

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)

*Slash EV, LOV, Oldland Brothers Range Improvement Projects  
(Park Reservoir Well, solar panels, pipelines and troughs, Little Dry Pit #3 Water  
Storage Tank and Trough, and North Barnes Ridge Drift Fence)*

**DOI-BLM-CO-N05-2015-0022-EA**

### Background

Livestock management in the Slash EV and Fawn Creek allotments depends on reliable water. Currently water has to be hauled to the proposed Park Reservoir well/trough project sites because Park Reservoir doesn't hold water often. Little Dry Pit #3 was obliterated during construction of a well pad. A Chevron groundwater monitoring well (adjacent to Park Reservoir) has recently been converted to a water well and turned over to the BLM. In the fall of 2014 the pad associated with this well was recontoured, ripped, seeded, and fenced for final reclamation.

In the West Stewart Gulch allotment there is a need to improve the control of livestock to ensure that they stay in specified use areas and that certain groups don't mix (i.e. bulls and yearling heifers). There is an existing brush drift fence but it is becoming more difficult to maintain and it is not as effective as a wire fence.

These three livestock grazing permittees and BLM staff have identified two water development projects and a drift fence project that if approved would improve livestock management in the areas surrounding the projects in these three livestock grazing allotments. The water sources would be used for early summer grazing and some late fall grazing (Slash EV only). The drift fence would help control livestock movement during the early and mid-summer timeframe. The current grazing use periods for LOV and Slash EV in the affected pastures are shown below.

Allotment Name	Number	Pasture	Date On	Date Off	Days Grazed
Fawn Creek	06024	Dry Gulches	05/1	06/20	51

LOV Ranch cattle are turned in at the lower end of the Dry Gulches pasture of the Fawn Creek allotment (around the water projects) and graze their way to the upper end by the end of the use period. In the fall they return to the home ranch through a different area.

Allotment Name	Number	Pasture	Date On	Date Off	Days Grazed
Slash EV (even years)	06023	Enoch-Big Jimmy	5/1	6/15	46

Slash EV (odd years)	06023	Enoch-Big Jimmy	5/1	5/30	30
Slash EV	06023	Enoch-Big Jimmy	10/16	11/15	31

Slash EV cattle are turned in at the lower end of the Enoch-Big Jimmy pasture of the Slash EV allotment (around the water project) and graze their way to the upper end by the end of the use period. Those cattle graze down through this pasture in the fall.

Design features in the environmental assessment document (CO-N05-2015-0022-EA) specify modified reclamation responsibilities for oil and gas industry related projects in the areas adjacent to the Park Reservoir well and the Little Dry Pit #3 storage tank and trough.

### **Finding of No Significant Impact**

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

#### ***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. There is a high level of oil and gas development including pads, pipelines, infrastructure and roads in the area surrounding the project areas but there will not be any affect to the projects, nor will the projects affect the oil and gas activity. Each project would create a minor amount of surface disturbance (less than 1/4 acre total) and would continue or create livestock concentration areas of 10 to 15 acres each immediately around each of the water sources.

#### ***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.**

The identified project sites are within the Slash EV, Fawn Creek, and West Stewart Gulch livestock grazing allotments southwest of Meeker, Colorado. There would be increased potential for establishment of noxious weeds in the area immediately surrounding (0.1 mile) each water trough site because of the concentrated use at the water. There would be some minor short term vegetation disturbance associated with installation of the waterline and the water troughs. Benefits of the projects will be improved livestock distribution and management in these

allotments. The water developments should also benefit vegetation resources by increasing livestock distribution, which would indirectly reduce the intensity of grazing use.

**2. The degree to which the Proposed Action affects public health or safety.**

None of water developments nor the drift fence should create any impact to public health and safety.

**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.**

There are no historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that are in or near the project areas.

**4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.**

No comments or concerns have been received regarding possible effects on the quality of the human environment during scoping.

