

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-N010-0146-DNA

CASEFILE/ALLOTMENT NUMBER: 0504301 / 04120

PROJECT NAME: Issuance of a grazing lease on the Willow Creek Allotment #04120.

LEGAL DESCRIPTION: see Allotment Map, Attachment #1

**Willow Creek #04120**

T10N R85W parts of Sec. 32  
T9N R85W parts of Sec. 3-6

951 acres BLM

APPLICANT: Lessee

### A. Describe the Proposed Action

Issue a grazing lease on the vacant Willow Creek Allotment #04120 to Chew Livestock Inc. This grazing lease is based on a lease of qualifying base property owned by Sand Mtn-Red Creek Ranch II, LLC. The lease would be issued through December 31, 2014, concurrent with the base property lease, with the terms and conditions listed below.

Additionally, previous assessment for grazing in this allotment includes construction of a riparian fence and a deferred rotation grazing system. Grazing management after construction would consist of early use (07/01 – 08/15) and then late use (08/16 – 10/31) in alternating years.

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		Begin	End		
Willow Creek #04120	100 Cattle	07/01	10/31	100	404
				<u>Unscheduled</u>	<u>68</u>
					472

Special Terms and Conditions:

1. The Willow Creek area east of CR 129 will be fenced into a riparian pasture. Once constructed this pasture will be managed in a deferred rotation grazing system where grazing use is early (07/01 – 08/15) and then late (08/16 – 10/31) in alternating years.

The above lease would be subject to the Standard and Common Terms and Conditions, see 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).

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado  
Date Approved: February 12, 1997

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 DOI-BLM-CO-N010-2010-0095-EA Temporary non-renewable (TNR) authorization of livestock grazing on the Willow Creek Allotment #04120.

#### **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 allotments were analyzed in the RMP/EIS and categorized as 'C' allotments.

The Proposed Action received additional site specific analysis in Environmental Assessment DOI-BLM-CO-N010-2010-0095-EA. 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 evaluated in the existing NEPA document. 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 DOI-BLM-CO-N010-2010-0095-EA.

**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>
Emily Spencer	Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	ELS	10/18/10
Ethan Morton	Archaeologist	Cultural Resources, Native American Concerns	EM	10/27/10
Louise McMinn	Realty Specialist	Environmental Justice	LM	10/18/10
Christina Rhyne	Rangeland Mgmt. Specialist	Hazardous Materials	CR	10/6/10
Christina Rhyne	Rangeland Mgmt. Specialist	Invasive Non-native Species	CR	10/6/10
Hunter Seim	Rangeland Mgmt. Specialist	Sensitive Plants, T&E Plant	JHS	10/25/10
Desa Ausmus	Wildlife Biologist	T&E Animal	DA	10/19/10
Marty O'Mara	Geologist	Water Quality - Ground	EMO	10/20/10
Shane Dittlinger	Outdoor Recreation Planner	WSA, W&S Rivers	KSD	10/20/10
<b>Standards</b>				
<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Initials</b>	<b>Date</b>
Desa Ausmus	Wildlife Biologist	Animal Communities	DA	10/19/10
Desa Ausmus	Wildlife Biologist	Special Status, T&E Animal	DA	10/19/10
Christina Rhyne	Rangeland Mgmt. Specialist	Plant Communities	CR	10/6/10
Hunter Seim	Rangeland Mgmt. Specialist	Special Status, T&E Plant	JHS	10/25/10
Emily Spencer	Ecologist	Riparian Systems	ELS	10/18/10
Emily Spencer	Ecologist	Water Quality	ELS	10/18/10
Emily Spencer	Ecologist	Upland Soils	ELS	10/18/10

### **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 #04120 Willow Creek Allotment on September 18, 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\_\_\_\_\_

