

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-N010-2011-0066-EA

CASEFILE/ALLOTMENT NUMBER: 0504420/04043

PROJECT NAME: Grazing lease renewal on the West Black Mountain Allotment #04043

LEGAL DESCRIPTION: See maps attachments 1a & 1b

West Black Mountain Allotment #04043 T10N R90W, portions
of sections 16 & 21

594 acres BLM lands

APPLICANT: Johnson Trust

PLAN CONFORMANCE REVIEW: The Proposed Action and Alternatives are subject to the following plan:

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

Date Approved: April 26, 1989

Results: The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

The Proposed Action and alternatives are 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 located within the Northern Central Management Unit #2, located 22 miles north of Craig, CO. The management objectives for this unit are to allow for the development of oil and gas resources. The Proposed Action is compatible with the management objectives for this unit as permitted livestock grazing would not impede or prevent the development of oil and gas resources.

NEED FOR PROPOSED ACTION: The base property owner, Johnson Trust, with a grazing preference for a portion of the West Black Mountain Allotment have been leasing their base property and subsequently the public land grazing preference for the past ten years to Peroulis, John & Sons, authorization #051265. This lease expired on 05/01/09. The base property owner, Johnson Trust, has applied for renewal of the grazing lease back into the family name. This lease is subject to renewal at the discretion of the Secretary of the Interior, who delegated the authority to BLM, for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permit/lease 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 order to graze livestock on public land, the livestock producer (permittee/lessee) must hold a grazing permit/lease. The grazing lessee has a preference right to receive the lease if grazing is to occur. The land use plan allows grazing to occur on these parcels. This Environmental Analysis (EA) will be a site specific analysis to determine if grazing should be authorized as provided for in the RMP and to identify the conditions under which it can be permitted. The analysis will also recommend terms and conditions to the permit/lease which improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

PUBLIC SCOPING PROCESS: The BLM Little Snake Field Office sent out a Notice of Public Scoping on December 17, 2007 to determine the level of public interest, concern, and resource conditions on the grazing authorizations 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. A detailed scoping letter was mailed to interested parties on March 31, 2011. No comments were received.

BACKGROUND: The West Black Mountain Allotment #04043 is located approximately 22 miles north of Craig, CO. The allotment lies east of Colorado State Highway 13. Elevation on the allotment varies from approximately 7,700 to 8,300 feet. Runoff from this allotment drains into Fortification Creek. Historically this has been an "in common" allotment with two different parties having authorization and preference. The current applicant, Johnson Trust, has leased their grazing preference to Peroulis, John & Sons for the past ten years. This allotment is authorized for a total of 140 animal unit months (AUMs) with 70 AUMs authorized to each preference holder. Currently, Peroulis, John & Sons is authorized for 52 sheep from 05/10 to 11/30 at 100% public lands for 70 AUMs. The 70 AUMs attached to the Johnson Trust base property has not been authorized since the 2008 grazing season.

There are 40 acres of un-allotted public lands that lie contiguous to, and between the West Black Mountain Allotment #04043 and Round Mountain Allotment #00014 (T10N R90W S ½ NW ¼

NW ¼). These un-allotted public lands are encompassed by private lands with no public access. The Round Mountain Allotment is authorized to Peroulis, John & Sons, authorization #0501246, with an expiration of 02/28/20 (see DOI-BLM-CO-N010-2010-0033 EA for more information on the Round Mountain Allotment). Existing fencing and proximity of these un-allotted public lands allow for practical incorporation into the West Black Mountain and Round Mountain Allotments. (note: throughout this document all reference to acreage will refer to public land acreage only)

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Alternative A - Proposed Action

1. Incorporate 35 acres of the previously un-allotted 40 acres into West Black Mountain Allotment #04043, changing the total acres from 594 to 629. Incorporate 5 acres of the previously un-allotted 40 acres into the Round Mountain Allotment #00014, changing the total acreage from 1,104 to 1,109.

2. Administratively split the West Black Mountain Allotment #04043 using existing fencing and construction of approximately one mile of new wildlife friendly high tensile fence. Using existing fence lines and the new fence construction this division will remove approximately 19 acres (T10N R90W NE ¼ NW ¼ section 20 and approximately 12 acres (T10N R90W NW ¼ NW ¼) from the Round Mountain Allotment #00014.

There would be no adjustment in AUMs. These acreage and boundary adjustments are for practical rangeland administration and livestock management. Analysis of this Proposed Action would assure that the allotments affected by this adjustment can support these minor changes.

See summary table below:

Allotment	Current Acreage Public Lands	W/Addition of 40 Unallotted Acres	Split of W. Black Mtn.	Addition of Lost Round Mtn. Acres Using Existing/Proposed Fence	New Allotment Acreage
W. Black Mtn. #04043	594	(+35) 629	314.5	314.5 – 31 = 283.5	284*
Round Mountain #00014	1,104	(+5) 1,109	-----	314.5 + 31 = 345.5	1,455*

* final numbers have been rounded up for ease of administration and do not represent surveyed public lands, portions of these allotments are not fenced and are used in conjunction with private lands. All acreages are based on BLM corporate Geographic Information System (GIS) data, all boundaries and acreages are an approximate representation.

The 70 AUMs authorized to Peroulis, John and Sons and the 345.5 acres of their portion of the West Black Mountain Allotment would be merged into the Round Mountain Allotment, thus eliminating the “in common” status of the West Black Mountain Allotment and changing the Mandatory Terms and Conditions of the Round Mountain Allotment as follows.

From:

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
Round Mountain #00014	188 Sheep	05/01	12/31	100	303

To:

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
Round Mountain #00014	231 Sheep	05/01	12/31	100	372
				not scheduled	<u>1</u>
					Total 373

The term of the Round Mountain Allotment would not change with an expiration of 02/28/20.

