



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Grand Junction Field Office  
2815 H Road  
Grand Junction, Colorado 81506



4160 Sec. 3 (LLCON03000)

NOTICE OF PROPOSED DECISION

CERTIFIED MAIL NO. 7012 3460 0000 6708 9614  
RETURN RECEIPT REQUESTED

Dean Powell  
3964 County Road 204  
DeBeque, CO 81630

Dear Mr. Powell,

Your current Grazing Permit (0504677) for the N.E. Spear (06718), West Logan Wash (06752), and Logan End Common (06732) allotments expired in 9/30/13 and was renewed under the Appropriation Act of 2012 which states which states, "This permit or lease is issued under the authority of Section 415, Public Law 112-74 and contains the same terms and conditions as the previous permit or lease." The permit was renewed under this law until the BLM could complete the processing of your permit. We have now completed the Environmental Assessment (EA) for your allotments and prepared a new grazing permit with grazing schedule modifications: DOI-BLM-CO-130 2014-0031-EA. The EA is available upon request from our office or may be seen at the following website:

[http://www.blm.gov/co/st/en/BLM\\_Information/nepa/gjfo/fy\\_2014\\_nepa\\_register.html](http://www.blm.gov/co/st/en/BLM_Information/nepa/gjfo/fy_2014_nepa_register.html)

The proposed action would renew the West Logan Wash (06752) and Logan End Common (06732) allotments under grazing permit #0504677 with only changes to the terms and conditions. The grazing schedules and AUMs would stay the same as in the previous grazing permit for these two allotments. However, there will be proposed AUM reductions and timing changes for the N.E. Spear (06718) allotment in order to prevent further damage to BLM land and to graze public lands in a responsible manner that is compatible with Standards for Public Land Health other resource uses and objectives, and in compliance with grazing regulations

under 43 CFR §4110.1(a)(1). This change is a result of a Land Health Assessment and Ecological Site Inventory (ESI), which is a BLM approved method for determining forage amounts and rangeland health. See Table 1 for proposed grazing schedule and AUM changes.

The decision is to renew grazing permit #0504677 and make necessary changes within the N.E. Spear allotment. Any permit modifications have been discussed with the affected parties prior to the beginning of this EA and no issues or concerns were brought forward. The term of this grazing permit would be for 10 years at which time it would be analyzed again under an environmental assessment (EA) to determine the impacts of livestock grazing within the affected area.

Enclosed is your new grazing permit which will be effective for the period October 1, 2014 to September 30, 2024. Please sign, date and return **both copies** to this office. I will return a copy for your records following approval.

On the basis of the information contained in the EA (DOI-BLM-CO-130-2013-0033-EA), and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the "Record of Decision and Resource Management Plan," for the Grand Junction Resource Area (January 1987); 2) the Proposed Action is in conformance with the Resource Management Plans; and 3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

Therefore in accordance with 43 CFR §4130.2, it is my proposed decision to issue Grazing Permit #0504677 for the period of October 1, 2014 to September 30, 2024, with the following schedule, Permitted Use and Terms and Conditions.

**Table 1 – Proposed Grazing Schedule and new AUM Numbers for the N.E. Spear, West Logan Wash, Logan End Common Allotments.**

Allotment/#	Category	Livestock #/Kind	Grazing Period	%PL	Type Use	AUMS <sup>1</sup>
N.E. Spear (06718)	Improve	80 Cattle	4/08 – 5/15	100	A	100*
		95 Cattle	11/30 – 12/31			100*
West Logan Wash (06752)	Maintain	140 Cattle	5/25 – 5/30	100	A	28
Logan End Common (06732)	Maintain	17 Cattle	06/01 – 10/30	100	A	86

<sup>1</sup> AUM is an Animal Unit Month meaning the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month.

\* Indicates permittees must only use ONE season of grazing either spring or fall, NOT both. Terms and conditions would also stipulate that the permittee must NOT graze more than two consecutive spring seasons to allow for a rest period during the critical growth period.

