

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

## **ENVIRONMENTAL ASSESSMENT**

**NUMBER:** DOI-BLM-CO-110-2012-0052-EA

**CASEFILE/PROJECT NUMBER:** 0501512

**PROJECT NAME:** T. Theos Allotment Fence, #06812

**LEGAL DESCRIPTION:** T1NS, R92W, Sections 19, 20

**APPLICANT:** Theos Swallow Fork Ranches

**PURPOSE & NEED FOR THE ACTION:** The purpose of the action is to allow the T. Theos allotment to be divided into a two pasture allotment from a previous one pasture allotment for improved livestock distribution. The need for the action is established by the BLM's responsibility under the Federal Lands Policy Management Act (FLPMA) and the Taylor Grazing Act to respond to permittee requests for range improvements to enhance livestock management on public lands.

**Decision to be Made:** The Bureau of Land Management (BLM) White River Field Office (WRFO) will decide whether or not to issue a range improvement permit authorizing the placement of a fence as requested, and if so, with what terms and conditions.

**BACKGROUND/INTRODUCTION:** The T. Theos Allotment (06812) allotment is comprised of 566 acres of BLM land and 5,029 acres of private lands. The BLM is not one connected parcel; there are several smaller BLM parcels within the allotment that make up the 566 acres including where the fence will be located per this proposal. The percent federal range on this allotment is only 5 percent. The allotment is classified as an "M" (Maintain) category allotment and no significant problems, issues, or resource conflicts have been identified. Management of the allotment has been satisfactory.

In the spring, the sheep rotate into this allotment for lambing and before heading to the forest. Once in the allotment the sheep begin to migrate to the east end of the pasture too soon in anticipation of moving to the forest therefore there is potential for over utilization of the vegetation on the east end.

When the sheep utilize the allotment in the fall the sheep tend to migrate to the west end of the pasture too soon in anticipation of moving to the winter permits therefore there is potential for

over utilization of the vegetation on the west end in the fall which is not as much of an issue as the spring use.

This pasture fence will split the pasture to make two smaller pastures which will in turn help with herding the sheep within the allotment and grazing distribution. Improved plant recovery following grazing may be realized because the pastures will each be grazed in a more uniform fashion versus one end of the allotment or the other.

### **SCOPING, PUBLIC INVOLVEMENT, AND ISSUES:**

**Scoping:** Scoping was the primary mechanism used by the BLM to initially identify issues. Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on February 14, 2012. External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register on February 28, 2012.

**Issues:** Due to errors found between the Theos T. and Theos N. allotments an allotment boundary adjustment was temporarily made to more accurately reflect the Theos T. and the Theos N. boundaries but will be physically proofed and GPS'd to verify the adjustment, as well as, review these two entire allotment boundaries at a later date which may require adjustments to percentages of federal and private Animal Unit Months of forage allocation.

### **DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:**

**Proposed Action:** The Proposed Action is to construction a sheep fence in the T. Theos Allotment to make the current allotment with one pasture into an allotment with two pastures for better control of the sheep and their distribution on the allotment. This fence needs to cross a section of the BLM land for approximately 240 feet (see Figures 1 and 2). No ground or brush clearance will be necessary. The construction width of the fence is estimated at 10 feet and an estimated 0.05 acre of BLM lands will be disturbed, in the short term. Materials will be delivered by ATV along the fence route. Construction is tentatively planned to occur mid-April or early May 2013.

**Design Features:** The sheep fence will be constructed of woven wire with 2 strands barbed wire on the top. The construction will include approximately 16 T-posts tamped into the ground (estimated 15 feet apart).

**No Action Alternative:** Under the No Action Alternative a fence would not be placed on BLM lands. The existing single pasture within the allotment would remain as currently fenced. Utilization within this allotment would continue in the same pattern.

**ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD:** None.

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

Date Approved: July 1, 1997

Decision Number/Page: 2-25

Decision Language: “Range improvements will be identified in activity plans. Range improvements are necessary to control livestock use and improve rangeland condition. Anticipated improvement needs will include approximately 200 miles of fencing and about 700 water developments, including reservoirs, wells, springs with associated troughs, tanks and pipelines.”

**AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES**

**Standards for Public Land Health:** In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis (EA). These findings are located in specific elements listed below.

**Cumulative Effects Analysis Assumptions:** Cumulative effects are defined in the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.7) as “...the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” Table 1 lists the past, present, and reasonably foreseeable future actions within the area that might be affected by the Proposed Action; for this project the area considered was the Natural Resources Conservation Service (NRCS) 5<sup>th</sup> Level Watershed. However, the geographic scope used for analysis may vary for each cumulative effects issue and is described in the Affected Environment section for each resource.

