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## ENVIRONMENTAL ASSESSMENT

### 1. Introduction

**NUMBER:** DOI-BLM-CO-N040-2013-0021 EA

**CASEFILE NUMBER:** 0507687

**PROJECT NAME:** Livestock Grazing Lease Renewal on the Elk Creek Allotment (#08663)

**LOCATION:** Routt County, North of McCoy

**LEGAL DESCRIPTIONS:** T1S, R83 Sections 7, 18 and 84W Sections 12, 13, 16, 17, 20 (See attached allotment map)

**APPLICANT:** L & J Ranch Investments LLC (Grazing Lessee)

**PURPOSE AND NEED FOR ACTION:**

These permits/leases are subject to renewal or transfer at the discretion of the Secretary of the Interior for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permits/leases consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, Roan Plateau Resource Management Plan Amendment, and the Colorado Public Land Health Standards.

The mission of the BLM is “to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations”. Land Health Standards and Guidelines for Livestock Grazing Management were developed between the BLM and the Colorado Resource Advisory Council to ensure that the mission of the BLM will be achieved.

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 in March 2012 regarding grazing permits and associated allotments scheduled for renewal in 2012-2013. 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. There have been no responses received specific to the permit renewal or allotments addressed in this NEPA document. The Colorado River Valley Field Office Internet NEPA Register also lists grazing permit renewal NEPA documents that have been initiated. They are generally posted approximately one month prior to the estimated completion date.

This action was scoped internally with the NEPA Interdisciplinary Team on Jan 8, 2013. Issues raised during the internal scoping are itemized in table 3-1 and analyzed in Section 3 Affected Environment and Environmental Effects.

**2. Proposed Action and Alternatives**

**DESCRIPTION OF PROPOSED ACTION**

The Proposed Action is to renew a term grazing lease. The number/kind of livestock, season of use, percent public land and Animal Unit Months (AUMs) will remain the same as the previous lease. The lease 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 below.

**Table 2-1 Mandatory Terms and Conditions Scheduled Grazing Use:**

| Allotment Name & No. | Livestock No. & kind | Years             | Pasture       | Period of use | Percent public land | AUMs |
|----------------------|----------------------|-------------------|---------------|---------------|---------------------|------|
| Elk Creek #08663     | 25 Cattle            | 1, 3, 5, 7, and 9 | Egeria Creek  | 06/01-08/03   | 100                 | 53   |
|                      |                      |                   | King Mountain | 08/04-08/27   |                     | 20   |
|                      |                      | 2, 4, 6, 8 and 10 | King Mountain | 06/01-06/24   |                     | 20   |
|                      |                      |                   | Egeria Creek  | 06/25-08/27   |                     | 53   |

**Table 2-2 Grazing Preference AUMS:**

| Allotment Name & No. | Active | Suspended | Total |
|----------------------|--------|-----------|-------|
| Elk Creek #08663     | 73     | 0         | 73    |

**Other Terms and Conditions:**

To provide rest from grazing in each pasture every other- year, the initial turnout site would alternate between two pastures of the Elk Creek allotment. Beginning in Year One of this term grazing lease, livestock would be placed in the Egeria Creek Pasture on June 01. This is followed with the movement of the cattle into the King Mountain pasture on August 04. Each subsequent year, turnout would be flip-flopped meaning that livestock would be turned out in the King

Mountain pasture first followed by the later use of Egeria Creek. This flip-flop rotation will occur for the balance of the term grazing lease. The renewal date of this lease marks Year 1.

Adaptive management will be employed on this allotment. The BLM will allow up to 14 days of flexibility in the start and end dates on this permit depending on range readiness. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUMs may not exceed Active Preference. Use differing from that shown above must be applied for in advance.

The lessee 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.

King Mountain Pasture administrative access shall utilize routes identified as non-motorized from June 1 to August 25 and should only be utilized for the maintenance of assigned range improvement projects. Motorized administrative access for grazing operations after August 25th will require the permit holder to seek and receive prior authorization from an authorized BLM officer.

If an assessment of rangeland health results in a determination that changes are necessary in order to comply with the standards for public land health and the guidelines for livestock grazing management in Colorado, this permit will be reissued subject to revised terms and conditions.

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turn out. 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 advanced 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.

#### NO GRAZING ALTERNATIVE

Under this alternative the grazing lease described in the Proposed Action would not be reissued. As a result, no grazing would be authorized on the Elk Creek Allotment. This alternative would initiate the process in accordance with 43 CFR parts 4100 and 1600 to eliminate grazing on these allotments and would amend the resource management plan.

#### ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

No other alternatives were considered.

### 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.

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

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

Decision Language: [Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."](#)

\_\_\_\_\_ 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

#### STANDARDS FOR PUBLIC LAND HEALTH

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

A formal Land Health Assessment was conducted on the Elk Creek Allotment in 2011. An analysis of the Public Land Health Standards determined that the west branch of Red Dirt Creek was not meeting Standard 2 (riparian areas) at the time of the assessment. However, livestock grazing was not identified as a significant factor in the failure to achieve the standard and current grazing management was in conformance with the Guidelines for Livestock Grazing. All other standards were being achieved.

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.

### **3. Affected Environment & Environmental Effects**

#### DIRECT AND INDIRECT EFFECTS, MITIGATION MEASURES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and alternatives. In addition, the section presents comparative analyses of the direct and indirect effects on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain environmental elements. Not all programs, resources or uses are present in the area, or if they are present, may not be affected by the proposed action and alternatives (Table 3-1). Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

| <b>Table 3-1. Programs, Resources, and Uses<br/>(Including Supplemental Authorities)</b> | <b>Potentially Affected?</b> |           |
|--|------------------------------|-----------|
|  | <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#1013-10) was completed for the Elk Creek allotments on January 14, 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.

The table 3.2 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 3.2 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) |
|---------------------------|--|--|--|---|--|--|
| Elk Creek #08663          | 46.3                                   | 2302.3                                     | 2%   | 1   | Moderate to High                               | 225 acres for inventory identified; a portion recommended to be completed within permit term     |

Seven previous cultural resource inventories (CRVFO#1003-29, 1004-7, 257, 1097-7, 1006-19, 5499-9, 1001-38, 1198-1) have been conducted within the Elk Creek allotment #08663 resulting in the survey coverage of 46.3 acres at a Class III level. One cultural resource (5RT.1375.1) was documented and is a historic rail road which is eligible for the National Register of Historic Places (NRHP). Looking at the General Land Office (GLO) Patents from 1882 indicated there is little potential for historic sites within this allotment. Previous analysis identified 234 acres as needing inventory to meet the 10% sample requirement for cultural resources within the allotment. An additional 188.5 acres of this allotment requires a Class III inventory to meet the 10% sample. Working towards that goal, 225 acres have been identified for inventory within the Elk Creek allotment.

### Environmental Effects

#### *Proposed Action Alternative*

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 gullying, 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.

A total of 225 acres have been identified as needing cultural resource inventory within the Elk Creek allotment. A portion of the area identified is recommended to be surveyed within the term of this permit. One site has been previously recorded within the allotment and but does not need to be monitored.

#### *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.

#### *Mitigation Measures*

Grazing permit terms and conditions cover modification or mitigation needed if new information has determined cultural resources may be adversely impacted.

### **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 March 7, 2013, requested the tribes to identify issues and areas of concern within the allotments. Responses supported additional survey, specifically in areas identified for livestock concentration within allotments which have not been previously inventoried for cultural resources. Additionally, they are interested in the significant cultural resources and agree with monitoring them and if mitigation is required, consultation would occur to best determine appropriate action.

### Environmental Effects

#### *Proposed Action Alternative*

Tribal Representatives have consulted with the CRVFO on this project and indicated their support of additional inventory, specifically in allotments not previously inventoried. They were also interested in continued monitoring of the significant sites located within the allotments. In addition to the stipulations for the protection of Cultural Resources, any site-specific Native American mitigation measures suggested during previous notification/consultation would be considered during the implementation of the Proposed Action.

