

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-N010-2009-0080 DNA

CASEFILE/ALLOTMENT NUMBER: 0501183/04063

PROJECT NAME: Renewal of the grazing lease on the Rimrock Yampa Allotment #04063

LEGAL DESCRIPTION: Also see allotment map, Attachment #1.

Rimrock Yampa Allotment #04063 T5N, R92W parts of Secs. 1-12  
T6N, R92W parts of Secs. 23, 26-27, 33-36

1,275 acres BLM  
4,117 acres Private  
5,392 acres Total

APPLICANT: Ellgen Ranch Co. Inc.

### A. Describe the Proposed Action

Renew the grazing lease on the Rimrock Yampa Allotment #04063 for a period of ten years expiring February 28, 2019. No changes would be made to the terms and conditions of the existing authorization. The lease would be renewed as follows:

<b>Allotment Name &amp; Number</b>	<b>Livestock Number &amp; Kind</b>		<b>Dates</b>		<b>%PL</b>	<b>AUMs</b>
			<b>From</b>	<b>To</b>		
Rimrock Yampa #04063	41	Cattle	06/01	09/30	100	164

### Special Terms and Conditions:

1. The riparian pasture in T5N, R92W, Sections 4, 5, 8, and 9 will be grazed early one year, late the next year (after August 1) and rested every third year.
2. The lessee is allowed five days flexibility in pasture movement, including into and out of the allotment, as long as the amount of specified grazing use (AUMs) is not exceeded.

The lease would be subject to the Standard and Common Terms and Conditions (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 lease 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.

Environmental Assessment CO-016-LS-99-19, Renewal of the ten-year grazing permit for Iles Mountain Allotment #04603 and Rimrock Yampa Allotment #04063 authorized to Ellgen Ranch Company, Inc.

United States Department of the Interior Fish and Wildlife Service Informal Section 7 Consultation for grazing permit renewal for the Rimrock Yampa grazing allotment, October 2009.

#### **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 Rimrock Yampa Allotment were analyzed in the RMP/EIS and were designated as “C” (Custodial). The Proposed Action received site-specific analysis in Environmental Assessment CO-016-LS-99-19, Renewal of the grazing permit/lease for the Iles Mountain Allotment #04603 and Rimrock Yampa Allotment #04063 authorized to Ellgen Ranch Company, Inc. This EA analyzed grazing use that is to be continued under the Proposed Action.

**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 1998. 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.

Current management of the resource conditions on the Rimrock Yampa Allotment #04063 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 livestock grazing on the Rimrock Yampa Allotment #04063 at the current grazing intensity and period of use are within those parameters, with terms and conditions that have been expanded to encourage resource objective driven livestock management. Monitoring data, including an allotment-specific analysis of resource conditions, supports compliance with the Colorado Public Land Health Standards. No adverse site specific impacts were identified under the Proposed Action in this analysis. (See Attachment #3).

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>
Chris Rhyne	Rangeland Management Spec.	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface	CR	8/31/09
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RM	7/6/09
Louise McMinn	Realty Specialist	Environmental Justice	LM	7/7/09
Chris Rhyne	Rangeland Management Spec.	Hazardous Materials	CR	6/29/09
Chris Rhyne	Rangeland Management Spec.	Invasive Non-native Species	CR	6/29/09
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS	7/6/09
Desa Ausmus	Wildlife Biologist	T&E Animal	DA	10/15/09
Jennifer Maiolo	Mining Engineer	Water Quality - Ground	JAM	7/8/09
Chris Rhyne	Rangeland Management Spec.	Wetlands/Riparian Zones	CR	8/31/09
Gina Robison	Recreation Specialist	WSA, W&S Rivers	GMR	07/06/09
<b>Standards</b>				
Desa Ausmus	Wildlife Biologist	Animal Communities	DA	10/15/09
Desa Ausmus	Wildlife Biologist	Special Status, T&E Animal	DA	10/15/09
Christina Rhyne	Rangeland Management Spec	Plant Communities	CR	6/29/09
Hunter Seim	Rangeland Management Spec	Special Status, T&E Plant	JHS	7/6/09
Chris Rhyne	Rangeland Management Spec.	Riparian Systems	CR	6/29/09
Chris Rhyne	Rangeland Management Spec.	Water Quality	CR	6/29/09
Chris Rhyne	Rangeland Management Spec.	Upland Soils	CR	6/29/09

### **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. Standard Assessment was conducted on May 22, 2007 by four rangeland management specialists, one wildlife biologist and a Natural Resource Specialist. An assessment was again completed on May 13, 2009 by a rangeland management specialist and a wildlife biologist.

**T&E Species**

The renewal of the Rimrock Yampa Allotment grazing lease “May Affect, but is Not Likely to Adversely Affect” the Colorado pikeminnow and designated critical habitat. Informal consultation with USFWS was completed for this project and a concurrence letter for this determination was received on 10/9/2009.

**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-N010-2009-0080 DNA**  
**TERMS AND CONDITIONS**

**Standard Terms and Conditions**

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the 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. Noncompliance by the permittee/lessee with rules and regulations;
  - b. Loss of control by the permittee/lessee of all or a 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 allotment(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 or 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 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 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 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.

