



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
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## ENVIRONMENTAL ASSESSMENT

**NUMBER.** DOI-BLM-CO-N040-2013-0043-EA

**CASEFILE NUMBER.** 0504928

**PROJECT NAME.** Grazing permit renewal.

**LOCATION.** Wolcott Isolated Tract Allotment includes two separate parcels within a 1.5 mile radius of Wolcott, Colorado in Eagle County.

**LEGAL DESCRIPTIONS.**

T., 3 S., R., 87 W., all/part Sections 10, 11, 13, 34 & 36;

T., 3 S., R., 86 W., all/part Section 1;

T., 4 S., R., 87 W., all/part Sections 1 & 3.

**APPLICANT.** Grazing permittee.

**PURPOSE AND NEED FOR ACTION.** These permits 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 permit/lease 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 these grazing permits are needed for the following reasons: (1) to meet the livestock grazing management goal and objective of the Resource Management Plan, (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 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.

This action is needed to determine whether or not to reissue grazing permits on the following allotments and if so under what terms and conditions to ensure that Public Land Health Standards and objectives for resource management are or will continue to be achieved.

**SCOPING AND PUBLIC INVOLVEMENT AND ISSUES.** A notice of public scoping was posted on the Colorado BLM’s Internet web page on March 6<sup>th</sup>, 2013 regarding grazing permits and associated allotments scheduled for renewal in 2013-2014. A news release was posted March 07, 2013. 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. The Colorado River Valley Field Office Internet NEPA Register also lists grazing NEPA documents that have been initiated. They are generally posted approximately one month prior to the estimated completion date. No public comments specific to this proposed action have been received.

This action was scoped internally with the NEPA Interdisciplinary Team (Dec 30, 2013). Resources potentially affected are itemized in Table 6 and analyzed in the Affected Environment and Environmental Effects.

**PROPOSED ACTION.** The proposed action is to renew a term grazing permit that would authorize 30 cattle to graze for 6 days on the western parcel of the Wolcott Isolated Tract Allotment from June 10<sup>th</sup> to the 15<sup>th</sup> and then again in the fall from September 7<sup>th</sup> to the 12<sup>th</sup> each year. The number and period of use will be changed from that on the existing permit and 28 AUMs will be placed in temporary suspension. 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. Scheduled grazing use and grazing preference for the lease are summarized in Table 1.

**Table 1. Mandatory Terms and Conditions/Scheduled Grazing Use.**

<b>George Jouflas Ranches LLC 0504928</b>					
<b>Changed From</b>	<b>Livestock kind and number</b>		<b>Periods of Use</b>	<b>Percent Public Land</b>	<b>Total AUMs</b>
Wolcott Isolated Tract No. 08710	45 Cattle		06/25 to 07/09	100	22
	45 Cattle		09/20 to 10/01		18
Total					<b>40</b>
<b>To</b>	<b>Livestock kind and number</b>		<b>Periods of Use</b>	<b>Percent Public Land</b>	<b>Total AUMs</b>
Wolcott Isolated Tract No. 08710	West Pasture	30 Cattle	06/10 to 06/15	100	6
		30 Cattle	09/07 to 09/12		6
Total					<b>12</b>
Note: <b>Thirty (28) AUMs</b> would be <b>temporarily suspended</b> until livestock infrastructure is in place to support their use of the eastern parcel of Wolcott Isolated Tract.					

**Table 2. Grazing Preference AUMS**

<b>George Jouflas Ranches, LLC. Number 0504928</b>				
<b>From:</b>				
<b>Allotment &amp; No.</b>	<b>Active</b>	<b>Suspended</b>	<b>Temporarily Suspended</b>	<b>Total</b>
Wolcott Isolated No. 08710	40	134	-	<b>174</b>
<b>To:</b>				
Wolcott Isolated No. 08710	12	134	28	<b>174</b>

The following Other Terms and Conditions would be included 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. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advance notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.

The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law. 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 further notified in writing to proceed by the authorized officer.

Average utilization levels by livestock shall not exceed 50% by weight on key grass species, and 40% of the key browse species current year's growth. Grazing in riparian areas should leave an average minimum 4-inch stubble height of herbaceous vegetation. If utilization is approaching allowable use levels, livestock should be moved to another portion of the allotment, or removed from the allotment entirely for the remainder of the growing season. Application of this term may be flexible to recognize livestock management that includes sufficient opportunity for regrowth, spring growth prior to grazing, or growing season deferment.

Adaptive management will be employed on these allotments. The Mandatory Terms and Conditions on this grazing permit show the maximum allowable flexibility. The permittee may use the allotment when the range is ready but not earlier than the beginning dates described in the permit. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUM usage may not exceed active preference. An actual use statement shall be submitted no later than Aug 1 annually. Billing will be based on actual use.

New range improvements, maintenance of existing range improvements, or additional feeding areas may require cultural resource inventories, monitoring, and/or data recovery.

**NO ACTION ALTERNATIVE.** The no action alternative would be to renew a term grazing permit that would authorize 45 cattle to graze on the Wolcott Isolated Tract Allotment. The number, kind of livestock, period of use, percent public land and animal unit months (AUMs) would all 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 No Action Alternative is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are shown in tables 4 and 5 below.

**Table 4. Mandatory Terms and Conditions/Scheduled Grazing Use**

<b>George Jouflas Ranches, LLC. Number 0504928</b>				
<b>Allotment Name and Number</b>	<b>Livestock kind and number</b>	<b>Periods of Use</b>	<b>Percent Public Land</b>	<b>Total AUMs</b>
Wolcott Isolated No. 08710	45 cattle	06/25 to 07/09	100	22
		09/20 to 10/01		18

**Table 5. Grazing Preference AUMS**

<b>George Jouflas Ranches, LLC. Number 0504928</b>			
<b>Allotment &amp; No.</b>	<b>Active</b>	<b>Suspended</b>	<b>Total</b>
Wolcott Isolated No. 08710	40	134	<b>174</b>

The following Other Terms and Conditions would be included on the renewed permit:

The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law. 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 further notified in writing to proceed by the authorized officer.

This allotment may contain 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. If the BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO. The BLM may also 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.

**NO GRAZING ALTERNATIVE.** Under this alternative a grazing lease would not be reissued. As a result, no grazing would be authorized on Wolcott Isolated Tract Allotment. This alternative would initiate a process in accordance with 43 CFR parts 4100 and 1600 would eliminate grazing on this allotment and would amend the resource management plan.

**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 September 2009; and amended in October 2012 - Approved Resource Management Plan Amendments/ Record of Decision (ROD) for Solar Energy Development in Six Southwestern States.

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

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

**RELATIONSHIP TO STATUTES, REGULATIONS, OTHER PLANS.**

- Taylor Grazing Act of 1934 as amended;
- Federal Land Policy and Management Act of 1976;
- Public Rangelands Improvement Act of 1978;
- Title 43 of the Code of Federal Regulations Subpart 4100 – Grazing Administration;
- Noxious Weed Act of 1974;
- Endangered Species Act of 1973;
- National Environmental Policy Act of 1969;
- Migratory Bird Treaty Act of 1918;
- National Historic Preservation Act (16 USC 470f);
- Archeological Resources Protection Act;
- Native American Graves Protection and Repatriation Act;
- Indian Sacred Sites – EO 13007; and
- Consultation and Coordination with Indian Tribal Governments – EO 13175
- Colorado Public Health Standards and Livestock Grazing Management Guidelines - March 1997
- Colorado Greater Sage-grouse Conservation Plan (January 2008)

**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.

The allotment is located within the Eagle River South Land Health Assessment Area, which was assessed in 2002. The land health assessment determined that both parcels of the Wolcott Isolated Tract allotment were at least marginally meeting the standards. Problems noted on the western parcel were that the amount of bare ground was higher than expected, there were fewer forbs than expected, and some signs of water flow patterns and soil compaction were evident. The eastern parcel had good vegetation cover and vigor, but the herbaceous vegetation was dominated by the aggressive, non-native grass, smooth brome. Utilization levels were near 70 percent on the western parcel, but as 2002 was a severe drought year, this may not have been indicative of typical use levels. There was no evidence of any livestock grazing on the eastern parcel.

