

**United States Department of the Interior
Bureau of Land Management
San Luis Valley Field Office
46525 Highway 114
Saguache, CO 81149**

Environmental Assessment

High-Noonish Filming Permit

DOI-BLM-CO-300-2013-0007 EA

May 2013



CHAPTER 1 - INTRODUCTION

1.1 IDENTIFYING INFORMATION

CASEFILE/PROJECT NUMBER (optional):

PROJECT TITLE: High Noonish Filming Permit

PLANNING UNIT: San Luis Valley Field Office, San Luis Resource Area, Front Range District

LEGAL DESCRIPTION: T32N R8E Sec. 2, 11 NMPM

APPLICANT: High-Noonish, LLC

1.2 INTRODUCTION AND BACKGROUND

BACKGROUND: This EA is being prepared by the BLM to analyze any impacts due to filming a western movie scene. The western movie scene filming location will be approximately 3 miles west of Antonito, Colorado. The movie scene will include using the Cumbres and Toltec Railroad and horses/horse riders. The environmental setting consists of mainly scattered sage brush, rocky slope, and is located on an active cattle allotment.

1.3 PURPOSE AND NEED

This will be a second unit production crew that will include using around horses and horse riders, one camera buggy, three ATV's, and a techo-crane. The scene is a simple one in which one rider is being chased by other riders to the train. They will be riding off the south ridge riding north to the train. The proposed dates for the filming scene is from June 20-26.

1.4 DECISION TO BE MADE

The BLM will decide whether to implement the proposed High Noonish Filming Permit project based on the analysis contained in this Environmental Assessment (EA). This EA will analyze issues in issuing a filming permit. The BLM may choose to: a) implement the project as proposed, b) implement the project with modifications/mitigation, c) implement an alternative to the proposed action, or d) not implement the project at this time.

1.5 PLAN CONFORMANCE REVIEW

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: San Luis Resource Area Resource Management Plan

Date Approved: December 18, 1991

Decision Number/Page: 1-17, page 15

Decision Language: All other BLM lands will be open to rights of ways...and will be evaluated on a case by case basis for alignment and mitigation stipulations.

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

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

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

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

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

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.

Because standards exist for each of these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in Chapter 3 of this document.

1.6 SCOPING, PUBLIC INVOLVEMENT AND ISSUES

1.6.1 Scoping: NEPA regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted: Scoping, by posting this project on the Royal Gorge Field Office NEPA website, was the primary mechanism used by the BLM to initially identify issues. No comments were received.

CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

The purpose of this chapter is to provide information on the Proposed Action and Alternatives. Alternatives considered but not analyzed in detail are also discussed

2.2 ALTERNATIVES ANALYZED IN DETAIL

2.2.1 Proposed Action

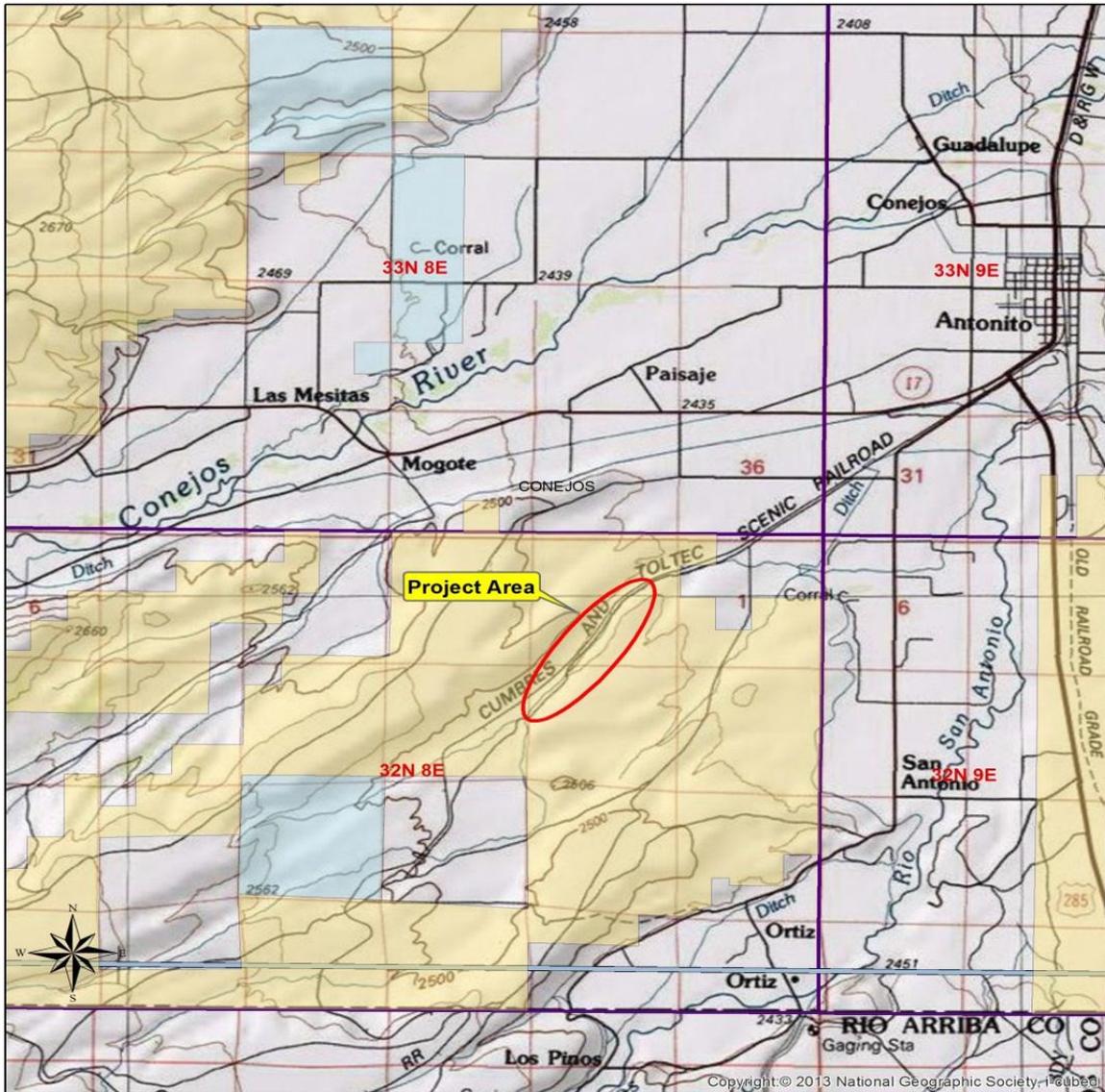
The applicant will be filming a scene for an upcoming movie called “A Million Ways To Die In The West”. They are proposing to use a camera buggy to follow about 10 horses and horse riders from the top of the south ridge to the train and also alongside both ends of the train tacks about 40 feet out for a distance of 75 yards. About three ATV’s will be used to haul and stage the cameras and equipment to a point for the shoot. They will also stage a techo-crane alongside the access road to get a better height for shooting the scene (see map).

The applicant will be using certified weed free hay and will haul their own water. They will also be using portable panels in the staging area for staging the horses. A representative from the Humane Society will also be present to monitor the treatment of the horses.

The staging area will be next to the main road. It will be about 100 feet wide x 500 feet long. They will be staging vehicles, horses, tents, campers, and equipment. They will also have Emergency Medical Services stage here for in case there are any accidents.

Another part of the scene will be to cross a dried gully with horses. A camera will be staged in the middle of the gully and film the horses while they are crossing the gully. They also want to trim down a few greasewoods that are in the middle of the gully to get a better shot of the horses crossing the gully.

Once the filming is complete they will repair any ground disturbance and reseed if necessary. They will also pick up any trash and try to leave the area in its original condition.

