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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-120-2009-0027-CX

PROJECT NAME: Renewal of Livestock Grazing Permits # 051791 for Peak Ranch Inc. (Dave Hammer) on Allotment 07536 (Brown), # 051789 on Allotment 07539 (Murphy), and # 051785 for Gallagher Enterprises LLC on Allotment 07538 (Gore). Renewal of livestock grazing leases # 051930 for Gallagher Enterprises LLC on Allotment 07760 (Curry), # 051907 for the Davison Family Trust on Allotment 07762 (Davison) and # 051928 for Tom Hill on Allotment 07784 (Hinman Original).

LEGAL DESCRIPTION: Kremmling Field Office (KFO) administered land includes all or part of the following:

Allotment 07536 (Brown)
T. 4N., R. 81W., Sec. 4

Allotment 07539 (Murphy)
T. 4N., R. 81W., Sec. 4, 10

Allotment 07538 (Gore)
T. 1½N., R. 81W., Sec. 31
T. 1N., R. 81W., Sec. 1, 12, 17-20, 29

Allotment 07760 (Curry)
T. 2N., R. 81W., Sec. 23, 26, 27

Allotment 07762 (Davison)
T. 3N., R. 81W., Sec. 22, 23, 26, 27

Allotment 07784 (Hinman Original)
T. 2N., R. 81W., Sec. 4

APPLICANTS: Peak Ranch Inc., Gallagher Enterprises LLC, Tom Hill, and Davison Family Trust

DESCRIPTION OF PROPOSED ACTION:

The Proposed Action would renew the following livestock grazing permits:

- # 051789 on Allotment 07539 (Murphy),
- # 051791 on Allotment # 07536 (Brown) for Peak Ranch Inc.,
- # 051785 on Allotment 07538 (Gore) for Gallagher Enterprises LLC.

The Proposed Action would also renew the following livestock grazing leases:

- # 051930 on Allotment 07760 (Curry) for Gallagher Enterprises LLC,
- # 051907 on Allotment 07762 (Davison) for Davison Family Trust,
- # 051928 on Allotment 07784 (Hinman Original) for Tom Hill.

These permits and leases expire on February 28, 2009. The permittees and lessees have applied to have their permits and leases renewed. Implementation of the Proposed Action would renew these permits and leases for a ten year period beginning on March 1, 2009. The permits and leases would be renewed with no changes to the number or kind of livestock, season of use, or amount of authorized livestock grazing preference expressed in AUMs*.

* AUMs = animal unit months = the amount of forage needed to sustain one cow and her calf for one month.