**Table 1.** Past, Present, and Reasonably Foreseeable Actions

Action Description	STATUS		
	Past	Present	Future
Livestock Grazing	X	X	X
Wild Horse Gathers	No	No	No
Recreation	X	X	X
Invasive Weed Inventory and Treatments	X	X	X
Range Improvement Projects : Water Developments Fences & Cattle Guards	X	X	X
Wildfire and Emergency	X	X	X

Action Description	STATUS		
	Past	Present	Future
Stabilization and Rehabilitation			
Wind Energy Met Towers	No	No	X
Oil and Gas Development: Well Pads Access Roads Pipelines Gas Plants Facilities	X	X	X
Power Lines	X	X	X
Oil Shale	No	No	No
Seismic	X	X	X
Vegetation Treatments	X	X	X

### Affected Resources:

The CEQ Regulations state that NEPA documents “must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Table 2 lists the resources considered and the determination as to whether they require additional analysis.

**Table 2.** Resources and Determination of Need for Further Analysis

Determination <sup>1</sup>	Resource	Rationale for Determination
<b>Physical Resources</b>		
NI	Air Quality	Emissions from the ATV used to haul fence materials would be minor and consistent with casual use.
NI	Geology and Minerals	The proposed fence would not affect mineral or geological resources associated with the allotment.
NI	Soil Resources*	The minimal compaction or disturbance of the soils along the fence route would be considered negligible.
NI	Surface and Ground Water Quality*	Since minimal impacts to soils would occur, additional erosion is unlikely and there should be no impacts to surface or groundwater quality.
<b>Biological Resources</b>		
NP	Wetlands and Riparian Zones*	There are no riparian areas in the vicinity that could conceivably be affected by this project.
PI	Vegetation*	See discussion below.
PI	Invasive, Non-native Species	See discussion below.
PI	Special Status Animal Species*	See discussion below.
NP	Special Status Plant Species*	There are no known populations of special status plant species within the allotment. Special status plant species will not be affected by the

Determination <sup>1</sup>	Resource	Rationale for Determination
		Proposed Action.
PI	Migratory Birds	See discussion below.
NP	Aquatic Wildlife*	There are no systems that support aquatic wildlife in the vicinity of the project area. The nearest system that is known to support higher order aquatic vertebrate species is the White River which is over nine (9) miles from the project area.
PI	Terrestrial Wildlife*	See discussion below.
NP	Wild Horses	The project is not located near the Piceance-East Douglas Herd Management Area, the North Piceance Herd Area, or the West Douglas Herd Area. No wild horses are known to be in the area.
<b>Heritage Resources and the Human Environment</b>		
NP	Cultural Resources	A Class III cultural resource inventory (Volfe 2012) documented no cultural properties within the proposed project area. However, there remains the potential for undiscovered cultural resources to be located within the project area so standard cultural resource protection mitigation shall be applied (see Cultural Resources section).
PI	Paleontological Resources	See discussion below.
NP	Native American Religious Concerns	There are no known concerns, and the Ute Tribe of the Uintah and Ouray Reservation has expressed the desire to not be consulted with on small range projects such as this.
NI	Visual Resources	The Proposed Action is not anticipated to impact the visual resources in the area.
NI	Hazardous or Solid Wastes	There is potential for minor spills of ATV fluids such as oil and anti-freeze when the vehicle hauls material to the fence route. All minor spills that might occur should be contained immediately using absorbent materials and removed from the public land with other trash to a Colorado Department of Public Health and Environmental (CDPHE) approved disposal facility.
NI	Fire Management	There are no anticipated impacts to the ability to follow the Fire Management Plan.
NI	Social and Economic Conditions	There would not be any substantial changes to local social or economic conditions.
NP	Environmental Justice	According to recent Census Bureau statistics (2000), there are no minority or low income populations within the WRFO.
NP	Lands with Wilderness Characteristics	There are no lands with wilderness characteristics in the project area.
<b>Resource Uses</b>		
NI	Forest Management	Any potential affect would be to the understory species which is analyzed in the Vegetation Section below.
PI	Rangeland Management	See discussion below.
NI	Floodplains, Hydrology, and Water Rights	There are no floodplains impacted by the project and the Proposed Action will not modify surface hydrology. Water rights will not be impacted.
NP	Realty Authorizations	Rights-of-way are not present.

Determination <sup>1</sup>	Resource	Rationale for Determination
NI	Recreation	The Proposed Action is not anticipated to impact recreation in the area.
NI	Access and Transportation	The Proposed Action is not anticipated to impact access or transportation in or around the area.
NP	Prime and Unique Farmlands	There are no Prime and Unique Farmlands within the project area.
<b>Special Designations</b>		
NP	Areas of Critical Environmental Concern	There are no ACECs within the project area.
NP	Wilderness	There are no WSAs in the project area.
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers in the WRFO.
NP	Scenic Byways	There are no Scenic Byways within the project area.

<sup>1</sup> NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required. PI = Present with potential for impact analyzed in detail in the EA.

\* Public Land Health Standard

## VEGETATION

*Affected Environment:* The proposed project would occur in an open grass/shrub clayey foothills site. Predominant vegetation includes: Western wheatgrass, bluebunch wheatgrass, beardless wheatgrass, Indian ricegrass, salina wildrye, prairie junegrass, bottlebrush squirreltail, big sagebrush, black sagebrush, fourwing saltbush, Douglas rabbitbrush, Mormon tea, winterfat, penstemons, stemless goldenweed, cryptantha, buckwheat, milkvetches, scarlet globemallow, scarlet gilia, asters, daisy, phlox, and a few scattered pinyon and Utah juniper.

