

**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:** DOI-BLM-CO-N010-2009-0032-EA

**PERMIT/ALLOTMENT NUMBER:** 0500054/04614

**PROJECT NAME:** Ten year renewal of grazing permit #0500054 on the Lower James Creek Allotment, #04614.

**LEGAL DESCRIPTION:** See allotment map, Attachment 1.

Lower James Creek Allotment #04614    T3N R93W portions of sections 22 and 27  
155 acres - BLM  
607 acres - Private  
762 acres total

**APPLICANT:** Richard Ott

**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 not located within a designated management unit (M.U.) because it is just south of the Little Snake Field Office boundary. However, the allotment is adjacent to the M.U. 2 (Northern Central) boundary and would likely have a similar management objective which is to provide for the development of the oil and gas resource. Public lands are open to livestock grazing and 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.

EA #CO-016-LS-99-022, Ten year renewal of grazing permit on the Lower James Creek Allotment.

**NEED FOR PROPOSED ACTION:** BLM permit #0500054, which authorizes livestock grazing on the Lower James Creek Allotment, expired on February 28, 2009. The permit was extended for one year until February 28, 2010, under the same terms and conditions as the existing permit, in accordance with Section 325, Title III, H.R. 2691, Department of Interior and related agencies appropriations act, 2004 (P.L. 108-108) while the BLM continues to process the ten year renewal in accordance with all applicable laws and regulations.

The permit 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 in the State of Colorado*.

In addition to the renewal of the grazing permit, two range improvement projects - the construction of a pit reservoir and several small brush beatings (approximately 3 treatment areas at 2.5 acres each) are proposed within the Lower James Creek Allotment to facilitate livestock distribution and management. The proposed projects would also enhance wildlife habitat in both allotments and improve the riparian area along Lower James Creek. The proposed brush beating would be undertaken with the objective of creating variation in vegetation age and structure.

This Environmental Assessment (EA) will analyze the impacts of livestock grazing on public lands managed by BLM and the impacts of the construction the proposed range improvement projects on public land managed by the BLM. The analysis will recommend terms and conditions to the permit which will improve or maintain public land health. The Proposed Action and alternatives 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. The land use plan allows grazing 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 in September of 2007, to determine the level of public interest, concern and resource conditions on the grazing permits and leases that were up for renewal in FY 2009. 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 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 allotment is located approximately 20 miles northeast of Meeker and approximately 25 southeast of Craig, Colorado, east of Colorado Highway 13. The allotment is characterized by steep, mountainous terrain on the north and south sides of James Creek. Elevation ranges from 6,800 feet along the creek bottom to over 7,600 on the ridge tops. The dominant range site within the allotment is a brushy loam. Mean annual precipitation is 15-18 inches. The main water source for the allotment is James Creek, which runs along the valley bottom on private land, with a very short segment of stream on BLM. There is a small pit reservoir located on BLM managed land on the southern ridge top, but it is not currently in functioning condition.

This allotment is currently classified as a category C (custodial) allotment which is defined by the Rangeland Program Summary for the Little Snake Resource Management Plan as an allotment that has low production potential for livestock forage, there are no major resource conflicts or controversy and present management is accomplishing the desired results.

The existing lease is for 4 cattle from 5/1 to 10/31. There are a total of 24 AUMs associated with the current permit.

Richard Ott acquired the grazing permit with the transfer of the base property from Mrs. Harry Durham in 2003.

**MONITORING DATA:** The Lower James Creek allotment was not part of a landscape health assessment; therefore an interdisciplinary team, made up of a rangeland management specialist and a wildlife biologist, conducted an upland health assessment in October of 2008.

The private land along James Creek is heavily utilized by livestock and the vegetation is mainly composed of rabbitbrush. The BLM managed lands on the steeper hillsides and along the ridge are in good to excellent condition with vegetation composed of Gambel's oak, Wyoming big sagebrush, serviceberry, mountain snowberry, Columbia needlegrass and bluebunch wheatgrass.

