

**United States Department of the Interior  
Bureau of Land Management**

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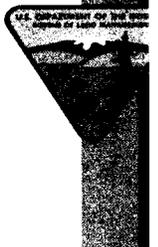
**Environmental Assessment  
for the Renewal of the Grazing Lease on the  
Upper Middle Creek #04166 and  
Lower Bear Gulch #04656 Allotments.**

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Little Snake Field Office  
455 Emerson Street  
Craig, Colorado

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## CHAPTER 1 - INTRODUCTION

### 1.1 IDENTIFYING INFORMATION

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PROJECT NAME: Renewal of the grazing lease for the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments.

CASEFILE/ALLOTMENT OR PROJECT NUMBER: 0500190/04166, 04656

### 1.2 PROJECT LOCATION AND LEGAL DESCRIPTION

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LEGAL DESCRIPTION: See allotment map, attachment 1.

Upper Middle Creek #04166

T.4 N., R.87 W., section 36  
T.3 N., R.87 W., section 1

555 acres private lands  
703 acres BLM lands  
1,528 total acres

Lower Bear Gulch #04656

T.4 N., R.87 W., sections 23, 25, 26  
T.4 N., R.86 W., sections 17, 19, 20, 29-32

4,451 acres private lands  
273 acres BLM lands  
4,724 total acres

COUNTY AND GENERAL LOCATION: South West Routt County, approximately seven miles west of Oak Creek CO, and west of Routt County Road 27.

LANDSCAPE DESCRIPTION: These allotments consist of drainages and steep slopes and encompass a variety of vegetation types and topographical settings. General vegetation types are mountain shrub, oak brush, mixed conifer, sagebrush grasslands, and wet meadow.

CLIMATE/PRECIPITATION SUMMARY: Typical annual precipitation is between 18 and 22 inches with an elevation range of 7,400 to 8,400 feet with a mean annual temperature of 40 degrees.

### 1.3 BACKGROUND

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Both allotments were transferred from Andrew M. Hunter III to the Hunter Family Limited Partnership in 2004; there are no historical files prior to this date. Both allotments have been previously authorized for sheep use and were converted to cattle in 2004 as part of the transfer and lease renewal process.

In 2007 individual public land parcels throughout Routt County were exchanged into private ownership in conjunction with the Emerald Mountain Land Exchange. Approximately 864 acres of public land within the Upper Middle Creek and Lower Bear Gulch Allotments were involved in this exchange. At that time the grazing lease was adjusted to reflect this change and animal numbers and Animal Unit Months (AUMs) were decreased accordingly.

The Hunter Family Limited Partnership has taken periodic nonuse for wildlife habitat conservation and because it is difficult to properly use the allotments without boundary fences.

When fully utilized, cattle grazed are a mix of yearlings and cow/calf pairs. The public lands are used in conjunction with the private lands for a total of 11 pastures. The private lands are lower and are used earlier in the spring before the public lands. The public land in general is used once every two or three years to allow for livestock rest in conjunction with maintaining wildlife habitat.

#### **1.4 PURPOSE AND NEED**

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BLM lease #0500190, which authorizes livestock grazing on the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments, expired on February 28, 2015.

This lease is subject to renewal at the discretion of the Secretary of the Interior, who delegated the authority to BLM, for a period of up to ten years. BLM has the authority to renew the livestock grazing permits and leases consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Record of Decision and Resource Management Plan*. This plan includes the *Colorado Public Land Health Standards* and the *Guidelines for Grazing Management*.

BLM is required to provide for public uses of public land resources under the principles of multiple use and sustained yield. Among these uses is the allocation of forage for the purposes of domestic livestock grazing. BLM allocates grazing privileges in a manner that ensures orderly and sustainable consumption of forage while ensuring that wildlife habitat, vegetative, and soil resources remain healthy and provide for a wide array of other public benefits.

The following Environmental Assessment (EA) will analyze the impacts of livestock grazing on public land managed by the BLM. The analysis will recommend terms and conditions to the lease which improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (permittee/lessee) must hold a grazing permit/lease. The grazing permittee has a preference right to receive the lease if grazing is to continue. The land use plan allows grazing to continue. This EA will be a site specific look to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which it can be renewed.

The action is needed to respond to an application for lease renewal.

APPLICANT: Hunter Family Limited Partnership.

#### **1.4.1 Decision to be Made**

The BLM will decide whether or not to issue a grazing lease and if issued, the terms and conditions grazing would be subject to.

### **1.5 PLAN CONFORMANCE REVIEW**

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

Date Approved: October 2011

Decision Language: The Proposed Action and all alternatives are consistent with the Little Snake Record of Decision and Resource Management Plan, Livestock Grazing Management goals 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.

Section/Page: 2.14 Livestock Grazing/RMP-41

### **1.6 PUBLIC PARTICIPATION**

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**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.

External Scoping Summary: The action in this EA is included in the NEPA log posted on the LSFO web site: [http://www.blm.gov/co/st/en/BLM\\_Information/nepa/lso.html](http://www.blm.gov/co/st/en/BLM_Information/nepa/lso.html). Additionally, the BLM Range Specialist had conversations with the applicant to discuss the renewal of the grazing lease.

A Notice of Public Scoping was sent to all interested parties on December 13, 2013 for permits and leases expiring in Fiscal Year 2015. No comments were received.

Persons/Agencies Consulted:

Four Native American tribes have cultural and historical ties to lands administered by the BLM LSFO. These tribes include the Eastern Shoshone Tribe, Ute Mountain Ute Tribe, Uinta and Ouray Agency Ute Indian Tribe, and the Southern Ute Indian Tribe. Consultation for proposed general activities requiring permits/leases is consulted on annually with the tribes. Letters were

sent to the tribes in the winter of 2013 describing general livestock permitting. No comments were received.

