



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



## ENVIRONMENTAL ASSESSMENT

**NUMBER.** DOI-BLM-CO-N040-2013-0117-EA

**CASEFILE NUMBER.** 0502885

**PROJECT NAME.** North Bellyache Allotment fence installation, fence re-construction and construction of one pond.

**LOCATION.** East of Eagle, CO

**LEGAL DESCRIPTIONS.** T., 4 S., R., 84 W., all/part Sections 34, 35 and 36.

**APPLICANT.** Grazing Permittee

**BACKGROUND.** The livestock grazing permittee on the North Bellyache Allotment has not grazed the allotment under their current grazing permit for at least seven years and would like to do so now. Before this can happen, a fence is needed to segregate livestock from recreational areas.

**PURPOSE AND NEED FOR ACTION.** To facilitate livestock grazing on this allotment, and to avoid areas currently in use by the recreating public, the permittee has proposed to construct a wildlife friendly fence within the allotment to segregate livestock grazing from areas used by the public. In addition, the permittee is proposing to construct a single watering pond to replace the use of two existing ponds within the livestock exclusion area.

**SCOPING AND PUBLIC INVOLVEMENT AND ISSUES.** A notice of public scoping was posted on the Colorado BLM's Internet web page on September 5<sup>th</sup>, 2013 regarding the North Bellyache fence line and 1 stock pond. A news release was posted on March 7, 2013. The public was provided an opportunity to offer any information or concerns, or to be considered as an interested public on a permit or allotment scheduled for renewal. The Colorado River Valley Field Office Internet NEPA Register also lists grazing NEPA documents that have been initiated. They are generally posted approximately one month prior to the estimated completion date. No public comments specific to this proposed action have been received.

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

**PROPOSED ACTION.** The proposed action includes four (4) components that would be all done at the same time. This includes the construction of approximately two (2) miles of new wildlife-friendly fence, the reconstruction of 3/8 of-a-mile of existing fence, the construction of one (1) livestock water earthen pond and a reduction of the active AUMs as a result of the reduced land base of the allotment.

*Fence.* The Proposed Action is to construct a wildlife-friendly fence within the allotment to separate recreational areas from areas capable of continued grazing. The top and bottom wires would be smooth wires to facilitate large wild ungulate passage, see attached map.

*Existing Fence.* The proposed action includes reconstruction of approximately 3/8 mile of an old dilapidated fence line that has fallen into complete disrepair and potentially a hazard to wildlife. Brush removal by mowing, chopping or pushing would be needed where the broken fence along the road has become overgrown with sage brush and PJ. Mowing, chopping or pushing would be minimal and only where needed. The reconstructed fence would be built to similar specifications as the new fence yet use as much of the existing fence components as possible by leaving them in place.

*Stock Pond.* Because of the loss of use of two (2) ponds in the western area of this allotment, the permittee proposes to build one (1) replacement pond. Shown on the attached map, the new pond would rely upon overland flow to fill in the spring.

*Permitted AUMs.* The change in use on the western portion of this allotment would result in an approximate 27% reduction in permitted AUMs. Currently the grazing permit is for 183 AUMs, but after the fence construction, Active AUMs would be reduced to 132 AUMs and 51 AUMs would be held in suspension. The permit would be issued for a 10-year period, unless the base property is leased for less, but for purposes of the EA we are assuming 10 years of grazing by this or another applicant (in case of transfer). The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use, grazing preference, and terms and conditions for the proposed grazing permit is summarized below.

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

<b>Diamond S Ranch, Inc. 0502885</b>				
<b>From</b>	Livestock kind and number	Periods of Use	Percent Public Land	Total AUMs
North Bellyache No. 08712	180 Cattle	05/16 to 06/15	100	<b>183</b>
<b>To</b>	Livestock kind and number	Periods of Use	Percent Public Land	Total AUMs
North Bellyache No. 08712	130 Cattle	05/16 to 06/15	100	<b>132</b>

**Table 2. Grazing Preference AUMs**

<b>Diamond S Ranch, Inc. 0502885</b>				
<b>From</b>	Allotment	Active	Suspended	Total
	North Bellyache No. 08712	180	0	<b>180</b>
<b>To</b>	<b>Allotment</b>	<b>Active</b>	<b>Suspended</b>	<b>Total</b>
	North Bellyache No. 08712	132	48	<b>180</b>

The following other terms and conditions will be included on the permits:

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

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

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours 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.

Terms and conditions for fence and pond construction with mechanical and motorized equipment.

All equipment used in constructing the fence and pond shall be thoroughly washed prior to entering the project area so as to remove all potential weed seeds.

To minimize soil loss and disturbance during fence line and pond construction, seed the new stock pond embankment.

Evenly spread out soils that were disturbed during the fence line construction.

Brushing and fence construction activities would occur outside of primary migratory bird nesting season of May 15-July 15.

**NO ACTION ALTERNATIVE.** Under this alternative the proposed fence would not be built. The permittee would be allowed to grazing the entire allotment with the current livestock grazing infrastructure. No new ponds would be built because replacement ponds would not be needed. Livestock would use all of the existing ponds which would include the most western two ponds. The permittee would continue to clean and maintain all ponds upon the allotment. The western allotment boundary fence would need to be repaired and the cattle guard would need to be cleaned. The current grazing permit would continue to be for 180 AUMs.

**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.

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

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

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

- Taylor Grazing Act of 1934 as amended;
- Federal Land Policy and Management Act of 1976;
- Public Rangelands Improvement Act of 1978;
- Title 43 of the Code of Federal Regulations Subpart 4100 – Grazing Administration;
- Noxious Weed Act of 1974;
- Endangered Species Act of 1973;
- National Environmental Policy Act of 1969;

- Migratory Bird Treaty Act of 1918;
- National Historic Preservation Act (16 USC 470f);
- Archeological Resources Protection Act;
- Native American Graves Protection and Repatriation Act;
- Indian Sacred Sites – EO 13007; and
- Consultation and Coordination with Indian Tribal Governments – EO 13175
- Colorado Public Health Standards and Livestock Grazing Management Guidelines - March 1997

**STANDARDS FOR PUBLIC LAND HEALTH.** In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. The proposed action is located within the Eagle River South Land Health Assessment Area. A determination of findings from the assessment was completed on December 9, 2003. The North Bellyache was determined to be meeting or making progress towards meeting all five standards at the time of the assessment. Increasing OHV use and its effects on soil and vegetation on the allotment was one concern expressed in the 2003 land health assessment.

**AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES.** This section provides a description of the human and natural environmental resources that could be affected by the proposed action and alternatives. In addition, the section presents comparative analyses of the direct and indirect 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 as shown in table 3. Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

<i>Table 3. Programs, Resources, and Uses (Including Supplemental Authorities)</i>	<i>Potentially Affected?</i>	
	<i>Yes</i>	<i>No</i>
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)		
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.**

A records search of the general project area, and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by the CRVFO BLM archaeologist and crew (CRVFO CRIR# 1013-54 and 1014-25). A total of 49.7 acres were inventoried for this project resulting in the recordation of two isolated finds, both of which are not eligible for the National Register of Historic Places (NRHP). Vegetation cover was mainly sagebrush with portions of pinyon-juniper stands and oakbrush that was thick in patches and ground visibility was 60-100%. Uses in the area include livestock grazing and recreation evident in single-track trails near or within the project area. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

## ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** Two isolated find cultural resources were identified during project inventory which are not eligible for the NRHP and will not be affected by project implementation. The proposed action has a determination of *no historic properties affected* if mitigation measures are followed.

Mitigation measures for the proposed action require that additional areas or changes in the project implementation may require additional archaeological inspection by a qualified archaeologist. These changes include but are not limited to extension of the fence line or additional water features.

**No Action Alternative.** If no action occurs, potential adverse impacts to unknown cultural resources through project implementation, such as soil disturbance from machinery or the potential for livestock to trail along the fence, would not occur.

## NATIVE AMERICAN RELIGIOUS CONCERNS

### AFFECTED ENVIRONMENT.

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some areas 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.

### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro-American models or definitions. As such the BLM recognizes that 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. No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified

during the cultural resources inventory of the project area. No additional Native American Indian consultation was conducted for the proposed project.

Mitigation measures for the proposed action require that additional areas or changes in the project implementation may require additional tribal consultation. These changes include but are not limited to extension of the fence line or additional water features.

**No Action Alternative.** Under this alternative, the fence and pond would not be constructed. Therefore there would be no potential to impact areas of concern to Native Americans.