The allotment is currently meeting all applicable standards.

## PROPOSED ACTION AND ALTERNATIVES

**PROPOSED ACTION:** Continue to authorize livestock grazing on the Lower James Creek Allotment by renewing grazing permit #0500054 for a period of ten years, expiring February 28, 2019. Two range improvement projects would be constructed to facilitate improved livestock distribution and enhance wildlife and riparian habitat.

The permit would be renewed as follows:

Allotment name and number	Livestock number and kind	Dates		%PL	AUMs
		Begin	End		
Lower James Creek #04614	4 cattle	05/01	10/31	100	24

The following Special Terms and Conditions would apply:

1. The permittee will rest the brush beatings for at least one growing season after completion by riding, herding, salting and controlling the availability of water.

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

In addition to the permit renewal, two new projects are proposed (see Attachment 1 for locations):

### Pond Construction

A small pit pond would be constructed according to BLM specifications (see Attachment 3). Construction of the pond would entail mechanical clearing of brush and construction of a water retention pit by dozer. The pit would be lined with bentonite to improve water retention. For construction of the pond, total direct surface disturbance would be 0.1 acre or less.

The construction of this pond would be subject to the following stipulations:

1. Access to and from the site will be on existing roads or trails. Where cross-country travel is mandatory, the same tracks will be used in and out. While traveling, the dozer blade will be kept up.
2. Top soil will be stockpiled and used to cover the disturbed area to the greatest extent possible.
3. Noxious weeds will be controlled by the permittee on any area disturbed as a result of these projects. Any spraying of weeds will need to be cleared through BLM prior to spraying.
4. No hazardous materials/hazardous waste or trash shall be disposed of on public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately at 970-826-5000.

5. All surface disturbances will be reseeded with native species adapted to the area.
6. No surface disturbing activities between March 1 and June 30 in order to protect breeding and nesting habitats for greater sage-grouse and Columbian sharp-tailed grouse.

#### Vegetation Treatment

Up to three small (approximately 2-3 acres each) areas would be treated with a brush beating. Brush beating is basically a heavy duty mower pulled behind a rubber tired tractor. It is typically used in flat to gently rolling sagebrush areas. Brush would be mowed to a height of 3 to 4 inches. The area to be treated is located in the W½ section 27, T3N R93W. The brush beatings would be asymmetrical to mimic a mosaic pattern that a fire might leave under low to moderate conditions. The objective of the treatment is to create a variation in the age class of the sagebrush, reduce the sagebrush canopy cover, increase the grass and forb cover and to allow the herbaceous community to become more vigorous. Although the Little Snake Resource Management Plan and Record of Decision recommends a two year rest from livestock grazing in treated areas, it has been determined that no further benefits to the herbaceous plant community would be realized from additional rest in this case. The proposed treatment area has well established herbaceous plants and one growing season of deferment is expected to accomplish the desired objective of creating variation in vegetation age and structure. Monitoring after one year of rest will be completed to assure vegetation objectives have been achieved prior to opening the treatment to livestock grazing.

The implementation of the brush beating would be subject to the following stipulations:

1. Operations would not be allowed in muddy conditions where tire tracks would leave a visible rut.
2. The treated areas would be deferred from livestock use for one growing season after implementation.
3. To protect sage-grouse breeding and nesting activities, no brush beating may occur between March 1 and June 30.

**NO ACTION ALTERNATIVE:** No new range improvements would be constructed. Livestock would continue to graze the allotments as permitted in the expiring permit.

#### **ALTERNATIVES CONSIDERED BUT ELIMINATED:**

**No Grazing Alternative:** This alternative would cancel the permit 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 use on the allotment.