### *Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Placement of the proposed fence would result in initial trampling of 0.05 acre of vegetation in the immediate area of the proposed fence on BLM lands. Vegetation in this immediate area would be subjected to short-term but intense trampling caused while fence construction takes place. Trampling of vegetation would result in increased soil exposure and reduced plant vigor and diversity in the affected area. Indirect impacts include the increased potential for non-native/noxious plant introduction and establishment, as well as, accelerated wind and water erosion. These impacts would occur once during the construction of the fence with periodic inspections and repair of the fence done on foot or by ATV usually once a year. There would be minor long-term impacts as the disturbed area will revegetate naturally over time.

Cumulative Effects: The proposed fence project would result in a short-term trampling of existing vegetation. The proposed project would not result in a noteworthy increase in vegetation disturbance or long-term changes in the plant community. Improving livestock use and distribution in this allotment benefits vegetation by helping balance the overall utilization in the T. Theos Allotment.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: Denial of the project would result in the allotment continuing to be without pastures which would contribute to heavy grazing use continuing on either end of the allotment depending on the time of year (east end in the spring and west end in the fall). Livestock distribution in this allotment would be reduced resulting in uneven utilization of the available forage. The continued heavier grazing use in specific areas of the allotment could result in negative effects to the cover and composition of the plant communities in that area and put those areas at a higher risk of noxious weed introduction and possible establishment.

Cumulative Effects: Denial of the proposed project would have a minor impact on the cumulative effect of grazing on the vegetative community in the T. Theos Allotment. Impacts would be related to reduced livestock distribution due to lack of pasture rotation and distribution.

*Mitigation:* None.

*Finding on the Public Land Health Standard #3 for Plant and Animal Communities:* The Proposed Action would have no effect on the status of Land Health Standard #3 in the project area or at a landscape scale.

## **INVASIVE, NON-NATIVE SPECIES**

*Affected Environment:* There are no known weeds presently on the project site. Colorado State Listed weeds known to occur in the general area are: cheatgrass (*Bromus tectorum*), common mullein (*Verbascum thapsus*), and houndstongue (*Cynoglossum officinale*).

*Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Placement of the proposed fence will result in a small trampled area around along the fence route (0.05 acres). This fence would be vulnerable to the establishment of noxious weeds. Isolated cheatgrass occurrences are scattered throughout the general area along roadsides and in disturbed areas so it would be likely to establish in the area immediately along the fence. Establishment of noxious or invasive weeds on the disturbed soils along the fence could provide additional seed sources that would aid in expanding the occurrence of invasive, non-native species into the adjacent plant communities. Better balancing the grazing use throughout the T. Theos Allotment would reduce the grazing pressure allowing these plant communities to be more resistant to introduction and/or establishment of invasive, non-native plant species.

Cumulative Effects: The proposed project could contribute to the noxious and invasive plant species present in the immediate and adjacent areas. However, existing disturbances in the general area are common sources of invasive and noxious weeds, so elimination of these species from the general area may be unlikely.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: Noxious and invasive plants would continue to be present within the vicinity of the project and, depending on the aggressiveness of weed treatment activities, may continue to spread.

Cumulative Effects: Cumulative effects would be similar to those from the Proposed Action.

*Mitigation:* The livestock operator will monitor the fence route for the duration of its placement to detect the presence of noxious and invasive species. The livestock operator will eliminate any noxious weeds before seed production has occurred. Application of pesticides and herbicides on public lands will conform to BLM Manual 9015 and Appendix B of the BLM White River RMP, Management of Noxious Weeds (BLM 1997).

## **SPECIAL STATUS ANIMAL SPECIES**

*Affected Environment:* The Proposed Action crosses approximately 240 feet of BLM land that is composed of sagebrush habitat. There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The proposed fence is located in priority sage-grouse habitat as mapped by Colorado Parks and Wildlife (CPW). The greater sage-grouse is a candidate for listing under the Endangered Species Act (ESA) and is considered sensitive by the BLM. Brewer's sparrows (BLM sensitive) are likely common throughout the sagebrush habitats in and around the project area (see discussion on Brewer's sparrow below and in the Migratory Bird section).

### *Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: There will be no removal of vegetation along the approximately 240 foot length fence. Construction width of the fence is estimated at 10 feet for an estimated 0.05 acres of land impacted in the short term. There are several known leks in the vicinity of the project area. The nearest active lek (last active in 2012) is approximately 2.25 miles from the southern terminus of the fence. Habitats surrounding the project area support grouse predominately through the nesting and brood-rearing season. Although collisions with fences have been shown to result in sage-grouse injury and mortality (Christiansen 2009, Stevens 2011), this fence is not considered a high-risk fence due mainly to the distance from the lek. Furthermore, based on discussions with CPW's Terrestrial Biologist (B. Holmes, personal communication) and radio-telemetry data collected by CPW, there is no evidence of grouse use in the vicinity of the fence.