The impact analysis addresses 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 the program-specific analysis in this document.

**AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES.** 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 6). Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

**Table 6. Programs, Resources, and Uses (Including Supplemental Authorities)**

<i>Potentially Effected?</i>	<b>Yes</b>	<b>No</b>
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	
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.**

Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment (CRVFO#1013-24) was completed for the Wolcott Isolated #08710 allotment on March 29, 2013 by Erin Leifeld, Colorado River Valley Field Office Archaeologist. The assessment followed 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, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are available at the Colorado River Valley Field Office archaeology files.

Data developed here was taken from the cultural program project report files, site report files, and base maps filed at the Colorado River Valley Field Office as well as information from

General Land Office (GLO) maps, BLM land patent records, and the State Historic Preservation Office (SHPO) site records, report records, and GIS data.

Table 7 below is based on the allotment specific analysis for the allotment in this EA. The table shows known cultural resources, the potential of Historic Properties, and Management recommendations.

**Table 7. Cultural Resources Assessment Summary**

Allotment Name and Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent Allotment Inventoried at a 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)
Wolcott Isolated #08710	128.7	7.2	94.7%	7	Moderate	No additional inventory; No sites to monitor

Five cultural resource inventories (CRVFO# 393, 668, 848, 940, and 5498-17) have been previously conducted within the Wolcott Isolated Allotment #08710 resulting in the survey coverage of 128.7 acres at a Class III level. Seven cultural resources have been identified within the previously inventoried area. Of the seven cultural resources one is a prehistoric site (5EA.758) that is not eligible for the National Register of Historic Places (NHPA). The other six cultural resources (5EA.761, 5EA.762, 5EA.760, 5EA.821, 5EA.766, and 5EA.765) are prehistoric isolated finds that are also not eligible for the NRHP. Looking at the General Land Office (GLO) Patents from 1922, indicate there is potentially a portion of the historic road called the “Ocean to Ocean” highway which is now Interstate-70. Additionally, the 1922 GLO indicates a possible historic house located near the allotment but it is unsure if this would have been on BLM or private lands. No areas were identified for cultural resource inventory in the previous environmental analysis.

**ENVIRONMENTAL CONSEQUENCES.**

The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, can include trampling, chiseling, artifact breakage, and churning of site soils, cultural features, and cultural artifacts. Impacts from livestock standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art can also have direct impacts to cultural resources. Indirect impacts include soil erosion and gullyng, which can lead to increased ground visibility which has the potential to increase unlawful collection and vandalism. Continued livestock use in these concentration areas has the potential to cause substantial ground disturbance and in turn, irreversible adverse effects to historic properties.

**Proposed Action.** Reducing the number of livestock and shortening the period of use will help to reduce the potential for impacts to cultural resources from livestock concentration, trampling, and churning of soils. Limiting use to just the west parcel will likely have little impact to cultural resources because number of livestock is being reduced and therefore helps to limit ground disturbance.

Ensuring that average livestock utilization levels will be limited to 40-50% and riparian areas average minimum stubble height is 4-inch, may be beneficial to lessen ground disturbance and

therefore livestock will not be grazing to the point where soils are more exposed or more susceptible to erosion.

No sites need to be monitored during the term of this permit and no additional acres are recommended to be inventoried.

***No Action Alternative.*** Under this alternative, livestock numbers, period of use, and parcel limitations would not change. There would be no limitations to average utilization or stubble height, which may have the potential to increase ground disturbance over time in areas where cattle concentrate.

***No Grazing Alternative.*** Under this alternative, direct and indirect impacts to cultural resources from grazing would be reduced based on the absence of livestock and no related surface disturbing activities.

## NATIVE AMERICAN RELIGIOUS CONCERNS

### AFFECTED ENVIRONMENT.

American Indian religious concerns are legislatively considered under 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). These require, in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act (ARPA), that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life. This ensures, 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 other 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. The BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. The cultural resource evaluation of these allotments describing known cultural resources and their condition was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe. The letter, sent on April 8, 2014, requested the tribes to identify issues and areas of concern within the allotments. No comments were received.

### ENVIRONMENTAL CONSEQUENCES.

***Proposed Action.*** No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified during the overview of the cultural resources inventory of the project area. Therefore, areas of concern to Native American tribes will not be affected.

*No Action Alternative.* Same as Proposed Action Alternative.

*No Grazing Alternative.* Under this alternative, direct and indirect impacts to cultural resources from grazing would be reduced based on the absence of livestock and no related surface disturbing activities. Therefore, areas of concern to Native American tribes would not be affected.

## LIVESTOCK GRAZING MANAGEMENT

### AFFECTED ENVIRONMENT.

The Wolcott Isolated Track is comprised of two (2) separate parcels of BLM land surrounded and separated by private. These BLM parcels are just south of Wolcott Colorado and Interstate 70. The approximate total public land acreage of the allotment is around 136. The western parcel is the smaller of the two with only 35 acres and is the only parcel with the infrastructure to support livestock grazing. There is limited fencing on the northern boundary of the eastern parcel that has a creek which flows to the northeast through this eastern parcel.

### ENVIRONMENTAL CONSEQUENCES.

*Proposed Action.* The proposed action would allow a short period of grazing use prior to livestock being moved onto other private lands. Currently the eastern portion of the allotment is not used and the change on the permit does not impact the existing use. The change on the permit would help to specify the amount of AUMs actually available on the western parcel which is currently used. The AUMs previously available on the eastern parcel would be temporarily suspended until the parcel can be made usable by the permittee.

*No Action Alternative.* This alternative would continue to authorize the same use that was previously authorized. The permittee has acknowledged that the eastern parcel is not used as is evident from monitoring. Therefore, the no action alternative is similar to the proposed action in that no use would be occurring on the eastern parcel. The difference is that a larger amount of use may be put on the western parcel since the allotment was not previously acknowledged as two separate pastures or parcels.

*No Grazing Alternative.* Under this alternative the grazing permits would be cancelled. Cancelling grazing use on these allotments may result in economic harm to the permittee. This alternative would initiate the process in accordance with 43 CFR parts 4100 and 1600 to eliminate grazing on these allotments and devote the land to some other purpose and would require an amendment to the resource management plan.

## PLANTS: INVASIVE NON-NATIVE SPECIES (NOXIOUS WEEDS)

### AFFECTED ENVIRONMENT.

A landscape-wide noxious weed inventory has not been completed on this grazing allotment. During the land health assessment in 2002 on the Eastern parcel, patches of musk and bull thistle

were common throughout the site with areas of dominance, especially along the power line. Given the nature of noxious weed infestations it can be assumed that these and other noxious weeds may be found in other areas of the allotment.

#### **ENVIRONMENTAL CONSEQUENCES.**

***Proposed Action.*** 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, such as overgrazing, 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 animal's coats. Conversely, properly managed livestock grazing maintains the vigor and health of native plant species which inhibits the spread of 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. Most infestations will be isolated to watering facilities, salting areas, and other areas where livestock concentrate.

***No Action Alternative.*** The no action alternative would renew the existing permit, which would allow 45 cattle to graze the allotment from June 25<sup>th</sup> to July 9<sup>th</sup>, and then Sept 20<sup>th</sup> to October 1<sup>st</sup> on the Wolcott Isolated Tract Allotment. Terms and conditions would be the same as on the current permit. Direct and indirect impacts from grazing activities would be similar to the proposed action. However, the no action alternative would likely maintain the currently degraded upland conditions and only over the long-term begin to provide the needed recovery of soil and vegetation conditions, which in turn may improve water quality.