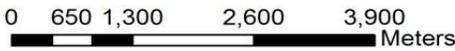


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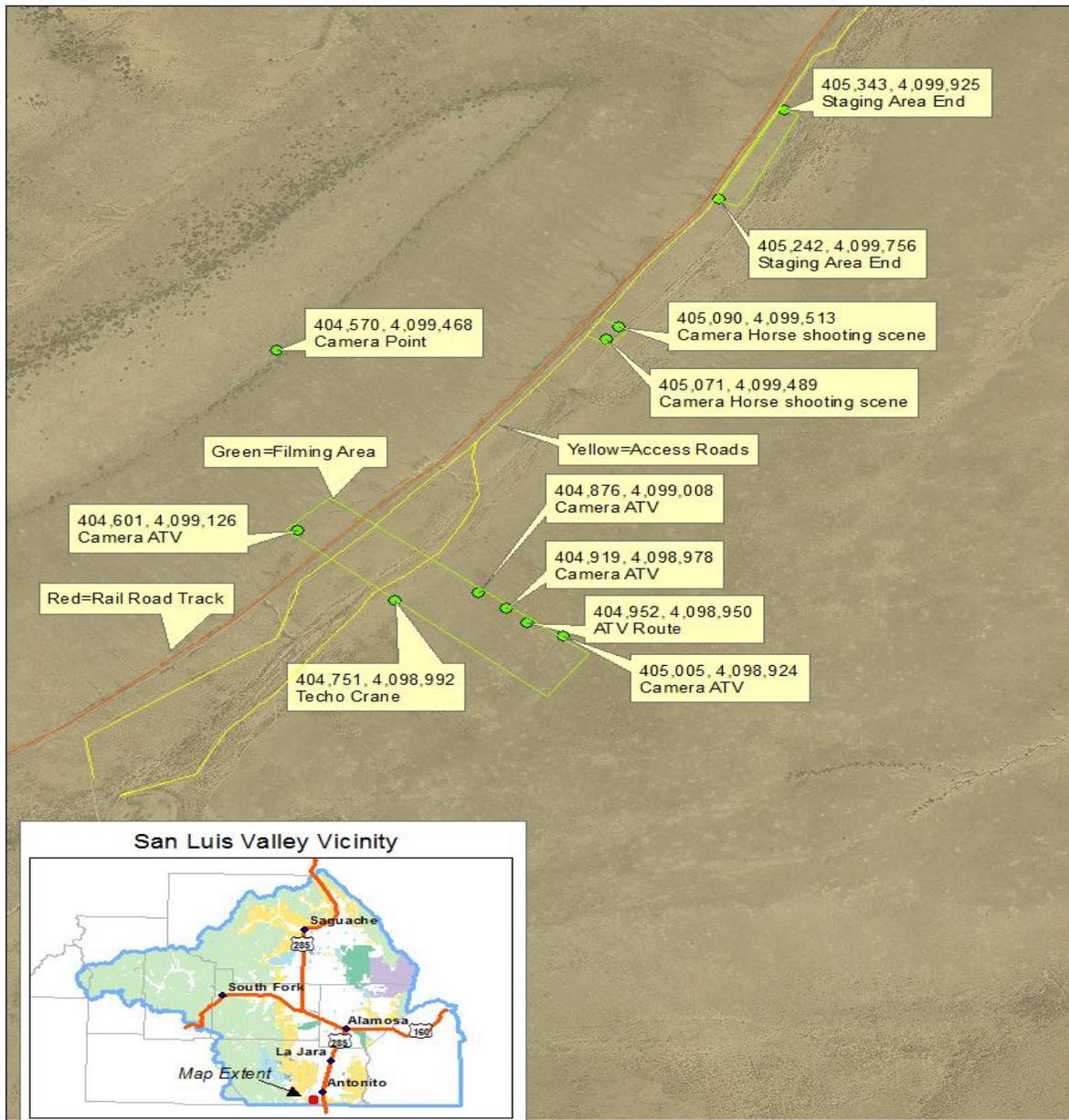
High-Noonish Filming Permit

DOI-BLM-CO-300-2013-0007 EA

- Legend**
- Bureau of Land Management
 - Private
 - State



NOTE TO MAP USERS
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



2.2.2 No Action Alternative

The filming permit will be denied and the location would not be available for the proposed filming.

CHAPTER 3 - AFFECTED ENVIRONMENT AND EFFECTS

3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

3.1.1 Interdisciplinary Team Review

The following table is provided as a mechanism for resource staff review, to identify those resource values with issues or potential impacts from the proposed action and/or alternatives. Those resources identified in the table as impacted or potentially impacted will be brought forward for analysis.

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Air Quality</u> <i>Negussie Tedela, SO</i>	NT 05/24/13	Analysis is included below
<u>Geology/Minerals</u> <i>Nick Sandoval</i>	NS 05/15/2013	There are no impacts to minerals or geology.
<u>Soils</u> <i>Negussie Tedela</i>	NT 05/24/13	Analysis is included below
<u>Water Quality</u> <u>Surface and Ground</u> <i>Negussie Tedela</i>	NT 05/24/13	Analysis is included below
<u>Invasive Plants</u> <i>Alyssa Radcliff</i>	ANR 5/15/12	Analysis included below
<u>Special Status</u> <u>Species</u> <i>Alyssa Radcliff,</i> <i>Eduardo Duran</i>	ANR 05/14/13 END 5/22/5013	Analysis included below There are no TES Plants species within the project area.
<u>Vegetation</u> <i>Melissa Shawcroft,</i>	MJS 5/21/2013	The vegetative resource is impacted and brought forward for analysis with mitigation measures.
<u>Wetlands and</u> <u>Riparian</u> <i>Sue Swift-Miller, Jill</i> <i>Lucero</i>	JL 5/14/2013 END 5/22/2013	There are no Wetlands in this area. There are no Riparian zones in the project area.
<u>Wildlife Aquatic</u> <i>Alyssa Radcliff</i>	ANR 05/07/13	Aquatic habitat is not present within or adjacent to the analysis area, therefore no impact to aquatic species.
<u>Wildlife Terrestrial</u> <i>Alyssa Radcliff</i>	ANR 05/14/13	Analysis included below

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Migratory Birds</u> <i>Alyssa Radcliff</i>	ANR 05/14/13	Analysis included below
<u>Cultural Resources</u> <i>Angie Krall</i>	5-24-2013	Analysis included below
<u>Native American Religious Concerns</u> <i>Jeff Brown</i>	AK 5-24-2013	No cultural resources were located in the project area during a Class III survey therefore no cultural resources will be effects by the proposed project. There are no known Native American religious concerns known for the project area.
<u>Socioeconomics</u> <i>David Epstein(SO), Martin Weiner,</i>	mw, 5/14/13	This action will not result in any substantive impacts to the socio economics of individuals or the region.
<u>Paleontology</u> <i>Angie Krall</i>	AK 5-24-2013	The proposed action has no impacts on paleontological resources
<u>Visual Resources</u> <i>Sean Noonan</i>	STN 5/10/2013	The project is located within the Railroad ACEC, established to manage for Visual Resources relative to the Cumbres and Toltec Scenic Railroad. The project will have no lasting impact to scenic quality within the Railroad ACEC.
<u>Environmental Justice</u> <i>David Epstein, Martin Weiner</i>	mw, 5/14/13	The proposed action affects areas that are rural in nature. The land adjacent to these parcels is open rangeland, as a result, there are no minority or low-income populations in or near the project area. As such, the proposal will not have a disproportionately high or adverse environmental effect on minority or low-income populations.
<u>Wastes Hazardous or Solid</u> <i>Leon Montoya</i>	LAM 05/10/2013	There are no Waste Hazardous or solid materials in this area.
<u>Recreation</u> <i>Sean Noonan</i>	STN 5/10/2013	The proposed action does not impact recreation resources.
<u>Farmlands Prime and Unique</u> <i>Eduardo Duran</i>	END 5/22/2013	There are no Prime and Unique Farmlands in the project area.
<u>Lands and Realty</u> <i>Leon Montoya</i>	LAM 5/13/2013	There are no realty actions noted for this area.
<u>Wilderness, WSAs, ACECs, Wild & Scenic Rivers</u> <i>Sean Noonan or appropriate staff</i>	STN 5/10/2013	There are no Wilderness areas, WSA's, or Wild and Scenic Rivers located in the Project Area. The project is located within the Railroad ACEC, established to manage for Visual Resources relative to the Cumbres and Toltec Scenic Railroad. The project will have no lasting impact to scenic quality within the Railroad ACEC.
<u>Wilderness Characteristics</u> <i>Sean Noonan or appropriate staff</i>	STN 5/10/2013	There are no wilderness characteristics in this area.
<u>Range Management</u> <i>Melissa Shawcroft</i>	MJS 5/23/2013	Analysis included below
<u>Forest Management</u> <i>Paul Minow</i>	psm 5/7/13	The area in analysis does not contain any forest timber types. Primarily grass and shrubs.
<u>Cadastral Survey</u> <i>Joe Velasquez, Leon Montoya, Sean Hines</i>	5/13/2013	There are no issues with Cadastral Survey.

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Noise</u> <i>Martin Weimer, Project Lead, SO</i>	mw, 5/14/13	The project area is open range and scrub. Certain levels of noise are associated with the movie shooting and production operations. These impacts are temporary and terminate when filming and associated operations are complete.
<u>Fire</u> <i>Paul Minow</i>	psm 5/7/13	Fire protection concerns have been addressed in the EA with in the filming plan. No pyrotechnical devices are planned to be used.

3.2 PHYSICAL RESOURCES

3.2.1 AIR QUALITY AND CLIMATE

Affected Environment:

Air quality and status of atmospheric condition are protected under the Federal Clean Air Act (CAA) of 1970 amended in 1990 and Federal Land Policy and Management Act (FLPMA) of 1976. Federal and State laws established all air quality protection requirements to protect human health by establishing acceptable airborne concentration levels. The air quality of the study site is considered to be typical of undeveloped regions in the western United States and has been designated as Prevention of Significant Deterioration (PSD) Class II (USDI-BLM, 1989). Ambient pollutant levels are usually near or below the measurable limits. However, Total Suspended Pollutants (TSP) around the project site are expected to be higher because of unpaved roads and wind blowout of dust particles.

The Colorado Air Pollution Control Division (APCD) assesses the maximum 24- hour average of particulate matter (PM10) levels at Alamosa center. The center is located in close proximity to the project site. The data shows that the PM10 level is well above the National Ambient Air Quality Standard (NAAQS) for PM10 (24-hour average) of 150 µg/m³ for some years in the recording period. For example, historical maximum of PM10 levels recorded at Alamosa center were 473, 424, and 412 µg/m³ for the years of 1991, 2006, and 2007, respectively. According to the 2008 Colorado state ranking based on PM10 level monitoring by 24-Hr maximum concentration, the Alamosa center has the third highest PM10 concentration level from the 41 monitoring stations located throughout the state (Colorado Department of Public Health and Environment, 2010). In addition, seasonally high wind blown dust (PM10) results in significant visibility impairment both within and around the analysis area.

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Minor, localized, and temporary air pollution will be created by vehicles, ATVs and other equipment during filming activities but would end after completion of the filming. The air quality criteria pollutant likely to be most affected by the proposed

actions is the level of inhalable particulate matter, specifically particles ten microns or less in diameter (PM10) associated with fugitive dust. Due to dust particle blowout caused by filming activities, a short-term and minor negative impact on air quality would be anticipated. The project area is located over 2.0 miles away from the nearest resident. There are no expected impacts to these residents from the proposed action.

