



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
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Silt, Colorado 81652
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ENVIRONMENTAL ASSESSMENT

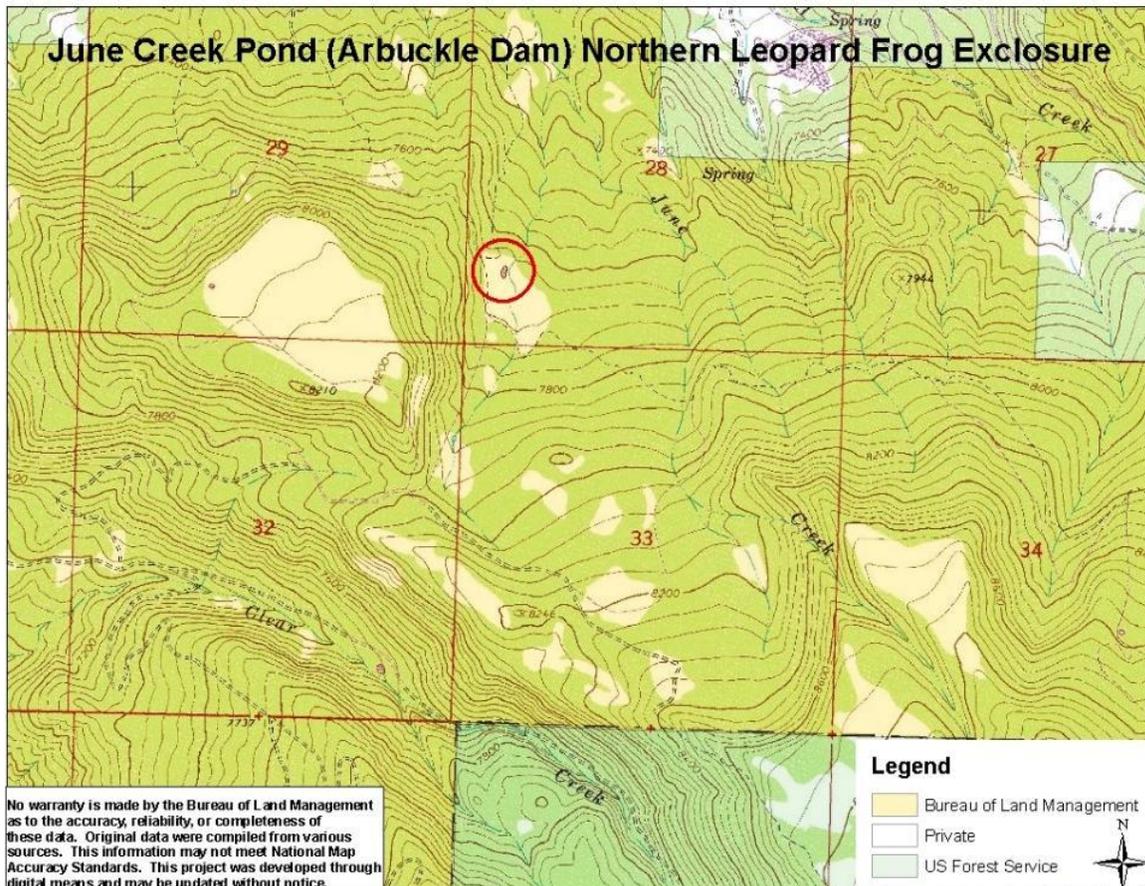
1. Introduction

NUMBER: DOI-BLM-CO-040-2012-0086 EA

PROJECT NAME: June Creek Pond (Arbuckle Dam) Northern Leopard Frog Exclosure

LOCATION: 10.5 miles Southwest of Silt, Colorado

LEGAL DESCRIPTIONS: T 7S, R 91 W, Section 28 (See Map Below), see project map in Appendix B. p. 16



APPLICANT: BLM Project proposed by Colorado River Valley Field Office

BACKGROUND: *Northern Leopard Frog*. The northern leopard frog (*Rana pipiens*) was historically quite common throughout Colorado, but over the last 30 to 40 years, populations have declined. Some populations have been locally extirpated from portions of eastern and north-central Colorado, including Rocky Mountain and Mesa Verde National Parks (Corn and Fogleman 1984). The Colorado Division of Wildlife has designated the northern leopard frog a Species of Greatest Conservation Need as well as a Species of Special Concern due to low population status and a declining population trend (Colorado Division of Wildlife 2009, pp. 2, 28, 305). Protecting a portion of the June Creek Pond (Arbuckle Dam) will provide a proactive action in conserving a small population of northern leopard frogs.