3. Issue a fully processed grazing lease for the West Black Mountain Allotment #04043 to the Johnson Trust for a term of ten years expiring 02/28/21. The lease would be issued as follows:

From: (as previously authorized to Peroulis, John & Sons #0501265)

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
West Black Mtn. #04043	93 Sheep	06/10	10/01	100	70

Special Terms and Conditions:

1. Grazing use in the West Black Mtn. Allotment, #04043, may occur anytime between 06/10 and 10/31 but is limited to 60 days.

2. Use in the West Black Mtn. Allotment may be cattle or sheep, but cattle will not enter the allotment before 06/20.

To: (new authorization to Johnson Trust #0504420)

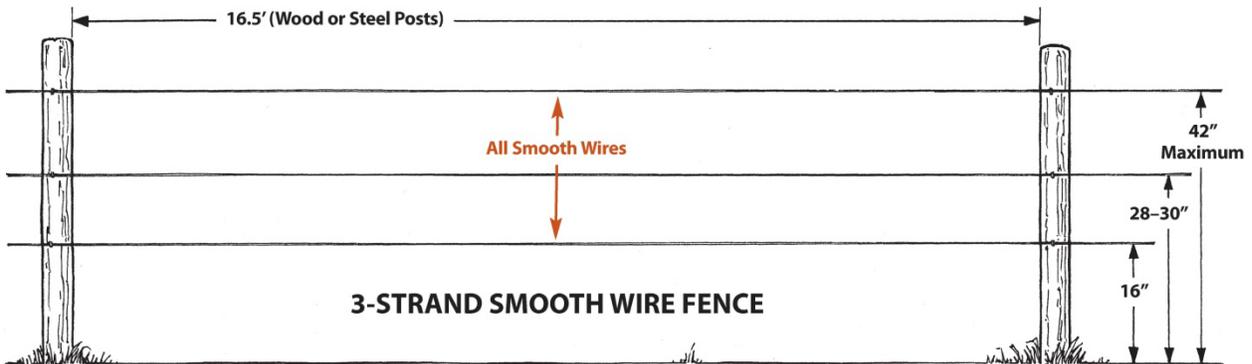
Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
West Black Mtn. #04043	13 Cattle	06/01	08/30	100	39
	10 Horse	06/01	08/30	100	30
				not scheduled	<u>1</u>
					Total 70

Special Terms and Conditions:

1. Every third year a deferred season of use of 07/01 to 09/30 will be required.

Range Improvements: The lessee (Johnson Trust) would construct fencing (approximately 1 mile) that would create an allotment boundary fence, separating the new configurations of the West Black Mountain Round Mountain Allotments. This fence would tie into existing fence on the west and east endpoints. This fence would be located at approximately T10N R90 W NE ¼ and NE ¼ SE ¼ Section 21 (see map appendix 1a).

Fence construction would be BLM approved design (electric or non-electric) high tensile with 3 or 4 wires. Construction would use 6" wood line posts spaced at a minimum of 16.5' but no more than ~30-35'. Top wire would be marked for visibility. The diagram below is an example of approved fence design, if a fourth wire were to be implemented wire spacing would be 16", 24", 30", & 42". High tensile fence would be constructed so that the tensioning ratchets can be loosened during periods of non-use that allow the wires to droop and allow for easier wildlife passage and reduce damage from snow load. Construction of fences would include removal of brush from the area in a 30 ft. corridor where construction of fence would occur. The fence construction in drainages may be modified to be appropriately constructed and maintained to withstand high water flow.



Prior to project construction a detailed cooperative agreement would be signed and construction standards would be provided to the lessee. All range improvement projects located on BLM land would also have a required archaeological survey completed prior to construction. Construction of these projects would not occur from March 1 to June 30 to protect grouse that may be nesting in habitat on the allotment. To increase visibility and decrease collisions, the fences would be flagged or visibility markers would be used.

Alternative B - No Renewal Alternative

The application for grazing preference attached to the Johnson base property would be denied. The 70 AUMs attached to this preference would be suspended. Peroulis, John & Sons would maintain their preference of 70 AUMs and continue the term of their current authorization on the West Black Mountain Allotment. No fence construction or allotment reconfiguration due to the

40-acre unallotted parcel would occur.

Alternatives Considered but not Analyzed

NEPA requires federal agencies to rigorously explore and evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). As also required by NEPA, the range of alternatives considered in detail includes only those alternative that would fulfill the purpose and need for the Proposed Action.

Alternative C - Reduced Grazing Alternative

A reduction in authorized grazing in the West Black Mountain Allotment for the 70 AUMs attached to the Johnson Trust base property would take place under this alternative.

This alternative is eliminated from detailed study because all land health standards are being met for the West Black Mountain Allotment. Additionally, a reduction in grazing is not analyzed because no new issues or concerns have been identified that would require this action.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

For the following resources and issues, those brought forward for analysis will be addressed below.

Resource/Issue	N/A or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Air Quality		ELS 03/28/11	
Areas of Critical Environmental Concern	KSD 04/04/11		
Cultural Resources			EM 04/04/11
Environmental Justice/ Socio-Economics			BSB 04/04/11
Flood Plains	ELS 04/04/11		
Fluid Minerals	EMO 04/04/11		
Forest Management		ML 03/01/11	
Hydrology/Ground		EMO 04/04/11	
Hydrology/Surface			ELS 03/30/11
Invasive/Non-Native Species			CR 03/30/11
Native American Religious Concerns			EM 04/04/11
Migratory Birds			DA 04/07/11
Paleontology		EMO 04/04/11	
Prime and Unique Farmland	ELS 04/04/11		
Range Management		ML 03/31/11	
Realty Authorizations		BSB 04/04/11	
Recreation/Transportation		KSD 04/04/11	
Soils			ELS 03/31/11
Solid Minerals		JAM 04/04/11	
T&E and Sensitive Animals			DA 04/07/11
T&E and Sensitive Plants	JHS 03/30/11		
Upland Vegetation			ML 03/23/11
Visual Resources		KSD 04/04/11	
Waste, Hazardous or Solid	ML 03/25/11		
Water Quality - Ground		EMO 04/04/11	
Water Quality - Surface			ELS 03/30/11
Wetlands/Riparian Zones	ELS 04/04/11		
Wild and Scenic Rivers	KSD 04/04/11		
Wild Horse & Burro Mgmt	ML 03/25/11		
Wilderness Characteristics/WSA's	KSD 04/04/11		
Wildlife - Aquatic	DA 04/07/11		
Wildlife - Terrestrial			DA 04/07/11

AIR QUALITY

Affected Environment: There are five Federal Class I areas within 100 kilometers or adjacent to the Little Snake Field Office (LSFO) boundary, all of which occur in Colorado. The Class I areas are Rocky Mountain National Park and the Mount Zirkel, Flat Tops, Rawah, and Eagles Nest Wilderness areas. There are no Federal Class I areas in Utah or Wyoming within 100 km of the LSFO boundary.

