

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: CO-100-2006-057 DNA

CASE FILE/ALLOTMENT NUMBER: 0501213/04086

PROJECT NAME: Renewal of the ten-year grazing lease for the **S. Cole Gulch Allotment #04086** licensed to Mike Kawcak which expired on February 28, 2006.

LEGAL DESCRIPTION:

See allotment map, Attachment 1

S. Cole Gulch	T. 8N, R. 89W, Sec. 28
Allotment #04086	40 Acres BLM
	<u>555</u> Acres Private
	695 Acres Total

APPLICANT: Mike Kawcak (0501213)

### A. Describe the Proposed Action

The Proposed Action is to renew the ten year grazing lease for Mike Kawcak, operator #0501213, for the S. Cole Gulch Allotment #04086, which expired February 28, 2006. This lease was extended for a period of one year expiring February 28, 2007, under section 325, PL 108-108, for a term of one year under the existing terms and conditions until the Bureau could complete actions required to process the renewal of this lease. This lease would be renewed under Section 402 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 USC 1752). The new grazing lease would expire February 28, 2017. The renewal would continue livestock grazing use with the same permitted use and grazing use as the expiring lease as follows:

<u>Allotment Name and #</u>	<u>Livestock # and kind</u>	<u>Grazing Period</u>		<u>%PL</u>	<u>AUMs</u>
		<u>Begin</u>	<u>End</u>		
S. Cole Gulch #04086	7 Cattle	05/01	05/31	100	7

This lease would be subject to the Standard and Common Terms and Conditions shown in Attachment 2.

**B. Resource Management Plan (RMP) Conformance**

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

Date Approved: April 26, 1989

Draft RMP/EIS, February 1986

Final RMP/EIS, September 1986

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

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

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

Date Approved: February 12, 1997

Rangeland Reform Final Environmental Impact Statement, December 1994.

**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 S. Cole Gulch Allotment #04086 was analyzed in the RMP/EIS (Appendix 8, Section 15, page A8-4) and was designated as a “C”, or custodial allotment. The Proposed Action is the same action that has been previously addressed in a site-specific manner in the RMP (pages 10-12).

**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 1989. No new alternatives have been proposed by the public to address current or additional issues or concerns.

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

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

Resource conditions on the allotment continue to 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 S. Cole Gulch Allotment #04086. Data reaffirms that the RMP identified all resource concerns for the allotment.

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

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

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

Yes. Direct and indirect impacts of the Proposed Action are unchanged from those identified in the existing NEPA documents. Impacts regarding the Proposed Action to authorize livestock grazing in the S. Cole Gulch Allotment #04086 at the current grazing intensity and period of use remain the same. An assessment for meeting land health standards assure that this allotment is in

compliance with the Colorado Public Land Health Standards. No 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 the 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 in the S. Cole Gulch Allotment #04086 which 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. This Proposed Action was included in the development of the RMP/EIS.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented	Initial
Curtis Bryan	Rangeland Management Specialist	Weeds, Range	CJB 3/24/06
Hunter Seim	Rangeland Management Specialist	T&E Plants	JHS 4/4/06
Tim Novotny	Wildlife Biologist	Wildlife, Riparian	TMN 3/28/06
Tim Novotny	Wildlife Biologist	Wildl. Stds & T&E	TMN 3/28/06
Hal Keesling	Archaeologist	Cultural/Nat. Amer.	HK 5/9/06
Jim McBrayer	Outdoor Recreation Planner	VRM/ACEC/WSA	JDM 4/4/06
Ole Olsen	Natural Resource Specialist	SWA	OO 4/7/06
Louise McMinn	Realty Specialist	Env. Justice	LM 4/10/06
Fred Conrath	Geologist	Ground Water Qual.	FWC 4/6/06

Duane Johnson	Planning/Environmental Coord.	Haz. Mat.	DJ 4/4/06
Andrea Minor	Lead Rangeland Mgt. Specialist	Range	
David Blackstun	Associate Field Manager		

**Conclusion**

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

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

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

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

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

**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 September 22, 2005 by a wildlife biologist and a rangeland management specialist.

**Attachment 2**  
**CO-100-2006-057 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 these terms needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed-free. Salt and/or other mineral supplements shall be placed at least one-quarter

mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.

- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

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

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

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

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

**ATTACHMENT #3**  
**Standards and Assessments\***  
**Grazing Allotment #04086, S. Cole Gulch**

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

This standard is met for the S. Cole Gulch Allotment. Upland soil infiltration and permeability rates are appropriate for the slight to moderate slopes found on the public land tract within this allotment. A tabulation of the resulting scores for the 7 soil surface characteristics indicated that the soil surface was stable. The slight soil and litter movement that was observed would be expected on soils with inherently slow permeability and high runoff rates. The silty clay loam and loam upland soils within this allotment mainly support a sagebrush steppe plant community. Vegetative cover and biological soil crusts are sufficient to disperse hydrologic influences. The plant community provides cover, litter and a variety of root depths to enhance upland soil health.

**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.**

There are no wetlands or riparian systems on public lands within this allotment. 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.**

The vegetation on this allotment consists of a sagebrush/grass plant community. Dominant cover species include Wyoming big sagebrush and Sandberg bluegrass. Other species that occur include black sagebrush, green rabbitbrush, snowberry, serviceberry, chokecherry, arrowleaf balsamroot, buckwheat, prickly pear cactus, bluebunch wheatgrass, crested wheatgrass, bottlebrush squirreltail and prairie junegrass. Non-native species include cheatgrass. All indicators of this standard are present and meet land health standards.

The South Cole Gulch Allotment provides habitat for a variety of wildlife species including severe winter range for elk. A site visit was conducted by BLM wildlife biologists in September of 2005. It was determined that wildlife habitat on public lands within this allotment is in good condition, having an appropriate seral stage and adequate patch sizes. The new grazing lease would continue livestock grazing use with the same permitted use as the expiring lease. This standard is currently being met and will continue to be met in the future.

**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.**

There are no threatened or endangered species or habitat for such species in or near the project area. This allotment does contain potential nesting habitat for greater sage-grouse and Columbian sharp-tailed grouse, both are BLM special status species. A site visit was conducted by BLM wildlife biologists in September of 2005. It was determined that habitat for both species was in good condition. Public lands within this allotment are surrounded by CRP lands that are not capable of supporting year round needs for either species. The new grazing lease would continue livestock grazing use with the same permitted use as the expiring lease. This standard is currently being met. The renewal of the ten year grazing lease would not prevent this standard from being met on public lands in the future.

**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.**

The public land tract within this allotment is comprised of a broad ridge and is located along the divide between the Fortification Creek drainage basin and the Elkhead Creek drainage basin. Both Fortification Creek and Elkhead Creek are perennial tributaries to the Yampa River. Most of the drainage from the public land tract will primarily be dispersed overland flow that will drain towards a headwater tributary of Cole Gulch, which is an ephemeral or intermittent tributary to Fortification Creek. A smaller portion of the allotment drainage will flow towards Little Cottonwood Creek, a tributary to Cottonwood Gulch, which is a tributary to Elkhead Reservoir. No stream segments or lakes are listed as impaired.

\*Standards assessment conducted by a wildlife biologist and a rangeland management specialist on September 22, 2005.