

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.

Renewal of the grazing leases on the Trout Creek #04170 and Upper Trout Creek #04169 Allotments, DOI-BLM-CO-N010-2009-0111-EA.

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.

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, renewal of the grazing lease would be for the same AUMs, period of use, delineated acreage, and type of livestock that was analyzed in DOI-BLM-CO-N010-2009-0111-EA.

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 ranges of alternatives addressed in DOI-BLM-CO-N010-2009-0111-EA are appropriate to the current proposed action. Current environmental concerns, interests, and resource values are the same as those in 2009. No new alternatives have been proposed by the public to address current or additional issues or concerns on this allotment. No new information has been identified that requires change or consideration of new alternatives.

3. Is the existing analysis valid in light of any new information or circumstances?

The previous analysis remains valid. No new threatened or endangered plant or animal species have been identified on the Upper Trout Creek Allotment #04169.

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?

For most resource concerns, direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents. Impacts from livestock grazing on the Upper Trout Creek Allotment #04169 have been addressed in the applicable NEPA documents, including impacts to upland vegetation, wildlife, visual resources, and recreation use. No new site-specific impacts have been identified. Findings of the allotment-specific analysis completed for this DNA in Attachment 4 of the potential for archaeological and historic sites to exist within the allotment and of the effect of the proposed grazing on any sites that may exist within the allotment modify and supersede earlier determinations made in the EA to which this document is tiered.

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. There was 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. BLM also sent out a notice to the above entities on March 7, 2012 requesting any comments for grazing permits and leases that were to expire in FY 13. No comments were received.

The Little Snake Field Office sent out a Notice of Public Scoping on December 18, 2008 to all interested publics to determine the level of public interest, concern, and resource conditions on the grazing allotments that were up for renewal in FY 11. 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 Upper Trout Creek Allotment #04169 will receive copies of the proposed decision.

E. Interdisciplinary Analysis:

Title	Resource	Date
Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	5/5/14
Archaeologist	Cultural Resources, Native American Concerns	10/17/14
Realty Specialist	Environmental Justice	5/6/14
Environmental Coord. NEPA	Hazardous Materials	5/12/14
Rangeland Management Spec.	Invasive Non-native Species	5/7/14
Rangeland Management Spec.	Sensitive Plants, T&E Plant	5/12/14
Wildlife Biologist	T&E Animal	5/8/14
Rangeland Management Spec.	Water Quality - Ground	04/29/14
Recreation Specialist	WSA, W&S Rivers, ACECs, LWCs	6/3/14
Wildlife Biologist	Animal Communities	5/8/14

Wildlife Biologist	Special Status, T&E Animal	5/8/14
Rangeland Management Spec	Plant Communities	04/29/14
Ecologist	Riparian Systems	5/5/14
Ecologist	Water Quality	5/5/14
Ecologist	Upland Soils	5/5/14

Land Health Assessment

This action has been reviewed for conformance with the BLM’s Public Land Health Standards adopted February 12, 1997. This action will not adversely affect achievement of the Public Land Health Standards. Standards assessment conducted on July 22, 2009 by two rangeland management specialists, wildlife biologist, ecologist (SCEP), and Tyler Knott (permittee).