**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 either alternative.

Environmental Consequences, Proposed Action: Short term, local impacts to air quality resulting from diesel engine exhaust, other combustible engines and dust from surface disturbing operations would result from other activities proposed. Emissions required to construct a pond and brush beat the small areas proposed for vegetation treatments would be very minimal. Use of gasoline and diesel engines would be required to complete these range improvements. The emissions from these activities consist of both gaseous and particulate fractions. Gaseous constituents from diesel engine exhaust include carbon dioxide, carbon monoxide, nitric oxide, nitric dioxide, oxides of sulfur and hydrocarbons. Fine particulates of soot from diesel exhaust and fugitive dust from soils would be localized to the project area. The health effects of these emissions are largely from long-term and occupational exposure in confined areas. Construction of the proposed range improvements and implementation of the proposed vegetation treatments would not adversely affect the regional air quality.

Environmental Consequences, both alternatives: Vehicular access on existing roads for livestock management activities would result in minimal releases of PM 10 (dust) emissions, but this would be minor and not affect the overall air quality of the area.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 02/09/09

**AREA OF CRITICAL ENVIRONMENTAL CONCERN**

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Kathy McKinstry, 02/09/09

## CULTURAL RESOURCES

Affected Environment: Grazing permit renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for allotment #04614 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 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 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)
4614	13	742	1%	1	18	6

(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.)

5RB2606 is the historic Craig-Meeker road found not eligible to the National Register of Historic Places. 5RB2607 is the historic telephone line found needs data to determine eligibility to the National Register of Historic Places. Two cultural resource inventories have been conducted in the area for coal leasing and oil and gas development. Approximately 13 acres have been surveyed for cultural resources. No other sites or surveys have occurred within the allotment. The historic General Land Office plats were reviewed for this allotment and there were no features besides the recorded historic road and telephone line.

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, 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, gullying, 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. The steep slopes and the low number of AUMs make it unlikely that cultural resources will be present and/or be impacted.

Mitigative Measures: Range improvements associated with the allotment (e.g., vegetation treatments, pond construction) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation.

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

1. Survey the proposed brushbeating areas, proposed pond once staked, and the existing pond.
2. Site monitoring plans, other mitigation plans, will be developed if needed 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, 02/13/09

## **ENVIRONMENTAL JUSTICE**

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

Environmental Consequences, both alternatives: The project area 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, 02/11/09

## **FLOOD PLAINS**

Affected Environment: A small floodplain is present along James Creek; approximately 1.06 mile of James Creek is located on private land and .26 mile is on public lands. Streamflow within the gulch and the associated floodplains are in an entrenched position within the valley. The depth of this entrenchment is generally deepest in the downstream direction. Surface water within the gulch on BLM lands is probably present throughout the summer within James Creek.

Environmental Consequences, both alternatives: Trailing by livestock would occur along the entrenched floodplains due to the limited access to enter or exit the gulch along steep terrace banks. Trampling of floodplain soils and floodplain vegetation by livestock would leave floodplain areas exposed to high stream flows and result in unstable conditions. Soil compaction on moist floodplain soils would reduce the capability of soil to infiltrate and store runoff water, causing increased stream runoff and reducing soil moisture available for plant growth.

No threat to human safety, life, welfare, or property would result from the selection of either alternative.

Environmental Consequences, Proposed Action: The trailing by livestock would be alleviated to some extent with the construction of an additional surface water source. The new water source would help hold cattle up off of the valley bottom, giving the riparian floodplain vegetation some growing season rest.

Environmental Consequences, No Action: The potential for trailing by livestock in the entrenched floodplain areas is greatest under the No Action Alternative. The surface water within the gulch provides livestock water; no additional water sources would be provided under the No Action alternative.

Mitigative Measures: None.

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

## **INVASIVE, NONNATIVE SPECIES**

Affected Environment: Invasive and noxious weeds are present in the affected area. Invasive annuals such as downy brome (cheatgrass), halogeton, blue mustard and yellow alyssum commonly occur in the affected area. Invasive annual weeds are typically established in disturbed and high traffic areas, whereas, biennial and perennial noxious weeds are less common in occurrence. Downy brome and halogeton are on the Colorado List C of noxious weeds. Colorado List B noxious weeds that are present within the Lower James Creek Allotment include Canada thistle and bull thistle. The other Colorado List B noxious weed that is present near the allotment and could potentially become established within the allotment is leafy spurge. The BLM cooperates with Moffat County in the Cooperative Weed Management program and also cooperates with the private land owner's own weed control programs 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. 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.