Environmental Consequences, Both Alternatives: Activities associated with grazing that may affect air quality, namely dust and exhaust from ranch operation vehicles as well as dust from livestock hoof action, fall below EPA emission standards for the six criteria pollutants of concern (sulfur dioxide, nitrogen oxide, ground-level ozone, carbon monoxide, particulate matter [both PM2.5 and PM10], and lead). Furthermore, ranch operation and livestock activities are not a significant source of these pollutant emissions that do occur in Moffat County. Impacts to air quality caused by any alternative are therefore considered negligible.

Name of specialist and date: Emily Spencer, 03/28/11

CULTURAL RESOURCES

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. Both the West Black Mountain Allotment and Round Mountain Allotment were analyzed under a Section 106 review in 2010 for the Peroulis Grazing Plan (DOI-BLM-CO-N010-2010-0033-EA, Parks 2010). Due to the proposed changes in the allotment boundaries a new cultural resource assessment was completed for each allotment by Ethan Morton, Little Snake Field Office Archaeologist, on March 31, 2011 (Morton 2011). These assessments followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the field office archaeology files.

Data developed here were taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from General Land Office (GLO) plats, 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. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment	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)
Round Mountain #00014	26	1429	2%	4	220	55
West Black Mountain #04043	0	284	0%	1	44	12

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

In the proposed Round Mountain Allotment, three cultural resource inventories have been conducted on BLM administered lands resulting in total survey coverage of 26 acres (2 percent of the allotment) at a Class III level. These studies resulted in the discovery of a portion of a multi-component prehistoric/historic open campsite (5MF.3744) within the allotment. The site needs additional data before a recommendation to its National Register eligibility can be made. Two potential unrecorded historic resources were also identified on the 1914 GLO plat within the allotment. These potential resources include a historic road and a historic irrigation ditch.

Based on available data, there is moderate potential for historic properties within the Round Mountain Allotment. Subsequent field inventory is to be completed within the ten year term of the permit and lease. Approximately 42 acres will be inventoried in areas where livestock concentrate, 5MF.3744 will be revisited and reevaluated as to its National Register eligibility, and the historic potential of the road and irrigation ditch will be evaluated.

In the proposed West Black Mountain Allotment, no cultural resource inventories have been conducted and no cultural resources have been identified. A potential unrecorded historic resource was indentified on the 1881 GLO plat which consists of historic cabin labeled “Ranch”.

Based on the site density from the adjacent Round Mountain Allotment there is moderate potential for historic properties within the West Black Mountain Allotment. Subsequent field inventory is to be completed within the ten year term of the permit and lease. Approximately three acres will be inventoried where livestock concentrate and a reconnaissance survey of the potential historic cabin location will be conducted.

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 (Broadhead 2001, Osbourn et al. 1987). 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. Placement of mineral supplements, which can create concentration areas, would potentially impact historic properties if they are in proximity of the placement. Continued livestock management under all alternatives is appropriate, as long as new discovery's of cultural resources are properly mitigated if grazing impacts are occurring.

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

Name of specialist and date: Ethan Morton, 04/04/11

References

Broadhead, Wade

2001 *Brief Synopsis of Experiments Concerning Effects of Grazing on Archaeological Sites*. Ms. on file, Bureau of Land Management, Gunnison Field Office, Gunnison, Colorado.

Morton, Ethan

2011 *EA input for the Grazing Lease Renewal on the West Black Mountain Allotment #04043*. DOI-BLM-CO-N010-2011-0066-EA. Ms on file. BLM-LSFO 10.23.2011. Craig Colorado.

Parks, Erin

2010 *EA input for the Implementation of the Peroulis Grazing Plan*. DOI-BLM-CO-N010-2010-0033-EA. Ms on file. BLM-LSFO. 10.20.2010 Craig Colorado

Osborn, Alan, Susan Vetter, Ralph Hartley , Laurie Walsh, Jesslyn Brown

1987 *Impacts of Domestic Livestock Grazing in the Archaeological Resources of Capitol Reef National Park, Utah. Occasional Studies in Anthropology No. 20*. Ms. on file, Midwest Archaeological Center, Lincoln, Nebraska.

ENVIRONMENTAL JUSTICE/SOCIO-ECONOMIC

Affected Environment: Federal agencies are required to assess undertakings to ensure there is no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations. Minorities comprise a small proportion of the population residing inside the boundaries of the Little Snake Field Office.

Agricultural practices, energy exploration and development, and hunting are the main economic activities of the area. In this region, livestock operations and public land management are strongly linked through grazing permits/leases.

Environmental Consequences, Alternative A - Proposed Action: Minority or low- income populations seeking employment in the ranching industry may be beneficially affected due to employment opportunities related to both alternatives, indirect benefits to the surrounding economy would occur due to overall employment opportunities related to the ranching service support industry in the region as well as the economic benefits to state and county governments related to taxes. Grazing operations would continue to supply personal income to the operator and employees, and would have a proportional influence on the regional, Colorado, and national

economy.

Grazing activities may impact other public land users and nearby residents, but the impact is not considered substantial at this time due to the intermittent nature of the presence of sheep, cattle, and horses. The Proposed Action would not generate high levels of concern, opposition, or dissatisfaction among local residents and would not adversely affect the environment, health, or safety of minority and low-income populations.

