

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

## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2009-0047-DNA

CASEFILE/ALLOTMENT NUMBER: 0500201/04324; 0500115/04318, 04519, 04522

PROJECT NAME: Temporary deviation from authorized season of use.

LEGAL DESCRIPTION: See allotment map, Attachment 1.

Piskwik Allotment: #04324

T11N R94W, sections 3-9, portions of sections 10 and 15, 17-19, and portions of sections 20 and 30.

11,792 acres – BLM  
1,318 acres – Private  
1,132 acres – State Land  
14,242 acres - Total

Ricegrass Allotment: #04318

T12N R94W portions of sections 14-17, 19-23, 26-30

2,489 acres – BLM  
497 acres – Private  
1,936 acres – State Land  
4,922 acres - Total

Seven Mile Allotment: #04519

T10N R94W portions of section 5  
T10N R95W portions of section 1  
T11N R94W portions of sections 28-33  
T11N R95W portions of sections 22, 23, 25-27, 34-36

2,703 acres - BLM  
3,047 acres - Private  
641 acres - State Land

6,391 acres - Total

Thornburgh Gulch Allotment: #04522

T11N R92W portions of sections 7-9, 17-20, 29, 30

T11N R93W portions of sections 12, 13, 24, 25

5,505 acres - BLM

12 acres- Private

5,517 acres - Total

APPLICANT: John Weibel

### A. Describe the Proposed Action

The BLM would authorize the temporary deviation from the authorized season of use for the 2009 grazing season by authorizing an April 1 turnout date rather than a May 1 date.

#### From:

Allotment Name & Number	Livestock Number & Kind	Dates		% PL	AUMs
		Begin	End		
Ricegrass #04318	71 C	05/01	11/30	52	260
Seven Mile #04519	155 C	05/01	12/02	42	462
Thornburgh Gulch #04522	70 C	05/01	11/30	100	492
Piskwik #04324	211 C	05/01	12/15	88	1,398

#### To:

Allotment Name & Number	Livestock Number & Kind	Dates		% PL	AUMs
		Begin	End		
Ricegrass #04318	450 C	05/02	05/15	52	260
Seven Mile #04519	450 C	04/01	05/01	42	462
Thornburgh Gulch #04522	258 C	04/01	05/28	100	492
Piskwik #04324	450 C	09/15	12/01	88	1,398

The requested use in the Piskwik and Ricegrass Allotments for 2009 falls within the current authorized use period, however the requested use for 2009 is different than what is outlined in the grazing rotation implemented in 1998.

If AUMs are still available for the fall use period, the permittee may return livestock to the allotments and graze as outlined in their current authorizations.

This temporary authorization would be subject to the Standard and Common Terms and Conditions found in Attachment 2.

## **B. Land Use Plan (LUP) Conformance**

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

Other Documents:

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado

Date Approved: February 12, 1997

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

Rangeland Reform Final Environmental Impact Statement, December 1994.

The Proposed Action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions.

The Proposed Action implements the Resource Management Plan Livestock Grazing Management objective on page 10 of the ROD to improve range conditions through proper utilization of key forage plants and adjust livestock stocking rates. Also, as stated on page 11 of the ROD, the goal of the livestock management program is to improve the rangeland forage resource by managing toward a desired plant community, and states “In the future, allotment categorization, levels of management, and lease modifications could be made if additional information suggests that this is warranted in order to achieve or make significant progress toward achieving the Colorado Standards for Rangeland Health” (43 CFR 4180). The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action of renewal of the grazing permit is in conformance with the Little Snake RMP/ROD.

## **C. Identify applicable NEPA documents and other related documents that cover the Proposed Action.**

Rangeland Program Summary (RPS), Little Snake Resource Area, November 15, 1990

Standard Terms and Conditions (See Attachment 2).

Colorado Public Land Health Standards, March 1997.

Federal Land Policy and Management Act, Section 402, as amended (43 USC 1752).