Due to the minimal amount of area involved in the construction of the fence and that no sagebrush or vegetation will be removed, it is unlikely that the Proposed Action would have any effect on nesting Brewer's sparrows (see further discussion on Brewer's sparrow in the Migratory Bird Section below).

Cumulative Effects: The Proposed Action is not expected to add substantially to existing or proposed disturbances in the area. Currently, there is very little development in or around the project area. The temporary and short term disturbance of approximately 0.05 acres of habitat is not expected to have any measurable influence on local special status animal species or associated habitats.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: There would be no direct or indirect influence on special status animal species or important habitats under the No Action Alternative.

Cumulative Effects: There would be no contribution to previous or existing disturbances under the No Action Alternative.

*Mitigation:* None.

*Finding on the Public Land Health Standard #4 for Special Status Species:* The project is area is generally meeting the Land Health Standards for special status species at a landscape scale. Neither the Proposed nor No Action Alternative is expected to detract from the continued meeting of these standards.

## **MIGRATORY BIRDS**

*Affected Environment:* The proposed fence, which crosses approximately 240 feet of BLM land, is located in a predominantly sagebrush community. There are several species of migratory birds that fulfill nesting functions in sagebrush communities during the nesting season (typically May 15 – July 15) including but not limited to Vesper sparrow, sage thrasher, meadowlark, northern shrike and sage sparrow. The BLM lends increased management attention to migratory birds listed by the U.S. Fish and Wildlife Service (FWS) as Birds of Conservation Concern (BCC). These are bird populations that monitoring suggests are undergoing range-wide declining trends and are considered at risk for becoming candidates for listing under the Endangered Species Act (ESA) if not given due consideration in land use decisions. The only BCC bird species that has potential to occur in the project area is the Brewer's sparrow, a sagebrush associate. This species is common in sagebrush habitats throughout the Resource Area.

*Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Fence construction would result in a short-term disturbance to approximately 0.05 acres of sagebrush as no vegetation or ground clearing is part of the Proposed Action. Because of the short-term nature and small area of disturbance associated with this project, it is unlikely this would have any measurable influence on local bird populations and will have virtually no influence on migratory bird nesting activities.

Cumulative Effects: The Proposed Action is not expected to add substantially to existing or proposed disturbances. Currently, there is very little disturbance in or around the project area. The temporary and short term disturbance of approximately 0.05 acres of habitat is not expected to have any measurable influence on local bird population as there is considerable suitable habitat adjacent to the project area.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: There would be no direct or indirect influence on migratory birds or associated habitats under the No Action Alternative.

Cumulative Effects: There would be no contribution to previous or existing disturbances under the No Action Alternative.

*Mitigation:* None.

## **TERRESTRIAL WILDLIFE**

*Affected Environment:* The low density sagebrush community encompassed by the project area is classified as Colorado Parks and Wildlife (CPW) mule deer and elk winter range. There are no known raptor nests in the vicinity of the project area and the nearest potential raptor nesting habitats are cliffs located approximately 1.6 miles from the Proposed Action. The distribution and abundance of small mammal populations are poorly documented within the Resource Area. There are no small mammal species that are narrowly endemic or highly specialized species known to inhabit the project area.

### *Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Fence construction would involve approximately 0.05 acres of short term disturbance on BLM-administered lands. The removal of this vegetation is not expected to have any substantial influence on big game and nongame species populations nor would it detract from the continued support of these species in the vicinity of the project area. However, big game passing through the area, in particular deer fawns and elk calves have the potential to get caught up in fences when trying to pass over them, especially when constructed using woven wire. Mitigation, such as gates that can be left open when the allotment is not in use, will help prevent big game from getting caught. Wildlife-friendly fencing for deer and elk will include two 16 foot wide gates. These features will aid in seasonal wildlife passage especially when deer fawns or elk calves are in the area. When the sheep are not within the allotment the two gates will be left open so that big game may pass between the pastures. Due to the low impact and short nature of construction, as well as, the fact the fence is located in winter range not severe or critical there would be no time that it would not be recommended that construction take place. If the fence is constructed in early to mid-spring (April to mid-May) this period would avoid the big game winter range period.

Cumulative Effects: The Proposed Action is not expected to add substantially to existing or proposed disturbances. Currently, there is very development in or around the project area. The short term disturbance to approximately 0.05 acres of habitat is not expected to have any measurable influence on local big game and nongame species populations as there is considerable suitable habitat adjacent to the project area.

### *Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: There would be no direct or indirect influence on terrestrial wildlife or important habitats under the No Action Alternative.

Cumulative Effects: There would be no contribution to previous or existing disturbances under the No Action Alternative.