**Proposed Allotment Summary:**

Allotment	Federal Acres	AUMs		
		Active	Suspended	Total
N.E. Spear (06718)	6,442	100	0	100
West Logan Wash (06752)	428	28	0	28
Logan End Common (06732)	1,670	86	0	86

**Terms and Conditions of the Proposed Action would be:**

1. This livestock grazing permit will be in compliance with all conservation measures within the Biological Opinion for Livestock Grazing Program Effects on Three Listed Plants in the Bureau of Land Management Grand Junction, Colorado River Valley, and Uncompahgre Field Offices.
2. Livestock grazing utilization levels on key forage species (Indian ricegrass, poa grasses, squirreltail grass, perennial wheat grasses, sand dropseed grass, needle and thread grass, galleta grass, winter fat and shadscale.) shall not exceed 40%. Utilization levels on non-native perennial grasses in the seedings (crested wheat, pubescent wheatgrass) shall not exceed 50%. If utilization levels are approaching allowable use, livestock will be required to be moved to areas within the allotment that are not approaching allowable use levels. When such areas are not available, livestock will be removed from the allotment when allowable use rates are met. Management adjustments will be made the following year to avoid recurring instances of over utilization, especially during drought years.
3. N.E. Spear allotment consists of two use areas, North Pasture and South Pasture. The grazing scheduled uses shown on the permit will be rotated between the two pastures from year to year. This will provide rest from spring grazing in each pasture every other year.
4. Permittee(s) are only allowed to graze one scheduled grazing season within the permitted grazing dates. Either spring or fall scheduled grazing dates may occur, NOT both. Permittee(s) must NOT graze more than two consecutive spring seasons; For example, the permittee could graze two springs in a row but would have to wait till the following years fall season to graze. This allows for rest periods from grazing during the critical growth period. Permittees may change this management term and condition to better fit their management operation, however change MUST be analyzed by the BLM management team and written in a grazing use agreement.
5. Temporary Non-renewable (TNR) or Adaptive Use may be approved by the authorized BLM officer within existing grazing permit schedule if additional forage, such as annuals are deemed available within the authorized grazing period and the vast majority of the grazing area is meeting Land Health Standards.

6. To allow for variation in climate, plant growth conditions, and flexibility in permittee livestock operations, the BLM may adjust the authorized grazing period by up to two weeks at the end of the permitted grazing period if rangeland conditions are determined by the Authorized officer to be satisfactory for livestock use and AUMs are not exceeded.
7. Use supervision checks by BLM staff will be conducted to assure grazing compliance. The Grand Junction Field Office will use utilization checks, collect trend data, and evaluate allotments whenever necessary. Evaluation of monitoring will be used to make appropriate changes to grazing management in order to protect land health. This permit is subject to change if results from monitoring land health conclude that the Standards for Rangeland Health are not being met and livestock grazing is determined to be the cause.
8. Salting and mineral blocks will be placed at least one quarter (1/4) mile or further from water sources and riparian areas. Less than one quarter mile may be allowed if terrain does not allow for one quarter mile distance and approved by the BLM AO.
9. Water source areas will be monitored by the permittee and BLM for infestation of noxious weeds. The permittee and BLM will coordinate to treat and eradicate any weed infestations should they occur.
10. Upon approval by the Authorized Officer (AO), the permittee will have the option to apply for more cattle over a shorter time period as long as AUMs are not exceeded in a grazing season and use is within the season of use.
11. All new range improvement projects will be in accordance with BLM standards.
  - Example - wildlife escape ramps are required in water troughs under BLM standards.
12. Maintenance of all structural rangeland improvements (RI) and other projects are the responsibility of the permittee to which they have been assigned. Maintenance would be in accordance with cooperative agreements and/or range improvement permits (43 CFR §4120.3-1). Failure to maintain assigned projects in a satisfactory/functional condition may result in withholding authorization to graze livestock until maintenance is completed. Construction of new RI on BLM administered lands is prohibited without approval from the authorized officer.
  - a. The BLM authorized officer will be contacted prior to any range project maintenance activity involving soil surface disturbance. An example includes but not limited to cleaning of ponds with heavy equipment, which would involve soil surface disturbance. All heavy equipment will be washed and free of debris before entering BLM lands.