Protective/Mitigation Measures:

Use of Best Management Practices (e.g., site watering or vehicle emission controls) to reduce fugitive dust emissions is essential. The filming activities would be suspended when wind speeds exceed a sustained velocity of 20 miles per hour to reduce dust particle blowout. Vehicles, ATVs and other equipment will be maintained in good operating condition to ensure that engines are running efficiently. Vehicles and other equipment with emission controls will also be maintained to ensure effective pollutant emission reductions. To minimize production of fugitive particulate matter (fugitive dust) from associated road, which would be used for filming activities, vehicle speeds must not exceed 15 mph or dust plume must not be visible at appropriate designated speeds for road design. In addition, the application of a BLM approved dust suppressant (e.g. water or chemical stabilization methods) will be required during dry periods when dust plumes are visible at speeds less than or equal to 15 mph.

Cumulative Impacts

There are currently no other projects occurring in proximity to the project area. There are also no planned activities in the reasonably foreseeable future. Air quality impacts from this project will have short duration and are expected only during the filming activities. Ground disturbing activities are anticipated to last no more than three days. The proposed projects are small and not anticipated to have measurable air quality impact around the project site.

No Action Alternative

Direct and Indirect Impacts:

Under No Action Alternative, no additional fugitive dust would be generated. Dust will continue to move around the site due to wind blowout at the current levels. No measurable air quality and climate change impacts are anticipated

Protective/Mitigation Measures:

Protective/mitigation measures are not required

3.2.3 SOILS (includes a finding on standard 1)

Affected Environment:

The soil within the project boundary is described in the soil survey of Conejos County (USDA-SCS, 1980), BLM GIS soil database, and NRCS soil survey (<http://websoilsurvey.nrcs.usda.gov>) as shown in Figure 1. The project site lies in the Limy Bench, Mountain Outwash, and Basalt Hills ecological range sites. All soils have low risk for water erosion. Erosion Hazard rating for roads and trail at the site varies between slight to moderate (Table 1). The Erosion Hazard rating for roads and trail interpretations indicate the hazard of soil loss from unsurfaced roads and trails. The ratings are based on soil erosion factor (K), slope, and content of rock fragments. Most of the soils have moderately high to high saturated hydraulic conductivity at the surface. Depth to a root restrictive layer is greater than 80

inches, except for the Laney loam soil that has a depth of 12 to 20 inches to the restrictive layer. All soils have well drained natural drainage class (Table 1). A Wind Erodibility Group (WEG) consists of soils that have similar properties in relation to their susceptibility to wind erosion. The soils within group 1 are the most susceptible to wind erosion and group 8 are the least susceptible (Table 1).

Table 1 Soils description within analysis area boundary

<i>Map unit symbol</i>	<i>Map unit name</i>	<i>Slope (%)</i>	<i>Range site</i>	<i>Sat. Hydraulic cond.</i>	<i>drainage class</i>	<i>Wind Erodibility Group (WEG)</i>	<i>Erosion risk</i>	<i>Erosion Hazard (Road, Trail)</i>	<i>Depth to restrictive layer (in)</i>	<i>Areal Coverage (%)</i>
17	Garita cobbly loam	0 to 3	Limy Bench	High	Well drained	4L	low	slight	>80	18.3
18	Hooper loamy sand	0 to 1	Limy Bench	High	Well drained	4L	low	slight	>80	53.4
38	Hooper clay loam	0 to 1	Mounta in Outwas h	Moderately high	Well drained	4L	low	slight	>80	19.2
54	Laney loam	0 to 3	Basalt Hills	Moderately high	Well drained	8	low	Moderate	12 to 20	9.1

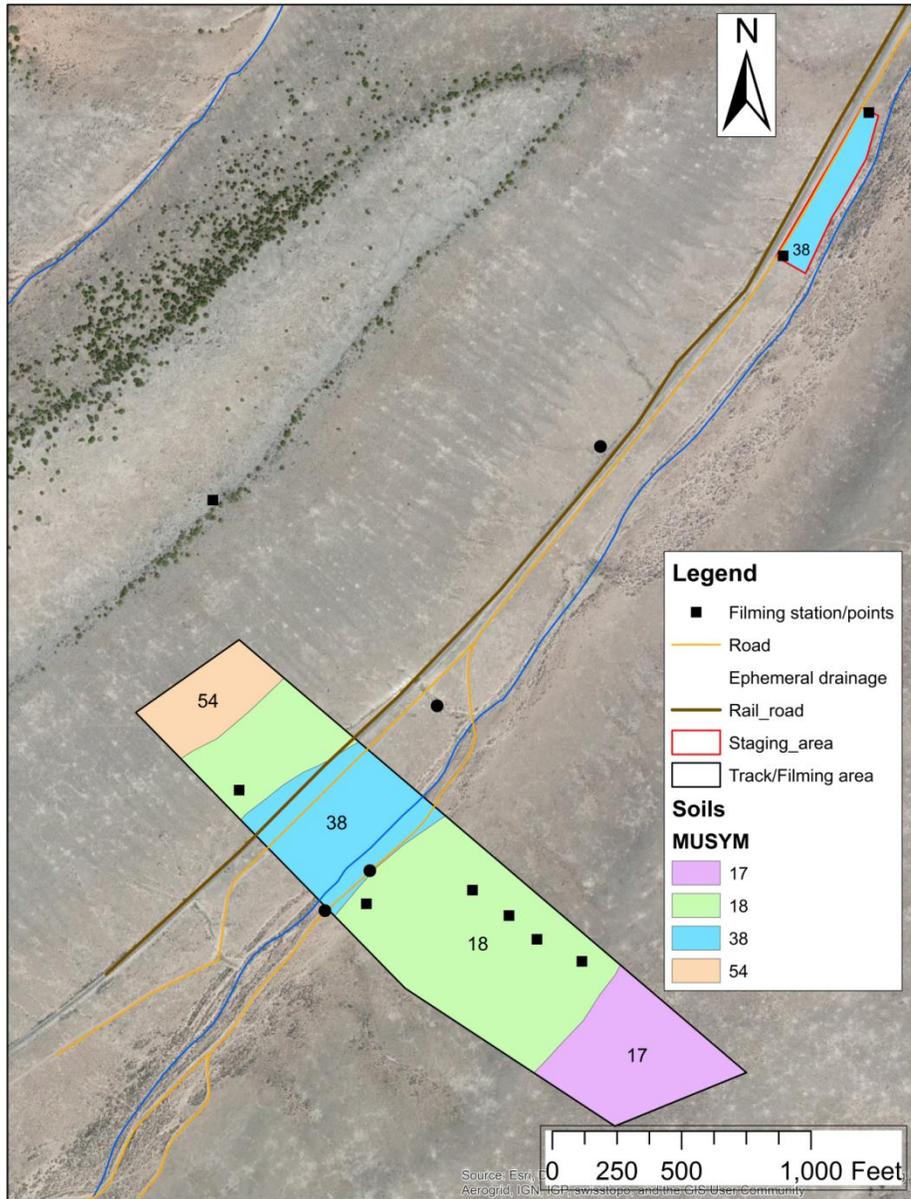


Figure 1 soil map of project site

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Approximately 34 acres of land would be disturbed during the filming process (2 acres at the staging area and 32 acres at the stationary and ATV filming area). The proposed action would result in soil erosion, compaction, and soil profile mixing. Soil contamination would also occur due to machinery involved with filming activities that may deposit small amounts of petrohydrocarbons onto soils through equipment failure or normal operations. Overall, the proposed action would result in local, minor, adverse effects on soils during filming activities and these effects would continue for the long term at lesser extent following completion of the project.

Protective/Mitigation Measures:

If required, clearing of vegetation should be minimized to the greatest extent possible. Erosion nets, wattles, straw bales or other mechanical sediment control measures shall be implemented to provide surface soil stability where necessary. Any structure installed during construction shall be removed to restore natural drainage during the cleanup and restoration phase of the project. On heavily compacted sites, sub soiling would be essential to increase infiltration capacity of the soil at the site.

Cumulative Impacts

Past and present activities within the analysis area include historic high livestock grazing, current livestock management, Off-road vehicle use, past and present road management, and agricultural activities. There are currently no other projects occurring in proximity to the project area. There are also no planned activities in the reasonably foreseeable future. Overall, past, present, and future activities at the project site, considered cumulatively with proposed action, would have a local, negligible, adverse impact on soil health. Impacts would be minimized following the mitigation measures indicated in this section.

No Action Alternative

Direct and Indirect Impacts:

Under No Action Alternative, no additional soil disturbance would occur. Other impacts to soils may occur from livestock use and human effects. No measurable change soil health are anticipated

Protective/Mitigation Measures:

Protective/mitigation measures are not required

Finding on the Public Land Health Standard for Upland Soils:

Soil features such as rills, active gullies, pedestals, surface litter and plant cover are important indicators of Standard 1. Most of the soils examined were in properly functioning condition, meaning that soil productivity is being maintained. Sheet erosion is not excessive and no soil compaction was observed which would adversely affect infiltration and permeability. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, landform, and geologic processes. There are small areas with bare soils and inadequate grass cover, but in general, standard 1 is being achieved and there would be no anticipated impacts due to the proposed action and other alternatives

3.2.4 WATER (SURFACE AND GROUNDWATER, FLOODPLAINS)

Affected Environment:

The project area is situated within a sixth level (Hydrologic Unit Cod, HUC: 130100050510) watersheds (Figure 1). Elevation within these watersheds ranges from approximately 7,900 feet in the valley floor to over 9,200 feet in the southwest part of the watershed. Precipitation varies widely with elevation. Lower areas of the watersheds receive about 12 inches and higher mountain areas receive about 20 inches of precipitation, with most of the rainfall events occurring in July and August (Figure 1). Annual precipitation within the proposed project site is about 12 inches. In general, potential evapotranspiration exceeds precipitation on the valley floors and the reverse is true in the high elevation areas (HRS Water Consultants, Inc., 1987).

