

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-N010-2015-0044-CX

CASEFILE/ALLOTMENT NUMBER: 0505662 / 04520

PROJECT NAME: Transfer of the grazing preference on the Danforth Allotment #04520 and issuance of a grazing permit on the Danforth Allotment #04520 and the Upper Hughes Creek Allotment #04410.

LEGAL DESCRIPTION: See allotment maps, Attachment #1.

Upper Hughes Creek #04410 T4N R96W parts of Sec. 11, 12, 13, 14, 15
T5N R96W part of Sec. 26

1,231 ac	BLM
120 ac	CO State Land Board
1,762 ac	Private
3,113 ac	Total

Danforth #04520 T4N R96W parts of Sec. 13, 14, 24
T4N R95W part of Sec. 18, 19

427 ac	BLM
716 ac	Private
1143 ac	Total

APPLICANT: Kim Banning

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 grazing preference on the Danforth Allotment #04520, and issuance of a grazing permit to Kim Banning on the Danforth Allotment #04520, based on the lease of the base property, through April 1, 2017. Additionally, a revised grazing permit would be issued to Kim Banning on the Upper Hughes Creek Allotment #04410 as a result of the previous adjustment of the allotment boundary between the two allotments (CX DOI-BLM-CO_N010-2014-0054). The percent public land (%PL) would be adjusted for the new allotment boundaries but there is no change to the livestock grazing on these allotments. The permits would be issued as follows:

From:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	Begin	End		
Danforth #04520	13	Cattle	05/10	10/31	20	15

To:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	Begin	End		
Danforth #04520	7	Cattle	05/10	10/31	37	15
Danforth #04520	18	Cattle	05/01	12/01	37	47
					Unscheduled	1
					Total	63

Special Terms and Conditions:

This permit or lease is issued under the authority of Section 402 (c) (2) of FLPMA, 1976 as amended, and contains the same terms and conditions as the previous permit or lease. This permit or lease may be cancelled, suspended, or modified in whole or in part to meet the requirements of applicable laws and regulations.

From:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	Begin	End		
Upper Hughes Creek #04410	162	Cattle	05/1	12/1	25	286

Special Terms and Conditions:

1. Per the agreement of 2/9/96, use will be limited to 228 AUMs pending the results of monitoring the allotment.

To:

Allotment Name & Number	Livestock		Dates		%PL	AUMs
	Number	Kind	Begin	End		
Upper Hughes Creek #04410	86	Cattle	05/1	12/1	39	237
					Unscheduled	1
					Total	238

Special Terms and Conditions:

1. Per the agreement of 2/9/96, use will be limited to 228 AUMs pending the results of monitoring the allotment.

This permit or lease is issued under the authority of Section 402 (c) (2) of FLPMA, 1976 as amended, and contains the same terms and conditions as the previous permit or lease. This permit or lease may be cancelled, suspended, or modified in whole or in part to meet the requirements of applicable laws and regulations.

These permits would also be subject to the Common Terms and Conditions in Attachment #2.

Both allotments are currently meeting Land Health Standards. See Attachment #3.

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.		<u>X</u>
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.		<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		<u>X</u>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		<u>X</u>
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.		<u>X</u>

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.	<u>X</u>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<u>X</u>
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).	<u>X</u>
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).	<u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Resource</u>	<u>Reviewed</u>
Cultural Resources	10/2/2015
T&E Plants	09/21/2015
T&E Animals	09/21/2015

NAME OF PREPARER: *Christina Rhyne*

SIGNATURE OF ENVIRONMENTAL COORDINATOR: *Kathy McKinstry*

DATE: *10/8/15*

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: *Wendy Reynolds*
Wendy Reynolds, Field Manager

DATE SIGNED: *10/21/15*

ATTACHMENT #1

Not to Scale

#04410

Upper Hughes Creek
Allotment

Legend

4410 Upper Hughes Crk Allotment

Roads (Moffat)

