

**U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129**

ENVIRONMENTAL ASSESSMENT

EA NUMBER: CO-100-2008-015 EA

PERMIT/LEASE/ALLOTMENT NUMBER: 0501172/04131

PROJECT NAME: Ten year renewal of the grazing lease for the C Punch Ranch on the Badger Creek Allotment, #04131.

LEGAL DESCRIPTION: See allotment map, Attachment 1.

Badger Creek Allotment #04131 T.5 N., R.91 W. portions of sections 13, 14, 22, 23,
24, 25, 26, and 35
T.4 N., R.91 W. portions of sections 11, and 14

1,955 acres- BLM
1,516 acres- private
3,471 acres- total

APPLICANT: C Punch Ranch.

PLAN CONFORMANCE REVIEW: The Proposed Action and Alternatives are subject to the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision

Date Approved: April 26, 1989

Results: The Proposed Action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates as a result of vegetation studies.

The Proposed Action is located within Management Unit 2 (Northern Central). The Proposed Action is compatible with the management objective for this unit, which is to provide for the development of the oil and gas resource. Public lands are open to livestock grazing.

Management practices or range improvement projects will be permitted and existing range improvements will be maintained consistent with the management objectives for this unit.

The Proposed Action and Alternatives have been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

Other Documents:

The Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 USC 1752).

Rangeland Reform Final Environmental Impact Statement, December, 1994.

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado, February 12, 1997.

NEED FOR PROPOSED ACTION: BLM lease #0501172, which authorizes livestock grazing on the Badger Creek Allotment, expired on February 28, 2008. The lease was extended for one year, expiring on February 28, 2009, under the existing terms and conditions in accordance with Section 325, Title III, H.R. 2691, Department of Interior and related agencies appropriations act, 2004 (P.L. 108-108). The lease is subject to renewal for a period of up to ten years at the discretion of the Secretary of the Interior, who delegated the authority to BLM. The BLM has the authority to renew the livestock grazing permits consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement*. This Plan/EIS has been amended by Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado.

The following Environmental Assessment (EA) will analyze the impacts of livestock grazing on public land managed by the BLM. The analysis will recommend terms and conditions to the lease which will improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (permittee/lessee) must hold a grazing permit/lease. The grazing permittee/lessee has a preference right to receive the permit/lease if grazing is to continue. This EA will be a site specific analysis to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which it can be renewed.

PUBLIC SCOPING PROCESS: The Little Snake Field Office sent out a Notice of Public Scoping on December 22, 2006, to determine the level of public interest, concern and resource conditions on the grazing permits and leases that were up for renewal in FY 2008. A Notice of Public Scoping was posted on the Internet, at the Colorado BLM Home Page, asking for public input on permit/lease renewals. Individual letters were sent to the affected permittees/lessees, informing them their permit/lease was up for renewal and requesting any information they

wanted included in or taken into consideration during the renewal process. The issuance of a grazing permit and lease for these allotments has been carefully analyzed within the scope of the specific action being taken, resource issues or concerns, and public input received.

BACKGROUND: The Badger Creek Allotment is located approximately five miles east of Hamilton, Colorado. The Williams Fork River bisects the allotment and creates a natural boundary between the Stock Pass Pasture (north of the river) and the Badger Creek Pasture (south of the river). The allotment is characterized by several gulches: West Gulch, Stock Pass Gulch and Horse Gulch. These gulches consist of very steep topography on the sides, with flat, narrow valley bottoms. Elevation ranges from 6,300 feet along the valley bottoms to over 7,453 feet on the ridge tops. Mean annual precipitation at Hamilton, Colorado is 18.64 inches. The dominant range site within the allotment is a brushy loam. Mountain brome, elk sedge, nodding brome grass, slender wheatgrass, western wheatgrass, Columbia needlegrass, Gambel oak, Saskatoon serviceberry, true mountain mahogany, and mountain snowberry make up most of the annual production in the potential plant community of this site. Other grasses are prairie junegrass, oniongrass, and muttongrass. The major forbs are American vetch, western yarrow, silvery lupine, tall bluebells, aspen peavine, low larkspur, and bedstraw. Chokecherry and Woods rose are the other shrubs present in the plant community.

