

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-N010-2010-0074 DNA

CASEFILE/ALLOTMENT NUMBER: 0504233 / 04032

PROJECT NAME: Renewal of the grazing lease on the 7308 Peak Allotment #04032.

LEGAL DESCRIPTION: see Allotment Map, Attachment #1

7308 Peak #04032

T12N R89W parts of Sec 32, 33
T11N R89W parts of Sec 4, 5, 9

614 acres Private
570 acres BLM
1,184 acres Total

APPLICANT: Southern Cross Ranches (Kirk Shiner)

A. Describe the Proposed Action

Renew the grazing lease (0504233) to Southern Cross Ranches authorizing grazing on the 7308 Peak Allotment #04032 through December 31, 2012, to coincide with the base property lease. The lease would be reissued with the same terms and conditions as the expiring lease which are as follows:

Allotment Name and Number	Livestock		Grazing Period		%PL	AUMs
	Number	Kind	Begin	End		
7308 Peak	50	Cattle	05/01	06/15	100	76
04032	1	Horse	05/15	06/15	100	1
	49	Cattle	10/01	11/01	100	52
					Suspended AUMs	<u>60</u>
					Total	189

The above lease would be subject to the Standard and Common Terms and Conditions; see Attachment #2.

This renewal is being completed concurrent with the application for transfer of the grazing allotment to Southern Cross Ranches (DOI-BLM-CO-N010-2010-0073 CX).

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).

Standards of Public Land Health for

FLPMA, 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-99-016 Renewal of the grazing lease for the 7308 Peak Allotment #4032.

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 allotment were analyzed in the RMP/EIS and categorized as a 'C' allotment.

The Proposed Action received additional site specific analysis in Environmental Assessment CO-016-LS-99-016. This EA analyzed the 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 1999. 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 allotment currently 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 the allotment.

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 allotment at the current grazing intensity and period of use are within the scope of the existing analysis. Monitoring data, including an allotment-specific analysis of resource conditions, assure that the allotment is in compliance with the Colorado Public Land Health Standards. No adverse site specific impacts were identified 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 that would change the impacts resulting from the proposed action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate 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 and Environmental Assessment CO-016-LS-99-016.

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

Name	Title	Resource	Initials	Date
Emily Spencer	Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface	ELS	4/12/10
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RWM	4/30/10
Louise McMinn	Realty Specialist	Environmental Justice	LM	4/15/10
Christina Rhyne	Rangeland Mgmt. Specialist	Hazardous Materials	CR	4/12/10
Christina Rhyne	Rangeland Mgmt. Specialist	Invasive Non-native Species	CR	4/12/10
Hunter Seim	Rangeland Mgmt. Specialist	Sensitive Plants, T&E Plant	JHS	4/14/10
Gail Martinez	Wildlife Biologist	T&E Animal	GEM	4/16/10
Marty O'Mara	Geologist	Water Quality - Ground	EMO	4/13/10
Emily Spencer	Ecologist	Wetlands/Riparian Zones	ELS	4/12/10
Gina Robison	Outdoor Recreation Planner	WSA, W&S Rivers	GMR	4/12/10
Gail Martinez	Wildlife Biologist	Animal Communities	GEM	4/16/10
Gail Martinez	Wildlife Biologist	Special Status, T&E Animal	GEM	4/16/10
Christina Rhyne	Rangeland Mgmt. Specialist	Plant Communities	CR	4/12/10
Hunter Seim	Rangeland Mgmt. Specialist	Special Status, T&E Plant	JHS	4/14/10
Emily Spencer	Ecologist	Riparian Systems	ELS	4/12/10
Emily Spencer	Ecologist	Water Quality	ELS	4/12/10
Emily Spencer	Ecologist	Upland Soils	ELS	4/12/10

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.

Standards Assessment was conducted on the 7308 Peak Allotment on November 20, 2008 by an interdisciplinary team consisting of a wildlife biologist and a rangeland management specialist.