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 _____

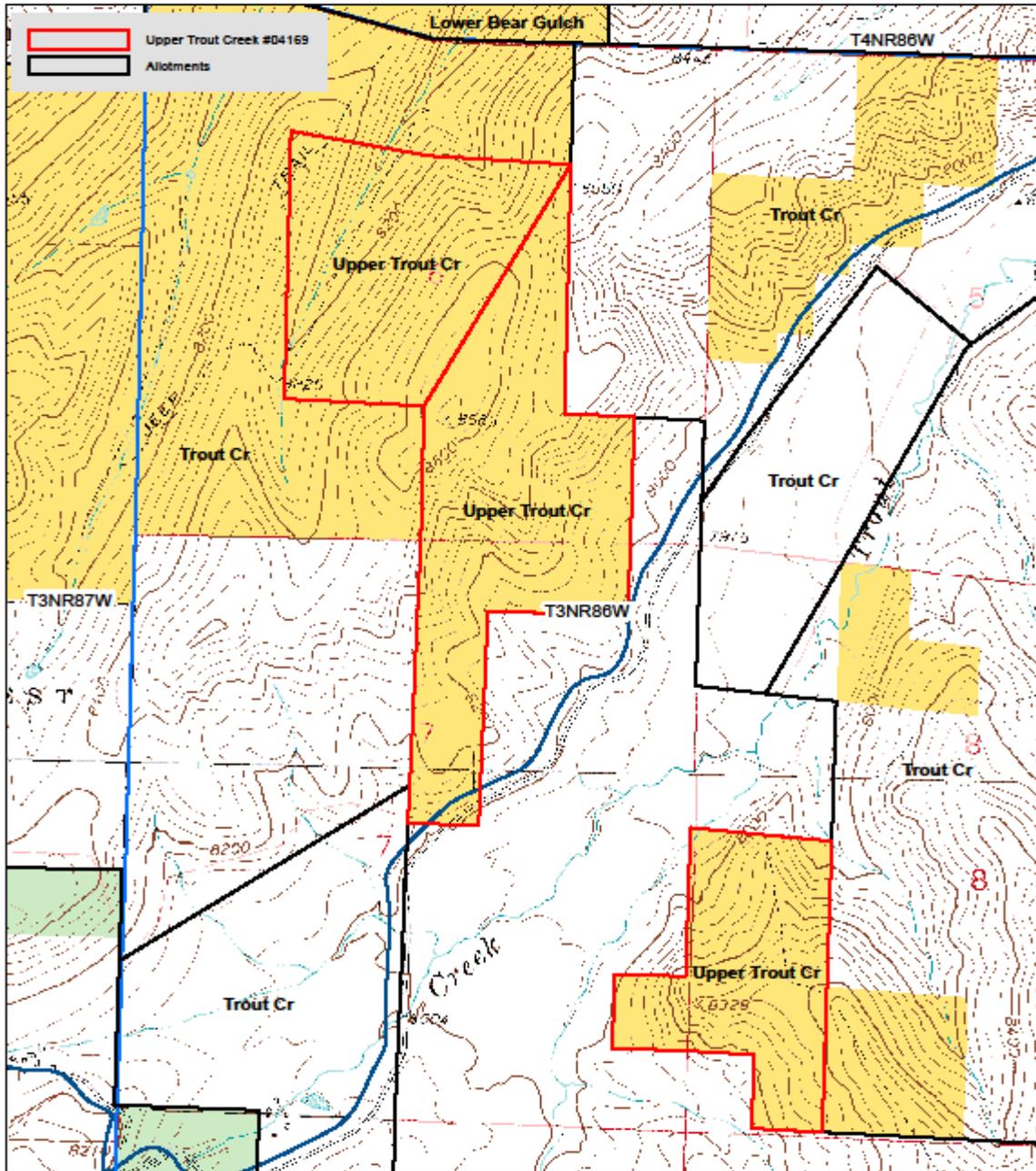
Signature of NEPA Coordinator _____ Date _____

Signature of the Authorizing Official /s/ Wendy Reynolds _____ Date 10/23/14
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-N010-2014-0030-DNA

Upper Trout Creek Allotment #04169
367 Acres Public Land



ATTACHMENT #2
DOI-BLM-CO-N010-2014-0030-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-N010-2014-0030-DNA**

**Trout Creek #04170 & Upper Trout Creek #04169
Standards and Assessments
Executive Summary**

These allotments are meeting all standards. Both allotments were assessed as one unit as they authorized to a sole operator and managed as a single unit.

There were four separate site assessed, two in each allotment, for upland land health standards and 0.8 miles of Little Middle Creek was assessed for riparian proper functioning condition. Interdisciplinary team members included Mark Lowrey: Rangeland Management Specialist, Desa Asmus: Wildlife Biologist, Chris Rhyne: Rangeland Management Specialist, Emily Spencer: (SCEP) Ecologist, and Tyler Knott (permittee). Assessments were conducted on 07/22/09.

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

These allotments contain the vegetation types that would be expected for this area. There is good diversity, vigor, and recruitment in all herbaceous species, shrubs, and aspen trees. There is no sign of erosion and the soils are well protected with vegetation and litter cover. This standard is met for both allotments.

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

A lotic riparian assessment for (upper) Little Middle Creek, an intermittent stream, was completed. Overall, the riparian area met all criteria for the site regarding hydrologic (floodplain) function and vegetation present. Because of the intermittent nature of the stream, wildlife and cattle concentrate at several locations where water re-emerges along the valley causing areas of disturbance which are not typical of the entire stream reach. Most of these disturbed areas do not show signs of expansion and are adequately vegetated above and below spring/creek emergence and are therefore stable. There are two widened headcuts in the otherwise narrow, heavily vegetated channel. One appears to be stabilized with rock and logs, the other needs reinforcement. In 2000, this stream reach was assessed and given a Functioning at Risk (FAR) with a downward trend rating. There is photographic evidence that this area has improved since the last riparian assessment. Because of this upward trend towards meeting standards the reach was given a *functional-at-risk* rating with an upward trend. This standard is

met for the Trout Creek Allotment, there are no riparian resources in the Upper Trout Creek Allotment therefore this standard does not apply.