Environmental Consequences, Proposed Action: Constructing the pit pond would cause concentrated use by livestock in the area around the new water development, but the area would not harbor vigorous populations of weed species due to the physical trampling that would occur. Some increase in annual invasive plants could occur for a short distance radiating from the water development due to the diminished character of the native plant community. The proposed brush beating would increase the perennial grass component which would decrease the potential for invasive plants and increase the detection of any noxious weeds that could become established. Proper grazing use by cattle (utilization levels of <50%) would maintain a resilient native plant community that can occupy bare soils and resist invasive and noxious weed establishment.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 03/06/09

## **MIGRATORY BIRDS**

Affected Environment: The Lower James Creek Allotment provides nesting habitat for Brewers sparrow and sage-sparrow. Both species are listed on the USFWS 2002 Birds of Conservation Concern List. These birds are known to nest in sagebrush dominated communities. It is not known if either species nests within this allotment on a regular basis.

Environmental Consequences, Proposed Action: The proposed action would improve livestock distribution and utilization. The proposed brush beating would have a negative impact on both species if conducted during the nesting season. There would be some loss of habitat as a result of the brush beating however; there is sufficient nesting habitat within this allotment to support both species nesting needs. Timing restrictions intended to protect greater sage-grouse and Columbian sharp-tailed grouse will help prevent nest sites from being destroyed. As stipulated, there is little chance for take to occur.

Environmental Consequences, No Action: The No Action Alternative would ensure that nesting habitats are not lost due to the proposed brush beating. This would eliminate the potential for take to occur.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 02/17/09

## **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 FY07 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, 02/13/09

## **PRIME & UNIQUE FARMLANDS**

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

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 03/06/09

## **T&E AND SENSITIVE ANIMALS**

Affected Environment: There are no threatened or endangered species or habitats for such species present within the Lower James Creek Allotment. This allotment does provide potential nesting habitat for greater sage-grouse and Columbian sharp-tailed grouse. Both are BLM special status species.

Environmental Consequences, Proposed Action: The proposed grazing system along with brush beatings and water developments would allow for better livestock distribution and utilization throughout the allotment. Improved distribution and utilization would help ensure that nesting habitats remain in good condition. The development of the pond and the brush beatings would cause most grouse to avoid the area while heavy equipment was completing the projects. Most displaced wildlife would return to the project area once the projects were completed. If these activities are conducted outside of the breeding and nesting season (March 1 to June 30), impacts to grouse would be minimal. The brush beatings are designed to be small and would have minimal negative impacts to nesting habitat. There would be a short term loss of some nesting habitat but it would improve the long term health of the area by creating different age classes of sagebrush. During the allotment visit, a BLM biologist and range specialist visited a brush beating that was conducted on deeded lands within the allotment. The brush beating was

conducted in 2005 and looked very healthy; young, vigorous sage-brush had already reestablished itself over much of the treated area.

Environmental Consequences, No Action: The No Action Alternative would not allow for range improvements and would not allow for improved livestock distribution within the allotment.

Mitigative Measures: None (see stipulations listed under the Proposed Action).

Name of specialist and date: Timothy Novotny, 02/17/09

## **T&E AND SENSITIVE PLANTS**

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present on the Lower James Creek Allotment.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 2/10/09

## **WASTES, HAZARDOUS OR SOLID**

Affected Environment: There are no known hazardous materials present on the Lower James Creek Allotment.