***No Grazing Alternative.*** Under this alternative, no livestock grazing would occur on the allotment and there would be no direct or indirect impacts to noxious weeds from livestock use. Grazing by wildlife may continue to create localized disturbances that would enable weed expansion. Wildlife would continue to be a vector for the transportation and spread of noxious weed seeds.

#### **PLANTS: SENSITIVE, THREATENED, AND ENDANGERED PLANTS**

##### **AFFECTED ENVIRONMENT.**

Table 8 summarizes the 2013 species list from the U. S. Fish and Wildlife Service for Federally listed, proposed, or candidate plant species (USFWS 2013) and the November 2009 Colorado BLM State Director's Sensitive Species List for BLM sensitive plants (BLM 2009) that may occur within Eagle County and be impacted by the proposed action.

**Table 8. Threatened, Endangered, and Sensitive Plant Species in Eagle County**

<b>Federally Listed, Proposed or Candidate Plant Species</b>		
<b>Species</b>	<b>Habitat</b>	<b>Potential Habitat Present / Absent</b>
Ute ladies'-tresses orchid ( <i>Spiranthes diluvialis</i> )	Potential habitat for this threatened species is found below 7,200 feet along streams, lakes or in wetland areas with seasonally saturated or subirrigated soils.	<b>Absent:</b> No riparian areas with the Wolcott Isolated allotment that may provide suitable habitat for the Ute ladies'-tresses.
Penland Alpine Fen mustard ( <i>Eutrema penlandii</i> )	Found at margins of moss-dominated fens fed by perennial snowbeds. Known from Lake, Park and Summit Counties in Colorado at elevations between 11,900 and 13,280 ft.	<b>Absent:</b> No elevations above 9,000 feet and no fens occur in the allotment.
<b>BLM Sensitive Plant Species</b>		
<b>Species</b>	<b>Habitat</b>	<b>Potential Habitat Present/Absent</b>
Harrington's penstemon ( <i>Penstemon harringtonii</i> )	Open sagebrush communities on rocky loam or rocky clay loam soils between the elevations of 6,200 to 10,000 feet.	<b>Present:</b> Potential habitat is found within both parcels of the allotment.

There are no known occurrences or any potential habitat for federally listed, proposed or candidate plant species within the proposed action area.

The Wolcott Isolated allotment is within the overall habitat range of the BLM sensitive plant, Harrington's penstemon and populations are known to occur approximately 2 miles north and southeast of the allotment. Partial surveys for Harrington's penstemon during the land health assessment fieldwork in 2002 and an allotment condition visit in 2013 found no populations or individuals of Harrington's penstemon in either parcel of the allotment. For the purposes of this analysis, the allotment will be presumed to be occupied.

**ENVIRONMENTAL CONSEQUENCES.**

**Proposed Action.** Due to the absence of known occurrences or potential habitat for any federally listed plant species, the proposed action would have "No Effect" on these species.

Harrington's penstemon is quite palatable to both livestock and wildlife and flowering stalks are often removed by grazing. Reductions in populations could result if excessive grazing removes a high percentage of the flower stalks annually thereby inhibiting seed dissemination and reproduction. Although the proposed spring period of grazing use on the western parcel of the Wolcott Isolated Tract allotment overlaps the flowering season for Harrington's penstemon, 6 days of grazing use should not substantially reduce the number of flower stalks which are able to reach maturity and set seed. Trampling damage associated with concentrated grazing use can cause mortality to individual plants and reduce long-term viability of populations. Five days of use by 30 cows should not result in substantial trampling damage. Grazing use, as proposed, should not cause a long-term decline in the local population of Harrington's penstemon.

Proper livestock grazing in which the animals are well distributed and graze lightly on a variety of herbaceous vegetation tends to balance the competition between Harrington's penstemon and other herbaceous vegetation which compete with it for sunlight, water, and nutrients. The

proposed action is expected to result in light grazing which may be beneficial to penstemon populations.

**No Action Alternative.** The No Action Alternative would allow grazing of 45 cows from June 25 to July 9. This period of use coincides with the period when Harrington's penstemon plants would be sending up flower stalks and flowering, thus the potential for adverse impacts during this time is greater. Reductions in populations could result if excessive grazing removes a high percentage of the flower stalks annually thereby inhibiting seed dissemination and reproduction. If flower stalks are removed by grazing, a new flower stalk will not develop that year regardless of the length of the recovery period. In addition, concentrated grazing at any time of year can result in trampling damage which can cause mortality to individual plants and reductions in long-term viability of populations.

During the land health assessment, heavy grazing use was noted on the western parcel of the allotment. This level of grazing use could result in the removal of a high percentage of Harrington's penstemon flowering stalks and if utilization is heavy each year, long-term reproduction may be reduced. Heavy use may also cause excessive trampling damage which may cause a long-term decline in the local Harrington's penstemon population.

**No Grazing Alternative.** The No Grazing alternative would have no effects on threatened, endangered or BLM sensitive plant species.

#### **LAND HEALTH STANDARD 4 FOR THREATENED, ENDANGERED AND SENSITIVE PLANT SPECIES.**

No threatened, endangered or sensitive plant species were documented within the Wolcott Isolated Tract allotment during the land health assessment. However, the allotment does contain suitable habitat for Harrington's penstemon and populations may be found with more intensive surveys. The proposed action should maintain or improve habitat conditions for this species and the standard should be achieved.

### **PLANTS: VEGETATION**

#### **AFFECTED ENVIRONMENT.**

Vegetation in the western parcel of the Wolcott Isolated Tract allotment is primarily mountain big sagebrush (*Artemisia tridentata ssp. vaseyana*) and common snowberry (*Symphoricarpos rotundifolius*) with encroaching Pinyon pine (*Pinus edulis*), Rocky Mountain juniper (*Juniperus scopulorum*), and Utah juniper (*Juniperus osteosperma*). Some disturbed areas are dominated by dandelion (*Taraxacum officinale*), and blue mustard (*Chorispora temella*). The eastern parcel is also dominated by mountain big sagebrush, with Rocky Mountain juniper in the draws. The understory has a lot of smooth brome (*Bromus inermis*) an aggressive, non-native grass that is likely encroaching from the powerline near the south end of the parcel. A 2003 Land Health Report indicated Standard 3 was being met; however, heavy utilization levels were documented on the western parcel of this allotment and there was less vegetation cover expected for the range site with few perennial grasses and forbs. The eastern parcel had few signs of livestock use and vegetation cover and productivity was good. Smooth brome was noted as dominating the site and crowding out native grasses and forbs.

## ENVIRONMENTAL CONSEQUENCES.

Livestock grazing results in the direct removal of vegetation, both green shoots from the current year and old, dried growth from the previous year. Properly managed livestock grazing can improve plant vigor by stimulating leaf growth, and by removing dried stems and seedheads thereby improving photosynthetic activity of live plant material. If the timing or intensity of grazing does not allow adequate recovery and regrowth periods between grazing events, grazing may: reduce plant vigor or cause plant mortality by depleting root reserves, change the species' composition in favor of less palatable plant species, and create surface disturbance and bare ground that serves as a niche for the invasion of noxious weeds.

**Proposed Action.** Under the Proposed Action, the western parcel would be grazed by 30 cows for only 5 days in both the spring and fall. The proposed grazing schedule should result in light utilization and should allow ample opportunity for plant regrowth and recovery following grazing and for seed dissemination and seedling establishment. Vegetative conditions are expected to improve in the long-term with increases in herbaceous cover and diversity.