## LIVESTOCK GRAZING MANAGEMENT

### AFFECTED ENVIRONMENT.

The North Bellyache grazing allotment is located adjacent to the Colorado River and east of the Town of Eagle. Because of the close proximity of the North Bellyache Allotment to the Town of Eagle, the western end of this allotment has become a major attraction to outdoor enthusiasts who use the area for a wide variety of activities that are popular to residents of the Town of Eagle. It is because of this activity that Diamond S Ranch, Inc. is proposing to fund and build an interior fence that will separate grazing areas from areas heavily used by the public within the allotment. Also proposed is the addition of one (1) new water source to facilitate livestock grazing on the remaining areas of the allotment. As a result of the 27 percent reduction in grazing area, total Active AUMs would be reduced by 27 percent (27%) or fifty-one (51) AUMs, placing them in suspension

Diamond S Ranch has been building fences around their private lands adjacent to the BLM. This leaves an old fence that could be used to create smaller pastures within the old use area of the allotment. This would allow for some rest rotation potential aiding in ensuring healthy landscapes and providing more flexibility in management.

### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The proposed action is to construct a fence through the interior of the allotment which would segregate areas of high recreational use from areas more suitable to livestock grazing. After fence construction, two distinct areas would be created; one would be for recreation use in the western end of the allotment and be adjacent to the Town of Eagle and the remaining 73% (approximate) of the allotment would remain available for livestock grazing. Livestock grazing potential of this western end is somewhat limited by topography and low forage production.

Livestock water would be obtained from catchment ponds that rely upon snowmelt and rainstorms that fall within the watershed of the catchment ponds. A new water pond will be built on private lands north of the allotment which will increase livestock grazing in the northern area that is comprised of low to mid elevation benches. The northern boundary of the allotment remains unfenced, however there is an interior fence that runs east to west and is south of the allotment boundary. Livestock would be taken to the allotment from the east. There are no

corrals within the allotment and most animal husbandry practices would be done on private lands.

**No Action Alternative.** Under a no action alternative, the livestock operator would continue to graze the entire allotment putting livestock and the outdoor enthusiasts in direct competition for some the same areas beginning May 16<sup>th</sup> and ending June 15<sup>th</sup> yearly. The Town of Eagle would have issues with trespassing cattle that may want to exit the western end of the allotment. When cattle are on the allotment, they may either be inadvertently pushed along the road to the west or they may search out the green lawns and abundant water from the town. There would also be interaction issues between the recreating public and the cattle.

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

### AFFECTED ENVIRONMENT.

A landscape-wide weed inventory has not been completed on North Bellyache allotment. Table 4 reflects infestations known to occur within areas of the proposed action. Given the widespread nature of noxious weed infestations throughout the area along travel routes, range improvements, wildlife and livestock movement between allotments it is assumed that these and other noxious weeds may be found in areas throughout the allotment.

**Table 4. Infestations Known to Occur within Area of Proposed Action.**

Common Name	Scientific Name	State Designation
Cheatgrass	<i>Bromus tectorum</i>	C
Russian Knapweed	<i>Acroptilon repens</i>	B

### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** Weeds generally germinate and become established in areas of surface disturbing activities. Livestock grazing can contribute to the establishment and expansion of noxious weeds through various mechanisms. Improperly managed grazing 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 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, or other areas where livestock concentrations are high. The construction of a new pond and additional fence may contribute to the overall population of weeds at those specific locations.

**No Action Alternative.** Under this alternative, livestock grazing continue to occur at past levels on the allotment and there would be no fence or pond construction and 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 recreation would continue to be vectors for the transportation of noxious weeds.

**PLANTS: SENSITIVE, THREATENED, OR ENDANGERED**

**AFFECTED ENVIRONMENT.**

Table 5 summarizes the 2014 species list from the U. S. Fish and Wildlife Service for Federally listed, proposed, or candidate plant species (USFWS 2014) and the November 2009 Colorado BLM State Director's Sensitive Species List for BLM sensitive plants (BLM 2009) that may occur within the project area and be impacted by the proposed action.

**Table 5. Threatened, Endangered, and Sensitive Plant Species in Eagle County**

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

Harrington's penstemon is known to occur in abundance within the upper sagebrush parks in the proposed action area. A botanical survey of the project area was conducted in June 2013 within a 20 meter buffer on either side of the fence alignment and a 5 acre buffer around the footprint of the pond. Approximately 600-700 plants were observed.

**ENVIRONMENTAL CONSEQUENCES.**

**Proposed Action.** The proposed new fence alignment and pond site would cut through a large population of Harrington's penstemon resulting in direct and indirect impacts to the population. Surface disturbances caused by fence-building activities and stock pond excavation could potentially result in direct loss of up to 300 plants.

Potential indirect effects could result from livestock trailing along the new fence and concentrated grazing and trampling around the new stock pond that could negatively impact 200-300 additional Harrington's penstemon plants. Harrington's penstemon plants could also be indirectly impacted by noxious weeds and other invasive plants, or by herbicides used to control these species. Currently, the only noxious weeds noted in the project area are a few scattered patches of cheatgrass (*Bromus tectorum*), along the county road and a small patch of Russian knapweed (*Acroptilon repens*) at the northernmost end of the proposed new fence. New ground disturbance from fence and pond construction could result in the introduction or spread of noxious weeds into Harrington's penstemon habitat, creating competition for resources including water, nutrients, and sunlight. The terms and conditions for the proposed action would require all equipment used in construction of the fence and pond to be thoroughly washed to remove all potential weed seeds prior to entering the project area. This should minimize the risk of introducing or spreading weeds into the project area and should reduce any potential competition with Harrington's penstemon.

Construction of the new fence would exclude grazing from approximately 25-30 percent of the former North Bellyache allotment. The area which would be fenced out of the grazing allotment includes several large sagebrush parks which also support a substantial population of Harrington's penstemon. Harrington's penstemon is quite palatable to both livestock and wildlife and flowering stalks are often removed by grazing. Reductions in populations could result if excessive grazing removes a high percentage of the flower stalks annually thereby inhibiting seed dissemination and reproduction. Excluding grazing from the western portion of the allotment may have a beneficial effect on Harrington's penstemon because, without livestock grazing, fewer flowering stalks are likely to be removed by grazing, and there may be a slight increase in population density due to more successful reproduction of penstemon plants. Conversely, without livestock grazing, there would be less removal of competing vegetation and penstemon populations may decrease due to competition with other plants. These impacts may ultimately balance out and the resulting change in Harrington's penstemon populations in the ungrazed portion of the allotment may be negligible or minor.

**No Action Alternative.** There would be no direct or indirect effects to Harrington's penstemon from construction activities if the fence lines and stock pond are not built. However, grazing activities may continue across the entire allotment under current management, and livestock grazing-related impacts such as removal of flowering stalks and incidental trampling damage would affect a larger percentage of the Harrington's penstemon population within the allotment. Direct mortality of Harrington's penstemon would likely be less than the effects of the proposed action.

#### ***Land Health Standard 4 for Threatened, Endangered, and Sensitive Plants.***

The proposed action is located in the North Bellyache allotment within the Eagle River South Land Health Assessment unit. Special status plant species within this allotment were meeting the standards at the time of the assessment. Although the direct and indirect impacts of the proposed action would likely result in the loss of a several hundred Harrington's penstemon plants, the exclusion of grazing from the western portion of the former North Bellyache allotment would offset some of these losses by reducing grazing impacts in that area. The

proposed action should not result in a failure to achieve land health standards for special status plant species.

## PLANTS: VEGETATION

### AFFECTED ENVIRONMENT.

The proposed fence line begins along the mesa on the eastern end of the allotment at 7,700 feet and runs roughly west until it turns straight north and drops down to a lower bench at 7,000 feet. Dominant vegetation types in the project area include mountain shrub communities, pinyon-juniper woodlands and sagebrush shrublands.

Mountain shrublands occur on the mesas and benches at higher elevations and on north-facing slopes. Vegetation is comprised mainly of mountain big sagebrush (*Artemisia vaseyana*), antelope bitterbrush (*Purshia tridentata*), rabbitbrush (*Chrysothamnus viscidiflorus*), and serviceberry (*Amelanchier alnifolia*). The herbaceous understory is abundant and diverse with common species including prairie junegrass (*Koeleria macrantha*), bluebunch wheatgrass (*Pseudoroegneria spicata*), arrowleaf balsamroot (*Balsamorhiza sagittata*), sulfur buckwheat (*Eriogonum umbellatum*), blue flax (*Linum lewisii*), and lupine (*Lupinus* spp).

