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BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
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ENVIRONMENTAL ASSESSMENT

1. Introduction

NUMBER: **DOI-BLM-CO-040-2013-0075 EA**

CASEFILE NUMBER: 0507654

PROJECT NAME: Renew grazing permit on the Simpson & Nichols Allotment

LOCATION: Garfield County, North of Rifle, CO

LEGAL DESCRIPTIONS: T4S R94W sec 11-14, See attached map

APPLICANT: Grazing Permittee

BACKGROUND:

The Simpson & Nichols allotment is largely unavailable for livestock grazing due to the steep slopes and timbered land. Most of the use occurs on approximately 20 acres of the allotment immediately adjacent to the private property. It is difficult to manage the BLM portion of the allotment separately from the private portion without any fencing. For this reason the BLM has been managed in the past as a part of the private pasture and billed accordingly. Electric fencing was proposed in 2004 once every 3 years to give the BLM some rest and salt was to be used to draw livestock away from the BLM in response to the Land Health Assessment. It is unclear how much of this management was implemented, but an allotment visit in 2012 showed utilization above what was expected on the BLM. Discussions with the existing permittee resulted in a proposal to permanently fence the BLM and private boundary to better control livestock use.

PURPOSE AND NEED FOR ACTION:

These permits/leases are 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 permits/leases consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, Roan Plateau Resource Management Plan Amendment, and the Colorado Public Land Health Standards.

The mission of the BLM is “to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations”. Land Health Standards and Guidelines for Livestock Grazing Management were developed between the BLM and the Colorado Resource Advisory Council to ensure that the mission of the BLM will be achieved.

This action is needed to determine whether or not to reissue grazing permits on the following allotment and if so under what terms and conditions to ensure that Public Land Health Standards and objectives for resource management are or will continue to be achieved.

SCOPING AND PUBLIC INVOLVEMENT AND ISSUES:

A notice of public scoping was posted on the Colorado BLM’s Internet web page on March 5, 2013 regarding grazing permits and associated allotments scheduled for renewal in 2011-2012. A news release was posted on March 7, 2013. The public was provided an opportunity to offer any information or concerns, or to be considered as an interested public on a permit or allotment scheduled for renewal. The Colorado River Valley Field Office Internet NEPA Register also lists grazing NEPA documents that have been initiated. They are generally posted approximately one month prior to the estimated completion date. No public comments specific to this proposed action have been received.

This action was scoped internally with the NEPA Interdisciplinary Team on (January 9, 2013). Issues raised during the internal scoping are itemized in table 3-1 and analyzed in Section 3 Affected Environment and Environmental Effects.

2. Proposed Action and Alternatives

DESCRIPTION OF PROPOSED ACTION

The Proposed Action is to renew a term grazing permit. The season of use would be modified from the previous permit to shorten the scheduled grazing use period from spring through fall to spring only. The proposed action includes building a boundary fence between the private and BLM parcel to allow for more control of livestock use on the BLM parcel (see attached map and drawings for location and design features). The fence would be approximately 700 feet or 0.13 miles in length. The permit would be issued for a 10-year period unless the base property is leased for less, but for purposes of the EA, we are assuming 10 years of grazing by this or another applicant (in case of transfer). The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use, grazing preference, and terms and conditions for the proposed grazing permit are summarized below.

Table 2-1 Proposed Mandatory Terms and Conditions/Scheduled Grazing Use:

Allotment Name & No.	Livestock No. & kind	Period of use	Percent public land	AUMs
Simpson & Nichols #18022	43 Cattle	6/1 – 7/1	100	43

Table 2-2 Grazing Preference AUMS:

Allotment Name & No.	Active	Suspended	Total
Simpson & Nichols #18022	43	337	380

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

Adaptive management will be employed on this allotment. The BLM will allow up to 14 days of flexibility in the start and end dates on this permit depending on range readiness. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUMs may not exceed Active Preference. Use different than that shown above must be applied for in advance.

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.

Administrative access is limited to actions related to livestock grazing operations and identified routes authorized for motorized administrative access are shown in Attachment 4. For other activities outside of livestock grazing operations and associated maintenance, the permit holder must adhere to the current travel management plan of the area.

Within the uplands average livestock utilization levels will be limited to 50% by weight on key grass species. Livestock grazing in riparian areas should leave an average minimum 4-inch stubble height of herbaceous vegetation and will not exceed an average utilization of 40% of the current year's growth of browse species. After any of the utilization limits are reached, livestock will be removed from the allotment and gates on the BLM fence will be closed to prevent any livestock use. Gates may be left open once livestock have been removed from the area so that wildlife can freely cross the fence without damaging it.

NO ACTION ALTERNATIVE

Under this alternative the previous grazing permit would be reissued with the existing terms and conditions and no permanent fence would be constructed. Conditions would be anticipated to be similar to the existing conditions.

Table 2-3 Proposed Mandatory Terms and Conditions/Scheduled Grazing Use:

Allotment Name & No.	Livestock No. & kind	Period of use	Percent public land	AUMs
Simpson & Nichols #18022	38 Cattle	5/20 – 10/10	24	43

Table 2-4 Grazing Preference AUMS:

Allotment Name & No.	Active	Suspended	Total
Simpson & Nichols #18022	43	337	380

The following other terms and conditions are included on the existing permit:

The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. 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 notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4).

The permittee will move salt away from the flatter terrain on public land where livestock tend to concentrate.

The permittee will erect an electric fence every third year (first erected in 2003) to prevent livestock from grazing public land for the entire grazing season.

Maintenance of Range improvements shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout.

NO GRAZING ALTERNATIVE

Under this alternative a grazing permit would not be reissued. As a result, no grazing would be authorized on the Simpson & Nichols Allotment. This alternative would initiate the process in accordance with 43 CFR parts 4100 and 1600 to eliminate grazing on this allotment and would amend the resource management plan.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

No other alternatives were considered.

PLAN 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):

 X 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):

“Construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock. Appendix A lists range improvement techniques that can be used.” (p. 18)

RELATIONSHIP TO STATUTES, REGULATIONS, OTHER PLANS

- Taylor Grazing Act of 1934 as amended;
- Federal Land Policy and Management Act of 1976;
- Public Rangelands Improvement Act of 1978;
- Title 43 of the Code of Federal Regulations Subpart 4100 – Grazing Administration;
- Noxious Weed Act of 1974;
- Endangered Species Act of 1973;
- National Environmental Policy Act of 1969;
- Migratory Bird Treaty Act of 1918;
- National Historic Preservation Act (16 USC 470f);
- Archeological Resources Protection Act;
- Native American Graves Protection and Repatriation Act;
- Indian Sacred Sites – EO 13007; and
- Consultation and Coordination with Indian Tribal Governments – EO 13175
- Colorado Public Health Standards and Livestock Grazing Management Guidelines - March 1997

STANDARDS FOR PUBLIC LAND HEALTH

In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

The proposed action is located within the Rifle Creek Land Health Assessment Area. A determination of findings from the assessment was completed on January 14, 2003. The Simpson & Nichols allotment was determined not to be meeting or making progress towards meeting the standards at the time of the assessment and livestock grazing was identified as a significant

contributing factor. It was recommended that a temporary electric fence be erected once every three years to provide better livestock management on the BLM parcel included within the allotment area. The proposed action would change this to a permanent fence.

The impact analysis addresses whether the proposed action or any alternatives being analyzed would result in impacts that would maintain, improve, or deteriorate land health conditions for each of the five standards. These analyses are located in the program-specific analysis in this document.