Environmental Consequences, Alternative B - No Renewal Alternative: If the No Renewal Alternative were to be chosen, reducing the preference for the allotment, this could have a negative economic impact on minority or low-income populations who could lose employment due to this action. The indirect effects would include negative effects due to overall employment opportunities related to the ranching service support industry in the region. Not issuing a grazing lease on the allotment would reduce the profitability of the ranch, reducing economic benefits to state and county governments related to taxes.

The No Renewal Alternative would generate high levels of concern, opposition, or dissatisfaction among local residents, but would not adversely affect the environment, health, or safety of minority and low-income populations.

Name of specialist and date: Barb Blackstun, 04/04/11

INVASIVE/NON-NATIVE SPECIES

Affected Environment: Invasive species and noxious weeds occur within the area of Proposed Action. Canada thistle, hoary cress (whiteweed), several species of biennial thistles, Dalmatian toadflax, downy brome and knapweeds are known to occur in this area. Other species of noxious weeds could be introduced by vehicle traffic, livestock, wildlife and other means of dispersal. Principals of Integrated Pest Management (IPM) are employed to control noxious weeds on BLM lands in the Little Snake Field Office.

Environmental Consequences, Both Alternatives: The impact of invasive or noxious weed establishment is very similar under either alternative. Vehicular access to public lands for dispersed recreation, hunting, grazing operations, livestock and wildlife movement, as well as wind and water, can cause weeds to spread into new areas. Surface disturbance from livestock concentration and human activities associated with grazing operations can also increase weed presence. The largest concern in the allotment would be for biennial and perennial noxious weed infestations to establish and not be detected. Once an infestation is detected it could be controlled with various IPM techniques. Land practices and land uses by the livestock operator and their weed control efforts and awareness would largely determine the identification and potential infestations of weeds within the allotment.

Environmental Consequences, Alternative A - Proposed Action: The proposed fence included in this alternative provides a disturbance opportunity via construction for invasive species to establish. Permittee awareness of pre-construction weed species presence as well as

post construction monitoring of weed species would assist in treatment of potential infestations associated with the proposed project. Revegetation of any disturbed areas would be expected in 2-3 years reducing the potential for weed establishment.

Name of specialist and date: Christina Rhyne, 03/30/11

MIGRATORY BIRDS

Affected Environment: Sagebrush stands and mixed mountain shrublands within the allotments provide habitat for a variety of migratory bird species. Limited conifer and aspen woodlands are also present in both allotments at higher elevations. Priority species on the United States Fish & Wildlife Service (USFWS) Birds of Conservation Concern List (2008) that may utilize habitat within the allotments include: golden eagle, flammulated owl, Brewer's sparrow, sage sparrow, sage thrasher, loggerhead shrike, Williamson's sapsucker and Cassin's finch. Aspen woodlands and coniferous forests provide nesting sites for cavity nesting species.

Environmental Consequences, Alternative A - Proposed Action: Although the proposed grazing schedules for the two allotments coincide with the breeding season, proposed livestock grazing would not reduce the extent or quality of habitat available for migratory bird breeding functions. Under the Proposed Action, the West Black Mountain Allotment would be grazed by cattle and horses for approximately three months. Although grazing would occur during most of the growing season, the allotment is grazed in conjunction with private land, which would help to distribute livestock and reduce concentration on public lands. The change in livestock class may result in more utilization of grasses and little to no utilization on shrubs. Data from a Land Health Assessment showed the herbaceous component of the ecosystem to be healthy and vigorous. The allotment is currently providing healthy and productive habitat for migratory bird species and these habitat conditions would continue under the Proposed Action.

A portion of the West Black Mountain Allotment and a small amount of un-allotted BLM land would be incorporated into the Round Mountain Allotment. The Round Mountain Allotment is basically used for a few weeks in the spring and a few weeks in the fall as sheep are moved to and from allotments on the forest. The Round Mountain Allotment was found to be meeting all Land Health Standards under this grazing system. Based on proximity, small acreage, and similar ecological conditions the un-allotted additional parcels would meet Land Health Standards under this grazing system.

Grazing by cattle, horses and sheep could result in the accidental destruction of ground nests through trampling. This impact would be minimal and isolated and would not influence populations of migratory birds on a landscape level.

Environmental Consequences, Alternative B - No Renewal Alternative: The allotment would continue to be grazed by sheep. The allotment is meeting all Land Health Standards under this grazing system. Habitat conditions would remain unchanged under this alternative.

Name of specialist and date: Desa Ausmus, 04/07/11

NATIVE AMERICAN RELIGIOUS CONCERNS

Letters were sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Utes Tribal Council, Shoshoni Tribal Historic Preservation Officer, and the Colorado Commission of Indian Affairs in the spring of 2009 discussing upcoming projects the BLM would be working on in FY10 and FY11. Letters were followed up with phone calls. No comments were received (Letters on file at the Little Snake Field Office, Craig, Colorado).

Name of specialist and date: Ethan Morton, 04/04/11

SOILS

Affected Environment: The table below (Table 1) describes the major soil groups within the West Black Mountain and Round Mountain Allotments. Surface soil characteristics are stable with a high vegetative cover and diversity to help protect from accelerated erosion. A 2010 Land Health Assessment of the allotments indicates there is little to no evidence of soil movement or erosion in the form of gullies, pedestals, or observed flow patterns. Land capability classification for all soil types present states that the soils within the allotments are suitable for grazing, though many require careful management and are limited because they are very cold and stony. The main hazard for all of these soils is erosion unless close-growing plant cover is maintained. Biological soil crusts are not present, but are not expected in this relatively high precipitation environment.