The Badger Creek Allotment is classified as a category M (maintain) allotment, which is defined by the Rangeland Program Summary for the Little Snake Resource Management Plan as 1) an allotment that has high to moderate production potential for livestock forage; 2) no major resource conflicts or controversy exist; 3) opportunities may exist for positive economic return from public investments; 4) present management is accomplishing desired results; 5) current production is at least 60% of potential production, and 6) there are at least 1,000 federal acres in the allotment that provide at least 20% of the total allotment production.

The season of use authorized on the Badger Creek Allotment is currently 6/01 through 10/01 for 52 cattle at 100% PL for a total of 210 AUMs. The allotment is divided into two pastures; the Stock Pass Pasture is north of highway 317 and includes the Horse Gulch use area. The Stock Pass Pasture is currently permitted for grazing from June 1 through July 20 each year and the Horse Gulch use area is currently used from June 1 through June 30 of each year. The Badger Creek Pasture is south of highway 317 and is currently used from July 21 through October 1 of each year. There is a Special Term and Condition which allows the livestock operator to move from the Stock Pass Pasture into the Badger Creek Pasture up to three weeks early. This was added to the grazing lease in 1998 to add flexibility during years that the Stock Pass Pasture runs short of water.

The permittee has requested earlier seasons of use in both pastures; from May 15 through July 4 in the Stock Pass Pasture and July 5 through September 15 in the Badger Creek Pasture.

MONITORING DATA: The Badger Creek Allotment was included in the Williams Fork Landscape Health Assessment, conducted in June of 2006. The allotment was found to be

meeting all of the standards for rangeland health. There has been no other monitoring data collected on this allotment.

PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION: Continue to authorize livestock grazing on the Badger Creek Allotment by renewing grazing lease #0501172 for a period of ten years, expiring February 28, 2018. A new season of use would be authorized to allow a 15 day earlier turnout. Total permitted use would not change. The lease would be renewed as follows:

FROM:

Allotment name and number	Livestock number and kind	Dates		%PL	AUMs
		Begin	End		
Badger Creek #04131					
Stock Pass Pasture	52 cattle	06/01	07/20	100	85
Badger Creek Pasture	52 cattle	07/21	10/01	100	<u>125</u>
Total					210

The above lease is subject to the following special terms and conditions:

- 1) The season of use in the Horse Gulch area of the Stock Pass Pasture is from June 1 to June 30.
- 2) The lessee may be authorized to move from the Stock Pass Pasture to the Badger Creek Pasture up to three weeks early.

TO:

Allotment name and number	Livestock number and kind	Dates		%PL	AUMs
		Begin	End		
Badger Creek #04131					
Stock Pass Pasture	52 cattle	05/15	07/03	100	85
Badger Creek Pasture	52 cattle	07/04	09/14	100	<u>125</u>
Total					210

The above lease is subject to the following special terms and conditions:

- 1) Spring use will alternate between the two gulches (West Gulch and Horse Gulch) in the Stock Pass Pasture, with early turnout occurring in each gulch every other year.
- 2) The lessee may be authorized to move from the Stock Pass Pasture to the Badger Creek Pasture up to three weeks early, depending on the availability of water.

The above lease is also subject to the Standard and Common Terms and Conditions, see Attachment 2.

NO ACTION ALTERNATIVE: No changes to the season of use would occur under this alternative. Livestock would continue to graze the allotment as permitted in the expiring lease.

ALTERNATIVES CONSIDERED BUT ELIMINATED:

No Grazing Alternative: This alternative would cancel the lease on the allotment. As a result, livestock grazing would cease on the allotment. This alternative is eliminated from analysis in this EA because it would not conform to the RMP/ROD. The RMP/ROD identified livestock grazing as a suitable and appropriate uses on the allotments.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the Proposed Action.