**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. Range improvement projects are identified and discussed in the White River ROD/RMP and the 1981 Grazing EIS. The analysis, approval, and implementation of similar projects is common for improving livestock management on public lands.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The Proposed Action is not related to any other actions with individually insignificant but cumulatively significant impacts.

**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 Proposed Action will not adversely affect districts, sites, highways, structures or objects listed on the National Register of Historic Places. Cultural surveys were completed and there are no cultural issues or concerns associated with the Proposed Action.

**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 are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. Water depletions from the Colorado River Basin are considered likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, and razorback. This project falls under the BLM Colorado's Programmatic Biological Assessment (PBA) for water depleting activities (excluding fluid minerals development) on BLM lands in the Colorado River basin in Colorado (BLM 2008). The Slash EV and LOV water projects will deplete 3.5 acre feet annually from the Colorado River Basin. The depletion fee for this project is \$71.82. This project has been entered into the WRFO water depletion log which will be submitted to the Colorado State Office (COSO) at the end of the Fiscal Year. The COSO is responsible for paying depletion fees based on the annual statewide total.

**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**

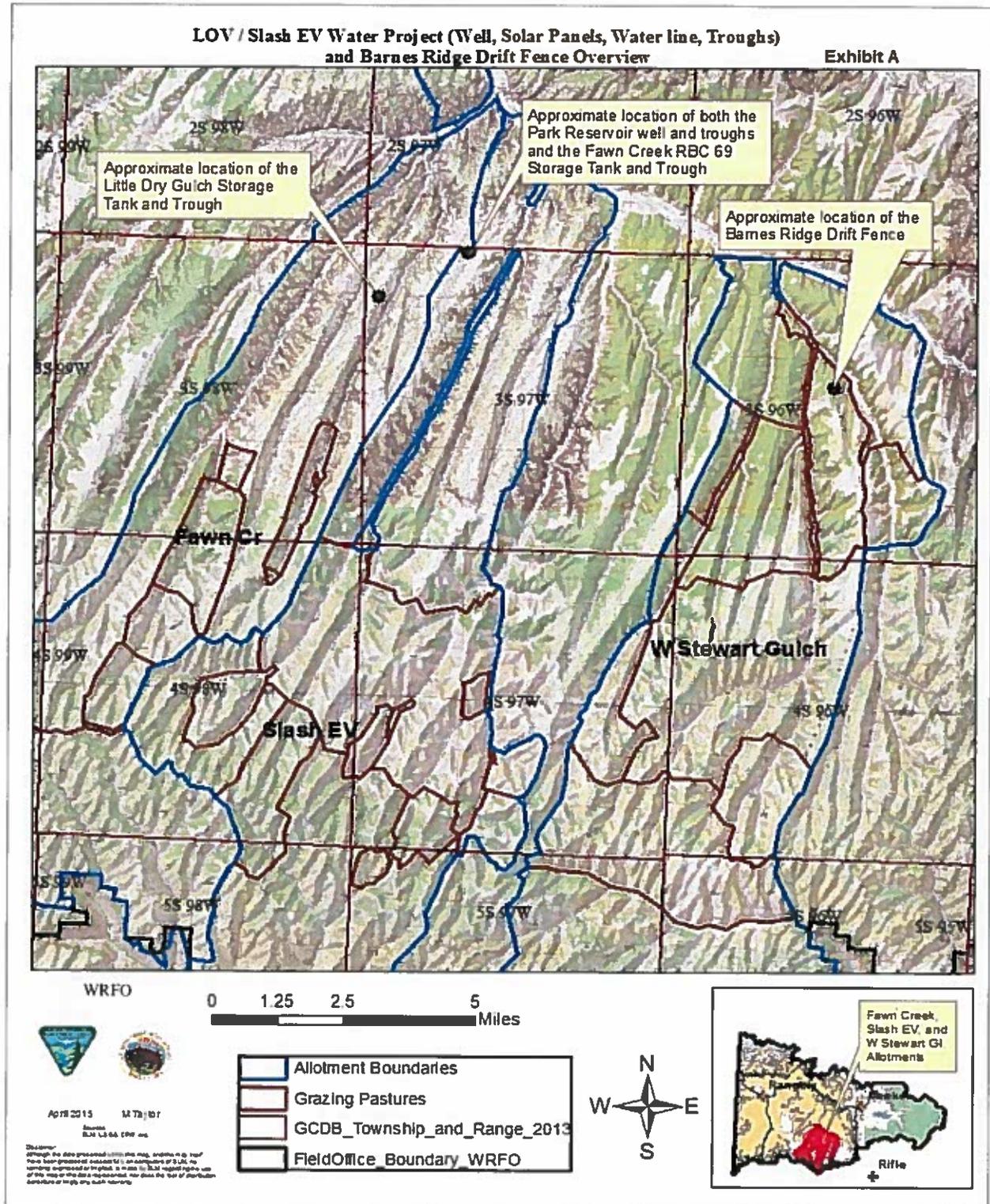
  
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Field Manager

  
\_\_\_\_\_

Date

# Appendix A. Figures





United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
White River Field Office  
220 East Market Street  
Meeker, CO 81641



## NOTICE OF PROPOSED DECISION

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed the application for range improvements (Park Reservoir Well, solar panels, waterline, and troughs, Little Dry Pit #3 water storage tank and trough, and North Barnes Ridge Drift Fence) in the Slash EV, Fawn Creek, and Oldland Gulch allotments respectively.