Northern Leopard Frog in Arbuckle Dam pond

PURPOSE AND NEED FOR ACTION: Northern leopard frogs are listed as BLM and Forest Service sensitive species and Colorado Parks and Wildlife species of special concern. Population declines in Colorado have been observed since at least the early 1980's. Grazing cattle can trample adult frogs and eggs at pool margins as well as remove riparian vegetation used for hiding and breeding cover. By constructing a partial enclosure around the Arbuckle Dam pond a proactive step would be taken to enhance habitat important to the resident frog population.

Decision to be made: Whether or not to construct the enclosure

SCOPING AND PUBLIC INVOLVEMENT AND ISSUES: This action was scoped internally with the NEPA Interdisciplinary Team on 6/7/2012. Issues raised during the internal scoping are itemized in table 3-1 and analyzed in Section 3 Affected Environment and Environmental Consequences.

2. Proposed Action and Alternatives

DESCRIPTION OF PROPOSED ACTION

The proposed action is to construct approximately 300 feet of wildlife friendly fence around half of the Arbuckle Dam pond. The fence would be wildlife friendly per Colorado Parks and Wildlife standards. The bottom and top strand will be smooth, no PVC coating will be placed on the top strand, with 2 strands of barb wire in between the top and bottom strands and will be no taller than 42 inches from the ground (see figure 1). The fence would run into the margins of the pond and connect to the pre-existing fence that is there to prevent cattle from walking around and inside the fence. No wire would run across the pond, which would allow cattle access to water in drier conditions and allow for pond maintenance and clean out (see figure 2). 11 posts would be needed for h-braces and corners on the fence line with standard t-posts in between. Post holes will be dug by hand with a post hole digger and t-posts pounded in with a post pounder. Fence construction would be conducted by BLM personnel beginning sometime in late summer into the fall to avoid the spring/summer frog breeding season.

DESCRIPTION OF NO ACTION ALTERNATIVE

Under the no action alternative, no fencing would be built on the Arbuckle Dam pond. No protection or enhancement of northern leopard frog habitat would result.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

Varying fencing alternatives and designs were considered but were rejected primarily because of livestock access concerns. The pond is an important watering source for livestock and helps to reduce livestock use along and within nearby June Creek and its riparian area.



Arbuckle Dam Pond

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; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in August 2006 - Roan Plateau Planning Area Including Naval Oil Shale Reserves Numbers 1 & 3 Resource Management Plan Amendment & Environmental Impact Statement

Decision Number/Page: Page 15, Planned Management Actions

Decision Language: Monitor streams and lakes on public land. Improve those found to be in declining condition.

RELATIONSHIP TO STATUTES, REGULATIONS, OTHER PLANS

STANDARDS FOR PUBLIC LAND HEALTH

In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

A Formal Land Health Assessment was conducted in 2009 of the Divide Creek watershed. The Divide Creek allotment which encompasses the proposed action area was at least marginally meeting all the Land Health Standards at the time of the assessment.

The impact analysis must address whether the proposed action or any alternatives being analyzed would result in impacts that would maintain, improve, or deteriorate land health conditions for each of the five standards. These analyses are located in specific elements listed below.