Environmental Consequences, both alternatives: Renewing the lease to graze cattle on the Badger Creek Allotment would not cause regional air quality impairment under either of the alternatives. Some localized dust may result from driving on unpaved roads, but this would be negligible compared to dust generated from all vehicle uses in the vicinity.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 06/03/08

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Rob Schmitzer, 05/22/08

CULTURAL RESOURCES

Affected Environment: Grazing lease renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g.,

fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (Heritage #10.9.08) was completed for each allotment on December 6, 2007 by Robyn Watkins Morris, Little Snake Field Office Archaeologist. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding The Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the Field Office archaeology files.

Data developed here were taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from GLO maps, BLM land patent records, An Overview of Prehistoric Cultural Resources Little Snake Resource Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the Little Snake Resource Management Plan and Environmental Impact Statement, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the allotment in this EA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in the allotment. Fieldwork for the cultural resources on the table will be carried out in current fiscal year or within the ten year lease renewal.

Acres Inventoried at a Class III level*	Acres NOT inventoried at a Class III Level	Percent-%- of Allotment inventoried at a Class III level	# of Cultural Resources known in allotment	High Potential of Historic Properties	Eligible or Need Data Sites – Known in Allotment (Site Numbers)	Estimated Sites for the Allotment** (Total Number)	Management Recommendations (Add'l inventory required and historic properties to be visited)
37	3434	.1%	1	No	None	Unknown	Survey gulch bottoms and Badger Creek Spring, if possible

(Note: *Acres are derived from GIS allotment maps BLM and other acres in the allotment. See allotment specific analysis form. **Estimates of site densities are based on known inventory data. Estimates represent a minimum figure which may be revised upwards based on future inventory findings.)

Three cultural resource inventories have been previously conducted within the allotment resulting in the complete coverage inventory of 37 acres and the recording of 1 cultural resource. The one known site is an historical coal mine called the Badger Creek mine, which has been determined not eligible. The 1918 GLO survey plats show a historical trail up Horse Gulch in

section 13 of T.5N., R.91W. This trail is likely the basis of the current two track road up Horse Gulch.

Based on available data, a low potential for historic properties occurs in the Badger Creek Allotment due to the steepness of the terrain in majority of the allotment. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent field inventory is to be completed within the ten year period of the permit.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

Environmental Consequences: The direct impacts that may occur where livestock concentrate include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties. Although the number of AUMs remains the same for this lease renewal, the timing for livestock use is changing to earlier dates. This change may raise the potential for impacts due to grazing at a time of higher moisture and lower shear strength in the soils could lead to increased potential of damage to buried cultural resources. Additional monitoring of the historic properties currently known and in the future should continue to determine if livestock impacts are occurring to these properties.

Mitigative Measures: Standard Stipulations for cultural resources are included in Standard and Common Terms and Conditions (Attachment 2).

Allotment Specific Stipulations

1. In Allotment 4131, a Class II inventory is needed in the bottoms of West Gulch (28 acres), Stock Pass Gulch (10 acres), Horse Gulch (25 acres), and if possible, Badger Creek Gulch (68 acres). These areas must be surveyed in ten years. Previously identified sites, table above, and new sites recorded and evaluated as eligible and/or need data during other project specific Class II or Class III survey will need to be evaluated as well. Sites that are impacted by grazing activities will need further monitoring, physical protection or other mitigative measures developed.
2. Site monitoring plans, other mitigation plans, will be developed and provided to the Colorado State Historic Preservation Officer in accordance with the Protocol (1998) and subsequent programmatic agreements regarding grazing permit and lease renewals.

Conducting Class II and Class III survey(s), monitoring, and developing site specific mitigation measures will mitigate the adverse effects to an acceptable level (Cultural Matrix Team Meeting

26 January 1999, Colorado BLM State Office, NHPA Section 106, 36CFR800.9; Archaeological Resource Protection Act 1979; BLM Colorado and Colorado SHPO Protocol 1998; and NEPA/FLPMA requirements).

Name of specialist and date: Robyn Watkins Morris, 12/06/07

ENVIRONMENTAL JUSTICE

Affected Environment: The Proposed Action is located in an area of isolated dwellings. Ranching, farming and oil/gas and coal development are the primary economic activities.

