

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-N010-2013-0027-DNA

CASEFILE/ALLOTMENT NUMBER: 0501170/04146

PROJECT NAME: Renewal of the grazing lease on the Dowden Gulch Allotment #04146

LEGAL DESCRIPTION: see Allotment Map, Attachment #1

**Dowden Gulch Allotment #04146**

T6N, R89W, Sec. 36  
T5N, R89W, portions of Secs.1-4,9-15,22-27,35,36  
T5N, R88W, portions of Secs. 19, 30, 31  
T4N, R89W, portions of Secs. 1, 2, 11, 12  
T4N, R88W, portions of Secs. 7, 8, 17, 18

2,153 acres BLM  
10,210 acres Private  
12,363 acres Total

APPLICANT: Tuttle Livestock

**A. Describe the Proposed Action**

Renew the grazing lease #0501170 on the Dowden Gulch Allotment #04146 through January 31, 2016 coinciding with the base property lease. The lease would be renewed with the same terms and conditions as the previous lease which are as follows:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	Begin	End		
Dowden Gulch 04146	1285	Sheep	08/20	10/14	100	473

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

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

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

Date Approved: October, 2011

Final RMP/EIS, August, 2010

Draft RMP/EIS, January, 2007

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

The Proposed Action implements the Livestock Grazing Management Goals and Objectives on page RMP-41 of the RMP to manage resources, vegetation, and watersheds to sustain a variety of uses, including livestock grazing, and to maintain the long-term health of the rangelands; provide for efficient management of livestock grazing allotments; and contribute to the stability and sustainability of the livestock industry. The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5 BLM 1617.3). The proposed action of renewal of the grazing lease is in conformance with the Little Snake Record of Decision and Approved Resource Management Plan (ROD/RMP).

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

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

Rangeland Reform Final Environmental Impact Statement, December 1994.

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

Standards and Assessments, Grazing Allotment #4138, Big Sugarloaf, October 9, 2007.

Renewal of the grazing lease on the Dowden Gulch Allotment #04146 DOI-BLM-CO-N010-2009-0012-EA

## **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 Proposed Action received site-specific analysis in Environmental Assessment DOI-BLM-CO-N010-2009-0012-EA. This EA analyzed the same AUMs, period of use, delineated acreage, and type of livestock continued under the Proposed Action.

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

Yes, the multiple use alternatives analyzed in the valid NEPA documents are still appropriate. The current environmental concerns, interests, and resource values are essentially the same as those in 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. Resource conditions on the allotment meet and/or exceed objectives and goals. The previous analysis remains valid. No new threatened or endangered plant or animal species have been identified on the Dowden Gulch Allotment. The RMP identified all resource concerns for the allotment.

Subject to WO-IM 2011-154 and in accordance with BLM policy, the proposed project area was evaluated for suitability as lands with wilderness characteristics and did not meet the size criteria for an area greater than 5,000 acres. Therefore, the proposed action would not affect lands with wilderness characteristics.

**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 identified.

**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?**

Direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents. Impacts from livestock grazing on the Dowden Gulch Allotment #04146 have been addressed in the applicable NEPA documents, including impacts to upland vegetation, wildlife, cultural resources, visual resources, and recreation use. No new site-specific impacts were identified in the review of resource conditions contained in the Standards of Public Land Health Assessment, see Attachment #3.

The proposed action would provide for at least the minimum legal requirements for cultural resources management and protection and each 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 during a Class III survey will need to be monitored. Initial recordation of new sites and reevaluation of the known sites will establish the current condition of the resource and help in developing a monitoring plan for 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 implementation of the proposed action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been proposed 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 in the development of the RMP/EIS. The proposed action was included in the development of the RMP/EIS. A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Indian Tribe, Ute Mountain Tribal Council, and the Colorado Commission of Indian Affairs on October 14, 2004. Letters were sent to the tribes in the spring of 2012 describing general livestock permitting. No comments were received.

The Little Snake Field Office sent out a Notice of Public Scoping on December 17, 2007 to all interested publics for all grazing allotments within the field office to determine the level of public interest, concern, and resource conditions on the grazing allotments 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 and lease renewals. No comments specific to this Proposed Action were received. All interested publics for the Dowden Gulch Allotment #04146 will receive copies of the proposed decision.