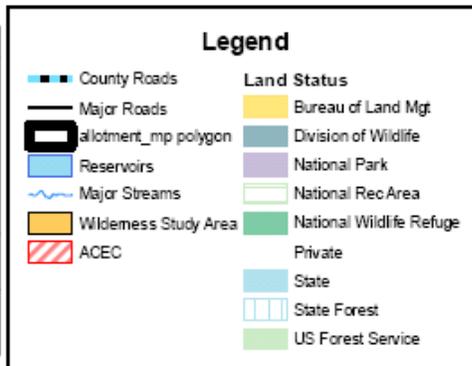
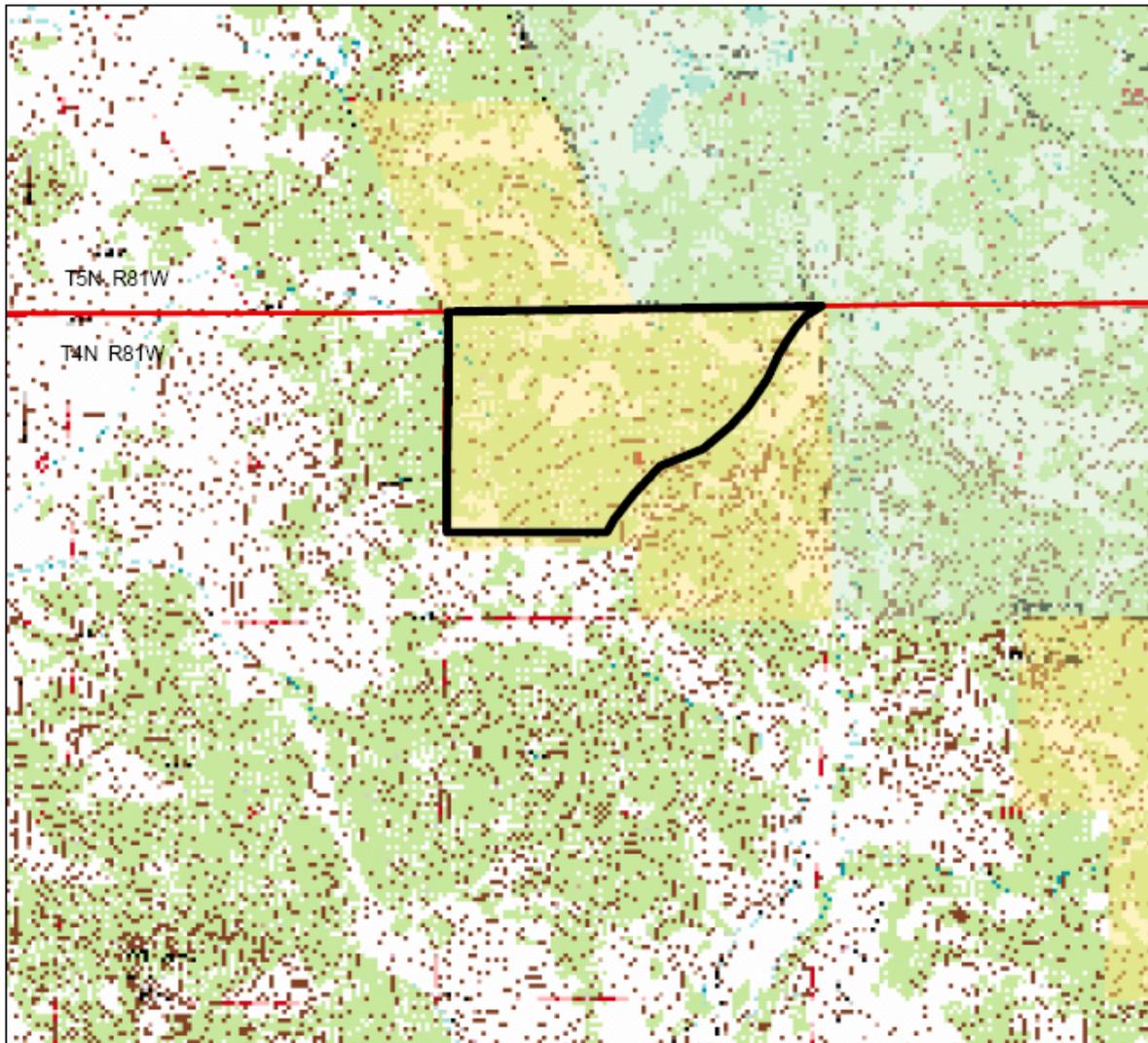
The Proposed Action would authorize livestock grazing to the following extent:

Permit/Lease	Allotment	Livestock		Season of Use	Percent Public Land	AUMs
		Number	Kind			
051791	07536	80	Cattle	06/15 – 07/30	33	40
051789	07539	186	Cattle	07/01 – 10/31	13	98
051785	07538	300	Cattle	08/01 – 08/31	41	125
051930	07760	150	Cattle	05/17 -05/25	100	44
		150	Cattle	09/22 – 09/30	100	44
051907	07762	85	Cattle	05/15 – 06/25	63	74
051928	07784	4	Cattle	05/16 – 06/15	100	4

All six of the allotments in this permit and lease renewal CX are custodial category “C” allotments. They generally contain a small number of acres with minor percentages of public land and low amounts of livestock grazing preference. Therefore, these allotments do not require assessment for compliance with the Standards for Public Land Health in Colorado (Standards). All of these allotments were monitored in 2008 and no issues or concerns were identified.



