

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT RECORD

EA NUMBER: CO-100-2006-078 EA

CASEFILE/ALLOTMENT NUMBERS: 0500225/04410

PROJECT NAME: Ten year grazing permit renewal for the Upper Hughes Creek Allotment #04410, permitted to Rick Tingle, Louisiana Purchase Ranch and construction of associated range improvement projects.

LEGAL DESCRIPTION:

Upper Hughes Creek Allotment #04410 T.4N, R.96W, Parts of sections 12, 13, 15, 22, 23, 24
T.5N, R.96W, Parts of section 26
1478 BLM acres
1762 Private acres
120 State Land acres
3360 Total Acres

APPLICANT: Rick Tingle (Louisiana Purchase Ranch)

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

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

Date Approved: April 26, 1989

Other Documents:

Federal Land Policy and Management Act of 1976, as amended (FLPMA) (43 USC 1752)

Rangeland Reform Final Environmental Impact Statement. December, 1994.

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado. February 12, 1997.

Results: The proposed action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates as a result of vegetation studies.

Upper Hughes Creek Allotment #04410

The proposed action is located in the Little Snake River Management Unit 3 (MU 3). The proposed action is compatible with the management objectives for this unit, which are to improve soil and watershed values, increase forage production, and enhance livestock grazing. A small portion of this allotment is within one other management unit: Northern Central (MU 2). The proposed action is compatible with the management objectives for MU 2 because it would not interfere with the development of oil and gas resources. All of MU 2 is open to livestock grazing.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

NEED FOR PROPOSED ACTION: BLM permit #0500225 which authorizes livestock grazing on the Upper Hughes Creek Allotment #04410 expired on 12/22/2003. This permit was extended under P.L. 108-108, Sec. 325 until February 28, 2006 under the existing terms and conditions pending completion of environmental analysis consistent with the National Environmental Policy Act (NEPA). This permit is subject to renewal at the discretion of the Secretary of the Interior for a period of up to ten years. The Bureau of Land Management has the authority to renew livestock grazing permits and leases consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Lands Policy and Management Act*, and the Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement* (RMP/EIS). The RMP/EIS has been amended by the *Standards for Public Land Health in the State of Colorado*.

In addition to the renewal of the grazing permit, four range improvement projects are proposed within the allotment to facilitate better livestock distribution. These range improvement projects include two livestock ponds, a short pipeline to a stock tank fed by an existing spring source, and a short fence.

This Environmental Assessment (EA) will analyze the impacts of livestock grazing and construction of the proposed range improvement projects on public lands managed by BLM. The analysis will recommend terms and conditions to the permit which improve or maintain public land health. The proposed action will be assessed for meeting land health standards.

In order to graze livestock on public land, the permittee must hold a grazing permit. The permittee has a preference right to the permit if grazing is to continue. This EA will be a site-specific look to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which this permit can be renewed.

PUBLIC SCOPING:

BLM Little Snake Field Office sent out a Notice of Public Scoping on September 26, 2002 to determine the level of public interest, concern, and resource conditions on the grazing allotments that were up for renewal in FY 2004. A Notice of Public Scoping was posted on the Internet, at the Colorado BLM Home Page, asking for public input on permit renewals. A letter was sent to the affected permittee on September 30, 2003 informing him that the permit was up for renewal and requesting any information he wanted included in or taken into consideration during the renewal process. The issuance of a grazing permit for this allotment has been carefully analyzed within the scope of the specific action being taken, resource issues or concerns, and public input received.

BACKGROUND:

Upper Hughes Creek #04410

The allotment is located approximately 12 miles south of Maybell, Colorado. The allotment straddles Moffat County Road 57 and incorporates Escarpment Peak along the southern allotment boundary. Elevation ranges from over 8,020 feet at the summit of Escarpment Peak to 6,600 feet along Bob Hughes Creek. Livestock water is limited to a few small stock ponds within the allotment. This lack of water development within the allotment has resulted in livestock moving off of the allotment to the north and onto deeded land adjacent to the allotment.

Dominant plant communities within the allotment include mixed mountain shrub grass communities on ridge tops and steep slopes and sagebrush mixed grass communities in the bowls and valley bottoms. This allotment is currently classified as a category I (improve) allotment mostly due to heavy utilization of winter grass and shrubs by elk.

The existing permit is for 162 cattle from 5/1 to 12/1. There are a total of 287 AUMs associated with the current permit. An agreement entered into in 1996 states that grazing should be limited to 228 AUMs pending results of monitoring of the allotment. However, to date no utilization monitoring has occurred.

MONITORING DATA:

Upper Hughes Creek #04410

The most recent utilization data was collected between 1988 and 1989. Over that time, utilization exceeded 50% on grasses on two of three transects. The third transect is set in a separate pasture in the NW corner of section 24 and showed light utilization. Records state heavy and severe use on bitterbrush and other browse species during these years. Much of this browse use was attributed to wildlife use. Large portions of this allotment are unsuitable for grazing due to heavy brush cover.

In October 2004 a land health assessment was conducted. Species composition is appropriate for the site. Dominant cover species include snowberry and serviceberry. Grass species composition is appropriate for the site, however there is not a strong component of brome grass.

Density and production of vegetation was high at the time of the assessment. Utilization was moderate to high after being utilized with a preference of 282 AUMs, particularly on the old growth of key species. Utilization of key forage by wildlife is heavy, with elk numbers estimated at 300-500. Levels of houndstongue are high within the allotment. In 1997 the permittee requested a temporary non-renewable permit for a change in livestock from cattle to sheep in an effort to control invasive weeds without using herbicides. In 2005 the permittee further attempted to control weeds by contracting Moffat County to treat invasive species on the allotment.

Surface soil characteristics exhibit signs of stable soils with only slight movement of soil particles and surface litter. There is some slight pedestalling associated with livestock trails. All standards are currently being met on this site.

PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION: Renew grazing permit #0500225 for a period of ten years, expiring February 28, 2016. Total permitted use would be limited to 228 AUMs per grazing year as a term and condition of the permit. The permit would be renewed as follows:

Expiring permit #0500225

Allotment name and number	Livestock number and kind	Dates		%PL	AUMs
		Begin	End		
Upper Hughes Creek #04410	162 cattle	05/01	12/01	25	286

To account for current levels of wildlife use, primarily by elk, the permit #0500225 would be renewed with the following special term & condition:

- 1) Per agreement 2/9/96, use will be limited to 228 AUMs pending results of monitoring of the allotment.

This permit would also be subject to the Standard Terms and Conditions and Common Terms and Conditions found in Attachment 2.

In addition to the permit renewal, three new water projects are proposed for construction on the allotment for livestock and wildlife water. Two of these water projects would be pit ponds constructed by BLM and located as identified in Attachment 3. The third water project would be a water collecting spring box and approximately 1300 foot pipeline that would flow to an approximately 1000 gallon water tank. A fence is also proposed in T4N, R96W in the NE¹/₄SE¹/₄ Sec. 14. This fence would fence off a pasture of private land to the north, but would need to cross this small corner (approximately 300 feet) of BLM due to topography and heavy brush.

The spring development and pipeline project would be installed to gather water from a spring located in the SE¹/₄SE¹/₄ of Sec. 22 and fed into a 2 inch diameter pipe, buried approximately 3

feet deep, for approximately ¼ mile along an existing trail. A water trough (approximately 1000 gallons) would be installed at the delivery point. The trough would be fitted with floats to prevent unnecessary runoff. This trough would be fitted with a bird escape ramp. Water would only be turned on to flow to the troughs when cattle are present on the allotment. This trough would be emptied upon removal of livestock from the allotment. A four wire and/or buck and pole exclusion fence would be constructed around the spring and adjacent reservoirs and extended below the terraced ponds to include the small clearing and some of the riparian area to protect these areas from livestock trampling.

The pit ponds would disturb approximately 1 acre or less per pond. They would be constructed to BLM specifications by BLM personnel. Each pond would capture up to approximately .5 acre foot of water collected as runoff. The dikes for each of these ponds would be approximately 100 feet in length and be no taller than 20 feet above the toe of the dam. The downhill side of the dike would be constructed at a 2:1 slope, while the uphill side of the dike would be constructed at a 3:1 slope. The dam would have 4 feet of freeboard from the spillway to the top of the structure to account for settling.

Two small reservoirs would be rehabilitated within the allotment. Each of these ponds were built in an ephemeral drainage and neither of these ponds has ever been effective retaining water. These two ponds have not been used as water supplies for many years. Both ponds have sagebrush and other native vegetation growing on the dams and within the entire area formerly disturbed during pond construction. One pond is located in the NE1/4NW1/4 of Sec. 22. The other pond is located in the SW¼SE¼ of Sec. 15. Rehabilitation would be limited to breaching the existing dam structure such that these structures could not retain any large quantity of water during a flash runoff event and potentially breach and flood downstream property and resources.

NO ACTION ALTERNATIVE: No changes in use to any of the Upper Hughes Creek Allotment would occur under this alternative. No new range improvements would be constructed. Livestock would continue to graze the allotment as permitted in the expiring permit. This would not address the distribution problem within the allotment.

ALTERNATIVES CONSIDERED BUT ELIMINATED:

No Grazing Alternative: This alternative would cancel the permit on the allotment. As a result, no livestock grazing would continue on the allotment. This alternative is eliminated from analysis in this EA because it would not conform to the RMP/ROD. The RMP/ROD identified livestock grazing as a suitable and appropriate uses on the allotment.

Reconstruction and alternative construction options: Reconstruction of the existing spring fed reservoir in the SE¼SE¼ of Sec. 22 instead of the pipeline proposal. This alternative was eliminated due to the poor condition of the existing reservoir and the possibility of spring damage due to proximity to these reservoirs. This area is also in the advanced stages of erosion on the eastern bank, and more disturbances by cattle would only accelerate this problem.

Construction of a pit pond in the NE¹/₄SE¹/₄ of Sec. 22 instead of the pipeline proposal. This alternative was eliminated due to the questionable reliability of water supply to the proposed pond.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: Air quality in the region of this allotment is currently meeting air quality standards.

Environmental Consequences: Air quality in the region of this allotment would not be affected by either of the alternatives.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/23/06

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: David Blackstun, Associate Field Manager, 5/22/06

CULTURAL RESOURCES

Affected Environment: The final E.I.S. for Rangeland Reform '94 notice published in the **Federal Register**, December 30, 1994 and guidance from the BLM Washington and BLM Colorado State Office's established requirements for permit renewal analyses.

Data developed here, as well as in the allotment specific analysis, 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 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. Other data

sets may be used for the GIS maps developed from the Little Snake Field Office Geographic Information System (GIS) as that data is developed in future studies.

The GIS maps will be developed using USGS and BLM data that show the springs, creeks and rivers, intermittent drainage, riparian areas, and slopes greater than 30 percent. The BLM data that reflects water features potentially present in the project areas is incomplete at this time. This data represents the “best available data” that the BLM office currently has developed at this time. These maps, as well as the cultural programs current understanding of prehistoric settlement and subsistence patterns, as reflected in the archaeological record, will be used to guide initial survey efforts to locate past human activity areas in each allotment. These areas will be evaluated for potential livestock concentration impacts. The effort to identify and evaluate cultural resources in association with livestock concentration areas will take place during upcoming field seasons.

The table below is based on the allotment specific analysis developed for allotment 04410 in this environmental assessment. Copies of the allotment specific analysis are on file at the Little Snake Field Office. The table shows cultural resources, eligible and need data, and those that are anticipated to be in each allotment. Fieldwork will be carried out in current fiscal year or in subsequent years.

Allotment Number	Acres Surveyed at a Class III Level ^{1 2}	Acres <u>NOT</u> Surveyed at a Class III Level	Percent -%-Of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites – Known in Allotment (Site Numbers)	Estimated Sites for the Allotment** (Total Number)	Estimated Eligible or Need Data Sites in the Allotment (Number)
04410	100 ²	3260	3.06%	None	89.25	26.77

(Note: *Acres are derived from GIS allotment maps. 1. BLM only acres or 2. BLM and other acres in the allotment. See allotment specific analysis form. **Estimates of site densities are based on known inventory data. Estimates represent a minimum figure which may be revised upwards based on future inventory findings.)