3. Affected Environment & Environmental Consequences

DIRECT AND INDIRECT EFFECTS, MITIGATION MEASURES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and alternatives. 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 environmental elements. Not all programs, resources or uses are present in the area, or if they are present, may not be affected by the proposed action and alternatives (Table 3-1). Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

<i>Table 3-1. Programs, Resources, and Uses (Including Supplemental Authorities)</i>	<i>Potentially Affected?</i>	
	Yes	No
Access and Transportation		X
Air Quality		X
Areas of Critical Environmental Concern		X
Cadastral Survey		X
Cultural Resources	X	
Native American Religious Concerns	X	
Environmental Justice		X
Farmlands, Prime or Unique		X
Fire/Fuels Management		X
Floodplains		X
Forests		X

Geology and Minerals		X
Law Enforcement		X
Livestock Grazing Management	X	
Noise		X
Paleontology		X
Plants: Invasive, Non-native Species (Noxious Weeds)		X
Plants: Sensitive, Threatened, or Endangered		X
Plants: Vegetation	X	
Livestock Grazing Management	X	
Realty Authorizations		X
Recreation		X
Social and/or Economics		X
Soils	X	
Visual Resources		X
Wastes, Hazardous or Solid		X
Water Quality, Surface and Ground		X
Water Rights		X
Wetlands and Riparian Zones		X
Wild and Scenic Rivers		X
Wilderness/WSAs/Wilderness Characteristics		X
Wildlife: Aquatic / Fisheries		X
Wildlife: Migratory Birds		X
Wildlife: Sensitive, Threatened, and Endangered Species	X	
Wildlife: Terrestrial		X

Cultural Resources

Affected Environment:

Proposed Action

A records search of the general project area, and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by the BLM (CRVFO CRIR 1012-32). Conditions of the existing cultural environment are incorporated by this reference but the following briefly summarizes cultural resources in the APE. During project inventory, one isolated find was located which is not eligible for the National Register of Historic Places (NRHP) and will not be affected during project implementation. Thirteen previous cultural resource inventories have been conducted within one mile of the APE resulting in three previously recorded sites. Two sites are prehistoric sites that are not eligible for the NRHP and one is a historic site that is eligible for the NRHP. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

No Action Alternative

Under this alternative, there will be no direct or indirect impacts to cultural resources from project implementation because no related surface disturbing activities will occur.

Environmental Consequences/Mitigation:

Standard Stipulations

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Native American Religious Concerns

Affected Environment:

Proposed Action

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation. The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro-American models or definitions. As such the BLM recognizes that they have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. No traditional cultural properties, natural resources, or properties of a type previously identified as being of interest to local tribes, were found during the cultural

resources inventory of the project area or identified by consultation. There is no other known evidence that suggests that the project area holds special significance for Native Americans.

No Action Alternative

Under this alternative, there will be no direct or indirect impacts to cultural resources from project implementation because no related surface disturbing activities will occur. Therefore, areas of concern to Native American tribes would not be affected.

Environmental Consequences/Mitigation: None. No additional Native American Indian consultation was conducted for the proposed project.

Livestock Grazing Management

Affected Environment

The proposed enclosure would be located in the Upper Basin Pasture of the East Divide grazing allotment. There are three grazing permits on the allotment as outlined below:

Table 3-2 - Grazing Permits in the Upper Basin Pasture of the East Divide Grazing Allotment.

Authorization No.	Livestock No.	Period of Use	AUMs
0507614	236 Cattle	6/1-7/7	287
	235 Cattle	10/8-10/15	62
0507670	369 Cattle	6/1-7/7	449
	369 Cattle	10/8-10/15	97
0507625	80 Cattle	6/1-7/7	97
	80 Cattle	10/8-10/15	21

Livestock grazing near the Arbuckle Dam occurs mostly in the spring for 2-3 weeks and only by one of the grazing permittees (authorization number 0507670). The first half of the period of use occurs in the Lower Basin Pasture. The Arbuckle Dam is a primary spring run-off water source that was built by the grazing permittee in coordination with the BLM for the purpose of improving distribution of cattle while in the Upper Basin Pasture. Arbuckle Dam is maintained by the permittee as needed.

Environmental Effects

Proposed Action

Implementation of the proposed action would result in a small portion of the Arbuckle Dam being fenced to exclude cattle use in back of the pond. Fence design would still allow for livestock access to the back (deeper end) of the pond on drier years when water may not be available in the un-fenced portion (front) of the pond. Fencing design minimizes impacts to livestock and still allows livestock access to water.