Rio San Antonito is the only major perennial/intermittent stream located in the vicinity of the project area. Numerous smaller ephemeral drainages are also located in the area. One of the drainage crosses through the stationary and ATV filming area and passes about 50 to 150 feet away from the staging area. There are two earth dams constructed in the past for soil and water conservation purpose. One of the dams is located above the proposed filming area and the other is located above the staging area. The dams protect the ephemeral channel from bank erosion that would be caused by high event runoff. In addition, any runoff during heavy storm event would be intercepted by two irrigation ditches before reaching the Rio San Antonio (Figure 1).

The hydrology of the analysis area is modified by construction of roads, intensive surface- and ground-water use, and construction of ditches for agricultural purpose since the start of irrigation farming in the valley. There are several wells, canals, and diversions located around analysis area to pump and divert groundwater for domestic and agricultural activities, which cause long-term water-level declines in the aquifer system.

The Clean Water Act (CWA) requires that chemical, physical, and biological integrity of all waters, stream channels, and wetlands be protected. Rio San Antonito, the only perennial stream within the watershed, is currently meeting water quality standards and is not in the 303 (d) and the 305(b) listing, therefore meeting designated uses (Colorado Water Quality Control Division, 2012) and standard 5 is being achieved.

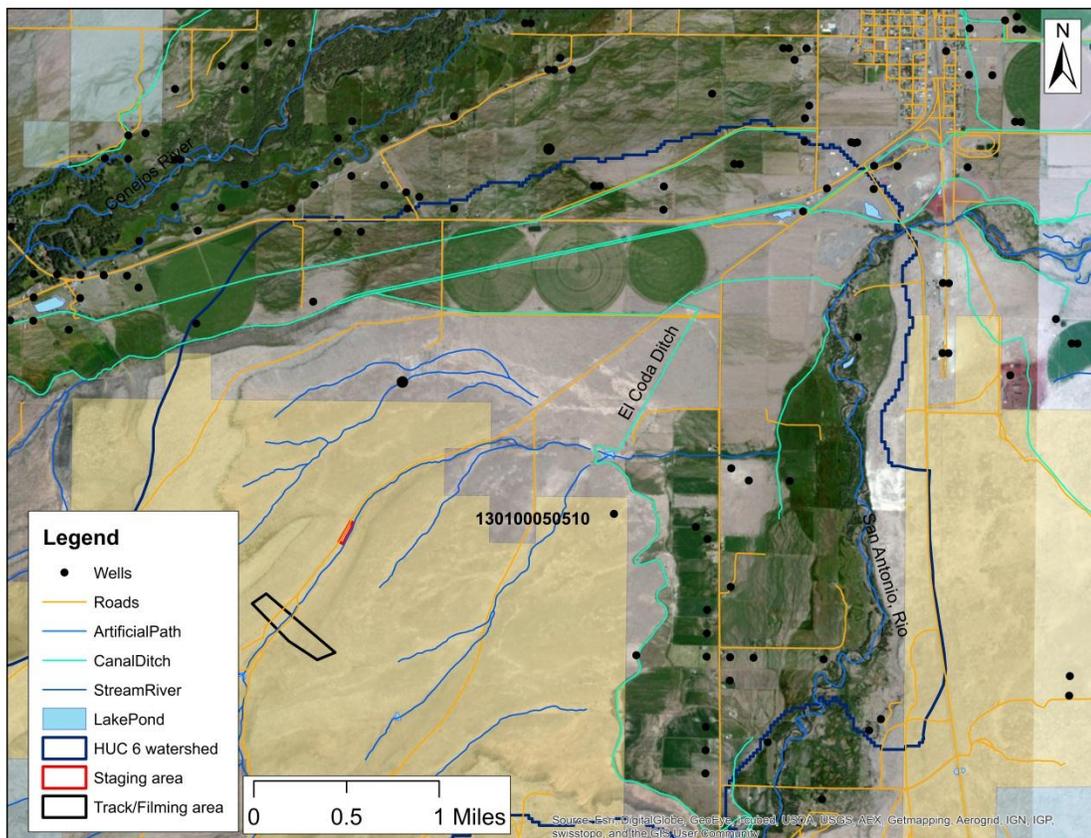


Figure 2 Hydrology and water resource map encompassing the analysis area

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

The proposed action would have local, short-term, negligible, adverse impacts on hydrologic processes and water quality from the proposed activities related to sediment load to ephemeral drainage located near by the project site. The primary sources of water pollution from these activities are sediment-laden runoff water from project site. Reduction of soil permeability due to compaction would lead to increase in runoff rate and amount on the ephemeral channels and accelerate sediment transport and hence affect water quality, if reaches to any perennial/intermittent streams.

Protective/Mitigation Measures:

The staging area should be located at least 30 feet away from the nearby ephemeral drainage to protect the stream bank and reduce sediment transport to the drainage. A thirty feet buffer is flagged on the ground to clearly indicate the staging area outside the buffer zone. All filming activities should be stopped when soils or road surfaces become saturated to a depth of three inches to prevent water being channelized down the roadway. In addition, mitigation measures indicated in the soils section would also be applied to protect water quality.

Cumulative impact

Past and present activities within the analysis area include historic high livestock grazing, current livestock management, Off-road vehicle use, past and present road management, and agricultural activities. There are currently no other projects occurring in proximity to the project area. There are also no planned activities in the reasonably foreseeable future. Overall, past, present, and future activities at the project site, considered cumulatively with proposed action, would have no measurable adverse impact on hydrologic processes and water quality. Impacts would be minimized following the mitigation measures indicated in this and the soils sections.

No Action Alternative.

Direct and Indirect Impacts:

No new impacts to water quality and hydrologic processes around the project area are likely to occur under the No Action Alternative. No new surface disturbances would take place at the site and current management would continue.

Protective/Mitigation Measures:

Protective/mitigation measures are not required

Finding on the Public Land Health Standard for Water Quality:

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

- Appropriate populations of macroinvertebrates, vertebrates, and algae are present, and
- Surface and ground waters only contain substances attributable to humans within the amounts, concentrations, or combinations as directed by the Water Quality Standards established by the State of Colorado.

A change to surface or ground water quality is not anticipated due to the proposed action and Standard 5 is being achieved.

References

Colorado Department of Public Health and Environment. 2010. Colorado 2009 Air Quality Report, Air Pollution Control Division, APCD-TS-B1, Denver, Colorado

Colorado Water Quality Control Division, Colorado Department of Public Health and Environment, 2012. Integrated water quality monitoring and assessment report, Prepared Pursuant to Section 303(d) and Section 305(b) of the Clean Water Act, The 2010 Update to the 2008 305(b) Report.

NRCS, Web Soil Survey (WSS). <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm> accessed on May, 2013.

United States Department Agriculture - Soil Conservation Service, in cooperation with Colorado Agricultural Experiment Station, 1980. Soil survey of Conejos area, Colorado, Washington, D.C
United States Department of Interior-Bureau of Land Management, 1989. Draft, San Luis Resource Management Plan and Environmental Impact Statement, Canon City Resource Area, Colorado.:

3.3 BIOLOGICAL RESOURCES

3.3.1 INVASIVE PLANTS

Affected Environment:

Currently, there are no invasive plant species within the analysis area based on field review and review of the BLM National Invasive Species Information Management System (NISIMS) database.

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Implementation of this alternative is not anticipated to introduce or spread noxious or invasive weed species to the analysis area. Protection measure will be adhered to, and the measures will mitigate chances of invasive plant introduction.

Protective/Mitigation Measures:

- Equipment used during filming or rehabilitation of the analysis area must be cleaned and inspected prior to use.
- Livestock must be fed in weed-free area or fed weed-free feed for at least a week prior to entry onto the analysis area.
- Livestock must be fed weed-free feed for duration of proposed filming activities.
- Reseeding exposed areas created by vegetation removal will be required. Seed Mix must be certified weed-free.

No Action Alternative

Direct and Indirect Impacts:

Filming will not be implemented within the analysis area under this alternative; therefore vegetation within this analysis area will remain absent of invasive or noxious weeds.

3.3.2 SPECIAL STATUS SPECIES

Affected Environment:

Forty-one species of threatened, endangered, candidate, or sensitive (TES) wildlife, fish, and plants may occur in the San Luis Valley Resource Area, and its associated counties. TES plant species (5 species) will be discussed in a separate section. Thirty-six TES species are evaluated within this section, of these, five species are carried forward for full analysis based on either their presence in the area, or suitable/potential habitat for these species exists within the analysis area (Table 1).

Habitat in the project area can be described as dominantly desert grassland with a few greasewood shrubs and sagebrush intermixed. There are no riparian areas or water sources within the analysis area.