*Mitigation:* The permittee will construct two 16 foot wide gates that will require two (2) H braces (either on public or on their private depending on topography and subsurface materials), one on each end of the gate opening. This construction will require four (4) approximate 12” diameter holes spaced 6 to 8 feet apart and the tamping in of two wooden posts along with one post horizontal to complete the brace. These gates will be a variation of sheep fence construction as per the BLM Manual Handbook H-1741-1 where the woven wire will be 24 inches in height with one single barbed wire at 36 inches. This will allow big game to pass between the top of the woven wire but just under the barbed wire. These gate sections will be located on the public lands with one at the north end and one at the south end of the 240 foot span on public land, unless due to subsurface strata, the permittee may need to incorporate these gate sections some place along the fence which may put these gates on private land instead of the public land. When sheep are not in the pasture these gates will be left open.

*Finding on the Public Land Health Standard #3 for Plant and Animal Communities:* The project area is generally considered to be meeting the Land Health Standards. Neither the Proposed nor No Action Alternatives are expected to detract from the continued meeting of these standards.

## **CULTURAL RESOURCES**

*Mitigation:* 1) Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and 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), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

2) The permittee is responsible for informing all persons who are associated with the allotment/project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the permittee must immediately contact the appropriate BLM representative.

## **PALEONTOLOGICAL RESOURCES**

*Affected Environment:* The proposed fence is located in an area generally mapped as Mancos Shale (Tweto 1979) which the BLM, WRFO has classified as a potential Fossil Yield Classification (PFYC) 3 formation in this area. While Mancos Shale has produced vertebrate fossils in other areas it has not produced to date in the WRFO. More commonly marine invertebrate fossils have been found in the Mancos Shale in the WRFO to date (c.f. Armstrong and Wolny 1989).

*Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Impacts to fossil resources are likely to be limited due to the rather limited nature of surface disturbance. Smaller and more fragile fossils exposed at the

surface could be crushed by ATV and pedestrian traffic as the T-posts and wire are distributed and placed in position. Excavation of post holes for the larger wooden posts at corners and the ends of the fence could result in the excavation and possible destruction of previously unidentified subsurface fossils.

If sheep do start trailing extensively along the fence there would be a potential for increased impacts on any exposures of there would be an increased potential for impacts to fossils from trampling. Smaller fossils would be dislodged from their context and/or crushed while larger fossils could potentially be heavily damaged by the trampling.

Cumulative Effects: There is a potential for the loss of some fossils from construction and use of the fence. The potential loss is likely quite small but would still be irreversible and irretrievable to the regional scientific paleontological database.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: There would be no development related impacts to fossil resources under the No Action Alternative. Normal slow weathering would continue as has been occurring for centuries resulting in the slow loss via erosion of smaller fossils and exposures of any larger fossils that might be in the formation.

Cumulative Effects: There is an extremely small potential for irreversible, irretrievable and largely unmanageable loss of fossil resources due to erosion under the No Action Alternative.

*Mitigation:* The permittee/applicant is responsible for informing all persons who are associated with the allotment/project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/applicant must immediately contact the appropriate BLM representative. This also applies to grazing permit renewals, pesticide use proposals, and other non-construction projects (e.g., habitat improvements).

**RANGELAND MANAGEMENT**

*Affected Environment:* The proposed fence would be in the T. Theos Allotment #06812. The allotment is comprised of 566 acres of BLM land and 5,029 acres of private land. Not all of the BLM is one connected parcel there are several smaller BLM parcels within the allotment. Access to water in the allotment is off of Dickerville Creek. This allotment is grazed in May and then again in the fall in October. The T. Theos allotment is permitted as follows:

Allotment		Permit Nr.	Livestock		Period of Use	% Public Land	Public Acres	Authorized Use (AUM)
Nr.	Name		Nr.	Kind				
06812	T. Theos	0501512	2600	S	5/1 - 11/25	5	566	179

*Environmental Consequences of the Proposed Action:*

Direct and Indirect Effects: Currently due to the one pasture system within the T. Theos Allotment livestock distribution is less desirable. The permittee currently doesn't occupy the allotment from 5/1 to 11/25 with 2,600 sheep, but rather makes spring use prior going to the forest permits and fall use prior to going to winter permits in Utah. Based on current use, which is generally less than ½ of the available Animal Unit Months (AUMs) or approximately 90 AUMs, the sheep tend to graze to the east end of the allotment in the spring in anticipation to moving to summer country and the west end in the fall in anticipation of moving to winter country. The sheep tend to graze these locations for most of the timeframe they are in the allotment due to the current pattern of use. This pasture fence would allow for improved livestock distribution and utilization.

Cumulative Effects: Limited development activities including agriculture, and possible road development which has the potential to impact rangeland management could occur in the future. The Proposed Action would allow for improved livestock management in the T. Theos Allotment. Grass and forb communities in either end of the allotment would benefit from better livestock distribution.

*Environmental Consequences of the No Action Alternative:*

Direct and Indirect Effects: Lack of reliable water in this area would continue to limit the ability of livestock to utilize forage here. Sheep would continue to move to the ends of the pasture depending on the time of year and make heavier use in those portions of the allotment.

Cumulative Effects: Limited development activities including agriculture, and possible road development could occur in the area which has the potential to impact rangeland management by removal of forage, etc.

*Mitigation:* None.