**No Action Alternative.** The Wolcott Isolated Tract allotment would be grazed for 15 days in the early summer and 11 days in the fall. During the land health assessment, problems noted on the western parcel were that the amount of bare ground was higher than expected, there were fewer forbs than expected, and some signs of water flow patterns and soil compaction were evident. Utilization levels on the western parcel were near 70 percent, but as 2002 was a severe drought year, this may not have been indicative of typical use levels. If this level of grazing use is typical, it could result in the loss of additional herbaceous species and increasing bare ground, which would result in a trend away from meeting the standards for plant communities.

**No Grazing Alternative.** Under this alternative, no livestock grazing would occur on the allotment and there would be no direct or indirect impacts to vegetation from livestock use. There would be an increase in vegetative biomass without the presence of livestock to remove vegetative material. Dead and dried stems and seed stalks may build up over time, particularly on the more mesic and more productive sites, reducing photosynthetic activity and potentially resulting in less vegetative vigor and biomass in the long-term. There would also be less surface disturbance due to trampling and removal of vegetation and therefore, less risk of noxious weed invasion or expansion. Big game animals would continue to use the allotment, particularly in the winter, contributing to hedging and decadence of sagebrush and other palatable shrubs.

## LAND HEALTH STANDARD 3 FOR PLANT COMMUNITIES.

BLM staff concluded that upland vegetation on the Wolcott Isolated allotment was meeting Standard 3 for plant communities or meeting the standard with some problems at the time of the Eagle River South Land Health Assessment (BLM 2003). This small allotment consists of two separate parcels, an eastern and a western unit. The year of the assessment (2002) was a drought year; however, utilization levels in the western unit were heavy. The site had less vegetative cover than expected for the range site, with few perennial grasses and forbs. Juniper encroachment was also a concern. The eastern unit showed no recent signs of livestock grazing and the vegetative cover and productivity was good. However, smooth brome, which was

probably seeded along the powerline, dominated this site and was extending out into the rangeland away from the powerline disturbance. Native grasses and forbs were being crowded out by the aggressive, exotic brome. During the land health assessment and the 2013 allotment visit, there was no indication that the eastern parcel was being grazed and all the grazing use was occurring on the western parcel. This was contributing to resource concerns and heavy utilization on the western parcel. The proposed action which reduces the use on the western parcel to 6 days in the spring and the fall should maintain or improve plant community health and should achieve or exceed Standard 3 for plant communities.

## SOILS

### AFFECTED ENVIRONMENT.

A review of the soil survey by the NRCS for the *Aspen-Gypsum Area-Colorado* indicate three soil map units occur within the proposed allotment (NRCS 1992). The three soils are Curecanti (extremely stony loam), Evanston (loam), and Forsey (Cobbly loam), which are described as deep and well drained and vary in erosion potential from slight to moderate (NRCS 2014).

Soil health was evaluated in 2002 during the Eagle River South Land Health Assessment. The allotment is permitted for cattle but the west side was being grazed by horses at the time of the land health assessment (BLM 2003). Additionally, the year 2002 was a severe drought period; however, utilization levels in the western unit were heavy and bare ground was higher than expected (BLM 2003). The site had less vegetative cover than expected for the range site, with few perennial grasses and forbs, and weeds abundant (BLM 2003). There were some signs of soil compaction causing decreased infiltration and increased runoff of precipitation. Water flow patterns were evident, but were generally short. The eastern parcel did not appear to receive any livestock grazing use. Soils on the eastern parcel seemed adequately protected by rock and vegetation and no soil issues were identified. Thus, overall BLM staff concluded that soils were meeting land health standards with problems (BLM 2003).

In May 2013, BLM staff re-visited the allotment and found evidence of horse use and over-utilization of the western parcel, resulting in more bare ground and abundant weeds. Thus, soil conditions are considered to be static or declining across the western parcel. The eastern parcel had no evidence of livestock use at the time of the field visit and appeared to be meeting soil standards.

### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The proposed action would allow 30 cattle to graze for 6 days on the 35 acre parcel of the Wolcott Isolated Tract Allotment from June 10<sup>th</sup> to the 15<sup>th</sup> and then again in the fall from September 7<sup>th</sup> to September 12<sup>th</sup> each year. In general, grazing activities may result in direct soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes or 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. The proposed action is expected to substantially improve the existing soil and vegetation condition, due to the reduced AUM's and adequate rest and rotation.

**No Action Alternative.** The no action alternative would renew the existing permit, which would allow 45 cattle to graze the allotment from June 25<sup>th</sup> to July 9<sup>th</sup>, and then Sept 20<sup>th</sup> to October 1<sup>st</sup> on the Wolcott Isolated Tract Allotment. Terms and conditions would be the same as on the current permit. Direct and indirect impacts from grazing activities would be similar to the proposed action. However, the no action alternative would likely maintain the currently degraded conditions and only over the long-term begin to provide the needed recovery of soil and vegetation conditions.

**No Grazing Alternative.** Under this alternative, no livestock grazing would occur and there would be no direct or indirect impacts to soils from livestock use. Trampling or removal of plant material may still occur from wildlife grazing. Thus, the no grazing alternative would allow for the needed rest and recovery observed throughout the western parcel. Over time, the no grazing alternative would allow the western parcel to recover from bare ground and surface compaction. Infiltration would be substantially improved on the western parcel, which would diminish the documented water flow patterns and soil loss.

#### **LAND HEALTH STANDARD 1 FOR UPLAND SOILS.**

Based on the Eagle River South Land Health Assessment, BLM staff concluded that soils are meeting Standard 1 with problems (BLM 2003). Addressing the continued grazing by horses and concentrated use on the western parcel may allow soil health to move toward meeting soil standards without problems.

### **WATER QUALITY, SURFACE AND GROUND**

#### **AFFECTED ENVIRONMENT.**

The Wolcott Isolated Tract allotment (#08710) is comprised of two small parcels that lie just south of the Eagle River. An unnamed ephemeral tributary carries runoff from the smaller tract (western parcel) to the Eagle River, while runoff from the larger tract (eastern parcel) is carried by Travis Creek (intermittent flow) to the O'Neill Holland Ditch. These drainages typically flow in response to snowmelt and summer rain storms. No water quality data are available for these drainages because they are generally dry and involve very little BLM administered ground. Two springs, Muhr #1 and #2, have been filed for water rights on the eastern parcel, and serve as livestock and wildlife watering sources.

The State of Colorado has developed *Stream Classifications and Water Quality Standards* that identify beneficial uses of water and numeric standards used to determine allowable concentrations of water quality parameters (CDPHE 2014). Travis Creek and the unnamed tributaries in the proposed allotment are listed under the Upper Colorado River Basin - Eagle River (Region 12) and have water use classifications described below:

**Table 9. Stream Segment Description.**

Stream Segment Description	Classifications
10a. All tributaries to the Eagle River, including all wetlands, from a point immediately below the confluence with Lake Creek to the confluence with the Colorado River.	Aquatic Life Cold 1 Recreation E Water Supply Agriculture

Aquatic life cold 1 indicates that a stream segment is capable of sustaining a wide variety of cold water biota. Recreation E refers to stream segments in which surface waters are used for primary contact recreation. Water supply and agriculture refer to stream segments that are suitable or intended to become suitable for potable water supplies and suitable for irrigation or livestock use.

The State of Colorado has developed a *303(d) List of Water Quality Limited Segments Requiring TMDLS and Monitoring and Evaluation List* (CDPHE 2012) that identifies stream segments that are not currently meeting water quality standards with technology based controls alone. No streams in the proposed allotment are on this list, suggesting water quality standards are currently being met.