**ATTACHMENT #3**  
**DOI-BLM-CO-N010-2009-0080 DNA**  
**Standards and Assessments\***

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:**

The allotment provides habitat for a variety of terrestrial wildlife species. The area is mapped as severe winter habitat for both mule deer and elk. Several raptor nests, including golden eagles, are located in the vicinity of the allotment. Wildlife habitat within the Rimrock Yampa Allotment is in good condition, providing acceptable habitat for terrestrial wildlife species. Habitat includes seral stages, vegetation structure and patch size to promote diverse and viable wildlife populations on a landscape scale. Some hedging is present on the sagebrush and annual species are present, but not at a high enough level to degrade habitat. This standard is currently being met and would continue to be met under the Proposed Action.

Name of specialist and date: Desa Ausmus 10/15/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:**

The allotment provides habitat for Colorado pikeminnow and greater sage-grouse. Habitat for both these species is in good condition. Annual species within sagebrush/grass communities has slightly degraded sage-grouse habitat, but this is isolated within the allotment. This standard is currently being met and would continue to be met under the Proposed Action.

Name of specialist and date: Desa Ausmus 10/15/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:**

Allotment wide, the Rimrock Yampa Allotment is meeting this standard and would continue to meet this standard under the Proposed Action.

Invasive species such as cheatgrass and allysum are present and abundant in some sites. Throughout the allotment they are at an acceptable level and dispersed with vigorous perennial grasses and shrubs. Presence of these invasive species is attributed to historical use. In 1999 a grazing rotation system was implemented to manage the vegetative community. The 2007 site that failed this standard due to annual species is located just within the access corner of a pasture adjacent to a hayfield. This site appears to have seen additional pressures over time and was not representative of the whole allotment. The additional sites assessed in 2009 contained a level of density and production of desirable species adequate to provide resilience from human activities.

Name of specialist and date: Christina Rhyne, 07/01/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:**

There are no federally listed threatened or endangered or BLM sensitive plant species present on the Rimrock Yampa Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim, 07/06/09

**RIPARIAN SYSTEMS STANDARD:**

This allotment borders the Yampa River on the southern boundary. Riparian assessments were completed on these stretches (Reach 20, 21, 22) in 2005. Reach 20 was rated in the middle of the

Functioning at Risk (FAR) category with no apparent trend. Reach 21 was rated high within the FAR category with no apparent trend. Reach 22 was rated in Proper Functioning Condition.

This standard is currently being met and would continue to be met under the existing grazing system.

Name of specialist and date: Christina Rhyne, 07/01/09

**WATER QUALITY STANDARD:**

Runoff from snowmelt and summer storms presently drains from the Rimrock Yampa Allotment into the Yampa River. No stream segments are listed as impaired. The water quality standard for healthy rangelands is being met and would continue to be met with implementation of the Proposed Action.

Name of specialist and date: Christina Rhyne, 07/01/09

**UPLAND SOILS STANDARD:**

The soils within this allotment are stable with minimal evidence of erosion, soil movement, or compaction. Canopy and ground cover, even in the form of mixed annual species, are adequate to protect the soil from accelerated erosion. This standard is currently being met and would continue to be met under the existing grazing rotation system.

Name of specialist and date: Christina Rhyne, 07/01/09

\*Standard Assessment was conducted on May 22, 2007 by four rangeland management specialists, one wildlife biologist and a Natural Resource Specialist. An assessment was again completed on May 13, 2009 by a rangeland management specialist and a wildlife biologist.

**ATTACHMENT 4**  
**DOI-BLM-CO-N010-2009-0080 DNA**  
**Cultural Resource and Native American Concerns**  
**Heritage Rpt. #10.42.09**

**Affected Environment**

Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for allotment #4063 on July 6, 2009 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 was 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 General Land Office (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 DNA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in the 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)
04063	1321	4070 (5391)	24%	8	143	42

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

Eight cultural resource inventories have been previously conducted within the Allotment resulting in the complete coverage inventory of 1321 acres and the recording of twenty-three resources. Thirteen of these resources are prehistoric isolated finds, three of them are prehistoric open lithic scatters, five of them are prehistoric open camp sites, two prehistoric open architectural sites. The historic General Land Office plat (GLO) maps were reviewed for the allotment boundary. Nothing was identified on the T5N R92W GLO maps for 1879 or 1906, also on the 1881 T6N R92W GLO map. On the 1904 T6N R92W there is the “Round Bottom to Craig road.”

Based on available data, a high potential for historic properties occurs in Allotment 4063. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent field inventory is to be completed within ten year period of the permit.

1. Four sites (5MF856, 5MF857, 5MF858, and 5MF460) that are currently “needs data” and they must be reassessed.

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 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, gullying, and increased potential for unlawful collection and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties.

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

The number of AUM’s remains the same for this permit renewal therefore impacts will continue at the same level. Saltblock placement, which creates a concentration area, along roads or anywhere in the allotment would potentially impact historic properties if they are in proximity of the placement. The majority of the roads with portions on BLM lands have been previously surveyed. Therefore, once the status of known “needs data” sites are reviewed, requirements may need to be placed prohibiting salt block placement near those sites if they are determined eligible to the National Register.

### **Mitigation Measures**

None

Name of specialist and date: Robyn Watkins Morris                      July 6, 2009

### **NATIVE AMERICAN RELIGIOUS CONCERNS**

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 5, 2008. The letter listed the FY08 and FY09 projects that the BLM would notify them on and projects that would not require notification. A followup phone call was performed on June 16, 2008. 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                      July 6, 2009