3. Affected Environment & Environmental Effects

DIRECT AND INDIRECT EFFECTS, MITIGATION MEASURES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and alternatives. In addition, the section presents comparative analyses of the direct and indirect effects on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain environmental elements. Not all programs, resources or uses are present in the area, or if they are present, may not be affected by the proposed action and alternatives (Table 3-1). Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

<i>Table 3-1. Programs, Resources, and Uses (Including Supplemental Authorities)</i>	<i>Potentially Affected?</i>	
	Yes	No
Access and Transportation		X
Air Quality		X
Areas of Critical Environmental Concern		X
Cadastral Survey		X
Cultural Resources	X	
Native American Religious Concerns	X	
Environmental Justice		X
Farmlands, Prime or Unique		X
Fire/Fuels Management		X
Floodplains		X
Forests		X
Geology and Minerals		X
Law Enforcement		X
Livestock Grazing Management	X	
Noise		X
Paleontology		X
Plants: Invasive, Non-native Species (Noxious Weeds)	X	

Plants: Sensitive, Threatened, or Endangered		X
Plants: Vegetation	X	
Realty Authorizations		X
Recreation		X
Social and/or Economics	X	
Soils	X	
Visual Resources		X
Wastes, Hazardous or Solid		X
Water Quality, Surface and Ground	X	
Water Rights		X
Wetlands and Riparian Zones		X
Wild and Scenic Rivers		X
Wilderness/WSAs/Wilderness Characteristics	X	
Wildlife: Aquatic / Fisheries		X
Wildlife: Migratory Birds	X	
Wildlife: Sensitive, Threatened, and Endangered Species		X
Wildlife: Terrestrial	X	

Cultural Resources

Affected Environment

Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment (CRVFO#1014-6) was completed for the Simpson & Nichols allotment on January 21, 2014 by Erin Leifeld, Colorado River Valley Field Office Archaeologist. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are available at the Colorado River Valley Field Office archaeology files.

Data developed here was taken from the cultural program project report files, site report files, and base maps filed at the Colorado River Valley Field Office as well as information from General Land Office (GLO) maps, BLM land patent records, and the State Historic Preservation Office (SHPO) site records, report records, and GIS data.

The table below is based on the allotment specific analysis for the allotment in this EA. The table shows known cultural resources, the potential of Historic Properties, and Management recommendations.

Table 3-2. Cultural Resources Assessment Summary

Allotment Name and Number	Land Status	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent Allotment Inventoried at a Class III Level (%)	Number of Cultural Resources known in Allotment	Potential of Historic Properties	Management Recommendations (Additional inventory required and historic properties to be visited)
Simpson & Nichols #18022	BLM	52.5	415.2	11.2%	0	Moderate	Recommend additional inventory of 7.4 acres, no sites to monitor
	Private	0	163.4	0%			

Two cultural resource inventories (CRVFO# 854, 1372) has been previously conducted within the Simpson & Nichols Allotment #18022 resulting in the survey coverage of 52.5 acres at a Class III level. No cultural resources were discovered during inventory. Looking at the General Land Office (GLO) Patents from 1888 doesn't indicate any potential for historic properties within the allotment. Five acres was identified for cultural resource inventory in the previous environmental analysis; this was accomplished since that analysis.

Environmental Consequences

Proposed Action Alternative

The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, can include trampling, chiseling, artifact breakage, and churning of site soils, cultural features, and cultural artifacts. Impacts from livestock standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art can also have direct impacts to cultural resources. Indirect impacts include soil erosion and gulying, which can lead to increased ground visibility which has the potential to increase unlawful collection and vandalism. Continued livestock use in these concentration areas has the potential to cause substantial ground disturbance and in turn, irreversible adverse effects to historic properties.

Changes in season of use to a shorter period will be beneficial to cultural resources because it has the potential to lessen ground disturbance over time. Additionally, the use of adaptive management will have little change on cultural resource impacts. The use of this management technique might in fact be beneficial to lessen ground disturbance because it requires four inches of new growth on grasses and therefore livestock will not be grazing when soils are more exposed or when the area is more susceptible to erosion.

Additional cultural resource inventory is recommended around four spring sites within the allotment totaling 7.4 acres. Inventory will also be needed for the boundary fence before implementation. No sites have been previously recorded within the allotment and therefore no sites need to be monitored.

No Action Alternative

No change in the season of use has the potential to impact cultural resources over time due to more activity for a longer period within the allotment. Under this alternative cattle will be on the allotment longer and will require more resources, such as water and forage. This has the potential

to have greater impacts to areas where livestock concentrate, such as springs or ponds, than the proposed action. Additionally, not having adaptive management for this permit may have the potential to cause ground disturbance because there will be no requirement for new growth which can potentially increase soil erosion since there is no minimum for grasses to establish. Soil erosion can potentially impact cultural resources by eroding artifacts and features.

Additional cultural resource inventory is recommended around four spring sites within the allotment totaling 7.4 acres. No sites have been previously recorded within the allotment and therefore no sites need to be monitored.

No Grazing Alternative

Under this alternative, direct and indirect impacts to cultural resources from grazing would be reduced based on the absence of livestock and no related surface disturbing activities.

Mitigation

Grazing permit terms and conditions cover modification or mitigation needed if new information has determined cultural resources may be adversely impacted.

New range improvements, maintenance of existing range improvements, or additional feeding areas may require cultural resource inventories, monitoring, and/or data recovery.

Native American Religious Concerns

Affected Environment

American Indian religious concerns are legislatively considered under the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). These require, in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act (ARPA), that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life. This ensures, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In other cases, elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation.

The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro-American models or definitions. The BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. The cultural resource evaluation of these allotments describing known cultural resources and their condition was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe. The letter, sent on February 4, 2014, requested the tribes to identify issues and areas of concern within the allotments. No comments or concerns were received.

Environmental Consequences

Proposed Action Alternative

No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified during the overview of the cultural resources inventory of the project area. Therefore, areas of concern to Native American tribes will not be affected.

No Action Alternative

No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified during the overview of the cultural resources inventory of the project area. Therefore, areas of concern to Native American tribes will not be affected.

No Grazing Alternative

Under this alternative, direct and indirect impacts to cultural resources from grazing would be reduced based on the absence of livestock and no related surface disturbing activities. Therefore, areas of concern to Native American tribes would not be affected.

Mitigation

Grazing permit terms and conditions cover modification or mitigation needed if new information has determined cultural resources or areas of Native American religious concern may be adversely impacted.

Livestock Grazing Management

Affected Environment

The Simpson & Nichols allotment, consisting of approximately 475 acres, is located on the eastern side of the Hogback in Township 4 South, Range 94 West, Sections 11-14. The allotment lies within Garfield County approximately 13 miles north of Rifle, CO. The allotment ranges in elevation from 7,400 to 8,900 feet and averages 20 inches of precipitation a year. Common vegetation types include aspen, conifer, mesic mountain shrub and sagebrush.

There is no motorized public access to the allotment although there is a road accessing the allotment through adjacent private property. One range improvement project, a spring development, is recorded on the allotment. During an allotment inspection in 2012 the project could not be located. The majority of the allotment is too steep for livestock grazing and most of the use occurs adjacent to the private property boundary where the fence is proposed.

Environmental Effects

Proposed Action

Under this action livestock grazing would be permitted in the spring only and a fence would be constructed to ensure that livestock could be kept off the BLM the rest of the time. Construction of the fence would change the way the allotment is permitted and managed. Since the private would be fenced off from the BLM, the "Percent Public Land" amount would change from 24% to 100% on the permit. During the grazing period of the permit, livestock would move back and forth through open gates on the new fence line to water on the private. After utilization levels have been reached, gates would be closed and the livestock would be maintained on the private

portion only. Utilization limits in the terms and condition of the permit would help prevent over-utilization of the BLM pasture. Adaptive use would be authorized allowing flexibility to the permittee in turn-out dates and would develop a minimum stubble height required prior to turn-out.

