

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-N010-2011-0122-DNA

CASEFILE/ALLOTMENT NUMBER: 0501029/04541

PROJECT NAME: Renewal of the grazing permit for the Upper Dressler Gulch Allotment #04541

LEGAL DESCRIPTION: see allotment map, Attachment #1

Upper Dressler Gulch #04541

T9N, R92W parts of Secs. 22, 23, 26, 27

26 acres BLM  
860 acres BLM LU  
9 acres Private  
895 acres Total

APPLICANT: Glenda Bellio

### A. Describe the Proposed Action

Renew the grazing permit on the Upper Dressler Gulch #04541 for a period of three years, expiring December 31, 2014. This term coincides with the permittees base property lease. The permit would be renewed with the same terms and conditions as the expiring permit which are as follows:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	From	To		
Upper Dressler Gulch #04541	21	Cattle	05/16	06/20	100	25
	22	Cattle	07/06	11/02	100	<u>87</u>
<b>TOTAL</b>						<b>112</b>

### Special Terms and Conditions:

1. Sheep, cattle and/or horses may be authorized on this allotment as long as use does not exceed total AUMs. Up to 26 of the total 112 AUMs may be authorized for horses.
2. Livestock will leave the allotment for 2 weeks from June 20 until July 6.

3. Up to 5 days flexibility may be granted on the use dates of the allotment.

The permit would also be subject to the Standard and Common Terms and Conditions (Attachment #2).

## **B. Land Use Plan (LUP) Conformance**

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

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

Other Documents:

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado

Date Approved: February 12, 1997

The Federal Land Policy and Management Act of 1976, as Amended (43 USC 1752)

Rangeland Reform Final Environmental Impact Statement, December 1994.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions.

The proposed action implements the Resource Management Plan Livestock Grazing Management objective on page 10 of the ROD to improve range conditions through proper utilization of key forage plants and adjust livestock stocking rates. Also, as stated on page 11 of the ROD, the goal of the livestock management program is to improve the rangeland forage resource by managing toward a desired plant community, and states “In the future, allotment categorization, levels of management, and permit modifications could be made if additional information suggests that this is warranted in order to achieve or make significant progress toward achieving the Colorado Standards for Rangeland Health” (43 CFR 4180). The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5 BLM 1617.3). The proposed action of renewal of the grazing permit is in conformance with the Little Snake RMP/ROD.

## **C. Identify applicable NEPA documents and other related documents that cover the proposed action.**

Rangeland Program Summary (RPS), Little Snake Resource Area, November 15, 1990

Standard Terms and Conditions (See Attachment 2).

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-N010-2009-0040 EA, Renewal of the grazing permit on the Upper Dressler Gulch Allotment #04541.

#### **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 Upper Dressler Gulch Allotment #04541 were analyzed in the RMP/EIS and were designated as a “C” (Custodial) allotment. The proposed action received site-specific analysis in Environmental Assessment DOI-BLM-CO-N010-2009-0040 EA, Renewal of the grazing permit on the Upper Dressler Gulch Allotment #04541. This EA analyzed the same terms and conditions as the current proposal.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?**

Yes, the multiple use alternatives analyzed in the valid NEPA documents are still appropriate. The current environmental concerns, interests, and resource values are essentially the same as those in 2009. 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 Upper Dressler Gulch Allotment #04541 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 and EA identified all resource concerns for these allotments.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the proposed action. Impacts to all resources were analyzed.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?**

Yes. Direct and indirect impacts of the proposed action are within the parameters of those identified in the existing NEPA documents. Impacts regarding the proposed action to authorize livestock grazing on the Upper Dressler Gulch Allotment #04541 at the current grazing intensity and period of use are within those parameters. An allotment-specific analysis of resource conditions, assure that this 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 on either that would change the impacts resulting from the proposed action.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) 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. A Notice of Public Scoping for the current proposed action was sent to affected interests December 15, 2010. No comments were received on the notice.

**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	ES	9/6/11
Ethan Morton	Archaeologist	Cultural Resources, Native American Concerns	EM	9/12/11
Louise McMinn	Realty Specialist	Environmental Justice	LM	9/6/11
Mark Lowrey	Rangeland Management Spec.	Hazardous Materials	ML	9/19/11
Christina Rhyne	Rangeland Management Spec.	Invasive Non-native Species	CR	9/7/11
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS	9/19/11
Desa Ausmus	Wildlife Biologist	T&E Animal	DA	9/19/11
Marty O'Mara	Geologist	Water Quality – Ground	EMO	9/12/11
Shane Dittlinger	Recreation Specialist	WSA, W&S Rivers	KSD	9/19/11
<b>Standards</b>				
Desa Ausmus	Wildlife Biologist	Animal Communities	DA	9/19/11
Desa Ausmus	Wildlife Biologist	Special Status, T&E Animal	DA	9/19/11
Mark Lowrey	Rangeland Management Spec	Upland Plant Communities	ML	9/19/11
Hunter Seim	Rangeland Management Spec	Special Status, T&E Plant	JHS	9/19/11
Emily Spencer	Natural Resource Specialist	Riparian Systems	ES	9/6/11
Emily Spencer	Natural Resource Specialist	Water Quality	ES	9/6/11
Emily Spencer	Natural Resource Specialist	Soils	ES	9/6/11

### **Land Health Assessment**

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. This action will not adversely affect achievement of the Public Land Health Standards. Standard Assessment was conducted on June 14, 2006 by an interdisciplinary team.