Environmental Consequences, both alternatives: The allotment is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None.

Name of specialist and date: Mike Andrews, 12/05/07

FLOOD PLAINS

Affected Environment: No large floodplain areas are present on the public lands within the Badger Creek Allotment. The stream gradients are too steep in Horse Gulch, Stock Pass Gulch and West Gulch for continuous floodplain development.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 06/03/08

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive and noxious weeds are present in the affected area. Invasive annuals such as downy brome (cheatgrass), blue mustard, tarweed and yellow alyssum commonly occur in the affected area and become established on disturbed areas. Invasive annual weeds are typically established on disturbed and concentrated use areas, whereas, biennial and perennial noxious weeds are less common in occurrence. Downy brome is on the Colorado List C of noxious weeds, as are common mullein and poison hemlock, which could also be found in the allotment. Colorado List B noxious weeds that have been present within the Badger Creek Allotment include oxeye daisy, black henbane, houndstongue, hoary cress (whitetop), Canada thistle, musk thistle and bull thistle. Other Colorado List B noxious weeds that are present in the vicinity and could potentially become established within these allotments include Russian knapweed, diffuse knapweed, spotted knapweed, leafy spurge, dalmation toadflax, yellow

toadflax and other biennial thistles. The BLM cooperates with the Moffat County Cooperative Weed Management program to employ the principals of Integrated Pest Management to control noxious weeds on public lands.

Environmental Consequences, both alternatives: The adverse impact of increased invasive and/or noxious weed establishment is very similar under either of the alternatives. Vehicular access to public lands for dispersed recreation and grazing operations, livestock and wildlife movement, as well as wind and water, can cause weeds to spread into new areas. Surface disturbance due to livestock concentration and human activities associated with grazing operations can also increase weed presence. The perennial noxious weeds in the area are less frequently established on the uplands but some potential exists for their establishment in draws and swales with moister soils. Proper grazing use by livestock is necessary to maintain a resilient native plant community that can occupy bare soils and resist invasive and noxious weed establishment. The largest concern in the project area would be for biennial and perennial noxious weed species to become established and not be detected; once they are detected they can be controlled with various integrated pest management techniques. Land practices and land uses by the livestock operator and their weed control efforts would largely determine the identification and potential occurrence of weeds within the allotment.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 06/03/08

MIGRATORY BIRDS

Affected Environment: The project area provides potential nesting, foraging, and/or roosting habitat for the following USFWS 2002 Birds of Conservation Concern: Brewer's sparrow, flammulated owl, golden eagle, northern harrier, pygmy nuthatch, red-naped sapsucker, Williamson's sapsucker, and Virginia's warbler. Although several of these species are known to breed in the area, GIS data for specific nest locations are currently unavailable.

Environmental Consequences, Proposed Action: Livestock grazing can alter vegetation structure, composition and function. Effects on migratory birds are dependent on the species of interest and may be adverse, negligible, or beneficial depending on grazing timing, frequency, intensity, and distribution. Birds may be displaced as a result of grazing, and trampling of nests, eggs, or young could occur. Grazing would occur during the breeding season for most of these species. However, it is unlikely that the Proposed Action would influence migratory bird populations on a landscape level.

Environmental Consequences, No Action: Effects would be similar to those described for the Proposed Action and grazing would occur during the breeding season for most of these species. It is unlikely that current management would influence migratory bird populations on a landscape level.

Mitigative Measures: None.

Name of specialist and date: Charlie Sharp, 12/06/07

NATIVE AMERICAN CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Eastern Shoshone on July 11, 2007. The letter listed the grazing allotments up for renewal in FY08 and included a map of the areas. A follow up phone call was performed on August 14, 2007. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of Specialist and date: Robyn Watkins Morris, 12/06/07

PRIME & UNIQUE FARMLANDS

Affected Environment: There are no Prime and Unique Farmlands present within the Badger Creek Allotment.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 06/03/08

T&E SPECIES - SENSITIVE PLANTS

Affected Environment: There are no BLM sensitive plant species present on the Badger Creek Allotment.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 12/06/07

T&E AND SENSITIVE ANIMALS

Affected Environment: *Canada Lynx (Lynx canadensis)* - Canada lynx (threatened) are closely associated with the habitat requirements of its primary prey, the snowshoe hare. Hares prefer dense conifer stands for cover, with meadows, riparian zones, and other openings for feeding. Mature forests with downed logs and windfalls provide denning and security cover for lynx. Lynx are found primarily in mesic high-elevation forests with deep snows where they have a competitive advantage over other predators.