#### *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.

#### *Mitigation*

Grazing permit terms and conditions cover modification or mitigation needed if new information has determined cultural resources or areas of Native American religious concern may be adversely impacted.

## **Livestock Grazing Management**

### Affected Environment

The Elk Creek allotment is located in Routt County north of McCoy, Colorado. Highway 131 splits the allotment into two pastures. King Mountain pasture is located to the west of Hwy 131 and Egeria Creek pasture is east of the highway. The King Mountain pasture's legal description is Township 1 South Range 84 West, sections 16, 17, 20 and consists of approximately 1,286 acres of BLM. Elevation ranges from 9,200 to 9,826 feet. Egeria Creek pasture is located in Township 1 South Range 84 West, sections 12, 13 and Township 1 South Range 83 West, sections 7, 18 and consists of approximately 1,062 acres of BLM. The Egeria Creek pasture ranges in elevation from 7,640 to 8,406 feet. Annual precipitation ranges from 9.00 to 17.00 inches.

The allotment pastures are composed of dramatically different vegetation. Egeria Creek pasture straddles the deep canyon of Egeria Creek and includes a ridge to the south of the creek. The south-facing slope is dense pinyon-juniper woodland with intermixed Ponderosa Pine. The slopes above Egeria Creek are largely covered in Douglas-fir, aspen, and mixed mountain shrubs. There is one water development in the Egeria Creek pasture. The western King Mountain pasture lies along the east and south-facing flanks of King Mountain. Vegetation consists primarily of a dense mosaic of lodgepole pine and aspen forest with some spruce-fir. Small, open meadows of mesic grasses and forbs occur, in addition, some of these openings consist of some wetland areas supporting sedges, willows, and other riparian species.

### Environmental Effects

#### *Proposed Action*

Livestock grazing results in the direct removal of vegetation, both green shoots from the current year and old, dried growth from the previous year. Improper livestock grazing may reduce total vegetative cover, change species composition in favor of shrubs and less palatable grasses and

forbs, and may contribute to the establishment of noxious weeds and other invasive plants. Grazing management that allows for adequate rest prior to grazing or recovery time following grazing enables plants to replenish root reserves, disseminate seed, and establish seedlings maintains individual plant health, cover, and community composition. Under this action grazing would continue to be authorized at the same levels as previous permits with the flexibility of utilizing the pastures with rotation to avoid repeated defoliation of the same plants each grazing season. Impacts from grazing would be minimal and Land Health would continue to be maintained.

#### *No Grazing Alternative*

Under this alternative this grazing permit would not be renewed. Cancelling grazing use on this allotment may result in economic harm to the permittee. The permittee or adjacent land owner, to protect themselves from trespass proceedings, may need to fence any unfenced portions of their private property where livestock tend to cross onto public lands. The BLM would likely need to respond to more frequent trespass reports. This alternative would initiate the process in accordance with 43 CFR parts 4100 and 1600 to eliminate grazing on this allotment. This would devote the land to some other purpose which would result in amendments to the resource management plan.

### **Plants: Invasive Non-Native Species (Noxious Weeds)**

#### Affected Environment

A landscape-wide weed inventory has not been completed on this grazing allotment. During the land health assessment in 2011, patches of cheatgrass were observed growing under the Ponderosa pine and pinyon-juniper trees on the eastern parcel of the allotment and Canada thistle was scattered throughout the open meadows and along the trails in the western parcel. Given the widespread nature of noxious weed infestations throughout the area, it is assumed that these and other noxious weeds may be found in other areas of the allotment.

#### Environmental Effects

##### *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 can cause a decline in desirable native plant species and ground cover which provides a niche for noxious weed invasion. In addition, noxious weed seed can be transported and introduced to new areas by fecal deposition or by seed that clings to the animal's coat. However, this effect is minimal as compared to other weed seed dispersal vectors such as vehicle routes and ground disturbing activities. Conversely, properly managed livestock grazing which does not create areas of bare ground and which maintains the vigor and health of native plant species, particularly herbaceous species, is not expected to cause a substantial increase in noxious weeds. Since the proposed action was designed to sustain and/or improve land health, no significant impacts to non-native, invasive species are expected. Noxious and invasive plant species are not expected to radically increase as a result of the continuation of livestock grazing practices and most infestations will be isolated to watering facilities, salting areas, and other livestock high concentration locations.

### *No Grazing Alternative*

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

## **Plants: Sensitive, Threatened, and Endangered**

### Affected Environment

The only special status plant with potential to occur in the Elk Creek Allotment is Harrington's penstemon, a BLM sensitive plant species. Suitable habitat for Harrington's penstemon consists of open sagebrush or mixed mountain shrub communities with rocky loam or clay loam soils. Harrington's penstemon has been documented in several sagebrush parks approximately 2 miles from the allotment, near Highway 131. Although Harrington's penstemon has not yet been documented on the Elk Creek allotment, surveys in this area have been very cursory. The eastern parcel of the allotment has several sagebrush/mixed mountain shrub parks that appear to constitute potential habitat for Harrington's penstemon, and for the purposes of this analysis, it will be assumed to be present on the allotment.

### Environmental Effects

#### *Proposed Action*

The flowering stalks of Harrington's penstemon are highly palatable to livestock and wildlife and reductions in Harrington's penstemon populations could result if excessive grazing removes a high percentage of the flower stalks annually thereby inhibiting seed dissemination and reproduction. The existing and proposed grazing schedule for the Elk Creek allotment is from 6/1 to 8/27 which overlaps the flowering season for Harrington's penstemon.

Utilization data for the Elk Creek allotment is extremely limited. General observations of the western parcel of the allotment (King Mountain pasture) in 2005, 2007 and 2008 detected no evidence of livestock use in this pasture. No recent observations of the eastern parcel have been documented, except during the land health assessment (LHA) field work in 2011. No livestock were seen in the eastern parcel during the LHA, and recent use appeared to be slight. Slight livestock utilization levels would be unlikely to remove many flowering stalks of Harrington's penstemon, and continuation of grazing at these levels would not result in any measurable impacts to the reproductive success or long-term viability of the plants.

### *No Grazing Alternative*

Under this alternative, no livestock grazing would occur on the allotment and there would be no direct or indirect impacts to Harrington's penstemon or any other special status plants from livestock use. Trampling of plants or removal of flowering stalks may still occur from wildlife grazing, although wildlife presence and use in the eastern parcel appears to be light during the flowering period and heavier during the winter and early spring.

### *Land Health Standards*

A formal Land Health Assessment was conducted on the Elk Creek Allotment in 2011. No special status plants were observed in the allotment at the time of the assessment, although the eastern parcel contained potential habitat for Harrington's penstemon. The potential habitat

(sagebrush-dominated parks) appeared to be in good condition. The interdisciplinary team determined that Standard 4 for special status species was being met. Renewal of the livestock grazing permit would not likely deteriorate land health conditions relative to Standard 4.

## **Plants: Vegetation**

### Affected Environment

The Elk Creek allotment consists of two parcels with dramatically different vegetation. The eastern parcel straddles the deep canyon of Egeria Creek and includes a ridge to the south of the creek. The south-facing slope is dense pinyon-juniper woodland. The ridgetop is primarily sagebrush/mixed mountain shrubland. The slopes above Egeria Creek are largely covered in Douglas-fir, aspen, and mixed mountain shrubs.

The western parcel lies along the east and south-facing flanks of King Mountain. Vegetation on the western parcel consists primarily of a dense mosaic of lodgepole pine and aspen forest with some spruce-fir. Small, open meadows of mesic grasses and forbs as well as some wetland areas supporting sedges, willows and other riparian species are found in the swales and along drainages.

