



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652  
[www.co.blm.gov](http://www.co.blm.gov)



## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

**NEPA NUMBER: DOI-BLM-CO-N040-2013-0080-DNA**

**CASEFILE NUMBER: 0504611**

**PROJECT NAME:** Grazing Permit Transfer on the Hogback Common (#18026) and Red Mountain (#18028) allotments.

**LOCATION:** Garfield County, Rifle, CO

**LEGAL DESCRIPTIONS:** T5S R91W several sections, See attached map

**APPLICANT:** Grazing Permittee

### **PURPOSE AND NEED FOR ACTION:**

This permit is subject to renewal or transfer at the discretion of the Secretary of the Interior for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permit/lease consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and Glenwood Springs Field Office's Resource Management Plan/Environmental Impact Statement. This Plan/EIS has been amended by Standards for Public Land Health in Colorado.

The renewal of the grazing permit is needed for the following reasons: (1) to meet the livestock grazing management goal and objective of the Resource Management Plan, (2) to continue to allow livestock grazing on the specified allotment, (3) to meet the forage demands of local livestock operations, (4) to provide stability to these operations and help preserve their rural agricultural lands for open space and wildlife habitat, and (5) to allow use of native rangeland resource for conversion into protein suitable for human consumption.

Decision to be made: Whether or not to renew a grazing permit.

### **DESCRIPTION OF PROPOSED ACTION:**

**Transfer Grazing Preference:** The applicant purchased base property with grazing preference attached to it and has applied for the grazing permit. The preference transfer action is categorically excluded in the National Environmental Policy Act (NEPA) and no extraordinary circumstances apply and therefore no further analysis is required (516 DM 11.9 D1).

Reissue Grazing Permit: The grazing permit on the Hogback Common and Red Mountain Allotments would be re-issued to a new permittee for the remaining term of the existing permit (expiring Mar 1, 2023). The application results in no changes to the existing permit. The proposed action is in accordance with 43 CFR 4130.2. The tables below summarize the current and proposed grazing schedules. The terms and conditions and grazing preference are outlined below.

**Mandatory Terms and Conditions/Scheduled Grazing Use:**

Allotment Name & No.	Livestock No. & kind	Period of use	Percent Public Land	AUMs
Hogback Common #18026	150 Cattle	5/01 – 6/15	100	43
Red Mountain #18028	150 Cattle	5/10 – 7/15	78	176

**Grazing Preference AUMs:**

Allotment Name & No.	Active	Suspended	Total
Hogback Common #18026	45	0	45
Red Mountain #18028	176	162	338

The following other terms and conditions will be included on the permit:

Adaptive management will be employed on these allotments. The Mandatory Terms and Conditions on this grazing permit show the maximum allowable flexibility. The permittee may use the allotment when the range is ready but not earlier than the beginning dates described in the permit. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUM usage may not exceed active preference. An actual use statement shall be submitted no later than Aug 1 annually. Billing will be based on actual use.

The Red Mountain allotment is divided into three pastures. Use must be rotated between all pastures during the grazing season. Once the maximum allowable use is met, livestock must be moved to the next scheduled pasture.

The maximum allowable use on the allotment is considered to be 50% of the current year’s growth on key grass species. Key grass species are native perennial grasses.

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turn out. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advanced notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.

The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public land is subject to arrest and penalty of law. If in connection

with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until further notified in writing to proceed by the authorized officer.

Other Authorized Use:

There is one other permit authorizing the following use in relation to the allotments in this action.

Allotment Name and No.	Livestock No. & Kind	Period of Use	Percent Public Land	AUMs
Hogback Common #18026	750 Sheep	5/16 – 6/19	100	173
	550 Sheep	12/15 – 1/20	100	134

**LAND USE PLAN (LUP) CONFORMANCE REVIEW:** The proposed action is subject to the following plan:

Name of Plan: Glenwood Springs Resource Management Plan

Date Approved: Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in September 2009; and amended in October 2012 - Approved Resource Management Plan Amendments/ Record of Decision (ROD) for Solar Energy Development in Six Southwestern States.