**E. Interdisciplinary Analysis:**

<b>Title</b>	<b>Resource</b>	<b>Date</b>
Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones, Upland Soils, Special Status Farmlands	03/25/13
Archaeologist	Cultural Resources, Native American Concerns	04/11/13
Realty Specialist	Environmental Justice	03/25/13
Rangeland Management Spec.	Hazardous Materials	04/05/13
Rangeland Management Spec.	Invasive Non-native Species	04/05/13
Rangeland Management Spec.	Sensitive Plants, T&E Plant	03/27/13
Wildlife Biologist	T&E Animal	03/25/13
Geologist	Water Quality - Ground	04/05/13
Recreation Specialist	WSA, W&S Rivers	04/03/13
Wildlife Biologist	Animal Communities	03/25/13
Wildlife Biologist	Special Status, T&E Animal	03/25/13
Rangeland Management Spec	Plant Communities	04/05/13
Rangeland Management Spec	Special Status, T&E Plant	03/27/13

**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 August 28, 2008 by a wildlife biologist, rangeland management specialist and two range technicians.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of NEPA.

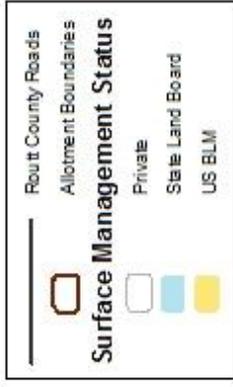
Signature of Lead Specialist \_\_\_\_\_ Date \_\_\_\_\_

Signature of NEPA Coordinator \_\_\_\_\_ Date \_\_\_\_\_

Signature of the Authorizing Official /s/ Wendy Reynolds \_\_\_\_\_ Date 04/18/13  
 Wendy Reynolds, Field Manager

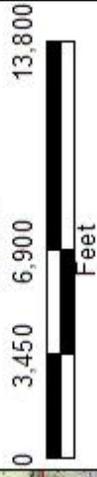
Note: The signed Conclusion on this document is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision.

# #04146 Downden Gulch


 Rout County Roads  
 Allotment Boundaries  
**Surface Management Status**  
 Private  
 State Land Board  
 US BLM

Private	10,210 acres
BLM	2,153 acres
<b>Total</b>	<b>12,363 acres</b>

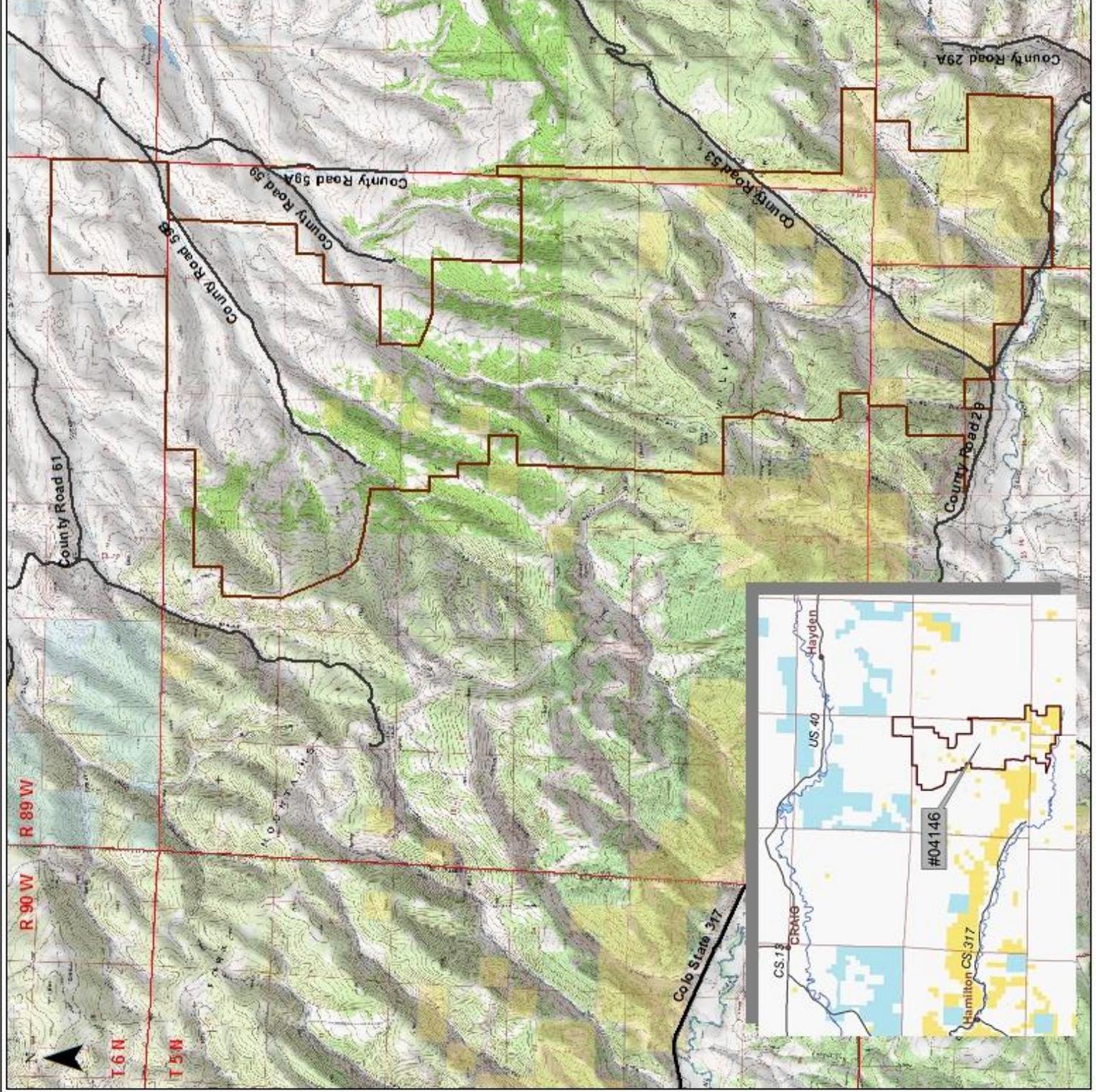
Breeze Mountain  
Hayden Gulch  
Hayden  
Pagoda