Federally listed threatened or endangered species do not occur within the analysis area, and the analysis area does not contain any suitable or critical habitat for federally listed species. Sensitive Species that have the potential to use this analysis area are milk snake, burrowing owl,

mountain plover, ferruginous hawk, and Gunnison prairie dog (see Table 1). All other Sensitive Species either do not occur within the analysis area or the analysis area does not contain suitable habitat for these species. The BLM defines a Sensitive species as one that is not presently listed as Threatened or Endangered by the FWS, but a population viability concern has been identified (USDI BLM Colorado, 2009)

Table 1: Direct, Indirect, and Cumulative Effects on Threatened, Endangered, and Sensitive Species

Species	Status ¹	Habitat	Species Occurrence	Determination by Alternative ^{2,3}	
				Alt. 1	Alt. 2
Federally Listed Species					
Mammals					
Black-footed Ferret	FE	Needs prairie dog town or complexes of >200 acres. Complexes consists of 2+ neighboring towns within 4.3 miles of each other.	No habitat present; does not occur within analysis area	None	None
Canada Lynx	FT	Mostly inhabit spruce/fir forest, but with other forested areas near spruce/fir	No habitat present; does not occur within analysis area	None	None
North American Wolverine	Proposed FT NEP	Boreal forest, subarctic, and alpine tundra	No habitat present, does not occur within analysis area	None	None
Avian					
Mexican Spotted Owl	FE	Mixed conifer and Rocky Canyons with Ponderosa Pine	No habitat present, does not occur within analysis area	None	None
Southwestern Willow Flycatcher	FE	Dense deciduous riparian	No habitat present, does not occur within analysis area	None	None
Gunnison's Sage Grouse	Proposed FE	Sagebrush grasslands	No habitat present, does not occur within analysis area	None	None
Fish					
Bonytail Chub	FE	Large, fast flowing waterways of the Colorado River watershed	No habitat present, does not occur within analysis area	None	None
Colorado Pike Minnow	FE	Green, Yampa, White, Colorado, Gunnison, San Juan, and Dolores Rivers	No habitat present, does not occur within analysis area	None	None
Greenback cutthroat trout	FT	Headwaters streams and mountain lakes	No habitat present, does not occur within analysis area	None	None
Humpback chub	FE	Deep, fast-moving, turbid waters with large boulders and/or cliffs	No habitat present, does not occur within analysis area	None	None
Razorback sucker	FE	Deep, clear to turbid waters of large rivers and lakes	No habitat present, does not occur within analysis area	None	None
Insects					
Uncompahgre fritillary butterfly	FE	Inhabits Alpine above 12,000 feet with large patches of snow willow	No habitat present, does not occur within analysis area	None	None
BLM Sensitive Species					
Amphibians & Reptiles					
Northern Leopard Frog	SS	Stagnant breeding ponds that are > 2 meters deep and grassland rivers within 1.2 miles of breeding ponds.	No habitat present, does not occur within analysis area	None	None

¹ Species Status: FE= Federally Endangered; FT=Federally Threatened; P=Proposed Listing; NEP=Nonessential Population; SS=BLM Sensitive Species

² Determination for Federally Listed (T&E) species: NE=No Effect; NLAA=May Affect; Not Likely to Adversely Affect; BA=Beneficial Affect; LAA=May Affect; Likely to Adversely Affect; None=Species/Habitat is not present

³ Determination for BLM Sensitive Species: NI=No Impact; MI= May Impact individuals; but is not likely to cause a trend towards Federal listing or loss of viability in the planning area; BI= Beneficial Impact; LI=Likely Impact that is likely to result in a trend towards Federal Listing or a loss of viability in the planning area; None=Species/Habitat is not present

Species	Status ¹	Habitat	Species Occurrence	Determination by Alternative ²³	
				Alt. 1	Alt. 2
Milk Snake	SS	Variety of habitats	Suitable habitat present; may occur within analysis area	MI	NI
Insects					
Great Basin Silverspot Butterfly	SS	Riparian; mostly tied to springs and bogs at low elevation	No habitat present, does not occur within analysis area	None	None
Birds					
American White Pelican	SS	Large water-bodies; where they usually nest on islands	No habitat present, does not occur within analysis area	None	None
Bald Eagle	SS	Primary nest and roost habitat usually associated with large, open-branched trees near large lakes, rivers and other water-bodies.	No habitat present, does not occur within analysis area	None	None
Black Swift	SS	Vertical rock faces near waterfalls or in dripping caves; mosses important for nesting material.	No habitat present, does not occur within analysis area	None	None
Brewer's sparrow	SS	Primarily sagebrush but also mixed shrubs (rabbitbrush, greasewood, etc.)	No habitat present, does not occur within analysis area	None	None
Burrowing Owl	SS	Prairie dog colonies with vacant burrows; grasslands, shrublands, deserts.	Habitat present; may occur within analysis area	MI	NI
Ferruginous Hawk	SS	Grasslands and semi-desert shrub	Habitat present, may forage within the analysis area	MI	NI
Mountain Plover	SS	Short grass prairies	Habitat present; may occur within analysis area	MI	NI
Northern Goshawk	SS	Ponderosa pine, aspen, mixed-conifer, and spruce-fir forests; nests primarily in mature aspen locally.	No habitat present, does not occur within analysis area	None	None
Peregrine Falcon	SS	Breeds on cliffs, often in association with riparian areas, forage within 25 miles	No nesting habitat present, and analysis area is outside foraging range of this species.	None	None
W. Snowy Plover	SS	Associated with playa wetlands, where they nest on alkali shorelines.	No habitat present, does not occur within analysis area	None	None
White-faced Ibis	SS	wet meadows, marsh edges, and reservoir shorelines.	No habitat present, does not occur within analysis area	None	None
Yellow-billed cuckoo	FC/SS	Riparian/ cottonwood galleries with dense understory.	No habitat present, does not occur within analysis area	None	None
Mammals					
Big Free-tailed Bat	SS	Canyon country, pinyon-juniper, semi-desert; usually below 8000 feet.	No habitat present, does not occur within analysis area	None	None
Fringed Myotis	SS	Pinyon-juniper and other coniferous woodlands	No habitat present, does not occur within analysis area	None	None
Gunnison Prairie Dog	FC/SS	Grasslands and semi-desert and montane shrublands.	Suitable habitat present; may occur within the analysis area	MI	NI
New Mexico meadow jumping mouse	FC/SS	Primarily associated with tall grass and sedge component in riparian areas along perennial streams; elevation limit suspected to be about 8000 feet.	No habitat present, does not occur within analysis area	None	None
Swift Fox	SS	Grasslands and short-grass prairie, ecotones with P-J/shrublands. Recently discovered in the SE portion of the SLV.	Habitat present, Site visit determined that species is not present within the analysis area	None	None
Townsend's Big-eared Bat	SS	Abandoned mines and caves important for roosts, hibernacula, and breeding. Usually low to moderate elevations.	No habitat present, does not occur within analysis area	None	None
Fish					
Rio Grande Chub	SS	Flowing pools of headwaters, creeks & small rivers, often near inflow of riffles and in association with cover such as undercut	No habitat present, does not occur within analysis area	None	None

Species	Status ¹	Habitat	Species Occurrence	Determination by Alternative ²³	
				Alt. 1	Alt. 2
		banks and plant debris.			
Rio Grande Cutthroat Trout	FC/SS	Streams, rivers and lakes. Most frequently found in headwaters.	No habitat present, does not occur within analysis area	None	None
Rio Grande Sucker	SS	Pools, runs and riffles of small to moderately large streams; usually over gravel and/or cobble.	No habitat present, does not occur within analysis area	None	None

Gunnison prairie dog, burrowing owl, mountain plover, ferruginous hawk, and milk snake use short-grass prairies or semi-desert grasslands for important habitat and daily functions such as foraging, nesting, migrating, breeding, and hiding (Pauli, Stephens, & Anderson, 2006; Dinsmore, 2003; McDonald, Korfanta, & Lantz, 2004; Dowd, 2011).

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Direct impact to Gunnison prairie dog, burrowing owl, mountain plover, ferruginous hawk, and milk snake may include crushing of burrows and nest, and disturbance to individuals by filming vehicles and crew. Individuals of these species may be temporarily displaced during filming activities due to noise disturbance and vegetation removal, but these individuals will return to the analysis upon completion of filming. Any vegetation that must be removed for vehicle access will be reseeded upon completion of the project as stated in the filming plan and mitigation measures. A few unknown burrows or nests within the project area may unavoidable impacted, but the majority of burrows or nest will avoided (as mitigated) and will remain undisturbed.

Protective/Mitigation Measures:

- Reseeding exposed areas created by vegetation removal will be required. Seed Mix must be certified weed-free.
- Survey for burrow and nests prior to implementation of project, and avoid these burrows and nests when found.

No Action Alternative

Direct and Indirect Impacts:

Filming will not be implemented within the analysis area under this alternative; therefore there are no direct or indirect impacts to Grassland Sensitive species from this alternative.

Finding on the Public Land Health Standard for Threatened & Endangered species:

It is determined that the proposed action alternative will have “No Effect” to any Federally Listed Species. Currently suitable or critical habitat is not absent for any Federally Listed Species within the analysis area. For all Sensitive species discussed in this analysis, it is

determine the proposed action “May Impact individuals; but is not likely to cause a trend towards Federal listing or loss of viability in the planning area.” These determinations are based on implementation of mitigation measures to minimize or avoid impacts to these species and any species that are displaced from the analysis area during filming will return upon completion of filming. Overall, the proposed action alternative is meeting the land health standards for TES species.

3.3.3 VEGETATION

Affected Environment: The affected environment or staging area for the project area is about 3 miles west of Antonito, Colorado and consists of approximately 7 to 10 acres of high altitude dry desert vegetation that is also part of the north pasture of the Llano cattle allotment. The elevation of the Llano allotment is approximately 8,000 to 8,500 feet.