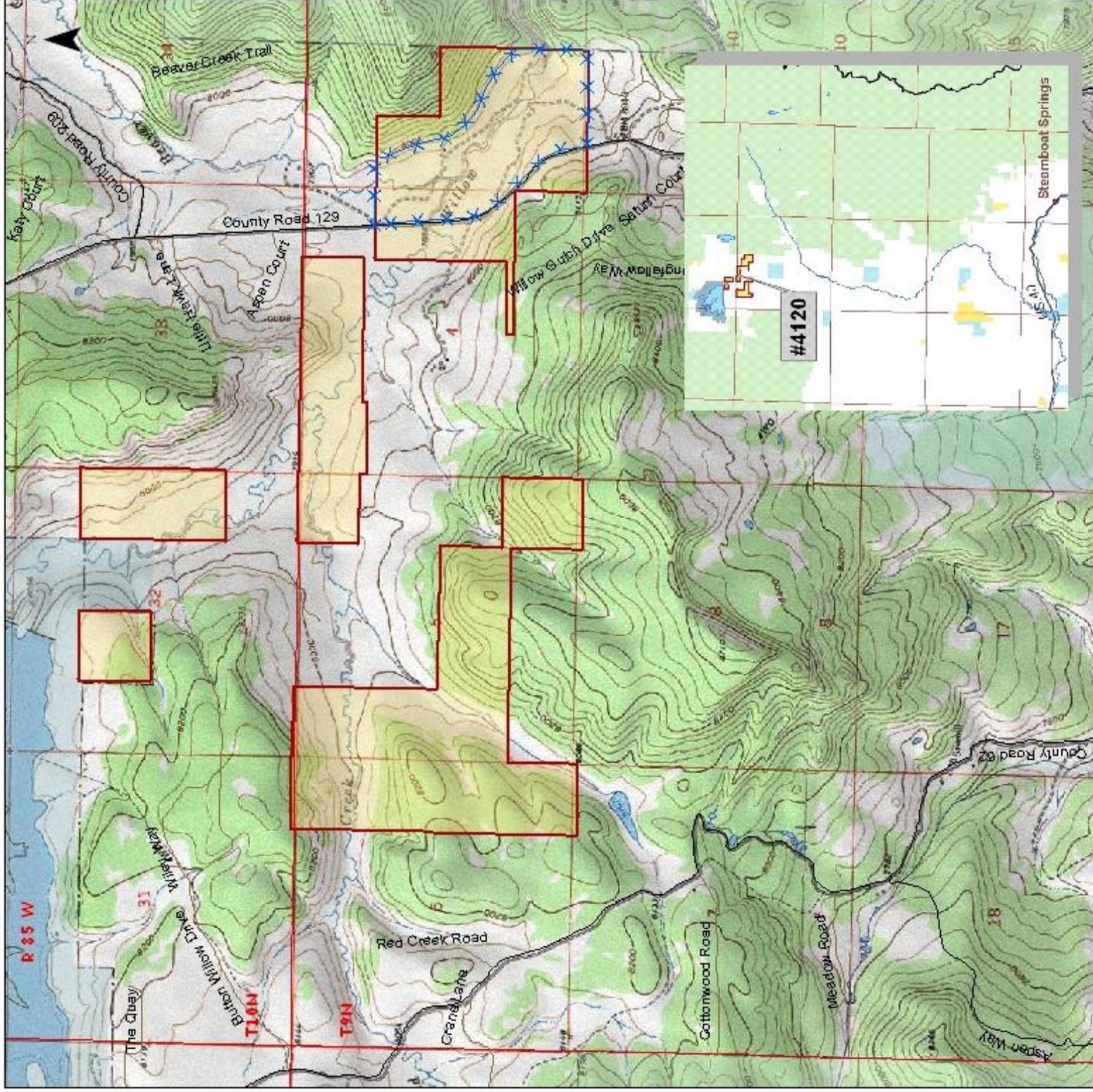
Signature of the Authorizing Official\_\_\_\_\_ Date\_\_\_\_\_

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.