Environmental Consequences: Monitoring of the previous years range permit renewal environmental documents, FY98, FY99, FY2000, FY01, FY02, FY03, FY04, and FY05 has been carried out for some of the known eligible and need data sites identified in the cultural records review. These reports represent three field seasons of evaluation work on the eligible and need data sites. The fieldwork conducted during 2000, 2001, 2002, 2003, and 2005 identified impacts to some of the cultural resources being evaluated. This information is covered in the following reports:

Keesling, Henry S. and Gary D. Collins, Patrick C. Walker
2000 Cultural Resource Evaluation of Known Eligible and Need Data Sites within Range Allotments for Range Permit Renewal EA’s FY98 and FY99. Bureau of Land Management, Little Snake Field Office, Craig, Colorado. Copy on file at that office.

Collins, Gary D., and Patrick C. Walker, Sam R. Johnson, Henry S. Keesling
2001 **Addendum to Cultural Resource Evaluation of Known Eligible and Need Data Sites within Range Allotments for Range Permit Renewal EAs FY98 and FY99, Range Permit Renewal EA's FY2000 and FY2001.** Bureau of Land Management, Little Snake Field Office, Craig, Colorado. Copy on file at that office.

Collins, Gary D. and Ryan J. Nordstrom, Henry S. Keesling
2002 **The Second Addendum to The Cultural and Need Data Sites Within Range Allotments for Range Permit Renewal EA's FY98, FY99, FY00, FY01, and FY02.** Bureau of Land Management, Little Snake Field Office, Craig, Colorado. Copy on file at that office.

Collins, Gary D. and Henry S. Keesling
2003 **The Third Addendum to The Cultural and Need Data Sites Within Range Allotments for Range Permit Renewals EA's FY98, FY99.** Bureau of Land Management, Little Snake Field Office, Craig, Colorado. Copy on file at that office.

Collins, Gary D. and Henry S. Keesling
2005 **The Fourth Addendum Range Permit Renewal FY04 and FY05 to The Cultural Resource Evaluation of Known Eligible and need Data Sites Within Range Allotments for Range Permit Renewal EA's FY00, FY01, FY02, FY03.** BLM 10.27.05. Bureau of Land Management, Little Snake Field Office, Craig, Colorado. Copy of file at that office.

BLM has committed to a ten year phased evaluation being conducted for cultural resources that takes into account identified livestock concentration areas and the cultural resources that are either eligible and/or need data and to carrying out mitigation on cultural resources that require this action. The phased monitor and mitigation approach will mitigate identified adverse effects, significant impacts and data loss, (NHPA Section 106, 36CFR800.9; Archaeological Resource Protection Act 1979; BLM/Colorado SHPO Protocol 1998; NEPA/FLPMA requirements) to an acceptable level for known eligible and need data cultural resources.

The GIS mapping and evaluation effort will establish areas that have potential conflicts between livestock and prehistoric cultural resources. The GIS maps will provide a computer generated visual departure point for the proposed cultural fieldwork. GIS maps using USGS and BLM best available data, will be created showing springs, stream course features, riparian areas, and slopes that are greater than 30% slope within the allotment. Current understanding of prehistoric settlement and subsistence patterns will be applied to the GIS map review and used to establish prehistoric cultural areas. These potential livestock concentration areas will be evaluated in the field.

Livestock impacts may cause cumulative effects, some of which will be significant, and will cause long-term, irreversible, potentially irretrievable adverse impacts and data loss. However, the phased identification and evaluation fieldwork will identify mitigation measures that will reduce these impacts (NHPA Section 106; 36CFR800.9; Archaeological Resource Protection Act

1979; BLM/Colorado SHPO Protocol 1998; NEPA/FLPMA requirements), to an acceptable level.

Other project specific Class III surveys initiated by the BLM, industry, or ranching will identify previously unrecorded cultural resources within these allotments. These cultural resources will be incorporated into current and/or future range permit renewal Section 106 review efforts.

Mitigative Measures: Standard Stipulations for cultural resources are included in Standard Terms and Conditions for the grazing permit (Attachment 2). **Two stock ponds, existing pond, pipeline, tank, and fence, will need a Class III Survey.**

Allotment Specific Stipulations for this EA:

1. GIS maps based upon stream course features and springs from the 7.5 minute USGS maps and BLM best available riparian/spring data in this office will be used to initially establish evaluation areas for livestock concentrations. Current archaeological understanding of settlement and subsistence patterns for prehistoric cultural resources will be applied to these maps. Identified livestock concentration areas will be field evaluated. Those areas with no livestock impacts but with potential for cultural resources will under go the same Class III survey discussed below. This survey will be conducted documenting archaeological resources which may be impacted if grazing practices change in the future. Identified concentration areas that exhibit livestock impacts will have the following cultural surveys:

Springs, riparian areas, streams or creeks, and intermittent drainage will have a Class III survey in the area of concentration that includes an additional 50 feet around the impacted area. Identified cultural resources will be recorded to include the total site area and mitigation developed.

Springs will have a Class III survey in the area of concentration and include an additional 50 feet around the impacted area. Identified cultural resources will be recorded to include the total site area and mitigation developed.

2. GIS maps showing slope potential, 30% or greater, where rock art and rock shelters are predicted to occur, will be used to initially establish evaluation areas for Class III survey. These areas will be evaluated for livestock concentrations. Identified concentration areas will have the following cultural surveys performed:

Potential rock shelters, rock art areas will be evaluated to see if cultural materials are present. When cultural resources are identified the site will be recorded and appropriate mitigation will be developed.

3. Previously identified sites, table above, and new sites recorded and evaluated as eligible and/or need data during other project specific Class III survey will need to be evaluated and monitored too. Initial recording of new sites and re-evaluation of the known sites will establish current condition of the resource and help in developing a monitoring plan for all sites. Some

sites will have to be monitored more often than others. Sites that are impacted by grazing activities will need further monitoring, physical protection or other mitigative measures developed.