Internal Scoping Summary: The renewal of this grazing lease was discussed at the Little Snake Field Office (LSFO) priority meeting on December 8, 2014.

## **CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES**

### **2.1 INTRODUCTION**

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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. The issues identified during scoping helped to formulate the Proposed Action.

### **2.2 ALTERNATIVES ANALYZED IN DETAIL**

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**2.2.1 Administrative Actions:** Allotment administrative boundaries will be adjusted to only encompass the public land parcels.

#### **2.2.2 Proposed Action**

Renew the grazing lease on the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments for a period of ten years expiring on February 28, 2025. No changes would be made to the mandatory terms and conditions of the existing authorizations. The lease would be renewed as follows:

#### **Authorization #0500190**

<b>Allotment Name &amp; Number</b>	<b>Livestock Number &amp; Kind</b>	<b>Dates</b>		<b>%PL</b>	<b>AUMs</b>
		<b>From</b>	<b>To</b>		
Upper Middle Creek #04166	42 Cattle	06/01	09/30	100	168
				AUMs Not Scheduled	<u>2</u>
				Total	170
Lower Bear Gulch #04656	14 Cattle	06/01	09/30	100	56
				AUMs Not Scheduled	<u>3</u>
				Total	59

The above lease is subject to the Standard and Common Terms and Conditions (Attachment #2)

#### Drought Management

The forage allocation on the above lease reflects forage available for livestock during years of average or above average precipitation. During periods of regional drought, the amount of available forage on the allotments may not be sufficient to provide for all or part of the livestock demand and still provide forage and cover for wildlife and for soil protection. Identification of drought and the description of appropriate responses are listed in Attachment 3. Drought management actions would not be attached to the grazing lease, but rather analyzed here so, if

necessary, the analysis of them in this document may be used as a basis for issuing a grazing decision in response to drought conditions. As the Drought Management protocol described in Attachment 3 is comprehensive not all drought triggers or drought response actions (DRA) described may be applicable for all allotments.

**2.2.3 No Grazing Alternative**

The application for renewal of the grazing authorization on Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments would be denied. As a result, livestock grazing would not be authorized. The BLM would initiate a process in accordance with the 43 CFR 4110.3 regulations to remove authorized grazing as applied for and analyzed in this EA.

**2.2.4 Alternatives Considered But Not Analyzed**

A No Action Alternative was eliminated as the applicant is applying for the same Terms and Conditions as previously authorized. A Reduced Grazing Alternative was considered but eliminated as all land health standards are being met and no resource concerns validate further consideration and analysis of a Reduced Grazing Alternative.

**CHAPTER 3 – AFFECTED ENVIRONMENT AND EFFECTS**

**3.1 INTRODUCTION**

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**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 1 lists the resources considered and the determination as to whether they require additional analysis.

**Table 1. Resources and Determination of Need for Further Analysis**

Determination <sup>1</sup>	Resource	Resource Issue/Rationale for Determination	Specialist Initials	Date
<b>Physical Resources</b>				
NI	Air Quality	Activities associated with grazing that may affect air quality, namely dust and exhaust from ranch operation vehicles as well as dust from livestock hoof action, fall below EPA emission standards for the six criteria pollutants of concern (sulfur dioxide, nitrogen oxide, ground-level ozone, carbon monoxide, particulate matter [both PM2.5 and PM10], and lead). Furthermore, ranch operation and livestock activities are not a significant source of these pollutant emissions that do occur in Routt County. Impacts to air quality caused by either alternative are therefore considered negligible.	ML	12/04/14

Determination <sup>1</sup>	Resource	Resource Issue/Rationale for Determination	Specialist Initials	Date
NP	Floodplains	There are no FEMA-identified 100-year floodplains within the Upper Middle Creek and Lower Bear Gulch Allotments. None of the alternatives analyzed include development within floodplains. No threat to human safety, life, welfare and property would result from implementing any of the alternatives.	ML	12/04/14
NI	Hydrology, Ground	There are no wells or other projects present or proposed that would have an effect on ground water hydrology.	ML	12/04/14
NP	Hydrology, Surface	Not Present, see Section 3.2.2 for additional information.	ML	12/08/15
NI	Minerals, Fluid	There are no fluid minerals developments present on the allotments. The Proposed Action would not preclude any future development of any fluid minerals.	ML	12/04/14
NI	Minerals, Solid	There are no solid mineral authorizations present in the proposed allotments. The Proposed Action and drought management actions would not preclude any future solid mineral authorizations.	JM	12/28/14
PI	Soils	See Section 3.2.1 for detailed analysis.	ML	11/19/14
NI	Water Quality, Ground	No surface activity is proposed that would change any subsurface groundwater chemistry.	ML	12/04/14
PI	Water Quality, Surface	See Section 3.2.2 for detailed analysis.	ML	12/08/14
<b>Biological Resources</b>				
PI	Invasive, Non-native Species	See Section 3.3.1 for analysis	CR	01/6/15
PI	Migratory Birds	See Section 3.3.2 for analysis	SW	01/21/15
PI	Special Status Animal Species	See Section 3.3.3 for analysis	SW	01/21/15
NP	Special Status Plant Species	There are no federally listed threatened, endangered, or BLM sensitive plant species populations present in these allotments.	ARH	12/10/14
PI	Upland Vegetation	See section 3.3.4 for detailed analysis.	ML	12/10/14
PI	Wetlands and Riparian Zones	See section 3.3.5 for detailed analysis.	ES	02/23/14
NI	Wildlife, Aquatic	There would be no impact to aquatic wildlife from any of the alternatives.	SW	01/14/15
PI	Wildlife, Terrestrial	See Section 3.3.5 for analysis	SW	01/21/15
NP	Wild Horses	There is no HMA within or near the allotments.	ML	12/04/14