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

Vegetative components include native plant species expected to occur on these allotments. Overall, vegetation composition, diversity, and production are what would be expected for this area, although it was noted at all locations that the mountain shrub component is becoming denser than what would be expected under a natural fire regime. The noxious weed Hound's-Tongue (*Cynoglossum officinale*) is occurring in many areas of both allotments and was present at all sites visited but is determined to be at acceptable levels and not causing degradation.

The two allotments provide habitat for big game species as well as small mammals, reptiles and birds. Vegetative communities within the allotment are in good condition, providing productive habitat for a variety of wildlife species.

This standard is met on both allotments for both animal and plant communities.

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

The Trout Creek and Upper Trout Creek Allotments provide habitat for Columbian sharp-tailed grouse, a BLM sensitive species. Overall, vegetative communities were in good condition, providing healthy and productive habitat for sharp-tailed grouse. In a few areas, the shrub component was denser than is appropriate for high quality grouse habitat. There is no special status, threatened, or endangered plant species in either allotment. This standard is met for both allotments.

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

Surface runoff on the east side of the Trout Creek Allotment flows into Trout Creek, a perennial water channel. Runoff on the west side of the allotment eventually flows into Middle Creek, a tributary to Trout Creek. Agricultural use is a classified beneficial use of Trout Creek and all its tributaries and wetlands. Trout Creek and its tributaries and wetlands achieve or exceed water quality standards. There is no reason to suspect any ground water impairment on either allotment. This standard is being met for both allotments.

ATTACHMENT #4
DOI-BLM-CO-N010-2014-0030-DNA
Upper Trout Creek Allotment #04169
Cultural Resources and Native American Concerns

Affected Environment: No recorded archaeological or historic sites are known to exist within the allotment. A small amount of cultural resource survey has been performed in the grazing allotment. A short linear cultural resource survey was completed in 1995 along the county road in center of Section 7, T 3 N, R 86 W with negative results. The inventory covered at most one percent of the allotment.

Based on a consideration of environmental conditions, the site density is expected to be low. The allotment primarily includes steeply sloping terrain, much of which is densely vegetated with mountain shrubs, aspen, and Englemann spruce. Permanent streams or standing bodies of water are not present within the allotment. These conditions suggest that the probability of prehistoric archaeological sites existing within the allotment is low. In historic times, the upper Trout Creek drainage was inhabited and used by Euroamericans for livestock production. Considering the environmental conditions within the allotment, the probability of historic sites being present is also considered to be low. The above findings modify and supersede those of the original EA to which this DNA is tiered.

Environmental Consequences, Proposed Action: In accordance with IM CO-2002-029, the analysis of environmental consequences of grazing focused on areas of livestock concentration where any sites present might be affected by trampling. The records of the range department of the Little Snake Field Office were examined to determine if any livestock reservoirs or springs are present within the allotment that would encourage livestock congregation. The records review indicated that no such sources of water exist within the allotment. The allotment is adjacent to private tracts of land with sources of water for livestock.

Based on the above analysis, proposed grazing of 46 goats within the allotment will not likely adversely affect any historic or archaeological sites that may be present. Consideration of environmental conditions within the allotment supports a determination that the probability of archaeological or historic sites being present is low. Review of existing records revealed a lack of water sources within the allotment that would result in livestock congregation and damage to sites from trampling.

Environmental Consequences, Cumulative Impacts: Past, present, and future use of the allotment for grazing is not expected to cause significant cumulative impacts to cultural resources. The analysis presented here suggests that grazing of the proposed intensity and duration is not likely to significantly impact any sites that may be present. Therefore, continued grazing in the future is not expected to impact cultural resources significantly, if carried out at levels similar to those of today.

Mitigation Measures, Proposed Action: No sites are recorded in the allotment and the grazing being proposed is not expected to cause significant impact to any sites that may be present, therefore, mitigation measures are not being required.

NATIVE AMERICAN CONCERNS

Affected Environment: Native American consultation was completed for the original EA. The consultation effort concluded that sites or areas of concern to tribes that inhabited the Yampa River drainage in historic times (the Utes and Shoshone) are not present within the allotment.

Environmental Consequences, Proposed Action: Based on available information, continued grazing in the allotment will not affect sites or areas of Native American concern.

Environmental Consequences, Cumulative Impacts: Not applicable

Mitigation Measures, Proposed Action: None required