No Action Alternative

This would result in the renewal of the most recent permit, authorizing 38 cattle from 5/20 to 10/10. A permanent fence would not be constructed between the BLM and private property. Livestock would continue to be authorized to move freely between the BLM and private. An electric fence would be established every 3 years to provide a period of rest from grazing impacts. Livestock would mostly use only the portion of the allotment that is not timbered and relatively flat. No utilization limits would be established and adaptive use would not be permitted as described in the proposed action.

No Grazing Alternative

Under this alternative this grazing permit would be cancelled. Cancelling grazing use on this allotment may result in economic harm to the permittee. This alternative would initiate the process in accordance with 43 CFR parts 4100 and 1600 to eliminate grazing on these allotments and devote the land to some other purpose and would result in amendments to the resource management plan.

Plants: Invasive Non-Native Species (Noxious Weeds)

Affected Environment

A landscape-wide noxious weed inventory has not been completed on the Simpson-Nichols allotment. Infestations of a variety of species of thistles, hounds tongue, diffuse knapweed, common burdock, and common mullein are documented on neighboring allotments, and given the nature of noxious weed infestations it can be assumed these and other noxious weeds may be found in the Simpson-Nichols allotment.

Environmental Effects

Proposed Action

Weeds generally germinate and become established in areas of surface disturbing activities. Livestock grazing can contribute to the establishment and expansion of noxious weeds through various mechanisms. Improperly managed grazing, such as overgrazing, can cause a decline in desirable native plant species and ground cover which provides a niche for noxious weed invasion. In addition, noxious weed seed can be transported and introduced to new areas by fecal deposition or by seed that clings to animal's coats. This effect is minimal compared to other weed seed dispersal vectors such as recreation and ground disturbing activities. Conversely, properly managed livestock grazing maintains the vigor and health of native plant species which inhibits the spread of noxious weeds. Since the proposed action was designed to sustain and/or improve land health, no significant impacts to non-native, invasive species are expected. Noxious and invasive plant species are not expected to radically increase as a result of the continuation of livestock grazing practices. Most infestations will be isolated to watering facilities, salting areas, and other areas where livestock concentrate.

No Action Alternative

Under this alternative a drift fence would not be constructed and livestock would be permitted to drift on and off the BLM through the summer. This use has not allowed for growing season rest for perennial grass species in the past and would be potentially lead to an increase in weed species.

No Grazing Alternative

Under this alternative, no livestock grazing would occur on the allotment and there would be no direct or indirect impacts to noxious weeds from livestock use. Grazing by wildlife may continue to create localized disturbances that would enable weed expansion. Wildlife and recreation would continue to be vectors for the transportation and spread of noxious weed seeds.

Plants: Sensitive, Threatened, or Endangered

Affected Environment

The Simpson & Nichols Allotment does not contain occupied or suitable habitat for any threatened, endangered, proposed, or BLM sensitive plants.

Environmental Effects

Due to the absence of habitat for special status plants, no direct or indirect impacts will occur to special status plant species. Livestock grazing, as proposed, should have no effect on any special status species or their habitat.

Plants: Vegetation

Affected Environment

The Simpson & Nichols Allotment lies on the eastern slopes of the Grand Hogback. The allotment includes 475 acres of BLM land and 161 acres of private land. The topography is steep and rugged except along the valley floor. The valley floor is mostly private except for approximately 20 acres of BLM land adjacent to the private. The vegetation consists mostly of aspen with some Douglas-fir on the north-facing slopes and Gambel oak, serviceberry and other mesic mountain shrubs on the south-facing slopes. The valley floor supports herbaceous vegetation where most of the accessible forage occurs. Herbaceous vegetation is dominated by Kentucky bluegrass and dandelions, both invasive plants, and houndstongue, a state-listed noxious weed.

Environmental Effects

Proposed Action

Under the Proposed Action livestock grazing would be permitted in the spring only and a fence would be constructed to ensure that livestock could be kept off the BLM the rest of the time. During the grazing period of the permit, livestock would move back and forth through open gates on the new fence line to water on the private. After designated utilization levels have been reached, gates would be closed and the livestock would be maintained on the private portion only. Utilization limits in the terms and condition of the permit would help prevent over-utilization of the BLM pasture. This new grazing strategy would provide rest for perennial grasses and forbs during most of the growing season so that plants could disseminate seed and establish seedlings. This grazing strategy should benefit desirable perennial plants and these species should begin to increase in cover and abundance over the life of the permit. The

Proposed Action is expected to result in progress towards meeting Land Health Standard 3 for healthy plant and animal communities.

No Action Alternative

The No Action alternative would result in the renewal of the most recent permit, authorizing 38 cattle from 5/20 to 10/10. A permanent fence would not be constructed between the BLM and private property. Livestock would continue to be authorized to move freely between the BLM and private. A temporary electric fence would be established once every 3 years to provide a period of rest from grazing impacts. This would still provide some rest for perennial grasses and forbs once every three years but improvements to the cover and abundance of perennial grasses would take longer than under the Proposed Action since no utilization limits would be enforced in 2 out of 3 years and plants could be repeatedly grazed from May to October. This would inhibit the ability of perennial plants to set seed and establish seedlings. This action may result in static vegetation conditions on the allotment or may result in slower progress towards meeting the Standard 3 than the Proposed Action.

No Grazing Alternative

Under the No Grazing alternative, the grazing permit would be cancelled. The termination of livestock grazing may result in a faster recovery of perennial grasses and forbs than either the Proposed Action or No Action alternatives because plants would receive grazing rest throughout the growing season.

Land Health Standards

The proposed action is located within the Rifle Creek Land Health Assessment Area. A determination of findings from the assessment was completed on January 14, 2003. The Simpson & Nichols Allotment had fewer perennial grasses and forbs than expected. The dominant grass species was Kentucky bluegrass, an invasive, nonnative grass. Houndstongue and dandelion were also fairly common. The allotment was determined not to be meeting or making progress towards meeting Standard 3 for healthy plants communities at the time of the assessment and livestock grazing was identified as a significant contributing factor. It was recommended that the grazing season be shortened or a rest-rotation grazing strategy be implemented by installing a temporary electric fence to rest the BLM portion of the allotment once every three years. Converting this to a permanent fence and shortening the grazing season with utilization limits should allow the allotment to make progress towards meeting Standard 3 for healthy plant and animal communities.

Socio-Economics

Affected Environment

The majority of CRVFO grazing permits are issued to individuals and businesses within the following counties of Colorado. The median household income within those counties is identified in the following table.

Local Counties	Median Household Income (2010 US Census)
Garfield	\$62,716
Pitkin	\$69,352

Eagle	\$74,220
Routt	\$64,892

Local communities throughout rural areas in the western United States are often integrally tied to ranching and agriculture. Livestock grazing has been a significant part of the Colorado River valley and surrounding area for more than 100 years. Cattle companies began moving into western Colorado in the early 1870s, using the open range as winter feeding grounds for their herds (Church et al. 2007: 113). By the late 1880s, a more sedentary life of livestock raising became prevalent as ranchers established access to leased lands and irrigated pastures and were able to establish more permanent ranches (Church et al. 2007: 113-114). Many of these ranches, cattle companies, and homesteading families retain their long-standing social and economic ties to the area.

Benefits that local ranches and livestock companies bring to the surrounding communities include jobs, local business revenue, and locally produced meat (Huntsinger and Hopkinson 1996: 167-168). Additionally, reserving tracts of land for livestock grazing can preserve large expanses of contiguous property which are not open to development and segmentation. In combination, these large tracts of ranch land and public land can be beneficial to wildlife, recreation, watersheds, and aesthetics (Huntsinger and Hopkinson 1996: 168). In the West, “49.6% of all public land ranchers” are greatly dependent on ranching as a primary source of their income (Gentner and Tanak 2002: 11). Maintaining historic ties to the land through livestock grazing also preserves traditional family and community land uses. Studies show that ranchers are not only in the livestock business to make a profit, but place great value in the quality of life that comes with the ranching lifestyle (Bartlett et al. 2002).