<b>Heritage Resources and the Human Environment</b>				
NI	Cultural Resources	See section 3.4.1 for more information.	BN	01/20/15
NI	Environmental Justice	According to Census 2013, the only minority population of note in the impact area is the Hispanic community of Routt County. Hispanic or Latino represented 7% of the population, considerably less the Colorado state figure for the same group, 21.0%. Blacks, American Indians, Asians and Pacific Islanders accounted for around 2% of the population, below the comparable state figure in all cases. The census counted 7.5% of the Routt County population as living in families with incomes below the poverty line, compared to 12.9% for the entire state. Both minority and low income populations are dispersed throughout the county therefore no minority or low income populations would suffer disproportionately high and adverse effects as a result of any of the alternatives.	ML	12/08/14
NP	Hazardous or Solid Wastes	There are no known Hazardous or Solid Waste issues or concerns on either allotment.	ML	12/04/14
NP	Lands with Wilderness Characteristics	Subject to WO-IM 2011-154 and in accordance with BLM policy, the Proposed Action is in an area that did not meet the minimum size requirements for inventory finding of the presence of lands with wilderness characteristics.	DJA	12/15/14
NP	Native American Concerns	See section 3.4.2 for more information	BN	01/20/15
NI	Paleontological Resources	Neither the Proposed Action nor the drought management actions would affect paleontological resources as no surface disturbing activities are proposed. The standard Paleontological Discovery stipulations apply.	JM	12/28/14
NI	Social and Economic Conditions	There would not be any change to local social or economic conditions under any of the alternatives.	ML	12/08/14
NI	Visual Resources	The Proposed Action is located in a VRM Class III area where moderate change to the characteristic landscape would be allowed as long as the existing characteristics of the landscape are partially retained. Visual Resource Inventory is low based on Scenic Quality Rating of C and Sensitivity Level Rating of Low. No impacts to visual resources would be anticipated for all alternatives.	DJA	12/17/14
<b>Resource Uses</b>				
NI	Access and Transportation	There would not likely be impacts to access and transportation from the Proposed Action or alternatives. Motorized use access is very limited to these lands because of terrain features and private land borders most of the allotments. Foot	DJA	12/15/14

		and horse travel are the preferred mode of travel in this area.		
NI	Fire Management	There would be no impact to fire management.	ML	12/04/14
NI	Forest Management	There would be no impacts to forest management and no forestry projects are occurring or are planned for this area.	ML	12/08/14
PI	Livestock Operations	See section 3.5.1 for detailed analysis.	ML	12/08/14
NP	Prime and Unique Farmlands	There are no prime or unique farmlands in this area. See Section 3.2.1 for additional information.	ML	12/04/14
NI	Realty Authorizations, Land Tenure	All alternatives would have no impact to existing realty authorizations. There are no proposed changes to land tenure in the project area.	ML	12/08/14
NI	Recreation	Due to limited public access, rough terrain and a limited sought after recreation destination there would be no impacts to recreation from the Proposed Action or alternatives.	DJA	12/08/14
<b>Special Designations</b>				
NP	Areas of Critical Environmental Concern	There are no ACECs within or in close proximity to the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments	DJA	12/15/14
NP	Wild and Scenic Rivers	There are no WSRs within or in close proximity to the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments	DJA	12/15/14
NP	Wilderness Study Areas	There are no WSA's within or in close proximity to the Upper Middle Creek #04166 and Lower Bear Gulch #04656 Allotments	DJA	12/15/14

<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.

## 3.2 PHYSICAL RESOURCES

### 3.2.1 Soils

Affected Environment: The table below (Table 2) describes the major soil groups included within the Upper Middle Creek and Lower Bear Gulch Allotments over 100 acres in size.

**Table 2. Soil Summary**

Soil Map Unit (MU) & Soil Name (Public Land Acres in Allotments)	Map Unit Setting	Description
70D—Skyway sandy loam, 3 to 25 percent slopes (220 acres)	Landform: Hills Elevation: 7,600 to 8,600 feet Mean annual precipitation: 19 to 22 inches Mean annual air temperature: 37 to 39 degrees F Frost-free period: 45 to 70 days Farmland classification: Not prime farmland	Slope: 3 to 25 percent Depth to restrictive feature: 20 to 40 inches to lithic bedrock Natural drainage class: Well drained Runoff class: Medium Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 2.00 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm) Available water storage in profile: Low (about 3.5 inches)
70F—Skyway sandy loam, 25 to 65 percent slopes (420 acres)	Landform: Hills Elevation: 7,600 to 8,500 feet Mean annual precipitation: 18 to 24 inches Mean annual air temperature: 35 to 39 degrees F Frost-free period: 60 to 80 days Farmland classification: Not prime farmland	Slope: 25 to 65 percent Depth to restrictive feature: 20 to 40 inches to lithic bedrock Natural drainage class: Well drained Runoff class: High Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 2.00 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm) Available water storage in profile: Low (about 4.2 inches)
103—Foidel-Rock outcrop complex, 25 to 65 percent slopes (246 acres)	Landform: Hills Elevation: 7,030 to 8,120 feet Mean annual precipitation: 21 to 27 inches Mean annual air temperature: 37 to 41 degrees F Frost-free period: 50 to 80 days Farmland classification: Not prime farmland	Slope: 25 to 65 percent Depth to restrictive feature: More than 80 inches Natural drainage class: Well drained Runoff class: Very high Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm) Available water storage in profile: Moderate (about 9.0 inches)

Data taken from USDA NRCS Web Soil Survey Routt Area, Colorado, Parts of Rio Blanco and Routt Counties

Environmental Consequences, Proposed Action: There would be no adverse impact; current conditions would continue to maintain and sustain soil structure and function. In the event of drought the appropriate DRAs would assure no additional drought related impacts to soils would occur.