Mortality in the lodgepole pine stands was estimated to be 50-60%. Quaking aspen stands also sustained a high degree of decadence and mortality among mature trees, however, most aspen stands exhibited abundant sprouting.

### Environmental Effects

#### *Proposed Action*

Livestock grazing results in the direct removal of vegetation. Properly managed livestock grazing can improve plant vigor by removing dried stems and seed heads 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, 1) reduce plant vigor or cause plant mortality by reducing root reserves, 2) change the species' composition in favor of shrubs and less palatable grasses and forbs, and 3) can create surface disturbance and bare ground that serves as a niche for the invasion of noxious weeds. Grazing that does not exceed roughly 40-50% of the current year's growth and does not repeatedly defoliate the same plants or species will generally maintain plant health.

General observations of the western parcel of the allotment (King Mountain pasture) in 2005, 2007 and 2008 detected no evidence of livestock use in this pasture. No recent observations of the eastern parcel have been documented, except during the land health assessment (LHA) field work in 2011. No livestock were seen in the eastern parcel during the LHA, but past disturbance was evident in areas where livestock had been loafing, such as under Ponderosa pine and pinyon-juniper trees. Cheatgrass was sparse throughout the eastern parcel but small patches were noted at the base of many of the trees.

Although the grazing period encompasses much of the growing season, the allotment contains two pastures. The proposed action calls for the two pastures to be utilized in a deferred rotation grazing pattern. This pattern of use should provide ample opportunities for plant growth prior to grazing or regrowth and recovery following grazing to maintain plant health, disseminate seed and establish seedlings.

### *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. Some utilization of vegetation would continue to occur from wildlife grazing and browsing.

### *Land Health Standards*

A formal Land Health Assessment was conducted on the Elk Creek Allotment in 2011. The interdisciplinary team determined that Standard 3 for healthy plant communities was being met at the time of the assessment. Renewal of the livestock grazing permit with the proposed rotational grazing system would not likely deteriorate land health conditions relative to Standard 3.

## **Recreation**

### Affected Environment

The Elk Creek allotment falls within Glenwood Springs Extensive Recreation Management Area (ERMA). The ERMA is designated in the Record of Decision and Resource Management Plan, Glenwood Springs Resource Area 1988. The ERMA is managed to provide visitor information, minimal sanitation facilities, access, to resolve management issues and for off-road vehicle use. Consideration of the following when setting specific priorities for management decisions include: the number of people served or benefited; the need to manage visitor use; the health and safety of the visitor; and the need for resource protection.

### Environmental Effects

#### *Proposed Action*

Grazing operations within the King Mountain allotments do not create conflicts with non-motorized recreation activities. Especially since the grazing operations will not change from the previous permit. However, administrative motorized access on routes that are not open to the public for motorized use may directly impact recreation experiences through visitors seeing others accessing areas through motorized vehicles that they cannot use. This would also indirectly affect the visitors' benefits that they would take with them after leaving the public lands. The term/condition restricting administrative access reduces conflicts with visitors who are expecting to recreate in a non-motorized recreation setting.

Grazing operations within the ERMA will not directly or indirectly impact the visitor health and safety, resource protection or visitor use of the area in the project location.

#### *No Grazing Alternative*

The No Grazing Alternative would eliminate any confusion regarding administrative use and the general public, as no administrative use/motorized use would occur. The impact to the Glenwood Springs ERMA would have a slightly more beneficial impact than the proposed action to those few recreationalists will not encounter motorized use associated with this permit who otherwise would have under the Proposed Action.

## Soils

### Affected Environment

A review of the soil survey by the NRCS for the *Routt Area, Colorado, Parts of Rio Blanco and Routt Counties* indicate 11 soil map units occur within the proposed allotment (NRCS 2007). The NRCS soil map unit descriptions (NRCS 2011) are provided below for the three dominant soils:

Jefin-Fulvance complex (75C) - The Jefin component makes up 50 percent of the map unit. Slopes are 3 to 25 percent. The parent material consists of shale slope alluvium overlying sandstone. The Fulvance component makes up 25 percent of the map unit. Slopes are 3 to 25 percent. The parent material consists of colluvium derived from sandstone. The natural drainage class is well drained and the shrink-swell potential is low.

Duffymont-Rock outcrop complex (45E) - The Duffymont component makes up 55 percent of the map unit. Slopes are 10 to 45 percent. The parent material consists of colluvium derived from sandstone and shale and/or slope alluvium derived from sandstone and shale. The natural drainage class is well drained. Shrink-swell potential is low. The remaining portion of the soil unit consists of rock outcrop.

Ustorthents-Rock outcrop association (101) - The Ustorthents component makes up 50 percent of the map unit. Slopes are 25 to 75 percent. This component is on mountain slopes. The parent material consists of colluvium derived from sandstone and shale and/or slope alluvium derived from sandstone and shale. The natural drainage class is well drained with low shrink-swell potential. The remaining portion of the soil unit consists of rock outcrop.

Soil health was evaluated in 2011 during the King Mountain Land Health Assessment. BLM staff concluded that soils were meeting land health standards throughout the Elk Cr allotment, with only slight departures from expected conditions (BLM 2012).

### Environmental Effects

#### *Proposed Action*

Grazing activities could result in direct soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. Indirect impacts include soil erosion and gullyng. Based on existing soil conditions and generally good vegetative cover, the likelihood of livestock grazing contributing to excessive soil degradation and transport to nearby drainages is not expected. Grazing activities on the Elk Creek allotment would not likely create long term affects that would compromise soil stability on a large scale. Small-scale and localized disturbances would likely be limited to trails and watering areas. Allowing for adaptive management may provide better protection of soils and upland 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. In addition, soil disturbance and erosion may persist due to other surface disturbing activities, such as roads and trails that exist throughout the allotment.

*Land Health Standard 1 for Soils*

Based on the King Mountain Land Health Assessment, BLM staff concluded that soils are meeting Standard 1 (BLM 2012). Implementation of the proposed action is not anticipated to degrade soil health from current conditions.

**Water Quality, Surface and Ground**

Affected Environment

The Elk Creek allotment is within the Upper Colorado River watershed and includes portions of three streams - Elk Creek, West Branch Red Dirt Creek, and Egeria Creek. 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 2010a). These streams are listed under the Upper Colorado River Basin and have water use classifications described below:

| Stream Segment Description  | Classifications  |
|---|--|
| 7a. All tributaries of the Colorado River, including all wetlands, from the confluence with the Blue River to the confluence with the Roaring Fork River. | Aquatic Life Cold I<br>Recreation N<br>Water Supply<br>Agriculture |

Aquatic life cold I indicates that a stream segment is capable of sustaining a wide variety of cold water biota. Recreation N refers to stream segments with surface waters that are not suitable or intended to become suitable for primary contact recreation uses. 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.

Water quality data were collected during the 1980s on the perennially flowing portion of Elk Creek, which is downstream of the allotment. Those data indicate the waters are a calcium-sulfate-bicarbonate type. The mean specific conductance was 665 microsiemens per centimeter, pH was 8.6, and turbidity was low at 1.8 NTUs. The State of Colorado has developed a *303(d) List of Water Quality Limited Segments Requiring TMDLS and Monitoring and Evaluation List* (CDPHE 2010b) that identifies stream segments that are not currently meeting water quality standards with technology based controls alone. No streams in the Elk Creek allotment are on this list suggesting water quality standards are currently being met.

Environmental Effects

*Proposed Action*

Direct impacts to water quality resulting from grazing could be elevated nutrient levels (i.e. 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 excessive 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 stocking rates and duration are not expected to have a negative effect on water quality. Any

sediment that is produced in areas where livestock may congregate would likely be captured by the existing vegetative ground cover. Allowing for adaptive management may provide for better protection of upland and riparian vegetation and subsequently maintain water quality conditions.

*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.