**ENVIRONMENTAL CONSEQUENCES.**

**Proposed Action.** The proposed action would allow 30 cattle to graze for 6 days on the 35 acre parcel of the Wolcott Isolated Tract Allotment from June 10<sup>th</sup> to the 15<sup>th</sup> and then again in the fall from September 7<sup>th</sup> to September 12<sup>th</sup> each year. In general, direct impacts to water quality resulting from grazing could be elevated turbidity and fecal coliform, if cattle begin to congregate near water sources for extended periods of time. Hoof action can cause surface compaction, stream bank shearing, elevated erosion rates and subsequent deterioration of water quality. Indirect impacts may result from heavy utilization in upland watershed areas reducing effective vegetative cover, elevating erosion potential and increasing sediment delivery to streams, which could negatively impact water quality. The proposed action will reduce AUMs and limit utilization, so that adequate rest and recovery is incorporated. Thus, it is expected that soil and vegetation conditions will substantially improve in the short term, and may result in improvements to current water quality conditions.

**No Action Alternative.** The no action alternative would renew the existing permit, which would allow 45 cattle to graze the allotment from June 25<sup>th</sup> to July 9<sup>th</sup>, and then Sept 20<sup>th</sup> to October 1<sup>st</sup> on the Wolcott Isolated Tract Allotment. Terms and conditions would be the same as on the current permit. Direct and indirect impacts from grazing activities would be similar to the proposed action. However, the no action alternative would likely maintain the currently degraded upland conditions and only over the long-term begin to provide the needed recovery of soil and vegetation conditions, which in turn may improve water quality.

**No Grazing Alternative.** Under this alternative, no livestock grazing would occur and there would be no direct or indirect impacts to water quality from livestock use. Trampling or removal of plant material may still occur from wildlife grazing, and soil disturbance and erosion may persist due to other surface disturbing activities, such as roads and trails that exists throughout the allotment, which could potentially affect water quality. However, the no grazing alternative

would allow for recovery of the soils and vegetation in the western parcel and diminish any potential water quality impacts from livestock grazing.

**LAND HEALTH STANDARD 5 FOR WATER RESOURCES.**

Based on the Eagle River South Land Health Assessment, BLM staff concluded that water quality is meeting Standard 5 (BLM 2003). Implementation of the proposed action is expected to maintain or improve water quality from current conditions.

**WETLANDS AND RIPARIAN ZONES**

**AFFECTED ENVIRONMENT.**

*Background.* Riparian areas make up a relatively small but productive and resilient portion of the landscape. Riparian zones occur along streams, rivers, seeps, springs, lakes and other water features where the vegetation is comprised of hydrophilic plants and soil development is influenced by water. The term “riparian” is defined as vegetation, habitats or ecosystems that are associated with bodies of water (streams or lakes) or are dependent on the existence of perennial, intermittent, or ephemeral surface or subsurface water drainage (Pratt 2012). Table 10 lists known riparian areas and the results of Proper Functioning Condition (PFC) assessments for this allotment.

**Table 10. Proper Functioning Condition.**

Allotment	Riparian Area Name	Miles	Year Assessed	Condition Rating
Wolcott Isolated Track Number 08710	Travis Creek	0.2	2002	PFC

**ENVIRONMENTAL CONSEQUENCES.**

Travis Creek functionality was assessed by the ID team in 2002 and 2013. The assessment rated this riparian area as being in properly functioning condition and no issues or concerns with livestock grazing were identified.

*Proposed Action.* Renewal of the grazing permit for Wolcott Isolated Track with the new terms and conditions is not expected to impact Travis Creek because no livestock use of the eastern parcel (where Travis Creek is located) can be made until the area is fenced and livestock access is obtained.

*No Action.* Impacts of the no action alternative are the same as the proposed action because of the lack of fencing to support livestock grazing at this time.

*No Grazing Alternative.* Cessation of livestock grazing would remove any possibility of livestock lingering on the creek bottom. The riparian vegetation is expected to proceed through succession to a late seral plant community and reach its ecological potential.

## LAND HEALTH STANDARD 2 FOR RIPARIAN SYSTEMS.

Land Health Standard 2 is currently being met within the action area, and the proposed action would continue to provide for the achievement of Standard 2 for riparian systems.

### AQUATIC WILDLIFE (Including Special Status Aquatic Species)

#### AFFECTED ENVIRONMENT.

##### Aquatic Wildlife

No fish-bearing streams occur on these allotments. It is estimated that other aquatic habitats (e.g. springs, ponds) contain commonly occurring amphibians (e.g., Western Chorus Frog [*Pseudacris triseriata*]) and aquatic invertebrates including large stoneflies, mayflies, midges, and midge larvae. Overall aquatic habitat is very limited (ephemeral or intermittent streams) on the allotment

#### ENVIRONMENTAL CONSEQUENCES.

General. This small allotment consists of two separate parcels, an eastern and a western unit. Private lands surround this small allotment and habitat continuity is compromised due to roads, houses, highways, and golf courses. However, limited public access to the majority of the allotment keeps human use levels to a minimum. The eastern unit consistently shows few signs of livestock grazing and the vegetative cover and productivity is typically good. However, range inspections indicate that the western parcel is heavily impacted by 1) trespass horse use and 2) human development and use which have encroached overtime from the adjacent private lands.

**Proposed Action.** Livestock grazing can have direct negative impacts on streams containing sediment-intolerant aquatic species. There are four general components of an aquatic system that can be affected by livestock grazing: streamside vegetation, stream channel morphology, shape and quality of the water column and the structure of the soil portion of the streambank (Behnke, R. J., and R. F. Raleigh 1979). The potential impacts on aquatic species and their habitats are: habitat alteration, increased water temperatures, reduced macroinvertebrate productivity and increased sedimentation and turbidity.

Livestock, especially cattle, have a tendency to concentrate their foraging use in or near riparian areas so actions that protect or reduce impacts on riparian areas benefit aquatic wildlife and macroinvertebrates. Well-vegetated streambanks provide both thermal and hiding cover for aquatic wildlife as well a source of nutrients and food for all forms of aquatic life. Healthy riparian corridors dissipate flood energies and filter sediments, resulting in reduced sediment loads and better spawning substrates. Riparian communities also provide diverse ponding structures creating pool habitat for fish and other aquatic wildlife.

Field observations indicate that the components of aquatic systems are currently in good condition on the allotment given the potential of the streams, known constraints, and stream and riparian habitat condition. Since cattle have a tendency to concentrate their foraging use in or near water or riparian areas, the 2 five day use periods would minimize any potential of livestock

to impact aquatic wildlife or their habitat. Temporarily suspending 30 AUMs until livestock infrastructure is in place on the eastern parcel will also ensure that livestock do not impact aquatic habitat conditions.

**No Action Alternative.** Since field observations indicate that the components of aquatic systems are currently in good condition, it is expected that this alternative would continue to maintain adequate aquatic wildlife habitat. Although adequate, the No Action Alternative authorizes 30 more AUMs without the livestock infrastructure that is necessary to ensure aquatic habitats are maintained over the longterm. There is slightly more risk to aquatic wildlife and their habitats from the No Action Alternative than the Proposed Action due to the increase in AUMs and lack of necessary infrastructure.

**No Grazing Alternative.** Under this alternative, no livestock grazing would occur and there would be no direct or indirect impacts to aquatic wildlife or their habitat from livestock use. Riparian vegetation biomass would likely increase without the presence of livestock. The diversity and density of aquatic animal species would be in balance with other land uses and habitat/ landscape potential.

#### **LAND HEALTH STANDARDS FOR AQUATIC WILDLIFE (INCLUDING SPECIAL STATUS SPECIES).**

Overall, ecological processes are presently functioning within a normal range of variability. Aquatic habitat condition is generally adequate. Based on: 1) the current water and riparian habitat condition within the allotment, 2) information from range inspections and site visits, 3) information presented in other sections of this environmental assessment, and 4) the terms and conditions attached to the permit; both the Proposed Action will continue to support achievement of land health standards 3 and 4 for aquatic wildlife on BLM lands. Adequate habitat conditions will be available to ensure that aquatic wildlife are maintained at viable population levels commensurate with the species and habitat's potential. However, the Proposed Action ensures that 30 AUMs would be temporarily suspended until livestock infrastructure is in place to support their use of the eastern parcel of Wolcott Isolated Tract. Under the no grazing alternative, livestock grazing would be removed as a potential causal factor in the failure to achieve land health standards in the future.

