

**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-100-2007-015 DNA

CASE FILE/ALLOTMENT NUMBER: 0501239/04051, 04072, 04093, and 04053

PROJECT NAME: Renewal of the ten year grazing lease for the North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments, licensed to Nottingham Land and Livestock. Remove the Day Creek Allotment #04112 from the lease.

LEGAL DESCRIPTION: See Allotment Maps (Attachment 1)

N. Mud Spring #04051 – T8N, R94W, portions of sections 11, 12, 15, 19, 22, 23, 28, 29, 30, 31
1772 acres BLM
5691 acres private
474 acres State
7937 acres total

West County Road #7 #04072 – T8N, R92W, portions of sections 25, 26, 34, 35
710 acres BLM
1453 acres private
2163 acres total

North Fork Elkhead Creek #04093 – T7N, R88 W, portions of sections 5, 6, 8, 17, 20
T8N, R88W, portions of sections 4, 5, 6, 7, 8, 19, 30, 31
T8N, R89 W, portions of section 12
T9N, R88W, portions of sections 31, 32, 33, 35
1697 acres BLM
11775 acres private
3911 acres State
17383 acres total

Middle Bord Gulch #04053 – T 8N, R93W, portions of section 5
471 acres BLM
1598 acres private
2069 acres total

APPLICANT: Nottingham Land and Livestock (#0501239)

A. Describe the Proposed Action

Renew the grazing lease on the North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments, which expired February 28, 2007, licensed to Nottingham Land and Livestock. The lease was extended for a year under section 325 of Public Law 108-108, expiring February 28, 2008. At this time, the lease was modified due to the Emerald Mountain Land Exchange. The Day Creek Allotment #04112 was eliminated in the extended lease, as all public land parcels were included in the exchange; public land acreage was reduced on the North Fork Elkhead Creek Allotment #04093, and consequently the grazing preference was also reduced.

There was an error in the calculations for the remaining public land within the North Fork Elkhead Creek Allotment #04093. The Proposed Decision, dated March 16, 2007, incorrectly stated that there were 69 AUMs remaining; however the correct figure would be 28 AUMs, based on the proportionate amount of acres and the original stocking rate.

The new grazing lease would expire February 28, 2018. The renewal would continue the same permitted livestock grazing use.

The ten year lease would be issued 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>		
N. Mud Spring #04051	17 Cattle	05/01	09/30	100	86
	2 Horses	05/01	09/30	100	10
	266 Sheep	05/01	09/30	100	<u>268</u>
					364
West County Rd. #7 #04072	7 Cattle	05/01	09/30	100	35
	2 Horses	05/01	09/30	100	10
	41 Sheep	05/01	09/30	100	<u>41</u>
					86
N. Fork Elkhead Cr #04093	3 Cattle	06/01	10/31	100	15
	1 Horse	06/01	10/31	100	5
	8 Sheep	06/01	10/31	100	<u>8</u>
					28
Middle Bord Gulch #04053	77 Sheep	05/01	10/31	100	93

This lease would be subject to the following Special Term and Condition:

1. On these allotments, the authorized class of livestock may be sheep, cattle, or horses.

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

B. Land Use Plan (LUP) Conformance

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

Date Approved: April 26, 1989

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).

The Federal Land Policy and Management Act of 1976, 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.

Emerald Mountain Land Exchange EA CO-100-06-089

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 North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments were analyzed in the RMP/EIS (Appendix 8, Section 15, page A8-2 through A8-4). The North Mud Spring #04051 was designated as an “M”, or maintain allotment; the North Fork Elkhead Creek #04093 I was designated as an “T”, or improve allotment; and the West County Road #7 #04072 and Middle Bord Gulch #04053 Allotments were designated as “C”, or custodial allotments. 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 1986. 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 allotments 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 North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments. Data reaffirm that the RMP identified all resource concerns for the allotments.