Surface Management Status

Private

State Lands

US Bureau of Land Mgmt

Allotments

#04410

Upper Hughes Creek

1,231 ac BLM

120 ac CO State LB

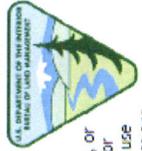
1,762 ac Private

3,113 ac Total

0 0.325 0.65 1.3

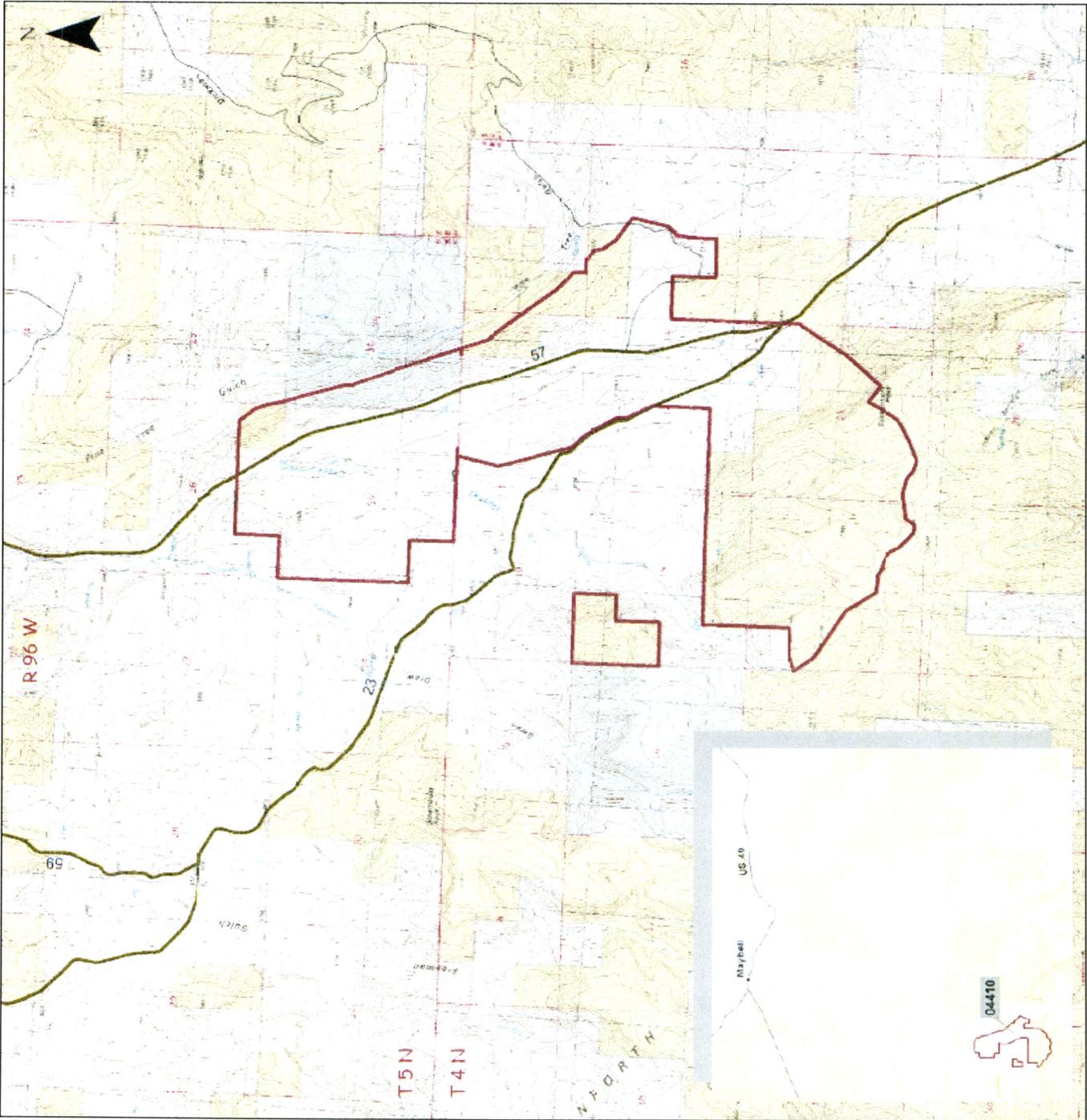


Miles



8/13/15
C. Rhyne

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.