On steeper, shallower soils and south-facing slopes, pinyon-juniper woodlands dominate the project area. Pinyon-juniper woodlands are dominated by pinyon pine (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*) with a sparse understory. Understory species include mountain mahogany (*Cercocarpus montanus*), Indian ricegrass (*Achnatherum hymenoides*), needle-and-thread (*Hesperostipa comata*), spineless horsebrush (*Tetradymia canescens*), and Wyoming big sagebrush (*Artemisia tridentata* var. *wyomingensis*).

The lower sagebrush terrace above the Eagle River had been mechanically treated 20-25 years ago and seeded to non-native crested wheatgrass (*Agropyron cristatum*). Vegetation is still dominated by crested wheatgrass and mountain big sagebrush, with a small amount of Indian ricegrass and needle-and-thread. Forbs are present in only trace amounts. Few noxious weeds are known to exist in the project area except for a small stand of Russian knapweed near the lower terminus of the fence and a few scattered patches of cheatgrass along the county road.

### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** Implementation of the proposed action would involve “brushing” or clearing of the proposed fenceline corridor to facilitate installation of the fence posts. Although the clearing should entail minimal ground disturbance, vegetation may be cut close to the ground which may cause limited mortality of some species, particularly sagebrush, which does not sprout well from its roots. Heavy equipment used to clear the line or install the fence posts may also crush or uproot some plants. These impacts are expected to be short-term in nature, with vegetation recovering to previous densities within 3-5 years following project completion.

Pond construction will involve permanent loss of approximately 0.1 acre of vegetation. Concentrated grazing and trampling around the new stock pond and trailing along the fenceline

may cause reductions in plant densities and changes in species composition in the vicinity. The new ground disturbance from fence and pond construction and use could also result in the introduction or spread of noxious weeds. All equipment used for construction of the fence and pond would be thoroughly washed prior to entering the project area which should minimize the potential for introducing or spreading weeds into the project area.

**No Action Alternative.** There would be no direct or indirect effects to vegetation from construction activities if the fence and stock pond are not built. Grazing activities would resume on the entire allotment under current management. Given the generally good condition of the vegetative communities within the allotment, continuation of grazing under current management would be expected to maintain plant health.

### ***Land Health Standard 3 for Plant Communities.***

The proposed action is located in the North Bellyache allotment within the Eagle River South Land Health Assessment unit. A determination of findings from the assessment (BLM 2003) concluded that plant communities within the allotment were meeting or making progress towards meeting the standards at the time of the assessment. Although the proposed action may result in a degradation of plant conditions immediately adjacent to the pond and fence, the proposed action should maintain or improve the condition of the plant communities across the allotment.

## **RECREATION AND ACCESS**

### **AFFECTED ENVIRONMENT.**

The fast-paced population growth of the Town of Eagle is creating recreational demands on the adjacent Public Lands. The East Eagle area is one of the most popular recreation destinations for the community of Eagle for hiking, jogging, dog walking, and mountain biking. The Eagle area community considers East Eagle to be their backyard recreation destination. As rapid growth in the Eagle area continues the demand for foot/bike trails close to town will likely increase.

1984 RMP, Chapter 2, Page 34; Recreation Resource Management Objective, "To ensure the continued availability of outdoor recreational opportunities which the public seeks and which are not readily available from other sources, to reduce the impacts of recreational use on fragile and unique resource values, and to provide for visitor safety. EA CO-140-2004-0035 designated the majority of BLM routes adjacent to the proposed fence as non-motorized.

The affected public lands are part of the custodially managed Glenwood Springs Field Office Extensive Recreation Management Area (ERMA). The management direction is to; "Manage extensive recreation management areas (ERMAs) to provide visitor information, minimal sanitation facilities, and access. Also manage ERMAs to resolve management issues and for off-road vehicle use". ERMAs are where limited commitment of resources is required to provide unstructured, dispersed recreation activities. Anything not designated as a special recreation management area (SRMA), by default, becomes part of an extensive recreation management area (ERMA). Visitors who want to avoid areas of intensive recreational activities prefer ERMAs.

Even though urban lands as these are still designated as an ERMA, they are being managed more like an SRMA for the community of Eagle.

#### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The proposed actions are consistent with the existing current physical, social and administrative settings of the semi-urban and roaded-natural ROS classes. The physical setting will remain relatively constant. Since the proposed fence will not cross the existing Boneyard Trail, the proposed action will help to reduce conflicts between grazing permittees, recreational users and local residents.

**No Action Alternative.** The existing conflicts between recreation users and grazing operations would continue. Cows would also continue to leave BLM lands and enter the surrounding subdivisions in the Eagle area.

## SOILS

#### AFFECTED ENVIRONMENT.

A review of the soil survey by the NRCS for the *Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield, and Pitkin Counties* indicate 4 soil map units occur within the proposed project boundary (NRCS 1992). The NRCS soil map unit descriptions (NRCS 2014) are provided below:

Almy loam (6) – This deep, well drained soil is found on fans and uplands at elevations ranging from 6,000 to 7,800 feet and on slopes of 1 to 12 percent. This soil is derived from calcareous redbed sandstone and shale alluvium. Surface runoff for this soil is medium and the water erosion hazard is moderate.

Cushool-Rentsac complex (25) – This soil map unit is found on mountains and mesa side slopes at elevations ranging from 6,200 to 7,600 feet and on slopes of 15 to 65 percent. Approximately 45 percent of this soil map unit is Cushool soil and 40 percent Rentsac soil. The Cushool soil is moderately deep, well drained, derived from sandstone and shale, and is found on slopes of 15 to 50 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as severe. The Rentsac soil is shallow, well drained, derived from sandstone, and is found on slopes of 25 to 65 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as severe.

Forelle-Brownsto complex (43 and 44) – This soil map unit is found on mountains and benches at elevations ranging from 6,500 to 7,500 feet and on slopes of 6 to 25 percent. Approximately 55 percent of this unit is Forelle soil, 30 percent Brownsto soil, and the other 15 percent a mixture of several soil types. The Forelle soil is deep, well drained and is derived from sedimentary rock alluvium. Surface runoff is medium to rapid with steeper slopes, and the water erosion hazard is moderate to severe. The Brownsto soil is deep, well drained and is derived from calcareous sandstone and basalt alluvium. Surface runoff is medium and the water erosion hazard is moderate.

Soil health was evaluated throughout the North Bellyache allotment in 2002 during the Eagle River - South Land Health Assessment. BLM staff concluded that soils were meeting land health standards with problems (BLM 2003). Indicators of problems in the sagebrush and greasewood communities included: evidence of water flow patterns and pedestalling, amount of bare ground higher than expected, microbiotic crusts generally in protected areas with a minor component outside of protected areas, gullies showing signs of active erosion or headcutting, and litter amount more or less than expected and moderate movement of smaller particles due to surface water flows.

The North Bellyache allotment is mostly sagebrush parks interspersed with some pinyon-juniper woodlands and a small amount of nearly barren soil of gypsum origin on the west end of the allotment. Most of the sagebrush parks in the North Bellyache allotment have been brushbeat in the past. These treatments do not appear to have been seeded with crested wheatgrass and most of them have filled in well with native vegetative cover. However, the western end of the allotment is experiencing increasing OHV activity and the roads and trails are creating some erosion concerns. In particular, the area immediately east of the town of Eagle has numerous trails crisscrossing the hillsides on fragile, gypsum soils. Loss of biological soil crusts and pedestalling of plants were evident. This allotment is meeting Standard 1; however, the OHV situation is creating some problem areas that put the allotment at risk.

#### **ENVIRONMENTAL CONSEQUENCES.**

***Proposed Action.*** The proposed action will create short-term direct and indirect effects to soils through fencing building activities and stock pond excavation. However, site specific soil loss or disturbance will be minimized through proper design criteria and rehabilitation post-construction. Overall, the range improvements will likely benefit soils by limiting livestock access to sensitive areas and over all reduce available AUM's which may benefit soil conditions, since grazing activities can result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation.

***No Action Alternative.*** There would be no direct and indirect effects to soils, if no action is taken to construct the fence lines and stock pond. However, grazing activities on this allotment would continue under current management, and soils would likely continue to be meeting standards with isolated soil problems.

#### ***Land Health Standard 1 for Soils.***

Based on the Eagle River South - Land Health Assessment, BLM staff concluded that soils are meeting Standard 1 with isolated problems (BLM 2003). Implementation of the proposed action may help improve site conditions over time.