07536 BROWN



Miles
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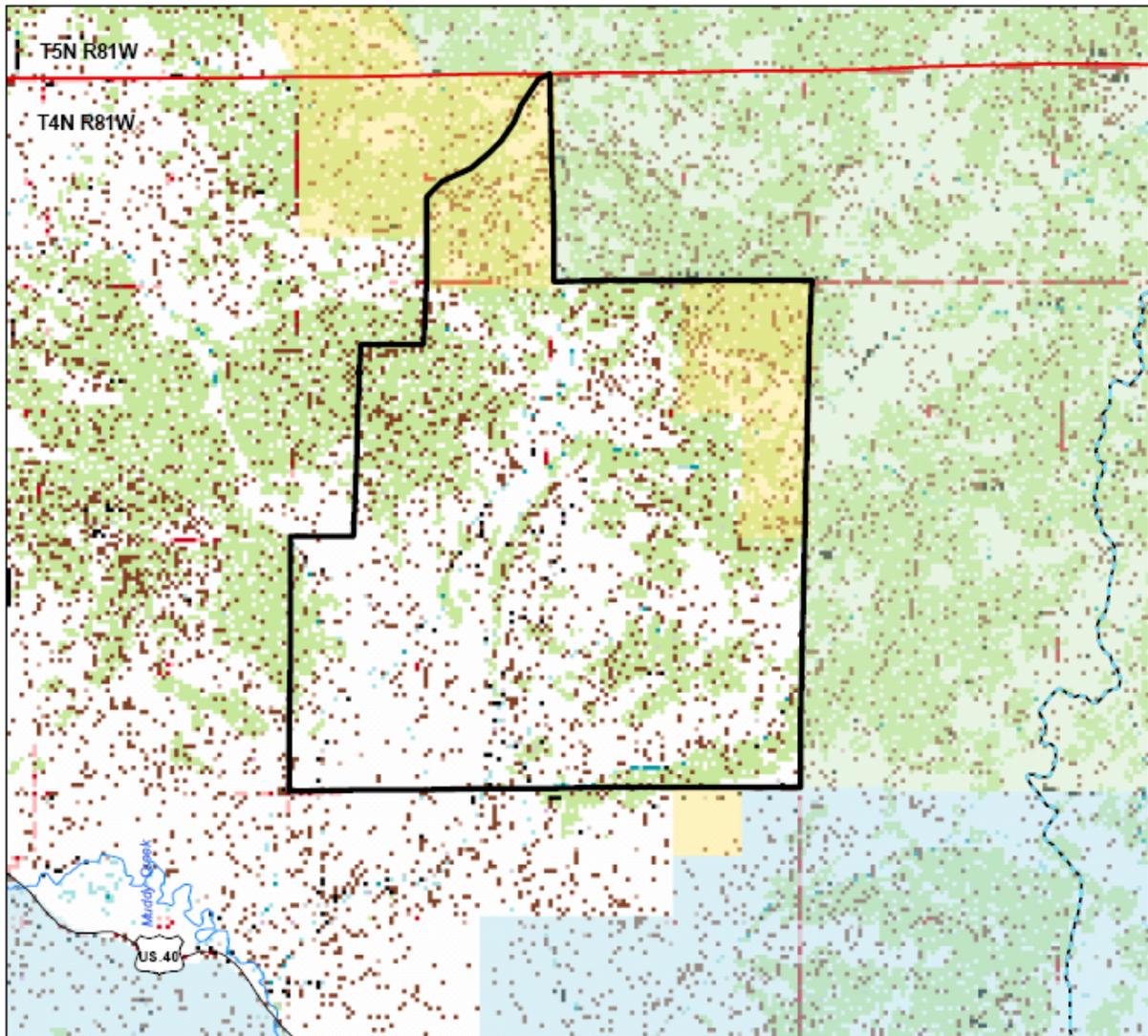
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Whitely Peak
BLM, Kremmling FO 10/23/2008



07539 MURPHY



Legend

County Roads	Land Status
Major Roads	Bureau of Land Mgt.
07539 MURPHY	Division of Wildlife
Reservoirs	National Park
Major Streams	National Rec Area
Wilderness Study Area	National Wildlife Refuge
ACEC	Private
	State
	State Forest
	US Forest Service