**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 /s/ Mark Lowrey

Date: 09/21/11

Signature of NEPA Coordinator /s/ Barb Sterling

Date: 09/22/11

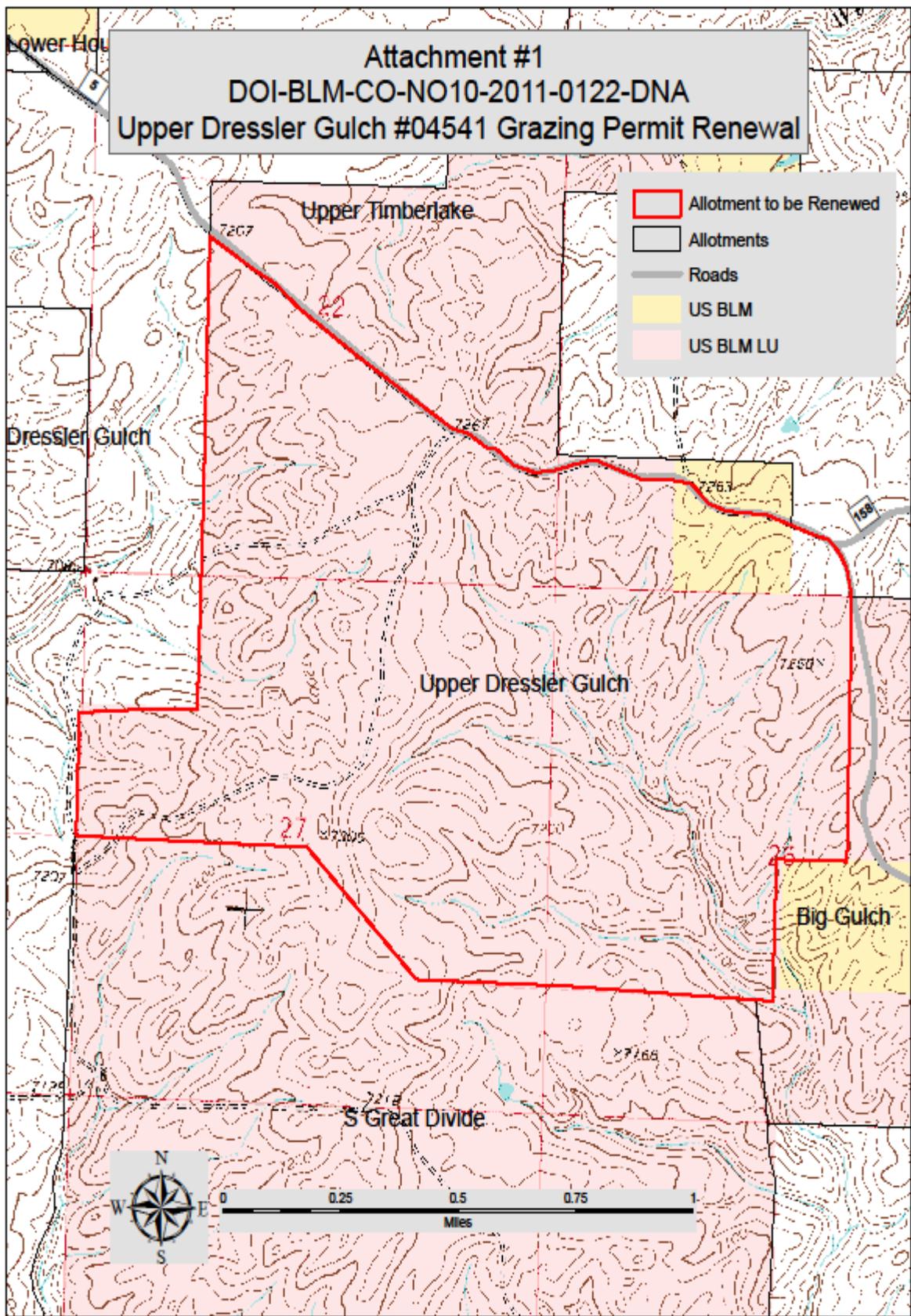
Signature of the Authorizing Official /s/ Matt Anderson

Date: 09/29/11

for Wendy Reynolds, Field Manager

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

**Attachment #1**  
**DOI-BLM-CO-NO10-2011-0122-DNA**  
**Upper Dressler Gulch #04541 Grazing Permit Renewal**



**ATTACHMENT #2**  
**DOI-BLM-CO-N010-2011-0122-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) Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed

is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.