#### **TERRESTRIAL WILDLIFE ( Including Special Status Species and Migratory Birds)**

##### **AFFECTED ENVIRONMENT.**

##### Terrestrial Wildlife

**Mule Deer and Elk.** Mule deer (*Odocoileus hemionus*) are 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 on the allotment. 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. BLM lands provide a large portion of the undeveloped winter range available to deer and elk.

The allotment overlaps with CPW mapped mule deer critical winter range, CPW mapped elk severe winter range and CPW mapped elk winter concentration areas.

Big game populations are managed by CPW to achieve population and sex ratio objectives established for data analysis units (DAU). A DAU is the geographic area that represents the year-around range of a big game herd and includes all of the seasonal ranges of a specific herd. Each DAU usually is composed of several Game Management Units (GMUs), but in some cases only one GMU makes up a DAU. The purpose of a DAU plan is to integrate the plans and intentions of CPW with the concerns and ideas of land management agencies and interested publics to determine how a big game herd in a DAU should be managed. The Frying Pan River Elk Herd E-16 Data Analysis Unit (DAU) Plan for GMUs 44, 45, 47 and 444 states that elk numbers (7,100 post-hunt 2011) are within objective ranges (5,500-8,500 elk). There is not a current deer herd DAU Plan for GMU 44 (CPW 2014).

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*). Mountain lions (*Felis concolor*) are likely to occur during seasons when mule deer are present. Black bears (*Ursus americanus*) make use of oaks and the associated chokecherries and serviceberries for cover and food.

Passerine Birds. Passerine (perching) birds are commonly found in the area include: the American robin (*Turdus migratorius*), Western Scrub-jay (*Aphelocoma californica*), Black-capped Chickadee and Mountain Chickadee (*Poecile atricapilla* and *Poecile gambeli*), Cedar Waxwing (*Bombycilla cedrorum*), Crow (*Corvus brachyrhynchos*), Common Raven (*Corvus corax*), Sparrow spp., Humming birds (*Selasphorus platycercus* and *Archilochus alexandri*), and black billed magpie (*Pica pica*).

Gallinaceous Birds. Gallinaceous (game birds) are commonly found in the area and include: Ring-necked Pheasant (*Phasianus colchicus*), Dusky Grouse (*Dendragapus obscurus*), and Wild Turkey (*Meleagris gallopavo*). All allotments overlap with CPW mapped wild turkey overall range. Dry Hollow and Shideler overlap with turkey production as well as winter ranges. Dry Hollow also overlaps with a wild turkey winter concentration area.

Waterfowl. The Colorado River, numerous streams, 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.

Reptiles. Reptile species most likely to occur in the landscape 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 Divide Creek landscape, are the milk snake (*Lampropeltis triangulum*) and smooth green snake (*Opheodrys vernalis*).

### Special Status Terrestrial Wildlife Species

General. Little is known about the actual use of the allotments by special status terrestrial wildlife species. Because these animals are uncommon or occur in scattered populations, population assessment of these species is difficult. In addition, the special status species that potentially could occur in these allotments are part of populations that occupy much larger ranges.

Canada lynx (*Lynx Canadensis*). Federally listed as threatened, the Canada lynx occupy high-latitude or high-elevation coniferous forests characterized by cold, snowy winters and an adequate prey base. In the western US, 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 (*Lepus americanus*) are the preferred prey, lynx in also feed on mountain cottontails (*Sylvilagus nuttallii*), pine squirrels (*Tamiasciurus hudsonicus*), and blue grouse (*Dendragapus obscurus*). The Forest Service has mapped suitable denning, winter, and other habitat for lynx within the White River and Routt National Forests. The mapped suitable habitat comprises areas known as Lynx Analysis Units (LAUs) that are the approximate the size of a female's home range. Several LAUs include small parcels of BLM lands.

The Wolcott Isolated Allotment is within the Castle Peak Lynx Linkage Area. This linkage area provides for movement between the Flattops, south through Glenwood Canyon, and then across shrub-steppe habitats to the Red Tables. Underpasses of I-70 are in place (e.g. Bair Ranch). There is mixed land ownership within this linkage area. There are several existing barriers to movement: Glenwood Canyon, the Colorado River, the railroad and Interstate 70, so remaining crossing areas are in need of maintenance/protection. Linkage areas are areas of movement opportunities. They exist on the landscape and can be maintained or lost by management activities or developments. They are not "corridors" which imply only travel routes, they are broad areas of habitat where animals can find food, shelter and security. The Lynx Conservation Assessment and Strategy (LCAS) defines linkage areas as: "Habitat that provides landscape connectivity between blocks of habitat. Linkage areas occur both within and between geographic areas, where blocks of lynx habitat are separated by intervening areas of non-habitat such as basins, valleys, or agricultural lands. Connectivity provided by linkage areas can be degraded or severed by human infrastructure such as high-use highways, subdivisions or other developments.

Fringed Myotis and Townsend's Big-eared Bats. 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. Special status bats may occur within the allotments, but likely only occasional migrating individuals or animals foraging or passing through from adjacent habitats. Habitat associations are not well defined. Both bats will forage over water and along the edge of vegetation for aerial insects. Townsend's big-eared bat is not very abundant anywhere in its range. This is attributed to patchy distribution and limited availability of suitable roosting habitat (Gruver, J.C. and D.A. Keinath 2006).

These species commonly roost in caves, rock crevices, mines, or buildings, but also may roost in tree cavities. Both species are widely distributed and usually occur in small groups. There are no known caves and rock outcroppings in the allotment capable of providing roosting sites and possibly hibernacula for bats.

### Migratory Birds

The Migratory Bird Treaty Act (MBTA) provides protections to native birds, with the exception of certain upland fowl managed by state wildlife agencies for hunting. Within the context of the MBTA, “migratory” birds include non-migratory “resident” species as well as true migrants. For most migrant and resident species, breeding habitat is of special importance because it is critical for supporting reproduction in terms of both nest sites and food.

The landscape provides both foraging and nesting habitat for a variety of migratory birds that summer, winter, or migrate through the area. 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 2008 list of Birds of Conservation Concern for the Southern Rockies/Colorado Plateau Bird Conservation Region that might be present in the landscape include the following: Ferruginous Hawk (*Buteo regalis*), Golden Eagle (*Aquila chrysaetos*), Peregrine Falcon (*Falco peregrines*), Prairie Falcon (*Falco mexicanus*), 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*).

**Bald Eagle.** Bald eagles (*Haliaeetus leucocephalus*) 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. The allotment overlaps with mapped CPW bald eagle winter range which parallels the Eagle River to the north.

### ENVIRONMENTAL CONSEQUENCES.

**General.** This small allotment consists of two separate parcels, an eastern and a western unit. Private lands surround this small allotment and habitat continuity is somewhat fragmented due to roads, houses, highways, and golf courses. However, limited public access to the majority of the allotment keeps recreational use levels to a minimum. The eastern unit consistently shows few signs of livestock grazing and the vegetative cover and productivity is typically good. However, range inspections indicate that the western parcel is heavily impacted by 1) trespass horse use and 2) human development and use which have encroached over time from the adjacent private lands.

Healthy functioning riparian ecosystems and uplands provide habitat for a diverse and abundant plant community and in turn insect and rodent populations that attract numerous foraging bat and bird species. Properly managed livestock grazing (i.e. meeting land health standards) is generally compatible with all terrestrial wildlife species.