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 _____

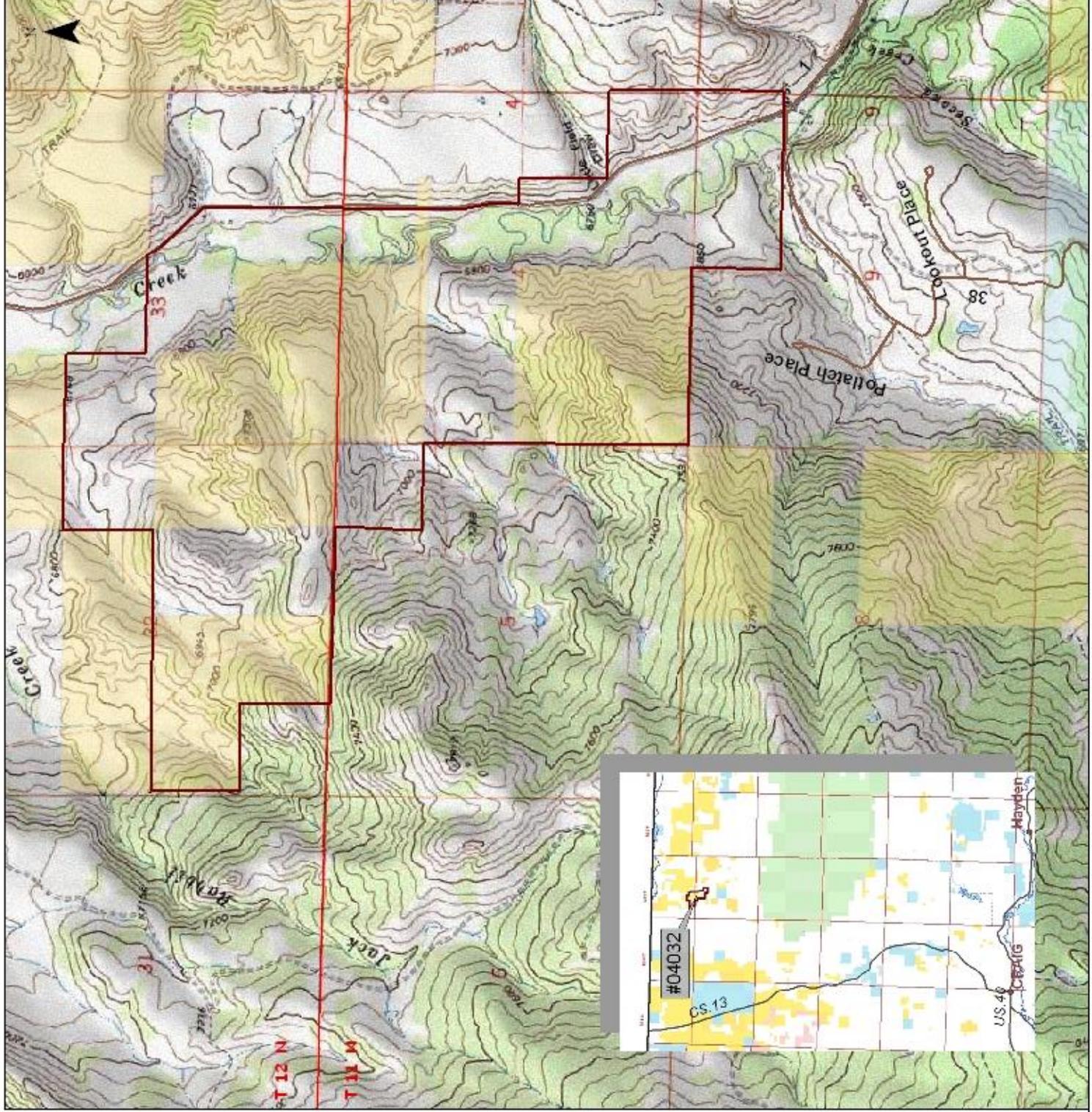
Signature of the Authorizing Official _____ Date _____

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 #1
DOI-BLM-CO-ND10-2010-0074 DNA

Allotment #04032 7308 Peak

T12/11N R89W



Surface Management Status

Allotment Boundaries
Private
State Land Board
US BLM

Private	614 acres
BLM	570 acres
Total	1,184 acres

0 550 1,100 2,200 3,300 Feet

1:24,000

BLM
Bakers Peak
Fly Creek
CR
4/5/10

ATTACHMENT #2
DOI-BLM-CO-N010-2010-0074 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 permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

ATTACHMENT #3
DOI-BLM-CO-N010-2010-0074-DNA
Standards and Assessments*

#04032 7308 Peak Allotment

STANDARD 1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.

This allotment has appropriate vegetation diversity and soil characteristics associated with slope, aspect, and elevation. There is good vigor and recruitment in all herbaceous species and good vigor and recruitment in shrubs that are not repeatedly browsed by wildlife. There is no sign of erosion except in certain game/cattle trails on steep slopes. These areas of erosion are not excessive or expanding. This area sees annual use from wildlife and lesser annual use by cattle. There is very good vegetative cover and very few areas of bare soil. Vegetative cover is greater than 50% overall. The largest areas of bare soil are associated with game/livestock trails and ant hills. Standard one is being met and would continue to be met under the proposed action.

STANDARD 2. Riparian systems associated with both running and standing water functions properly and has the ability to recover from major disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment and provides forage, habitat, and biodiversity. Water quality is improved or maintained. Stable soils store and release water slowly.