The Badger Creek Allotment is mapped as providing approximately 700 acres of Canada lynx potential habitat (foraging) comprised of aspen and mixed-conifer aspen forests adjacent to big sagebrush and mountain shrub communities. Public lands within this allotment are dominated by Gambel oak and are not likely to be used by Canada lynx. No habitat linkages, movement corridors, or denning habitat have been identified in this vicinity. No critical habitat has been designated in this area or the state of Colorado.

Radio and GPS collar data collected by the Colorado Division of Wildlife from 1999 to 2005 indicate lynx do not use the area. The majority of lynx locations have been recorded north and east of the Badger Creek Allotment, primarily on Routt National Forest.

According to the *Colorado Standards for Public Health and Guidelines for Livestock Grazing Management of 1997*, allotments are assessed to determine whether or not rangeland health standards are being met. When assessed in June 2006, it was determined that the William's Fork Watershed and Badger Creek Allotment are meeting the standard for healthy, productive wildlife communities. The Badger Creek Allotment is also meeting the standard for native plant communities, although the watershed as a whole is failing to meet this standard due to a prevalence of weeds.

Columbian Sharp-tailed Grouse

Sagebrush and mountain shrub communities within this allotment provide primary habitat for sharp-tailed grouse. Aspen and mixed-conifer aspen forest may be used for winter foraging. Several leks have been observed to the west of Badger Creek at lower elevations, but none have been documented within the area of interest. According to the 2006 field assessments, habitat quality is good for sharp-tailed grouse.

Environmental Consequences, both alternatives: *Canada Lynx* - Direct impacts to lynx associated with livestock grazing would be minimal and unlikely, although utilization that exceeds objectives levels (50% use of current year's growth on key grass species and 40% use of current year's growth on key browse species) could reduce hiding and movement cover for both the lynx and its prey.

Lynx habitat in this area occurs along a prominent ridgeline and is characterized by steep, forested country surrounded by dense mountain shrubs. Cattle use of this particular area is therefore limited, and most animals graze at lower elevations in the allotment (K. McKinstry, personal communication). Based on the above information, authorization of livestock grazing **"may affect, but is not likely to adversely affect"** the federally threatened Canada lynx. Furthermore, the Proposed Action would not result in the destruction or adverse modification of designated critical habitat, inasmuch as none has been designated in Colorado. Pursuant to the Endangered Species Act, informal consultation was initiated on December 6, 2007. The USFWS concurred with the above effects determination on 05/21/08.

Application of the *Colorado Standards for Public Land Health and Guidelines for Livestock Grazing Management* helps to ensure that rangelands are being managed properly. These

standards are consistent with the *Lynx Conservation Assessment and Strategy Standards and Guidelines*. “Land Health Assessments” are conducted to assess habitat conditions and determine whether standards are being met. Where standards are not being achieved or exceeded, appropriate management actions (changes in grazing intensity, timing, frequency, etc.) are implemented to ensure that desired conditions and standards are restored.

Columbian Sharp-tailed Grouse

Habitat quality for sharp-tailed grouse has been rated as “good” within the Badger Creek Allotment and would continue to be “good” under both the Proposed Action and No Action Alternatives.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 05/28/08

T&E SPECIES – PLANTS

Affected Environment: There are no federally listed threatened or endangered plant species present on the Badger Creek Allotment.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 12/06/07

WASTES, HAZARDOUS OR SOLID

Affected Environment: There are no hazardous materials present on the Badger Creek Allotment.