According to the Llano Allotment Management Plan (AMP), signed in 1978, the erosion condition class on the Llano allotment was rated as critical with a soil surface factor of 69 with all of the allotment being rated in this critical class, however, the AMP states that these critical areas lie in the small valley bottoms where animals tend to concentrate which is 1/3 of the allotment (see Kenneth L. Volpe, Llano Allotment Management Plan). The AMP states that the soils consist of Haploborolls – Camborthids – Argiborolls association on the mesas and the Stunner – Luhon – Monte association occurs on the alluvial fans. Both are cool, shallow to deep, nearly level and well drained soils. Annual rainfall is approximately 10 to 12 inches with the majority coming from summer rains. The growing season is about 100 days.

The plant community consists mainly of rubber rabbitbrush (*Chrysothamnus nauseosus*), green rabbitbrush (*Chrysothamnus viscidiflorus*), big sagebrush (*Artemisia tridentata*) winterfat (*Krascheninnikovia lanata*), western wheatgrass (*Pascopyrum smithii*), blue grama (*Bouteloua gracilis*) and bottlebrush squirreltail (*Sitanion hystrix*) other grass species typical of a this range site.

The landscape along the Cumbres and Toltec railroad consists of a flat, wide basin with rolling ridges along each side of the railroad track. A dry arroyo runs through the middle of the basin and is thickly covered with densely spaced big sagebrush plants. The staging area is adjacent to where the permittee has historically hauled water to his cattle and therefore there is a dense network of cattle trails etched in the vegetation showing the many different livestock trails leading to and from the watering troughs. This is a high impact area for livestock due to the watering site and the vegetation lacks the vigor it would normally have if the area was not in the proximity of the watering troughs. There are no permanent watering sources on this allotment.



The above and below photos were taken on 5/20/2013 of the staging area. The trailing in the forefront of the photo is from livestock trailing last fall to and from water. The blue grama is basically the main plant left covering the soil. The railroad is on the right.





This photo shows the big sagebrush growing in the area along the main road.



Photo showing the ridges and terrain in and around the staging area. Rubber and green rabbitbrush are in the foreground.



Photo of the main, inactive, ephemeral gully running through the staging area showing the rubber rabbitbrush density in the gully. .



Photo of the Toltec and Cumbres railroad track and the existing road.

Environmental Effects

Proposed Action: Under the proposed action there will be both direct and indirect impacts to the vegetation involved in the 7 to 10 acre staging area. These direct and indirect impacts to the vegetation are thought to be significant to the 7 to 10 acre area addressed in this EA.

Direct and Indirect Impacts: The direct impacts to the vegetation would likely consist of severe trampling from the many different human activities occurring in such a small concentrated area for a week's time. The repeated mechanical destruction to plant parts during the growing season from one hundred (100) humans trampling the same vegetation as well as the thirty-four (34) vehicles, ATV's etc driving repeatedly over the same plants and terrain for a

week as well as the animal compaction (mechanical hoof action from horses) to the vegetation over a 7 day period in a small corral would have direct negative impacts on the plants and the plant community as a whole. These direct impacts would have a negative impact on the vegetation in severely crushing plants to the point that they either die out or are so severely crushed and shredded that their health and vigor is compromised with the loss of above ground leaf and vegetative structure for continued photosynthesis and storage of carbohydrates.

Protective/Mitigation Measures: Under the proposed action alternative, the staging area as well as any other areas that are to be used to the point of negatively affecting the plant community should be reseeded with native seed that is conducive to the area and the native plants of that area.

1. Seeding of native seed should be completed prior to the filming crew leaving the area and should be applied at a pounds per acre rate that is specified by the seed manufacturer or company. Seed can be spread by ATV or some other source of venue so long as seed is applied as specified
2. Only weed free certified seed should be used for reseeding the area.
3. The most desirable and preferred plant species for seeding the area would be the winterfat and the western wheatgrass.
4. The disturbed area should be wetted down prior to spreading the seed.
5. Livestock should be prohibited from using the area for a period of one year to enable the seedlings to establish. Electric fencing is recommended for use in keeping cattle out of the area.
6. Water hauling would need to occur in another area to ensure the affected area receives the required rest. A cultural clearance is needed prior to establishing any newly designated water hauling areas.

No Action Alternative: Under the No Action Alternative there would be no impacts to the vegetation due to there being no filming or film crew occurring in the area.

Direct and Indirect Impacts:

Protective/Mitigation Measures:

3.3.6 WILDLIFE TERRESTRIAL

Affected Environment:

The analysis area provides habitat for several terrestrial wildlife species including, small mammals, raptors, carnivores, reptiles, deer, elk, pronghorn, and songbirds that are adapted to dry grassland conditions.

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Under this alternative, direct effects to terrestrial species may include disturbance to individuals and crushing of nest or burrow that are being used within the analysis area. Individual terrestrial wildlife species may be temporarily displaced during filming activities due to noise disturbance and vegetation removal, but these individuals will return to the analysis area upon completion of filming. Any vegetation that must be removed for vehicle access will be reseeded upon completion of the project as stated in the filming plan and Mitigation Measures. A few unknown burrows or nests within the project area may unavoidably impacted, but the majority of burrows or nest will avoided (as mitigated) and will remain undisturbed.

Protective/Mitigation Measures:

- Reseeding exposed areas created by vegetation removal will be required. Seed Mix must be certified weed-free.
- Survey for burrow and nests prior to implementation of project, and avoid these burrows and nests when found.

No Action Alternative

Direct and Indirect Impacts:

Filming will not be implemented within the analysis area under this alternative; therefore there are no direct or indirect effect to wildlife terrestrial species from this alternative.

Finding on the Public Land Health Standard for Plant and Animal Communities:

Under the proposed action alternative, land-health standards will be met for terrestrial wildlife species found within the analysis area. Vegetation that is removed within the analysis area will be reseeded with native vegetation and eventually restore to the present condition as described by the filming plan and mitigation measures. All mitigation measures will be implemented thereby minimizing or removing impacts to these species. Any species that are displaced due to disturbance will return to the analysis upon completion of filming.

3.3.7 MIGRATORY BIRDS

Affected Environment:

An Executive Order (EO 13186) enacted in 2001 requires Federal agencies to consider the effect of projects on migratory birds, and directs agencies to review the list of Birds of Conservation Concern (BCC) (USDI Fish and Wildlife Service, 2008) developed for the Bird Conservation Regions (BCRs) of the United States when assessing species that may occur. Land administered by San Luis Valley Resource Area occurs within the Southern Rockies/Colorado Plateau Bird Conservation Region (BCR 16), which encompasses portions of Colorado, New Mexico, Arizona, Utah and Wyoming. A list of migratory birds from the FWS BCC (USDI Fish and Wildlife Service, 2008) for San Luis Valley, their associated habitat type, and their occurrence within the analysis area are described below in Table 2. Habitat in the project area can be described as dominantly desert grassland with a few small greasewood shrubs and sagebrush intermixed. There are no riparian areas or water sources within the analysis area.

Based on habitat found within the analysis area, ferruginous hawk, mountain plover, burrowing owl, golden eagle, and prairie falcon, (5 species) could breed in or near the analysis area or migrate through the general vicinity. These species have not been located within the project area, but have the potential of occurring based on habitat. Upon review of the BCC list, five species on the BCC List for BCR 16 are excluded from analysis because they do not occur or are considered accidental within the SLV, and will therefore not be affected by any management actions. These species include the veery, gray vireo, black rosy finch, Grace's warbler, and chestnut collared longspur.

Most migratory bird use in the SLV is limited to the summer period due to the harsh fall, spring, and winter months. Most birds arrive during late spring (April/ May) and migrate from the area in early fall (August/ September). The species present during summer are most likely breeding and rearing young. Most species on the BCR 16 list follow this migration pattern; however, a few species are present during winter. Resident species that spend all or part of the winter in the SLV include the ferruginous hawk, golden eagle, Gunnison's sage-grouse, burrowing owl,

peregrine falcon, prairie falcon, Lewis's woodpecker, and pinyon jay. Only ferruginous hawk, golden eagle, and burrowing owl have potential year-round habitat present in the analysis area.