The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20). Administrative actions states, “Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan”. The livestock grazing management objective as amended states, “To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards.”

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

## REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: DOI-BLM-CO-N040-2013-0036-EA, Issue grazing permits on the Red Mountain, Hogback Common, and Pretti-Roberts allotments.

Date Approved: April 22, 2013

List by name and date any other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Name of Document: Rifle West Land Health Assessment Evaluation and Determination.

Date Approved: August 31, 2005

## NEPA ADEQUACY CRITERIA:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes. The current Proposed Action was analyzed in the above mentioned Environmental Assessment. The proposed action is essentially similar to the action analyzed in the existing document.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Yes. The existing NEPA document analyzed the proposed action. No unresolved conflicts concerning alternative uses of available resources were identified through public scoping; therefore, other alternatives were not analyzed. The same applies to the current proposed action given current concerns, interests, and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes. The analysis contained in the existing NEPA document remains valid in light of new studies and/or resource assessment information. The circumstances upon which the existing NEPA document is based

remain valid and germane to the Proposed Action. No new threatened, endangered or sensitive species have been identified on the allotment and the Proposed Action would not adversely impact migratory birds per EO 13186.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes. The current Proposed Action is essentially similar to what was analyzed in the existing NEPA document. The direct, indirect and cumulative impacts would be the same as those identified in the existing NEPA document. The environmental assessment thoroughly reviewed the many specific environmental impacts including vegetation, water resources, air quality, wildlife, cultural, threatened and endangered species, wilderness, and riparian resources.

5. Are the public involvement and interagency review associated with the existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Yes. For the existing NEPA document, notices of public scoping were issued through Colorado BLM's internet web page seeking public comments on grazing permit/lease renewals. No comments specific to the proposed action were received.

**INTERDISCIPLINARY REVIEW:**

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Isaac Pittman	Rangeland Management Specialist	NEPA Lead, Range Management,
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; Vegetation; T/E/S Plants; Land Heath Stds
Pauline Adams	Hydrologist	Air Quality, Water Quality, and Soils
Greg Wolfgang	Outdoor Recreation Planner	VRM, Recreation, Travel Management
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Erin Leifeld	Archaeologist	Cultural Resources and Native American Concerns
Darren Long	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife, Aquatic Wildlife, T/E/S Terrestrial & Aquatic Wildlife
Everett Bartz	Rangeland Management Specialist	Riparian and Wetlands
Kristy Wallner	Rangeland Management Specialist	Invasive, Non-Native species (Noxious Weeds)