*Land Health Standard 5 for Water Quality*

Based on the King Mountain Land Health Assessment, BLM staff concluded that water quality is meeting Standard 5 (BLM 2012). Implementation of the proposed action is not anticipated to degrade water quality from current conditions.

**Wetlands and Riparian Zones**

Affected Environment:

The table below displays the results of the 2011 Proper Functioning Condition (PFC) assessments for Egeria and Red Dirt creeks within the Elk Creek Common Allotment.

| Allotment   | Year | Pasture       | Riparian Area Name   | Miles | Condition Rating    |
|---|------|---------------|--|-------|---------------------|
| Elk Creek   | 2011 | Egeria Creek  | Egeria Creek (lower)   | 1.2*  | PFC                 |
|   |      | King Mountain | Red Dirt Creek (West Branch) (Grimes Brook reservoir outlet) | 1.0   | FAR<br>Not Apparent |
| Note: 7.9 miles were assessed on Egeria Creek, the 1.2 miles shown are from within the east pasture of Elk Creek, however all of Egeria Creek was at PFC. |      |               |  |       |                     |

In addition to the land health assessment in 2011, a site visit was made by the CRVFO Riparian Coordinator during the fall of 2012. After canvassing the area around the Grimes Brook Reservoir, it's apparent that much of the surface hydrology has been highly modified. These actions most likely occurred when this landscape was privately owned. Existing hydrologic infrastructure includes irrigation ditches, stock water ponds, canals, and a large scale reservoir, all of which are upstream of the PFC assessment portion of Red Dirt Creek. When considering all the features and the effects they have on surface hydrology, the natural water flow through Red Dirt Creek of the King Mountain pasture has been highly modified.

The winter of 2011 was a wet winter and visual signs from the overflow of the Grimes Brooks reservoir would suggests that water was flowing through the overflow in 2011 and down into the Red Dirt Creek, scouring out a depression immediately below the overflow. The overflow was doing as planned. An unknown factor regarding the Grimes Brook reservoir is whether or not the water gate on this dam was opened to release water.

Overall, visual signs would suggest that the causes of the functioning-at-risk rating with a no-apparent-trend were not livestock related. In fact little to no cow sign was observed by the ID team or during the return visit by the CRVFO riparian coordinator.

#### Environmental Effects

##### *Proposed Action*

The proposed action is not expected to impact riparian areas on the Elk Creek Allotment.

##### *No Grazing Alternative*

Under the no grazing alternative, the grazing permit would not be reissued. Riparian areas would be utilized by wildlife.

##### *Land Health Standards*

A formal Land Health Assessment was conducted on the Elk Creek Allotment in 2011. An analysis of the Public Land Health Standards determined that the west branch of Red Dirt Creek was not meeting Standard 2 (riparian areas) at the time of the assessment. However, livestock grazing was not identified as a significant factor in the failure to achieve the standard and current grazing management was in conformance with the Guidelines for Livestock Grazing.

##### *Mitigation*

None needed.

## **Wild and Scenic Rivers**

#### Affected Environment

The Final Wild and Scenic River Eligibility Report, BLM Kremmling and Glenwood Springs Field Offices, Colorado, 2007, found Egeria Creek eligible for inclusion in the National Wild and Scenic River System. Egeria Creek's Outstandingly Remarkable Value (ORV) is historic based on the Denver and Rio Grande Railroad-Moffat Road. The preliminary classification is Recreational because of a railroad.

#### Environmental Effects

##### *Proposed Action*

Grazing operations would not directly or indirectly impact the free flowing nature, historic ORV, or the preliminary classification of Egeria Creek.

##### *No Grazing Alternative*

No grazing operations would have the same impact as the proposed action.

##### *Mitigation*

None needed.

## **Wildlife: Aquatic / Fisheries**

### Affected Environment

A 2011 Land Health Assessment of aquatic and wildlife species was conducted for King Mountain watershed. Of the 13 streams assessed, Egeria and Red Dirt creeks are relative to the Elk Creek Allotment.

#### *Egeria Creek*

The majority of this large stream flows through a long, remote, and rugged canyon reach on BLM lands prior to entering Rock Creek. The stream contains brown and rainbow trout as well as speckled dace, mottled sculpin, and longnose sucker. Stream habitat is in good to excellent condition and is a relatively steep stair-step pool system except the lower .75 miles that is less steep and more open. Riparian vegetation is diverse, dense, and lush along the entire BLM reach. This stream contains a good mix of pools, riffles, and runs. The stream contains adequate year-round flow to sustain resident fish species. A railroad parallels the stream through the canyon portion but appears to have limited impact to the stream.

#### *Red Dirt Creek*

This stream contains rainbow trout and longnose sucker. Fish densities were very low and fish were concentrated on the lower BLM reach immediately upstream of the confluence with Egeria Creek. Stream habitats were in good condition throughout the BLM segment but flow is limited and pools were particularly small and limited in abundance. Riparian vegetation was dense and lush with good diversity. It is likely that fish enter the stream from Egeria Creek and use the lower reaches or move up seasonally on favorable flow years. Visual observations of fish were noted higher up in the watershed in the past on BLM lands just above the private.

### Environmental Effects

#### *Proposed Action*

Limitations to aquatic wildlife and fisheries were assessed and were determined not to be affected by current or historic grazing regimes. The proposed action would be the same as current grazing times and AUM numbers therefore it is not expected to directly or indirectly impact aquatic wildlife species.

#### *No Grazing Alternative*

There would be no impact to aquatic wildlife or fisheries under this alternative.

#### *Land Health Standards*

The aquatic habitats that could be impacted by the proposed action were recently analyzed for Land Health and were found to be meeting. Due to no change in action, it is reasonable to conclude that these streams and their associated biota would be maintained for these standards under the proposed action.

## **Wildlife: Migratory Birds**

### Affected Environment

The **Migratory Bird Treaty Act (MBTA)** of 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989 implements various treaties and conventions between the U.S. and Canada,

Japan, Mexico and the former Union of Soviet Republics for the protection of Migratory Birds. The Act prohibits hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg.

**Birds of Conservation Concern.** Of the birds listed by the United States Fish and Wildlife Service as Birds of Conservation Concern (BCC), the Colorado Field Ornithologists have identified the following species on their Colorado County Birding checklist (CFO 2012) for the King Mountain landscape (Table 3.3).

**Table 3.3. Birds of Conservation Concern in the King Mountain Landscape**

| Species  | Status   | Winter        | Spring Migrant | Summer        | Fall Migrant  |
|--|----------|---------------|----------------|---------------|---------------|
| Bald Eagle ( <i>Haliaeetus leucocephalus</i> )           | Resident | Fairly Common | Uncommon       | Uncommon      | Uncommon      |
| Ferruginous Hawk ( <i>Buteo regalis</i> )                | Migrant  | Uncommon      | Rare           | Rare          | Rare          |
| Golden Eagle ( <i>Aquila chrysaetos</i> )                | Resident | Uncommon      | Uncommon       | Uncommon      | Uncommon      |
| Prairie Falcon ( <i>Falco mexicanus</i> )                | Resident | Uncommon      | Uncommon       | Uncommon      | Uncommon      |
| Lewis's Woodpecker ( <i>Melanerpes lewis</i> )           | Resident | Uncommon      | Uncommon       | Uncommon      | Uncommon      |
| Willow Flycatcher ( <i>Empidonax traillii</i> )          | Breeding | NA            | Resident       | Uncommon      | Resident      |
| Pinyon Jay ( <i>Gymnorhinus cyanocephalus</i> )          | Resident | Fairly Common | Fairly Common  | Fairly Common | Fairly Common |
| Juniper Titmouse ( <i>Baeolophus griseus</i> )           | Resident | Uncommon      | Uncommon       | Uncommon      | Uncommon      |
| Veery ( <i>Catharus fuscescens</i> )                     | Migrant  | NA            | Resident       | Resident      | Resident      |
| Black Rosy-Finch ( <i>Leucosticte atrata</i> )           | Winters  | Rare          | NA             | NA            | NA            |
| Brown-capped Rosy-Finch ( <i>Leucosticte australis</i> ) | Resident | Uncommon      | Uncommon       | Uncommon      | Uncommon      |
| Cassin's Finch ( <i>Cassin's Finch</i> )                 | Resident | Fairly Common | Fairly Common  | Fairly Common | Fairly Common |

**Resident** – Found year-round in the area. Numbers may fluctuate due to the arrival of migrant population and to partial seasonal withdrawals. Local altitude fluctuation may occur.  
**Breeding** – Migratory species. Nests in the area, some years a few may winter.  
**Migrant** – Species that migrates through the area in spring or fall. Some may be found in summer but do not breed.  
**Winters** – Migratory species that winters but does not nest in the area.  
**Fairly Common** – Present in smaller numbers in suitable habitat, likely to be seen daily.  
**Uncommon** – Occurs in small numbers in suitable habitat, not always seen daily.  
**Causal/Accidental** – Sporadic and unexpected, vagrant species outside of its normal range.