0 0.2 0.4 0.8 Miles

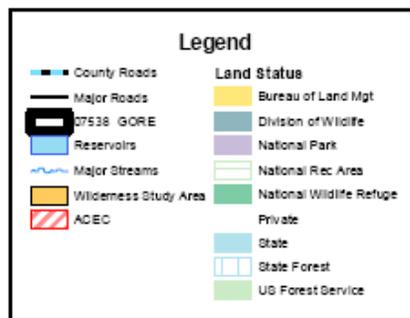
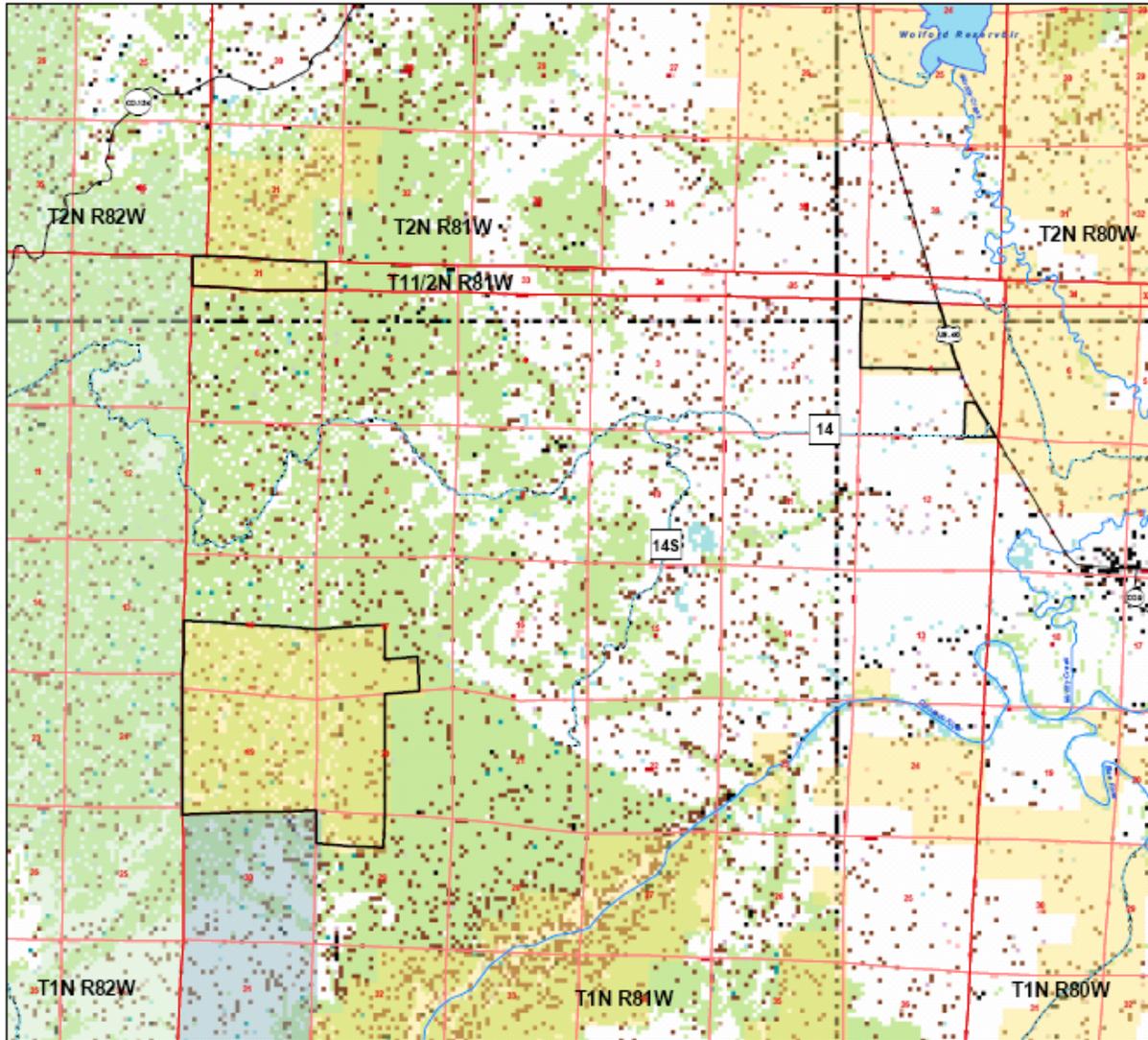
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Maps: Whiteley Peak
BLM, Kremmling FO 10/31/2008