### BACKGROUND

To comply with the National Environmental Policy Act, the WRFO conducted an environmental assessment (DOI-BLM-CO-N05-2015-0022-EA) to determine whether or not significant impacts would result from implementation of the proposed water developments and drift fence in these allotments.

### FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-N05-2015-0022-EA and it was found to have no significant impacts, thus an EIS is not required.

### PROPOSED DECISION

In conformance with 43 CFR 4160.1, it is my proposed decision to implement the Proposed Action, as described in DOI-BLM-CO-N05-2015-0022-EA, authorizing the Slash EV Ranch and LOV Ranch to install solar panels, a water line and a water trough (known as the Park Reservoir well project), to place a water storage tank and trough (known as the Little Dry Pit #3 Storage Tank and Trough) and authorizing Oldland Brothers Ranch to construct a wire drift fence (known as the North Barnes Ridge Drift Fence), at the locations described in the EA document, and to maintain these projects in the future.

### Applicant Committed Design Features:

1. Each livestock grazing permittee will be assigned future maintenance responsibilities for the appropriate projects and any access routes to them through Cooperative Maintenance Agreements.
2. To reduce the time livestock linger around the water sources and to encourage them to leave the trough sites, no salt or mineral supplement will be placed within  $\frac{1}{4}$  mile of any of these water sources.

3. To reduce big game lingering around the water sources through the summer, water will only be pumped into the Park Reservoir troughs and hauled to the Little Dry Pit #3 trough during the scheduled use periods when livestock are present.
4. All of the disturbed soil associated with installation of the waterlines and the site associated with the Fawn Creek RBC 69 Stock Water Storage tank and trough site will be seeded with seed mix #2 in the fall (September/October) following construction.

**Seed Mix #2**

<b>Cultivar</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>Application Rate (lbs PLS/acre)</b>
Arriba	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	3.5
Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>inermis</i>	4
Lodorm	Green Needlegrass	<i>Nassella viridula</i>	2.5
Timp	Northern Sweetvetch	<i>Hedysarum boreale</i>	3
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