## VISUAL RESOURCES

### AFFECTED ENVIRONMENT

The proposed project area is located in an area classified as Visual Resource Management Class (VRM) Class II. VRM classes were allocated in the GSRA 1984 Resource Management Plan. The objective of VRM Class II is to retain the existing characteristic landscape. The level of change in any of the basic landscape elements (line, form, color, texture) due to management activities should be low and not evident. The objective of VRM Class III is to retain the existing character of the landscape. The level of change should be moderate. Any changes may attract the attention of the casual observer, but should not dominate the view.

### ENVIRONMENTAL CONSEQUENCES.

The proposed action would make weak/minor contrasts to the existing landscapes form, line, color and texture. While some minor short term contrasts (form, color) would be introduced into the landscape, the effects will be localized and would be viewed for a relatively small period of time. The proposed action involving the mowing of vegetation for the fence line would create negligible differences in the overall landscapes form, line, color, and texture. The long term contrast rating process shows that with inclusion of design and mitigation measures to feather and undulate the edges, no new contrast or long term impacts would be introduced. Therefore the proposed action meets the objective of VRM Class II and III in maintaining the existing landscape character.

Mitigation: All vegetation removal methods should be monitored to avoid the creation or enhancement of linear features within the landscape. Feathering or undulating edges should be incorporated into all mowings. All vegetation treatments should repeat natural mosaic openings found within the adjacent landscape.

**No Action Alternative.** The existing natural landscape would be maintained and VRM Class II and III objectives would be met.

## Water Quality, Surface and Groundwater

### AFFECTED ENVIRONMENT

The proposed project lies within a 6<sup>th</sup> level watershed called the Eagle River above Eagle, Colorado. There are several intermittent and ephemeral stream channels in the vicinity of the project, but no perennial water. No water quality data are available for these drainages because they are generally dry.

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 2013). Within the proposed project

boundary, tributaries to the Eagle River are listed under the Upper Colorado River Basin (Region 12) and have water use classifications described in table 6.

**Table 6.**

Stream Segment Description	Classifications
10a. All tributaries to the Eagle River, including all wetlands, from a point immediately below the confluence with Lake Creek to the confluence with the Colorado River, except for specific listings in Segments 10b, 11 and 12, and those waters included in Segment 1.	Aquatic Life Cold 1 Recreation E Water Supply Agriculture

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

The State of Colorado has developed a *303(d) List of Impaired Waters and Monitoring and Evaluation List* (CDPHE 2012) that identifies stream segments that are not currently meeting water quality standards with technology based controls alone. No streams in the proposed project area on this list suggesting water quality standards are currently being met.

**ENVIRONMENTAL CONSEQUENCES.**

**Proposed Action.** The construction of one new stock pond will directly affect surface water by capturing snow melt runoff and storing water for a portion of the livestock grazing season. Livestock watering at this new site may directly impact water quality by increasing turbidity and total coliform bacteria, if cattle congregate at this water source. In the long term, the stock pond will only temporarily store water, before the source dries up or seeps back into the ground. Thus, water quality impacts are expected to be minor and short-term.

**No Action Alternative.** No new stock pond will be constructed and no direct or indirect impacts to water quality are expected.

**Land Health Standard 5 for Water Quality.**

Based on the Eagle River - South Land Health Assessment, BLM staff concluded that water quality is meeting Standard 5 (BLM 2003). Implementation of the proposed action is not anticipated to degrade water quality from current conditions.

**WILDLIFE: MIGRATORY BIRDS**

**AFFECTED ENVIRONMENT.**

The Migratory Bird Treaty Act (MBTA) provides protections to native birds, with the exception of certain upland fowl managed by state wildlife agencies for hunting. Within the context of the MBTA, migratory birds include non-migratory resident species as well as true migrants. For

most migrant and resident species, breeding habitat is of special importance because it is critical for supporting reproduction in terms of both nest sites and food.

The landscape provides both foraging and nesting habitat for a variety of migratory birds that summer, winter, or migrate through the area. BLM Instruction Memorandum No. 2008-050 provides guidance toward meeting the BLM’s responsibilities under the MBTA and the Executive Order 13186. The guidance directs Field Offices to promote the maintenance and improvement of habitat quantity and quality and to avoid, reduce or mitigate adverse impacts on the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.

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

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the USFWS to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973.” The “*Birds of Conservation Concern 2008*” (USFWS 2008) is the most recent effort to carry out this mandate. The CRVFO is within the Southern Rockies/Colorado Plateau Bird Conservation Region 16. The 2008 list of Birds of Conservation Concern includes the following birds that are present or potentially present within the project area:

**Table 7.**

<b>2008 List of Birds of Conservation Concern Present or Potentially Present within the Project Area</b>		
<b>Species</b>	<b>Habitat Description</b>	<b>Potentially Impacted</b>
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	See Colorado BLM Sensitive Terrestrial Wildlife Species.	No
Ferruginous Hawk ( <i>Buteo regalis</i> )	Open, rolling and/or rugged terrain in grasslands and shrubsteppe communities; also grasslands and cultivated fields; nests on cliffs and rocky outcrops. Fall/ winter resident, non-breeding.	No
Golden Eagle ( <i>Aquila chrysaetos</i> )	Open and semi-open country in mountains, canyonlands, rimrock terrain, and riverside cliffs and bluffs; nest on cliffs and steep escarpments in grasslands, chaparral, shrubland, forest, and other vegetated areas. Year-round resident, breeding.	No
Peregrine Falcon ( <i>Falco peregrinus</i> )	Breeds in open landscapes with cliffs for nesting, often near rivers. During migration and winter could be found in nearly any open habitat. Spring/summer resident, breeding.	No
Prairie Falcon ( <i>Falco mexicanus</i> )	Grasslands, shrub-steppe, deserts, and other open areas up to approx. 10,000 feet elevation; winters also in cultivated fields, lakeshores, and desert scrub; nests in holes or on ledges on rocky cliffs or embankments. Year round, breeding.	No
Lewis's Woodpecker ( <i>Melanerpes lewis</i> )	Open woodland, often logged or burned, including oak, coniferous forest (often ponderosa), riparian woodland, and orchards, less often in pinyon-juniper; year round.	No

Pinyon Jay ( <i>Gymnorhinus cyanocephalus</i> )	Common to abundant resident of pinyon-juniper woodlands, sagebrush, scrub oak, chaparral, and sometimes pine forests; year round.	No
Juniper Titmouse ( <i>Baeolophus ridgwayi</i> )	Pinyon-juniper woodlands, especially juniper; nests in tree cavities; year round.	No
Brewer's Sparrow ( <i>Spizella breweri</i> )	In Colorado breeds in sagebrush-steppe, especially saltbush-greasewood communities, and in sub-timberline spruce ( <i>Picea</i> spp.). See Colorado BLM Sensitive Terrestrial Wildlife Species.	No
Cassin's Finch ( <i>Haemorhous cassinii</i> ).	Open montane coniferous forests; breeds/ nests in coniferous forests and sometimes open sagebrush shrublands with scattered junipers; year round.	No

Many migratory bird species not on the Birds of Conservation Concern list could also potentially nest or pass through the project area. Species potentially nesting in pinyon-juniper woodlands in the project area include the western scrub-jay (*Aphelocoma californica*), black-throated gray warbler (*Setophaga nigrescens*), black-chinned hummingbird (*Archilochus alexandri*), and gray flycatcher (*Empidonax wrightii*).

Although unconfirmed in the project area, Brewer's (*Spizella breweri*) and sagebrush sparrows (*Artemisiospiza nevadensis*) could potentially nest in sagebrush within the project area. Brewer's sparrows are typically found in areas with abundant big sagebrush (*Artemisia* spp.) and rabbitbrush. Sagebrush sparrows select big sagebrush parks that are greater than 30 acres for nesting (Kingery 1998). Brewer's sparrows are late nesters and only nest once per season (Reynolds 1981).

Additional raptor species using the area could include red-tailed hawks (*Buteo jamaicensis*), northern goshawks (*Accipiter gentilis*), Cooper's hawks (*Accipiter cooperii*), sharp-shinned hawks (*A. striatus*), American kestrels (*Falco sparverius*), great horned owls (*Bubo virginianus*), long-eared owls (*Asio otus*), and northern saw-whet owls (*Aegolius acadicus*). There are no known raptor nests in the project area.

#### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The project would occur in a relatively small area near private land and adjacent to an area heavily used for recreation. The proposed brush removal along the existing fence and new fence construction could remove a small amount of nesting habitat and temporarily displace birds to adjacent areas due to machinery, noise, and human presence until the work is complete. The loss of approximately 0.1 acre of vegetation for pond construction would not significantly reduce nesting habitat for birds. Potential incidental destruction of nests, eggs, and/or nestlings would be avoided by scheduling the work outside of the nesting season.