07538 GORE



0 0.4 0.8 1.6 Miles

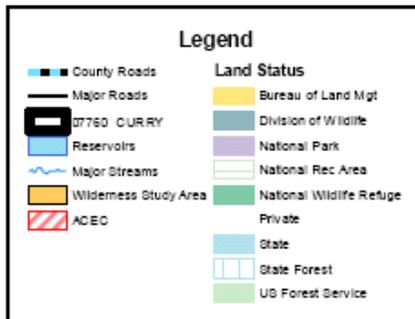
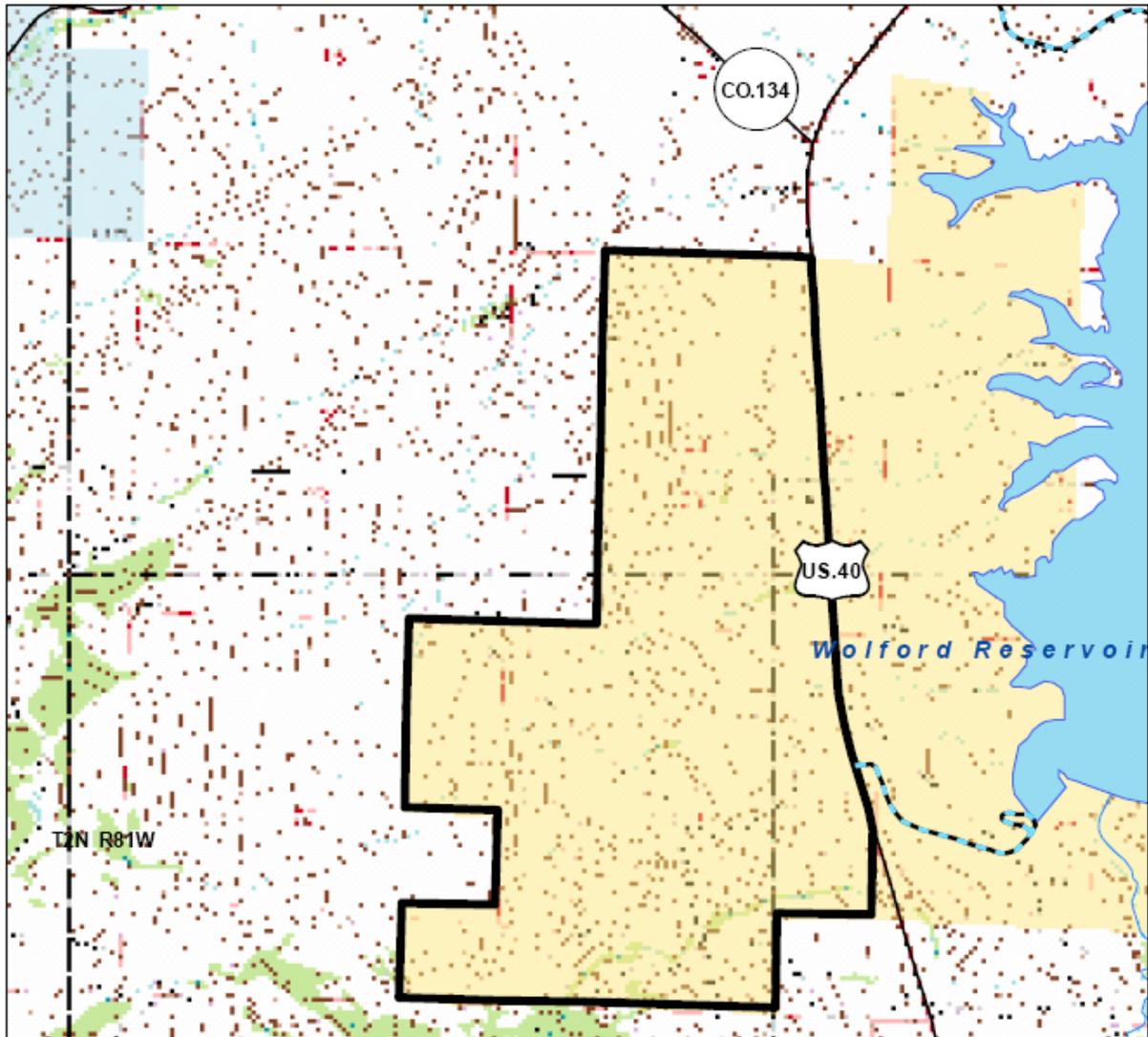
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Maps: Kremmling, Gore Pass, Sheephorn Mountain, Radium BLM, Kremmling FO 10/28/2008