Environmental Consequences, both alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations and during the construction of the fence and pit reservoir/well. 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, 02/09/09

## **WATER QUALITY - GROUND**

Affected Environment: There could be groundwater resources in the Upper Cretaceous sediments of the Williams Fork Formation. The Proposed Action would not impact those resources due to the constrained superficial nature of the action.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 02/09/09

## **WATER QUALITY - SURFACE**

Affected Environment: James Creek flows into Good Spring Creek which flows into Milk Creek; Milk Creek is a tributary of the Yampa River. Besides James Creek, Milk Creek also receives stream flow from Stinking Gulch, Wilson Creek and its tributaries, East Fork Wilson Creek, Taylor Creek and Jubb Creek. The headwaters of Milk Creek originate in the Routt National Forest and then it flows mostly through private lands within the administrative boundary of the BLM White River Field Office prior to it entering the Axial Basin Landscape along the administrative boundaries of the Little Snake Field Office. Private lands dominate this portion of the 5<sup>th</sup> level watershed and Axial Basin Landscape with small isolated tracts of BLM lands in the uplands flanking Milk Creek and its tributaries.

All tributaries to the Yampa River in the Axial Basin landscape, except those listed below, need to have water quality that will support Aquatic Life Warm 2, Recreation 2 and Agriculture. Except for the tributaries listed below, the tributary streams within this segment are designated use protected; “higher” use classifications would not be expected for these tributary stream segments in the future. Exceptions: Wilson and Jubb Creek; Horse Gulch, Boxelder Creek, Collum Gulch, Hale Gulch and Ben Morgan Gulch.

Environmental Consequences, Proposed Action: Slight benefits to water quality would occur from the implementation of the Proposed Action which would redistribute livestock use away from James Creek with the addition of a new livestock water pond. The benefits to water quality would result from improved riparian soil and vegetative resources.

Environmental Consequences, No Action: The No Action Alternative would not allow for range improvements and would not allow for improved livestock distribution within the allotment. The allotment would still continue to meet the surface water quality standard under this alternative.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 03/10/09

## **WETLANDS/RIPARIAN ZONES**

Affected Environment: The Lower James Creek Allotment has very little potential riparian habitat on BLM land in its drainage. A short section of James Creek occurs on BLM managed lands, but no assessment or evaluation of this resource has occurred. The majority of the BLM land in this allotment is on the steep hillsides.

Environmental Consequences, Proposed Action: The Proposed Action would create small openings in the dense brush on the hillsides above James Creek (see attached map). These brush beatings would result in open areas of perennial grasses which would hold cattle off of the bottoms. The construction of a new pit reservoir would also help draw cattle off of the riparian vegetation during the growing season

Environmental Consequences, No Action: Under the No Action Alternative, no range improvements would be constructed. Grazing would continue as authorized under the previous ten year grazing permit. The riparian area associated with James Creek would remain in its current condition.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 03/10/09

## **WILD & SCENIC RIVERS**

Affected Environment: Not present.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 02/09/09

## **WILDERNESS, WSAs**

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Kathy McKinstry, 02/09/09

## **NON-CRITICAL ELEMENTS**

### **RANGE MANAGEMENT**

Affected Environment: The current grazing permit for Lower James Creek Allotment is for four cattle from 5/1-10/31 for a total of 24 AUMs.

Environmental Consequences, Proposed Action: The dates of the grazing permit would not change under the Proposed Action. Two range improvements are proposed to change cattle distribution. Improving cattle distribution through the creation of a new water source would

improve the overall management of the livestock and range. Cattle would utilize the forage on the steeper slopes more readily if there was water close by and openings in the dense shrub cover. These openings would be created by the proposed brush beatings.

Environmental Consequences, No Action: A new water source would not be developed in the allotment and no brush beatings would be created. This would result in the continued congregation of cattle along the creek bottom and overall livestock distribution would not be improved.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 02/13/09

## **SOILS**

Affected Environment: Most of the livestock use within the allotment occurs on private lands in the valley along James Creek. The soils in this area are the Gebson, Youga-moist complex, 5 to 25 percent slopes. On the steeper, BLM managed lands in the allotment, cattle use occurs on the moderate hillslopes and ridges having soils comprised of Detra-Cortyzack Complex, 1 to 12 percent slopes. Cattle may trail through the steeper hillsides having soils comprised of Grieves-Yamo-Crestman Association, 3 to 45 percent slopes. The Detra soils have developed in alluvium derived from sandstone while the Cortyzack soils developed in eolian deposits and alluvium derived from sandstone. Both soils have high water holding capacities. Percolation rates are moderate (Detra) and moderately slow (Cortyzack). Runoff rates are medium for both soils. The soils are non-saline and non-sodic.