4. Site monitoring plans, other mitigation plans, will be developed and provided to the Colorado State Historic Preservation Officer in accordance with the Protocol (1998) and subsequent programmatic agreements regarding grazing permit renewals.

5. Projects that are proposed in this EA, before proceeding with implementation, will go through the Section 106 processes, as described in the current Protocol (1998). Projects proposed in this EA are defined in the Proposed Action and Alternatives Section above.

Conducting Class III survey(s), monitoring, and developing site specific mitigation measures will mitigate the adverse effects, data loss, and significant impacts (NHPA Section 106, 36CFR800.9; Archaeological Resource Protection Act 1979; BLM Colorado and Colorado SHPO Protocol 1998; and NEPA/FLPMA requirements) to an acceptable level.

The Colorado State Historic Preservation Officer (SHPO) agreed with the Bureau of Land Management, Colorado, (BLM) that the BLM could issue its Range Renewal Permits with the proposed Cultural Resource Management actions, monitoring known eligible and need data sites and conducting Class III and/or modified Class III surveys on selected areas of BLM lands within in a ten year time frame (Cultural Matrix Team Meeting 26 January 1999, Colorado BLM State Office).

The Little Snake Field Office will initiate the monitoring of known eligible and need data sites the first field season following the issuing of the permit if possible. This survey will be based upon an accepted, BLM and SHPO, research design that will establish criteria for evaluation of the sites for livestock impacts and any needed mitigation and future monitoring needs.

Name of Specialist and date: Gary D. Collins, Archeological Technician, 5/9/06

ENVIRONMENTAL JUSTICE

Affected Environment: The project area is relatively isolated from population centers in rural Moffat County, Colorado.

Environmental Consequences: The project would not directly affect the social, cultural, or economic well being and health of Native American, minority or low-income populations. No populations would be affected by physical or socioeconomic impacts from the project.

Mitigative Measures: None.

Name of Specialist and Date: Louise McMinn, Realty Specialist, 05/12/2006

FLOOD PLAINS

Affected Environment: No large floodplain areas occur on BLM lands within this allotment, as the stream gradients are too high for floodplain development. Stream gradients are much less on the private lands downstream along Bob Hughes Creek. One of the stock reservoirs that would be rehabilitated is located in an unnamed tributary of Bob Hughes Creek about one-half mile above its confluence.

Environmental Consequences: Although the reservoirs do not occupy floodplain areas they could affect floodplains and structures downstream if they failed. Rehabilitating the reservoir in the SWSE of section 15, T.4N., R.96 W. by partial breaching, as prescribed in the proposed action would eliminate the adverse impact of the dam impounding runoff from a heavy thunderstorm and failing, potentially causing property damage along Bob Hughes Creek.

The proposed pit ponds do not have as large of a drainage basin above them as the existing stock reservoirs and they would not be constructed so large that areas downstream would be threatened.

If the No Action Alternative is selected no pit ponds would be constructed and the existing stock reservoirs would remain. The potential for a dam failure on the larger stock reservoirs would still exist and the possibility of property damage downstream would not be alleviated.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/23/06

INVASIVE, NONNATIVE SPECIES

Affected Environment: Houndstongue, whitetop, Canada thistle, and other biennial thistles are known to occur in this area. There is the potential for noxious weeds, such as dalmatian toadflax, knapweeds, and others, to exist and spread in these areas.

Environmental Consequences: Vehicular access to public land for grazing operations, livestock and wildlife movement, as well as wind and water can cause invasive species to spread into new areas. Surface disturbance due to livestock concentration and human activities associated with grazing operations can also increase weed presence. Land practices and land uses by the livestock operator and their weed control efforts largely determine the identification and potential occurrence of weeds within the allotment. The use of best management practices and mitigation of livestock disturbance can facilitate control of invasive species and reduce the potential of long term infestation of annual and noxious weed species. The construction of water projects and minimal ground disturbance during construction would improve livestock distribution throughout the allotment, decreasing livestock concentration and the potential for

weed infestation. All principles of Integrated Pest Management would be employed to control noxious weeds on public lands.

Mitigative Measures: None

Name of specialist and date: Curtis Bryan, Range Management Specialist, 5/4/06

MIGRATORY BIRDS

Affected Environment: Plant communities within the BLM portion of the Upper Hughes Creek allotment are mixed mountain shrub (serviceberry, oakbrush and snowberry) and Wyoming big sagebrush with a herbaceous understory of slender wheatgrass, bluebunch wheatgrass and needle-and-thread. These communities typically provide nesting habitat for a large array of migratory birds during the breeding season. Two sagebrush obligate species, sage sparrow and Brewer's sparrow, and one mountain shrub species, Virginia warbler, are listed on the USFWS's Bird of Conservation Concern List. Golden eagles and red tailed hawks nest adjacent to the allotment and likely forage in this area. Additional birds that may nest in the area include the vesper sparrow and sage thrasher.

Environmental Consequences, proposed action: The proposed action has a low potential to result in the 'take' of any migratory bird. Nesting attempts may be disrupted and some nests may be accidentally destroyed if the three water developments and the fence are constructed during the breeding season (May – July). Once construction on these projects is complete, there would be no further potential to interfere materially with nest substrate. The proposed water trough would not pose a threat to migratory birds, as it would be equipped with a bird escape ramp.

Although the proposed grazing schedule coincides with the breeding season, it is unlikely this action would reduce the extent or quality of habitat available for migratory bird breeding functions. Portions of the BLM land within the allotment receive little or no livestock grazing due to topography and shrub cover. The proposed action would benefit habitat by limiting cattle grazing to 228 AUMs and by distributing livestock use throughout the allotment. Habitat in the immediate vicinity of the ponds and water trough would be degraded by livestock congregation however, this would not affect the productivity of the surrounding habitat. The proposed action would have little influence on the abundance or distribution of breeding migratory birds at a landscape level.

Environmental Consequences, no action alternative: The no action alternative has a low potential to result in the 'take' of any migratory birds. Under this alternative, there would be no risk of 'take' from the construction of the four range improvement projects.