5. Slash EV Ranch and LOV Ranch will be responsible for controlling noxious weeds associated with their respective portions of the water projects through the life of the projects.
6. The well, waterline, all trough sites, and the fence construction site will be maintained in a sanitary condition at all times; all waste materials will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
7. If there is any spill or release of any chemical, oil, petroleum product, or solid waste during the pipeline and trough installation or fence construction a ranch representative will contact the BLM WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) at 1(877)518-5608.
8. At the Little Dry Pit #3 Water Storage tank and trough site, the revegetation (only) reclamation success criteria and noxious weed control (only) in the immediate area (200 meters either side of the tank and trough) will be waived by the BLM for the right-of-way holders (Bargath LLC pipeline ROWs COC74979 and COC70713, and WPX Energy Rocky Mountain LLC pipeline ROWs COC075171 and COC74980) for the pipeline disturbance due to the creation of a livestock concentration area at that site. Future weed control in this identified area will be the responsibility of the LOV Ranch. This modification in reclamation requirements will be filed in these ROW case files.
9. At the Park Reservoir Well site, the revegetation (only) reclamation success criteria and noxious weed control (only) in the immediate area (access route from BLM 1014 and a 20 foot radius around the well head) will be waived by the BLM for Chevron (COC-

69165) where maintenance activities by the grazing permittees may hinder vegetation establishment. Future weed control in this identified access route and well-head area as well as the immediate area (200 meters surrounding the troughs) will be the responsibility of the Slash EV and LOV Ranches. This modification in reclamation requirements will be filed in this case file.

**Mitigation Measures:**

1. The applicants (Slash EV and LOV Ranches) will effectively coordinate with existing ROW holders, Encana Oil and Gas (USA) Inc., Bargath LLC, and WPX Energy Rocky Mountain LLC, and locate pipelines prior to any construction activity (digging waterline).
2. All construction activity shall cease when soils or access routes to construction sites become saturated to a depth of three inches or more unless there are safety concerns or activities are otherwise approved by the authorized officer.
3. In order to protect public land health related to soils, erosion processes including rilling, gullyng, piping, and/or mass wasting in, near or adjacent to the surface disturbance will be prevented and/or mitigated by implementing best management practices (BMPs) to address potential and observed erosion problems. BMPs should be approved by the authorized officer.
4. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
5. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
6. Pursuant to 43 CFR 10.4(g), the applicant 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 operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
7. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate

or other scientifically-important fossils, or collecting fossils for commercial purposes on public lands.

8. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
9. All areas identified to be disturbed or that will become livestock concentration areas under the water development portion of this proposal will be monitored and treated for noxious weeds on an annual basis by Slash EV and LOV Ranches.
10. Application of herbicides must comply with the Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environments Impact Statement (EIS), and the WRFO Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).
11. Pesticide Use Proposals (PUPs) must be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds. The WRFO recommends that all PUPs be submitted no later than March 1st of the year anticipating herbicide application.
12. Pesticide Application Reports (PAR) will be provided to the BLM annually, usually in the fall at the end of annual weed treatment. The PAR will include the permittee name, PUP number, applicator name(s), application date, timeframe of application, location of application, type of equipment used, pesticide used including manufacturer and trade name, formulation, application rate in terms of active ingredient per acre, acres treated, primary species treated, stage of plant development, and weather conditions during treatment.

### **Final Decision**

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

## **RATIONALE**

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. The projects themselves are expected to have minimal if any negative impacts. Benefits would be improved livestock management and resource conditions in the affected pastures of the Slash EV, Fawn Creek and West Stewart allotments.

## **MONITORING AND COMPLIANCE**

On-going compliance inspections and monitoring will be conducted by White River Field Office staff during construction and into the future. Specific mitigation will be followed. The applicant will be notified immediately of compliance related issues verbally and in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues. Future range improvement project inspections will occur to ensure that these projects are maintained in a functional condition to serve their intended purpose.

## **AUTHORITY**

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as a qualified applicant under 43 CFR 4110.1.

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;

2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Mary Taylor, Range Specialist at 878-3807, or myself at 878-3800.

Sincerely,

A handwritten signature in blue ink that reads "Kent E. Walter". The signature is written in a cursive style with a large initial "K".

Kent E. Walter  
Field Manager