07760 CURRY



Miles
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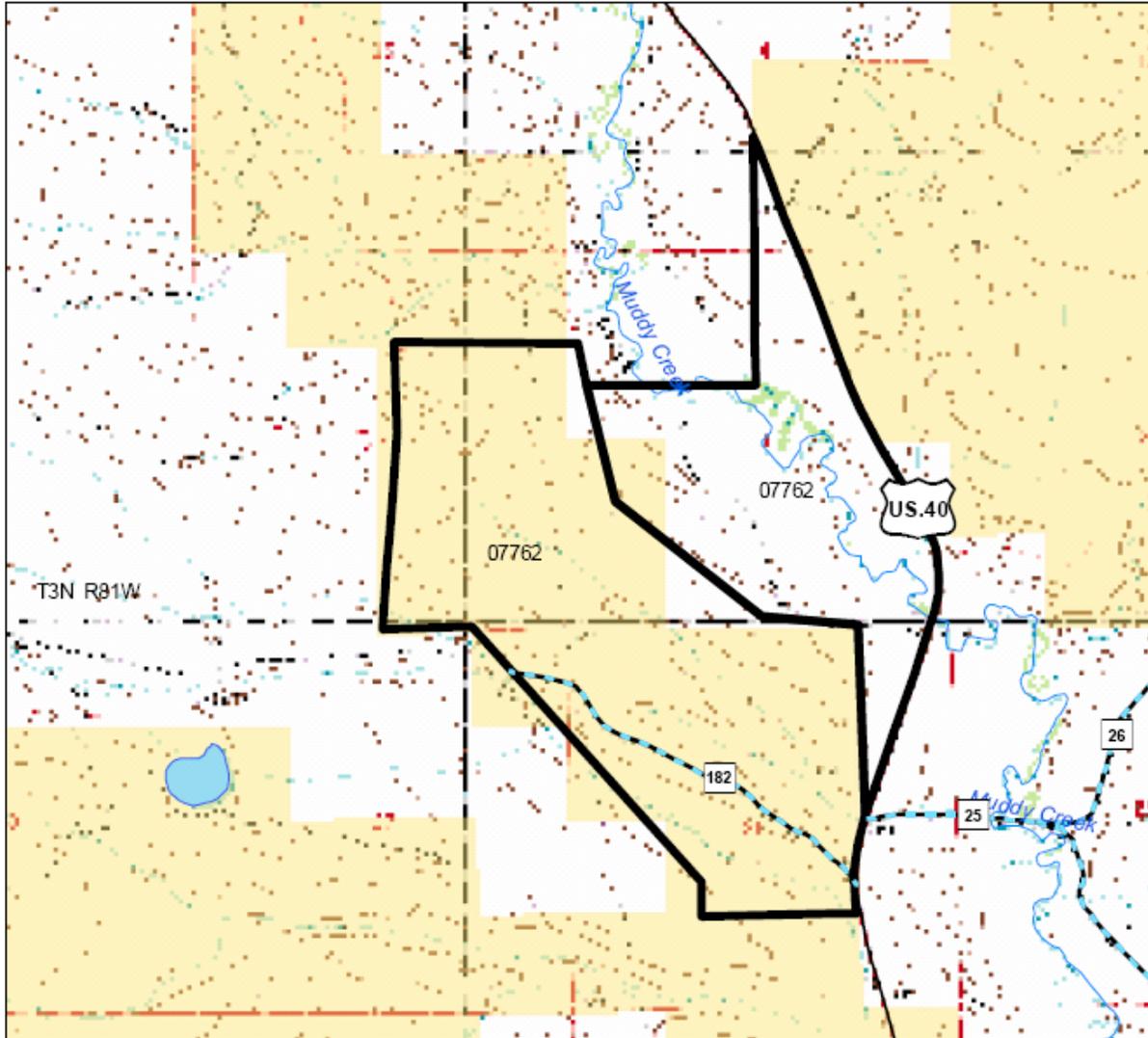
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Hinman Reservoir, Kremmling BLM, Kremmling FO 10/27/2008