## Environmental Effects

### *Proposed Action*

Impacts by cattle grazing to migratory birds in this area can mainly be attributed to reduction of herbaceous cover. Birds of prey, cavity and other arboreal nesting birds should not be impacted by the proposed action. A variety of migratory bird species are present on this allotment given the diverse mix of vegetation and topography that encompasses the area. It is unlikely that livestock grazing will have any significant negative effect to migratory birds in the area, and no intentional take of native bird species is anticipated. The proposed action and grazing management regimes allow for periodic rest, rotation, and adequate regrowth periods that should result in an adequate amount of vegetation for the needs of migratory birds and could be beneficial to some ground nesting species such as the vesper sparrow (Kantrud and Kologiski, Bock et al. 1992). Nesting, breeding, and foraging areas should not be impacted. However unlikely, there is the potential that trampling of ground nesting bird species and their eggs could occur.

### *No Grazing Alternative*

Migratory birds would not be impacted by this alternative.

## **Wildlife: Sensitive, Threatened, and Endangered**

### Affected Environment

**Canada lynx.** Lynx are currently listed as threatened under the Endangered Species Act. BLM lands within the King Mountain assessment area do not overlap with any mapped Canada lynx (*Lynx canadensis*) habitat. The U.S. Forest Service (USFS) has mapped suitable denning, winter, and other habitat for lynx within the White River National Forest (WRNF) and the Routt National Forest (RNF). Each Forest contains many lynx analysis units (LAUs). LAUs are management areas that contain suitable lynx habitat and approximate the size of a female's home range.

BLM lands generally support the movement of lynx dispersing to a new area or potentially, moving to lower elevations during severe winter weather in search of prey. The Southern Rockies Lynx Amendment (USFS 2008) identified lynx linkage areas. The goal of linkage areas is to ensure population viability through population connectivity. 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 Egeria landscape linkage area provides for movement opportunities from the Flattops (White River Plateau), across King Mountain, east to the Routt; and includes mixed land ownership. It encompasses 18,390 acres of BLM Land within the King Mountain assessment area.

**Greater Sage-Grouse.** The greater sage-grouse (*Centrocercus urophasianus*), a species restricted to sagebrush rangelands in western North America, is declining across much of its range (NESRGSGWG 2004). The U.S. Fish and Wildlife Service (USFWS) announced in 2010 that the greater sage-grouse would be added to the Endangered Species Act "Candidate" list. The reason for the listing is tied to reduced habitat quality and quantity throughout its range. This grazing allotment falls outside of the preliminary mapped range of greater sage-grouse and is not further analyzed in this document.

### **BLM Sensitive Terrestrial Wildlife Species.**

**Townsend's Big-eared Bat and Fringed Myotis.** Townsend's big-eared bat (*Corynorhinus townsendii*) and Fringed myotis (*Myotis thysanodes*) occur as scattered populations at moderate elevations on the western slope of Colorado. Habitat associations are not well defined. Both bats will forage over water and along the edge of vegetation for aerial insects. These bats commonly roost in caves, rock crevices, mines, buildings or tree cavities. Known roosts are on USFS lands. Both species are widely distributed and usually occur in small groups. 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). No predominant roost site or hibernaculum is known to occur in this landscape.

**Northern Goshawk.** The Northern goshawk (*Accipiter gentilis*) is a rare to uncommon resident in the mountains and an occasional migrant to lower elevations. Goshawks predominantly use mature stands of aspen, and ponderosa/ lodgepole pines. Goshawks prey on small-to-medium sized birds and mammals. They breed in coniferous, deciduous and mixed forests. The nests are typically located on a northerly aspect in a drainage or canyon and are often near a stream. Nest areas contain one or more stands of large, old trees with a dense canopy cover. A goshawk pair occupies its nest area from March until late September. The nest area is the center of all movements and behaviors associated with breeding from courtship through fledging. No goshawks were observed during the assessment; however sufficient habitat is available for the species on Black Mountain and King Mountain.

**Brewer's Sparrow.** The Brewer's sparrow (*Spizella berweri*) is a neotropical migrant that summers in western Colorado mountain parks and is a spring/fall migrant at lower elevations. The species is a sagebrush shrubland obligate with an apparently secure conservation status in Colorado. None were observed during the assessment however sufficient habitat is available for the species throughout the landscape.

**Northern Leopard Frog.** Northern leopard frogs (*Rana pipiens*) are a BLM sensitive species and a CPW species of concern. They inhabit a variety of aquatic systems, including stock ponds. Northern leopard frogs are generally found between 3,500 to 11,000 feet in Colorado, in wet meadows and in shallow lentic habitats. Northern leopard frogs require year-round water sources, deep enough to provide ice-free refugia in the winter. Region-wide population declines are attributed to habitat alteration and loss, the effects of introduced bullfrogs and gamefish, aerial pesticide applications, and droughts that limit the availability of year-round water.

Within the King Mountain assessment area, this species has been documented in ponds on the north side of King Mountain on BLM lands. In addition, several frogs have been found along the drainages and wet meadows between the ponds. It is likely the species is also found on similar habitats on nearby private lands too. The population seems to be stable based on the combination of current land management practices, land uses, environmental conditions, and climatic conditions.

## Environmental Effects

### *Proposed Action*

#### ***Canada lynx.***

Due to the fact that this is an administrative action that is making no effective change, there should be no impact to lynx in these linkage areas. The allotment is meeting Land Health Standard 4 for Threatened for Endangered Species and under the proposed action it is expected to continue meeting this standard.

#### ***Brewer's Sparrow.***

Nesting activity is the only reasonable overlap that could be indirectly affected by competition of nesting material as a result of the proposed action's reduction in herbaceous cover. Brewers sparrow are not expected to be directly impacted because their nest are generally armored by sage bush which is not a typical species utilized by cattle.

#### ***Northern Leopard Frog***

Cattle grazing on leopard frog refuge or hibernacula are likely to be minimal under the proposed action. Frog reproduction may be limited in standing water scenarios that are available to cattle and could therefore be impacted by trampling of individuals, eggs or offspring. As mentioned above, due to no permit changes and Land Health results indicating stable populations, the proposed action is not expected to cause negative impacts to these populations.

### *No Grazing Alternative*

No TES species are expected to be impacted by this alternative

### *Land Health Standards*

All Threatened and special status wildlife species that potentially could occur in the King Mountain area are part of populations that occupy much larger ranges than covered by this assessment. Because these animals are rare, uncommon or occur in scattered populations, population assessments of these species are difficult. Based on the overall condition of upland and riparian habitats located on BLM lands, suitable habitat and connectivity of habitats is currently available for BLM special status terrestrial wildlife species. This assessment concludes that BLM lands in the King Mountain assessment area are achieving Land Health Standard 4 for special status terrestrial wildlife species. Due to the recent assessment of meeting standard 4, it is reasonable to conclude that the proposed grazing permit renewal with no changes in AUMs or timeframes would continue to maintain or improve habitat conditions or populations of existing TES species.