### Terrestrial Wildlife Species

***Proposed Action.*** All Terrestrial Wildlife Species. With the inclusion of terms and conditions specifying an average utilization level by livestock to not exceed 50% by weight on key grass species, and 40% of the key browse species current year's growth, vertical and horizontal vegetative structure, biomass and complexity would be maintained where it presently exists on BLM lands over the long term. It would afford sufficient vegetation cover to maintain vertical and horizontal vegetative structure and complexity where it presently exists.

Mule Deer and Elk. Domestic livestock can compete with mule deer and elk for herbaceous forage, although moderate levels of grazing can also help promote shrub growth by limiting grasses. On the other hand, livestock grazing can have a beneficial effect on forage quality by removing the rough or dried seedheads and stems, while leaving or creating the more palatable leaves for deer or elk to graze later in the season. As long as acceptable utilization levels are maintained and land health standards are achieved there would be no anticipated direct or indirect impact of livestock grazing on mule deer and elk.

### Special Status Terrestrial Wildlife Species

Canada lynx. This analysis is in conformance with and tiered to the programmatic consultation regarding the CRVFO livestock grazing program (ES/GJ-6-CO-03-F-013). If: 1) land health standard 3 for terrestrial wildlife is currently being achieved; 2) the proposed number/kind of livestock, allowable AUMs, percent of public land and periods of use remain the same or similar; and 3) terms and conditions are anticipated to result in continued acceptable residual herbivore forage and riparian conditions necessary to maintain adequate prey habitat across the linkage area; then the resulting impact of the proposed action is basically an administrative action (i.e., to renew a term grazing permit and transfer) resulting in no anticipated on-the-ground habitat changes to this small portion of the Castle Peak lynx linkage. The grazing allotment should continue to meet land health standard 3 within the linkage area because connectivity to other habitats across the linkage area would continue to be maintained. Based on these factors a determination of "no effect" on Canada lynx is made.

Migratory Birds. Livestock grazing can alter vegetation structure, composition, and function. Effects on migratory birds are dependent on the species of interest and may be adverse or beneficial depending on grazing timing, frequency, and intensity. Aerial, bark and canopy insectivores may be less influenced by grazing than species feeding on nectar, insects, or seeds in the understory or on the ground. Birds may be displaced as a result of fence and pond construction/maintenance and/or grazing. Trampling of nests, eggs, or young could occur. Losses or decreases in vegetation from overgrazing can decrease rodent prey species and affect local populations of raptors. Areas lacking vegetative structure and complexity would be expected to be lacking bird species richness. This is especially important in riparian areas since riparian areas are essential habitat for bird species of the arid and semiarid west, including upland birds,

waders, shorebirds, raptors, neotropical migratory birds and passerines. As long as acceptable utilization levels are maintained and land health standards are achieved there would be no anticipated negative direct or indirect impact of livestock grazing on special status bat or bird species.

***No Action Alternative.*** Since field observations indicate that the components of terrestrial habitats are currently in good condition, it is expected that this alternative would continue to maintain adequate terrestrial wildlife habitat. Although adequate, the No Action Alternative authorizes 30 more AUMs without the livestock infrastructure that is necessary to ensure terrestrial habitats and wildlife forage is maintained over the longterm. There is slightly more risk to terrestrial wildlife and their habitats from the No Action Alternative than the Proposed Action due to the increase in AUMs and lack of necessary infrastructure to support that additional use.

***No Grazing Alternative.*** Ending livestock grazing would benefit all terrestrial wildlife by eliminating all direct and indirect competition with livestock for forage, cover and space thus making a greater availability to wild fauna. There would also be no disturbance to wildlife from vehicular traffic or human presence during maintenance of infrastructure or tending to livestock. The diversity and density of terrestrial animal species would be in balance with other land uses and habitat/landscape potential.

#### **LAND HEALTH STANDARDS 3 AND 4 FOR TERRESTRIAL WILDLIFE (INCLUDING SPECIAL STATUS WILDLIFE SPECIES AND MIGRATORY BIRDS).**

Overall, ecological processes are presently functioning within a normal range of variability. Terrestrial habitat condition is generally adequate. Based on: 1) the current aquatic and terrestrial habitat condition within the allotment, 2) information from range inspections and site visits, 3) information presented in other sections of this environmental assessment, and 4) the terms and conditions attached to the permit; both the Proposed Action will continue to support achievement of land health standards 3 and 4 for terrestrial wildlife on BLM lands. Adequate habitat conditions will be available to ensure that terrestrial wildlife are maintained at viable population levels commensurate with the species and habitat's potential. However, the Proposed Action ensures that 30 AUMs would be temporarily suspended until livestock infrastructure is in place to support their use of the eastern parcel of Wolcott Isolated Tract. Under the no grazing alternative, livestock grazing would be removed as a potential causal factor in the failure to achieve land health standards in the future.

## CUMULATIVE EFFECTS.

**Soil and Water.** Cumulative impacts to soil and water resources can occur from existing roads and trails throughout the allotment. 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. Adjacent private land development, which in this case includes road construction/maintenance, housing developments and a golf course, can have both direct and indirect effects to soil and water resources. With such a small amount of BLM surface acres under CRVFO management, it is assumed that cumulative effects to soil and water are minor, if proper best management practices are implemented.

**Wildlife** (including Special Status Species). The area covered by the proposed action only comprises a small portion of the watershed. Many other land use activities (e.g. recreation, housing development, road maintenance) occur within the watershed. All of these activities have altered the amount of suitable and potentially suitable habitats for terrestrial wildlife species. Cumulatively, many of the future actions planned on private and other 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 comparison with those activities currently occurring and reasonably certain to occur on adjacent private/other lands.

## TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED.

1. Consultation was conducted in 2007 with the three Ute tribes.
  - a) Ute Indian Tribe – Uintah and Ouray Reservation,
  - b) Southern Ute Tribe, and,
  - c) Ute Mountain Ute tribe.
2. James Joufflas.

## 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 11, along with their areas of responsibility.

**Table 11. BLM Interdisciplinary Team Authors and Reviewers**

Name	Title	Areas of Participation
Everett Bartz	Rangeland Management Specialist	Range and Riparian
Kimberly Miller	Outdoor Recreation Planner	Wilderness, Wild and Scenic Rivers, Recreation
Pauline Adams	Hydrologist	Soil, Water, Air Quality, Geology
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, Special Status Plants, Vegetation
Greg Wolfgang	Outdoor Recreation	VRM, Transportation

	Planner	
Kristy Wallner	Rangeland Management Specialist	Invasive, Non-Native (Noxious weeds)
Erin Leifeld	Archaeologist	Cultural Resources and Native American Religious Concerns
Brian Hopkins	Planning and Environmental Coordinator	Aquatic and Terrestrial Wildlife, NEPA Compliance