1:75,000



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data. All boundaries are an approximate representation.



**ATTACHMENT #2**  
**DOI-BLM-CO-N010-2013-0027-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) If used, salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further,

pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

**ATTACHMENT #3**  
**DOI-BLM-CO-N010-2013-0027-DNA**  
**Standards and Assessments\***  
**Dowden Gulch Allotment #04146**

**COLORADO PUBLIC LAND HEALTH STANDARDS**

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

**Standard 1** Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

The upland soil standard for healthy rangelands would be met with implementation of either the Proposed Action or No Action Alternatives. Proper grazing use (40-60% utilization) of the vegetative resources and other management practices that are used at the discretion of the livestock operator are more easily achieved with herded sheep use. General impacts from an earlier and longer grazing period (No Action) can be mitigated with herding rotations. Upland soil infiltration and permeability rates are appropriate for the steep to slight slopes found on the public lands within this allotment. Vegetative cover is sufficient to disperse hydrologic influences. Upland soils within this allotment support diverse plant communities from low sage on claypan sites to oak brush on brushy loam sites. These plant communities provide cover, litter and a variety of root depths to enhance upland soil health. Proper grazing use (40-60% utilization) of the vegetative resources and other management practices that are used at the discretion of the livestock operator are more easily achieved with herded sheep use.

**Standard 2** Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

This standard is being met within this allotment and would continue to be met under either the Proposed Action or No Action Alternatives. The Hayden Gulch riparian system was determined to be in Proper Functioning Condition during the most recent 2011 assessment and consists of a diverse, lush wetland plant community.

**Standard 3** Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

This standard is being met within this allotment. The allotment consists of a diverse and productive plant community. Although noxious weeds and undesirable species are present, there is a vigorous community of desirable native species in the area to promote and maintain healthy plant communities.

The vegetative community is in good condition, providing suitable and productive habitat for numerous wildlife species. The Proposed Action would not degrade wildlife habitat or preclude this standard from being met.

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

There are no federally listed threatened, endangered, or BLM sensitive plant species populations identified within this allotment.

**Standard 5** The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

The water quality standard for healthy rangelands would be met with implementation of either the Proposed Action or No Action Alternatives. Runoff from snowmelt and summer storms will drain from the Dowden Gulch Allotment into two major stream segments – The Williams Fork River and Dry Creek. As of 2012, there are no impairments or suspected water quality issue for the mainstem of the Williams Fork River. Various portions of Dry Creek are listed as impaired for a low priority selenium and (total recoverable) iron impairments, which are unrelated to livestock grazing impacts. Dry Creek is also on the monitoring and evaluation list for lead and *E. coli* issues of unknown origin.