Environmental Consequences, No Grazing Alternative: Removal of livestock from public lands would lead to decreased hoof compaction of soil surfaces. Over time the lack of compaction, combined with the annual freeze-thaw cycle, would lead to a decrease in soil bulk density and improved soil moisture conditions, which facilitates vegetation germination and root development. Removing livestock would also result in an increase of both plant litter and live vegetative ground cover that would provide more protection from wind and water erosion. Any livestock trails and the resulting erosion would heal over time.

If grazing were to continue on adjacent private lands, fences would have to be built by the landowner(s) to prevent trespass onto BLM-managed lands. Given the natural tendency of cattle to congregate and trail along fence lines, it is likely that paths and forage depletion would occur along the fences. The resulting decrease in canopy cover would increase the impact of raindrops on the soil surface, while the expected increase in compaction would increase runoff from both rain and snowmelt. These factors would combine to increase the likelihood of both wind and water erosion in the areas adjacent to fences. This would result in blowouts and gullies which could indirectly impact federal lands through deposition or by the eroded area actually spreading onto federal lands.

Environmental Consequences, Cumulative Impacts: Past, present, and reasonably foreseeable actions that affect soils in area surrounding the Upper Middle Creek and Lower Bear Gulch Allotments primarily include ranching, recreation, domestic energy exploration and development, and the infrastructural development necessary to support these activities. The majority of livestock grazing impacts occur around existing water sources such as streams, springs, troughs, stock ponds, areas providing cover or shade, and along fence lines where livestock tend to trail. The soils within and closely surrounding these areas receive heightened use and may exhibit signs of soil compaction, erosion, and reduced productivity.

With the appropriate DRAs public land grazing associated with drought would be authorized/ or temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

Oil and gas activities and development of subsurface minerals are currently limited in the immediate area, but has seen an increase in recent years for the general area. With energy development increasing, areas of decreased vegetation and litter cover resulting from development are generally more susceptible to soil erosion, increased runoff, and infestation by invasive, non-native plant species. Development on public lands always includes mitigation measures to reduce or eliminate these impacts; however, development on private land may not be as closely monitored or mitigated.

### **3.2.2 Water Quality, Surface**

Affected Environment: Runoff water from the Upper Middle Creek & Lower Bear Gulch Allotments flows through the North Fork of Middle Creek, Little Middle Creek and main stem of Middle Creek, eventually into Trout Creek. Water quality of the main stem of Trout Creek including all tributaries must support Aquatic Life Cold 1, Recreation 1a, Water Supply and Agriculture. There are no water quality impairments or suspected water quality issues for waters influenced by the allotments.

Environmental Consequences, Proposed Action: No adverse impacts to water quality would occur resulting from implementing the Proposed Action.

Environmental Consequences, No Grazing Alternative: With no water quality impairments or suspected water quality issues for waters influenced by the allotments no measurable beneficial impacts would be experienced with the selection of this alternative.

Environmental Consequences, Cumulative Impacts: Past, present, and reasonably foreseeable actions that would have the potential to impact surface water quality in area surrounding the Upper Middle Creek and Lower Bear Gulch Allotments primarily include ranching, recreation, domestic energy exploration and development, and the infrastructural development necessary to support these activities. None of these activities are anticipated to increase or cause significant changes in land use in the reasonably foreseeable future. In the event of increased domestic energy exploration and development, these actions have the most potential to affect surface water quality. The low level of livestock grazing on these allotments would not add any cumulative impacts.

With the appropriate DRAs public land grazing associated with drought would be authorized/ or temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

## **3.3 BIOLOGICAL RESOURCES**

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### **3.3.1 Invasive/Non-Native Species**

Affected Environment: Invasive plant species and noxious weeds occur within or near the affected area. Canada thistle, Hound's tongue, Dalmatian toadflax, white top and musk thistle are noxious weeds of concern within or near the allotments. Other species of noxious weeds could be introduced by vehicle traffic, livestock, wildlife and other means of dispersal. Principals of Integrated Pest Management (IPM) are employed to control noxious weeds on BLM lands in the Little Snake Field Office.

Environmental Consequences, Proposed Action: Access to public lands for dispersed recreation, hunting, livestock grazing management, livestock and wildlife movement, as well as wind and water, can cause weeds to spread. Surface disturbance from livestock concentration and human

activities associated with grazing operations can increase weed presence. The largest concern in the allotments would be for biennial and perennial noxious weed infestations to establish and not be detected. Once an infestation is detected it could be controlled with various IPM techniques. Land practices and land uses by the livestock operator and their weed control efforts and awareness would largely determine the identification of potential weed infestations within the allotments.

Environmental Consequences, No Grazing Alternative: This alternative removes the spread and introduction of weeds by livestock. Additional sources of seed dispersal would still be present throughout the allotments. However, under this alternative there would be no presence by the grazing permittee to assist with detection of infestations.

Environmental Consequences, Cumulative Impacts: Under the Proposed Action weed infestation and dispersal through livestock transport may increase on a potential of 976 acres of BLM land. This increased risk would be an acceptable level as managed under the grazing lease.

### **3.3.2 Migratory Birds**

Affected Environment: Migratory bird habitats on the allotments are very diverse ranging from species associated with sagebrush grasslands, large dense areas of mountain shrub vegetation types, large aspen colonies, and dense stands of spruce and fir. A variety of migratory birds may utilize these vegetation communities during the nesting period (May through July) or during spring and fall migrations. The two allotments in the Proposed Action provide potential habitat for several species on the USFWS's Birds of Conservation Concern (BCC) List in Region 16 (Southern Rockies/Colorado Plateau). Those species associated with the BCC Region 16 list and the allotments are presented by habitat affiliation below.

