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

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N010-2014-0043-CX

CASEFILE/ALLOTMENT NUMBER: 0504898/04065

PROJECT NAME: Transfer of 1205 AUMs of grazing preference on the Horse Gulch Allotment #04065

LEGAL DESCRIPTION: See Allotment Map, Attachment #1

#04065 Horse Gulch	T5N R93W parts of Sections 1, 2
	T6N R94W parts of Section 24
	T6N R93W parts of Sections 1-5, 7-30, 32-36
	T6N R92W parts of Sections 3-10, 15-22, 29-32
	T7N R93W parts of Sections 20-23, 25-36
	T7N R92W parts of Sections 30-32

26,421	acres Private
640	acres Colorado State Land Board
10,200	acres BLM
37,261	**acres Total**

APPLICANT: K Diamond Ranch, LLC

DESCRIPTION OF PROPOSED ACTION: Transfer of the 1205 AUMs of grazing preference on the Horse Gulch Allotment #04065 from Tom & Donna Deakins to K Diamond Ranch, LLC.

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

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

Date Approved: October 2011

Decision Language: The Proposed Action is in conformance with the Little Snake RMP because it is specifically provided for in the following RMP decisions:

The Proposed Action implements the RMP Livestock Grazing Management objective on page RMP-41 to manage resources, vegetation, and watersheds to sustain a variety of uses, including livestock grazing, and to maintain the long-term health of the rangelands; provide for efficient management of livestock grazing allotments; and contribute to the stability and sustainability of the livestock industry.

PROPOSED ACTION: Transfer of the 1205 AUMs of grazing preference on the Horse Gulch Allotment #04065 from Tom & Donna Deakins to K Diamond Ranch, LLC. Grazing lease #0504898 on the Horse Gulch Allotment #04065 would be issued for 10 years, expiring February 28, 2024. The lease would be renewed as follows:

Allotment	Livestock		Dates			
Name & Number	Number	Kind	Begin	End	%PL	AUMs
Horse Gulch #4065	997	Cattle	04/15	12/15	15	1205

Special Terms and Conditions:

1. Spring turnout would alternate pastures so that no pasture is used first in more than 2 out of 3 years.

2. The Fuhr Gulch and Horse Gulch pastures will not be used for more than 30 days during the 'hot' season (6/15 – 8/15) every other year to minimize impact to riparian resources (Sand Springs Gulch, Horse Gulch and the Yampa River).

3. No pasture would be used during the same grazing season (spring, summer, fall, winter) for more than 2 consecutive years.

4. Late fall use (10/15 to 12/15) would alternate years using Horse Gulch and Flagstone pastures in different years than Arvine and Cannon pastures.

5. Grazing use in the Fuhr Gulch and Horse Gulch pastures will not exceed 90 consecutive days in one grazing season.

The lease would also be subject to the Standard and Common Terms and Conditions as shown in Attachment #2.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 2.3A(2) and 516 DM 11.9, D(1), as amended. None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	____	_X_
2. 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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	____	_X_
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	____	_X_
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	____	_X_
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	____	_X_
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	____	_X_
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	____	_X_
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	____	_X_
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	____	_X_
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	____	_X_
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	____	_X_
12. 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 (Federal Noxious Weed Control Act and Executive Order 13112).	____	_X_

INTERDISCIPLINARY REVIEW:

Resource	Reviewed
Cultural Resources	_n/a____
T&E Plants	6/15/2014
T&E Animals	6/16/2014

NAME OF PREPARER:

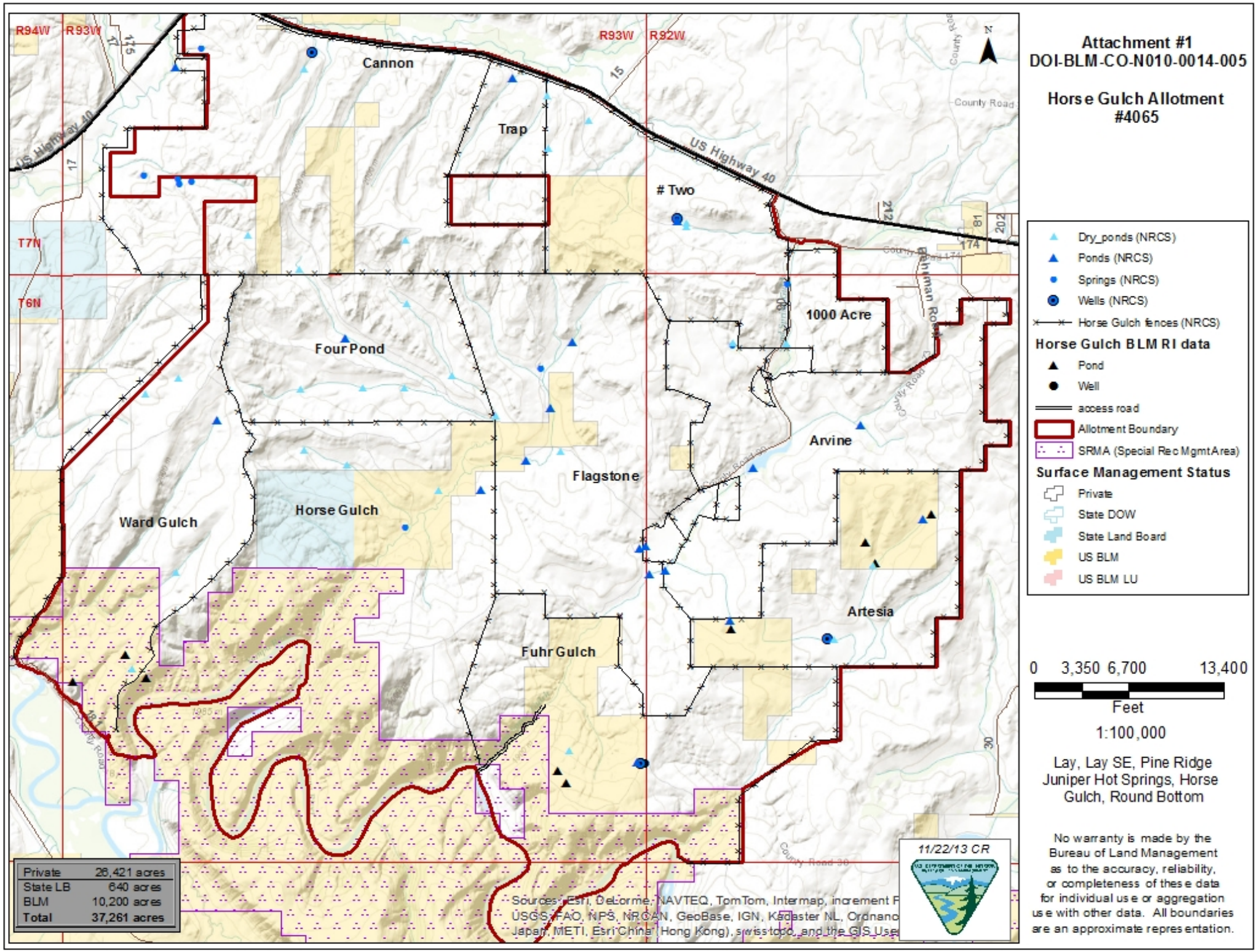
NAME OF ENVIRONMENTAL COORDINATOR:

DATE:

This action is listed in the Department Manual (516 DM 2, Appendix 1 and/or 516 DM 11, as amended) as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: _____/s/ Timothy J. Wilson_____
Wendy Reynolds, Field Manager

DATE SIGNED: 6/17/14


Attachment #1
DOI-BLM-CO-N010-0014-005
Horse Gulch Allotment
#4065
R94W
R93W
R92W
T7N
T6N
US Highway 40
County Road
Cannon
Trap
Two
Four Pond
1000 Acre
Arvine
Flagstone
Ward Gulch
Horse Gulch
Artesia
Fuhr Gulch
Dry_ponds (NRCS)
Ponds (NRCS)
Springs (NRCS)
Wells (NRCS)
Horse Gulch fences (NRCS)
Horse Gulch BLM RI data
Pond
Well
access road
Allotment Boundary
SRMA (Special Rec Mgmt Area)
Surface Management Status
Private
State DOW
State Land Board
US BLM
US BLM LU
0 3,350 6,700 13,400
Feet
1:100,000
Lay, Lay SE, Pine Ridge
Juniper Hot Springs, Horse
Gulch, Round Bottom
No warranty is made by the
Bureau of Land Management
as to the accuracy, reliability,
or completeness of these data
for individual use or aggregation
use with other data. All boundaries
are an approximate representation.
Private 26,421 acres
State LB 640 acres
BLM 10,200 acres
Total 37,261 acres
11/22/13 CR

ATTACHMENT #2
DOI-BLM-N010-2014-0043-CX
TERMS AND CONDITIONS

Standard Terms and Conditions

Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.

1) They are subject to cancellation, in whole or in part, at any time because of:
   a. Noncompliance by the permittee/lessee with rules and regulations;
   b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
   c. A transfer of grazing preference by the permittee/lessee to another party;
   d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
   e. Repeated willful unauthorized grazing use;
   f. Loss of qualifications to hold a permit or lease.

2) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits and leases when completed.

3) Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.

4) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.

5) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

6) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

7) Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.

8) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

9) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of $25 or 10 percent of the amount owed but not more than $250) will be assessed.

10) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.

B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.

C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.

D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed-free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.

E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing

historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

-whether the materials appear eligible for the National Register of Historic Places;
-the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.

G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.

H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.

I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.