**Mitigation Measures:**

1. The livestock operator will monitor the fence route for the duration of its placement to detect the presence of noxious and invasive species. The livestock operator will eliminate any noxious weeds before seed production has occurred. Application of pesticides and herbicides on public lands will conform to BLM Manual 9015 and Appendix B of the BLM White River RMP, Management of Noxious Weeds (BLM 1997).
2. The permittee will construct two 16 foot wide gates that will require two (2) H braces (either on public or on their private depending on topography and subsurface materials), one on each end of the gate opening. This construction will require four (4) approximate 12" diameter holes spaced 6 to 8 feet apart and the tamping in of two wooden posts along with one post horizontal to complete the brace. These gates will be a variation of sheep fence construction as per the BLM Manual Handbook H-1741-1 where the woven wire will be 24 inches in height with one single barbed wire at 36 inches. This will allow big game to pass between the top of the woven wire but just under the barbed wire. These

gate sections will be located on the public lands with one at the north end and one at the south end of the 240 foot span on public land, unless due to subsurface strata, the permittee may need to incorporate these gate sections some place along the fence which may put these gates on private land instead of the public land. When sheep are not in the pasture these gates will be left open.

3. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and 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), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The permittee is responsible for informing all persons who are associated with the allotment/project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the permittee must immediately contact the appropriate BLM representative.
5. The permittee/applicant is responsible for informing all persons who are associated with the allotment/project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/applicant must immediately contact the appropriate BLM representative. This also applies to grazing permit renewals, pesticide use proposals, and other non-construction projects (e.g. habitat improvements).

### **REFERENCES CITED:**

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1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Christiansen, Tom. 2009. Fence Marking to Reduce Greater Sage-Grouse (*Centrocercus urophasianus*) Collisions and Mortality near Farson, Wyoming – Summary of Interim Results. Wyoming Game and Fish Department.

Stevens, Bryan S. 2001. Impacts of Fences on Greater Sage-Grouse in Idaho: Collision, Mitigation, and Spatial Ecology. Thesis. University of Idaho, Moscow, Idaho, USA.

Volfe, William J.

2012 Class III Cultural Resource Inventory for the Theo's Swallow Fork Ranch Fence Practice, Rio Blanco County, Colorado. (SHPO #RB.LM.NR2303, BLM WRFO # 12-10-07, NRCS MEEK12-03). Manuscript on file at BLM-White River Field Office.

Tweto, Ogden

1979 Geologic map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

**TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED:**

**INTERDISCIPLINARY REVIEW:**

<b>Name</b>	<b>Title</b>	<b>Area of Responsibility</b>	<b>Date Signed</b>
Bob Lange	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils	11/13/2012
Zoe Miller	Ecologist	Areas of Critical Environmental Concern; Special Status Plant Species	11/7/2012
Michael Wolfe	Archaeologist	Cultural Resources; Native American Religious Concerns	11/7/2012
Michael Selle	Archaeologist	Paleontological Resources	11/13/2012
Laura Dixon	Wildlife Biologist	Migratory Birds; Special Status Animal Species; Terrestrial and Aquatic Wildlife; Wetlands and Riparian Zones	11/7/2012
Aaron Grimes	Outdoor Recreation Planner	Wilderness; Visual Resources; Access and Transportation; Recreation,	11/8/2012
Scott Nelson	Fuels Specialist	Fire Management	11/7/2012
Paul Daggett	Mining Engineer	Geology and Minerals	11/7/2012
Stacey Burke	Realty Specialist	Realty	11/7/2012
Melissa J. Kindall	Range Technician	Invasive, Non-Native Species; Vegetation; Rangeland Management; Hazardous or Solid Wastes; Wild Horse Management; Project Lead – Document Preparer	11/7/2012
Heather Sauls	Planning & Environmental Coordinator	NEPA Compliance	12/12/2012