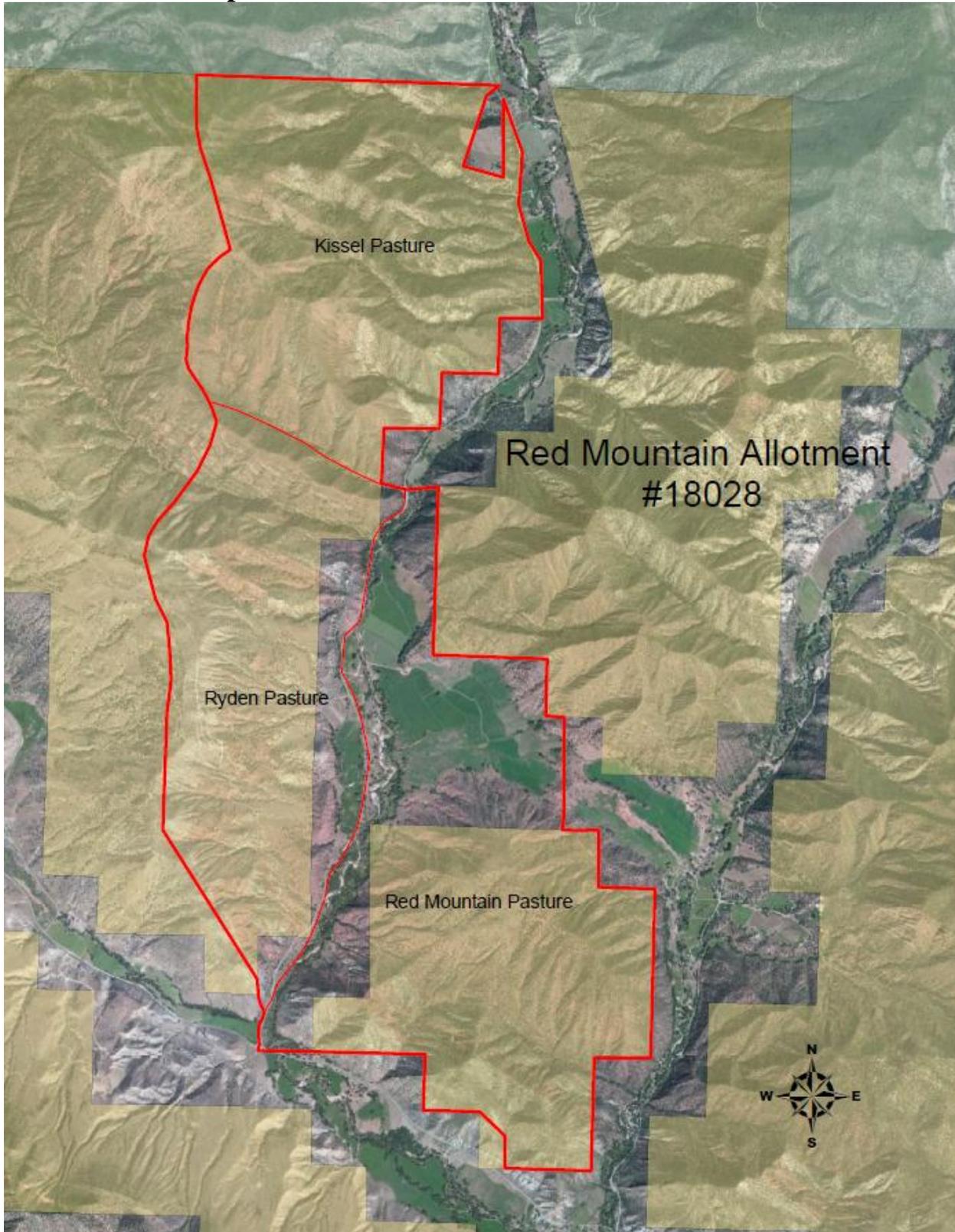
**REMARKS:** None

**MITIGATION:** The “Other Terms and Conditions” identified in the proposed action are substantially the same mitigation measures that were approved in the existing NEPA document.