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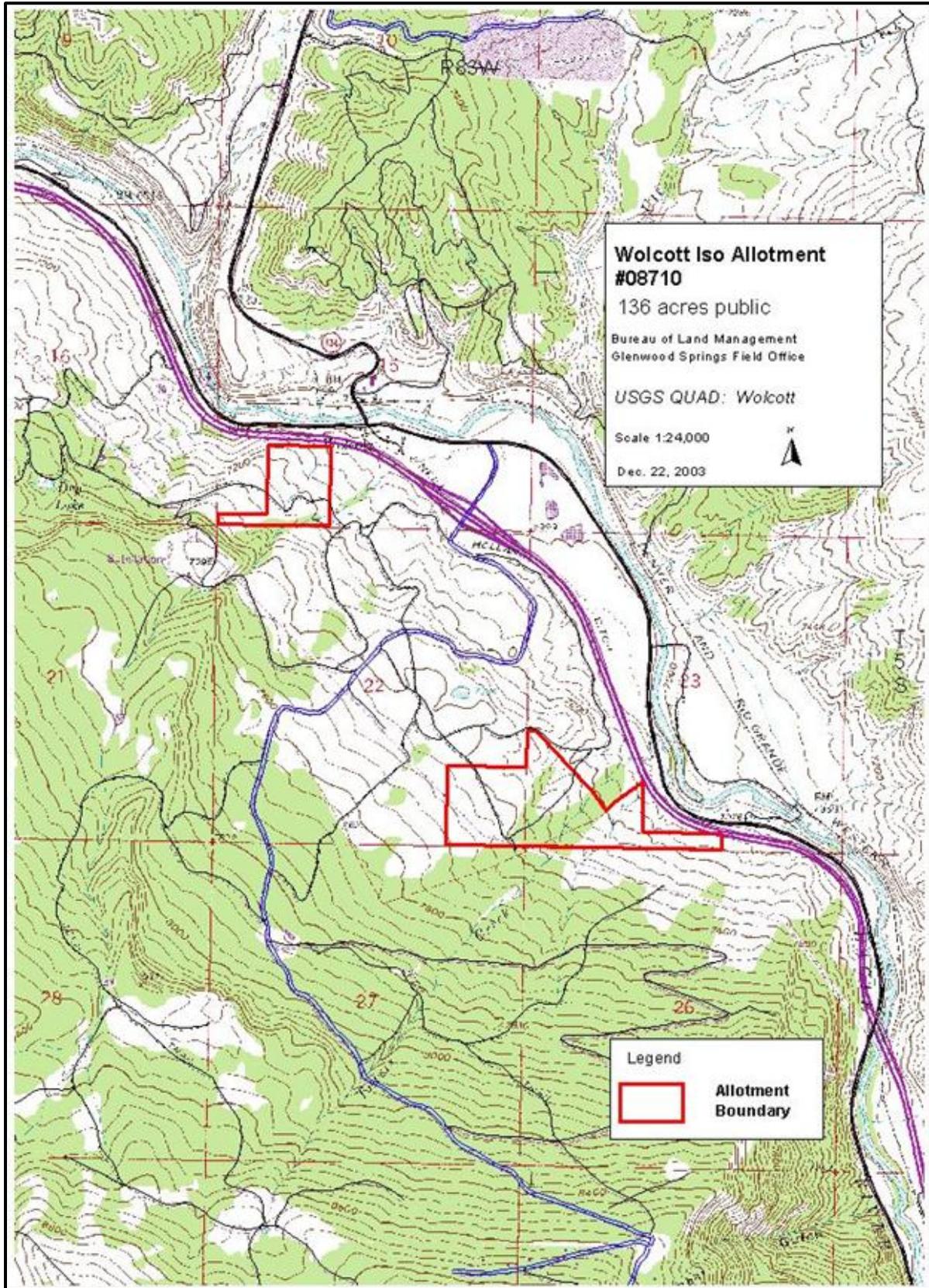
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# Wolcott Isolated Allotment Map.



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

## FINDING OF NO SIGNIFICANT IMPACT

### DOI-BLM-N040-2013-0043-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 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 prime and unique farmlands, caves, wild and scenic rivers, wilderness study areas, or ACECs.*

There are no unique characteristics of the geographic area.

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

The possible effects of continued livestock grazing 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 the 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 Wolcott Isolated 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 area covered by the proposed action only comprises a small portion of the watershed. Cumulatively, many of the future actions planned on private and other 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.*

Of the 7 cultural resources identified, no resources have been determined eligible or potentially eligible for the National Register of Historic Places. Subsequent site field visits, inventory, and periodic monitoring may have to be done to identify if other historic properties are present as well as determine if there are impacts to these properties within the term of the permit and as funds are made available. If the BLM determines that grazing 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 livestock grazing.

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 its habitat included 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.

  
\_\_\_\_\_

Karl Mendonca  
Associate Field Office Manager  
Colorado River Valley Field Office

  
\_\_\_\_\_

Date



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, CO 81652



IN REPLY REFER TO:  
ON 0504928 (CON040)

**CERTIFIED MAIL 7013 2630 0000 2732 9186**  
**RETURN RECEIPT REQUESTED**

George Jouflas Ranches, LLC.  
C/O M. James Jouflas  
P.O. Box 133  
Wolcott CO 81655

### NOTICE OF PROPOSED DECISION

Dear Mr. Jouflas:

#### **Introduction & Background:**

On February 28, 2014 your grazing permit for the Wolcott Isolated Tract No.08710 expired. This permit was reissued for a 3-year term in accordance with Section 411, Public Law 113-76 which contained the same terms and conditions as the previous permit. To be renewed, the permit has undergone review and 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-N040-2013-0043. 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 action, has been reviewed. The 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.

Rationale: The analysis of the action with mitigation measures did not identify any impacts that would be significant in nature either in context or intensity. The new grazing authorizations allow 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:**

As a result of this process, it is my proposed decision to cancel the existing grazing permit and to issue grazing permit No. 0504928 for a period of 10 years (May 15, 2015 – May 14, 2025). My proposed decision results in a temporary suspension of 30 AUMs. The following tables outline Scheduled Grazing Use, Grazing Preference, and other terms and conditions of the permit.

**Mandatory Terms and Conditions (Scheduled Grazing Use):**

George Joufflas Ranches, LLC. Authorization No. 0504928					
Allotment	Livestock kind and number		Periods of Use	Percent Public Land	Total AUMs
Wolcott Isolated Tract No. 08710	West Pasture	30 Cattle	06/10 to 06/15	100	6
		30 Cattle	09/07 to 09/12		6
Total					12

**Grazing Preference AUMS:**

George Joufflas Ranches, LLC. Authorization No. 0504928				
Allotment & No.	Active	Suspended	Temporarily Suspended	Total
Wolcott Isolated No. 08710	12	134	28	174

**Other Terms and Conditions Included on All Grazing Permits:**

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. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advance notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.

The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law. 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 further notified in writing to proceed by the authorized officer.

Average utilization levels by livestock shall not exceed 50% by weight on key grass species, and 40% of the key browse species current year's growth. Grazing in riparian areas should leave an average minimum 4-inch stubble height of herbaceous vegetation. If utilization is approaching allowable use levels, livestock should be moved to another portion of the allotment, or removed from the allotment entirely for the remainder of the growing season. Application of this term may be flexible to recognize livestock management that includes sufficient opportunity for regrowth, spring growth prior to grazing, or growing season deferment.

Adaptive management will be employed on these allotments. The Mandatory Terms and Conditions on this grazing permit show the maximum allowable flexibility. The permittee may use the allotment when the range is ready but not earlier than the beginning dates described in the permit. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUM usage may not exceed active preference. An actual use statement shall be submitted no later than Aug 1 annually. Billing will be based on actual use.

New range improvements, maintenance of existing range improvements, or additional feeding areas may require cultural resource inventories, monitoring, and/or data recovery.

### **Rationale for the Proposed Decision**

Transferring and issuing grazing permits 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; and amended in October 2012 - Approved Resource Management Plan Amendments/ Record of Decision (ROD) for Solar Energy Development in Six Southwestern States.

Issuing new grazing permits 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-N040-2013-0043) for the proposed permit. 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 Wolcott Isolated Tract allotment are expected to be maintained or improved. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

Other terms and conditions have been included to mitigate potential impacts from grazing use and.

### **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 Mendonca, Associate Field Office 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 BLM does not accept appeals by facsimile or email.

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 both copies to our office.** If you have any questions about this proposed decision please contact Isaac Pittman (Rangeland Management Specialist) at (970)876-9069.

Sincerely,

  
Karl Mendonca  
Associate Field Office Manager

8/26/2014  
Date

Enclosure(s)  
Form 4130-2a (Grazing Permit)  
EA# DOI-BLM-CO-N040-2013-0043