Under the no action alternative, livestock would continue to concentrate in the central portion of the allotment, resulting in areas of moderate to heavy utilization of forage species. Continued excessive utilization of vegetation near the center of the allotment would result in deterioration

of nesting and foraging habitat for migratory birds. These habitats would continue to serve in a limited capacity for bird breeding activities.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, Wildlife Biologist, 5/17/06

NATIVE AMERICAN CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Colorado Commission of Indian Affairs on 11 January 2006. The letter discussed the range permits that the BLM would be working on in FY06/FY07. Comments received from the Tribal Council's did not foresee any impacts. No other comments were received (Letters on file at the Little Snake Field Office, Craig, Colorado.)

Name of Specialist and date: Gary D. Collins, Archeological Technician, 5/9/06

PRIME & UNIQUE FARMLANDS

Affected Environment: Prime and unique farmlands are not present.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/23/06

T&E SPECIES - SENSITIVE PLANTS

Affected Environment: There are no BLM sensitive plant species on the Upper Hughes Creek Allotment #04410.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, Rangeland Management Specialist, 5/9/06

T&E SPECIES – ANIMALS

Affected Environment: The allotment provides winter foraging habitat for the bald eagle, listed as threatened under the Endangered Species Act. Bald eagles winter along portions of the Little Snake and Yampa Rivers, using adjacent upland habitat as scavenging areas primarily for winter or vehicle killed mule deer and elk. Bald eagles may occasionally frequent this allotment while opportunistically feeding on carrion. The allotment is located upstream from critical

habitat for the endangered Colorado River fish species (Colorado pikeminnow, humpback chub, bonytail, and razorback (Go) sucker(s)).

Environmental Consequences, proposed action: The proposed action would have no impact to wintering bald eagles. Although the proposed grazing schedule would slightly overlap with bald eagle winter use, renewing the grazing permit would not impact bald eagle's ability to feed on carrion in upland habitats.

The construction of the two ponds would result in minor water depletions to the Yampa River. Water depletion is the use of water in a manner that makes it no longer available to endangered big river fishes in the Colorado River system. Minor water depletions have been consulted upon through a programmatic biological assessment and impacts have been mitigated through the U.S. Fish and Wildlife Services Programmatic Biological Opinion (BO) dated 1994 and renewed in 1999. The BO includes reasonable and prudent alternatives developed by the FWS which allow BLM to authorize projects that result in water depletion (if less than 100 acre feet) while avoiding the likelihood of jeopardy to the endangered fishes and avoiding destruction or adverse modification of their critical habitat. The water depletions from the two ponds would be added to the BLM Little Snake Field Office's water depletion log and appropriate mitigative fees would be paid. The removal of three ponds would reduce overall water depletions to the Yampa River. These three ponds would be reviewed for their inclusion on the water depletion log and removed from the water depletion log as necessary.

Environmental Consequences, no action alternative: The no action alternative would not have any impact to wintering bald eagles. Although the proposed grazing schedule would slightly overlap with bald eagle winter use, renewing the grazing permit would not impact bald eagle's ability to feed on carrion in upland habitats. No minor water depletions would occur under the no action alternative.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, Wildlife Biologist, 5/19/06

T&E SPECIES – PLANTS

Affected Environment: There are no federally listed threatened or endangered plant species on the Upper Hughes Creek Allotment #04410.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, Rangeland Management Specialist, 5/9/06

WASTES, HAZARDOUS OR SOLID

Affected Environment: There is no solid or hazardous waste present on public lands within the allotment.

Environmental Consequences: Access to the grazing allotment for livestock management purposes could result in releases of motorized vehicle fluids such as oil and coolant. This type of release is unlikely and would be extremely limited in nature.

Mitigative Measures: None

Name of specialist and date: David Blackstun, Associate Field Manager 6/3/06

WATER QUALITY - GROUND

Affected Environment: The portion of the watershed affected by the proposed action may have some recharge zones for groundwater aquifers. The ground water quality in the areas should mostly be fresh in both the Green River and Williams Fork Formations.

Environmental Consequences: Due to the limited number of livestock grazing, and the rotation schedule, there would be no adverse impacts to ground water quality within the allotment. The proposed range improvements are minor and would benefit near surface water conditions by helping disperse the livestock. The proposed action would be conducted in accordance with existing Colorado laws for water quality. Specifically, all permit activities must comply with the applicable water quality regulations in The Colorado Water Quality Control Act, and they must be in conformance with the classifications and numeric standards for water quality established by the Colorado Water Quality Control Commission.

Mitigative Measures: None

Name of specialist and date: Fred Conrath, Geologist, 05/12/06

WATER QUALITY - SURFACE

Affected Environment: Surface runoff waters from the public lands within the allotment are primarily overland flows from steep hill slopes that flow into unnamed tributaries of Bob Hughes Creek. A minor portion of the public land drainage flows toward Swan Draw, which is also a tributary of Bob Hughes Creek. Bob Hughes Creek is a tributary to Deception Creek which is tributary to the Yampa River.

Water quality of the affected Yampa River segment needs to support Aquatic Life Warm 1, Recreation 1a, Water Supply and Agriculture. Tributary waters to this segment of the Yampa River need to support Aquatic Life Warm 2, Recreation 2 and Agriculture. These tributaries are designated as Use Protected.

Environmental Consequences: The proposed action alternative would provide a slight benefit to water quality by improving livestock distribution with additional water developments, installing enclosure fencing around some riparian areas and removing the potential of catastrophic failure of two large old dams. The benefits to water quality would be reduced sediment transport along with other non-point source contaminants that could be carried with surface runoff.

Implementation of the no action alternative would maintain the existing grazing distribution problems. Heavy use near the spring source by cattle would not be corrected and damage to the riparian areas by cattle would still occur.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/26/06

WETLANDS/RIPARIAN ZONES

Affected Environment: A small lentic riparian system is associated with a spring in the SESE Section 22, T4N, R96W. The spring has two distinct sources about 60 feet apart which drain towards an upper pond. A second pond below the upper pond collects water spilling from the upper pond. The upper pond is unstable in that water is cutting and piping through the embankment. The lower pond has a better defined spillway and is stable, although riparian vegetation within the spillway is subject to trampling by elk and cattle. The area where the spring water flows to the ponds and the perimeter of the ponds presently supports a trace of riparian vegetation due to this trampling. This portion of the riparian system is affected by the trampling and is in a non-functional condition except for the habitat it provides for elk and the water source for livestock.