There are three lotic riparian reaches within the allotment (Slater Creek R2a, R2b, and R2c) that meander between public and private lands. R2c (0.15 mile) and R2b (0.07 mile) were assessed as one reach due to similarities and proximity. In R2c there is one area where vehicles/equipment are crossing Slater Creek to reach a trespass hayfield on BLM lands. This crossing activity is in times of low flows and is not contributing to excessive erosion. It was noted that both reaches are bordered by hayfields. This agricultural activity has no adverse impacts and the reaches were assessed to be in proper functioning condition (PFC). R2a (0.15 mile) has a headgate and diversion ditch for hayfield irrigation located on or very near the upstream boundary of a small strip of BLM land and private land (T11N R89W sec 4, SW NE). At the time of this assessment there was evidence of vehicles/equipment crossing and working within the stream channel on BLM land. The work consisted of moving rock to (presumably) maintain flow into the headgate. This activity did not appear to restrict normal downstream flow when the headgate is closed. Access to this reach for maintenance of the irrigation diversion was from private lands to the NE crossing Slater Creek, where there was vehicle/equipment tire rutting on the bank. This rutting would cause additional erosion during high flows. Based on this streambed alteration this reach was found to be in functioning at risk (FAR) condition with no apparent trend. It was discussed that if this activity was occurring more frequently than every five years the trend would be downward. If this activity was not regular and occurs at greater than five year intervals at low flows, then trend would be static. When considering all three assessed reaches, this standard is being met for the allotment as a whole.

STANDARD 3. Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat potential. Plants and animals at both the community and population levels are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations and ecological processes.

Vegetative components in the allotment include healthy, native plant species. Overall, vegetation composition, diversity, and production are what would be expected for this area. Many of the serviceberry shrubs are over utilized as a result of heavy and historic use by big game. Standard three is being met for wildlife and vegetation.

STANDARD 4. Special status, threatened, and endangered species (federal and state), and other plants and animals officially designated by BLM, and their habitats are maintained or enhanced by sustaining healthy native plant and animal communities.

There are no threatened or endangered species or habitats for such species within the 7308 Peak Allotment. This grazing allotment does provide suitable nesting habitat for greater sage-grouse and Columbian sharp-tailed grouse, both species are BLM Colorado sensitive species. During an allotment visit during the fall of 2008, it was determined that this allotment is capable of supporting healthy populations for both species. This standard is met and will continue to be met in the future.

STANDARD 5. The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirement set forth under State law as found in 5 CCR 1002-8, as required by Section 303 of the Clean Water Act.

Slater Creek meanders through a small portion of this allotment, 0.27 miles in total. There were no apparent water quality issues in the limited areas assessed on this date. Reach 2a (noted under riparian standards) has erosion potential during high flows, the amount and impact to water quality is unknown. Slater Creek and the associated basin, as a whole, are mostly privately held and are grazed by livestock or in hay production, or both. The influences of private activities have a much greater impact to Slater Creek water quality. As of 2008, Slater Creek, including all tributaries from its source to the Little Snake River, are on the Colorado Department of Public Health and Environment Water Quality Commission's Monitoring and Evaluation List for a suspected selenium water quality issue. Natural sources of selenium include certain selenium-rich soils, and selenium that has been bioconcentrated by certain plants. Anthropogenic sources of selenium include coal burning and the mining and smelting of sulfide ores, such as copper, silver, or lead. Authorized grazing activities on BLM lands adjacent to the portions of Slater Creek assessed on this date are not contributing to any potentially degraded water quality. This standard is being met on Slater Creek within the allotment.

* Standard Assessments was conducted on November 20, 2008 by a rangeland management specialist and a wildlife biologist.

ATTACHMENT #4
DOI-BLM-CO-N010-2010-0074 DNA
Cultural Resources and Native American Concerns
Heritage Rpt. #10.31.2010

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 #04032 by Robyn Watkins Morris, Little Snake Field Office Archaeologist on April 30, 2010. 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 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)
04032	100	1084	8%	2	31	9

(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.)

Three cultural resource inventories have occurred within Allotment 04032 resulting in 100 acres surveyed and 2 cultural resources documented. One is an open lithic scatter and the other is an historic farm. No cultural resources were located on the historic GLO plats.

Based on available data, a low potential for historic properties occurs in Allotment 04032 except along the private land near Slater Creek. Both known cultural resources are on private land within the allotment. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent field inventory is to be completed within a ten year period of the lease.

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, gullyng 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).

There is no change in use for this renewal, therefore there will be no change to the current impacts to known and unknown cultural resources. 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.

Mitigation Measures: None

Name of Specialist and date: Robyn Watkins Morris, 4/30/10

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A followup phone call was performed on July 26, 2009. 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, 4/30/10