Environmental Consequences, both alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations. Coolant, oil, and fuel are materials that could potentially be released. Due to the limited amount of vehicular activity that would be required, the potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the allotment.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 12/04/07

WATER QUALITY - GROUND

Affected Environment: Groundwater is found with the Quaternary alluvium covering primarily Iles Formation rock.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 12/17/07

WATER QUALITY - SURFACE

Affected Environment: Runoff water drainage from the Stock Pass Pasture flows to West Gulch, Stock Pass Gulch and Horse Gulch, which are ephemeral tributaries to the Williams Fork River. Runoff water drainage from the Badger Creek Pasture flows to Badger Creek which is a perennial tributary to the river. Since the Williams Fork River flows between these pastures some drainage is directly to the river. The Williams Fork River needs to have water quality sufficient to support Aquatic Life Cold 2, Recreation 1a, Water Supply and Agriculture. The only tributary that has specific classified use designations is Horse Gulch which needs to have water quality that will support Aquatic Life Warm 2, Recreation 1b and Agriculture. All of these stream segments are designated as Use Protected and all of these stream segments are presently supporting their classified beneficial uses.

Environmental Consequences, both alternatives: Proper grazing use of the allotment would not impair water quality under either of the alternatives. Water quality would continue to support the present classified uses.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 07/24/08

WETLANDS/RIPARIAN ZONES

Affected Environment: Horse Gulch was considered to have a lotic riparian system in 1995. However subsequent observations of the drainage in recent years have confirmed that there is not a good potential for a substantial system to be present. The drainage lacks a soil resource and most of the stream channel is armored by large rocks and boulders. The period of use (6-1 to 6-30) in the Horse Gulch portion of the Stock Pass pasture was designed to allow riparian conditions to improve, however it has been determined that the development of a lotic riparian system in this gulch is not dependent on the season of use by livestock.

A spring produces water for a few hundred yards in the bottom of West Gulch. No riparian vegetation exists along the small flow of water, but the bottom of the gulch as well as the valley

bottom has abundant cover of upland grasses (orchard grass, smooth brome, bluegrass and false quackgrass) and forbs. An isolated seep is supporting an area of wetland plants (about 25 x 60 feet) in the bottom of the gulch about 50 feet downstream of the main spring source. Above the spring source is another small isolated seep (about 10 x 25 feet). Both of these seeps are well covered by perennial wetland plants and are fully functional at their potential. Further discussions with the ranch manager indicate that the main spring produces water in approximately one of three years.

Environmental Consequences, both alternatives: Abundant forage resources are present on the adjacent valley bottom and on the northwesterly slope in West Gulch. The shift of the grazing period by two weeks as outlined in the Proposed Action would not affect these riparian systems. Under the No Action alternative, current grazing management practices would continue; this management system has not impacted the small lentic riparian systems within the allotment. The small riparian systems are functioning properly and are at or near their potential. No impacts would be anticipated under either alternative.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 07/24/08

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Rob Schmitzer, 05/22/08

WILDERNESS, WSAs

Affected Environment: Not present.

Environmental Consequences: None.

Mitigative Measures: None.

Name of specialist and date: Rob Schmitzer, 05/22/08

NON-CRITICAL ELEMENTS

UPLAND VEGETATION

Affected Environment: The dominant range site within the Badger Creek Allotment is a brushy loam. This range site typically supports a mixed mountain shrub-grass community on ridge tops and steep slopes and sagebrush-mixed grass communities in the bowls and valley bottoms. Some of the valley bottoms have been cultivated to alfalfa on private lands. Dominant shrub cover species include mountain big sagebrush, Gambel's oak, Saskatoon serviceberry, true mountain mahogany, antelope bitterbrush, and mountain snowberry. Grass species include Letterman's needlegrass, needleandthread, Indian ricegrass, mountain brome, nodding brome, slender wheatgrass, Columbia needlegrass and elk sedge. Forbs include American vetch, silvery lupine, tall bluebells, low larkspur and western yarrow.

The majority of the BLM managed lands within the allotment are very steep (25-75% slope) and brushy; conditions which make livestock use difficult. The cattle tend to congregate along the bottoms of the gulches within the Stock Pass Pasture where the topography is less steep. These confined bottoms do not support cattle for a long period of time; therefore the permittee must move the cattle from gulch to gulch as utilization reaches the objective levels.