#04520 Danforth Allotment

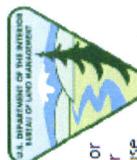
Legend

- 4520_Danforth_Allotment_NEW
- Roads (Moffat)

Surface Management Status

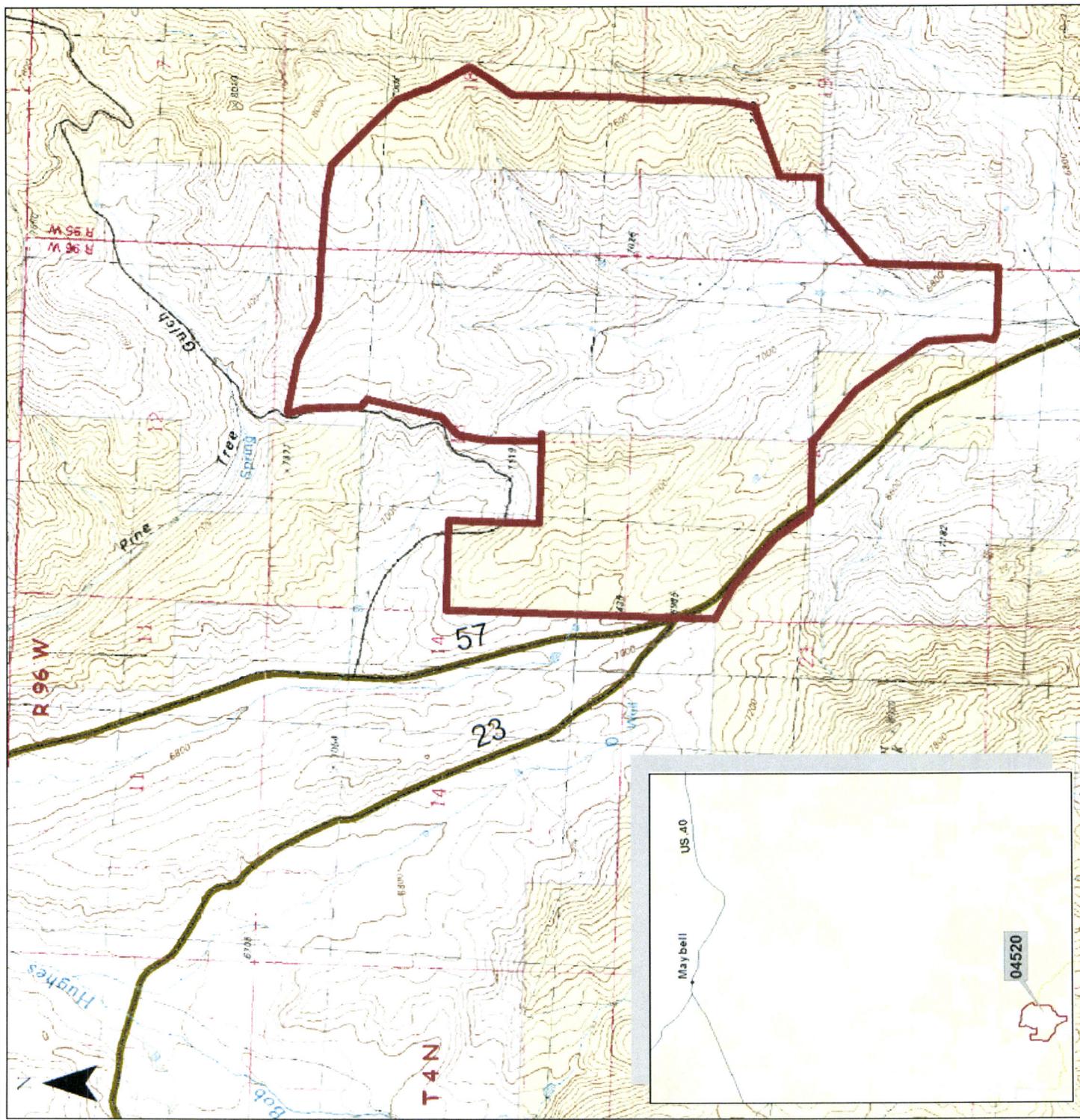
- Private
- State Lands
- US Bureau of Land Mgmt
- Allotments

#04520 Danforth	
427 ac	BLM
716 ac	Private
1,143 ac	Total



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.