The primary BCC species associated with shrubland habitats in the LSFO is Brewer's sparrow. Brewer's sparrows are a summer resident in Colorado and nest in sagebrush stands. Nests are constructed in sagebrush and other shrubs in denser patches of shrubs. This species would likely be nesting from mid-May through mid-July.

BCC species that utilize mixed conifer and aspen stands include Cassin's finch and flammulated owl. Cassin's finches are a year round resident of Colorado. This species nests in higher elevation forests and move to lower elevations for the winter. Flammulated owls nest in tree cavities and inhabit higher elevation aspen and conifer forests during the summer months.

Raptor species are tied to several different habitat types within these allotments. Sagebrush and other shrublands provide open spaces for hunting, while rocky outcrops, woodlands, sporadic trees and cottonwood forests provide nesting substrates. Prairie and peregrine falcon, golden and bald eagle, and ferruginous hawk likely nest and hunt on and near these two allotments. Because many of these raptors are also BLM sensitive species, more information is provided in the T&E and Sensitive Animal Section of this EA.

Environmental Consequences, Proposed Action: While livestock grazing can directly impact reproductive success of migratory songbirds by trampling of nests, it is more likely that it

indirectly influences reproductive success due to changes in vegetation such as species composition, height or cover.

The Proposed Action would not change the loose rest rotation grazing scenario in the allotments. According to Land Health Assessments (LHAs) conducted in 2014, there are diverse and productive vegetative components that provide good wildlife habitat. The Proposed Action would also maintain habitat for small mammals, which serve as prey species for species of raptors. The Proposed Action is compatible with maintaining local migratory bird populations. In the event of drought the appropriate DRAs would prevent drought related impacts to wildlife habitats and natural resources.

Environmental Consequences, No Grazing Alternative: This alternative would lead to increases in vertical structure, composition and density of herbaceous understory on the allotment. Benefits associated with livestock removal would be most expected in those areas that currently experience concentrated livestock use (such as water sources). Response by migratory birds to vegetative changes would depend on the species, likely providing the greatest benefit to ground and low shrub nesters.

Environmental Consequences, Cumulative Impacts: The primary use of the allotments and the surrounding area is livestock grazing and limited recreation (hunting) due to public access. Continuation of grazing would not add substantially to existing or proposed disturbances. The Proposed Action would maintain vegetative conditions for migratory bird species. With the appropriate DRAs public land grazing associated with drought would be authorized/ or temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

### **3.3.3 Special Status Animal Species**

Affected Environment: There are no Endangered Species Act (ESA) listed or proposed species that inhabit or derive important benefit from habitats in the general area.

There are no active Columbian sharp-tailed grouse leks within the boundaries of either of the allotments; however, there are numerous active leks within a 1.25 mile radius of the allotments, as well as mapped nesting habitat. Reproductive functions (breeding, nesting and brood-rearing) are considered the most important grazing-related aspect of Columbian sharp-tailed grouse biology. In general, broods would appear from late May to early June.

The allotments also provide habitat for three additional BLM sensitive species; golden eagle, prairie falcon, and Brewer's sparrow. There is one prairie falcon and several golden eagle nests along Middle Creek in the Lower Bear Gulch Allotment. In general, the golden eagles would utilize the allotments during the winter months when opportunistically feeding on winter killed big game species. The prairie falcon typically nests on the cliff faces along Middle Creek and would likely use the allotments as hunting grounds during the summer. Brewer's sparrows are a summer resident in Colorado and nest in sagebrush stands. Nests are constructed in sagebrush and other shrubs in denser patches of shrubs. This species would likely be nesting in the Proposed Action area from mid-May through mid-July.

Environmental Consequences, Proposed Action:

*Columbian Sharp-Tailed Grouse*

Livestock grazing has the potential to reduce residual grass cover, an important habitat component for sage-grouse nest concealment. These allotments are meeting Land Health Standards and adequate cover for nest concealment in the form of new growth and residual cover is present.

*Golden Eagle and Prairie Falcon*

These species likely hunt in upland habitats in the general area. During the winter, both species are likely present within both allotments, feeding on road and winter killed big game. The Proposed Action would maintain vegetative conditions in the two allotments, which would continue to provide suitable habitat for upland prey species. Overall this alternative would be compatible with maintaining healthy habitat for raptors and prey species.

*Brewer's Sparrow*

Grazing can directly impact Brewer's sparrows by trampling nests, or indirectly affect this species by changing components of habitat. Grazing may cause an increase in weed infestations, primarily cheatgrass, which would degrade sparrow habitat. Additionally, the presence of livestock can increase the abundance of brown-headed cowbirds, increasing the chance for nest parasitism by this species (Holmes and Johnson 2005).

Grazing systems that promote healthy sagebrush communities would be compatible with maintaining Brewer's sparrow habitat. The loose rest rotation of the current grazing scenario would maintain these healthy ecosystems.

LHAs conducted in 2014 show that the herbaceous component and grass community is composed of diverse native vegetation and is providing good habitat. Following the 50% utilization limit, continuation of the current grazing practices in the allotments would maintain habitat for all these special status species. In the event of drought the appropriate DRAs would prevent drought related impacts to wildlife habitats and natural resources.

Environmental Consequences, No Grazing Alternative: This alternative would lead to slight increases in vertical structure, composition and density of herbaceous understory on the allotments as a whole. Wildlife use would continue and elk, whose dietary overlap with cattle is considerable, would continue to use the allotments. Additional concentrated use near seasonal water sources would likely still continue and non-native species would still be present with the potential to increase.