Environmental Consequences, Proposed Action: Adjusting the season of use to begin two weeks earlier in the spring and end two weeks earlier in the fall would not affect upland vegetation. Repeated early season grazing can lead to a decline in rangeland health; alternating the earlier turnout between the West Gulch and Horse Gulch every other year would lessen the potential of decreased vigor, density and diversity of the upland vegetation that often accompanies early season grazing.

Environmental Consequences, No Action: The grazing system would not change under the No Action Alternative. This alternative would not allow the permittee increased flexibility in livestock management, nor would it require the variation in early turnout between the two gulches in the Stock Pass Pasture; however vegetation standards for rangeland health would continue to be met.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 08/25/08

SOILS

Affected Environment: Many soil types occur within the Badger Creek Allotment and several of these constitute small areas on the BLM lands. The primary soils mapped on BLM lands in the Stock Pass Pasture are the Torriorthents-Rock outcrop, Sandstone complex, 25 to 75 percent slopes; Foidel loam, 25 to 65 percent slopes; Danavore-Waybe complex, 5 to 30 percent slopes; and the Foidel loam, Cool, 3 to 25 percent slopes. The primary soils mapped on BLM

lands in the Badger Creek Pasture are the Ustorthents, Frigid-Borolls complex, 25 to 75 percent slopes; Winevada-Splitro complex, 25 to 65 percent slopes; Foidel loam, 25 to 65 percent slopes; Foidel loam, Cool, 3 to 25 percent slopes; and the Clayburn-Youga, Moist complex, 15 to 45 percent slopes.

Environmental Consequences, both alternatives: Soil compaction and depleted soil cover are the most obvious impacts incurred as a result of livestock grazing. These affects would occur on concentrated use areas with either alternative, but the majority of the affected lands within the allotments have adequate plant and litter cover based on the proper utilization of forage resources to withstand concentrated use.

Environmental Consequences, Proposed Action: An increased potential for soil compaction could result from the earlier grazing period in the Horse Gulch area in the Stock Pass Pasture. This impact would be lessened by alternating the areas of early use every year.

Mitigative Measures: None.

Name of Specialist and Date: Ole Olsen, 07/24/08

WILDLIFE, AQUATIC

Affected Environment: Aquatic habitat in this allotment is limited to a one mile stretch along Horse Gulch and intermittent pools along Badger Creek. These small aquatic areas may support invertebrates, amphibians, and reptiles.

Environmental Consequences, both alternatives: Potential impacts from livestock grazing include trampling of individuals or nests/eggs; water displacement, sedimentation and nitrification; and removal or degradation of shading vegetation. There would be no measurable impacts on aquatic wildlife under either alternative.

Mitigative Measures: None.

Name of Specialist and Date: Charlie Sharp, 12/06/07

WILDLIFE, TERRESTRIAL

Affected Environment: The area provides habitat for a variety of species including mule deer, elk, small mammals, birds, and reptiles. Severe winter range occurs in this allotment for elk (1100 acres) and mule deer (550 acres). Buteos, red-tailed hawks, and golden eagles nest in this area. According to the 2006 rangeland assessment, habitat quality in this allotment is likely good for terrestrial wildlife.

Environmental Consequences, both alternatives: Livestock may compete for forage with wild ungulates, particularly elk. Utilization over and above the desired levels or uneven grazing

distribution may degrade habitat and forage bases. Potential impacts for other species include habitat degradation, fragmentation, and loss; and individual displacement and/or reduced fitness. Such impacts are more severe within crucial habitat or during critical seasons (winter, breeding, migration, etc.). However, The Badger Creek Allotment is meeting the Standards for Rangeland Health and would continue to meet the standards under either alternative. Proper management of livestock grazing to meet standards would ensure that the standard for wildlife habitat is met.

Mitigative Measures: None.