**Mitigation:** Vegetation removal, fence building, and pond construction would be conducted outside of the nesting season, May 1 to July 15, to reduce potential impacts to nesting birds.

**No Action Alternative.** No vegetation removal or construction activities would occur, so this alternative would not impact migratory birds.

***Land Health Standard 4 for Special Status Species and Their Habitats.***

Based on the Eagle River South Land Health Assessment, BLM staff concluded that Standard 4 was being met for migratory birds and raptors within the Eagle River South Landscape area. The continued fragmentation of habitat and losses of large blocks of contiguous habitat required by many bird species are identified as a concern in the assessment. The proliferation of roads and trails on public lands from recreation and OHV use is projected to continue to reduce habitat quality and quantity (BLM 2003). The proposed action is in response to this type of recreation use. The project would not contribute to additional recreation use, habitat fragmentation, or loss of contiguous habitat. Neither alternative should affect the maintenance of Standard 4.

**WILDLIFE: SENSITIVE, THREATENED, AND ENDANGERED SPECIES**

**AFFECTED ENVIRONMENT.**

Table 8 summarizes the latest species list for Federally listed, proposed, and candidate terrestrial wildlife species (USFWS 2010, USFWS 2014b) and Colorado BLM State Director’s Sensitive Species List (BLM 2009) that may occur in the project area.

**Table 8.**

Federally Listed, Proposed, or Candidate Terrestrial Wildlife Species		
Species and Status	Habitat/Distribution Summaries	Occurrence/ Potentially Impacted
Black-footed Ferret <i>(Mustela nigripes)</i>  Endangered	Black-footed ferrets have ranged statewide but never have been abundant in Colorado. Their habitat included the eastern plains, the mountain parks and the western valleys – grasslands or shrub lands that supported some species of prairie dog, the ferret’s primary prey. State and federal biologists have established two major black-footed ferret colonies: one at Coyote Basin (Colorado-Utah border west of Rangely) and another at the BLM’s Wolf Creek Management Area southeast of Dinosaur National Monument.	Absent /No
Canada lynx ( <i>Lynx Canadensis</i> )  Threatened	Canada lynx occupy high-latitude or high-elevation coniferous forests characterized by cold, snowy winters and an adequate prey base. In the western US, lynx are associated with mesic forests of lodgepole pine, subalpine fir, Engelmann spruce, and quaking aspen in the upper montane and subalpine zones, generally between 8,000 and 12,000 feet in elevation. Although snowshoe hares ( <i>Lepus americanus</i> ) are the preferred prey, lynx also feed on mountain cottontails ( <i>Sylvilagus nuttallii</i> ), pine squirrels ( <i>Tamiasciurus hudsonicus</i> ), and blue grouse ( <i>Dendragapus obscurus</i> ). The Forest Service has mapped suitable denning, winter, and other habitat for lynx within the White River and Routt National Forests. The mapped suitable habitat comprises areas known as Lynx Analysis Units (LAUs) that are the approximate the size of a female’s home range. Several LAUs include small parcels of BLM lands.	Absent /No

Mexican spotted owl ( <i>Strix occidentalis lucida</i> ) Threatened	This owl nests, roosts, and hunts in mature coniferous forests in canyons and foothills. The key habitat components are old-growth forests with uneven-age stands, high canopy closure, high tree density, fallen logs and snags. The only extant populations in Colorado are in the Pikes Peak and Wet Mountain areas of south-central Colorado and the Mesa Verde area of southwestern Colorado.	Absent /No
Greater Sage-grouse ( <i>Centrocercus urophasianus</i> ) Candidate	Sage-grouse are found only in areas where sagebrush is abundant, providing both food and cover. Sage-grouse prefer relatively open sagebrush flats or rolling sagebrush hills. In winter, sagebrush accounts for 100% of the diet for these birds. It also provides important escape cover and protection from the elements. In late winter, males begin to concentrate on traditional strutting grounds or leks. Females arrive at the leks 1-2 weeks later. Leks can occur on a variety of land types or formations (windswept ridges, knolls, areas of flat sagebrush, flat bare openings in the sagebrush. Breeding occurs on the leks and in the adjacent sagebrush, typically from March through May. Females and their chicks remain largely dependent on forbs and insects for food well into early fall. Within the CRVFO, sage-grouse are present in the northeast part of the Field Office in the Northern Eagle/Southern Routt population. While small (<500 birds), this population probably has, or had, a relationship with the larger population in Moffat, Rio Blanco and western Routt counties, and probably with the Middle Park population to the east.	Present/No
Yellow-billed cuckoo ( <i>Coccyzus americanus</i> ) Proposed Threatened	This secretive species occurs in mature riparian forests of cottonwoods and other large deciduous trees with a well-developed understory of tall riparian shrubs. Western cuckoos breed in large blocks of riparian habitats, particularly woodlands with cottonwoods ( <i>Populus fremontii</i> ) and willows ( <i>Salix</i> sp.). A few sightings of yellow-billed cuckoo have occurred in western Colorado along the Colorado River near Grand Junction.	Absent /No
Uncompahgre fritillary butterfly ( <i>Boloria acrocnema</i> ) Endangered	The butterfly has been verified at only two areas in the San Juan Mountains in Colorado. There is anecdotal evidence of other colonies in the San Juans and southern Sawatch ranges in Colorado. The butterfly exists above treeline on north and east facing slopes in patches of its larval host plant, snow willow. The greatest threat is butterfly collecting. Climatological patterns, disease, parasitism, predation, and trampling of larvae by humans and livestock pose additional threats.	Absent /No
<b>Colorado BLM Sensitive Terrestrial Wildlife Species Present or Potentially Present in the Project Area</b>		
Species	Habitat/Range Summaries	Occurrence/ Potentially Impacted
Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> ) Fringed myotis ( <i>Myotis thysanodes</i> )	Occurs 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. Both species are widely distributed and usually occur in small groups. Townsend's big-eared bats are not abundant anywhere in its range due to patchy distribution and limited availability of suitable roosting.	Possible /No

Northern goshawk ( <i>Accipiter gentilis</i> )	Montane and subalpine coniferous forests and aspen forests; may move to lower elevation pinyon-juniper woodlands in search of prey during winter. Preys on small-medium sized birds and mammals. Breeds in coniferous deciduous and mixed forests. 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.	Possible winter /No
Ferruginous hawk	Open, rolling and/or rugged terrain in grasslands and shrubsteppe communities; also grasslands and cultivated fields; nests on cliffs and rocky outcrops. Fall/ winter resident, non-breeding.	Possible/No
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Nesting/Roosting: mature cottonwood forests along rivers. Foraging: fish and waterfowl along rivers and lakes; may feed on carrion, rabbits, and other foods in winter.	Possible/No
American Peregrine Falcon ( <i>Falco peregrines anatum</i> )	Rare spring and fall migrant in western valleys. Peregrine falcons inhabit open spaces associated with high cliffs and bluffs overlooking rivers. The falcon nests on high cliffs and forages over nearby woodlands.	Possible /No
Greater Sage-grouse ( <i>Centrocercus urophasianus</i> )	See Federally Listed, Proposed or Candidate Terrestrial Wildlife Species portion of table.	Present/No
Brewer's sparrow ( <i>Spizella berweri</i> )	Prefers extensive stands of sagebrush, primarily big sagebrush, on level or undulating terrain.	Possible /No

#### AFFECTED ENVIRONMENT.

**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 (NESRGSWG 2004). In 2010, the USFWS added the greater sage-grouse to the Endangered Species Act Candidate list. The reason for the listing is tied to reduced habitat quality and quantity throughout its range.

The bulk of the local greater sage-grouse population resides or seasonally occupies sagebrush shrublands from the King Mountain/Sunnyside area (north of Burns, Colorado), across Castle Peak (including the Windy Point, State Bridge and Horse Mountain areas) to Wolcott, Colorado. The project area is not currently mapped as priority or general greater sage-grouse habitat, but is in historic habitat. Two adult greater sage-grouse were sighted in the Bellyache allotment in May 2012, and pellets and cecal casts were found during a 2013 survey in the project area. Sage-grouse likely occupied the area seasonally, and there is no evidence that greater sage-grouse nested or raised broods in the area.