Environmental Consequences, Cumulative Impacts: The primary use of the allotments and the surrounding area is livestock grazing and limited recreation (hunting) due to public access. Continuation of grazing would not be expected to add substantially to existing or proposed disturbances. The Proposed Action would maintain vegetative conditions for these species. With the appropriate DRAs public land grazing associated with drought would be authorized/ or

temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

#### References Cited

Holmes, Jennifer A. and Johnson, Matthew J.  
2005 *Brewer's Sparrow (Spizella breweri): A Technical Conservation Assessment*  
Ecosphere Environmental Services, Durango, CO

### **3.3.4 Upland Vegetation**

Affected Environment: Vegetation on both allotments is very diverse ranging from species associated with sagebrush grasslands, large dense areas of mountain shrub vegetation types, large aspen colonies, and dense stands of spruce and fir.

Environmental Consequences, Proposed Action: There would be no adverse impacts; current conditions would continue to sustain a healthy and diverse upland vegetation community in both allotments. In the event of drought the appropriate DRAs would assure no drought related impacts to upland vegetation would occur.

Environmental Consequences, No Grazing Alternative: Not allowing livestock use on either allotment would result in reduced herbivory throughout the plant communities. Wildlife use would continue and elk, whose dietary overlap with cattle is considerable, would continue to use the allotments. Additional concentrated use near seasonal water sources would likely still continue and non-native species would still be present with the potential to increase.

Environmental Consequences, Cumulative Impacts: All facets of the plant communities on the allotments are affected by climate, wildlife, and direct disturbance through the presence of roads and other physical facilities both within and adjacent to the allotments. Past agricultural practices and recreation use have and would continue to affect the vegetation community within the allotments. When added to the existing activities in and adjacent to the Upper Middle Creek and Lower Bear Gulch Allotments, approval of the Proposed Action would not cause undue damage to upland vegetation in relation to past, current and foreseeable future land uses in the general area. With the appropriate DRAs public land grazing associated with drought would be authorized/ or temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

### **3.3.5 Wetland and Riparian Zones**

Affected Environment: Riparian resources are present in both the Upper Middle Creek and Lower Bear Gulch Allotments. These resources include Middle Creek and North Fork of Middle Creek, which flow through both allotments. Additionally, Little Middle Creek passes through the Lower Bear Gulch Allotment. Portions of each of these streams have been assessed within these allotments following the riparian assessment methodology for Proper Functioning Condition (PFC), which is a qualitative method for assessing the condition of riparian and wetland areas. The results of these assessments appear below:

Results of Proper Functioning Condition (PFC) assessments

Reach (miles)	Condition assessment (date)	Trend
North Fork Middle Creek (1.48)	Functional—At Risk (9/4/2014)	Not apparent
Middle Creek (0.44)	Functional—At Risk (9/9/2014)	Not apparent
Little Middle Creek - R1 (0.28)	Functional—At Risk (7/31/2000)	Not apparent

These three PFC assessments were the first ones done for each respective reach. This is an important point, because the highest functional rating determination that can be assigned to a reach at its first assessment is Functional—At Risk. In fact, the attributes and processes noted for each of these reaches represented Proper Functioning Condition, but the PFC assessment being done for the first time precluded a determination of Proper Functioning Condition.

Environmental Consequences, Proposed Action: Forage resources found in the riparian areas could receive grazing use during the early growing season as a result of drift from the private lands, which are used earlier than the uplands on the majority of the public lands. Due to the limited use and low livestock numbers there would be no adverse impacts.

Land management practices and stream morphology on private lands upstream and downstream of these short public land segments can affect the stability of the riparian areas on public lands. Thus a balanced rotational grazing system that incorporates pastures having BLM lands would be better for the stream system and the riparian portions of this allotment. In the event of drought the appropriate DRAs would prevent drought related impacts to riparian and wetland resources.

Environmental Consequences, No Grazing Alternative: The No Grazing Alternative has the potential to eliminate grazing pressure in the riparian areas that exist within these allotments. However, there was little evidence of adverse livestock grazing in the PFC assessments.

Environmental Consequences, Cumulative Impacts: Based on site visits, the grazing in the riparian areas of these allotments is primarily due to elk. Continuation of livestock grazing would not be expected to substantially degrade riparian conditions. The Proposed Action would maintain healthy riparian areas. With the appropriate DRAs public land grazing associated with drought would be authorized/ or temporarily suspended to the level necessary that prevents any present or reasonably foreseeable cumulative impacts.

### 3.3.6 Wildlife, Terrestrial

Affected Environment: The public lands in the Upper Middle Creek and Lower Bear Gulch Allotments receive less cattle use than the private lands due primarily to steep terrain and heavy forestation; these factors along with deep snow in winter also limit the amount of big game use. The project area provides summer and winter range for elk, but they stay north of Middle Creek and the allotments for calving, winter concentration, and severe winter use.

Black bear concentrate in the area in the fall and these allotments also provide overall habitat for moose, mule deer, and mountain lion.

Environmental Consequences, Proposed Action: Livestock grazing can alter vegetation structure, composition and function. Effects on terrestrial wildlife are dependent on the species of interest and may be adverse or beneficial depending on grazing numbers, timing, frequency and intensity. During land health assessments and recent allotment visits, the uplands were found to be in good condition, providing suitable habitat for wildlife species. These conditions would continue under the renewal of the grazing system described in the Proposed Action.

Continuation of the grazing would not degrade wildlife habitats. LHAs conducted in 2014 show that the herbaceous component and grass community is composed of diverse native vegetation and is providing good habitat. Following the 50% utilization limit, continuation of the current grazing practices in the allotments would maintain habitat for all these special status species. In the event of drought the appropriate DRAs would prevent drought related impacts to wildlife habitats and natural resources.

Environmental Consequences, No Grazing Alternative: This alternative would lead to increases/improvements in vertical structure, composition and density of herbaceous understory on the allotments as a whole from current conditions. Benefits associated with livestock removal would be most expected in those areas that currently experience concentrated livestock use (such as water sources). Overall, wildlife species that would receive the most benefit would be grazing species and species that use herbaceous understory for hiding cover and nest concealment.