# Willow Creek Parcels

T.10N., R. 85W., 6th Principal Meridian  
parts of Sec. 32  
T. 9N., R. 85W., 6th Principal Meridian  
parts of Sec. 3  
parts of Sec. 4  
parts of Sec. 5  
parts of Sec. 6

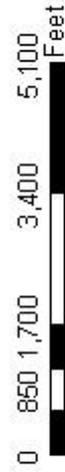
Routt County, CO  
951 Public Land Acres  
472 Public Land Animal Unit Months



Willow Creek Riparian Fence - Proposed  
4120 Willow Creek Allot Boundary  
Towns hip/R ange

### Surface Management Status

Private
State Land Board
State Park
US FS
US BLM



1:30,000

Hahn's Peak  
Clark

**ATTACHMENT #2**  
**DOI-BLM-CO-N010-2010-0146 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-N010-2010-0146-DNA**  
**Standards and Assessments\***

**#04120 Willow Creek 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 standard is currently being met. The soils on this allotment are stable and are supporting a vigorous and diverse plant community with high cover. The loamy soils are generally deep and well drained. Grazing as proposed would allow the plant community to continue to provide adequate cover and organic material production necessary to maintain the continued stability of the soils. The Proposed Action would meet this standard.

**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.**

This standard is currently being met. The four miles of streams and associated riparian habitat are in stable condition with no identified issues of concern. The proposed fence would create a riparian pasture along Willow and Beaver Creeks that could provide the flexibility to move livestock in or out of the area when needed, potentially leading to overall riparian condition improvement. The Proposed Action would meet this standard.

**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.**

The plant community within the allotment is currently meeting this standard. Plant species diversity is high and the composition is appropriate for the site. The density and production of key species is high and adequate to provide resilience from human activities. Under the proposed action this standard would continue to be met.

The Willow Creek Allotment provides habitat for a variety of wildlife species. Habitats on the allotment are in good condition and are meeting all Land Health Standards. Standards would continue to be met under the Proposed Action.

**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.**

The Willow Creek Allotment does not provide wildlife habitat for any T&E or BLM sensitive species. Therefore, this standard does not apply.

There are no federally listed threatened or endangered or BLM sensitive plant species present on the allotment. This standard does not apply for plants.

**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.**

All water quality standards are currently being met and there are no water quality impairments or suspected water quality issues for waters influenced by the Willow Creek Allotment. Permitting livestock grazing on this allotment as proposed is consistent with land uses throughout the Willow Creek/ Elk Creek watershed and would continue to meet this standard.

\* Standards Assessment was conducted on the #04120 Willow Creek Allotment on September 18, 2008 by an interdisciplinary team consisting of a wildlife biologist and a rangeland management specialist.

**ATTACHMENT #4**  
**DOI-BLM-CO-N010-2010-0146 DNA**  
**Cultural Resources and Native American Concerns**

**Affected Environment:** Grazing authorizations are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for allotment #04120 on June 4, 2010 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 EA. 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)
04120	47	904 (951)	5%	0	25	7

(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.)

Five cultural resource inventories were conducted within the allotment resulting in the complete inventory of 47 acres and the recording of three cultural resources. One is a prehistoric isolated find, one is an historic isolated find, and one is an historic habitation. The GLO plats were reviewed and there is evidence of a building, historic road, and “Willow Creek Placer sluice ditch” in T9N R85W Section 3. The building may be the historic habitation documented and the road appears to be the current highway.

Based on available data, a high potential for historic properties occurs in Section 3 of T9N R85W due to the historic activities with mining and logging. Subsequent field inventory is to be completed within ten years. The inventory will include:

1. Areas where livestock concentrate in sections 3-6 on BLM land should be inventoried.
2. In T9N R85W sec. 3, the historic ditch must be recorded if it exists.
3. The proposed fence must have a Class III survey prior to construction.

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, Proposed Action: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gulying, and increased potential for unlawful collection and vandalism. Continued livestock use 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).

Soils and vegetation in this area are stable and would protect cultural resources except in areas where the creek bed may be impacted by livestock. The fence would protect known historic buildings and a ditch as well as the riparian area. 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: Ethan Morton, 10/27/10

## **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 for the original EA. 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: Ethan Morton, 10/27/10