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

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

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

Yes. Direct and indirect impacts of the Proposed Action are unchanged from those identified in the existing NEPA documents. Impacts regarding the Proposed Action to authorize livestock grazing in the North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments at the current grazing intensity and period of use remain the same. An assessment for meeting land health standards assure that these allotments 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 North Mud Spring #04051, West County Road #7 #04072, North Fork Elkhead Creek #04093 and Middle Bord Gulch #04053 Allotments 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	Initials	Date
Ole Olsen	Natural Resource Specialist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface	OO	8/27/07
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RWM	8/28/07
Mike Andrews	Realty Specialist	Environmental Justice	MAA	07/24/07
[Project Lead]	Environmental Coord. NEPA	Hazardous Materials	AJM	8/13/07
Ole Olsen	Natural Resource Specialist	Invasive Non-native Species	OO	8/27/07
Hunter Seim	Rangeland Management Spec.	Sensitive Plants, T&E Plant	JHS	7/27/07
[Wildlife]	Wildlife Biologist	T&E Animal	TN	7/27/07
[Geologist]	Petroleum Geologist	Water Quality - Ground	MDW	08/27/07
Ole Olsen	Natural Resource Specialist	Wetlands/Riparian Zones	OO	8/27/07
Rob Schmitzer	Recreation Specialist	WSA, W&S Rivers	RS	7/27/07
Standards				
[Wildlife]	Wildlife Biologist	Animal Communities	TN	7/27/07
[Wildlife]	Wildlife Biologist	Special Status, T&E Animal	TN	7/27/07
Andrea Minor	Rangeland Management Spec	Plant Communities	AJM	8/29/07
Hunter Seim	Rangeland Management Spec	Special Status, T&E Plant	JHS	7/27/07
Ole Olsen	Natural Resource Specialist	Riparian Systems	OO	8/27/07
Ole Olsen	Natural Resource Specialist	Water Quality	OO	8/27/07
Ole Olsen	Natural Resource Specialist	Upland Soils	OO	8/27/07

Land Health Assessment

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. All Public Land Health Standards are currently being met. This action will continue to allow the Public Land Health Standards to be met in the future. Standard Assessment was conducted on various dates during 2006 by a Wildlife Biologist, Natural Resource Specialist and a Rangeland Management Specialist.

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.

Attachment 2
CO-100-2007-015 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 there from; 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
CO-100-2007-015 DNA
Standards and Assessments*
North Mud Spring Allotment #04051
West County Road #7 Allotment #04072
North Fork Elkhead Creek Allotment #04093
Middle Bord Gulch Allotment #04053

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.

The Proposed Action would meet this standard. Each of these four allotments has been visited to assess the upland resources for land health. This assessment included a Soil Surface Characteristics (SSC) rating based on visual indicators of soil, litter and rock movement, as well as the presence of plant and/or rock pedestalling, rills, surface flow patterns and gullies. The Middle Bord Gulch and the West County Road #7 Allotments were included in the Lay Creek Watershed Assessment (LCWA) which occurred in June 2006. The assessment on the Middle Bord Gulch Allotment indicated stable soil; it occurred on a flat ridge area and some of the soil movement that was observed was due to wind erosion. The West County Road #7 Allotment assessment also indicated a stable soil with good cover.

The same evaluation process was used to conduct allotment specific assessments on September 26, 2006, on sites within the North Fork Elkhead Creek and the North Mud Spring Allotments. The North Fork Elkhead Creek Allotment is a higher elevation area with mountain browse and sagebrush communities that provide good canopy cover over the soil. The assessment indicated a stable upland soil.