8/13/15
C. Rhyne



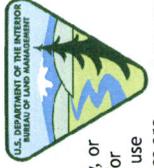
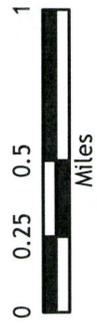
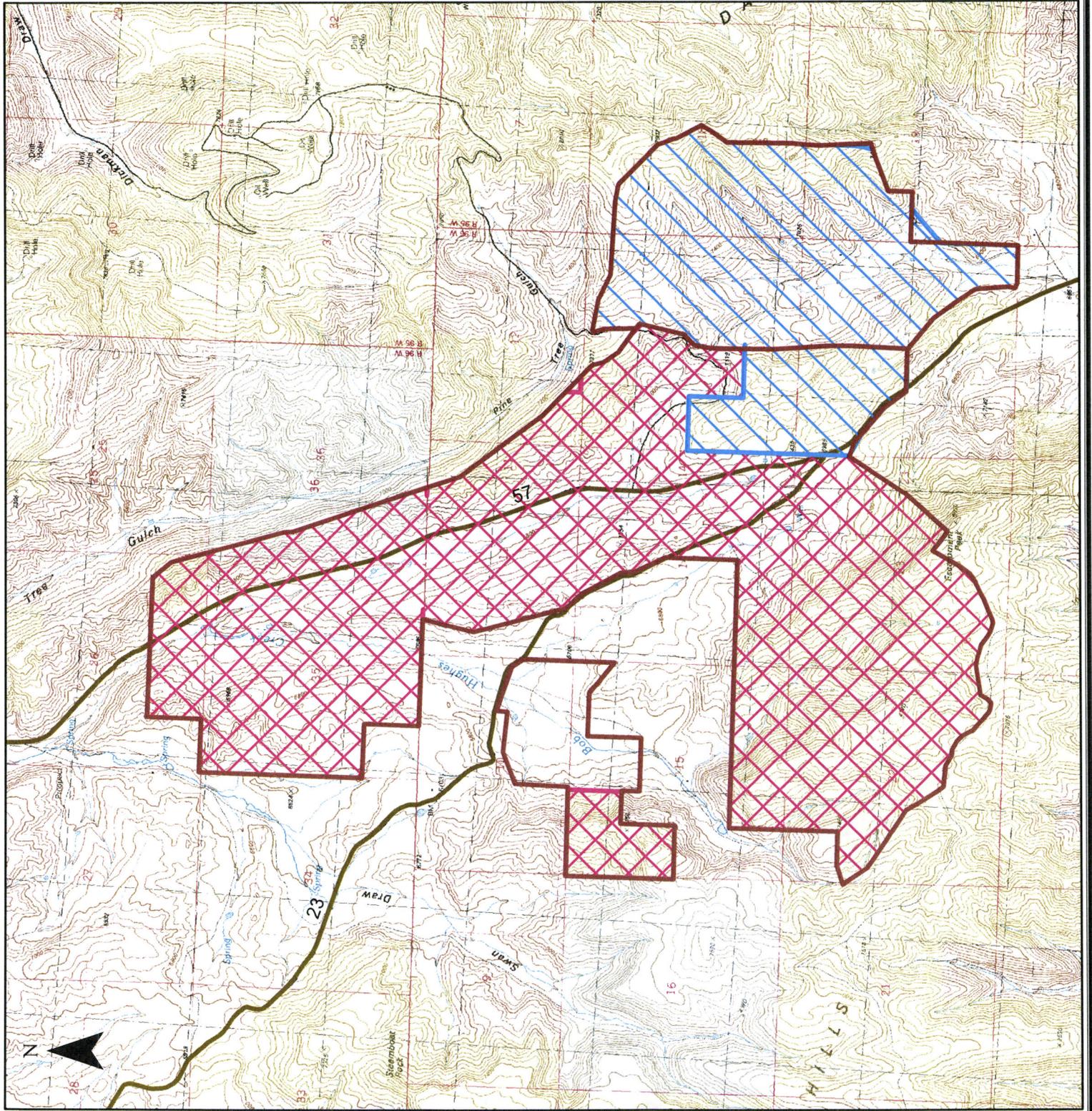
Revised Allotment Boundaries

Legend

-  Allotments - Pre 2015 Boundaries
-  4520_Danforth_Alloiment_NEW
-  4410 Upper Hughes Creek Allotment NEW
-  Roads (Moffat)

Surface Management Status

-  Private
-  State Lands
-  US Bureau of Land Mgmt



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.