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

CX #CO-100-LS-03-095, Transfer of the grazing permit on the Ricegrass, Seven Mile and Thornburg Gulch Allotments from James R. Menge to Weibel Land LLC

CX #CO-100-2005-029, Transfer of the grazing permit on the Piskwik Allotment from Ronald and Dena Taylor to Weibel Land LLC

EA #CO-016-96-060, Implementation of grazing plan and permit modification for James R. Menge

EA #CO-016-LS-98-011, Ten year renewal of the grazing permit on Seven Mile, Ricegrass and Thornburgh Gulch Allotments

EA #CO-100-2008-039, Temporary, non-renewable grazing use; grazing use outside authorized season of use.

#### **D. NEPA Adequacy Criteria**

**1. Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed? Is the current Proposed Action located at a site specifically analyzed in an existing document?**

Yes. The public lands within the Piskwik #04324, Ricegrass #04318, Seven Mile #04519 and Thornburg Gulch #04522 Allotments were analyzed in the RMP/EIS (page A8-14) and were designated as “C” (Custodial, both Piskwik and Ricegrass), “I” (Improve) and “M” (Maintain) allotments, respectively. The Proposed Action received site-specific analysis in Environmental Assessment CO-100-2008-039, Temporary, non-renewable grazing use; grazing use outside authorized season of use. This EA analyzed the impacts of the temporary change in season of livestock use, from a May 1 turnout to an April 1 turnout.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, and resource values?**

Yes, the multiple use alternatives analyzed in the valid NEPA documents are still appropriate. The current environmental concerns, interests, and resource values are essentially the same as those in 2008. No new alternatives have been proposed by the public to address current or additional issues or concerns.

**3. Is the existing analysis valid in light of any new information or circumstances?**

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

Resource conditions on the Piskwik #04324, Ricegrass #04318, Seven Mile #04519 and Thornburg Gulch #04522 Allotments meet objectives and goals. The previous analysis remains valid. No new, threatened or endangered plant or animal species have been identified on the allotment. Data reaffirms that the RMP identified all resource concerns for these allotments.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action?**

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the Proposed Action. Impacts to all resources were analyzed.

**5. Are the direct and indirect impacts of the current Proposed Action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current Proposed Action?**

Yes. Direct and indirect impacts of the Proposed Action are within the parameters of those identified in the existing NEPA documents. Impacts regarding the Proposed Action to authorize an early turnout on the Piskwik #04324, Ricegrass #04318, Seven Mile #04519 and Thornburg Gulch #04522 Allotments have been thoroughly analyzed in a previous NEPA document. Monitoring data collected in the summer of 2008 assure that these allotments are meeting utilization objectives.

The Proposed Action would provide for at least the minimum legal requirements for cultural resources management and protection and would generally result in benefits through cultural resource data acquisition resulting from required cultural resource survey work.

Previously identified sites and new sites recorded and evaluated as eligible and/or need data sites during a Class III survey will need to be monitored. Initial recordation of new sites and reevaluation of known sites will establish the current condition of the resource and help in developing a monitoring plan for all of these sites. Some sites will have to be monitored more often than others. Sites that are found to be impacted by grazing activities will need physical protection or other mitigative measures developed (see Attachment 4).

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes. The cumulative impacts that would result from the implementation of the Proposed Action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been implemented on either that would change the impacts resulting from the Proposed Action.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current Proposed Action?**