Environmental Consequences, Proposed Action: Soil compaction and depleted soil cover are the most obvious impacts incurred as a result of livestock grazing. These effects would occur on areas of concentrated use with either alternative. The majority of the affected land within the allotment has adequate plant and litter cover to reduce or eliminate associated soil erosion. No loss or gain of biological soil crusts would occur as a result of implementing either of the alternatives, except in the small area which would be disturbed by the construction of the pit reservoir. The utilization limit for perennial herbaceous forage is 50%. At this level, vegetative canopy cover would remain adequate to protect soil stability. Utilization levels that exceed the limit could lead to accelerated soil erosion due to increased loss of canopy cover and litter. The upland soils within the allotment are suited for livestock grazing and can remain stable and productive, provided cover by a desirable perennial plant community is maintained.

Pond construction would cause less than one acre of disturbance to the soil resource and would benefit the valley bottom soil resource by improving livestock distribution and reducing the potential overuse of the vegetative resource that provides soil cover and reduces potential erosion.

Environmental Consequences, No Action: Livestock grazing would continue as authorized under the previous ten year grazing permit. Without the additional water source, cattle trialing would continue along the valley bottom and this may lead to increased erosion.

Mitigative Measures: None.

Name of Specialist and date: Kathy McKinstry, 03/06/09

## **UPLAND VEGETATION**

Affected Environment: The dominant range site on BLM managed lands within the Lower James Creek Allotment a Brushy Loam. This range site typically supports a mixed shrub community consisting of Gambel's oak, serviceberry, mountain snowberry and Wyoming big sagebrush. Forbs include arrowleaf balsamroot, wild onion, sego lily, lupine, western yarrow, tall bluebell and larkspur. Perennial grasses consist of mountain brome, western wheatgrass, bluebunch wheatgrass, needle-and-thread and slender wheatgrass.

Environmental Consequences, Proposed Action: The construction of a new pit reservoir would result in the removal of less than one acre of vegetation. Livestock would congregate around the new water source and vegetation would be trampled in the immediate vicinity of the new pond. Surrounding vegetation, up to a ¼ mile around the pond, would experience an increase in utilization. Under proper stocking levels, however, utilization throughout the pasture would be 50% or less. The brush beating would create a mosaic of vegetation consisting of a variety of species and various ages of the shrub species. Reducing the shrub cover would allow a greater expression of perennial grasses and forbs, enhancing the understory. Deferring livestock grazing from the brush treatments for one growing season would allow the herbaceous understory to set seed and improve recruitment of young plants. This would improve the overall species diversity and vigor within the treated areas. Additional deferment beyond one growing season would not be necessary to achieve these objectives.

Environmental Consequences, No Action: Cattle grazing would continue as previously authorized but the range improvement projects would not be constructed. The riparian vegetation along James Creek would continue to receive heavy pressure from livestock.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 02/09/09

## **WILDLIFE, AQUATIC**

Affected Environment: There is no aquatic wildlife habitat present on public lands within the Lower James Creek Allotment.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of Specialist and Date: Tim Novotny, 02/17/09

**WILDLIFE, TERRESTRIAL**

Affected Environment: The Lower James Creek Allotment provides productive habitats for mule deer and elk throughout much of the winter. Public lands within this allotment are normally not available to elk and mule deer during a typical winter due to snow depth. The allotment does receive significant use by both mule deer and elk during the spring, summer and fall. Habitats within this allotment are currently healthy and productive. A variety of small mammals, reptiles and songbirds can be found within this allotment as well.