The riparian system continues down the draw where a diverse herbaceous vegetative component is in much better condition and is 3 to 4 feet wide, but it is still moderately trampled and rated as functioning at risk. The trampling observed on May 24th, 2006 was by elk.

Environmental Consequences: The proposed action alternative would positively impact the riparian system associated with the spring discussed above. Disturbance to the system resulting from developing one or the other of these sources would be negligible. The spring development would capture some of the water, but the development would not be designed to capture it all and there would be a sufficient hydrologic character to support riparian vegetation directly below it. When cattle are not present the spring development would be shut off. In combination with the two ponds that are proposed better distribution of livestock grazing is expected, especially if the water to the piped tank is turned off, forcing cattle to the new ponds for water. This would take pressure off the remaining riparian area that is not fenced. Fencing the spring sources and the ponds directly below them would keep cattle out and allow vegetation to become better established although some impact by elk and deer would still be present.

If the proposed changes are not implemented, and the no action alternative is selected, the riparian areas directly below the spring sources, including the two small terraced ponds would be prone to degradation by cattle. Grazing distribution problems would continue near the water source provided by the spring and pressure by cattle on riparian areas downstream of the small ponds would continue.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/26/06

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: David Blackstun, Associate Field Manager, 5/22/06

WILDERNESS, WSAs

Affected Environment: Not present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable

Name of specialist and date: David Blackstun, Associate Field Manager, 5/22/06

NON-CRITICAL ELEMENTS

GROUND WATER HYDROLOGY

Affected Environment: The allotment is underlain mostly by the Tertiary Green River and Cretaceous Williams Fork Formations. The formations in this area are on the east flank of a syncline and the beds dip toward the synclinal axis at 50 degrees. The Green River Formation consists soft to moderately resistant, light gray, light yellow, and tan siltstone, shale, sandstone, marlstone, limestone, oil shale and conglomerate. This formation may contain fresh water in the sandstone and conglomerate horizons. The Williams Fork Formation has interbedded coal seams and sandstones that can act as recharge zones for fresh water aquifers. A small part of the allotment is underlain by the Wasatch and Fort Union Formations and these formations could act as a less significant recharge zone, if porous sandstones within the formation are exposed at or near the surface.

Environmental Consequences: Due to the limited number of livestock over a large area and to the rotation of livestock, there would be no adverse impacts to potential ground water aquifers or recharge zones (hydrology) within the proposed action area. The proposed range improvements are minor and would actually benefit near surface water conditions by helping disperse the livestock.

Mitigative Measures: None

Name of specialist and date: Fred Conrath, Geologist, 05/12/06

SURFACE HYDROLOGY

Affected Environment: The spring located in the SESE Sec. 22, T4N, R96W, was inventoried on 5/24/06. Two distinct sources are located about 60 feet apart and emerge from cut banks within a moderately steep draw near the summit of a ridge. The eastern source produces about 0.75 gallons per minute and the western source produces about 1 gallon per minute.

The two small terraced ponds directly below the springs are severely trampled along embankments and on the spillways. The ponds, especially the upper one, are unstable.

Environmental Consequences: The proposed action would allow development of one of these sources to provide for livestock water. This would put the developed water which would be piped to a livestock tank to beneficial use by livestock and the remaining hydrologic component to remain for wildlife habitat. Both spring sources and the terraced ponds would be protected from livestock by fencing.

Partial breaching and rehabilitation of the old stock reservoirs would reduce the potential for water to be impounded and allow ephemeral runoff waters to move further downstream.

No additional range improvements would be installed if the no action alternative is selected. Grazing distribution problems would still be present and existing grazing pressure near the springs and the riparian areas downstream would not be improved. Instability of the embankments and spillways associated with the small ponds below the springs would persist and eventual failure is likely. The same is true of the larger old stock reservoirs, but they do not hold water. However, if a 100-year storm event occurred there is a possibility the dam would fail sending flood waters downstream onto adjacent private property with structures.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/26/06

PALEONTOLOGY

Affected Environment: Numerous geologic formations are found at the surface in the

allotment such as the Brown's Park (Tbp) and Mancos Shale (Km) Formations. The potential for discovery of significant fossils in these locations are considered to be moderate.

Environmental Consequences: If any fossils are located here, activities could damage the fossils and the information that could have been gained from them would be lost. The significance of this impact would depend upon the significance of the fossil. Ceasing operations and notifying the Field Office Manager immediately upon discovery of a fossil during activities can effectively mitigate this impact. An assessment of the significance is made and a plan to retrieve the fossil or the information from the fossil is developed.

The proposed action could also constitute a beneficial impact to paleontological resources by increasing the chances for discovery of scientifically significant fossils.

References:

Armstrong, Harley J. and Wolney, David G., 1989, Paleontological Resources of Northwest Colorado: A Regional Analysis, Museum of Western Colorado, Grand Junction, CO, prepared for Bur. Land Management, Vol. I of V.

Miller, A.E., 1977, Geology of Moffat County, Colorado, Colo. Geol. Surv. Map Series 3, 1:126,720.

Name of specialist and date: Robert Ernst, Geologist, 5/9/06

RANGE MANAGEMENT/VEGETATION

Affected Environment: This allotment is dominated by mixed mountain shrub grass communities on ridge tops and steep slopes and sagebrush mixed grass communities in the bowls and valley bottoms. Dominant species include snowberry (*Symphoricarpus albus*), and serviceberry (*Amelanchier alnifolia*). Other common species include Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), Antelope bitterbrush (*Purshia tridentata*), green rabbitbrush (*Chrysothamnus vicidiflorus*), Gambel oak (*Quercus gambelii*), chokecherry (*Prunus virginiana*), lupine (*Lupinus caudatus*), yarrow (*Achillea millefolium*), mint (*Mentha spp.*), buckwheat (*Eriogonum spp.*), slender wheatgrass (*Agropyron trachycaulum*), bluebunch wheatgrass (*Agropyron spicatum*), basin wildrye (*Elymus cinerius*), thickspike wheatgrass (*Agropyron dasystachyum*), Sandberg's bluegrass (*Poa secunda*), Kentucky bluegrass (*Poa pratensis*), needle and thread (*Stipa comata*), upland sedge (*Carex spp.*), elk sedge (*Carex geyeri*) and aspen (*Populus tremuloides*). Houndstongue (*Cynoglossum officinale*) is also found and a noxious weed of concern on the allotment.