\* The Dowden Gulch Allotment #04146 was assessed for compliance with the Colorado Standards of Public Land Health by an interdisciplinary team consisting of a rangeland management specialist, a wildlife biologist and two range technicians on August 28, 2008. This was an allotment specific assessment of upland sites. A Proper Functioning Condition assessment of Dowden Gulch was completed June 22, 2011 by an ecologist, wildlife biologist and rangeland management specialist.

**ATTACHMENT #4**  
**DOI-BLM-CO-N010-2013-0027-DNA**  
**Cultural Resources & Native American Concerns**  
**Dowden Gulch Allotment #04146**

**CULTURAL RESOURCES**

Affected Environment: The BLM's authorization of grazing permits is considered an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources located on federal land. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. Section 106 of NHPA requires federal agencies to: 1) inventory cultural resources within federal undertaking Areas of Potential Effect (APEs), 2) evaluate the significance of cultural resources by determining National Register of Historic Places (National Register) eligibility and, 3) consult with applicable federal, state, and tribal entities regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate potential impacts to eligible sites.

In Colorado, the BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) among the BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have "no effect" or "no adverse effect" by the BLM-LSFO archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have "adverse effects," project-specific consultation is then initiated with the SHPO. Additionally, cultural resources assessment of grazing allotments follows the procedures and guidance of the Colorado BLM State Director as provided in BLM Instructional Memorandums (IMs) IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM CO-2002-29.

The culture history of northwestern Colorado is presented among several recent context studies. Reed and Metcalf's (1999) study of the Northern Colorado River Basin provides applicable prehistoric and historic overviews as compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context also was prepared for the State of Colorado by Church et al. (2007). Furthermore, significant cultural resources administered by the BLM-LSFO are provided in a Class 1 (archival) overview (McDonald and Metcalf 2006), in addition to valuable contextual data provided by synthesis reports of archaeological investigations conducted for a series of large pipeline projects in the BLM-LSFO management area (Metcalf and Reed 2011; Rhode and others 2010; Reed and Metcalf 2009).

A Class 1 cultural resources assessment was completed for the Dowden Gulch Allotment by BLM-LSFO Archaeologist Kim Ryan on April 11, 2013. Data reviewed were obtained from BLM-LSFO cultural program project files, site reports, and atlases, in addition to BLM-maintained General Land Office (GLO) plats and patent records. Electronic files also were

reviewed through online cultural resource databases including *Compass* (maintained by the Colorado Office of Archaeology and Historic Preservation), the Routt County Historic Property Register, and the National Register Information System (NRIS; maintained by the National Park Service). The results of archival research are summarized in the following table; data provided are focused on BLM-administered lands within the specified allotment, and based on information available from the above-referenced sources.

Allotment No. (BLM acres)	BLM Acres Previously Surveyed	BLM Acres <u>NOT</u> Surveyed	Percent of BLM Acres Inventoried Within Allotment	Identified NRHP- Eligible or Needs Data Sites	Estimated Sites Within Allotment*	Estimated NRHP- Eligible or Needs Data Sites Within Allotment*
4146 (2,153)	219.18	1,933.82	10.2	4	78	39

\*Estimated site density as based on existing inventory data. Estimates may be revised (up or down) by future inventories and/or consultations.

Background research indicates that for BLM-administered lands within the Dowden Gulch Allotment, seven cultural resource surveys were conducted of approximately 219 acres, resulting in the identification of eight cultural resource sites as reported in the following:

Anderson, Jane. L. 1979. *Telephone Cable Right-of-Way South of Hayden, Routt County, Colorado*. OAHP #RT.LM.NR43. Pioneer Archaeological Consultants, Longmont, Colorado.

Anderson, Jane L. and Sharon Kyle. 1979. *A Cultural Resource Inventory of the Area Around the Yampa Mine Extension, Routt County, Colorado*. OAHP #RT.PA.R6. Pioneer Archaeological Consultants, Longmont, Colorado.

Wheeler, Charles W. 1980. *A Cultural Resource Inventory of Drill Holes and Access Roads in Routt County, Colorado*. OAHP #RT.LM.NR9. Western Cultural Resource Management, Inc., Boulder, Colorado.

Martin, Gary and Michael S. Burney. 1981. *An Archaeological Survey of Four Core Holes and Their Accesses South of Hayden, Routt County, Colorado*. OAHP #RT.LM.R65. Western Cultural Resource Management, Inc., Boulder, Colorado.