07762 DAVISON



Legend	
County Roads	Land Status
Major Roads	Bureau of Land Mgt.
07762 DAVISON	Division of Wildlife
Reservoirs	National Park
Major Streams	National Rec Area
Wilderness Study Area	National Wildlife Refuge
ACEC	Private
	State
	State Forest
	US Forest Service

0 0.15 0.3 0.6 Miles

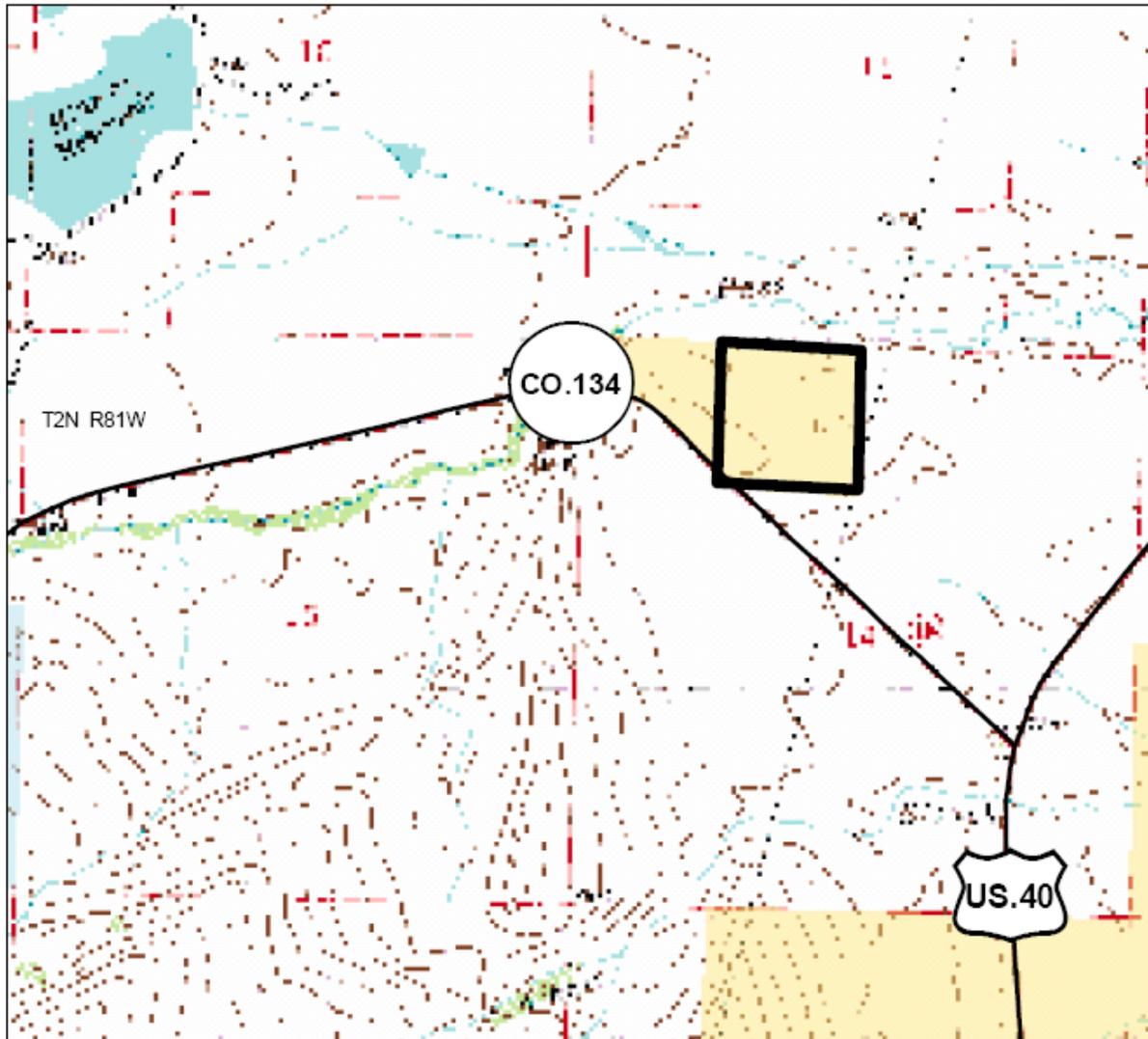
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No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