**Table 1. Soil Summary for the Proposed West Black Mountain/
Round Mountain Allotments**

Soil Map Unit (MU) & Soil Name	Map Unit Setting	Description
MU 17 Binco gravelly clay loam, 15 to 45% slopes, very stony	<i>Elevation:</i> 7,200 to 8,300 feet <i>Mean annual precipitation:</i> 16 to 18” <i>Ecological Site:</i> Claypan	These hillslope soils are well drained with very slow permeability and very high runoff potential. Available water capacity is high and the soil profile is typically up to 60 inches deep, composed mostly of clay with some gravelly clay loam.
MU 40 Cochetopa-Gothic complex, 10 to 25% slopes, extremely bouldery	<i>Elevation:</i> 7,200 – 8,200 feet <i>Mean annual precipitation:</i> 16-18” <i>Ecological Site:</i> Brushy Loam	These mountainside soils are well drained with slow permeability and high to very high runoff potential. Available water capacity is moderate to high and the soil profile is typically 60 inches deep, composed of loam, clay loam, very boulder loam, clay, and cobbly/gravelly clays and clay loams

Soil Map Unit (MU) & Soil Name	Map Unit Setting	Description
MU 41 Cochetopa-Gothic complex, 25 to 45% slopes, extremely stony	<i>Elevation:</i> 7,200 – 8,200 feet <i>Mean annual precipitation:</i> 16-18” <i>Ecological Site:</i> Brushy Loam	These mountainside soils are well drained with slow permeability and high to very high runoff potential. Available water capacity is moderate to high and the soil profile is typically 60 inches deep, composed of stony loam, clay, and cobbly/gravelly clays and clay loams
MU 167 Routt-Cochetopa-Binco complex, 10 to 30% slopes, extremely stony	<u>Elevation:</u> 7,200 to 8,200 feet <u>Mean annual precipitation:</u> 16 to 18” <u>Ecological Site:</u> Brushy Loam /Mountain Loam /Deep Clay Loam	These hillslope soils are well drained with very slow to slow permeability and high to very high runoff potential. Available water capacity is high and the soil profile is typically up to 60 inches deep, comprised of loam, clay loam, and clay.

Data taken from *Soil Survey of Moffat County Area, Colorado (2004)*.

Environmental Consequences, Alternative A - Proposed Action: The topography of most public lands within the allotments is relatively steep and as such does not lend itself to extended use by cattle and horses, particularly since water sources are located on private lands. The addition of a boundary fence between the allotments may lead to trailing along the fence line, given the natural tendency of cattle to congregate along fence lines. As a result, it is possible that some degree of soil compaction and more intense forage utilization would occur along the fences within the West Black Mountain Allotment. The resulting decrease in vegetation would fail to decrease the impact of raindrops on the soil surface, while the expected increase in compaction would increase runoff from rain and snowmelt and potentially lead to localized erosion. This impact is unlikely on the Round Mountain side of the new boundary fence since sheep are managed to a high degree by herding. Though sheep use may be concentrated in the Round Mountain Allotment, duration and frequency of use will be low as animals are moved through in bands and don't remain in the allotment the during the entire authorized season of use.

Soils within the allotments are clay-dominated, which are less susceptible to damage and compaction when dry or frozen (season of use is summer through early fall in West Black Mountain, late spring through early winter in Round Mountain). Overall, soils in these allotments are stable and protected by diverse and abundant shrub and grass cover. Even though the proposed season of use is during the main period of vegetation growth and seed production (late spring/summer), low AUM numbers, more dispersed sheep use, and the addition of a deferred season of use every third year on the West Black Mountain Allotment would maintain or improve soil stability and function, which is already in good condition.

Environmental Consequences, Alternative B - No Renewal Alternative: Not authorizing a portion of previously authorized use on these public lands would decrease hoof compaction of soil surfaces. Over time, the lack of compaction, combined with the annual freeze-thaw cycle, may lead to a decrease in soil bulk density and improved soil moisture conditions, which facilitates vegetation germination and root development. Reducing livestock would also result in

an increase of both plant litter and live vegetative ground cover that would provide more protection from wind and water erosion. Any existing livestock trails would heal over time.

If grazing were to continue on adjacent private or other non-federal lands in the allotment, additional fences may have to be built by the landowner to prevent trespass onto federally-managed lands. Given the natural tendency of cattle to congregate and trail along fence lines, it is likely that paths and forage depletion would occur to some localized degree along the fences within the West Black Mountain Allotment. The resulting decrease in vegetation would fail to decrease the impact of raindrops on the soil surface, while the expected increase in compaction would increase runoff from both rain and snowmelt. These factors would combine to increase the likelihood of both wind and water erosion in the areas adjacent to fences. This may result in blowouts and gullies which could indirectly impact federal lands through deposition or by the eroded area actually spreading onto federal lands.

Name of specialist and date: Emily Spencer, 03/31/11

T&E AND SENSITIVE ANIMALS

Affected Environment: The Round Mountain Allotment provides habitat for the federally threatened Canada lynx. Lynx habitat on public lands totals 234 acres with 25 acres of winter/denning habitat and 209 acres of other (low quality or summer) habitat. Vegetation in mapped habitat is comprised primarily of aspen woodlands with a small amount of spruce/fir.

Both allotments provide habitat for two BLM sensitive species, Columbian sharp-tailed grouse and Brewer's sparrow. The area is on the western fringe of sharp-tailed habitat, but sagebrush and mixed mountain shrublands in the allotments still provide nesting and winter habitat for this species. Brewer's sparrows are a summer resident in Colorado and nest in sagebrush stands. Nests are constructed in sagebrush and other shrubs in denser patches of shrubs. This species would likely be nesting in the Proposed Action area from mid-May through mid-July.

Environmental Consequences, Alternative A - Proposed Action:

Canada lynx

Section 7 Consultation with the US Fish and Wildlife Service been completed for grazing on the Round Mountain Allotment. A "May Affect, But Not Likely to Adversely Affect" determination was found for continued grazing in lynx habitat. The US Fish and Wildlife Service concurred with this finding (Letter MS 65412 GJ). A portion of the West Black Mountain Allotment and a small amount of un-allotted BLM land would be incorporated into the Round Mountain Allotment under the Proposed Action. This addition would occur outside of lynx habitat on the allotment. No additional impacts to lynx would be expected from the Proposed Action.