No Action Alternative

Implementation of the no action alternative will have no effects on livestock grazing management.

Mitigation

The grazing permittee is authorized through a Cooperative Agreement to maintain Arbuckle Dam in functioning condition. Maintenance activities would be continued as needed. Pond cleanout would occur when the pond is dry.

Plants: Vegetation

Affected Environment

Much of the area where the fence would be built has been previously disturbed by livestock grazing and trampling, so vegetative cover is currently sparse. Upland vegetation includes big sagebrush (*Artemisia tridentata*), Kentucky bluegrass (*Poa pratensis*), Western wheatgrass (*Pascopyron smithii*) and various other grasses and forbs. The riparian vegetation includes cattails (*Typha* spp), Baltic rush (*Juncus balticus*) and several other sedges and rushes.

Environmental Effects

Proposed Action

Construction of the proposed new fence would result in short-term losses of both upland and riparian vegetation. The loss of vegetation would be minimal since current vegetative cover is sparse and the post holes would be dug by hand.

Following construction, vegetation within the fenced area would quickly recover and would increase in cover and diversity from pre-construction levels.

No Action Alternative

Under the No Action alternative, no fence would be constructed and there would be no short term loss of vegetation, but there would be no long-term increase in vegetation as a result of excluding livestock grazing from a portion of the pond.

Land Health Standards

As part of the Divide Creek Land Health Assessment, BLM staff determined that vegetation in the overall project area was meeting Standard 3 (BLM 2009) for healthy plant and animal communities. By excluding livestock grazing from a portion of the pond, implementation of the proposed action would not cause a failure to meet Standard 3 and would likely result in improved vegetative conditions in the long-term.

Soils

Affected Environment

A review of the soil survey by the NRCS for the *Rifle Area, Colorado, Parts of Garfield and Mesa Counties* indicate two soil map units occur within the project area (NRCS 1985). The NRCS soil map unit descriptions (NRCS 2011) are provided below:

Morval loam (44) – This deep, well-drained soil is found on mesas and the sides of valleys at elevations ranging from 6,500 to 8,000 feet and on slopes of 3 to 12 percent. Parent material for this soil is alluvium derived from basalt and sandstone. Surface runoff for this soil is slow and the erosion hazard is slight. Primary uses for this soil include grazing, pasture use, and hay production.

Morval-Tridell complex (45) – This soil map unit is found on alluvial fans and the sides of mesas at elevations ranging from 6,500 to 8,000 feet and on slopes of 6 to 25 percent. The Morval soil

makes up about 55 percent of the unit and is found on lower slopes while the Tridell soil makes up about 30 percent of the unit and is found on the sides of mesas. Both soils are deep, well drained and have medium surface runoff and moderate erosion hazard. The primary uses for this soil map unit include grazing and wildlife habitat.

Soils adjacent to livestock drinking water sources are typically compacted and highly disturbed by regular livestock use. However, overall soil health was evaluated in 2009 during the Divide Creek Land Health Assessment. BLM staff concluded that soils were meeting land health standards throughout the proposed allotments, with only slight departures from expected conditions (BLM 2009).

Environmental Effects

Proposed Action

Fence building will create short term soil compaction during installation of posts, but effects will be minimized as holes will be dug by hand. Much of the area where the fence will be built has been previously disturbed by livestock or already has fence line in place. The long term affects will allow improved soil stability along a portion of the dam and pond by excluding livestock trampling.

No Action Alternative

The no action alternative will have no short term impacts to soils, but will also not provide the long term benefit by excluding a portion of the pond to livestock.

Land Health Standard 1 for Soils

Based on the Divide Creek Land Health Assessment, BLM staff concluded that soils are meeting Standard 1 (BLM 2009). Implementation of the proposed action is not anticipated to degrade soil health from current conditions.

Wildlife: Sensitive, Threatened, and Endangered

Affected Environment for Special Status Aquatic Wildlife Species:

Table 3-3 summarizes the latest: 1) species list (USFWS 2010) from the U. S. Fish and Wildlife Service for Federally listed, proposed, or candidate aquatic wildlife species and 2) Colorado BLM State Director's Sensitive Species List for aquatic species; that may occur within the CRVFO and be impacted by the proposed action.