Maps: Hinman Reservoir BLM, Kremmling FO 10/24/2008



07784 HINMAN



Legend	
County Roads	Land Status
Major Roads	Bureau of Land Mgt
07784 HINMAN	Division of Wildlife
Reservoirs	National Park
Major Streams	National Rec Area
Wilderness Study Area	National Wildlife Refuge
ACEC	Private
	State
	State Forest
	US Forest Service

Miles
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1:16,211

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Maps: Hinman Reservoir
BLM, Kremmling FO 10/23/2008

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: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock Grazing: pages 6 and 8, as revised

Decision Language: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP designated allotments 07760 (Curry) and 07762 (Davison) with a livestock grazing priority. Allotment 07538 (Gore) was designated with a forest products priority. Allotments 07536 (Brown), 07539 (Murphy) and 07784 (Hinman Original) were given no priority in the 1984 RMP. The proposed action is compatible with these designations.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11, Number: (D) (11) (a) (1-3), “(1) the same kind of livestock is grazed, (2) the active use previously authorized is not exceeded, and (3) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease.” None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	Yes	No
2.1 Have significant impacts on public health or safety		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of historic Places as determined by either the bureau or office.		X

2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
2.9 Violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Bill B. Wyatt	Archaeology	Cultural Resources/Tribal Consultation	1/20/2009
Megan McGuire	Wildlife Biologist	Wildlife, T/E, and Sensitive Species	1/21/09
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian	2/25/09
Frank Rupp	Paleontologist	Paleontology	3/2/09
Susan Cassel	Asst. Field Manager	NEPA	3-3-09

REMARKS:

Cultural Resources: Past actions have resulted in a cultural resource inventory to determine if those actions would cause potential adverse affects to known and unknown cultural resource sites from livestock grazing, motorized travel, and recreational use. When project undertakings are identified, a cultural resource inventory would be conducted to determine if sites are present and their eligibility, project effects, and mitigation requirements if necessary.

Native American Religious Concerns: Consultation was completed for the original allotment renewal. Future undertakings would require tribal consultation to identify traditional cultural properties.

Paleontology: No impacts to fossil resources from renewing permit, or the no action alternative. Proposed ground disturbing projects will be reviewed on a project by project basis to determine the need for paleontological inventory.

Threatened and Endangered Species: The proposed permit renewal would not impact Endangered, Threatened, or Sensitive Species.

COMPLIANCE PLAN: Compliance with the renewed livestock grazing permit and its associated terms and conditions would be accomplished through the Kremmling Field Office Range Management Program. Livestock grazing would be monitored by the range staff and other area personnel, as appropriate, to ensure compliance. The Kremmling Field Office Range Monitoring Plan would be used to schedule periodic utilization checks, collect trend data, and evaluate allotment condition. When activity plans have been developed covering an allotment, monitoring methods and schedules included in them would be applied to the allotment. Changes would be made to the permit, based on monitoring, when changes are determined necessary to protect land health.

NAME OF PREPARER: Richard Johnson

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 3/2/09

ATTACHMENTS:

- 1) The following Livestock grazing permits with standard terms and conditions:
 - # 051789 and # 051791 for Peak Ranch Inc.
 - # 051785 for Gallagher Enterprises LLC
- 2) The following Livestock grazing leases with standard terms and conditions:
 - # 051930 for Gallagher Enterprises LLC
 - # 051907 for Davison Family Trust
 - # 051928 for Tom Hill.

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden

DATE SIGNED: 3/3/09