Legard, Carol. 1982. *Cultural Resource Inventory of the Hayden Gulch West Coal Mine Are and Proposed Transportation Corridor, Routt County, Colorado*. OAHP #RT.LM.R66. Pioneer Archaeological Consultants, Inc., Longmont, Colorado.

Barclay, Dulaney. 1996. *Peabody Coal Core Holes Class III Cultural Resource Inventory, Routt and Moffat Counties, Colorado*. OAHP #MC.LM.R116. Metcalf Archaeological Consultants, Inc., Eagle, Colorado.

Keesling, Hal. 1998. *Cultural Resource Survey of Proposed Water Monitoring Well in Routt County, Colorado*. BLM-LSFO #10-1-98. OAHP #RT.LM.NR80. Bureau of Land Management, Little Snake Field Office, Craig, Colorado.

Of the eight documented cultural resource sites, four were recommended not eligible for National Register listing. Ineligible site types include three lithic procurement/reduction loci (5RT.287, 5RT.297, and 5RT.299) and historic-age tree carvings (i.e., dendroglyphs; 5RT.300). No further work is required for these sites.

Three of the four remaining sites were recommended as “needs data” to determine National Register eligibility. These include two lithic procurement/reduction loci (5RT.275 and 5RT.294) and the historic-age Rice Mine (5RT.357). One site comprises an area of rock art that was recommended National Register-eligible (5RT.1305).

A review of historic-age GLO plats also shows evidence of possible features throughout the Dowden Gulch Allotment including multiple fence lines, roads (some of which correspond to modern county roads [CRs] such as CR29, CR53, and CR59B), houses and cabins, irrigation ditches, and agricultural fields. Fence lines are not considered significant cultural resources that would be determined National Register-eligible, however, extant structural features such as roads, irrigation features, and houses, could provide additional information regarding the settlement and/or economic development of the local area, demonstrate unique construction methods, or have been associated with locally significant persons.

Estimating the amount of cultural resources present within the Dowden Gulch Allotment is difficult because given the overall lack of prior (and more recent) survey. However, based on the available data for the allotment and surrounding vicinity it is likely that 78+ cultural resource sites (and/or features) exist on BLM lands within Dowden Gulch Allotment, approximately half of which (~39) may later be determined as National Register-eligible. As such, a sample cultural resources inventory for approximately 160 acres of BLM-administered land should be conducted within the Dowden Gulch Allotment, and within 10 years of permit issuance. Subsequent inventory should focus on areas of livestock concentration, and where historic-age maps indicate potential for cultural resources. Additionally, known “needs data” sites should be revisited and re-evaluated for possible eligibility determinations. The one documented National Register-eligible site (5RT.1305) also requires periodic monitoring (and/or re-recording, as necessary) to identify and document potential impacts. If, as a result of new assessment or monitoring, National Register-eligible sites or features are found to exhibit potential for or actively occurring impacts, mitigation measures will be identified and implemented in consultation among the BLM-LSFO and SHPO.

Environmental Consequences, Proposed Action: Direct impacts to historic properties where livestock concentrate may include trampling, chiseling, and churning of site soils, cultural features and artifacts, artifact breakage, and impacts from standing, leaning, or rubbing against historic structures, above-ground cultural features and/or rock art (Broadhead 2001; Osbourn et al. 1987). Indirect impacts from livestock concentrations may include increased soil erosion and gullyng, in addition to increased potential for unlawful artifact collection and/or vandalism of cultural resources. Other indirect impacts may include degradation of the historic setting, thereby detracting from the view-shed and historic feeling of nearby cultural resource sites.

Environmental Consequences, No Grazing Alternative: While a no grazing alternative alleviates potential damage from livestock activities, cultural resources are constantly subject to site

formation processes or events after creation (Binford 1981; Schiffer 1987). These processes can be both cultural and natural, and may occur instantly or over thousands of years. Cultural formation processes include activities directly or indirectly caused by humans. Natural processes include chemical, physical, and biological processes of the natural environment that impinge upon and/or modify cultural materials.