## **Wildlife: Terrestrial**

### Affected Environment

#### *Large Mammals and non-game species*

**Big Game.** Big game occurring in the assessment area includes bighorn sheep, mule deer, moose, Rocky Mountain elk and pronghorn. In addition to grazing by domestic livestock, wild ungulate grazing is a factor contributing to range conditions in the landscape. BLM lands provide a good portion of the undeveloped habitat available to big game. CPW maps big game habitats in Colorado. The ranges for big game generally overlap in the assessment area. Table 3.4 displays BLM lands in relation to the total mapped ranges for big game species in the King Mountain landscape.

**Table 3. 4. Big Game Ranges within the King Mountain Landscape**

| Range Type                      | Total Acres in Landscape (150,322 acres) | Total Acres of BLM Land (30,700 acres) | BLM Portion of Each Habitat Type in Overall Landscape |
|---------------------------------|--|--|---|
| Mule Deer Winter Range          | 51,295                                   | 19,005                                 | 37%   |
| Mule Deer Critical Winter Range | 18,968                                   | 7,786                                  | 41%   |
| Mule Deer Summer Range          | 150,322                                  | 30,700                                 | 20%   |
| Elk Winter Range                | 92,663                                   | 22,338                                 | 24%   |
| Elk Severe Winter Range         | 35,697                                   | 13,836                                 | 39%   |
| Elk Winter Concentration Area   | 1,800                                    | 272                                    | 15%   |
| Elk Production Area             | 8,791                                    | 5,086                                  | 58%   |
| Elk Summer Range                | 107,798                                  | 20,348                                 | 19%   |
| Moose Overall                   | 6,909                                    | 4,459                                  | 65%   |
| Pronghorn Overall Range         | 7,323                                    | 1,914                                  | 26%   |
| Bighorn Sheep Overall Range     | 62,637                                   | 2,539                                  | 4%  |

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**Big Game Management.** The management of big game is the responsibility of CPW. CPW manages big game species through specific management objectives for each species. BLM participates in the planning process when DAU objectives for mule deer and elk are revised and updated. When big game populations exceed objectives, the CPW generally issues additional licenses to reduce the numbers to objective levels.

BLM is responsible for the management of wildlife habitats under its jurisdiction and works cooperatively with the CPW in managing these habitats on BLM lands within the watershed. The CRVFO’s 1984 (Revised 1988) Resource Management Plan (RMP) allocated existing forage proportionately to livestock and big game, the criterion being active preference for livestock and 5-year average demand for big game.

**Mule Deer.** Mule deer (*Odocoileus hemionus*) are a recreationally important species which are common throughout suitable habitats in the region. Deer are migratory, meaning they summer at higher elevations and move down slope as winter approaches. Deer move to lower elevations and forage on sagebrush-dominant ridges and south-facing slopes at lower elevation in the winter.

Mule deer within the landscape assessment area are managed in Data Analysis Unit (DAU) D-8 and D-43. The primary decisions reached in each DAU plan are how many animals should exist in the DAU and what the desired sex ratio for the population of big game animals. The: 1) current population and 2) sex ratio; estimates and objectives are described below for mule deer DAUs that overlap with the King Mountain landscape.

State Bridge Deer DAU D-8 (GMUs: 15, 35, 36 and 45)

Current Population Estimate: 13,850 (post hunt 2008)

DOW Recommended Population Objective: 13,500-16,500 deer,

Current Sex Ratio Estimate: 28 bucks/100 does (post-hunt 2001)  
DOW Recommended Sex Ratio Objective: 26-30 bucks/100does

Sweetwater Creek Deer DAU D-43 (GMU 25, 26 and 34)

Current Population Estimate: 4,700 (post hunt 2009)  
DOW Recommended Population Objective: 5,000-6,000 deer

Current Sex Ratio Estimate: 30 bucks/100 does  
Preferred Alternative Objective: 28-32 bucks/100 does

**Rocky Mountain Elk.** Another recreationally important big game ungulate (hoofed animal), the Rocky Mountain elk (*Cervus elaphus nelsonii*), is also present. Rocky mountain elk can be found in most habitat types and elevations at least on a seasonal basis. Elk are considered generalist feeders that utilize shrubs, grasses, and forbs. Calving grounds are carefully selected by the cows and are generally in locations where cover, forage, and water are found together. Elk tend to inhabit higher elevations during spring and summer and migrate to lower elevations for winter range. Elk form large, sometimes mixed, herds on favored winter range.

Rocky Mountain elk in the landscape assessment area are managed in DAU E-6 and E-7, which encompasses GMUs 43, 44, 47, 444, and 471. These plans are scheduled for updating in the near future. The: 1) current population and 2) sex ratio; estimates and objectives are described below for elk DAUs that overlap with the King Mountain landscape.

White River DAU E-6 (GMUs: 11, 12, 13, 23, 24, 25, 26, 33, 34, 131, 211, and 231)

Current Population Estimate: 41,600 (post hunt 2004)  
DOW Recommended Population Objective: 32,000-39,000

Current Sex Ratio Estimate: 25 bulls/100 cows  
DOW Recommended Sex Ratio Objective: 20-25 bulls/100 cows

Gore Pass DAU E-7 (GMUs: 15 and 27)

Current Population Estimate: 4,133 (post hunt 2004)  
DOW Preferred Population Objective: 4,000-5,000

Current Sex Ratio Estimate: 24-28 bulls/100 cows  
DOW Preferred Sex Ratio Objective: 24-28 bulls/100 cows

**Bighorn Sheep.** Bighorn sheep (*Ovis canadensis*) typically occur in steep, high mountain terrain. They prefer habitat dominated by grass, low shrubs, rock cover and areas near open escape. They often retreat to rest on inaccessible cliffs (CDOW 2012). Some individuals in this landscape spend all year at low elevations on a mixture of private and BLM lands. Bighorns are primarily grazers, feeding in meadows, open woodland, and alpine tundra. However, they will also eat forbs (herbaceous plants) in the summer and browse in the winter. Grasses eaten by bighorn include bluegrass, sedges, wheat grass, bromes and fescues. Browse includes willow, mountain mahogany, winterfat and bitter brush. Forbs include clover, cinquefoil and phlox (CDOW 2012).

The Derby Creek – S59 unit has a population estimate of about ninety (90) individuals. The herd is not identified by CPW as either a primary core (Tier 1) or secondary core Tier 2 population (George et al. 2009). The herd has been supplemented with transplanted sheep. The Derby Creek herd is identified as medium-to-low priority because they were (1) transplanted, (2) smaller in population size, and (3) relatively harder to protect from threats to habitat and/or disease.

**Pronghorn Antelope.** Pronghorn have very specific habitat requirements which restrict their overall range mainly to the large, open, rolling hills of sagebrush and native rangelands (CDOW 1999). A few pronghorn antelope occupy the ranchland-sagebrush habitat immediately north of King Mountain. The small groups of pronghorns are usually observed on private land but move through the scattered parcels of BLM land. Although none were observed during the assessment, they are occasionally observed during routine field work. There is currently no DAU plan for pronghorn that inhabit this landscape.

**Moose.** Shiras Moose (*Alces alces shirasi*), in the King Mountain landscape are managed in DAU M-3. A herd management plan has not been completed for this herd. Moose rarely compete with livestock or other big game for forage as they primarily forage on willow (CDOW 2008a). Moose tend to be found along riparian areas and in timbered areas, though they will cross semi-desert shrublands at times. Moose scat was observed on the northside of King Mountain (unmapped overall range) and on Black Mountain (mapped overall range).

