

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0107-CX

CASEFILE/PROJECT NUMBER: 0501408

PROJECT NAME: Grazing Preference Transfer – MTW and McKee Collins allotments

LEGAL DESCRIPTION:

Allotment			Legal Description		
No.:	Name:	BLM Acres:	TWP (S):	RGE (W.):	Section(s)/Lot(s) \or Portions of
02935	MTW	18,438	T 2S,	R 96W	Sec: 31
			T 2S	R 97W	Sec: 35, 36
			T 3S	R 96W	Sec 6, 7, 18, 19, 30
			T 3S	R 97W	Sec:1,2,10-15, 22-27, 33-36
			T 4S	R 97W	Sec: 1-4, 9-12, 14-16, 21-23, 27
			T 5S	R 97W	Sec: 5, 8, 18, 19
02966	McKee / Collins	9,441	T 2 S	R 96W	Sec 17-21, 28-32
			T 2S	R 97W	Sec:10-16, 22-26

APPLICANT: Slash EV Ranch LLLP (Slash EV)

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is to transfer 50 percent of the grazing preference associated with each the MTW allotment #02935, and the McKee/Collins allotment #02966, to Slash EV. Slash EV has leased half of MTW's base property for a period of five years (ending April 30, 2016) and has made application for the associated grazing preference.

A livestock grazing permit for the transferred preference will be issued to Slash EV through a separate NEPA document (CO-110-2011-0108-DNA). Additionally a revised livestock grazing permit will be issued to MTW for their remaining preference through a separate NEPA document (CO-110-2011-0109-DNA). Livestock owned by these two operators will be grazed as one herd and will follow the grazing schedules analyzed in CO-110-08-012-EA. This grazing preference transfer will not result in any change in livestock management on the ground. Grazing schedules for each operator are outlined in the DNAs listed above.

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: 2-23

Decision Language: “With minor exceptions, livestock grazing will be managed as described in the 1981 *Rangeland Program Summary (RPS)*. That document is the Record of Decision for the 1981 *White River Grazing Management Final Environmental Impact Statement (Grazing EIS)*”.

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, D.1: *Approval of transfers of grazing preference.*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
effects on designated Critical Habitat for these species.		
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on May 3, 2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Kristen Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	5/11/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/11/2011
Mary Taylor	Rangeland Management Specialist	Special Status Plant Species	5/04/2011

**REMARKS:**

*Cultural Resources:* This transfer will not change any management of the BLM administered land, and therefore, in itself will not have any adverse effect on any properties eligible for the National Register. (KB 5/11/11)

*Native American Religious Concerns:* No known concerns. (KB 5/11/11)

*Threatened and Endangered Wildlife Species:* There are no wildlife-related concerns or issues associated with the Proposed Action. All wildlife issues were adequately addressed in the original environmental assessment (CO-110-2008-012-EA).

*Threatened and Endangered Plant Species:* There is no occupied, suitable, or potential habitat for threatened, endangered, or special status plant species in the MTW grazing allotment. The

McKee/Collins allotment contains 515 acres of the Dudley Bluffs ACEC at the extreme western end of the pasture. In this area there are three distinct populations of Dudley Bluffs twinpod (*Physaria obcordata*) occupying approximately 22 acres on the steep barren side slopes and ridge points of exposed Thirteen Mile Tongue member of the Green River formation. The McKee/Collins allotment is permitted as a winter use pasture for livestock grazing from December 1 through January 30. This use period is outside of the active growing and reproductive period for *Physaria obcordata*. Incidental livestock trailing through occupied habitat for *P. obcordata* though unlikely due to the steep terrain, would have no impact on recruitment or the sustainability of the population. See CO-110-2008-012-EA, page 20 for full discussion.

MITIGATION:

Mitigation measures included in CO-110-2008-012-EA are carried forward.

COMPLIANCE PLAN: Monitoring studies for these allotments will be reviewed to determine the effectiveness of the stocking rates and grazing schedules. Adjustments will be made if needed. See CO-110-2008-012-EA page 6 for full discussion.

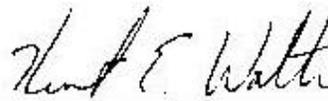
NAME OF PREPARER: Mary Taylor

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D.1: *Approval of transfers of grazing preference*. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