Environmental Consequences, Cumulative Impacts: Cumulative impacts to historic properties may occur within or adjacent to the allotment, including areas within the allotment view-shed. However, the region has been historically grazed (for more than 50 years) and the intensity of livestock use has generally decreased over time. Any extant historic properties within or adjacent to the allotment—and where potential for impacts exist—are more likely to have sustained impacts as a result of prior livestock/grazing activities or other historic land-use activities (e.g., mining, agriculture, etc.). Although continued livestock use may not pose additional, direct impacts in areas where prior grazing was intensive, secondary effects such as increased erosion could cause long-term, irreversible effects to historic properties, where present. Livestock use also has increased ground visibility over time as a result of increased erosion and decreased ground cover, and by the installation and/or removal of range improvements such as stock ponds and pipelines. These factors may result in the exposure of cultural deposits that would otherwise remain obscured or buried, thereby raising the potential for illegal collection of cultural materials.

Mitigation: Cultural resources survey for approximately 160 acres of BLM-administered lands within the Dowden Gulch Allotment should occur within 10 years of permit issuance. Additional evaluation of 5RT.275, 5RT.294, and 5RT.357 should be conducted to identify potential methods for future investigation and/or determine National Register eligibility, as appropriate. Site 5RT.1307 should be monitored for potential livestock impacts. Continued livestock use of the area is appropriate, provided that any identified impacts to National Register-eligible resources are mitigated. Should BLM-LSFO determine that livestock grazing is having an adverse effect on historic properties, mitigation will be developed in coordination with the SHPO.

## References

Atheam, Frederic J.

1982 *An Isolated Empire: A History of Northwest Colorado*. Cultural Resource Series No. 2. Colorado Bureau of Land Management, Denver.

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*. Bureau of Land Management-Gunnison Field Office, Gunnison, Colorado.

Church, Minette C., Steven G. Baker, Bonnie J. Clark, Richard f. Carrillo, Jonathan C. Horn, Carl D. Spath, David R. Guilfoyle, and E. Steve Cassells

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## **NATIVE AMERICAN RELIGIOUS CONCERNS**

Affected Environment: Four Native American tribes have cultural and historical ties to lands administered by the BLM-LSFO. These tribes include the Eastern Shoshone, Ute Mountain Ute, Uinta and Ouray Agency Ute, and the Southern Ute.

American Indian religious concerns are legislatively considered under several acts and Executive Orders including the American Indian Religious Freedom Act, the Native American Graves Environmental Assessment Protection and Repatriation Act, and Executive Order 13007 (Indian Sacred Sites). In sum, and in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act, these acts and orders require the federal government to carefully and proactively consider the traditional and religious values of Native American culture and lifeways to ensure, to the greatest degree possible, that access to sacred sites, treatment of human remains, the possession of sacred items, conduct of traditional religious practices, and the preservation of important cultural properties are not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources.” Likewise, elements of the landscape without archaeological or human material remains also may be

involved. Identification of Native American concerns is normally completed during land-use planning efforts, reference to existing studies, or through direct consultation with tribes.

Consultation for the type of proposed undertaking is consulted on annually with the aforementioned tribes. Letters were sent to the tribes in the spring of 2012 describing general range permits and projects as planned for the 2013 fiscal year. No comments were received. Project-specific consultation is typically not conducted unless activities are proposed within a previously identified area of tribal concern or if an undertaking may involve culturally significant items, sites and/or landscapes.

Environmental Consequences, Proposed Action: Items, sites, or landscapes determined as culturally significant to the tribes can be directly or indirectly impacted. Direct impacts may include, but are not limited to, physical damage, removal of objects or items, and activities construed as disrespectful (e.g., installation of portable toilets, holding pens, or water control features near a sacred site). Indirect impacts may include, but are not limited to, prevention of access (hindering the performance of traditional ceremonies and rituals), increased visitation of an area, and potential loss of integrity related to religious feelings and associations.

There are no known items, sites, or landscapes determined as culturally significant to the tribes within or immediately adjacent to the permit area. The proposed action does not prevent access to any known sacred sites, prevent the possession of sacred objects, or interfere with the performance of traditional ceremonies and/or rituals.

Environmental Consequences, No Grazing Alternative: None

Environmental Consequences, Cumulative Impacts: Continued livestock grazing has the additive effect of altering the landscape from that ancestrally known by the tribes. Although specific, culturally sensitive sites have not been identified within the allotment or immediate vicinity, the overarching concern is for cumulative effects that modern culture and/or developments cause upon the landscape.

Mitigation: There are no known adverse impacts to any culturally significant items, sites, or landscapes. If new information is provided by consulting tribes, additional or edited terms and conditions for mitigation may be required to protect resource values.