**Bald eagles.** Bald eagles (*Haliaeetus leucocephalus*) were removed from the federal threatened and endangered species list in 2007 but are still protected under the MBTA and Bald and Golden Eagle Protection Act, and are currently listed as a BLM sensitive species. The project area is included in mapped Colorado Parks and Wildlife (CPW) bald eagle winter forage habitat. Roosting areas mapped by CPW are documented along Brush Creek, southwest of the project area.

**Special status bats.** Fringed myotis (*Myotis thysanodes*) and Townsend's big-eared bats (*Corynorhinus townsendii*) occur as scattered populations at moderate elevations on the western slope of Colorado. Special status bats may occur within the area, but this is likely limited to occasional migrating individuals or animals foraging or passing through from adjacent areas. Habitat associations are not well defined. Both bats will forage for aerial insects over water and along the edge of vegetation. Townsend's big-eared bats are not abundant anywhere in their range, which is attributed to patchy distribution and limited availability of suitable roosting habitat (Gruver and Keinath 2006).

#### ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The project would impact a small area with fence construction, brush removal along the existing fence, and construction of a stock pond. Construction activities would remove a small amount of brush, and machinery, noise and human presence could temporarily displace greater sage-grouse and BLM sensitive species potentially using the area. Sagebrush removal would be minimal and not result in a measurable loss of historic greater sage-grouse habitat. Because it is highly unlikely that greater sage-grouse are nesting or rearing broods in the area, the project would not affect reproduction.

The new fence and repaired existing fence could pose a small collision risk for greater sage-grouse. However, wildlife friendly fence exists throughout the CRVFO, and the amount of new and repaired fence is small compared to the amount of fence already in the area.

Special status bats passing through the area could potentially forage for aerial insects over the new stock pond.

**No Action Alternative.** No construction activities would occur, so this alternative would not impact threatened, endangered, or sensitive wildlife.

#### **Land Health Standard 4 for Threatened, Endangered, and Sensitive Wildlife.**

Findings from the Eagle River South Land Health Assessment (BLM 2003) concluded that conditions for Standard 4 are being met for bald eagles, migratory birds and raptors, and greater sage-grouse. Neither alternative would contribute to or impede the maintenance of this standard.

### WILDLIFE: TERRESTRIAL

#### AFFECTED ENVIRONMENT.

**Mule deer and elk.** Mule deer (*Odocoileus hemionus*) and Rocky Mountain elk (*Cervus elaphus nelsonii*) are recreationally important species that are common throughout suitable habitats in the region. The project area overlaps with CPW mapped mule deer and elk summer range, winter range, severe winter range, and winter concentration areas.

**Other mammals.** Numerous small mammals could reside within the planning area, including ground squirrels (*Spermophilus* spp.), chipmunks (*Neotamias* spp.), rabbits (*Sylvilagus* spp.),

skunks (*Mephitis mephitis*), and raccoons (*Procyon lotor*). Many of these small mammals provide the main prey for raptors and larger carnivores. These species are most likely to occur along the drainages or near the margins of pinyon-juniper woodlands in the allotment. Larger carnivores expected to occur include bobcats (*Lynx rufus*) and coyotes (*Canis latrans*). CPW has mapped the area as mountain lion (*Felis concolor*) and black bear (*Ursus americanus*) habitat. Mountain lions are most likely to be in the area when mule deer are present.

**Passerines.** Passerine or perching birds commonly found in the area and not listed in other sections of this document include the American robin (*Turdus migratorius*), black-billed magpie (*Pica pica*), common raven (*Corvus corax*), crow (*Corvus brachyrhynchos*), and broad-tailed hummingbird (*Selasphorus platycercus*).

**Wild Turkey.** A portion of the project area overlaps with CPW mapped wild turkey (*Meleagris gallopavo*) overall range.

**Reptiles and amphibians.** Reptile species most likely to occur in the project area include the sagebrush lizard (*Sceloporus graciosus*) and gopher snake or bullsnake (*Pituophis catenifer*). Gopher snakes can be found throughout the Western Slope in all habitat types. The milk snake (*Lampropeltis triangulum*) has not been documented in Eagle County, but habitat could exist in the project area. Smooth green snakes (*Opheodrys vernalis*) could be present along creeks and in riparian areas within the allotment. Amphibians are not expected due to the absence of wet meadows, marshes, ponds, and lakes in the project area.

## ENVIRONMENTAL CONSEQUENCES.

**Proposed Action.** The approximately 3/8 mile of existing dilapidated fence poses a potential hazard to wildlife, particularly mule deer and elk. Reconstruction of this fence would remove the potential hazard. New and reconstructed fences would be built to meet CPW guidelines for wildlife-friendly fencing (Hanophy 2009), so should be safe for mule deer and elk as well as animals that would pass under the smooth bottom fence wire. The stock pond would provide a new water source for mule deer, which are known to use the existing stock ponds. Elk, other mammals, and birds would likely use the new stock pond as well.

Mechanical removal of sagebrush and pinyon and juniper trees that have grown along the existing fence would only occur where necessary and is expected to impact a relatively small area. Stock pond construction would remove approximately 0.1 acre of vegetation. Livestock grazing and trampling would likely occur around new stock tank, and trailing would likely occur along the fence lines. Impacts from this vegetation loss would be minimal to terrestrial wildlife. The human presence, machinery, and noise associated with fence and pond construction would create a short-term disturbance to wildlife, but would only last a few days.

**No Action Alternative.** The approximately 3/8 mile of existing dilapidated fence line would not be reconstructed and would continue to pose a potential hazard to wildlife, particularly mule deer and elk. The new stock pond would not provide a new water source for wildlife. Impacts to wildlife from fence and pond construction would not occur.

***Land Health Standard 3 for Healthy Wildlife Communities.*** The North Bellyache allotment was generally meeting Standard 3 for healthy plant and animal communities according to the Eagle River South Land Health Assessment (BLM 2003). The overall area was determined to be supplying suitable quantities of upland forage capable of maintaining mule deer and elk above CPW population objectives, with an adequate amount of potential carrion available for predators and scavengers. The proposed action would result in a small loss of vegetation and some temporary disturbances, but should not impact the viability of local terrestrial wildlife populations. The new stock pond would likely be used by terrestrial wildlife, but is not expected to affect populations. Neither alternative would contribute to or impede the maintenance of Standard 3 for wildlife.

## **CUMULATIVE EFFECTS.**

**Soil and Water.** Cumulative impacts to soil and water resources can occur from existing roads and trails throughout the proposed project area. Roads and trails can contribute to increased surface runoff and accelerated erosion, especially where proper drainage is lacking. Other impacts such as vegetation treatments or weed treatments may also change water infiltration or runoff rates and affect soil and water resources. Based on the somewhat limited land uses occurring across the project area, it is assumed that cumulative effects to soil and water are minor if proper best management practices are implemented.

**Wildlife (including special status species).** The area covered by the proposed action only comprises a small portion of the watershed. Many other land use activities (e.g. recreation, housing development, road maintenance) occur within the watershed. All of these activities have altered the amount of suitable and potentially suitable habitats for terrestrial wildlife species. Cumulatively, many of the future actions planned on private and other lands may have some undetermined effect on wildlife including special status species habitat. The proposed action would create negligible landscape-level cumulative impacts to wildlife when viewed in comparison with those activities currently occurring and reasonably certain to occur on adjacent private/other lands.

## **RESIDUAL EFFECTS**

None

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

1. Consultation was conducted in 2007 with the three Ute tribes.
  - A. Ute Indian Tribe – Uintah and Ouray Reservation,
  - B. Southern Ute Tribe, and,
  - C. Ute Mountain Ute tribe.
2. Diamond S Ranches.