13. Permittees or lessees shall provide reasonable access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands related to grazing administration.
14. Grazing will be deferred on new vegetation treatments and rehabilitated burned areas to allow two growing seasons of rest unless otherwise authorized. Coordination and cooperation will occur with the permittee prior to any treatment.
15. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR §4130.3-2(d).
16. It is the responsibility of the Permittee to inform all persons associated with work on federal lands subject to the permit that they would be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.
17. Surface disturbing range improvements associated with the allotment (e.g., fences, ponds) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. Any future range improvements will also undergo a full NEPA analysis for all resources.
18. If newly discovered cultural resources are identified during project implementation, work in that area should stop and the BLM Authorized Officer should be notified immediately (36 CFR 800.13).
19. Notify the Authorized Officer (AO) by telephone and with written confirmation, immediately upon discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Activities would stop in the immediate area of the find, and the discovery would be protected for 30 days or until notified to proceed in writing by the AO.
20. During dry and drought conditions adjustments will be made that involve reduction of AUMs or non-use as stated under Code of Federal Regulations 4110.3-2 "Decreasing permitted use" (a) Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, ..... And 4110.3-3 "Implementing reductions in permitted use" (a) After consultation, cooperation, and coordination with the affected permittee or lessee,...., reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. (b) When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, ....., the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section.

Additional Standard Terms and Conditions can be found on the signature page of the Grazing Permit.

**Rationale**

Under the proposed grazing program, authorized grazing use will remain unchanged from the previous permit for the West Logan Wash and Logan End Common allotments with the exception of provisions for Adaptive Management and Temporary Non-renewable use terms and conditions. A Land Health Assessment has shown the allotments to be meeting land health standards and rangeland monitoring results show a static to upward trend. The grazing schedule and AUMs will be modified on the N.E. Spear allotment in order to continue to allow grazing on public lands in a responsible manner that is compatible with Standards for Public Land Health, other resource uses and objectives, and in compliance with grazing regulations mentioned below. Including Adaptive Management allows for some flexibility in grazing dates to account for variations in growth conditions of forage plants due to annual changes in temperature and precipitation.

The Grand Junction Field Office will continue to monitor rangeland conditions on the allotment and as stated in the Terms and Conditions of the permit: use supervision checks by BLM staff will be conducted to assure grazing compliance. The Grand Junction Field Office will use utilization checks, collect trend data, and evaluate the allotment whenever necessary. Evaluation of monitoring will be used to make appropriate changes to grazing management in order to protect land health. This permit is subject to change if results from a land health or riparian proper functioning condition assessment conclude that the Standards for Rangeland Health or Riparian Health are not being met and livestock grazing is determined to be the cause. Under the Grand Junction Field Office rangeland monitoring program and terms and conditions of the proposed grazing permit, rangeland conditions are expected to maintain or improve.

Issuance of the permit is necessary for the continuance of the livestock operation of the grazing permittee. Analysis of the proposed action has concluded impacts to the human environment are not significant. The proposed action is in conformance with the Colorado Standards for Rangeland Health as discussed in the environmental assessment. Monitoring of the rangeland will continue. Based on these results, the livestock management identified in the proposed action is appropriate.

**Authority**

The authority for this proposed decision is contained in Title 43 Code of Federal Regulations (CFR) §4130, §4160, and §4180 which in part state:

§4130.2(a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to §§ 4130.3, 4130.3-1, and 4130.3-2."

§4130.2(d) "The term of grazing permit or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless....." (Unless circumstances require the permit to be less than 10 years).

§4130.3 “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

§4160.1 (b) “Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations.”

§4180.1(a) "Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow."

### **Protest and/or Appeal**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR §4160.1 and §4160.2, in person or in writing to Grand Junction Field Manager, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado 81506, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR §4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR §4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR §4.470 and 43 CFR §4160.3 and §4160.4.

The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR §4.471 and §4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named (43 CFR §4.421(h)) in the Copies sent to: section of this decision.

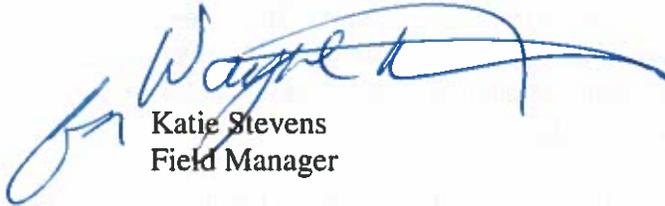
The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR §4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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 appellants 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.

In accordance with 43 CFR §4160.1(a) a copy of this proposed decision shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, by certified mail or personal delivery. Copies of this proposed decision shall also be sent to any interested public who has requested involvement in a specific allotment. If you have any questions concerning the above matter please contact Jacob Martin of this office at (970) 244-3081.

Sincerely,



Katie Stevens  
Field Manager

Enclosure:  
Grazing Permit