Table 3-3 – Special Status Aquatic Wildlife Species.

Federally Listed, Proposed or Candidate Aquatic Wildlife Species		
Species	Habitat/Range	Occurrence/ Potentially Impacted
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Federally listed as threatened. 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 the Western Slope of Colorado. Historically found in cold, clear, gravely headwater streams and mountain lakes of the Arkansas and South Platte River systems in Colorado and part of Wyoming. The greenback cutthroat trout was not identified on the USFWS list for Garfield County; however, recent surveys have identified a population in Cache Creek.	Absent /No

Bonytail (<i>Gila elegans</i>)	Federally listed as endangered. This large chub is a member of the minnow family found in large, fast-flowing waterways of the Colorado River system. Their current distribution and habitat status are largely unknown due to its rapid decline prior to research into its natural history. The bonytail is extremely rare in Colorado and no self-sustaining population exists. Only one has been captured in the state since 1980.	Absent /No
Colorado pikeminnow (formerly Colorado squawfish) (<i>Ptychocheilus lucius</i>)	Federally listed as endangered. Primarily exists 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. Colorado pikeminnow populations in the upper Colorado River basin are now relatively stable or growing. Designated Critical Habitat includes the Colorado River and its 100-year floodplain west (downstream) from the town of Rifle.	Absent /No
Humpback chub (<i>Gila cypha</i>)	Federally listed as endangered. Found in deep, clear to turbid waters of large rivers and reservoirs over mud, sand or gravel. The nearest known population of humpback chub is in the Colorado River at Black Rocks west of Grand Junction..	Absent /No
Razorback sucker (<i>Xyrauchen texanus</i>)	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.	Absent /No
Colorado BLM Sensitive Aquatic Species		
Species	Habitat/Range	Occurrence / Potentially Impacted
Northern leopard frog (<i>Rana pipiens</i>)	Generally found between 3,500 to 11,000 feet, in wet meadows and in shallow lentic habitats. They require year-round water sources, deep enough to provide ice free refugia in the winter. Within the CRVFO, this species has been documented in locales where quality riparian vegetation exists in conjunction with perennial water sources. Larger populations of this species have been documented northwest of King Mountain within the small drainage that feeds 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.	Present /Yes
Great Basin spadefoot toad (<i>Spea intermontana</i>).	This toad is known to occupy a wide variety of habitat including lowlands, foothills, and shortgrass plain. This species generally inhabits and breeds in seasonal pools and ponds in pinyon-juniper woodland, sagebrush, and semi-desert shrubland habitats, mostly below 6,000 feet in elevation.	Absent /No
Boreal Toad (<i>Bufo boreas boreas</i>)	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. The CRVFO has potential habitat but no known populations.	Absent /No

<p>Bluehead sucker (<i>Catostomus discobolus</i>), Flannelmouth sucker (<i>Catostomus latipinnis</i>), and Roundtail chub (<i>Gila robusta</i>)</p>	<p>Primarily found in larger rivers but may also be found in smaller tributaries with good connectivity to larger river systems. These fish are endemic to the Colorado River basin and reside within the mainstem Colorado River and its major tributary streams. Given their biology, feeding habits, habitat needs, and niche in the ecosystem, these species can persist in the face of actions that increase sediments to streams and rivers containing these species.</p>	<p>Absent /No</p>
<p>Mountain sucker (<i>Catostomus platyrhynchus</i>)</p>	<p>The mountain sucker is found primarily in small, low- mid elevation streams in northwestern Colorado with gravel, sand or mud bottoms. They inhabit undercut banks, eddies, small pools, and areas of moderate current. Young fish prefer backwaters and eddies. A population of mature adults is found in Steamboat Lake. Within the CRVFO, only known occurrence is in Piceance Creek.</p>	<p>Absent /No</p>
<p>Colorado River cutthroat trout (CRCT) (<i>Oncorhynchus clarkii pleuriticus</i>)</p>	<p>CRCT are one of three subspecies of native trout found in Colorado. CRCT prefer clear, cool headwaters streams with coarse substrates, well-distributed pools, stable streambanks, and abundant stream cover. CRCT have been documented as occurring in Parachute Creek, Abrams Creek, Battlement Creek, Mitchell Creek, North Thompson Creek and Red Dirt Creek. It is likely that all of the perennial waters capable of harboring fish historically contained this native trout species. CRCT have hybridized with non-native salmonids in many areas, reducing the genetic integrity of this subspecies. Rainbow trout hybridize with cutthroat trout. Brook and brown trout tend to replace them in streams and rivers.</p>	<p>Absent /No</p>