8/13/15
C. Rhyne

**ATTACHMENT #2
DOI-BLM-N010-2015-0044-CX
TERMS AND CONDITIONS**

Standard Terms and Conditions

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

- 11) 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) 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.

**ATTACHMENT #3
DOI-BLM-N010-2015-0044-CX
Land Health Standards**

Danforth Allotment #04520

Standard Assessment for the Danforth Allotment #04520 was conducted on July 24, 2008 by an interdisciplinary team including a wildlife biologist, a rangeland technician and a rangeland management specialist.

STANDARD 1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.

Continued livestock use under the proposed action would meet this standard. Plant production is high in this allotment and accumulating surface litter is benefitting the soil resource. Slopes on public land are fairly steep and soil stability is as expected.

STANDARD 2. Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment and provides forage, habitat, and biodiversity. Water quality is improved or maintained. Stable soils store and release water slowly.

There are no riparian resources on the public land within this allotment. This standard does not apply.

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 potential. Plants and animals at both the community and population levels are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations and ecological processes.

This standard is currently being met and the proposed action to continue livestock grazing on this allotment would meet this standard. Herbaceous plant vigor and production are high within the allotment. Expected native species are present within the plant community. Decadent mature brush is present in a late seral stage likely due to the removal of, or infrequent occurrence of, fire in the area. Invasive species are present at acceptable levels and are not a direct result of current livestock use.

STANDARD 4. Special status, threatened, and endangered species (federal and state), and other plants and animals officially designated by BLM, and their habitats are maintained or enhanced by sustaining healthy native plant and animal communities.

This allotment does not contain habitat for threatened, endangered, or proposed animal species. The vegetation and plant communities are currently in a healthy condition. Continuation of grazing as proposed would not preclude BLM from managing for special status animal species in the future.

There are no federally listed threatened or endangered or BLM sensitive plant species present on the allotment. For plants, this standard does not apply.

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. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirement set forth under State law as found in 5 CCR 1002-8, as required by Section 303 of the Clean Water Act.

The water quality standard for healthy rangelands is being met and would continue to be met under the proposed action. Runoff from snow melt and summer storms drains from the affected lands directly into stream segments that are supporting classified uses. No stream segments are listed as impaired.

Upper Hughes Creek Allotment #04410

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: This standard is currently being met. The vegetative community has very high vigor and provides productive habitat for a variety of big game, small mammal and songbird species. The allotment would continue to meet this standard under the Proposed Action.

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal)

STANDARD: This allotment does not contain habitat for threatened, endangered, or proposed animal species. The vegetation and plant communities are currently in a healthy condition. Continuation of grazing as proposed would not preclude BLM from managing for special status animal species in the future.

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: This standard is currently met on the Upper Hughes Creek Allotment #04410. The proposed action would have a minimal impact upon the greater herbaceous community. This standard would continue to be met in the future.

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant)

STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species on the Upper Hughes Creek Allotment #04410. This standard does not apply.

RIPARIAN SYSTEMS STANDARD: The riparian standard for healthy rangelands would be met with implementation of the proposed action alternative.

WATER QUALITY STANDARD: The water quality standard for healthy rangelands would be met with implementation of the proposed action. Runoff from snowmelt and summer storms drains from the Upper Hughes Creek Allotment into stream segments that are presently supporting classified uses. No stream segments are listed as impaired.

UPLAND SOILS STANDARD: The upland soil standard for healthy rangelands would be met with implementation of the proposed action. The steep brushy slopes that comprise much of the public land within the Upper Hughes Creek Allotment would not be used very heavily by cattle, but some areas along the draws having lesser slopes have more accessible grazing lands. The one area of the allotment having the spring site and existing ponds is used heavily. The upland soil resource is currently meeting the upland heath standard.