Environmental Consequences, Cumulative Impacts: Cumulative impacts to terrestrial wildlife would be similar to cumulative impacts described in the Migratory Bird section of this EA.

### **3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT**

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#### **3.4.1 Cultural Resources**

Federal agencies are mandated by various laws to consider the effect of proposed land use activities on cultural resources (i.e. archaeological and historic sites). The National Environmental Policy Act directs the federal government to preserve important historic and cultural aspects of the national heritage. The National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of federal undertakings on cultural resources that are eligible for inclusion in the National Register of Historic Places (NRHP).

Affected Environment: Various kinds of cultural resources are known at lower elevations in the drainage of Middle Creek and neighboring drainages. Most sites here are on private land and were recorded during surveys conducted for development of federal coal reserves. Among the recorded sites, common types of sites produced by Native Americans include campsites and scatters of flaked stone artifacts (so-called "lithic scatters"). Sites produced by Euroamericans are commonly associated with habitation and use of the area for ranching.

Grazing lease renewals are undertakings under Section 106 of NHPA. During Section 106 review, a cultural resource assessment was completed for the two allotments by Little Snake Field Office archaeologist Brian Naze on January 20, 2015 following the guidance outlined in Instruction Memorandum CO-2002-029. The results of the assessment are summarized in the following table.

<b>Allotment Name &amp; Number</b>	<b>BLM Acres Thoroughly Inventoried (at the Class III Level)</b>	<b>BLM Acres NOT Thoroughly Inventoried at a Class III Level</b>	<b>Percent -%-of BLM Acres in Allotment Inventoried at a Class III Level</b>	<b>Number of Important Cultural Resources on BLM Land Known in Allotment</b>	<b>High Potential for Historic or Archaeological Sites ? (Yes / No)</b>	<b>Management Recommendations (Additional Inventory Required and Sites to be Visited)</b>
Upper Middle Creek 04166	4	609	.006%	0	No	See text for discussion of survey needs.
Lower Bear Gulch 04656	4	269	.01%	0	No	See text for discussion of survey needs.

*Upper Middle Creek Allotment*

A file search of the cultural resource records maintained at the LSFO reveals that little on-the-ground survey has been completed on BLM land in the allotment and no cultural resources have been recorded. A single survey estimated to have covered two acres was done during an in-house survey by BLM in 2001 with negative results.

Following guidance in IM CO-2002-029, environmental conditions present in the allotment were considered to assess the likelihood that sites eligible to the NRHP are present on BLM land in order to recommend survey needs to locate and evaluated sites that might be affected by livestock grazing. Terrain within the two BLM tracts in the allotment largely consists of steep narrow ridges with intervening deep narrow drainages in the upper reaches of the Middle Creek drainage. Vegetation on the BLM tracts in the allotment is primarily dense scrub oak and/or mountain shrub where ground visibility is limited.

IM CO-2002-029 directs that a consideration of survey needs focus on sources of water where livestock concentrate and the effects of trampling on cultural resources are exacerbated. According to information gathered from the Rattlesnake Butte USGS 7.5' topographic map and records maintained in the LSFO range department, there are no point sources of water (i.e. livestock reservoirs or springs) on BLM tracts within the allotment where cattle would be

expected to congregate. Water for cattle is available along the entire stretch of the North Fork of Middle Creek in the BLM section within the allotment.

Based on the above information, the probability that important sites of the prehistoric or historic periods are present on BLM land is considered low and cultural resource survey to located sites that may be affected by livestock grazing is not recommended.

#### *Lower Bear Gulch Allotment*

A file search of the cultural resource records revealed that little on-the-ground survey has been completed on BLM in the allotment and no cultural resources have been recorded. Linear surveys along seismic lines and for coal exploration drill holes were conducted in the 1980s by contracting archaeologists with negative results. It is estimated that these surveys covered a total of a few acres of BLM land within the allotment.

Environmental conditions in the allotment were considered to assess the probability that sites eligible to the NRHP are present on BLM land in order to recommend survey needs to locate and evaluated sites that might be affected by livestock grazing. The allotment is in the upper reaches of the Middle Creek drainage and the terrain within the two BLM tracts in the allotment is steeply sloping and consists of narrow ridges with intervening drainages. Vegetation on the BLM tracts is primarily dense scrub oak and/or mountain shrub where ground visibility is limited.

In accordance with the guidance given in IM-CO-2002-029, consideration of survey needs took into account the nature of livestock watering sources under the rationale that point sources (i.e. springs and livestock reservoirs) may concentrate the effects of trampling on any cultural resources that may be present. According to the USGS 7.5' map, sources of water for livestock include a series of livestock reservoirs in the southern BLM tract along Little Middle Creek (permanent) and a pond along the upper reach of Middle Creek (intermittent) in the northern tract.

Although water sources for cattle are present on BLM land in the allotment, the environmental conditions discussed above suggest that the likelihood of eligible sites being present within the allotment is low. Therefore, additional survey to locate sites that may be affected by livestock use is not recommended.

Environmental Consequences, Proposed Action: Potential impacts to cultural resources from livestock grazing include both direct and indirect impacts. The direct impacts that occur where livestock concentrate include trampling, and churning of site soils, cultural features, and artifacts. Other direct effects include breakage of surface artifacts and impacts from leaning and rubbing against historic structures and rock art. Indirect impacts include soil erosion, gullying, and increased potential for unauthorized artifact collecting due to increased site visibility.

The Proposed Action would not have adverse effects on cultural resources. No prehistoric or historic sites are recorded in the two allotments and environmental conditions suggest that the presence of eligible sites is unlikely.