Environmental Effects

Proposed Action

Fence construction could impact adults and eggs at wetland margins for a brief time during fence construction. Some potential impacts are soil compaction, decreased water quality, and temporary displacement from preferred habitat. - Soil compaction and water quality associated with construction could affect insect and frog production, siltation of pools and could smother eggs. Construction could also temporarily displace frogs from the area of the pond being fenced off.

No Action Alternative

Under the no action alternative there would be no potential impacts to Northern Leopard Frogs.

Mitigation

Mitigation to reduce impacts to adult northern leopard frogs and eggs would be to construct the fence during late summer to avoid the breeding season and maturation of tadpoles. Post holes would be dug by hand reducing soil compaction and the chance of crushing any frogs in the area by heavy equipment. All dirt removed for post holes would be replaced back into the holes with the post and would eliminate any excess siltation of the pond.

Land Health Standards

Finding on the Public Land Health Standard 4 for Special Status Aquatic Wildlife Species: A formal land health assessment was completed in the project area in 2009. At that time the area was meeting Standard 4 for aquatic wildlife. With mitigation measures taken neither the proposed action nor the no action alternative would have an impact on the quantity or quality of suitable habitat that is available for the recovery of special status species. Neither action would have a bearing on the watershed’s ability to continue to meet Standard 4.

CUMULATIVE EFFECTS

Soil and Water. Cumulative impacts to soil and water resources can occur from existing roads and trails throughout the project area. Roads and trails can contribute to increased surface runoff and accelerated erosion, especially where proper drainage is lacking. Other impacts such as vegetation treatments or weed treatments may also change water infiltration or runoff rates and affect soil and water resources. Natural gas development, which includes road construction/maintenance, pads and pipelines have both direct and indirect effects to soil and water resources. Based on limited land management activities occurring adjacent to the proposed project area, it is assumed that cumulative effects to soil and water are minor and unmeasurable if proper best management practices are implemented.

4. Tribes, Individuals, Organizations, or Agencies Consulted

-Gary Hill, Grazing Permittee

5. List of Preparers

Members of the CRVFO Interdisciplinary Team who participated in the impact analysis of the Proposed Action and alternatives, development of appropriate mitigation measures, and preparation of this EA are listed in Table 6-1, along with their areas of responsibility.

<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Kimberly Miller	Outdoor Recreation Planner	Recreation, Wilderness, Wild and Scenic Rivers
Pauline Adams	Hydrologist	Soil, Water, Air
Monte Senior	Rangeland Management Specialists	Invasive Species
Brian Hopkins	Wildlife Biologist	Terrestrial Wildlife, Migratory Birds
Isaac Pittman	Rangeland Management Specialist	Livestock Grazing Management
Gregor Dekleva	Fisheries Technician	Aquatic Wildlife and T/E/S Aquatic Wildlife
Erin Leifeld	Archaeologist	Cultural Resources and Native American Religious Concerns
Everett Bartz	Rangeland Management Specialist	Wetlands & Riparian

6. References

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7. Appendices

Location map, drawings and specifications

Appendix A.

Figure 1.