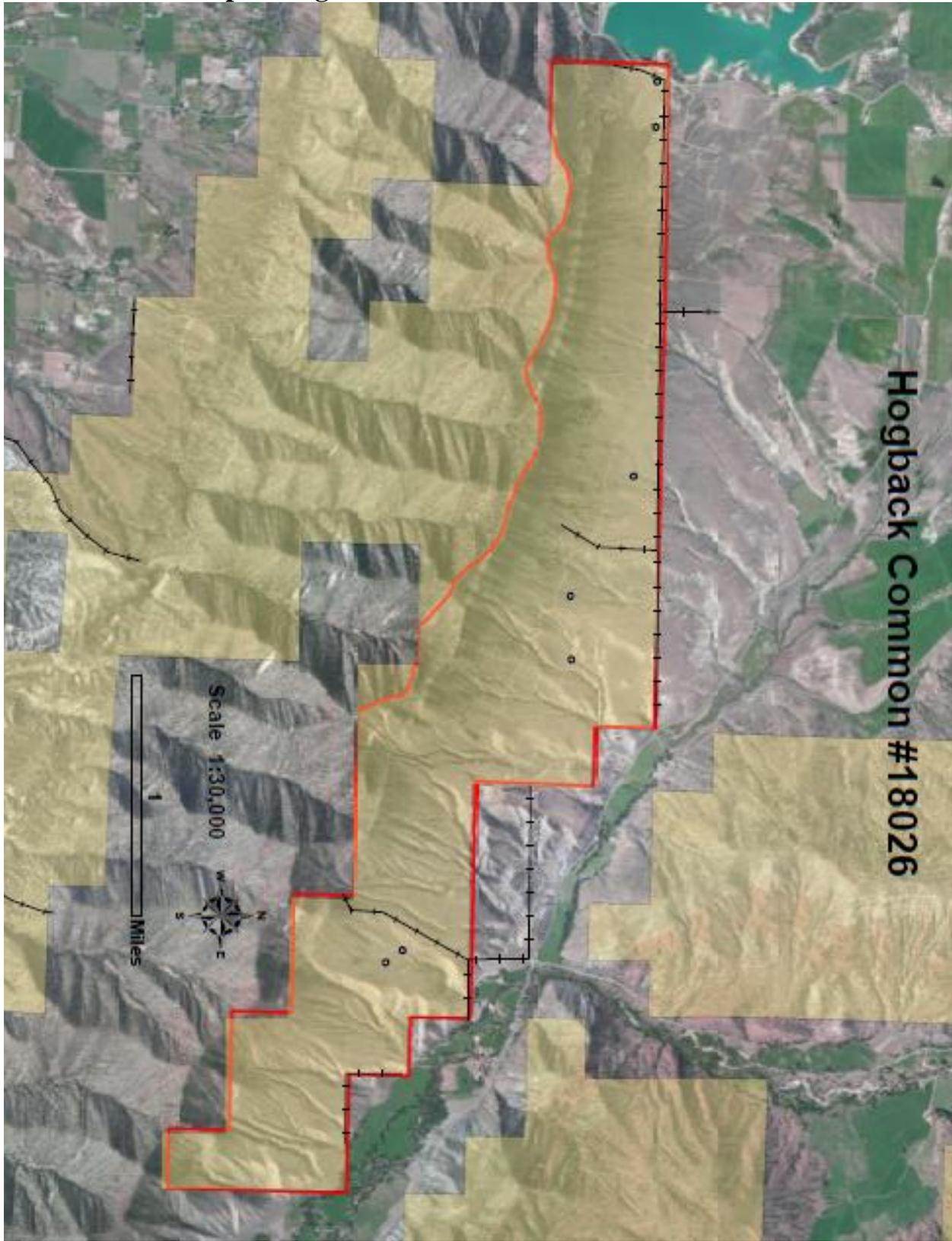
**NAME OF PREPARER:** Isaac Pittman

**DATE:** 7/17/2013

**Attachment 1: Map of Red Mountain Allotment**



**Attachment 2: Map of Hogback Common Allotment**



## CONCLUSION

DOI-BLM-CO-N040-2013-0080-DNA

Based on the review documented above, I conclude that this proposal conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:

  
Supervisory Natural Resource Specialist

DATE SIGNED:

7-17-2013

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Colorado River Valley Field Office  
 2300 River Frontage Road  
 Silt, CO 81652



IN REPLY REFER TO:  
 ON 0504825 (CON040)

**CERTIFIED MAIL 7012 2210 0001 5070 1874**  
**RETURN RECEIPT REQUESTED**

Frank and Sheila Daley  
 [REDACTED]

**NOTICE OF PROPOSED DECISION**

Dear Mr. and Mrs. Daley:

**Introduction & Background:**

On May 16, 2013 you submitted a transfer application for grazing preference associated with the Hogback Common (#18026) and Red Mountain (#18028) allotments. You applied to transfer grazing preference from base property owned by Wayne Pollard to your base property, known as Single Tree Ranch, in Silt, Co. Your application would result in no changes to the previously authorized use.