Challenges to livestock grazing can include financial hardship, over-utilization, limitations from land development, and conflicts with other land users. Encroachment by land developers can raise property taxes and values which can create economic incentive for ranchers to fragment or sell off their lands (Huntsinger and Hopkinson 1996: 167). Livestock price fluctuations can increase the challenge for ranchers to maintain a profit (Smith and Martin 1972: 224). Livestock owners who use public lands feel pressures from other land users, such as recreationists or oil and gas development, for access and use of land. For example, tension can occur when livestock are startled by mountain bikers or pasture gates are left open. Some public land users, such as hunters, can be affected by poor grazing practices and the resulting impacts to local wildlife and environmental quality. However, the multiple use mission of the Bureau of Land Management requires that the traditional land uses, such as grazing, are managed in a way that accommodates other public land users.

Social and economic impacts of ranching and agriculture can bring both benefits and challenges to the local community. Sustainably managed grazing supports a way of life that has been established since the early twentieth century and can be an opportunity to preserve community tradition, identity, and land use patterns while accommodating other land uses and environmental protections.

Environmental Effects

Proposed Action

Under this alternative grazing would continue, although under different management, and no reduction in AUMs available for livestock would be made. The ranching livelihood, local economic benefit, and cultural settings of the area would continue to be supported and no net increase or loss to the permittee or county would be expected.

No Action Alternative

Environmental effects would be the same as the proposed action.

No Grazing Alternative

This alternative disproportionately impacts ranches with greater forage needs, higher public forage dependency, and no cost effective forage substitutes. Public forage losses could be replaced with other private leases or hay. Leasing private land can be the least-cost alternative but in many areas is unrealistic due to lack of available agricultural land to lease. Buying hay to compensate for lost forage is a far more expensive option than reducing livestock numbers. (Rowe, 2001) This alternative may also require fencing along the private-BLM boundary to prevent unauthorized use on public lands. These additional costs may result in the conversion of traditional agricultural property to some other use.

The desired social outcomes of the Community Assessment Report identified the importance of rural or western lifestyles and livelihoods in this area. This alternative would hinder the ability of local ranches to maintain economies, but even more importantly, to maintain the rural/western character integral to the larger community identity. (BLM, 2007)

Soils

Affected Environment

A review of the soil survey by the NRCS for the *Rifle Area, Colorado, Parts of Garfield and Mesa Counties* indicate 4 soil map units occur within the proposed allotment (NRCS 1985). The NRCS soil map unit descriptions (NRCS 2013) are provided below for the three dominant soils:

Dollard-Rock outcrop, shale, complex (24) – This complex consists of shale outcrops and shale derived soils that are found on hills and mountainsides at elevations ranging from 6,000 to 7,500 feet and on slopes of 25 to 65 percent. The Dollard soil is moderately deep, well drained and has rapid surface runoff with severe erosion hazard.

Northwater loam (48) – This deep, well-drained soil is found on mountainsides at elevations ranging from 7,600 to 8,400 feet and on slopes of 15 to 65 percent. The Northwater loam is derived from sedimentary rocks. Surface runoff for this soil is slow and the erosion hazard is slight. Primary uses for this soil include grazing, wildlife habitat, and recreation.

Tanna silty clay loam (64) – This moderately deep, well-drained soil is found on mountainsides at elevations ranging from 6,500 to 7,600 feet and on slopes of 25 to 45 percent. This soil is derived mainly from weathered shale. Surface runoff for this soil is rapid and the erosion hazard is severe. This soil is used primarily for wildlife habitat and grazing.

Soil health was evaluated in 2001 during the Rifle Creek Land Health Assessment. BLM staff concluded that soils were marginally meeting Land Health Standard 1 (BLM 2002). The following is an excerpt from that LHA report: “On the Simpson and Nichols Allotment, microbiotic crusts, soil compaction, and litter amount and distribution were given intermediate

ratings. The site appears to be an area of concentrated livestock use. The intermediate ratings may also be a result of the long grazing season from 05/20 to 10/10, which does not allow for a period of recovery during the growing season. Reducing the length of the livestock grazing season or implementing some other management practice or project may improve management of soils in this area.”

In 2012, soil and vegetative health was evaluated by the BLM interdisciplinary team. Once again, the BLM portion of the allotment appeared over-utilized, with less microbiotic crusts than expected and moderate soil compaction.

Environmental Effects

Proposed Action

Livestock grazing would be permitted in the spring only and a fence would be constructed to ensure that livestock could be kept off the BLM the rest of the time. Adaptive management would be authorized to allow flexibility for adequate range readiness.

Grazing activities could result in direct soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. However, based on the proposed AUM’s, established minimum stubble heights before turn out, utilization limits, and a fence to ensure vegetative recovery, the proposed action is expected to allow for adequate protection of soils and upland vegetation. Soil health is expected to improve in the long-term under the proposed management action.

No Action Alternative

Under this alternative, the previous grazing permit would be reissued with the existing terms and conditions and no permanent fence would be constructed. Soil conditions would likely be maintained at the existing marginal soil health condition or potentially degrade over the long term due to livestock compaction of the soils and over-utilization of upland vegetation.

No Grazing Alternative

No livestock grazing would occur and there would be no direct or indirect impacts to soils from livestock use. Trampling or removal of plant material may still occur from wildlife grazing. This alternative would result in the quickest recovery of soil and vegetative health conditions.

Land Health Standards

The Simpson & Nichols Allotment is marginally meeting land health standard 1 for soils. Implementation of the proposed action is expected to provide some recovery of soil conditions and improve soil health in the long-term.

Water Quality, Surface and Ground

Affected Environment

The Simpson & Nichols allotment lies within the West Rifle Creek watershed, tributary to the Colorado River. It is drained by unnamed east trending ephemeral tributaries to West Rifle Creek. No water quality data are available for these drainages because they are generally dry. There are three small springs within the allotment that have decreed BLM water rights for wildlife and livestock watering. Water quality data is very limited from these sources, but was

collected once per site in 1982. The following results represent the average for the three spring sources: Conductivity = 1,478 us; pH=8.12; water temperature = 19.3°C. In 2012, BLM staff tried to locate one of the spring sources unsuccessfully. It is likely based on recent drought conditions, that the surface flow has significantly diminished, thus no additional water quality data was collected.

The State of Colorado has developed a *303(d) List of Water Quality Limited Segments Requiring TMDLS and Monitoring and Evaluation List* (CDPHE 2010) that identifies stream segments that are not currently meeting water quality standards with technology based controls alone. No water sources in the proposed allotment are on this list, suggesting water quality standards are currently being met.

Environmental Effects

Proposed Action

Direct impacts to water quality resulting from grazing could be elevated nutrient levels (i.e. fecal coliform) if cattle begin to congregate near water sources for extended periods of time. Hoof action can cause surface compaction, stream bank shearing, elevated erosion rates and subsequent deterioration of water quality. Indirect impacts may result from excessive utilization in upland watershed areas reducing effective vegetative cover, elevating erosion potential and increasing sediment delivery to streams, which could negatively impact water quality. The proposed stocking rate, new fence construction to allow for soil and vegetation recovery, and adaptive management should provide for better protection of soils and vegetation and subsequently maintain water quality conditions.

No Action Alternative

Under this alternative, the previous grazing permit would be reissued with the existing terms and conditions and no permanent fence would be constructed. Soil conditions would likely be maintained at the existing marginal soil health condition or potentially degrade over the long term due to livestock compaction of the soils and over-utilization of upland vegetation, which could eventually affect water quality.

No Grazing Alternative

No livestock grazing would occur and there would be no direct or indirect impacts to water quality from livestock use. However, trampling or removal of plant material may still occur from wildlife grazing and utilization of spring sources for watering.

Land Health Standards

Based on the Rifle Creek Land Health Assessment, BLM staff concluded that water quality is meeting Standard 5 (BLM 2002). Implementation of the proposed action is not anticipated to degrade water quality from current conditions.