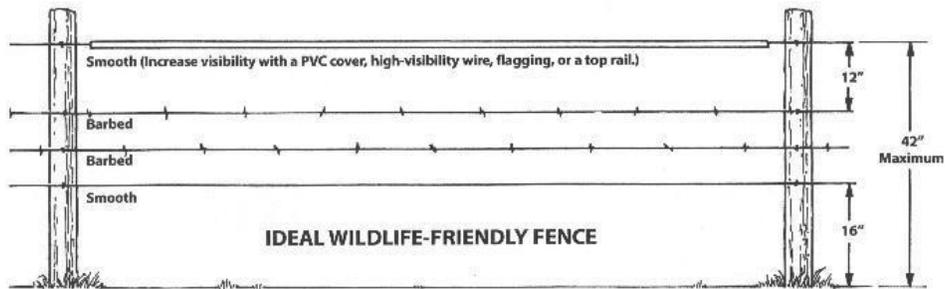
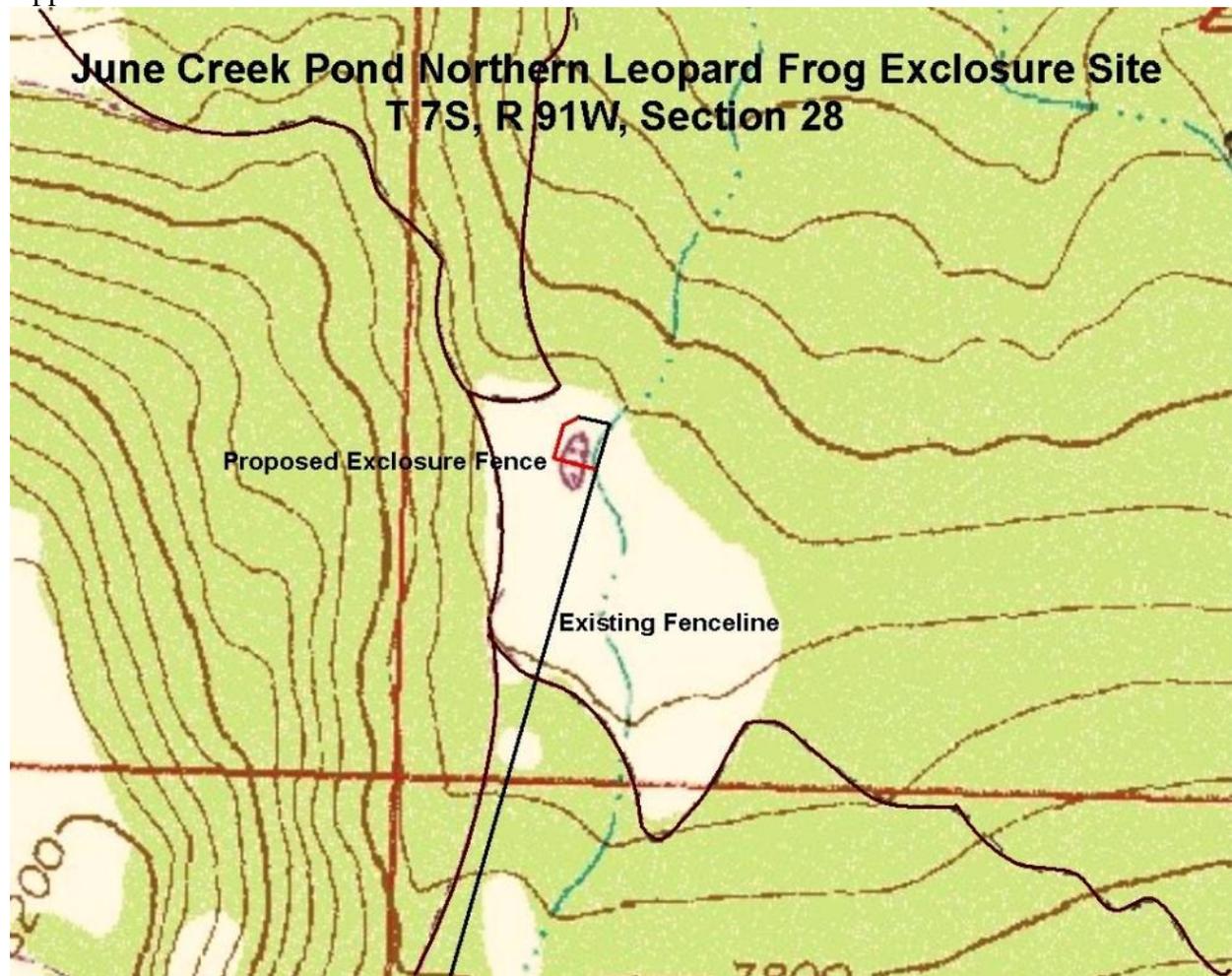


Figure 2.