**ATTACHMENTS:**

Figure 1 – Close Up Map of Proposed Fence

Figure 2 – Overall Location Map

Figure 1– Close Up Map of Proposed Fence

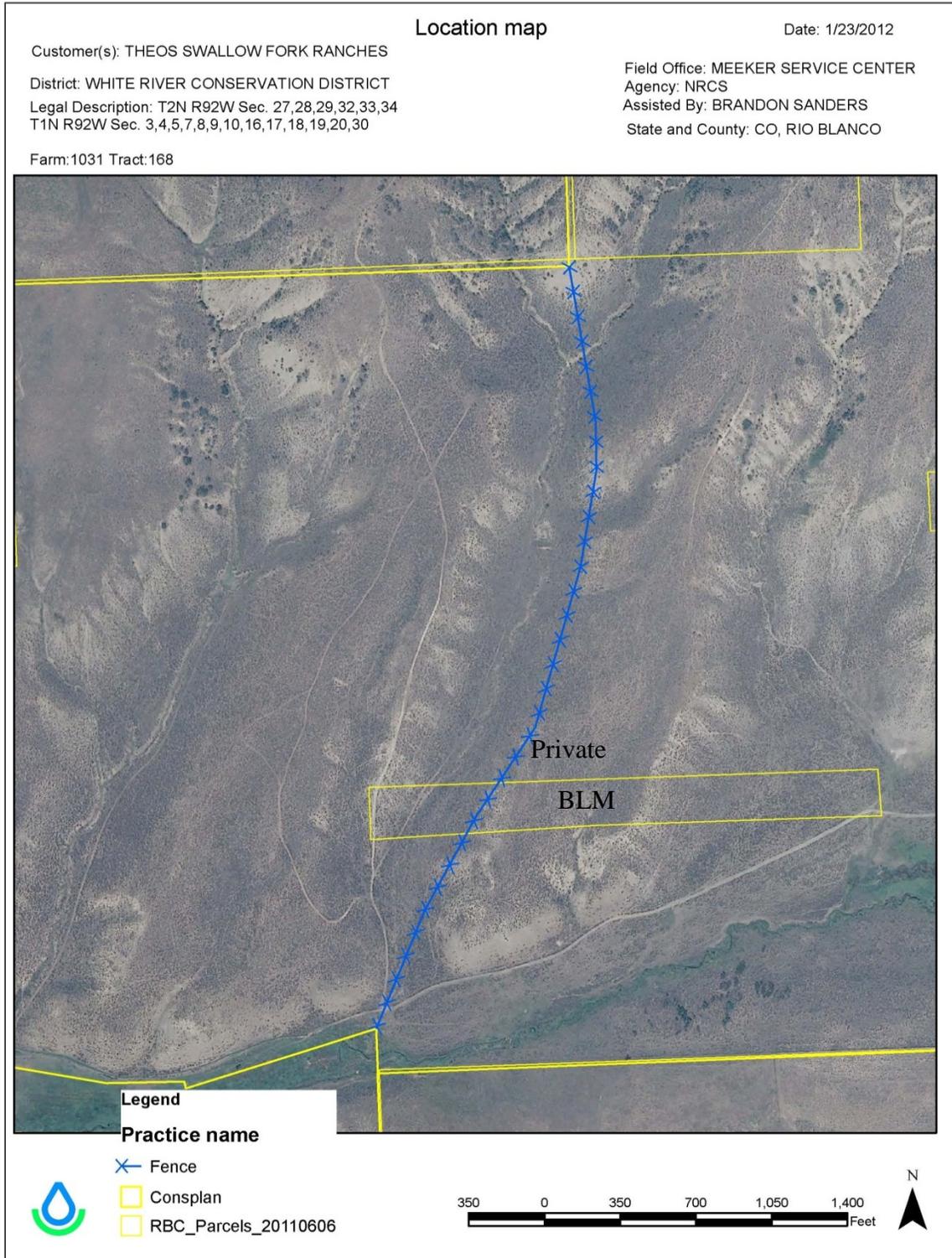
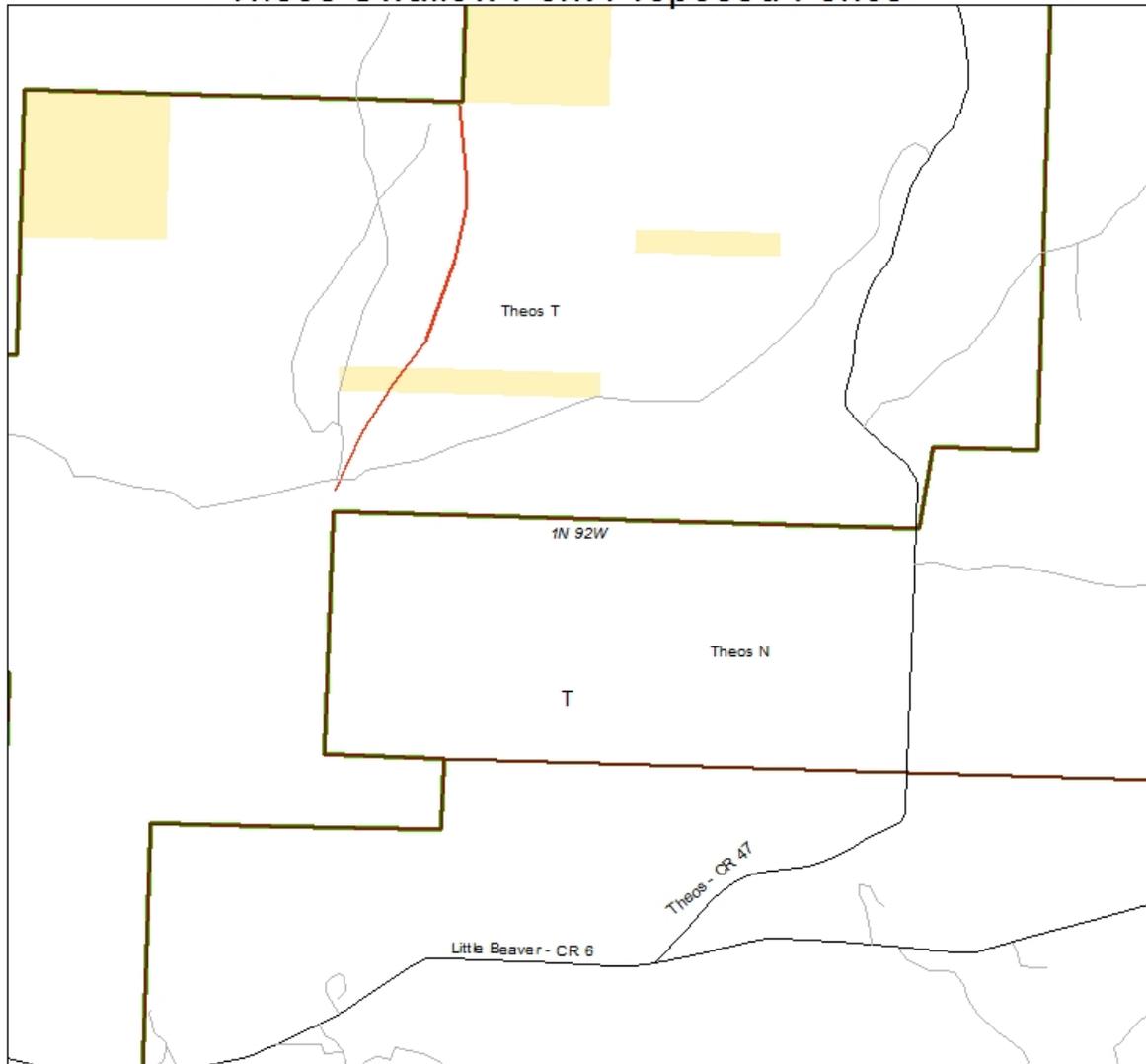