Table 2: Migratory Bird Table- FWS Birds of Conservation Concern (BCC) for BCR 16 and Their Occurrence within the project (USDI Fish and Wildlife Service, 2008)

Species	Important Features and Life History Considerations	Occurrence within Analysis Area
Bald Eagle	<ul style="list-style-type: none"> • Need large bodies of water with fish for food source • Nest in large diameter trees near open water 	No, area does not contain water bodies
Ferruginous Hawk	<ul style="list-style-type: none"> • Needs close proximity to high quality grasslands. Encountered in grasslands and other open habitats at lower elevations (2,800-5,500') and open to dense stands of shrubs and low trees at middle elevations (5,000-7,500') • Prefers forest edge or mature, isolated, flat-topped junipers, with thick support branches for nest 	Yes
Peregrine Falcon	<ul style="list-style-type: none"> • Breed on cliff and rock outcrops higher than 60 m (200ft) within pinyon-juniper and ponderosa pine zones. • Nest site within a mile of water • Can forage 25 miles from nest site 	No, area does not contain cliffs and is outside foraging range
Gunnison's sage-grouse	<ul style="list-style-type: none"> • Sagebrush obligates; Prefer large expanses of big sagebrush (between 20-30% canopy cover • Requires big sagebrush for food, nesting, brood rearing, and roosting. • Utilize riparian meadows for brood and summer habitat 	No, area is predominantly grassland habitat
Snowy Plover	<ul style="list-style-type: none"> • Sandy beaches or alkaline flats with little to no vegetation • Nest with 150 m (500ft) of water 	No, area does not contain water bodies
Mountain Plover	<ul style="list-style-type: none"> • Requires substantial amount of bare ground. Cover can be extremely short. Some shrubs or junipers are tolerated. • Some denser or lush grasses necessary for young. • Can be associated with prairie dog towns. Is loosely colonial. 	Yes
Willow Flycatcher	<ul style="list-style-type: none"> • Breed in dense riparian habitat with willow and elder as the dominant species. Perhaps with cottonwood overstory • Primarily nest in elder and willow for 1-24 m in height (average height 7.6 m) • Nest near lentic water 	No, area does not contain riparian
Burrowing Owl	<ul style="list-style-type: none"> • Treeless areas with short vegetation (< 4 inches) • Usually associated with prairie dog colonies • Nest in previously dug burrows 	Yes
Yellow-billed Cuckoo	<ul style="list-style-type: none"> • Requires riparian vegetation associated with Cottonwoods • Nest within Cottonwoods trees 	No, area does not contain riparian
Brewer's sparrow	<ul style="list-style-type: none"> • Tied closely to tall, dense sagebrush stand with small grass opening for breeding • Nest in shrubs (willows, sagebrush, rabbitbrush, ect..) • Prefers abundance of shrub cover. 	No, area is predominantly grassland habitat
American Bittern	<ul style="list-style-type: none"> • Utilizes freshwater marshes with tall vegetation for breeding. • Utilizes wetlands of many sizes and types 	No, area does not contain water bodies
Golden Eagle	<ul style="list-style-type: none"> • Breeds in open and semiopen habitats upto about 11,900'. • Nest in cliffs near open habitat. Human disturbance can cause abandonment of nest site. • Territories may be abandoned due to major fires in areas. • Jackrabbits are a primary food source in shrub-steppe habitats. 	Yes
Prairie Falcon	<ul style="list-style-type: none"> • Prefers open grasslands and shrub-grassland. • Ledges and cavities in cliffs or bluffs are common nest sites. Nesting sites are highly limiting. • Ground squirrels are an important breeding food source. Horned larks and meadowlarks are important non-breeding food sources. 	Yes
Long-billed Curlew	<ul style="list-style-type: none"> • In Colorado, Nest in close proximity to standing water • Forage in grasslands, agricultural fields, and wet meadows 	No, area does not contain water bodies
Juniper Titmouse	<ul style="list-style-type: none"> • Dense canopies of Pinyon-juniper woodlands • May forage on ground • Nest in trees 	No, area does not contain pinyon-juniper
Flammulated Owl	<ul style="list-style-type: none"> • Most closely associated with open ponderosa pine. Often also associated with aspen or larger shrub oaks, and clearing. • A secondary cavity nester. • Almost exclusively insectivorous, U.S populations are highly migratory 	No, area does not contain ponderosa pine

Species	Important Features and Life History Considerations	Occurrence within Analysis Area
Lewis's Woodpecker	<ul style="list-style-type: none"> • A very large open canopy, and standing dead or downed snags are important for perches and food sources • Found open cottonwood-dominated riparian woodland. Cottonwood forests are preferred at lower elevations. • In burned forest, may move in several years after a fire. • Nests in large, dead or decaying trees often just before a branching limb. Nest trees are larger and taller than random sample. 	No, area does not contain trees
Pinyon Jay	<ul style="list-style-type: none"> • Needs large stands of Pinyon- Juniper or Ponderosa Pine with large trees over extensive area: need to move from crop to crop, as pine nut production is sporadic. • Pine seed availability is the primary factor in breeding site selection • Nests in dense, mature stands of pinyon-juniper • Up to 8mi (13km) daily range 	No, area does not contain pinyon-juniper
Bendire's Thrasher	<ul style="list-style-type: none"> • Prefers relatively open grassland with large scattered shrubs and/or trees for nesting (cholla, junipers, or sagebrush are usually present) • May use dense vegetated washes or riparian areas. 	No, area is predominantly grassland habitat
Brown-capped Rosy Finch	<ul style="list-style-type: none"> • Uses cirque headwalls, talus slopes and permanent or late-melting snowfields • Nests on cliffs or on the ground, both with an overhanging rock for concealment. Nests often placed near snowfields and situated so that sunlight does not hit the nest. • Frequently forages at the edges of snowfields for seeds and torpid insects gleaned from snowbanks. 	No, area is predominantly grassland habitat
Cassin's Finch	<ul style="list-style-type: none"> • Open coniferous forest. Often found in mature forests. Are usually found between 1000 – 3000 m (3300-9800') • Nests tend to be placed greater than 5 m (16') above ground, usually well out on lateral branch or near top of crown. • Forage mostly on ground; removes seeds from open cones, and insects (bud worm and tussock moth) from conifer foliage. 	No, area does not contain coniferous forest
Grasshopper Sparrow	<ul style="list-style-type: none"> • Mid to tall Grassland (> 4 inches) with less than 34% shrub cover • Require some bare ground for feeding • Nest on ground • Requires some shrubs for singing perches 	No, area is short (< 4 inches) grassland
Veery	Species do not occur or are considered accidental within the SLV	
Gray Vireo		
Black Rosy Finch		
Grace's warbler		
Chestnut-collared longspur		

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

Under this alternative, direct impacts to golden eagle and prairie falcon may include disturbance to individuals that are foraging within the analysis area. Individuals of these species may be temporarily displaced during filming activities due to noise disturbance, but these individuals will return to the analysis area upon completion of filming. This alternative will not impact the young or nest of these species as the analysis area does not contain trees or cliffs these species use for nesting.

Protective/Mitigation Measures:

- Reseeding exposed areas created by vegetation removal will be required. Seed Mix must be certified weed-free.
- Avoid burrow and nest within the analysis area to minimize impact to Grassland Sensitive Species

No Action Alternative

Direct and Indirect Impacts:

Filming will not be implemented within the analysis area under this alternative; therefore there are no direct or indirect effects to migratory birds from this alternative.

3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT

3.4.1 CULTURAL RESOURCES

Cultural Resources

A pre-field literature search conducted on May 13, 2013, indicated that two previous heritage resource inventories were conducted within one mile of the current project area. The Denver and Rio Grande Railroad San Juan Extension (D&RG-SJE), also known as the Cumbres and Toltec Railroad, is a listed Historic Property and a National Historic Landmark (NHL) and runs through the project area and will be used as a prop in the film (5CN65). Information on file in the Monte Vista Field Office of the BLM, indicate that the same section of the railroad proposed for use in the current project was used in two previous film projects.

A prehistoric archaeological site 5CN25, lies one mile north of the project area but was determined not to be eligible for inclusion on the National Register of Historic Places.

The project area has been impacted by a variety of projects that have modified the landscape. The Denver and Rio Grande Railroad, San Juan extension, completed in 1880, runs through the APE and will be used as a prop in the movie project. A road parallels the railroad track with various branches of the road being present. On the west side of the railroad is a shallow diversion ditch that runs parallel to the track through the APE. The project area is within the _____ Bureau of Land Management grazing allotment with evidence of recent activity by cattle. A small creek or stream bed running through the APE appears to be used for unauthorized disposal of trash and waste materials.

The cultural resource inventory for this project was designed to cover portions of the APE where there is a likelihood of surface disturbance from activities related to the filming project. Although the entire area being used covers approximately 110 acres, only 6.2 acres are designated to be used as a staging area for vehicles, a temporary horse corral, three tripod mounted stationary film cameras, a camera mounted on a truck crane and two areas where vehicles (UTV or ATV) mounted with cameras may be driven. The stationary tripod mounted cameras will be hand carried to the locations where they will be used to prevent damage to the ground.

The truck crane mounted camera will use the shortest route possible to position the camera while the other vehicle mounted cameras will be limited to the fewest number of passes needed to complete the project. It is possible that only one of the vehicle mounted cameras will be used.

Activities actually occurring on or immediately adjacent to the train and track (5CN65) will occur in areas included in previous a cultural survey which found no additional cultural materials present.

A Class III field survey was conducted on May 13, 2013 by a Bureau of Land Management archaeologist. The 6.2 acres identified for possible disturbance was examined by pedestrian transects of various spacing according to slope, ground surface and ground visibility. No cultural resources were discovered during the survey.

Direct, Indirect and Cumulative Effects

Direct effects from the project could include damage to cultural resources such as artifacts and cultural features on the ground surface by being driven over by vehicles, by unauthorized collection and removal or by placement of a temporary corral and the presence of 10-12 horses.

Indirect effects to cultural resources from the filming project could be increased erosion from surface disturbance or increased interest in the location due to a desire by the public in visiting the location which could result in increased traffic, a greater chance of unauthorized collection and removal of artifacts.

The loss of archaeological resources has happened in the past and will happen in the future. The cumulative effect is that over time fewer archaeological resources will be available to learn about past human lifeways, to study changes in human behavior through time, and to interpret the past to the public. In surveyed areas, recording and archiving basic information about each site and isolate for future reference serves to partially mitigate potential impacts to heritage resources.

Discovery and Education Stipulation

All persons associated with operations under this authorization must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the Rio Grande National Forest authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36 CFR 800.110 & 112, 43 CFR 10.4).

According to the 2004 revised regulations [36 CFR 800.4(d) (1)] for Section 106 of the *National Historic Preservation Act* (16 U.S.C. 470f) the recommended determination for the proposed action is *no historic properties affected* if the management recommendations are followed.