- F) The operator is responsible for informing all persons who are associated with the 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 project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO 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 project activities again; and
  - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and 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.
- G) If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.
- H) 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.
- I) 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.
- J) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

**ATTACHMENT #3**  
**DOI-BLM-N010-2011-0122-DNA**  
**Standards and Assessments**  
**Upper Dressler Gulch Allotment #04541**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** The Upper Dressler Gulch Allotment provides habitat for a variety of wildlife species. The Proposed Action would sustain viable plant communities and continue to provide productive habitat for terrestrial wildlife. This standard would be met under the Proposed Action.

Name of specialist and date: Desa Ausmus, 3/10/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** The allotment provides habitat for greater sage grouse and Columbian sharp-tailed grouse, both BLM sensitive species. This standard is currently being met for both grouse species. The Proposed Action would continue to meet this standard.

Name of specialist and date: Desa Ausmus, 3/10/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:**  
This standard is currently being met and would continue to be met in the future under the Proposed Action. The dominant and key species are appropriate and as expected within the allotment. The vegetation is productive and vigorous exhibiting adequate resilience from human activities. Some non-native species are present in the allotment but are within an acceptable level.

Name of specialist and date: Mark Lowrey, 9/19/11

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species present on the Upper Dressler Gulch Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim, 3/2/09

**RIPARIAN SYSTEMS STANDARD:** This standard is currently being met within the Upper Dressler Gulch Allotment. Lentic resources are rated FAR with an upward trend. Current livestock grazing is not contributing to negative effects within the riparian area. The Proposed Action grazing patterns would not preclude this standard from being met in the future.

Name of specialist and date: Emily Spencer, 9/6/11

**WATER QUALITY STANDARD:** The water quality standard for healthy rangelands would be met with implementation of the Proposed Action. Runoff from snowmelt and rain storms drains from the allotment into stream segments that are presently supporting classified uses. No affected stream segments are listed as impaired.

Name of specialist and date: Emily Spencer, 9/6/11

**UPLAND SOILS STANDARD:** This standard is currently being met within the Upper Dressler Gulch Allotment. Upland soils are stable and have good vegetative cover. There is very little visual evidence of soil movement and surface litter is accumulating in place. No visual evidence of rills, pedestals, or flow patterns is present. Proposed levels of grazing would maintain sufficient residual forage for upland soil health to be maintained. This standard would be met with the implementation of the Proposed Action.

Name of specialist and date: Emily Spencer, 9/6/11

**ATTACHMENT #4**  
**DOI-BLM-CO-N010-2011-0122 DNA Cultural Resources and Native American Concerns -**  
**Heritage Rpt. #10.54.2011**

**Affected Environment**

Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for the allotment on September 12, 2011 by Ethan Morton, 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 (Morton 2011).

The table below is based on the allotment specific analysis developed for the allotment in this DNA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment Number (BLM acres)	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)
04541(886)	19	867	2%	0	17	4

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

Two cultural resource studies have been conducted within allotment # 04541 resulting in total survey coverage of 19 acres at a Class III level. This is approximately 2% of the BLM administered lands within the allotment. No archaeological sites have been discovered within the allotment

Based on available data (site density), there area potentially 17 cultural resources within the allotment. It is likely that approximately 4 of these resources will be potentially eligible for the National Register. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate within ten years of issuance of a permit. The subsequent inventory will

consist of approximately 57 acres. 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 State Historic Preservation Officer.

**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 (Broadhead 2001, Osbourn et al. 1987). Indirect impacts include soil erosion, gullying, and increased potential for unlawful collection and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties. 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 the proposed action 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).

**Mitigative Measures:** none

#### References Cited

Binford, Lewis R.

1981 Behavioral archaeology and the "Pompeii Premise". *Journal of Anthropological Research* 37(3):195-208.

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 DNA input for the Grazing Lease Renewal on the Upper Dressier Gulch Allotment #04541. DOI-BLM-CO-N010-2011-0122-DNA. Ms on file. BLM-LSFO 10.54.2011. Craig Colorado.

Osbourn, 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.

Schiffer, Michael B.

1987 Formation Processes of the Archaeological Record Formation Processes of the Archaeological Record. Albuquerque: University of New Mexico Press.

## **NATIVE AMERICAN RELIGIOUS CONCERNS**

Letters were sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Utes Tribal Council, and the Colorado Commission of Indian Affairs in the spring of 2011 discussing upcoming range permits 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).