Yes. Extensive public outreach through scoping and involvement of the public and other agencies occurred during the development of the RMP/EIS.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Initials</b>	<b>Date</b>
Kathy McKinstry	Natural Resource Specialist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface	KM	3/23/09
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RM	03/30/09
Louise McMinn	Realty Specialist	Environmental Justice	LM	3/24/09
Kathy McKinstry	Lead Preparer NEPA	Hazardous Materials	KM	3/30/09
Kathy McKinstry	Natural Resource Specialist	Invasive Non-native Species	KM	3/23/09
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS	3/25/09
Tim Novotny	Wildlife Biologist	T&E Animal	TN	03/30/09
Marilyn Wegweiser	Geologist	Water Quality - Ground	MDW	3/26/09
Kathy McKinstry	Natural Resource Specialist	Wetlands/Riparian Zones	KM	3/23/09
Gina Robison	Recreation Specialist	WSA, W&S Rivers	GMR	3/25/09
<b>Standards</b>				
Tim Novotny	Wildlife Biologist	Animal Communities	TN	03/30/09
Tim Novotny	Wildlife Biologist	Special Status, T&E Animal	TN	03/30/09
Kathy McKinstry	Rangeland Management Spec	Plant Communities	KM	3/26/09
Hunter Seim	Rangeland Management Spec	Special Status, T&E Plant	JHS	3/25/09
Kathy McKinstry	Natural Resource Specialist	Riparian Systems	KM	3/23/09
Kathy McKinstry	Natural Resource Specialist	Water Quality	KM	3/23/09
Kathy McKinstry	Natural Resource Specialist	Upland Soils	KM	3/23/09

**Land Health Assessment**

This action has been reviewed for conformance with the BLM’s Public Land Health Standards adopted February 12, 1997. This action will not adversely affect achievement of the Public Land Health Standards.

All of the allotments fall into the Powder Wash Watershed. The Piskwik and Seven Mile Allotments were assessed during the 2003 Powder Wash Landscape Health Assessment. Each of the assessment locations within the allotments were found to be meeting all standards. No assessment stops were made in the Thornburg Gulch or Ricegrass Allotments.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of NEPA.

Signature of Lead Specialist \_\_\_\_\_ Date \_\_\_\_\_

Signature of NEPA Coordinator \_\_\_\_\_ Date \_\_\_\_\_

Signature of the Authorizing Official \_\_\_\_\_ Date \_\_\_\_\_

Note: The signed Conclusion on this document is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision.

**ATTACHMENT #2**  
**DOI-BLM-CO-N010-2009-0047-DNA**  
**Standards and Assessments\***

**STANDARDS**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** The four allotments currently provide habitat that is capable of supporting healthy, diverse populations of wildlife. These allotments are currently meeting this standard. The Proposed Action would ensure that this standard continues to be met in the future.

Name of specialist and date: Timothy Novotny, 03/30/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** The change in season of use would benefit greater sage-grouse populations within the Piskwik allotment because there would be no use within this allotment during the breeding and nesting season. The changes proposed for the other three allotments would not adversely impact grouse. This standard is currently being met and will continue to be met under the Proposed Action.

Name of specialist and date: Timothy Novotny, 03/30/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The Piskwik and Seven Mile Allotments were assessed during the 2003 Powder Wash Landscape Health Assessment. Each of the assessment locations within the allotments was found to be meeting all standards. A review of the utilization monitoring data collected on the allotments indicates that key forage plants were not over-utilized by the amount of specified livestock grazing permitted on these allotments. Monitoring photos and field observations indicate there is a diversity of native and introduced plant communities in various age classes sufficient to sustain recruitment and mortality fluctuations on the rolling loam and sandy land range sites that are common to these allotments. Monitoring data indicate fair to excellent plant vigor and density on all of the allotments. Additionally, the deviation, as proposed, would provide a rest from livestock grazing during critical growth periods. The ecological site inventory conducted on the Ricegrass and Seven Mile allotments classified the majority of the allotments in mid- or late seral stages. Based on the above, the Proposed Action would meet this standard.

Name of specialist and date: Kathy McKinstry, 03/23/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species present on any of the allotments. This standard does not apply.

Name of specialist and date: Hunter Seim, 3/25/09

**RIPARIAN SYSTEMS STANDARD:** The riparian standard for healthy rangelands is met under the Proposed Action. Wetland vegetation comprised of sedges and rushes is present throughout the

channel downstream. Trampling by cattle occurs during the grazing period, but the wetland area remains stable with vegetation persisting within the channel and spreading the flow of water across the width of the channel. The long term trend of this wetland system has been upward.