## **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 9, along with their areas of responsibility.

Table 9. BLM Interdisciplinary Team Authors and Reviewers

<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Everett Bartz	Rangeland Management Specialist	NEPA lead, Range and Wetland and Riparian
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness
Pauline Adams	Hydrologist	Soil, Water, Air, Geology

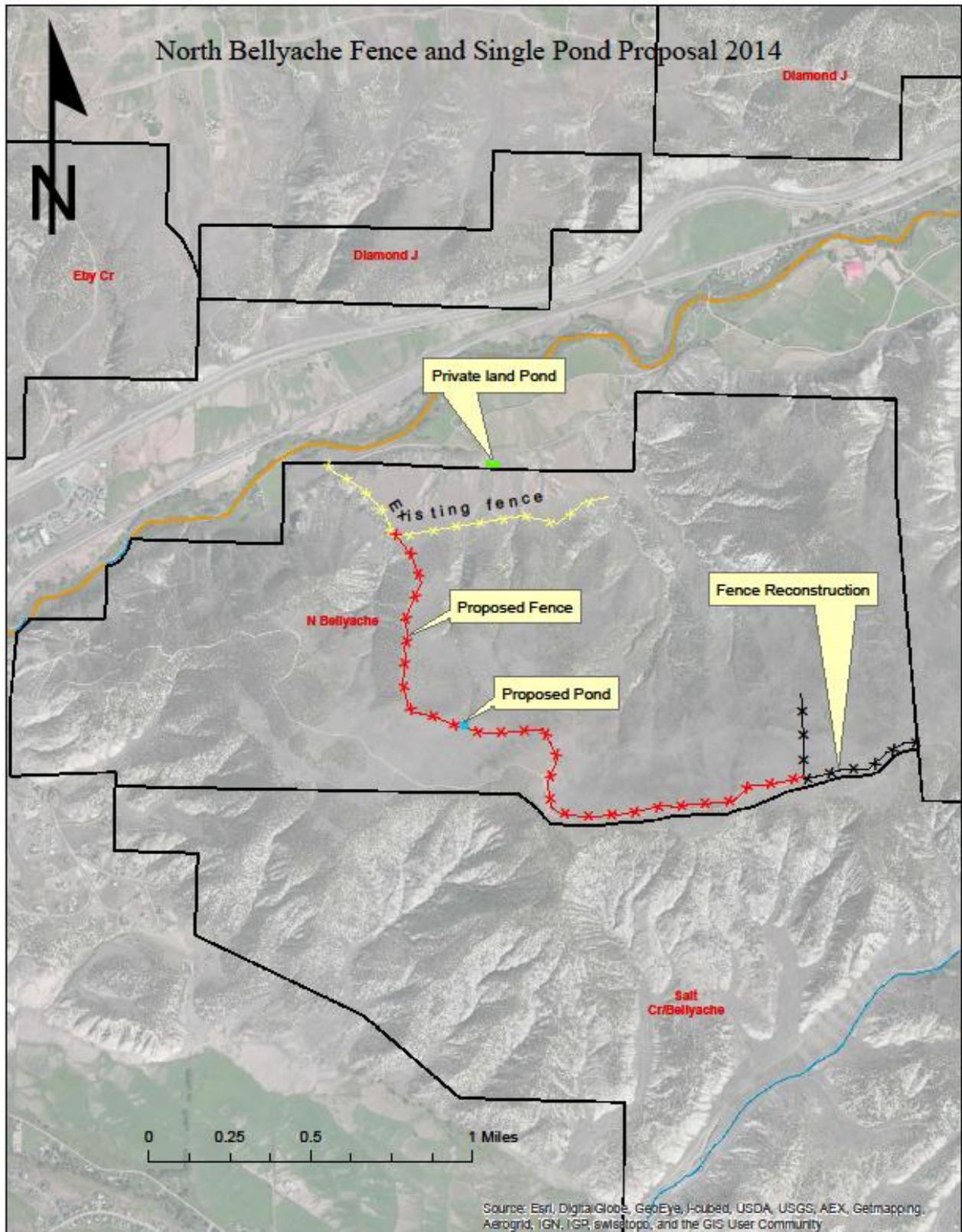
Table 9. BLM Interdisciplinary Team Authors and Reviewers

<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, Vegetation, T/E/S Plants
Hilary Boyd	Wildlife Biologist	Wildlife: Migratory Birds; Sensitive, Threatened and Endangered Species; Terrestrial
Kristy Wallner	Rangeland Management Specialist	Invasive Non-Native Plants

## References.

- Bureau of Land Management (BLM). 2003. Eagle River South, Land Health Assessment and Determination Document. Unpublished report. Colorado River Valley Field Office. Silt, CO.
- Bureau of Land Management (BLM). 2007b. North-Central Colorado Community Assessment Report for the Bureau of Land Management Glenwood Springs Field Office and Kremmling Field Office.
- Bureau of Land Management (BLM). 2009. Information Bulletin No. CO-2010-007. State Director’s Sensitive Species List, December 15, 2009.
- Colorado Department of Public Health and the Environment (CDPHE). 2012. Regulation No. 93, Colorado’s 303 (d) List of Impaired Waters and Monitoring and Evaluation List, (5 CCR 1002-93). Water Quality Control Commission. Available online: <http://www.cdphe.state.co.us/regulations/wqccregs/>
- CDPHE. 2014. Regulation No. 33, Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (5 CCR 1002-33). Water Quality Control Commission. Available online: <http://www.cdphe.state.co.us/regulations/wqccregs/>
- Gruver, J.C. and D.A. Keinath. 2006. Townsend’s Big-eared Bat (*Corynorhinus townsendii*): a technical conservation assessment. [Online]. USDA Forest Service, Rocky Mountain Region. Available: <http://www.fs.fed.us/r2/projects/scp/assessments/townsendbiggearedbat.pdf>. [Accessed on 8/25/14].
- Hanophy, W. 2009. Fencing with Wildlife in Mind. Colorado Division of Wildlife, Denver, CO. 36 pp.
- Kingery, H.E., ed. 1998. *Colorado Breeding Bird Atlas*. Colorado Bird Atlas Partnership and Colorado Division of Wildlife.

- Natural Resource Conservation Service (NRCS). 1992. Soil Survey of Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield and Pitkin Counties. Available online: [http://soils.usda.gov/survey/online\\_surveys/colorado/](http://soils.usda.gov/survey/online_surveys/colorado/)
- Natural Resource Conservation Service (NRCS). 2014. Map Unit Descriptions for *Aspen-Gypsum Area, Colorado, Parts of Eagle, Garfield, and Pitkin Counties*. Soil Data Viewer application. Available online: <http://soils.usda.gov/sdv/>.
- Northern Eagle/Southern Routt Greater Sage-Grouse Work Group (NESRGSGWG). 2004. Northern Eagle/Southern Routt Greater Sage-Grouse Conservation Plan. Colorado Division of Wildlife. Denver, Colorado.
- Reynolds, T.D. 1981. Nesting of the Sage Thrasher, Sage Sparrow, and Brewer's Sparrow in southeastern Idaho. *Condor* 83:61-64.
- U.S. Fish and Wildlife Service (USFWS). 2008. Birds of Conservation Concern 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85 pp. [Online version available at <<http://www.fws.gov/migratorybirds/>>].
- U.S. Fish and Wildlife Service (USFWS). 2010. Threatened, Endangered, Candidate, and Proposed Species by County July 2010. [Online version available at <http://www.fws.gov/mountain-prairie/endspp/countylists/colorado.pdf>.]
- U.S. Fish and Wildlife Service. 2014 (USFWS). Endangered Species Act Species List [Online]. Website: <http://ecos.fws.gov/ipac/wizard/trustResourceList!prepare.action>. [Accessed on 3-4-2014]
- U.S. Fish and Wildlife Service (USFWS). 2014b. Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Western Distinct Population Segment of the Yellow-Billed Cuckoo (*Coccyzus americanus*). *Federal Register* Vol. 79, No. 69 (10 April 2014), pp. 19860-19861.



Project Specifications and Drawings

SECTION 02834

WORK DATA SHEET FOR  
WIRE FENCES AND GATES

Fence type: Four strand barbed

Type of top wire: Smooth.

Type of intermediate wires: Barbed

Type of bottom wire: Smooth

Wire locations/dimensions in inches (spacing): Four Strand

D: 12

C: 8

B: 6

A: 16

Line post spacing (L): 16 ft 6 inches

Type of Stays: Wood or twisted wire

Stay spacing (l): 5 ft 6 inches

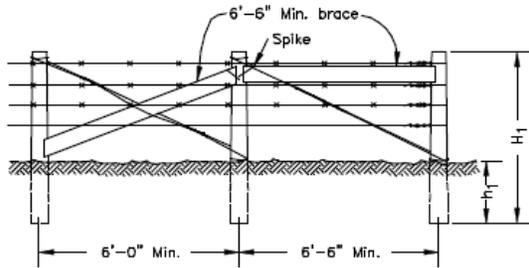
Length of wood posts (H<sub>1</sub>): 8 or 7 ft

Depth of wood posts in ground (h<sub>1</sub>): 3 ft

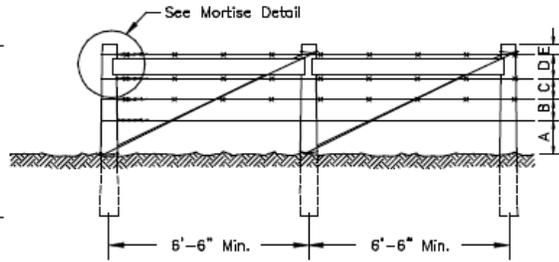
Length of steel posts (H<sub>2</sub>): 5 ft 6 inches