**Mountain Lions.** Mountain lions within the landscape assessment area are managed in DAU L-6, which encompasses Game Management Units (GMU) 15, 25, 26, 34, 35, 36, 43, 44, 45, 47, 444, 471 (CDOW 2004). Mountain lions are primarily associated with the lower elevation habitats within the DAU among the rocky, steep canyons. As in most areas in Colorado, lion habitat overlaps with the range of their principle food source, mule deer. This landscape contains a complete range of mountain lion habitat. This landscape is in the northern part of the DAU. Unlike the southern portion of the DAU, has not seen a tremendous growth in land development.

Mountain lions are classified as big game species and require a license to hunt with annual seasons and quotas. The long-term goal in DAU L-6 is to maintain a healthy sustainable lion population while providing continued opportunity for sport harvest, minimizing human lion conflicts and mitigating domestic livestock loss by lion. The preferred management strategy for L-6 is to maintain an acceptable annual mortality rate, including hunting and non-hunting, in a range between 8% and 15% of the hunt-able population. The annual harvest (10-year average) in this DAU averages 22 lions. The CDOW calculated population projection of available lion habitat within the DAU was determined to be approximately 301 lion (CDOW 2004).

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

**Reptiles.** Reptile species most likely to occur in the King Mountain assessment area 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/riparian areas. Other reptiles potentially present along creeks, although more commonly found at lower elevations than the site, are the milk snake (*Lampropeltis triangulum*) and smooth green snake (*Ophedryx vernalis*).

**Birds of Prey.** Birds of prey (eagles, falcons, hawks, and owls) may migrate, nest, or are residents in the area. Common raptor species in the area include the: Northern Harrier (*Circus cyaneus*), Sharp-shinned Hawk (*Accipiter striatus*), Cooper's Hawk (*Accipiter cooperii*), Northern Goshawk (*Accipiter gentilis*), Red-tailed Hawk (*Buteo jamaicensis*), Swainson's Hawk (*Buteo swainsoni*), Rough-legged Hawk (*Buteo lagopus*), American Kestrel (*Falco sparverius*), Barn Owl (*Tyto alba*), Flammulated Owl (*Otus flammeolus*), Western Screech-Owl (*Otus kennicottii*), Great Horned Owl (*Bubo virginianus*), Northern Pygmy-Owl, Long-eared Owl (*Asio otus*), Boreal Owl (*Aegolius funereus*), Northern Saw-whet Owl (*Aegolius acadicus*).

**Passerine Birds.** Passerine (perching) birds are commonly found in the assessment 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*).

**Waterfowl.** The Colorado River, numerous creeks, reservoirs, ponds, and associated riparian vegetation provide habitat for a wide variety of waterfowl and shorebirds. Common species include Great Blue Heron (*Ardea Herodias*), Canada Goose (*Branta Canadensis*), Mallard (*Anas platyrhynchos*), Green-winged Teal (*Anas carolinensis*), Common Merganser (*Mergus merganser*), Northern Pintail (*Anas acuta*).

#### Environmental Effects

##### *Proposed Action*

Livestock grazing results in the direct removal of vegetation, both green shoots from the current year and old, dried growth from the previous year. Improper livestock grazing may reduce total vegetative cover available for wildlife, change species composition in favor of shrubs and less palatable grasses and forbs, and may contribute to the establishment of noxious weeds and other invasive plants. Grazing management that allows for adequate rest prior to grazing or recovery time following grazing enables plants to replenish root reserves, disseminate seed, and establish seedlings maintains individual plant health, cover, and community composition. Under this action grazing would continue to be authorized at the same levels as previous permits with the flexibility of utilizing the pastures with reverse rotation to avoid repeated defoliation of the same plants each grazing season. Direct disturbance, forage competition, noxious weed propagation affecting habitat, and indirect reduction of cover for terrestrial wildlife species would be minimal under the proposed action. Overall, impacts from grazing would be minimal and Land Health Standard 3 would continue to be maintained.

### *No Grazing Alternative*

Terrestrial Wildlife would not be impacted by this alternative.

### *Land Health Standards*

A formal Land Health Assessment was conducted on the Elk Creek Allotment in 2011. The interdisciplinary team determined that Standard 3 for healthy plant communities was being met at the time of the assessment. Since terrestrial wildlife populations are closely tied to their habitats, renewal of the livestock grazing permit would not likely deteriorate land health conditions relative to Standard 3.

### 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. Based on limited land management activities occurring across the allotment, it is assumed that cumulative effects to soil and water are minor and unmeasurable if proper best management practices are implemented.

## **5. Tribes, Individuals, Organizations, or Agencies Consulted**

Tribes consulted with were the Southern Ute Tribe, Ute Tribe of the Uinta and Ouray Bands, and Ute Mountain Ute Tribe regarding this proposal.

Grazing permittee

## **6. List of Preparers**

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

| <i>Name</i>     | <i>Title</i>                    | <i>Areas of Participation</i>   |
|-----------------|---------------------------------|---|
| Kristy Wallner  | Rangeland Management Specialist | NEPA Lead, Livestock Grazing, Invasive, Non-Native species (Noxious weeds)            |
| Kimberly Miller | Outdoor Recreation Planner      | Recreation, Wild and Scenic Rivers, Wilderness  |
| Greg Wolfgang   | Outdoor Recreation Planner      | Transportation, VRM   |
| Carla DeYoung   | Ecologist                       | Areas of Critical Environmental Concern; Sensitive, Threatened and Endangered Plants; |

| Table 6-1. BLM Interdisciplinary Team Authors and Reviewers |                                 |   |
|---|---------------------------------|---|
| Name  | Title                           | Areas of Participation                  |
|   |                                 | Vegetation; Land Health Standards       |
| Everett Bartz   | Rangeland Management Specialist | Riparian Zones                          |
| Pauline Adams   | Hydrologist                     | Soil, Water and Air Quality             |
| Darren Long   | Wildlife Biologist              | Wildlife, T&E Wildlife, Migratory birds |

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

**FINDING OF NO SIGNIFICANT IMPACT**

**DOI-BLM-N040-2013-0021-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):**

**(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 Effects 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.*

The Final Wild and Scenic River Eligibility Report, BLM Kremmling and Glenwood Springs Field Offices, Colorado, 2007, found Egeria Creek to be eligible for inclusion in the National Wild and Scenic River System. Egeria Creek's Outstandingly Remarkable Value (ORV) is historic based on the Denver and Rio Grande Railroad-Moffat Road. The preliminary classification is Recreational because of a railroad. Grazing activities would not directly or indirectly impact the free flowing nature, historic ORV, or the preliminary classification of Egeria Creek.

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

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

The 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.*

A total of 225 acres have been identified as needing cultural resource inventory within the Elk Creek allotment. A portion of the area identified is recommended to be surveyed within the term of this permit. One site has been previously recorded within the allotment and but does not need to be monitored.

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.*

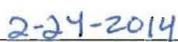
Lynx are currently listed as threatened under the Endangered Species Act. BLM lands within the King Mountain assessment area do not overlap with any mapped Canada lynx (*Lynx canadensis*) habitat. Linkage areas are mapped spanning the King Mountain and portions of the Egeria Creek pasture of the Elk Creek allotment. The Egeria landscape linkage area provides for movement opportunities from the Flattops (White River Plateau), across King Mountain, east to the Routt; and includes mixed land ownership. These areas generally support the movement of lynx dispersing to a new area or potentially, moving to lower elevations during severe winter weather in search of prey. They exist on the landscape and can be maintained or lost by management activities or developments. They are broad areas of habitat where animals can find food, shelter and security. The grazing activities should not adversely affect Canada lynx usage of the Egeria linkage area.

