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-N010-2016-0033-CX

CASEFILE/ALLOTMENT NUMBER: 0505825/04408

PROJECT NAME: Transfer of the grazing preference on the North Deception Creek Allotment #04408

LEGAL DESCRIPTION: See allotment map, attachment 1.

North Deception Creek Allotment #04408	T7N R95W Secs. 31-34 T6N R95W Secs. 4-9, 16-21 T6N R96W Secs. 1, 10, 12-15, 22-24, 26, 27, 34, 35
	4,851 acres BLM 1,076 acres private 6,001 acres Colorado Parks and Wildlife 1,139 acres State Land Board 13,067 acres TOTAL

APPLICANT: Diamond Peak Cattle Company, LLC

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

Name of Plan: Little Snake Resource Management Plan and Record of Decision (RMP) as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment

Date Approved: September, 2015

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 North Deception Creek Allotment #04408 from Raftopoulos Brothers to Diamond Peak Cattle Company LLC. This transfer is based on a change in name of the base property lessee. The base property is owned by Colorado Parks and Wildlife, who leases out the base property for this allotment. The permit would expire March 31st, 2021, concurrent with the expiration with the base property lease.

Allotment Name and Number	Livestock Number & Kind	Grazing Period Begin	End	%PL	AUMs
North Deception Creek #04408	190 Cattle	04/01	12/15	40	647
				unscheduled 1	
				TOTAL	648

The permit would be subject to the following special terms and conditions:

1. No livestock grazing will occur between July 1 and October 1.

2. The permittee will consult with Colorado Parks and Wildlife (CPW) and BLM on the grazing season and rotation system annually. Spring grazing will primarily occur from April 15 to June 15, but dates may vary due to weather and range conditions. Use after October 1 will not occur without prior approval from CPW and would only be on residual AUMs not used prior to July 1.

3. No one area will receive spring or early summer grazing use for more than 7 days in a season. Water system manipulation and active herding will be used to vary rotation patterns each year. Turn out and take out locations may not be repeated within a three year period. No one area may be used during the same week in consecutive years.

4. Livestock will not be allowed to use riparian areas along Deception Creek at any time until 2008 without prior approval from CPW and BLM.

The permit would be subject to the Standard and Common Terms and Conditions (see Attachment 2).

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

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	___	X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	___	X

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	___ X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___ X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___ X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	___ X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	___ X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	___ X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	___ X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	___ X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	___ X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	___ X

NAME OF PREPARER: [illegible]

SIGNATURE OF ENVIRONMENTAL COORDINATOR: Kathy McKinstry

DATE: 6/9/16

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: For Patricia S Tuby

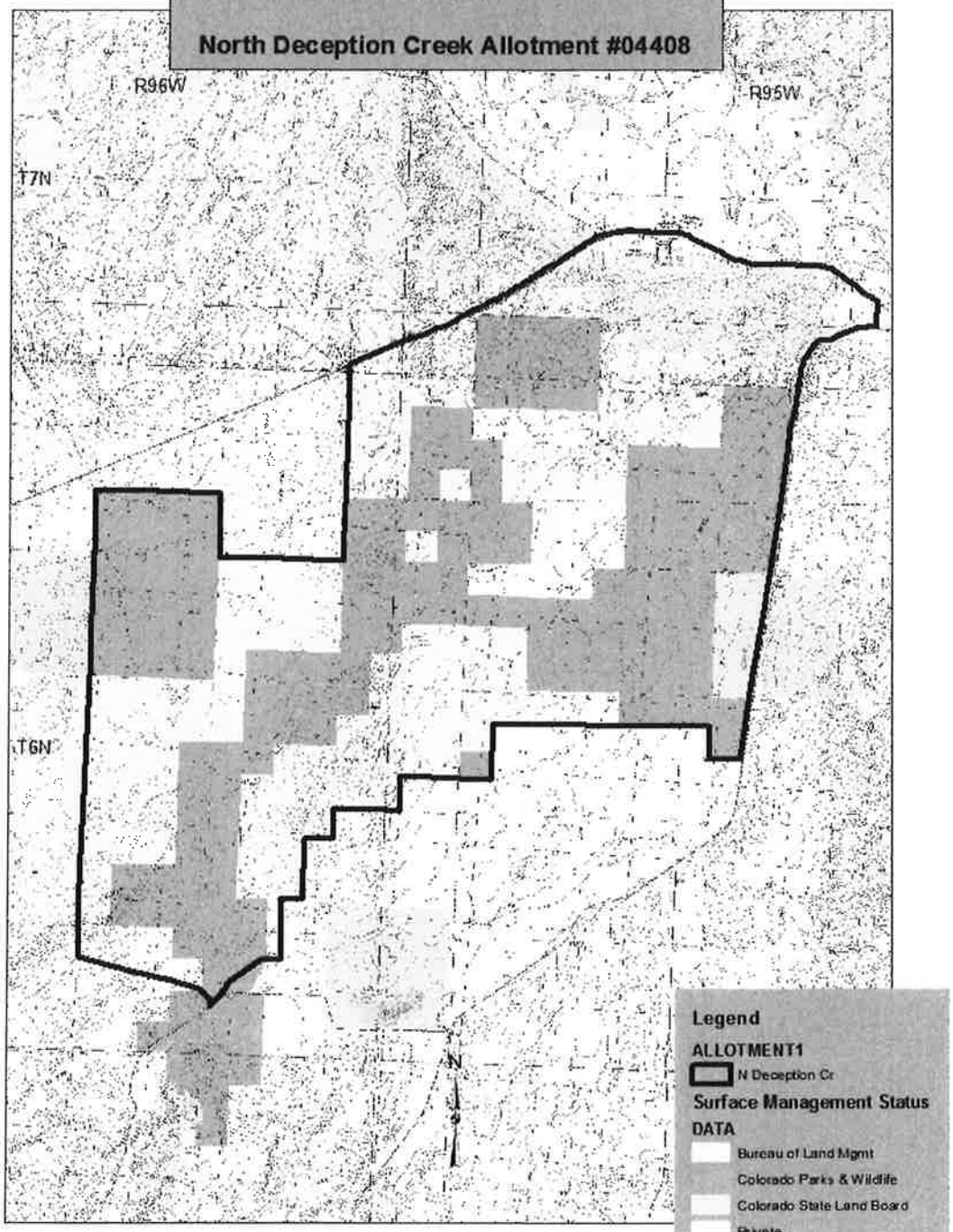
Kathy McKinstry, Acting Field Manager

DATE SIGNED:

06-13-2016

Attachment 1
DOI-BLM-N010-2016-0033-CX

North Deception Creek Allotment #04408



Cedar Knob 7.5'
Juniper Mountain 7.5'
Maybell 7.5'
Sunbeam 7.5'

1 : 67 188

0 0.5 1 2 3 4 Miles

6/13/16
JHS

ATTACHMENT #2
DOI-BLM-N010-2016-0033-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.