**Proposed Decision:**

As a result of this process, it is my proposed decision to transfer grazing preference to the Single Tree Ranch property in Silt, CO. and issue grazing authorization number 0504825, for a period of ten years, expiring on 3/1/2023. My decision results in no changes to the previously authorized use. Terms and conditions of the authorized use are outlined below:

**Mandatory Terms and Conditions (Scheduled Grazing Use):**

Authorization Number	Allotment Name & No.	Livestock No. & kind	Period of use	Percent Public Land	AUMs
0504825	Hogback Common #18026	150 Cattle	5/01 – 6/15	100	43
	Red Mountain #18028	150 Cattle	5/10 – 7/15	78	176

**Grazing Preference AUMS:**

Allotment Name & No.	Active	Suspended	Total
Hogback Common #18026	45	0	45
Red Mountain #18028	176	162	338

The following other terms and conditions will be included on the new permits:

Adaptive management will be employed on these allotments. The Mandatory Terms and Conditions on this grazing permit show the maximum allowable flexibility. The permittee may use the allotment when the range is ready but not earlier than the beginning dates described in the permit. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUM usage may not

exceed active preference. An actual use statement shall be submitted no later than Aug 1 annually. Billing will be based on actual use.

The Red Mountain allotment is divided into three pastures. Use must be rotated between all pastures during the grazing season. Once the maximum allowable use is met, livestock must be moved to the next scheduled pasture.

The maximum allowable use on the allotment is considered to be 50% of the current year's growth on key grass species. Key grass species are native perennial grasses.

Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turn out. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advanced notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.

The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public land is subject to arrest and penalty of law. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until further notified in writing to proceed by the authorized officer.

### **Rationale for the Proposed Decision**

The re-issuance of the grazing permits is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in Sept 2009 - Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan.

The proposed action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the Glenwood Springs RMP. Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."

An interdisciplinary team prepared an EA (No. DOI-BLM-CO-N040-2013-0036) for the proposed permit. My proposed decision is based on the findings of the analyses contained in the EA. The analysis

of the proposed action indicated that the current conditions and land health standards in the Hogback Common and Red Mountain allotments are expected to be maintained or improved. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

### **Authority**

43 CFR 4100.0-5 states: “Grazing preference or preference means a superior or priority position against others for the purposes of receiving a grazing permit or lease. This priority is attached to base property owned or controlled by the permittee or lessee.”

43 CFR 4110.2-1(d) states: “If a permittee or lessee loses ownership or control of all or a part of his/her base property, the permit or lease, to the extent it was based upon such lost property, shall terminate immediately without further notice from the authorized officer. However, if, prior to losing ownership or control of the base property, the permittee or lessee requests, in writing, that the permit or lease be extended to the end of the grazing season or grazing year, the termination date may be extended as determined by the authorized officer after consultation with the new owner. When a permit or lease terminates because of a loss of ownership or control of a base property, the grazing preference shall remain with the base property and be available through application and transfer procedures at 43 CFR 4110.2-3, to the new owner or person in control of that base property”.

43 CFR 4110.2-3(c) states: “If a grazing preference is being transferred from one base property to another base property, the transferor shall own or control the base property from which the grazing preference is being transferred and file with the authorized officer a properly completed transfer application for approval. If the applicant leases the base property, no transfer will be allowed without the written consent of the owner(s), and any other person or entity holding an encumbrance of the base property from which the transfer is to be made. Such consent will not be required where the applicant for such transfer is a lessee without whose livestock operations the grazing preference would not have been established”.

43 CFR 4110.2-2(a) states: “Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under § 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands.”

43 CFR 4160.1(a) states: “Proposed decisions 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, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public”.

### **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 Matthew Thorburn, Supervisory Natural Resources Specialist, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652

within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 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, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215. The BLM does not accept appeals by facsimile or email.

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

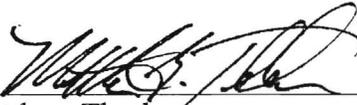
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Please take a moment to review your enclosed grazing permit. **If you do not have any concerns with the permit as offered, please sign, date, and return both copies to our office.** If you have any questions, contact Isaac Pittman of my range staff at (970)876-9069.

Sincerely,

  
\_\_\_\_\_  
Matthew Thorburn  
Supervisory Natural Resources Specialist

7-17-2013  
Date

Enclosure(s):  
BLM Form 4130-2a (Grazing Permit)

CC: Certified Mail 7012 2210 0001 5070 1881  
Warren Roberts