Depth of steel posts in ground (h<sub>2</sub>): To top of anchor plate

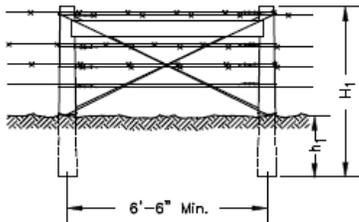
End Panel: Type 1



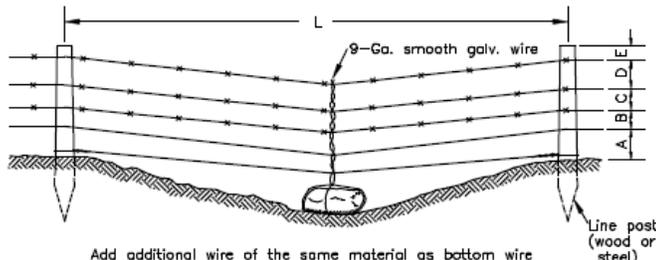
END PANEL-TYPE I



END PANEL-TYPE II

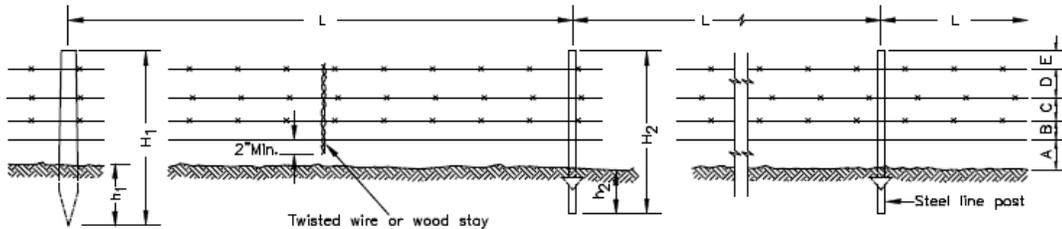


STRESS PANEL



PANEL AT MINOR DEPRESSION

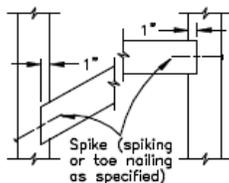
Add additional wire of the same material as bottom wire of fence and a rock deadman (min. weight 50 lbs.) when space between bottom wire and ground exceed 20 inches.



LINE PANELS

NOTE:

1. See specifications for the following:
  - a. Ratio of steel to wood line posts.
  - b. Post spacing, length and depth in ground.
  - c. Type of end panel to be used.
  - d. Type of wire to be used.
  - e. Spacing between wires.
  - f. Number of stays per span (L).



MORTISE DETAIL

ALWAYS THINK SAFETY

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DIVISION OF TECHNICAL SERVICES SERVICE CENTER	
TYPICAL BARBED WIRE FENCE (4-WIRE)	
DESIGNED	by others
REVIEWED	
APPROVED	
DRAWN	SCALE NONE
DATE FEBRUARY 25, 1991	SHEET OF
DRAWING NO. 02834-1	

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

## FINDING OF NO SIGNIFICANT IMPACT

Fence, pond construction and grazing permit renewal on the North Bellyache Allotment

### DOI-BLM-N040-2013-0117-EA

#### **Finding of No Significant Impact**

I have reviewed the direct, indirect and cumulative effects of the actions documented in the EA for the grazing permit issuance on the North Bellyache Allotment. The effects of the actions are disclosed in the Affected Environment and Environmental Effects section 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 action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27):**

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

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

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

Impacts are discussed in the Affected Environment and Environmental Effects section of the EA. The Proposed Action described in the EA would not have significant beneficial or adverse impacts on the resources identified and described in the EA.

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

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

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

There are no unique characteristics of the geographic area.

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

The possible effects of continued livestock grazing are not likely to be highly controversial.

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

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

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

This EA is specific to the North Bellyache 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 this 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.*

Two isolated find cultural resources were identified during project inventory which are not eligible for the NRHP and will not be affected by project implementation.

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.*

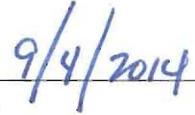
The project area is not mapped as priority or general greater sage-grouse habitat, but recent observations support that sage-grouse have used the vicinity of the project area seasonally. There is no evidence of nesting or brood-rearing near the project area. The project would not impact this Candidate species.

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

The 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 Proposed Action analyzed in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.

  
\_\_\_\_\_  
Karl Mendonca  
Associate Field Manger  
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 0502885 (CON040)

**CERTIFIED MAIL 7012 2210 0001 5070 0518**  
**RETURN RECEIPT REQUESTED**

Chad Leeper  
Diamond S Ranch  
PO BOX 3777  
Eagle, CO 81631

### NOTICE OF PROPOSED DECISION

Dear Mr. Leeper:

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

In 2012 you began discussions with the BLM to use the North Bellyache allotment. The allotment had previously been in non-use for several years due to the conflicts with cattle getting into neighboring communities. The BLM has completed the analysis of the proposal to build a fence to keep livestock on the allotment. The review and NEPA compliance have been completed as documented in Environmental Analysis (EA) No. DOI-BLM-CO-N040-2013-0117. A copy of the EA is enclosed. Renewal of the permit has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

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

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

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 cancel your existing grazing permit effective Feb 28, 2015 and reissue a grazing permit for Diamond S Ranch (No. 0502885) for a period of 10 years (Mar 1, 2015 – Feb 28, 2025) and to issue a Cooperative Agreement for the construction of a new allotment boundary fence and a new pond as well as continued maintenance of existing projects on the North Bellyache allotment as described in EA No. DOI-BLM-CO-N040-2013-0117. My proposed

decision results in the following changes to your Mandatory Terms and Conditions authorized on the previous permit. Please review your authorized use and terms and conditions outlined below.

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

<b>Diamond S Ranch, Inc. 0502885</b>				
<b>From</b>	Livestock kind and number	Periods of Use	Percent Public Land	Total AUMs
North Bellyache No. 08712	180 Cattle	05/16 to 06/15	100	183
<b>To</b>	Livestock kind and number	Periods of Use	Percent Public Land	Total AUMs
North Bellyache No. 08712	130 Cattle	05/16 to 06/15	100	132

**Grazing Preference AUMs**

<b>Diamond S Ranch, Inc. 0502885</b>				
<b>From</b>	<b>Allotment</b>	<b>Active</b>	<b>Suspended</b>	<b>Total</b>
		North Bellyache No. 08712	180	0
<b>To</b>	<b>Allotment</b>	<b>Active</b>	<b>Suspended</b>	<b>Total</b>
		North Bellyache No. 08712	132	48

The following other terms and conditions will be included on the permit.

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

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

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours 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.

Terms and conditions for fence and pond construction with mechanical and motorized equipment.

All equipment used in constructing the fence and pond shall be thoroughly washed prior to entering the project area so as to remove all potential weed seeds.

To minimize soil loss and disturbance during fence line and pond construction, seed the new stock pond embankment.

Evenly spread out soils that were disturbed during the fence line construction.

Brushing and fence construction activities would occur outside of primary migratory bird nesting season of May 15-July 15.

**Rationale for the Proposed Decision:**

Renewal of the grazing permit is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in 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-N040-2013-0117) for the proposed permit renewal and project construction and maintenance. 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 North bellyache allotment is 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.

**Authority:**

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

43 CFR 4110.2-2(a) states: “Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or leases. Permitted use shall encompass all authorized use including

livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under § 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands.”

43 CFR 4130.2(a) states: “Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing. Permits and leases will specify the grazing preference, including active and suspended use. These grazing permits and leases will also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2.”

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

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

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

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

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

**Protest and/or Appeal:**

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

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215. The BLM does not accept appeals by facsimile or email.

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

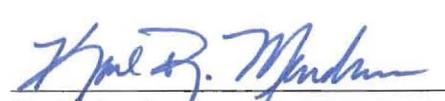
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

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

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

**Please sign and date both copies of the enclosed grazing permit and return to our office.** If you have any questions about this proposed decision please contact Isaac Pittman (Rangeland Management Specialist) at (970)876-9069.

Sincerely,

  
Karl Mendonca  
Associate Field Office Manager

  
Date

Enclosure(s)  
Environmental Analysis (No. DOI-BLM-CO-N040-2013-0117-EA)  
BLM Form 4130-2a (Grazing Permit)  
BLM Form 4120-6 (Cooperative Range Improvement Agreement)