. The proposed action would have no adverse impacts to any other species listed as threatened or endangered.

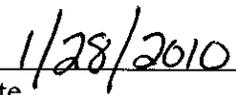
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate or threaten to violate any Federal, State or local laws or requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.



Authorized Official
Glenwood Springs Field Office



Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652



IN REPLY REFER TO:
Authorization 0507589
CON040

January 28, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED DECISION

Introduction

On February 28, 2010 your grazing permit No. 0507589 expired, and to be renewed, the permit has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The review and NEPA compliance has been completed as documented in Environmental Assessment (EA) No. DOI-BLM-CO-N040-2010-0009. A copy of the EA is enclosed. Renewal of the permit has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

Finding of No Significant Impact (FONSI)

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. The proposed action with mitigation measures result in a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

The analysis of the proposed action with mitigation measures did not identify any impacts that would be significant in nature either in context or intensity. The grazing authorization proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards. In addition, there is nothing to indicate the action is highly controversial or that it is related to other actions with individually insignificant but cumulatively significant actions.

Proposed Decision

Under authority of 43 CFR 4110.0-8, 4110.2-2(a), 4130.2(a), 4130.2(d), 4130.3, 4130.3-1(a), 4130.3-2 and 4160.1(a), it is my proposed decision to adopt the Proposed Action contained in the environmental assessment (EA No. DOI-BLM-CO-N040-2010-0009) and renew grazing permit No. 0507589 for a period

of ten years (March 1, 2010 - February 28, 2020). The renewed permit will contain the same mandatory terms and conditions as the permit that expired on February 28, 2010. The other terms and conditions that will be carried forward from your expired permit, including additional ones, are described below.

Mandatory terms and conditions are:

Allotment Name & No.	Livestock No. & Kind	Period of use	%PL	AUMs
Ute Creek 08707	1900 Sheep	05/11 - 06/25	18	103
	5 Horses	05/11 - 06/25	18	1
	1900 Sheep	10/01 - 11/20	18	115
	5 Horses	10/01 - 11/20	18	2

The grazing preference in animal unit months (AUMs) is:

Allotment Name & No.	Active	Suspended	Total
Ute Creek 08707	216	164	380

Other terms and conditions that will be carried forward from your expired permit are as follows:

- 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.
- Horse use on the Ute Creek Allotment is only permitted in that portion of lot 6 lying east of Interstate 70, Sec. 23, T.4S., R.83W.

The following terms and conditions will be added to the grazing permit:

- All ground disturbing activity, salt blocks, and the placement of supplemental feed, etc, must be at least 100 m from the areas of cultural resource concern.
- 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).

Rationale for the Proposed Decision

Renewal of the grazing permit is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 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; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 - Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan.

The proposed action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the Glenwood Springs RMP. 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."

An interdisciplinary team prepared an EA (No. DOI-BLM-CO-N040-2010-0009) for the proposed permit renewal. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the current conditions and land health standards in the Ute Creek Allotment are expected to be maintained. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

The terms and conditions that have been added to your permit pertaining to cultural resources are designed to help mitigate impacts to these resources as identified in the EA.

Authority

43 CFR 4100.0-8 states: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0- 5(b)."

43 CFR 4110.2-2(a) states: "Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under § 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands."

43 CFR 4130.2(a) states: "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use

plans as available for livestock grazing. Permits and leases will specify the grazing preference, including active and suspended use. These grazing permits and leases will also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2."

43 CFR 4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless -- (1) The land is being considered for disposal; (2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years; (3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or (4) the authorized officer determines that a permit or lease for less than 10 years is the best interest of sound land management."

43 CFR 4130.3 states: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

43 CFR 4130.3-1(a) states: "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

43 CFR 4130.3-2 states: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands."

43 CFR 4160.1(a) states: "Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public".

Protest and/or Appeal

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Karl R. Mendonca, Associate Field Manager, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Please take a moment to review your enclosed grazing permit. **If you do not have any concerns with the permit as offered, please sign, date, and return it to our office.** If you have any questions, feel free to contact either Mike Kinser of my range staff at (970)876-9074, or myself at (970)876-9004.

Sincerely,



Karl R. Mendonca
Associate Field Manager

Enclosure(s)

BLM Form 4130-2a, Grazing Permit
Environmental Assessment (No. DOI-BLM-CO-N040-2010-0009)