A site on a northerly facing slope was visited in the North Mud Spring Allotment. The plant community was big sagebrush/perennial grass, and it was adjacent to a ridge and south facing slopes supporting a juniper community. The assessment indicated moderate soil erosion was occurring. Soil and litter movement, rock and plant pedestals, deep rills and very defined flow patterns were all observed on this site. The plant community was lacking perennial grass cover, and the soil movement observed was directly related to this lack of interspace vegetation. The interdisciplinary team noted that this area appeared to still be suffering from drought. Deer and elk use appeared to be very heavy, and little livestock use was observed. The interdisciplinary team determined these were the reasons why this site was marginally meeting land health standards. Conversely in July 1998 a site (Site 20) to the east and on a southerly facing slope was visited while conducting the Spring Creek Landscape Assessment; this assessment preceded the drought in the early part of this decade. The methodology used to assess land health did not include a Soil Surface Characteristics evaluation, but some of the same factors used were included in the physical site health checklist. Active rills and litter movement was not observed on this site, as these factors were rated plus. The remaining physical site indicators were rated intermediate, including adequate plant canopy and ground cover to protect soil from erosion.

STANDARD 2. Riparian systems associated with both running and standing water function properly and have 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.

The riparian standard is met. Jimmy Dunn Gulch is the only known riparian system that is present within these allotments and it is in the North Fork Elkhead Creek Allotment. It was assessed in late September 2006 as a lentic draw, and it was functioning at risk with an upward trend. Most segments of the draw had a channel, and some headcuts were present.

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 Middle Bord Gulch #04053 and the West County Road #7 #04072 Allotments were assessed as part of the Lay Creek Watershed in June 2006. North Mud Springs Allotment #04051 and N. Fork Elkhead Creek Allotment #04091 were assessed by an ID team on an individual basis.

This standard is met on the West County Road #7 Allotment #04072, which was assessed with high species diversity, density and production. There were acceptable levels of non-native plants on the site.

The standard was determined to be not met on the Middle Bord Gulch Allotment #04053. Although key species were appropriate for the site, density and abundance of these species were not appropriate. Species diversity was high, but composition was not appropriate for the site, specifically low on grasses. The stop was randomly chosen, but the ID team did not feel the stop was representative of the allotment as a whole, after looking at other sites immediately adjacent to the chosen site, as well as along the trail back to the county road. The team felt that livestock grazing was the causative factor, but since the stop was not representative, current management may only need to be changed slightly. It is possible that the chosen stop was a bedding ground or other high impact area.

This standard was met on the North Mud Springs Allotment #04051. Species diversity was medium, and the team felt that the community was low on grasses. Density was acceptable but production was low. It was noted there was heavy use by wildlife in the area and some trailing by livestock. The standard was also met on the N. Fork Elkhead Creek Allotment #04091. Species diversity, density and production were all high.

These grazing allotments provide valuable productive wildlife habitat that are capable of supporting a variety of wildlife species at various times of the year including big game severe winter range. The proposed grazing within these allotments will not degrade wildlife habitats. 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 federally listed threatened or endangered or BLM sensitive plant species present on any of the five allotments subject to this Proposed Action. For plants, this standard does not apply.

The North Mud Springs, West County Road, North Fork Elkhead Creek and Middle Bord Gulch Allotments provide nesting and brood rearing habitat for greater sage-grouse. The North Fork Elkhead Creek and Day Creek Allotments provide potential Columbian sharp-tailed grouse nesting and brood rearing habitat. Greater sage-grouse and Columbian sharp-tailed grouse are BLM Special Status Species. Site visits were conducted and it was determined that these allotments are providing productive habitat for these species. No habitat problems were identified during these visits. The proposed livestock grazing system that has been in place the previous ten years will continue. This standard is currently being met and will continue to be met 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 water quality standard is met on each of these allotments. These four allotments are scattered in Moffat and Routt Counties. North Mud Spring, Middle Bord Gulch and West County Road 7 Allotments occur in the Great Divide area northwest of Craig and are characterized as sagebrush steppe. Runoff water from these allotments would flow to two tributaries of the lower Yampa River. Runoff from North Mud Spring Allotment would flow to ephemeral tributaries of, or directly into, Spring Creek and Mud Spring Gulch. Mud Spring Gulch is an ephemeral tributary of Spring Creek, and Spring Creek is an intermittent tributary of the Yampa River. Runoff from the Middle Bord Gulch Allotment would flow to Bord Gulch, which is an ephemeral tributary of Lay Creek. Lower Lay Creek is a perennial tributary of the Yampa River, although its character near the confluence of Bord Gulch is intermittent. Runoff from the West County Road 7 Allotment would flow to ephemeral tributaries of Big Gulch. Big Gulch is an intermittent to perennial tributary to Lay Creek.