Environmental Consequences, proposed action: The pit ponds, pipeline and associated water trough would have little direct impact to existing plant communities. Each development's impact would be limited to the loss of localized areas of vegetation. The primary impact would be indirect. Installation of new water sources would create livestock concentration areas around each water source which would result in localized, but apparent, removal of vegetation due to

utilization and trampling. This is an expected condition around any water source, natural or artificial, where livestock are the primary users of the water. Wildlife would contribute to this impact, however residual impacts would be primarily caused by cattle. Ensuring that the water supply is shut off and the troughs are emptied when livestock are not present would minimize any localized impacts due to wildlife. Resulting livestock concentration impacts would not adversely affect the ability of the surrounding plant community to remain productive and vigorous.

There are no anticipated impacts to the vegetation community resulting from the construction of the fence.

The topography on this allotment is steep and brushy with several valleys that are suitable for grazing. The water projects would provide better livestock distribution throughout the allotment and avoid concentrating livestock in the central portion of the allotment where the only current water exists. More even use by livestock throughout the allotment would ensure that key forage species are not adversely impacted. Fostering even livestock utilization throughout the allotment ensures that the goals of livestock production are met while proper forage use (less than 50% of key species) throughout the plant communities ensure that plants can maintain vigor and reproduction.

Environmental Consequences, No Action: No direct impacts to vegetation resulting from facility installation or limited concentration around range improvements would occur. However, continuing livestock concentrations in the central portion of the allotment where water exists would result in areas of moderate to heavy utilization of forage species. Livestock would continue to break down fences to the north to get to water located on private lands creating problems with local land owners. Continued excessive utilization of vegetation near the center of the allotment would result in deterioration of plant community integrity, leaving niches open for weed invasion, increasing the potential for soil loss, and decreasing plant community diversity in those areas.

Mitigative Measures: None

Name of specialist and date: Curtis Bryan, Rangeland Management Specialist, 5/4/06

REALTY AUTHORIZATIONS

Affected Environment: The allotment has five existing pipeline realty authorizations, COC40617, COC52705, COC66136, COC39374, and COC18423. None however are in the vicinity of any proposed construction.

Environmental Consequences: It is unlikely that existing pipelines could be accidentally damaged during construction activities.

Name of Specialist and Date: Louise McMinn, Realty Specialist 05/12/2006

SOILS

Affected Environment: The soils in the Upper Hughes Allotment are derived from sandstones and shales. Properties relating to runoff, infiltration, permeability, water holding capacity and properties associated with constructing embankments are in part affected by these parent materials. These soils are suitable for livestock grazing and wildlife habitat. Generally soils derived from shale are more suitable for constructing embankments and impounding water than those derived from sandstone. Severe limitations for pond sites and embankments are listed for these soil types and include slope, seepage, soil piping and large stones.

The primary soils that are affected by the proposed action are the Lamphier-Jerry complex, 25 to 65 percent slopes and the Ustorthents, Frigid-Borolls complex, 25 to 75 percent slopes. These soils occur in the western portion of the allotment where the majority of the constructed range improvements are located. As expected high to very high runoff rates are characteristic of these soils due to the slope, especially on the shale derived soils. The short fence that would be installed in the eastern portion of the allotment would be on the Hesperus fine sandy loam, Dry, 2 to 15 percent slopes.

Environmental Consequences: The proposed pit ponds that would be located within each of the soil complexes discussed. Although these soil types have severe limitations for pond sites and embankments the soil survey did not distinguish the steep hill slopes from the small drainage where the ponds would be located. The soils at the locations of the ponds are suitable for the proposed slopes for building small pit ponds and take advantage of site specific soil stability and slope conditions. The construction of a pit pond also takes advantage of the natural ground to impound water and the embankment is not as critical for the major portion of the impoundment. Limitations identified for soil piping and large rocks would be mitigated by the pit excavated into the ground rather than relying on an embankment to impound water and lining the pond with bentonite clay.

The short fence in the eastern portion of the allotment would be on a slight slope and would not pose any problems to the soil resource.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 6/1/06

WILDLIFE, AQUATIC

Affected Environment: A small riparian system associated with a spring and two ponds provides potential habitat for small amphibians and other aquatic wildlife.

Environmental Consequences: The proposed action alternative would positively impact aquatic wildlife species by improving riparian conditions as described in the Riparian Section of this EA. Under the no action alternative, aquatic wildlife habitat would likely be degraded by continual trampling near the limited water sources.

Mitigative Measures: None

Name of Specialist and Date: Desa Ausmus, Wildlife Biologist, 6/6/06

WILDLIFE, TERRESTRIAL

Affected Environment: Plant communities within the BLM portion of the Upper Hughes Creek allotment are comprised of mixed mountain shrub (serviceberry, oakbrush and snowberry) and Wyoming big sagebrush with a herbaceous understory consisting of slender wheatgrass, bluebunch wheatgrass and needle and thread. These communities typically provide habitat for big game species as well as small mammals, reptiles and birds. Mule deer and elk utilize this area during moderate winters. The allotment does not provide critical habitat for any wildlife species.