Environmental Consequences, Proposed Action: The continuation of the livestock grazing along with the proposed development of a pond and brush beatings would improve livestock distribution and utilization within this allotment. This would help ensure that wildlife habitats on public lands continue to be productive for the duration of this grazing authorization. Construction of the pond and the brush beating would temporarily displace most wildlife from the project area; this would be a short term impact that would not have impacts to any wildlife species.

Environmental Consequences, No Action: The No Action Alternative would not allow for improved livestock distribution on public lands; however, this does not mean that wildlife habitats would be negatively impacted under this alternative. The maintenance of healthy animal habitat would continue under the No Action Alternative.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 02/17/09

**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 02/09/09		
Forest Management	KLM 02/09/09		
Hydrology/Ground		MDW 02/09/09	
Hydrology/Surface		KLM 02/09/09	
Paleontology		MDW 02/09/09	
Range Management			KLM 02/09/09
Realty Authorizations	MAA 02/11/09		
Recreation/Travel Mgmt		GMR 02/09/09	
Socio-Economics		MAA 02/11/09	

Solid Minerals		JAM 02/10/09	
Visual Resources		GMR 02/09/09	
Wild Horse & Burro Mgmt	KLM 02/09/09		

**CUMULATIVE IMPACTS SUMMARY:** The allotment and surrounding areas 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. Oil and gas development has increased in the area. The primary impacts from all of these activities are most immediately seen in the presence of roads, increased vehicular traffic, cultivation on private lands, and weed presence. The Proposed Action to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

**STANDARDS**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** The proposed grazing system along with the development of a pond and the brush beatings would improve livestock distribution and utilization within this allotment. This would help ensure that wildlife habitats on public lands continue to be productive for the duration of the grazing authorization. This standard is currently being met and would continue to be met under both the Proposed Action and the No Action Alternative.

Name of specialist and date: Timothy Novotny, 2/17/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** There are no threatened or endangered species or habitats for such species present within this allotment. This allotment does provide healthy productive habitats that could be used by Columbian sharp-tailed grouse and greater sage-grouse. Both are BLM special status species. It was determined during an allotment visit conducted during the fall of 2008 that this allotment was meeting the standard for special status species. Both the Proposed Action and the No Action Alternative would allow this standard to be met in the future. The Proposed Action would provide some benefits to both species that the No Action Alternative does not.

Name of specialist and date: Timothy Novotny, 2/17/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The allotment is currently meeting this standard. The stocking rate for the allotment is appropriate, 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, 02/09/09

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

**STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plants species present on the Lower James Creek Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim, 2/10/09

**RIPARIAN SYSTEMS STANDARD:** The riparian standard is met. The only riparian system in the Lower James Creek Allotment is a short section of James Creek in the valley bottom. This standard would continue to be met under either the Proposed Action or the No Action Alternative.

Name of specialist and date: Kathy McKinstry, 03/10/09

**WATER QUALITY STANDARD:** The water quality standard is presently being met for the Lower James Creek Allotment. Runoff waters from snowmelt and rain drain from this allotment into stream segments that are presently supporting classified uses. No stream segments or tributaries are currently listed or have ever been listed as having impaired water quality. Implementation of best management practices which are required on BLM use authorizations would help to reduce non-point contaminants generated within the landscape and carried to the Yampa River by its tributaries.

Name of specialist and date: Kathy McKinstry, 03/10/09

**UPLAND SOILS STANDARD:** The upland soil health standard is currently being met in the Lower James Creek Allotment and would continue to be met under either alternative.

Name of specialist and date: Kathy McKinstry, 03/10/09

**PERSONS/AGENCIES CONSULTED:** Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Richard and Evelyn Ott.

**ATTACHMENTS:**

- Attachment 1- Lower James Creek Allotment Map with proposed range improvements
- Attachment 2- Standard and Common Terms and Conditions
- Attachment 3 - Typical Water Retention Pit

**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 DOI-BLM-CO-N010-2009-0032 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**  
**DOI-BLM-CO-N010-2009-0032**  
**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 permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.