3.5 LAND RESOURCES

3.5.5 RANGE MANAGEMENT

Affected Environment: The affected environment consists of the three pasture Llano cattle allotment which is made up of 5,255 acres of BLM lands with 160 acres of nonleased and unfenced private land within its boundaries. The affected area lies within the north pasture of this allotment on BLM lands adjacent to the Cumbres and Toltec railroad. A permittee or local rancher is authorized to use the three pasture deferred grazing allotment for his cattle during the spring and fall months rotating between two of the pastures on a scheduled basis. The allotment is categorized as an "I" allotment meaning that the management objective for the allotment is to improve resource conditions. The latest term permit renewal and environmental analysis (EA) that was completed for this allotment was signed in 2006. At that time the allotment was rated as

meeting rangeland health standards except for 300 acres in the southeast corner of the south pasture in section 13 that was determined to not be meeting healthy soil standards.

The permittees usage of the Llano allotment is described below.

50 cattle from 5/01 to 5/31 @100% Public Land for 51 Active AUM

50 cattle from 9/16 to 11/15 @100% Public Land for 100 Active AUM

Pasture	Year 1	Year 2	Year 3	Year 4
Seeded	5/01 to 5/31	5/01 to 5/31	5/01 to 5/31	5/01 to 5/31
North	9/16 to 11/15	REST	9/16 to 11/15	REST
South	REST	9/16 to 11/15	REST	9/16 to 11/15

Environmental Effects

Proposed Action: Under the proposed action the permittee and his livestock will not be directly or indirectly affected by the proposed action due to his livestock already being removed from the allotment when the filming crew arrives. No mitigation measures or criteria is needed under this proposal.

No Action Alternative: Under the No Action alternative there will be no direct or indirect impacts to the permittee or his livestock as there will no filming crew camping on the allotment.

Cumulative Impacts from the proposed action: Possibly foreseeable cumulative impacts from the proposed action could be that the proposed action may attract additional local residents in vehicles to the staging and filming area that may have an impact on the permittee's grazing allotment by causing compaction and mechanical damage to the soil and vegetation resulting in less vegetation available for his livestock. If reseeding of the area is accomplished and successful, then in time the site might recover, however, it is possibly that the permittee might need to make slight changes to his way of using the allotment for the reseeding to be successful (explained more in the veg section). The area of disturbance is roughly about 10 acres of the permittee's Llano allotment.

3.6 CUMULATIVE IMPACTS SUMMARY

It is possible that there could be some cumulative impacts from the proposed action. Anticipated cumulative impacts from the proposed action might entail additional resource damage to the surrounding vegetation with the possibility of additional human activities and traffic occurring in and around the staging area from local residents wanting to come out to the site to observe the filming. If the main BLM road is left open (which it sounds as though it will be) to the public this could attract interested locals to the area further impacting the vegetation and causing a wider area of resource destruction. Other cumulative impacts from the proposed action would be that the permittee of the Llano allotment would possibly be economically

impacted in having to haul water to another location. In addition, the permittee would be impacted by the proposed action if he is responsible for constructing an electric wire fence around the disturbed area in order to rest the reseeding area for a year.

As a mitigation measure the company will restore any potential damage back to its original condition. They will not be constructing any permanent structures and will tread lightly. Also, the permittee will not be on the allotment at the time the permit is issued. The permittee turns out his cattle in late fall.

CHAPTER 4 - CONSULTATION AND COORDINATION

4.1 LIST OF PREPARERS AND PARTICIPANTS

NAME	TITLE	AREA OF RESPONSIBILITY
Leon Montoya	Realty Specialist	Lands and Realty, Hazardous Waste or solid
Andrew Archuleta	Physical Scientist	Minerals, Oil and Gas,
Melissa Shawcroft	Range Management Spec.	Range, Farmland
Brain Garcia	Law Enforcement Ranger	Law Enforcement
Alyssa Radcliff	Wildlife Biologist	Terrestrial Wildlife, Migratory Birds, Invasive plants
Jill Lucero/Sue-Swift Miller	Wildlife Biologist	Wetlands/Riparian
Sean Noonan	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers, Transportation
Negussie Tedela	Hydrologist	Air Quality, Hydrology, Water Quality/Rights, Soils
Sean Hines	Cadastral Surveyor	Cadastral Survey
Eduardo Duran	Natural Resource Specialist	Air Quality, Invasive Plants, T&E Species, Farmlands
Paul Minow	Fuels Natural Resource Specialist	Fire Ecology, Fuels Management
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, Socio-Economics
Jeff Brown	Archaeologist	Cultural Resources / Native American

CHAPTER 5 - REFERENCES

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Finding Of No Significant Impact (FONSI) DOI-BLM-CO-300-2013-0007 EA

Based on review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects from any alternative assessed or evaluated meet the definition of significance in context or intensity, as defined by 43 CFR 1508.27. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below:

RATIONALE:

Context: The proposed action was selected to issue High-Noonish a short term filming permit to conduct a filming scene for “A Million Ways To Die In The West. The setting will take place on a prairie like setting that includes rabbit brush, open terrain and slight slopes. The Cumbre and Toltec Train will be used as part of the props in which 10 horses and riders will be chasing the actor from the top of the south side of the hill to the train. Once the rider reaches the train he will jump on board and ride away on the train. The limited nature of the action does not elevate its significance beyond a local level

Intensity:

I have considered the potential intensity/severity of the impacts anticipated from the High-Noonish Movie Film Scene Project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

Impacts that may be beneficial and adverse:

This project may have minor short term impacts to soils and vegetation. However, these impacts are not significant. The impacts will include things such as; slight temporary soil and vegetation disturbance in the staging area and possibly from the atv's, techno-crane and camera buggy. They will be mitigated by reseeding and recontouring any tracks that the vehicles may make.

Public health and safety:

The proposed action is not expected to impact public health and safety. The permit will be issued for a very short term.

Unique characteristics of the geographic area:

The area is located on an active grazing allotment and next to the Cumbres and Toltes Scenic Railroad. The Cumbre and Toltec Scenic Railroad will also be used as part of the movie scene. The area is also located in the Cumbres and Toltec Scenic Railroad ACEC. There will be no substantial impacts to the special qualities of the ACEC.

Degree to which effects are likely to be highly controversial:

The potential for controversy associated with the effects of the proposed action is low. There is no disagreement or controversy among ID team members or reviewers over the nature of the effects on the resource values on public land by the proposed action.

Degree to which effects are highly uncertain or involve unique or unknown risks:

There are no anticipated unique or unknown risks involved in the action.

Consideration of whether the action may establish a precedent for future actions with significant impacts:

This decision is like one of many that have previously been made and will continue to be made by BLM responsible officials regarding filming on public lands. The decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions. The decision does not represent a decision in principle about a future consideration.

Consideration of whether the action is related to other actions with cumulatively significant impacts:

There are no significant cumulative effects on the environment, either when combined with the effects created by past and concurrent projects, or when combined with the effects from natural changes taking place in the environment or from reasonably foreseeable future projects. Mitigation measures proposed to reclaim the project area will have the effect of substantially reducing cumulative impacts.

Scientific, cultural or historical resources, including those listed in or eligible for listing in the National Register of Historic Places:

The Denver and Rio Grande Railroad San Juan Extension (D&RG-SJE), also known as the Cumbres and Toltec Railroad, is a listed Historic Property and a National Historic Landmark (NHL) and runs through the project area and will be used as a prop in the film (5CN65). Activities actually occurring on or immediately adjacent to the train and track (5CN65) will occur in areas included in previous a cultural survey which found no additional cultural materials present.

Threatened and endangered species and their critical habitat:

No impacts are expected to endangered or threatened species or their designated critical habitats.

Any effects that threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment: The proposed action conforms with the provisions of NEPA (U.S.C. 4321-4346) and FLPMA (43 U.S.C. 1701 et seq.) and is compliant with the Clean Water Act and The Clean Air Act, the National Historic Preservation Act, Migratory Bird Treaty Act (MBTA) and the Endangered Species Act.

NAME OF PREPARER: Leon Montoya

SUPERVISORY REVIEW: Andrew Archuleta

NAME OF ENVIRONMENTAL COORDINATOR: Martin Weimer

DATE: 6/3/13

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Andrew Archuleta
Andrew Archuleta, Field Office Manager

DATE SIGNED: 6/4/13

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ROYAL GORGE FIELD OFFICE**

**DECISION RECORD
High Noonish Filming Permit
DOI-BLM-CO-300-2013-0007-EA**

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA. High Noonish will be authorized to conduct a filming scene on BLM as stated on the proposed action.

This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.

RATIONALE: BLM would be providing High Noonish with a filming permit to shoot a movie scene. Impacts from the action are expected to be of a limited nature and easily reclaimed. This would be in compliance with BLM's multiple use mandate under Section 302 (a) of FLPMA.

MITIGATION MEASURES\MONITORING:

1. Applicant will reseed and restore any damage caused by this action.
2. Applicant will use weed free hay while on BLM
3. The staging area should be located at least 30 feet away from the nearby ephemeral drainage.
4. Equipment used during filming or rehabilitation of the analysis area must be cleaned and inspected prior to use to prevent.

PROTEST/APPEALS: This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the San Luis Valley Field Office 46525 State Hwy 114, Saguache, CO 81149. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

http://www.blm.gov/wo/st/en/prog/planning/news/webguide/document_pages/8_6_program-specific.html

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Andrew Archuleta
Andrew Archuleta, Field Office Manager

DATE SIGNED: 6/4/13