Environmental Consequences: Portions of the BLM land within the allotment receive little or no livestock grazing due to topography and shrub cover. Much of this area is in mixed mountain shrub and is used by big game species during moderate winters. The proposed action would benefit wildlife habitat by limiting cattle grazing to 228 AUMs and by distributing livestock use throughout the allotment. The watering system may also distribute wildlife species, alleviating grazing and browsing pressures in concentrated areas. Vegetation surrounding the proposed ponds and water tank would likely be eaten and trampled by livestock. However, this would not be significant within the larger landscape. The proposed fence could have an impact on big game movement through the allotment. Over the life of the project, it is likely that a few elk or mule deer would become entrapped in the fence wires while trying to cross. These entrapments usually result in animal death. The fence would be built to BLM standards, which are designed to limit entrapments. Mortalities associated with the fence would be low and there would be no impact on big game populations. The proposed fence is not likely to have any adverse impact on any other wildlife species. The proposed action would benefit terrestrial wildlife over the no action alternative. The proposed action would improve the overall plant community by improving livestock distribution. Improved plant community conditions would further improve available forage and cover for terrestrial wildlife.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, Wildlife Biologist, 5/19/06

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for analysis
Access		DB 6/6/06	
Fluid Minerals		FC 5/12/06	
Forest Management	DJ 5/16/06		
Hydrology/Ground			FC 5/12/06
Hydrology/Surface			DB 6/6/06
Paleontology			RE 05/09/06
Range Mngt/Vegetation			CJB 5/4/06
Realty Authorizations			LM 5/12/06
Recreation/Travel Mgmt		RS 05/15/06	
Socio-Economics		LM 05/12/06	
Soils			OO 6/1/06
Solid Minerals		RE 05/09/06	
Visual Resources		DB 05/22/06	
Wild Horse & Burro Mgmt	DJ 5/15/06		
Wildlife, Aquatic			DA 6/6/06
Wildlife, Terrestrial			DA 5/19/06

CUMULATIVE IMPACTS SUMMARY: This allotment and areas surrounding have historically been grazed by both sheep and cattle. Numerous maintained and un-maintained roads exist throughout the area, including on the allotment. These roads are used regularly by local residents and ranchers as well as by hunters, the primary recreation users in the area. New gas pipelines have recently been installed along CR 57 in the area. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. The primary impacts from all of these activities are most immediately seen in the presence of roads, cultivated land on private lands, and weed presence. The proposed action to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: A visit to the allotment in 2004 showed that this standard was met on the allotment. Although there were some small areas of over-utilization, the vegetative community has very high vigor and provides productive habitat for a variety of big game, small mammal and songbird species. The proposed action would allow the continued meeting of this standard by improving the distribution of livestock throughout the allotment. The no action alternative would continue to meet this standard, however, the proposed action would ensure that livestock concentration in the central portion of the allotment does not degrade the plant community and habitat quality.

Name of specialist and date: Desa Ausmus, Wildlife Biologist, 6/6/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: The allotment provides winter foraging habitat for the bald eagle and is located upstream from critical habitat for the four Colorado River endangered fish. The proposed action is not expected to significantly impact either of these species. Both the proposed action and the no action alternative would continue to meet this standard.

Name of specialist and date: Desa Ausmus, Wildlife Biologist, 6/6/06

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: This standard is currently met on the Upper Hughes Creek Allotment #04410. The proposed action would have a minimal impact upon the greater herbaceous community. Disturbance caused as a result of pond and pipeline construction would be highly localized and would not jeopardize the larger plant community. These projects would help with the distribution of cattle and encourage even utilization across the allotment. This standard would continue to be met in the future.

The no action alternative would allow for over utilization of forage on BLM lands in the central portion of the allotment. This concentration would lead to the deterioration of plant community integrity in these areas while the remainder of the allotment would receive little or no use. This alternative would not meet this standard.

Name of specialist and date: Curtis Bryan, Rangeland Management Specialist, 5/5/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species on the Upper Hughes Creek Allotment #04410. This standard does not apply.

Name of specialist and date: Hunter Seim, Rangeland Management Specialist, 5/9/06

RIPARIAN SYSTEMS STANDARD: The riparian standard for healthy rangelands would be met with implementation of the proposed action alternative. The fence to be installed around the spring sources and the two ponds directly below would alleviate trampling by cattle. This should promote more riparian vegetation to establish where only a trace exists now. Establishment of

two additional ponds away from the riparian system that continues downstream of the ponds would provide for better grazing distribution. It is expected that any trampling by cattle in this riparian area (which would not be fenced) would be reduced. These improvements to the Upper Hughes Allotment would allow this riparian system to make progress towards meeting the riparian standard.

The riparian standard for healthy rangelands would not be met with implementation of the no action alternative. If this alternative is selected that portion of the riparian system directly below the springs and around the ponds would continue to be non-functional. The riparian area that continues downstream of the ponds would likely continue to be functioning at risk. Although it is difficult to separate elk or cattle use of the riparian area and water sources, it is assumed that some degradation of these areas by cattle is occurring.

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/30/06

WATER QUALITY STANDARD: 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 drains from the Upper Hughes Creek Allotment into stream segments that are presently supporting classified uses. No stream segments are listed as impaired.

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 5/26/06

UPLAND SOILS STANDARD: The upland soil standard for healthy rangelands would be met with implementation of the proposed action alternative. The steep brushy slopes that comprise much of the public land within the Upper Hughes Allotment would not be used very heavily by cattle, but some areas along the draws having lesser slopes have more accessible grazing lands. The one area of the allotment having the spring site and existing ponds is used heavily. The additional pit ponds that would be established would provide water sources to areas of the allotment that are currently under utilized. The spring development, exclosure fencing and controlling the presence of water in the tank filled with spring water would help to pull cattle to these alternate water sources. The small fence that would be installed in the eastern portion of the allotment would also be a benefit to the soil and vegetation resources near the private lands that would be fenced and separated from the public lands. These improvements would provide for better distribution of cattle within the allotment.

Selection of the no action alternative would not provide for the range improvements needed to improve the distribution of cattle within the allotment. The draw that currently has water supplied by the springs and ponds for the cattle to water would continue to be heavily used. The upland soil resource is currently meeting the upland health standard, but continued heavy use in this draw would threaten the desirable herbaceous plant component of the plant community and the effect of heavy grazing would likely expand onto steeper slopes.

Name of specialist and date: Ole Olsen, Natural Resource Specialist, 6/1/06

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Rick Tingle.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the analysis of potential environmental impacts contained in EA CO-100-2006-078 and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Field Office jurisdiction and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

Attachment 2
EA CO-100-2006-078
Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with 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. Non compliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or 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 allotments(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 of 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 due 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 the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing

activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days, the authorized officer will inform the operator as to:

-whether the materials appear to be 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 may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.