The North Fork Elkhead Creek Allotment is now comprised of a small tract of BLM land flanking the westerly flowing Jimmy Dunn Gulch. One small ephemeral tributary of Jimmy Dunn Gulch drains an upland swale in the northern portion of the allotment. The remaining runoff waters would flow directly from steep to moderate slopes into Jimmy Dunn Gulch, which is an intermittent tributary to Elkhead Creek. Flows from Jimmy Dunn Gulch enter a large pond

prior to its confluence, and downstream of this confluence Elkhead Creek flows into the newly enlarged Elkhead Reservoir. Elkhead Creek is a perennial tributary of the Yampa River.

The water quality of the Yampa River, Lay Creek and Elkhead Creek and their tributaries fully support the classified beneficial uses designated for these streams.

Attachment #4
CO100-07-015DNA
Cultural Resource and Native American Concerns

Affected Environment

Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (Heritage #10.48.07) was completed for each allotment on August 28, 2007 by Robyn Watkins Morris, Little Snake Field Office Archaeologist. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding The Livestock Grazing And Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the (Field Office) archaeology files.

Data developed here was taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from GLO maps, BLM land patent records, An Overview of Prehistoric Cultural Resources Little Snake Resource Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the Little Snake Resource Management Plan and Environmental Impact Statement, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the allotment in this DNA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment. Fieldwork for the cultural resources on the table will be carried out in current fiscal year or within the ten year permit renewal.

Acres Inventoried at a Class III level ²	Acres NOT inventoried at a Class III Level	Percent-%of Allotment inventoried at a Class III level	Number of Cultural Resources known in allotment	High Potential of Historic Properties	Eligible or Need Data Sites – Known in Allotment (Site Numbers)	Estimated Sites for the Allotment ** (Total Number)	Management Recommendations (Add'l inventory required and historic properties to be visited)
314	29238	.01	17	Yes	7		Numerous cabins, historic roads, ditches, telephone lines and fences are noted on the 1879 GLOs and the 1914 GLOs and they should

							be recorded.
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(Note: *Acres are derived from GIS allotment maps. 1. BLM only acres or 2. BLM and other acres in the allotments. 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.)

Eleven cultural resource inventories have been previously conducted within the allotments resulting in the complete coverage inventory of 314 acres and the recording of 17 cultural resources. The types of cultural resources include 3 prehistoric open-air lithic scatter, seven prehistoric open camps, four prehistoric isolated finds, one paleontological isolated find, and two collapsed log cabins.

They represent a time frame from the Paleo-indian (10,000 year ago b.p.) through the 1930's. The eligibility status of these cultural resources for listing in the National Register of Historic Places is: 7 eligible and 10 not eligible.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

Environmental Consequences

The direct impacts that occur where livestock concentrate include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

Cultural Review Process

Monitoring of the previous years range permit renewal environmental documentation for FY98, FY99, FY2000, FY2001, FY2002, FY2003, FY2004, and FY2005 has been carried out. These reports represent three field seasons of evaluation work on the eligible and need data sites. The fieldwork conducted in 2000, 2001, 2002, 2003, and 2005 as expected, 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.

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. Newly identified cultural resources will need to be mitigated in relationship to the proposed project(s). Further, these cultural resources will be incorporated into current and future grazing review efforts to be evaluated and monitored as necessary.

Mitigation Measures

Standard Stipulations for cultural resources are included in Standard Terms and Conditions for the range permit (Attachment 2).

Allotment Specific Stipulations for this DNA.

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 as well. 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.

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: Robyn Watkins Morris Date: August 28, 2007

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council, and the Eastern Shoshone on July 11, 2007. The letter listed the grazing allotments up for renewal in FY08 and included a map of the areas. A follow up phone call was performed on August 14, 2007. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris Date: August 28, 2007