Figure 2– Overall Location Map

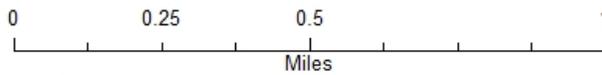
### DOI-BLM-CO-110-2012-0052-EA Theos Swallow Fork Proposed Fence



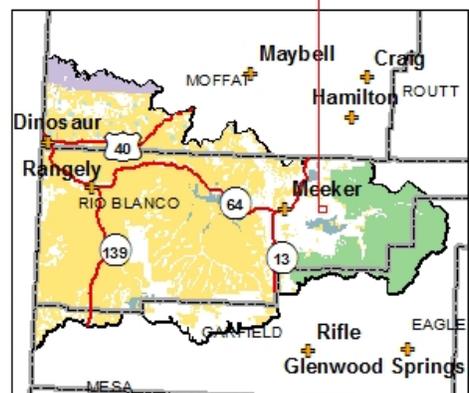
T.1 N., R.92 W., 6th P.M.  
Sections 19 and 20



01/17/2013



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

**Finding of No Significant Impact (FONSI)  
DOI-BLM-CO-110-2012-0052-EA**

**BACKGROUND:** The T. Theos Allotment (#06812) is a 5,595 acre allotment including 566 acres of public land, made up of various sized parcels, located in Rio Blanco County near Little Beaver. Elevation in the allotment ranges from 6,200 feet to 8,400 feet. The livestock operator has requested to place a fence in the T. Theos Allotment to create two pastures within the allotment. There is a spring use and fall use grazing schedule for sheep in the allotment. The new fence would allow livestock to make better use of the forage in the allotment. Without this fence livestock move to the east end of the allotment too quickly in the spring and the west end of the allotment in the fall too quickly making uneven use of the forage available and spend more time in those areas in anticipation of moving from the allotment either for the summer country in the spring and winter country in the fall.

**FINDING OF NO SIGNIFICANT IMPACT:** Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

**Context:** The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. The context of this project is to improve livestock grazing management in the T. Theos Allotment, thus benefitting associated plant communities and resources.

**Intensity:** The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

**1. Impacts that may be both beneficial and adverse.** Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. For example, there may be localized impacts associated with vegetation trampling and soil disturbance. Conversely the project is anticipated to benefit forage resources (improvements in vegetative character) throughout the 5,595 acre allotment. Analysis indicated no substantial impacts to physical, biological, or archaeological/paleontological resources.

**2. The degree to which the Proposed Action affects public health or safety.** There would be no impact to public health and safety. There are no known or anticipated concerns with project waste or hazardous materials.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** The project area does not contain prime or unique farmlands, wetlands, floodplains, or wild and scenic rivers. There were no cultural resources identified within the project area.

**4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.** There will be no highly controversial effects on the human environment.

**5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.** No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

**6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Similar rangeland improvement projects are commonly evaluated as part of the grazing lease renewal process or as stand-alone projects and are called for in the White River ROD/RMP at page 2-23 "... identification of range improvement to enhance rangeland productivity and management."

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The necessary cultural survey was conducted for this project; no cultural or historical concerns were identified or anticipated. There are no known American Indian religious concerns.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.** There would be no impacts to endangered or threatened species or their habitat as a result of this project. Impacts to the greater sage-grouse, a candidate for listing under the ESA, were considered. However, due to the distance of the Proposed Action from the nearest lek no impacts are expected.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** Neither the Proposed Action nor impacts associated with it violate any laws or requirements imposed for the protection of the environment.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

01/20/13