Wilderness/WSAs/Wilderness Characteristics

Affected Environment:

Most of the Simpson & Nichols allotment is within the Grand Hogback Lands with Wilderness Characteristics (LWC) area. The Grand Hogback was identified as containing wilderness characteristics in the Wilderness Character Assessment and Inventory for the Draft Resource

Management Plan and Draft Environmental Impact Statement for the Colorado River Valley Field Office, Colorado, 2011. The Grand Hogback contains wilderness characteristics of naturalness, outstanding opportunities for solitude and primitive and unconfined types of recreation on the entire 11,356 acres of the LWC. Only 400 acres of the Grand Hogback LWC fall within the Simpson & Nichols allotment.

Environmental Effects

Proposed Action

The design feature of limiting administrative access to actions related to livestock grazing operations and identifying the routes authorized for motorized administrative access will limit motorized travel within the LWC and assist with retaining the naturalness of the landscape by permitting only certain routes for use. There are no BLM records showing maintenance of any routes within this area. The proposed changes to season of use and building a fence on the boundary of the LWC will not impact the naturalness, outstanding opportunities for solitude and primitive, unconfined recreation, or the supplemental values of Cultural, Wildlife, Scenery, and Geological.

No Action Alternative

The No Action alternative would not include the design feature to limit administrative access to identified routes. This could increase the possibility of new routes being formed by the permit holder for their livestock grazing operations. This would have a negative impact on the naturalness of the LWC. No changes to season of use and not building the fence would have no impact.

No Grazing Alternative

The No Grazing Alternative would eliminate the need for having administrative access on the allotment. Therefore, the routes may naturally reclaim themselves and naturalness could benefit in the LWC. However, grazing is a grandfathered and accepted use even in wilderness areas, so it is acceptable to occur within LWC's.

Aquatic Wildlife & Sensitive Aquatic Species

Affected Environment

The Simpson & Nichols allotment lies within the West Rifle Creek watershed, tributary to the Colorado River. It is drained by unnamed ephemeral tributaries of West Rifle Creek. West Rifle Creek is high in total dissolved solids and very high sediment loads. Channel stability is rated poor. No fisheries are known in West Rifle Creek. Fisheries potential is limited due to low flows. Aquatic wildlife habitat generally looks good and amphibian habitat appears excellent in spots. Unconfirmed reports of northern leopard frogs (BLM sensitive) have been reported but are unlikely as they require year 'round water sources, deep enough to provide ice free refugia in the winter and do not exist on the allotment. Spring runoff areas on the BLM portion could be used by foraging leopard frogs.

Environmental Effects

Proposed Action

The majority of this allotment is not grazed due to steep topography which limits distribution and generally concentrates use near water. Grazing cattle can trample adults and eggs at pool

margins and remove riparian vegetation needed for aquatic species. Due to the ephemeral nature and time of use proposed, it is unlikely that grazing will have a negative impact on aquatic wildlife. Leopard frog populations and life cycles are dependent of refugia prior to the proposed grazing timeframes and should not impact this resource. Fence construction would take place after spring runoff when aquatic habitat would have dried up for the year and most species would have completed their life-cycle or gone dormant for the year. Fence construction would not impact aquatic wildlife.

No Action Alternative

The majority of this allotment is not grazed due to steep topography which limits distribution and generally concentrates use near water. Grazing cattle can trample adults and eggs at pool margins and remove riparian vegetation needed for aquatic species. Concentrated cattle use may reduce water quality levels that these species depend on. This alternative allows season long grazing from 5/20 – 10/10 and would be very difficult to manage for aquatic wildlife and their habitat due the small amount of available forage. Leopard frogs complete their reproduction cycles typically by May and would have overlap with cattle during this sensitive time frame while eggs are being laid and hatch. This alternative would likely have a greater impact on overall aquatic wildlife compared to the proposed alternative.

No Grazing Alternative

Aquatic wildlife would benefit from this alternative due to no trampling of individuals or offspring, oxygen levels would not be manipulated by nutrient loading from cattle fecal matter near concentrated use areas.

Wildlife: Migratory Birds

Affected Environment

The Migratory Bird Treaty Act (MBTA) provides protections to native birds, with the exception of certain upland fowl managed by state wildlife agencies for hunting. Within the context of the MBTA, “migratory” birds include non-migratory “resident” species as well as true migrants. For most migrant and resident species, breeding habitat is of special importance because it is critical for supporting reproduction in terms of both nest sites and food. In addition, because birds are generally territorial during the nesting season, their ability to access and utilize sufficient food is limited by the quality of the territory occupied. During non-breeding seasons, birds are generally non-territorial and able to feed across larger areas and wider ranges of habitat.

A variety of migratory bird species occupy, or have the potential to occupy, the geographic area. Migratory bird species that are federally listed under the Endangered Species Act of 1973, as amended, or classified by the BLM as sensitive species, are addressed under the section on Special Status Wildlife and Fish Species. The current section addresses migratory birds that may inhabit the proposed project area. Emphasizing the need to conserve declining species, the U.S. Fish and Wildlife Service (USFWS) has published a list of Birds of Conservation Concern (BCC) that warrant conservation attention to stabilize or increase populations or secure threatened habitats. This section also addresses species that are listed as BCC species (USFWS 2008). This analysis focuses on BCC species, on non-BCC species that are neotropical (long-distance) migrants, and raptors—three groups highly vulnerable to habitat loss or modification on their breeding grounds.

Species on the BCC list that are potentially present based on habitat preferences and known geographic ranges, include the flammulated owl (*Otus flammeolus*), Lewis's woodpecker (*Melanerpes lewis*), pinyon jay (*Gymnorhinus cyanocephalus*), Brewer's sparrow (*Spizella breweri*), and Cassin's finch (*Carpodacus cassinii*). The flammulated owl and Brewer's sparrow are also listed as BLM sensitive species and addressed in the section on Special Status Wildlife. The potential for occurrence of Lewis's woodpecker is low due to its close association with riparian cottonwood woodlands and to aspen and mixed conifer habitats with a component of ponderosa pine—none of which is a major habitat type within the project vicinity.

Cassin's finch nests at higher elevations in montane and subalpine coniferous forests but often disperses to lower elevations following the breeding season and may remain there until the following spring. Mixed mountain shrub habitats containing large, tree-like oak brush are among the vegetation types sometimes supporting winter use by Cassin's finch.

Brewer's sparrow prefer open contiguous big sage and to a lesser extent mountain shrub or salt brush communities for nesting. These sparrows use the plant or its understory for a nesting site. Nest failure will not usually necessitate re-nesting for this species, which makes habitat availability a key component for the successful conservation of this species.

Non-BCC species likely to occur in the geographic area of the allotment include several neotropical migrants associated with mixed mountain shrub habitats. These include the common nighthawk (*Chordeiles minor*) (not a raptor), common poorwill (*Phalaenoptilus nuttallii*), broad-tailed hummingbird (*Selasphorus platycercus*), dusky flycatcher (*Empidonax oberholseri*), western scrub-jay (*Aphelocoma californica*), sage sparrow (*Amphispiza belli*), Virginia's warbler (*Oreothlypis virginiae*), orange-crowned warbler (*O. celata*), MacGillivray's warbler (*Oporornis tolmiei*), lazuli bunting (*Passerina amoena*), lesser goldfinch (*Spinus psaltria*), black-headed grosbeak (*Pheucticus melanocephalus*), and spotted towhee (*Pipilo maculata*).

Neotropical migrants such as the black-chinned hummingbird (*Archilochus alexandri*), mountain bluebird (*Sialis currucoides*), western bluebird (*S. mexicana*), plumbeous vireo (*V. plumbeus*), black-throated gray warbler (*Dendroica nigrescens*), and chipping sparrow (*Spizella passerina*). Two other Neotropical migrants, the ash-throated flycatcher (*Myiarchus cinerascens*) and gray flycatcher (*Empidonax wrightii*) are potentially present.