Environmental Consequences, No Grazing Alternative: None

Environmental Consequences, Cumulative Impacts: None, based on currently available information, no sites are recorded within the grazing allotment and the probability that eligible sites are present is considered to be low.

### **3.4.2 Native American Religious Concerns**

A number of laws direct federal land managing agencies to consider the views of Native Americans as part of the process of making land use decisions. The National Environmental Policy Act mandates that the federal government preserve important historic and cultural aspects of the national heritage. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with Native Americans regarding the effect of federal undertakings on sites that may be of cultural or religious importance to Indian people to ensure that tribal values are taken into account to the extent feasible. Finally, federal land managing agencies are directed by the American Indian Religious Freedom Act to facilitate access to sites on public land that are of importance to those practicing traditional native religions.

Affected Environment: Sites of Native American concern usually include burials, rock art sites, wickiups, and vision quest sites. In historic times, the Little Snake field area was inhabited by the Utes and the Shoshone. In 2013, a public scoping letter discussing livestock grazing permit/lease renewals and seeking input from any interested parties was sent to the three branches of the Ute tribe in Colorado and Utah and to the branch of the Shoshone in Wyoming. No comments were received.

Environmental Consequences, Proposed Action: Based on available evidence, livestock grazing within the allotments is not expected to impact sites or areas of concern to the historic tribes that inhabited northwest Colorado

Environmental Consequences, No Grazing Alternative: None

Environmental Consequences, Cumulative Impacts: None

## **3.5 RESOURCE USES**

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### **3.5.1 Livestock Operations**

Affected Environment: The public lands in these allotments are used far less than private lands. This is largely due to accessibility and fencing. However, these public lands allow for a loose rest rotation in which both public and private lands receive rest for enhancement and sustainment of wildlife habitat. These public lands allotments facilitate the current livestock operations that have been successfully applied for over a decade.

Environmental Consequences, Proposed Action: There would be no adverse effect; historic livestock operations would continue to be authorized. In the event of drought the appropriate DRAs would have short term adverse impacts to livestock operations but would assure no additional impacts to natural resources would occur, and would sustain future public land grazing.

Environmental Consequences, No Grazing Alternative: This alternative would be most distressing for livestock operations authorized on the subject allotments. Under this alternative the operator who relies on these public land allotments as part of overall livestock operations would not be able to continue ranching under realistic circumstances.

Under this alternative private lands that are a base for livestock operations and public land grazing preference may be put to other uses that would prove detrimental to adjacent public lands.

Environmental Consequences, Cumulative Impacts: With many decades of ranching and public land grazing, many adjustments have been necessary to address sustainable resource conditions and continue public land grazing. Future adjustments must be anticipated as natural resources are dynamic and environmental conditions unpredictable. Implementation of any alternative that continues public land grazing would not have cumulative adverse impacts if necessary adjustment continues to be incorporated into the overall management of these public land allotments. In the event of drought the appropriate DRAs would have short term adverse impacts to livestock operations but would assure no additional impacts to natural resources would occur, and would sustain future public land grazing.

## **CHAPTER 4– PUBLIC LAND HEALTH STANDARDS**

### **4.1 INTRODUCTION**

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Both allotments were assessed for upland Rangeland Health Standards in 2004 and 2014 by a rangeland management specialist and wildlife biologist, both assessments found that all standards are being met. Riparian Proper Functioning Condition assessments for Middle Creek and North Fork Middle Creek were conducted by a rangeland management specialist and wildlife biologist on 09/04/14. Reach 1 (lower) of Little Middle Creek was assessed in 2000.

### **4.2 COLORADO PUBLIC LAND HEALTH STANDARDS**

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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.

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

Finding of assessments (both allotments): This standard is met.

Proposed Action: This standard would continue to be met as the minimal level of grazing authorized on these allotments poses no threat to this standard not being met.

No Grazing Alternative: This standard would continue to be met.

**4.2.2 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.

Finding of assessments: All three lotic riparian areas within these allotments were rated as Functioning at Risk with No Apparent Trend. This rating is LSFO protocol for any first time riparian assessment as conditions and trend before the assessment have not been documented.

Proposed Action: This standard would continue to be met as the minimal level of grazing authorized on these allotments poses no threat to this standard not being met. All riparian areas assessed in 2014 would have been rated as Proper Functioning Condition if a previous assessment was available. The ID team was confident that this would apply to the Little Middle Creek Reach 1 based on the general livestock operations, allotment use, and resource conditions.

No Grazing Alternative: This standard would continue to be met.

**4.2.3 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.

Finding of assessments: This standard is met.

Proposed Action: This standard would continue to be met as the minimal level of grazing authorized on these allotments poses no threat to this standard not being met.

No Grazing Alternative: This standard would continue to be met.

**4.2.4 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.

Finding of assessments: There are no federally listed threatened or endangered or BLM sensitive plant species present on public lands within these allotments. This standard does not apply.

There are no federally listed threatened or endangered animals species present on public lands within these allotments. Both allotments provide habitat for three BLM sensitive species, Columbian sharp-tailed grouse, Brewer's sparrow, golden eagle, and prairie falcon. This allotment is currently meeting this standard and would continue to be met under either alternative.

**4.2.5 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.

Finding of assessments (both allotments): This standard is met.

Proposed Action: Permitting livestock grazing in either allotment as proposed would not result in measurable changes to water quality and continue to meet this standard.

No Grazing Alternative: The potential for direct and indirect impacts to downstream water quality caused by livestock use, including any potential for sedimentation, is eliminated under this alternative. This standard would continue to be met.

**SIGNATURE OF PREPARER:**

*KMM Lunn*

**SIGNATURE OF ENVIRONMENTAL REVIEWER:**

*Kathy McKinstry*

**DATE SIGNED:**

*3/2/15*