Name of specialist and date: Charlie Sharp, 12/06/07

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		MDW 12/17/07	
Forest Management	KLM 08/04/08		
Hydrology/Ground		MDW 12/17/07	
Hydrology/Surface			08/04/08 OO
Paleontology		MDW 12/17/07	
Range Management			KLM 12/05/07
Realty Authorizations		MAA 12/05/07	
Recreation/Travel Mgmt		RS 05/22/08	
Socio-Economics		MAA, 12/05/07	
Solid Minerals	JAM 12/10/07		
Visual Resources		RS 05/22/08	
Wild Horse & Burro Mgmt	KLM 12/04/07		

CUMULATIVE IMPACTS SUMMARY: This allotment and areas surrounding have historically been grazed by both sheep and cattle. Numerous maintained and un-maintained roads exist throughout the area, including on the allotment. These roads are used regularly by local residents and ranchers as well as by hunters, the primary recreation users in the area. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. The primary impacts from all of these activities are most immediately seen in the presence of roads, fences, cultivated land on private lands, and weed presence. Grazing would continue under both alternatives on the Badger Creek Allotment and is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present. Recreation and ranching would have minor cumulative impacts on lynx, in the form of continued and perhaps increased, human presence and activity.

The area of interest is largely inaccessible to public recreationists and, as previously noted, cattle use is minimal.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: The Badger Creek Allotment is meeting this standard. Implementation of either alternative would not result in diminished animal production, diversity, or resilience. This standard would continue to be met under either the Proposed Action or the No Action Alternative.

Name of specialist and date: Charlie Sharp, 12/06/07

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: The Badger Creek Allotment is meeting the standard for healthy, productive wildlife communities. Renewal of the grazing lease under either alternative would result in a “may affect, not likely to adversely affect” finding for the threatened Canada lynx (*Lynx canadensis*) (USFW concurrence on May 21, 2008). This standard would continue to be met under either the Proposed Action or the No Action Alternative.

Name of specialist and date: Timothy Novotny, 05/28/08

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: The Badger Creek Allotment is currently meeting this standard. Alternating spring use by cattle between the two gulches in the Stock Pass Pasture would continue to result in well dispersed use throughout the allotment. The stocking rate for the allotment is appropriate and use has not been excessive and would continue to meet utilization objectives. Both the Proposed Action and the No Action Alternatives would continue to meet this standard.

Name of specialist and date: Kathy McKinstry, 08/25/08

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species present on the Badger Creek Allotment. For plants, this standard does not apply.

Name of specialist and date: Hunter Seim, 12/06/07

RIPARIAN SYSTEMS STANDARD: The riparian standard is met. The only known riparian systems in the Badger Creek Allotment are in West Gulch. The two small seeps that were observed were found to be fully functional and at or near their potential. This standard would continue to be met under either the Proposed Action or the No Action Alternative.

Name of specialist and date: Ole Olsen, 07/24/08

WATER QUALITY STANDARD: The water quality standard for healthy rangelands would be met with implementation of either the Proposed Action or No Action Alternatives. Runoff

from snowmelt and summer storms drains from the Badger Creek Allotment into stream segments that are presently supporting classified uses. No stream segments are listed as impaired.

Name of specialist and date: Ole Olsen, 07/24/08

UPLAND SOILS STANDARD: The upland soil standard for healthy rangelands would be met with implementation of either the Proposed Action or No Action Alternatives. The upland soil health standard is currently met in the Badger Creek Allotment.

Name of specialist and date: Ole Olsen, 07/24/08

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, C Punch Ranch, United States Fish and Wildlife Service.

ATTACHMENTS:

Attachment 1- Badger Creek Allotment Map

Attachment 2- Standard and Common Terms and Conditions

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the analysis of potential environmental impacts contained in EA CO-100-2008-015 and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Field Office jurisdiction and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

Attachment 2
EA CO-100-2008-015
Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Non compliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotments(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit of lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
- 10) Grazing fee payments are due on the due date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of

\$25 or 10 percent of the amount owed but not more than \$250) will be assessed.

- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization 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. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing

historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days, the authorized officer will inform the operator as to:

-whether the materials appear to be eligible for the National Register of Historic Places;
-the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.