Raptors use the area for nesting and hunting. Species most likely to occur within or near the Simpson-Nichols Allotment include the American kestrel (*Falco sparverius*), sharp-shinned hawk (*Accipiter striata*), Cooper's hawk (*A. cooperi*), red-tailed hawk (*Buteo jamaicensis*), great horned owl (*Bubo virginiana*), long-eared owl (*Asio otus*), and northern pygmy-owl (*Glaucidium gnoma*). A red-tailed hawk has been known to nest on the allotment. In addition, golden eagles and Cooper's hawks nest nearby. It is likely that a variety of raptor species forage on this allotment.

Environmental Effects

Proposed Action

It is unlikely that livestock grazing as proposed will have any long-term negative effects to migratory birds/raptors in the area, and no intentional take of native bird species is anticipated. Ground nesting birds such as sage sparrow could be impacted by fence construction; additionally shrub nesting species such as Brewer's sparrow could be indirectly impacted by fence construction. The majority of the allotment is not grazed due to steep topography that limits distribution and cattle are more likely to graze on flatter terrain within the allotment where sage and mixed mountain shrubs exist. Fence construction would need to be completed outside of the primary nesting season of May 15 – July 15th to avoid take of individual migratory birds, nests or their habitat.

No Action Alternative

This alternative allows for a longer grazing overlap within the primary migratory bird nesting season which could trample more ground nest sites. This alternative grazing season is from 5/20 – 10/10 and would have a much longer period of herbaceous cover reduction that would negatively impact trophic levels needed to support most migratory bird species.

No Grazing Alternative

Most migratory bird species would benefit from a no grazing alternative, although some species such as Brewer's sparrow are more adapted to slight to light grazing use to maintain lower grass levels. This alternative would not negatively impact migratory birds.

Wildlife: Sensitive, Threatened, and Endangered

Affected Environment

Complete surveys for special status wildlife species have not been conducted on this allotment, but no special status wildlife have been documented as occurring in the immediate vicinity. This allotment does not constitute potential habitat for any threatened, endangered, proposed or candidate wildlife species.

Only those wildlife species known to occur or with habitat or potential to occur or be impacted by the action will be addressed. In the absence of up-to-date survey information, suitable habitat will be assumed to be occupied.

Environmental Effects

Proposed Action

No special status wildlife species are known to inhabit this allotment, nor does it provide habitat for any special status species. As such, no direct or indirect impacts will occur to special status wildlife species. Livestock grazing, as proposed, should have no effect on any special status species or their habitat.

No Action Alternative

No special status wildlife species are known to inhabit this allotment, nor does it provide habitat for any special status species. As such, no direct or indirect impacts will occur to special status species. Livestock grazing should have no effect on any special status species or their habitat.

No Grazing Alternative

No special status wildlife species are known to inhabit this allotment, nor does it provide habitat for any special status species. As such, no direct or indirect impacts will occur to special status species. No grazing would have no effect on any special status species or their habitat.

Land Health Standards

A formal Land Health Assessment was completed for this allotment in 2001. No special status species were located on the allotment and the allotment contains no habitat for special status species. As such an assessment for Standard 4 was not conducted. However, Standard 3 was not being met on the allotment due to the presence of weeds, concentrated livestock use, and poor shrub conditions. Based on grazing changes being proposed including shorter grazing timeframes and fence construction to limit grazing, allotment conditions should improve to the benefit of both wildlife species and their habitat.

Wildlife: Terrestrial

Affected Environment

A variety of wildlife species may be found on this allotment. The area contains habitat for many species of small game and nongame mammals and birds. Mule deer will use this allotment year round and the entire allotment is mapped as elk winter concentration habitat.

Environmental Effects

Proposed Action

The majority of this allotment is not grazed due to steep topography which limits distribution and increases forage competition. Grazing from 6/1 – 7/1 would not overlap with critical forage time frames that most terrestrial wildlife depend on. The construction of the fence includes a smooth bottom wire; 16 inches from the ground would facilitate the majority of wildlife species using the area. The fence would represent a collision hazard for big game species but most of these animals are well adapted to avoiding or breaching fences of this design.

No Action Alternative

This alternative would allow grazing from 5/20 – 10/10 which has proven difficult to maintain standard 3 for land health. Without a boundary from public land, cattle have easy access near water to graze on BLM and reduce the overall available forage and residual growth available to wildlife populations for food and shelter. This alternative would not improve habitat conditions.

No Grazing Alternative

This alternative would benefit terrestrial wildlife species by providing the most amount of food and cover.

Land Health Standards

A formal Land Health Assessment was completed for this allotment in 2001. At that time Standard 3 was not being met on the allotment. Upland habitats were in poor condition with houndstongue, dandelion, and other weeds present. Rabbitbrush was dominant at some sites where sagebrush was preferred. Livestock salting areas were concentrating animals and

resulting in poor habitat condition. A reduced grazing timeframe and fence separating private and BLM will greatly increase cattle distribution and use to help meet land health standards.

CUMULATIVE EFFECTS

Soil and Water. Cumulative impacts to soil and water resources can occur from existing roads and trails throughout the allotment. Roads and trails can contribute to increased surface runoff and accelerated erosion, especially where proper drainage is lacking. However, based on very limited land management occurring across the allotment due to the rugged terrain, it is assumed that cumulative effects to soil and water are minor and unmeasurable.

RESIDUAL EFFECTS

None

5. Tribes, Individuals, Organizations, or Agencies Consulted

Erin Leifeld consulted with the Southern Ute Tribe, Ute Tribe of the Uinta and Ouray Bands, and Ute Mountain Ute Tribe regarding this proposal.

Grazing permittee

6. List of Preparers

Members of the CRVFO Interdisciplinary Team who participated in the impact analysis of the Proposed Action and alternatives, development of appropriate mitigation measures, and preparation of this EA are listed in Table 6-1, along with their areas of responsibility.

Table 6-1. BLM Interdisciplinary Team Authors and Reviewers		
<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Isaac Pittman	Rangeland Management Specialist	NEPA lead, Range
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; Vegetation; T/E/S Plants; Land Health Standards
Greg Wolfgang	Outdoor Recreation Planner	VRM, 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 and T/E/S Terrestrial Wildlife, Aquatic Wildlife and T/E/S Aquatic Wildlife
Everett Bartz	Rangeland Management Specialist	Wetlands & Riparian Zones
Pauline Adams	Hydrologist	Air Quality, Water Quality, Soils