Columbian sharp-tailed grouse

Under the Proposed Action, the class of livestock on the West Black Mountain Allotment would change from sheep to cattle and horses. This change would likely result in increased utilization on grasses and a decreased utilization on shrubs. Grazing would begin in June and overlap with

the latter part of the grouse nesting season. Grazing has the potential to reduce the amount of herbaceous cover available for nest concealment. During an allotment visit, the herbaceous component was healthy and vigorous and would be resilient to the change in livestock class. Since the allotment would be grazed in conjunction with private land, and no water sources are located on BLM, livestock would be unlikely to concentrate on public lands. The lack of water and low number of AUMs would limit utilization, ensuring adequate herbaceous cover would remain for nest concealment.

A portion of the West Black Mountain Allotment and a small amount of un-allotted BLM land would be incorporated into the Round Mountain Allotment. The Round Mountain Allotment is basically used for a few weeks in the spring and a few weeks in the fall as sheep are moved to and from allotments on the forest. The Round Mountain Allotment was found to be meeting all Land Health Standards under this grazing system. The additional parcels would also meet Land Health Standards under this grazing system and would provide productive habitat for sharp-tailed grouse.

The new allotment boundary fence may have some impacts to sharp-tailed grouse. Fences can provide new perch sites for raptor species, some of which prey on grouse. Fences also have the potential to result in mortality of individual grouse from collisions with wires which have low visibility. Fences near leks pose a greater risk to grouse species. Under the Proposed Action, fence markers would be used to increase visibility of the new fence. This would help minimize collisions risks. Since the proposed fence is over one mile from any active lek, both collision and predation risks would be minimal.

Brewer's Sparrow

Impacts to Brewer's Sparrow are described under the Migratory Bird Section of this EA.

Environmental Consequences, Alternative B - No Renewal Alternative: Under the current grazing system, both allotments were found to be meeting all land health standards and providing suitable habitat for T&E and BLM sensitive species. Habitat conditions would be expected to remain unchanged under this alternative.

Name of specialist and date: Desa Ausmus, 04/07/11

UPLAND VEGETATION

Affected Environment: Vegetation on these allotments is very diverse ranging from species associated with sagebrush grasslands, large dense areas of mountain shrub vegetation types, large aspen colonies, and some dispersed spruce and fir. Vegetation in this area is diverse, viable and resilient.

Environmental Consequences, Alternative A - Proposed Action: The West Black Mountain Allotment would be used in conjunction with private lands to the south and east of the public land parcel. The majority of and primary water sources are on these private lands with no BLM constructed water sources on the accessible public lands. This situation would prevent livestock

concentrations on public lands. This is emphasized by the fact that the public lands are upslope from the private lands with water sources. Livestock would tend to graze in close proximity to and with easy access to water. These overall conditions would help with livestock distribution and prevent areas of concentrated utilization on public land. This area has been authorized for sheep over the past ten years, with the change to cattle and horses the vegetation would experience a different nature of foraging due to the dietary and physical differences of the three livestock types. Sheep are intermediate grazers that, in general, feed equally on herbaceous and woody browse vegetation. While horses and cows are true grazers that, in general, feed primarily on herbaceous vegetation, this change in class of livestock would be of insignificant consequence. Given the small number of livestock proposed, the season of use, deferred use every third year, and physical factors described above there would be no adverse impacts to upland vegetation.

There would be no adverse impacts to the Round Mountain Allotment even though the portion of the West Black Mountain that would be merged into the Round Mountain Allotment will extend the previously authorized season of use for that particular parcel. This extended season of use is designed to give the operator flexibility and that livestock are not kept on the Round Mountain Allotment during the entire authorized season of use. This change would be minimal and current conditions would continue. There are no degrading upland vegetation resource concerns on this allotment.

Environmental Consequences, Alternative B - No Renewal Alternative: The reduction of authorized use would result in no adverse impacts, current conditions would continue. There are no degrading upland vegetation resource concerns on the West Black Mountain Allotment.

Name of specialist and date: Mark Lowrey, 03/23/11

WASTE, HAZARDOUS OR SOLID

Affected Environment: There are no hazardous materials present on the West Black Mountain or Round Mountain Allotments.

Environmental Consequences: Both Alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations. 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 allotments.

Name of specialist and date: Mark Lowrey, 03/25/11

WATER QUALITY – SURFACE

Affected Environment: There are no surface waters identified within the allotment, however any surface runoff from the West Black Mountain and Round Mountain Allotments would flow

into tributaries to Fourmile Creek as well as into the North Fork of Fortification Creek. Water quality for Fourmile Creek is use protected and must support Aquatic Life Warm 2, Recreation N, and agricultural uses. Water quality for North Fork of Fortification Creek must support Aquatic Life Cold 1, Recreation P, water supply, and agricultural uses. As of 2010 Fortification Creek (from North and South Fork to the Yampa River) is on the Colorado Department of Public Health and Environment's (CDPHE) Section 303(d) list of Water Quality Limited Segments because of a low priority selenium impairment (CDPHE 2010).

Environmental Consequences, Alternative A - Proposed Action: Water quality in grazing lands is primarily influenced by the duration, amount, and intensity of precipitation and livestock use, as well as landscape characteristics (topography, soils, vegetative cover). Soils in the allotment are dominated by clay and have a high potential for runoff from snowmelt and summer thunderstorms that could lead to erosion and sedimentation of surface waters down slope of the allotments. Within the current boundaries of the West Black Mountain Allotment, surface soil characteristics are stable with high vegetative cover and diversity to help protect from accelerated erosion that could lead to such water quality issues. The topographical steepness of the allotment is such that horses and cattle are not likely to spend much time in most of the allotment, particularly since water developments are located off public lands.

Sheep use will be more dispersed within the new boundary of the Round Mountain Allotment as part of the Proposed Action. Sheep use of forage is managed to a high degree by herding. Though use may be concentrated when sheep are present, duration and frequency of use will be low as animals are moved through in bands. Water quality downstream of the new Round Mountain Allotment would continue to meet standards, as soil and vegetation types/condition in this "new" portion of the Round Mountain Allotment are similar to those of West Black Mountain and are not expected to change as a result of the Proposed Action.