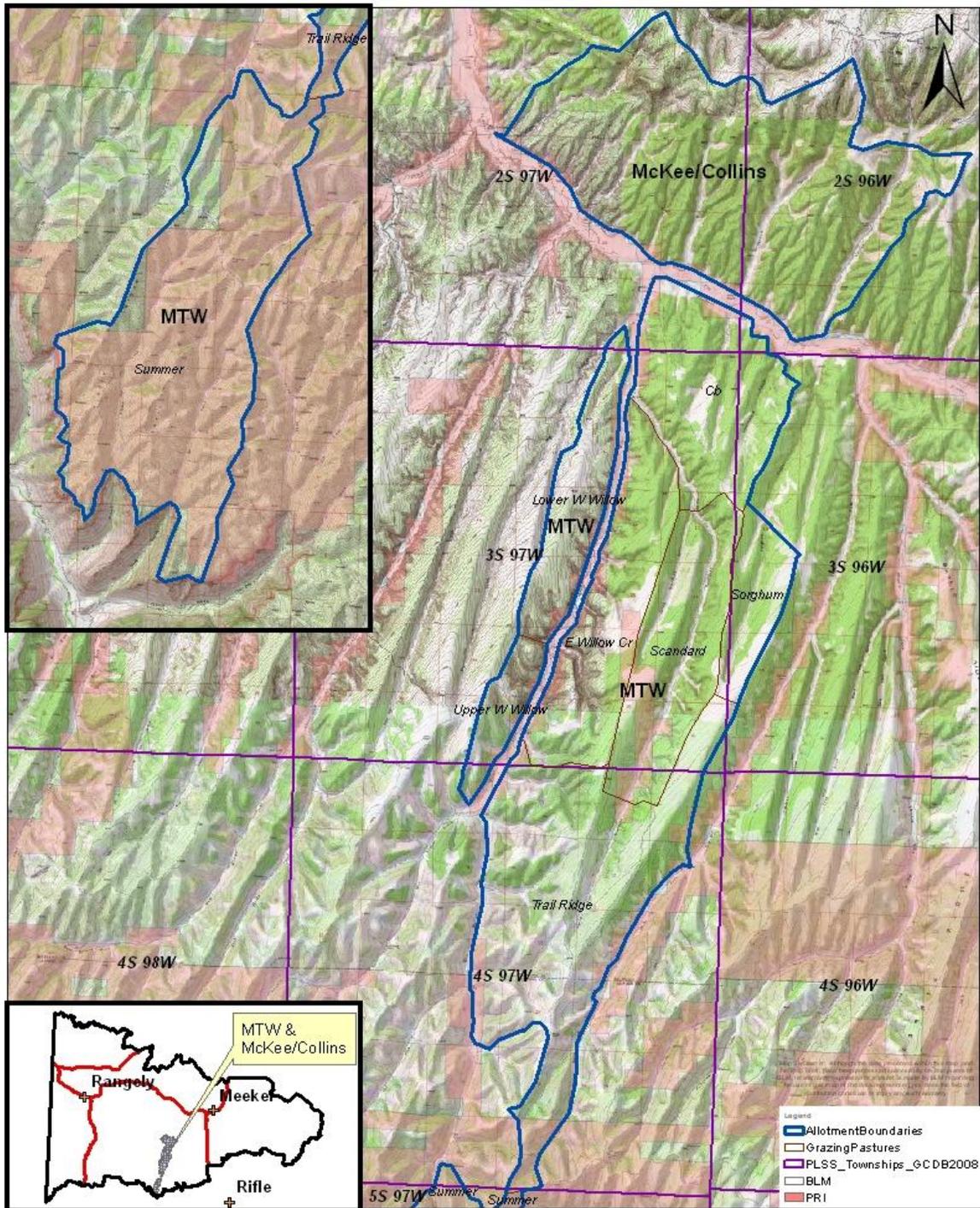
DATE SIGNED:

06/27/11

ATTACHMENTS: Figure 1: Map of the MTW and McKee/Collins Allotments

Figure 1: MTW and McKee/Collins Allotments

MTW 02935 and McKee/Collins 02966 Allotments



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**DECISION RECORD**

**PROJECT NAME:** Grazing Preference Transfer – MTW and McKee Collins allotments

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2011-0107-CX

**DECISION:**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0107-CX, authorizing the grazing preference transfer on the MTW and McKee Collins allotments.

**Mitigation Measures** (carried forward from CO-110-2008-012-EA, page 60):

1. The operator is responsible for informing all persons who are associated with the project 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 uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO 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 site can be used (assuming in situ preservation is not necessary)
  - a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, 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.

3. MTW Ranch Allotment (as reduced from the Piceance Mountain Allotment): Cultural resource inventories and evaluations will be conducted in areas where livestock concentrations coincide with high potential for vulnerable sites.
4. Cultural resource inventory will be required for any range improvement projects determined necessary to manage the allotment including any new proposed mineral block locations.
5. A monitoring schedule will be implemented by BLM staff on the populations of *P. obcordata* within the McKee/Collins pasture to monitor population trend as stated within the recovery plan for Dudley Bluffs bladderpod and twinpod.
6. Please contact the BLM – WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) through the 24-hour spill reporting line at 1 (877) 518-5608, if the permittee suspects the release of any chemical, oil, solid waste, petroleum product, or sewage is observed within the allotment.
7. Immediate action should be taken to reduce trailing issues when they are identified. If accelerated erosion (rilling, gullyng etc.) is occurring due to trailing please contact the authorized officer to determine if a change in management or a rangeland development project should be constructed or the grazing approach altered to reduce impacts.
8. If direct livestock use of undeveloped springs is documented, these areas should be considered for rangeland improvement projects that would fence the source and develop the spring if it is used as a water source by wildlife and/or livestock. Springs that are already developed, should be maintained in good condition to continue to protect water quality.
9. The BLM cannot require but recommends livestock management in the Summer Pasture to reduce direct impacts to stream channels and springs. This can be done by providing alternative water sources, placement of nutrient blocks, and wrangling to reduced concentrated use in areas adjacent to stream channels.
10. Continue monitoring of current key areas and establish additional Daubenmire canopy coverage transects to identify trends and changes in ecological site cover, composition and frequency.
11. No range construction projects that have the potential to create disturbance will be permitted without paleontological clearance in advance. All animal supplements such as salt blocks and water tanks and feed should be placed away from outcrop formations.

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN:**

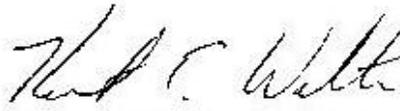
This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

**PUBLIC INVOLVEMENT:**

This action was posted on the NEPA register on the White River Field Office website on June 8, 2011.

**RATIONALE:** The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D.1. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

06/27/11