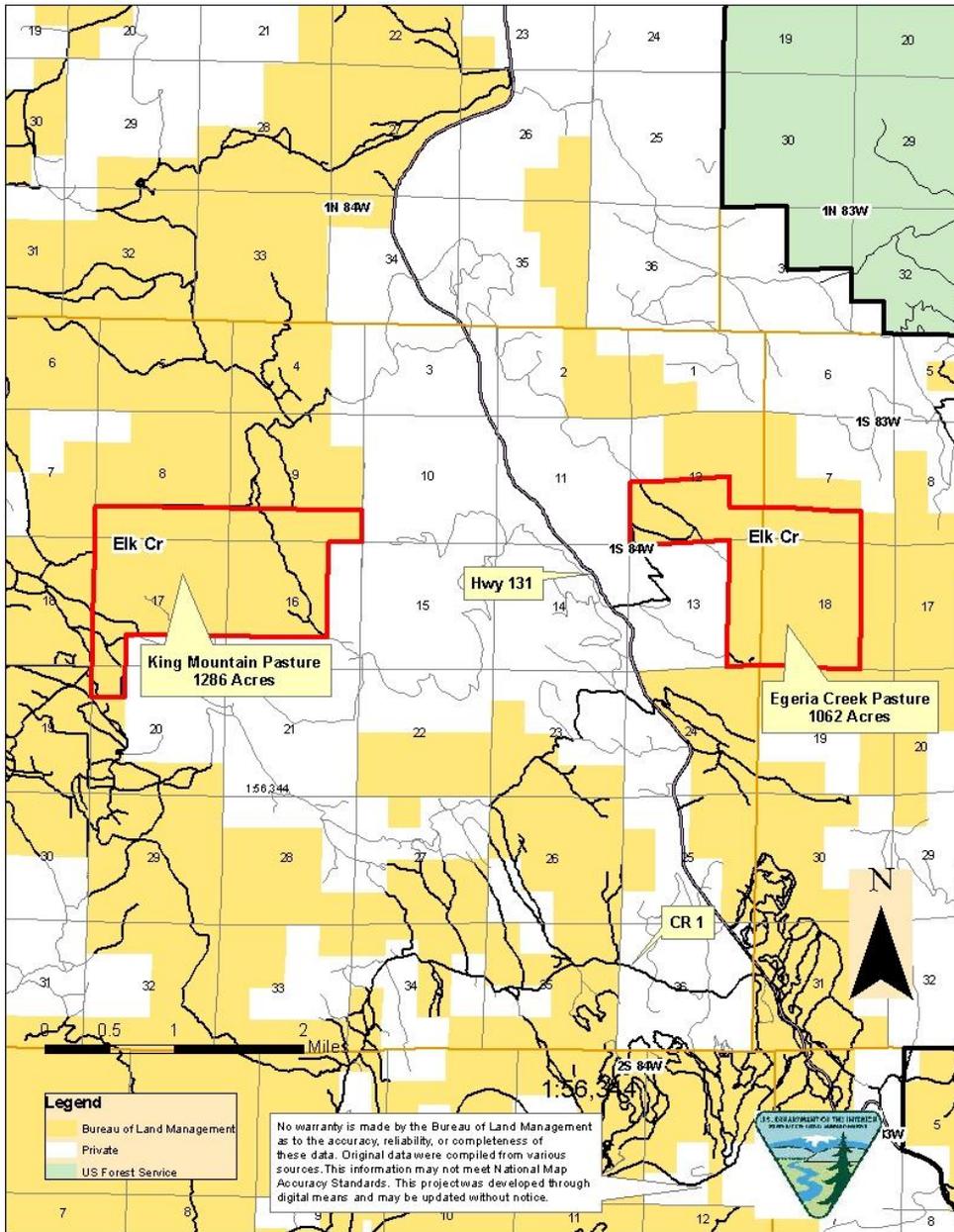
10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

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

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

  
\_\_\_\_\_  
Authorized Officer  
Colorado River Valley Field Office

  
\_\_\_\_\_  
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 0507687 (CON040)

**CERTIFIED MAIL 70122210000150704752**  
**RETURN RECEIPT REQUESTED**

L & J Ranch Investments LLC  
c/o Mervyn Lapin  
232 West Meadow Drive  
Vail, Colorado 81657

**NOTICE OF PROPOSED DECISION**

Dear Mr. Lapin:

**Introduction & Background:**

On November 15, 2012 you applied to renew your grazing lease on the Elk Creek allotment. The review and NEPA compliance has been completed as documented in the Environmental Assessment (EA) No. DOI-BLM-CO-N040-2013-0021. A copy of the EA is enclosed. Renewal of the lease has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

**Finding Of No Significant Impact (FONSI):**

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

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

**Proposed Decision:**

As a result of this process, it is my proposed decision to renew grazing lease No. 0507687 for a period of 10 years (May 15, 2014 – May 14, 2024). My Proposed Decision results in the following authorized use and terms and conditions:

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

| Allotment Name & No. | Livestock No. & kind | Years             | Pasture       | Period of use | Percent public land | AUMs |
|----------------------|----------------------|-------------------|---------------|---------------|---------------------|------|
| Elk Creek #08663     | 25 Cattle            | 1, 3, 5, 7, and 9 | Egeria Creek  | 06/01-08/03   | 100                 | 53   |
|                      |                      |                   | King Mountain | 08/04-08/27   |                     | 20   |
|                      |                      | 2, 4, 6, 8 and 10 | King Mountain | 06/01-06/24   |                     | 20   |
|                      |                      |                   | Egeria Creek  | 06/25-08/27   |                     | 53   |

**Grazing Preference (AUMS)**

| Allotment Name & No. | Active | Suspended | Total |
|----------------------|--------|-----------|-------|
| Elk Creek #08663     | 73     | 0         | 73    |

The following terms and conditions will be included on the lease:

To provide rest from grazing in each pasture every other year, the initial turnout site would alternate between two pastures of the Elk Creek allotment. Beginning in Year One of this term grazing lease, livestock would be placed in the Egeria Creek Pasture on June 01. This is followed with the movement of the cattle into the King Mountain pasture on August 04. Each subsequent year, turnout would be flip-flopped meaning that livestock would be turned out in the King Mountain pasture first followed by the later use of Egeria Creek. This flip-flop rotation will occur for the balance of the term grazing lease. The renewal date of this lease marks Year 1.

Adaptive management will be employed on this allotment. The BLM will allow up to 14 days of flexibility in the start and end dates on this permit depending on range readiness. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUMs may not exceed Active Preference. Use differing from that shown above must be applied for in advance.

The lessee 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.

King Mountain Pasture administrative access shall utilize routes identified as non-motorized from June 1 to August 25 and should only be utilized for the maintenance of assigned range improvement projects. Motorized administrative access for grazing operations after August 25th will require the permit holder to seek and receive prior authorization from an authorized BLM officer.

If an assessment of rangeland health results in a determination that changes are necessary in order to comply with the standards for public land health and the guidelines for livestock grazing management in Colorado, this permit will be reissued subject to revised terms and conditions.

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turn out. 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 advanced 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.

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

Renewal of the grazing lease is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in October 2012 - Record of Decision for Solar Energy Development in Six Southwestern States.

The proposed action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the Glenwood Springs RMP. Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."

An interdisciplinary team prepared an EA (No. DOI-BLM-CO-N040-2013-0021) for the proposed lease renewal. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the current conditions and land health standards in the 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 outlined in the AMP have been included to mitigate potential impacts from grazing use.

### **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 Gregory Wolfgang Natural Resources Specialist, 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 lease. **If you do not have any concerns with the leases as offered, please sign, date, and return both copies to our office.** If you have any questions, contact Everett Bartz of my range staff at (970) 876-9074.

Sincerely,



Gregory Wolfgang  
Supervisory Natural Resources Specialist

Enclosure(s):  
BLM Form 4130-2a (Grazing lease)  
Environmental Assessment No. DOI-BLM-CO-040-2013-0021