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO RIVER VALLEY FIELD OFFICE
SILT, COLORADO

FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-N040-2012-0086-EA

Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed action documented in the EA referenced above. The effects of the proposed action are disclosed in the Alternatives and Environmental Effects 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 this northern leopard frog enclosure fence construction are identified and discussed in the Affected Environment and Environmental Consequences section of the EA. The proposed action will benefit Northern Leopard frogs in the long term based on analysis. The proposed action will not have any significant 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 BLM sensitive species and aquatic habitats on public land. Similar actions have not significantly affected public health or safety.

3. Unique characteristics of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, wilderness study areas, or ACECs.

No unique characteristics occur in the Arbuckle Dam project area.

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

The possible effects of constructing a partial livestock enclosure are not likely to be 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 Arbuckle Dam. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration.

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

The area covered by the proposed action only comprises a small portion of the watershed. Cumulatively, many of the future actions planned on adjacent private and US Forest Service lands may have some undetermined effect on wildlife including special status species habitat. The proposed action would create negligible landscape-level cumulative impacts to wildlife when viewed in conjunction with those activities currently occurring and reasonably certain to occur on adjacent private/other lands.

8. The degree to which the action may adversely affect scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.

One cultural resource was identified which is not eligible for the National Register of Historic Places (NRHP) and will not be affected during project implementation. Thirteen previous cultural resource inventories have been conducted within one mile of the project area resulting in three previously recorded sites. Two sites are prehistoric sites that are not eligible for the NRHP and one is a historic site that is eligible for the NRHP. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources. If the BLM determines that enclosure construction activities adversely impact the properties, mitigation will be identified

and implemented in consultation with the Colorado SHPO. The EA discloses the adverse impacts that could occur to cultural resources from enclosure construction.

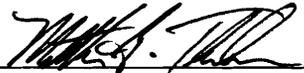
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

There is no endangered or threatened species or their habitat found within the assessment area.

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 Officer
Colorado River Valley Field Office

9-17-2012
Date

DECISION RECORD

DOI-BLM-CO-040-2012-0086 EA

FINAL DECISION:

RATIONALE:

MITIGATION MEASURES:

Cultural Resources and Native American Religious Concerns

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Livestock Grazing Management

The grazing permittee is authorized through a Cooperative Agreement to maintain Arbuckle Dam in functioning condition. Maintenance activities would be continued as needed. Pond cleanout would occur when the pond is dry.

Wildlife Sensitive, Threatened and Endangered Species

Mitigation to reduce impacts to adult northern leopard frogs and eggs would be to construct the fence during late summer to avoid the breeding season and maturation of tadpoles. Post holes would be dug by hand reducing soil compaction and the chance of crushing any frogs in the area by heavy equipment. All dirt removed for post holes would be replaced back into the holes with the post and would eliminate any excess siltation of the pond.

RIGHT OF PROTEST AND / OR APPEAL:

All of the documents supporting this decision are available for the review by the public. Appeal procedures for this decision are outlined in Title 43 of the Code of Federal Regulations (CFR), Part 4. In accordance with Title 43 CFR 4.410 any party to a case who is adversely affected by the decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals (Board). The Notice of Appeal must be filed in the Bureau of Land Management office that issued the decision within 30 days after the date of service (43 CFR 4.411). Procedures for filing an appeal are described on BLM Form 1842-1 (September 2005) and available online at:

http://www.blm.gov/pgdata/etc/medialib/blm/co/field_offices/slvplc/travel_managemet/final_tm_p.Par.46660.File.dat/BLM_1842-1%5B1%5D.pdf

NAME OF PREPARER: Gregor Dekleva

SIGNATURE OF AUTHORIZED OFFICIAL



Matthew Thorburn
Supervisory Natural Resource Specialist

DATE: 9-17-2012