Name of specialist and date: Kathy McKinstry, 03/23/09

**WATER QUALITY STANDARD:** The water quality standard for healthy rangelands is presently being met for these allotments. This standard would be met under the Proposed Action. Runoff waters from snowmelt and rain would drain to the Little Snake River which is presently supporting classified uses. No stream segments or tributaries are currently listed as having impaired water quality. Rotational grazing practices are considered to be best management practices that will help reduce the overall sediment load of runoff waters from these grazing allotments. Insuring that consecutive spring grazing periods in the same allotments does not occur is necessary to maintain soil properties and desirable forage resources.

Name of specialist and date: Kathy McKinstry, 03/23/09

**UPLAND SOILS STANDARD:** The upland soil standard would be met under the Proposed Action. The Proposed Action includes rotational grazing practices that would promote better grazing distribution and allow the grass component to have increased vigor and provide more soil cover. The early spring and extended spring grazing that is proposed for this year in the Seven Mile and Thornburg Gulch Allotments would increase the potential for soil compaction to occur. However, if this is limited to alternate years or more preferable one in three years use, this potential is reduced and natural processes are more likely to correct compaction that may result from spring livestock grazing.

Name of specialist and date: Kathy McKinstry, 03/23/09

**ATTACHMENT #3**  
**DOI-BLM-CO-N010-2009-0047-DNA**  
**Cultural Resource and Native American Concerns**

Affected Environment: A Section 106 review was completed for the Proposed Action in 2008. During this review, a cultural resource assessment was conducted for each allotment; Piskwik (#4324), Ricegrass (#4318), Seven Mile, (#4519), and Thornburgh Gulch (#4522) 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 allotments in this DNA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment Number	Acres Surveyed at a Class III Level	Acres NOT Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites- Known in Allotment	Estimated Sites for the Allotment *(total number)	Estimated Eligible or Need Data Sites in the Allotment (number)
04318	194	4728	3.92%	7	130	39
04324	352	13890	2.47%	7	378	113
04519	57	6334	.8%	0	169	50
04522	207	5310	3.8%	2	146	43

(Note \*Estimates of site densities are based on LaPoint 1987. Estimates should be accepted as minimum figures which may be revised upwards based on future inventory findings.)

Eighteen cultural resource inventories have been previously conducted within the Piskwik Allotment resulting in the complete coverage inventory of 352 acres and the recording of seven eligible or needs data cultural resources. There are five prehistoric isolated finds, one historic isolated find, eight prehistoric open camps, one prehistoric quarry, one open lithic scatter, and one paleontological site. Historic roads were identified on the historic General Land Office plat maps in this allotment.

Sixteen cultural resource inventories have been previously conducted within the Ricegrass Allotment resulting in the complete coverage of 194 acres and the recording of seven eligible or needs data cultural resources. There are 13 open camps, three isolated finds, and one paleontological site. Historic roads were identified on the historic General Land Office plat maps in this allotment.

Two cultural resource inventories have been previously conducted within Seven Mile Allotment and the recording of nine isolated finds. Nothing was identified on the historic General Land Office plat maps in this allotment.

Seventeen cultural resource inventories have been previously conducted within the Thornburg Gulch Allotment and the recording of two known eligible or needs data cultural resources. There are six isolated finds, four open camps, and one open lithic scatter. One road was noted on the 1904 General Land Office plat map for this allotment.

Based on available data, a medium-high potential for historic properties occurs in all of the allotments. 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 renewal.

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, both alternatives: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, 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, gulying, and increased potential for unlawful collection and vandalism. Continued livestock use 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 action, the timing for livestock use is changing to earlier dates. This change may raise the potential for impacts to cultural resources due to grazing at a time of higher moisture and lower sheer strength in the soils which may lead to increased potential of damage to buried cultural resources. Placing saltblocks along historic roads or anywhere in the vicinity of potential historic properties could potentially cause adverse impacts to these structures. 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: None.

Standard Stipulations for cultural resources are included in Standard Terms and Conditions for the Range Renewal Permit (Attachment 2).

*Allotment Specific Stipulations*

1. Determine site specific monitoring when permit is renewed during the 2009 renewal.
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 renewals.

Conducting Class II and 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, 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, 03/30/09