Permitting livestock grazing as proposed is consistent with land uses throughout the watershed and would not result in direct changes to surface water quality, as no surface water is present in the allotments. The proposed grazing intensity would not compromise soil stability and vegetation community health given the relatively good condition of the vegetation within the allotments. Grazing and associated activities would not contribute to existing downstream water quality problems regarding selenium.

Environmental Consequences, Alternative B - No Renewal Alternative: The potential for indirect impacts to downstream water quality caused by livestock use, such as trampling, trailing, or overgrazing of vegetation that may lead to increased sediment production, would be reduced. This alternative has the potential to benefit overall water quality downstream of the allotment.

Name of specialist and date: Emily Spencer, 03/30/11

Reference: Colorado Department of Public Health and Environment Water Quality Control Commission. 2010. Regulations #33, 37, and 93. <http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

WILDLIFE – TERRESTRIAL

Affected Environment: Native plant communities on the two allotments are comprised of sagebrush stands and mixed mountain shrublands. These communities typically provide habitat for big game species as well as small mammals, reptiles, and birds. The allotments provide important habitat for wintering mule deer and elk.

Environmental Consequences, Alternative A - Proposed Action: It is unlikely that the Proposed Action would have any negative impacts to terrestrial wildlife habitat. Under the Proposed Action, the class of livestock on the West Black Mountain Allotment would change from sheep to cattle, horses, and sheep. This may increase competition with elk and decrease competition with mule deer since the diet of cattle and horses overlap more with elk. Due to the lack of water and low number of AUMs, competition for resources would be minimal. A portion of the West Black Mountain Allotment and a small amount of un-allotted BLM land would be incorporated into the Round Mountain Allotment. The Round Mountain Allotment was found to be meeting all Land Health Standards under the current grazing system and the additional parcels would also meet Land Health Standards.

Overall, the proposed grazing regimes would be compatible with maintaining suitable habitat for a variety of wildlife species. Both allotments are in good condition and these conditions would continue under the Proposed Action.

Fences have potential to result in mortality of big game species as elk and mule deer can become entangled in fence wires during crossing. The new fence would be constructed in a wildlife friendly manner and this would reduce the risks to big game species.

Environmental Consequences, Alternative B - No Renewal Alternative: Under the current grazing system, both allotments were found to be meeting all land health standards and providing suitable habitat for a variety of wildlife species. Habitat conditions would remain unchanged under this alternative.

Name of specialist and date: Desa Ausmus, 04/07/11

CUMULATIVE IMPACTS SUMMARY:

The West Black Mountain Allotment and areas surrounding have historically been grazed by both sheep and cattle. Cattle ranching first came into NW Colorado during the mid 1800's. Sheep ranching came into the region around 1910 and competed well with cattle due to the favorable economic position of sheep. The balance of the two livestock classes has evolved very little since the first half of the 20th century. Historically the West Black Mountain Allotment and surrounding areas were outside of a recognized grazing district and located between US Grazing Service - Grazing District #6 to the west and the Routt National Forest to the east. A 1935 US Forest Service publication identified (in general) this area as summer cattle range and summer sheep range for sheep wintered in Colorado. It is not anticipated that land use, emphasizing

agricultural practices, in any of the surrounding areas, public or private lands, will experience drastic changes outside of previous and or current use, or be abolished in the foreseeable future.

The West Black Mountain Allotment is approximately 2 miles south west of the Wilderness Ranch Subdivision. This subdivision is sparsely developed with recreational cabins and summer homes. Due to the lack of access, proximity to the West Black Mountain Allotment and other surrounding public lands past, current, and foreseeable future activities on both public lands and the Wilderness Ranch Subdivision would have no cumulative effects on each other.

The potential exists for the private property owners to sell or subdivide private lands contiguous to the West Black Mountain Allotment and other surrounding public lands. Since this activity is not anticipated in the foreseeable future any potential cumulative impacts cannot be analyzed.

The West Black Mountain Allotment is located 1 mile west from the western boundary of the Routt National Forest Bears Ears District. In communication with Forest Service Officials the following information was acquired. Historically there have been minimal activities in the area of the Bears Ears District, other than livestock grazing. Past timber harvesting was minimal due to limited access. There are no developed campgrounds on that side of the district. There is some dispersed camping and hunting. Currently that area is permitted for sheep grazing from July 7 to Sept 10 for two bands of sheep.

Foreseeable activities include continuing sheep grazing. The area has not been identified for O&G production. Recreational activities are likely to continue. Stand exams for a future timber sale are being conducted but it is unknown if or when that timber would be offered. There has been discussion about prescribed burning, mastication, and timber salvage adjacent to the Wilderness Ranch subdivision to create a fire buffer. This is still in the planning stage with no specific details about the size or scope of the treatment. Implementation probably would not occur until 2014 at the earliest.

Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. Fences and development contribute to habitat fragmentation for many wildlife species. With the consideration of all existing fences and potential new fence construction on private lands in the surrounding area, the construction of one mile of additional fence would have minimal impact and not be cumulative in nature.

Numerous unmaintained roads exist throughout the area, including on the allotments. These roads are used regularly by ranchers as well by as the primary recreation users in the area, hunters. Because there is no public access to the West Black Mountain Allotment there is very little use of existing roads and trails. In association with the expected signing and implementation of the Final Little Snake Resource Management Plan (RMP) a Travel Management Plan (TMP) would be completed within five years. This TMP will provide greater restrictions to OHV use compared to what is currently allowed. These restrictions would remove an additional impact in many areas, thus benefiting natural resources.

Energy and Minerals development is currently authorized in many areas outside of area of proposed action and some level of future developments will occur. The West Black Mountain Allotment lies approximately 3 miles east of Colorado State Highway 13 which serves as a transportation and energy corridor. Currently there are two proposed high voltage interstate transmission in which one proposed route is along the Colorado State Highway 13 corridor.

The Draft Final Environmental Impact Statement for the Little Snake RMP provides so that energy and mineral development will not interfere with or reduce current levels of other managed public land uses. The growing trend for renewable energy sources (solar and wind) has seen an increase in interest of these facilities on public lands. To date the areas of proposed action and the LSFO resource area in general has not been identified as a desired location for either of these energy developments.

As ranching and agriculture is a major economic driver for the local community and surrounding region. Continuation of these practices would provide commerce, employment, and stability to many businesses, families and individuals who depend on agricultural practices for their livelihood. If the no renewal alternative were to be chosen a small number of individuals and families would lose employment and would be forced to seek/or train for other employment, relocate, or rely on public assistance. If this type of no grazing on public land trend were to continue, denying applications and or cancelling other or all public land grazing authorizations, the economy of the entire region and many other associated industries would no longer be sustainable, thus causing a much larger and far reaching adverse economic and social impact. Currently and in the foreseeable future there is no industry, or economic venture that could replace agricultural practices in terms of employment, commerce, and tax based revenue.

There is a consensus in the international community that global climate change is occurring, although defined causal factors and prevention measures are still being debated. There is currently a lack of guidance on how to perform a climate change analysis under NEPA and thus it is appropriate to restrict this discussion to a qualitative review. Livestock grazing under the Proposed Action would be at a reduced level from historical use, so it follows that methane and carbon dioxide production would be reduced as well. Therefore, under the Proposed Action there would be a reduced contribution to global climate change. Greenhouse gas production would presumably be further reduced under a no grazing scenario, although it is likely that at least some of the livestock that would have been grazed on this allotment would simply graze elsewhere.

The Proposed Action and any alternative to continue grazing on this allotment is compatible with other uses, both historic, present, and future and would not add any new or detrimental impacts to those that are already present or will be cumulative in nature.

STANDARDS

Allotment	Assessment Date(s)	All Standards Met	Standard(s) Not Met	Current Livestock Management a Causal Factor	Management Actions
Round Mountain #00014	06/23-26/03 & 08/03/10	Yes	N/A	N/A	N/A
West Black Mountain #04043	06/23-26/03 & 08/03/10	Yes	N/A	N/A	N/A

All standards are being met and would continue to be met with implementation of either alternative. It may be extrapolated that the un-allotted 40 acres that will be merged into the allotments is meeting standards as well. This is based on limited amount of acreage, proximity, and similar historic land use and management. The sites that were assessed were representative of the entire allotment(s) and un-allotted parcels. Detailed assessment description is available in allotment files.

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Peroulis, John & Sons, Johnson Trust.

MITIGATION MEASURES: None

COMPLIANCE PLAN(S): None

ATTACHMENTS: 1a & 1b – Maps, 2 - Standard and Common Terms and Conditions

SIGNATURE OF PREPARER: /s/ Mark Lowrey

DATE SIGNED: 05/19/11

SIGNATURE OF ENVIRONMENTAL REVIEWER: /s/ Matt Anderson

DATE SIGNED: 05/20/11

Finding of No Significant Impact

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the Little Snake Resource Management Plan and Record of Decision (1989). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context:

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. The base property owner, Johnson Trust, with a grazing preference for a portion of the West Black Mountain Allotment #04043 have been leasing their base property and subsequently the public land grazing preference for the past ten years to Peroulis, John & Sons, authorization #051265. This lease expired on 05/01/09. The base property owner, Johnson Trust, has applied for renewal of the grazing lease back into the family name.

Intensity:

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse:

The beneficial effects of the Proposed Action includes: in authorizing public land grazing this action sustains the local economy as grazing operations would continue to supply personal income to the operator and employees, and would have a proportional influence on the regional, Colorado, and national economy. This action supports the western livestock industry. The authorized livestock operator(s) have mandatory and special terms and conditions that must be met to maintain their grazing preference. This provides a certain level of stewardship of public lands in that if these lands were to become degraded by any activity or event, natural or human in origin, grazing and or other authorized uses would be terminated. This stewardship role of the livestock operator not only mandates proper livestock and forage management but also provides communication with the BLM as to other activities or events that could cause degradation to public lands.

Adverse effects include minor impacts to soils and vegetation that will occur temporarily during construction of the proposed fence. Long term effects would be limited in scope.

2. Degree of effect on public health and safety:

There would be no affect to public health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the area of Proposed Action. As described in the EA, impacts to cultural resources were identified for the Proposed Action. As this action is not a new action but a continuation of historic land uses in this area there would be no affect to unique characteristics of the geographic area.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:

Public input regarding the Proposed Action has been solicited during the planning process. The BLM Little Snake Field Office sent out a Notice of Public Scoping on December 17, 2007 to determine the level of public interest, concern, and resource conditions on the grazing authorizations 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. A detailed scoping letter was mailed to interested parties on March 31, 2011. No comments were received.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:

No individually or cumulatively significant impacts were identified for the Proposed Action. Any adverse impacts identified for the Proposed Action, in conjunction with any adverse impacts of other past, present, or reasonably foreseeable future actions will result in negligible impacts to natural and cultural resources.

8. Degree to which the action may adversely affect district, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

There would be no loss or destruction to these resources.

9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:

Canada lynx

Section 7 Consultation with the US Fish and Wildlife Service been completed for grazing on the Round Mountain Allotment. A “May Affect, But Not Likely to Adversely Affect” determination was found for continued grazing in lynx habitat. The US Fish and Wildlife Service concurred with this finding (Letter MS 65412 GJ). A portion of the West Black Mountain Allotment and a small amount of un-allotted BLM land would be incorporated into the Round Mountain Allotment under the Proposed Action. This addition would occur outside of lynx habitat on the allotment. No additional impacts to lynx would be expected from the Proposed Action.

10. Whether the action threatens a violation of federal, state, or local environmental protection law:

The Proposed Action violates no federal, state, or local environmental protection laws.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Wendy Reynolds, Field Manager

DATE SIGNED: 05/20/11

ATTACHMENT #2
DOI-BLM-CO-N010-2011-0066-EA
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.

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.