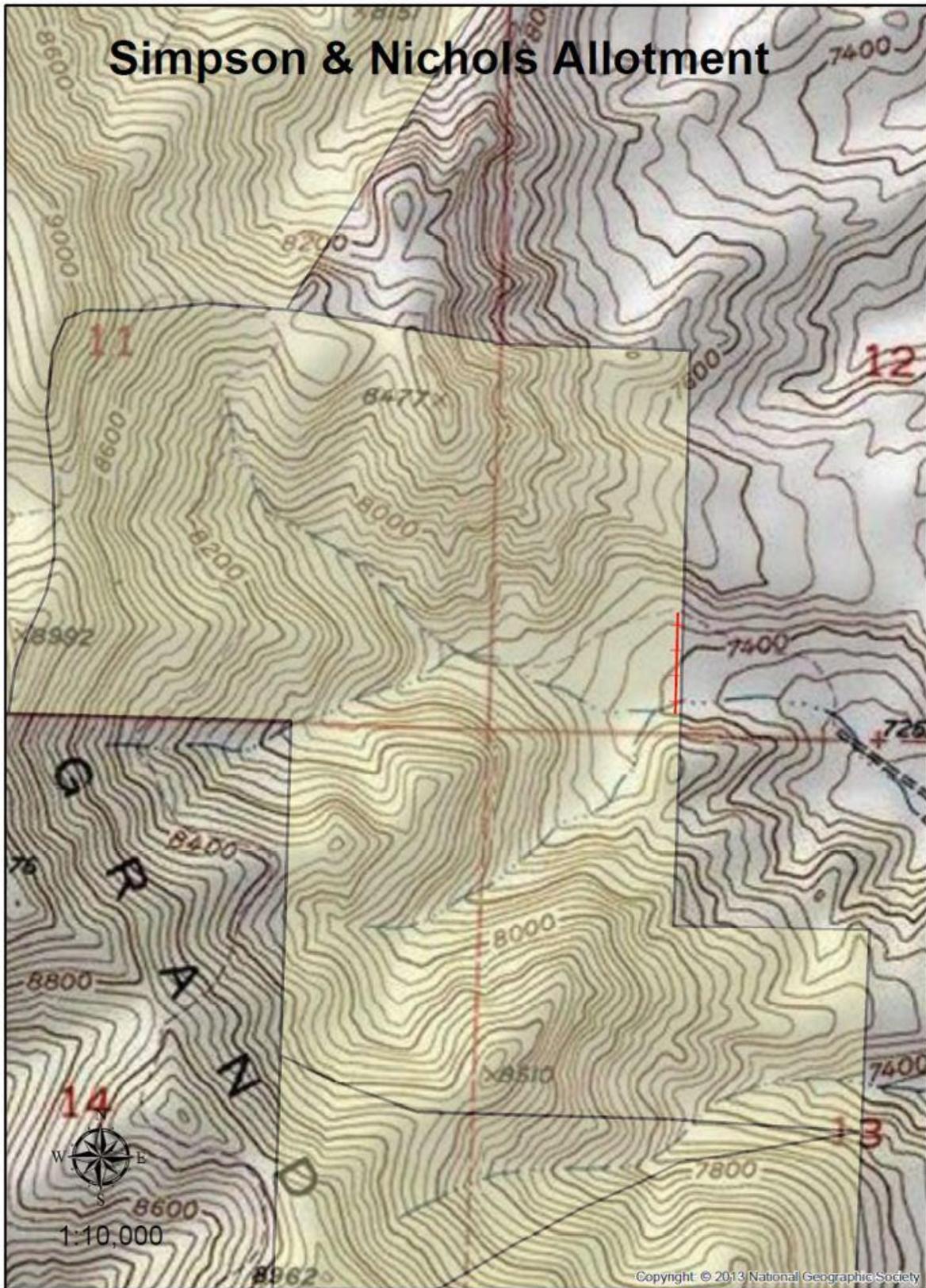
7. References

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Project Specifications and Drawings
SECTION 02834
WORK DATA SHEET FOR
WIRE FENCES AND GATES

Fence type: Four strand barbed

Type of top wire: Barbed

Type of intermediate wires: Barbed

Type of bottom wire: Smooth

Wire locations/dimensions in inches (spacing): Four Strand

D: 12

C: 8

B: 6

A: 16

Line post spacing (L): 16 ft 6 inches

Type of Stays: Wood or twisted wire

Stay spacing (l): 5 ft 6 inches

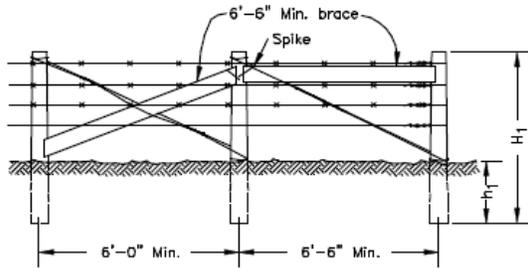
Length of wood posts (H₁): 8 or 7 ft

Depth of wood posts in ground (h₁): 3 ft

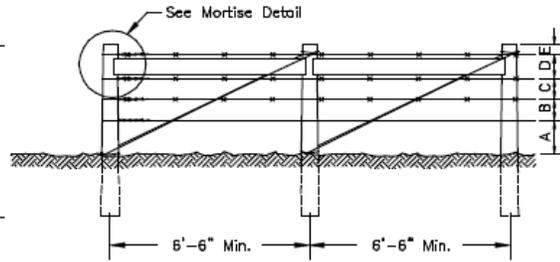
Length of steel posts (H₂): 5 ft 6 inches

Depth of steel posts in ground (h₂): To top of anchor plate

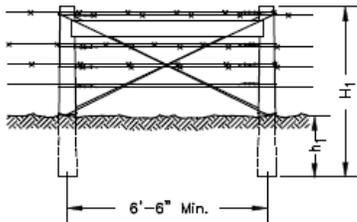
End Panel: Type 1



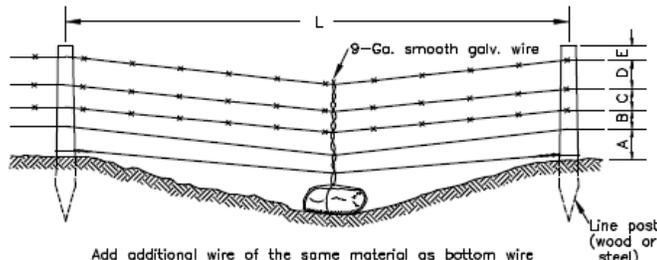
END PANEL-TYPE I



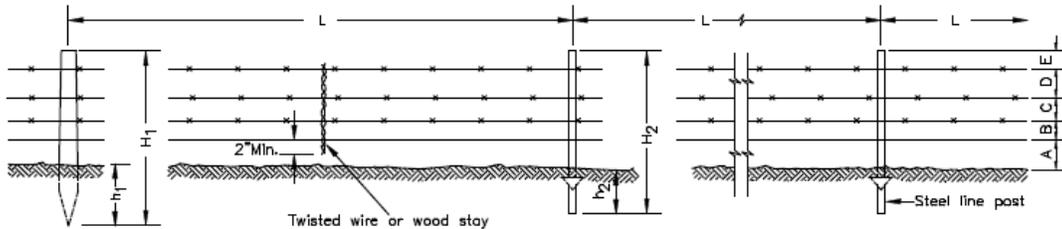
END PANEL-TYPE II



STRESS PANEL



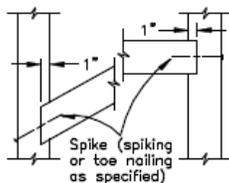
PANEL AT MINOR DEPRESSION



LINE PANELS

NOTE:

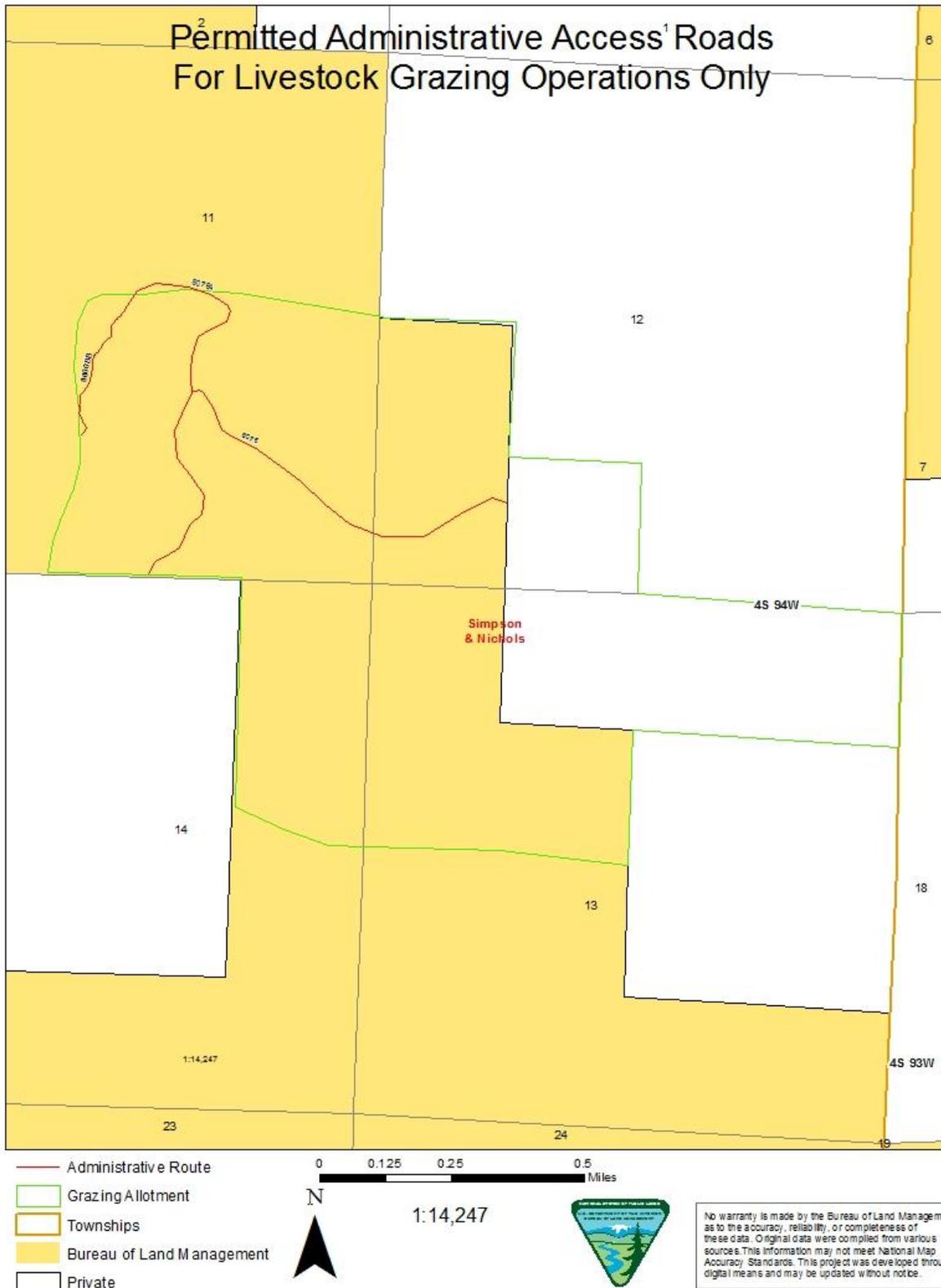
1. See specifications for the following:
 - a. Ratio of steel to wood line posts.
 - b. Post spacing, length and depth in ground.
 - c. Type of end panel to be used.
 - d. Type of wire to be used.
 - e. Spacing between wires.
 - f. Number of stays per span (L).



MORTISE DETAIL

ALWAYS THINK SAFETY

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DIVISION OF TECHNICAL SERVICES SERVICE CENTER	
TYPICAL BARBED WIRE FENCE (4-WIRE)	
DESIGNED	by others
REVIEWED	
APPROVED	
DRAWN	SCALE NONE
DATE FEBRUARY 25, 1991	SHEET OF
DRAWING NO. 02834-1	



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO RIVER VALLEY FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Grazing Permit Renewal on the Simpson & Nichols Allotment

DOI-BLM-N040-2013-0075-EA

Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the actions documented in the EA for the grazing permit issuance on the Simpson & Nichols Allotment. The effects of the actions are disclosed in the Affected Environment and Environmental Effects section of the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significant, as used in NEPA, requires consideration of both *context* and *intensity* as follows:

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and/or adverse.

Impacts associated with this livestock grazing permit issuance are identified and discussed in the Affected Environment and Environmental Effects section of the EA. The Proposed Action described in the EA would not have significant beneficial or adverse impacts on the resources identified and described in the EA.

2. The degree to which the action affects health or safety.

The Proposed Action will not significantly affect public health or safety. The purpose of the action is to allow for multiple uses while maintaining or improving resource conditions to meet

standards for rangeland health in the allotment. Similar actions have not significantly affected public health or safety.

3. Unique characteristics of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, wilderness study areas, or ACECs.

There are no unique characteristics of the geographic area.

4. The degree to which the effects are likely to be highly controversial.

The possible effects of continued livestock grazing are not likely to be highly controversial.

5. The degree to which the effects are highly uncertain or involve unique or unknown risks.

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for the determination of the impacts to the resources are supportable with the use of accepted techniques, reliable data, and professional judgment. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

This EA is specific to the Simpson & Nichols Allotment. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration in or outside of this allotment.

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

The area covered by this action only comprises a small portion of the watershed. Cumulatively, many of the future actions planned on private and other lands may have some undetermined effect on wildlife including special status species habitat. The Proposed Action would create negligible landscape-level cumulative impacts to wildlife when viewed in conjunction with those activities currently occurring and reasonably certain to occur on adjacent private/other lands.

8. The degree to which the action may adversely affect scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.

Two cultural resource inventories (CRVFO# 854, 1372) has been previously conducted within the Simpson & Nichols Allotment #18022 resulting in the survey coverage of 52.5 acres at a Class III level. No cultural resources were discovered during inventory. Looking at the General Land Office (GLO) Patents from 1888 doesn't indicate any potential for historic properties within the allotment. Five acres was identified for cultural resource inventory in the previous environmental analysis; this was accomplished since that analysis.

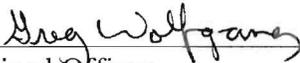
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

No Threatened or Endangered species or their habitat exist on this allotment.

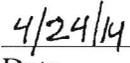
10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The action does not violate or threaten to violate any Federal, State or local laws or requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the Proposed Action analyzed in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.



Authorized Officer
Colorado River Valley Field Office



Date



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



CATEGORICAL EXCLUSION
DOI-BLM-CO-N040-2014-0066-CX

A. Background

BLM Office: Colorado River Valley Field Office

Permit/Serial/Case File No.: 0507654

Proposed Action Title/Type: Grazing Preference Transfer

Location of Proposed Action: T4S, R94W, Sixth Principal Meridian, Garfield County, Colorado.

Description of Proposed Action: The proposed action is to transfer grazing preference from Stephen Belgum to Robert L. Nichols. The proposed action is in accordance with 43 CFR 4110.2-3.

Grazing Preference (AUMS) to be transferred:

Allotment Name & No.	Active AUMs	Suspended AUMs	Temporary Suspended	Permitted AUMs
Simpson & Nichols #18022	42	337	1	380

B. Land Use Plan Conformance:

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.”

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Section: D, Range Management, Number 1, Approval of transfers of grazing preference.

The Departmental Manual (516 DM 2.3A(3) & App. 2) requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of bureau actions normally do not require the preparation of an EA or EIS.

None of the following exceptions in 516 DM 2, Appendix 2, apply.

EXCLUSION	YES	NO
1. Have significant impacts on public health or 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 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

INTERDISCIPLINARY REVIEW:

None required

REMARKS/MITIGATION: There are no impacts to public land since the transfer action only results in a transfer of grazing preference.

I considered this action and determined that it 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.

D. Signature

Authorized Official: Greg Wolfgang

Date: 4/24/14

Name: Greg Wolfgang

Title: Acting Supervisory Natural Resource Specialist

Contact Person

For additional information concerning this CX review, contact Isaac Pittman, Rangeland Management Specialist at 970-876-9069, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652.



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

JL
 4/24/14



IN REPLY REFER TO:
 ON 0504955 (CON040)

CERTIFIED MAIL 70132630000027328325
RETURN RECEIPT REQUESTED

Robert L. Nichols
 P.O. Box 1591
 Jacksonville, TX 75766

NOTICE OF PROPOSED DECISION

Dear Dr. Nichols:

Introduction & Background:

On April 4, 2014 you applied for a transfer of grazing preference from Stephen Belgum to yourself on the Simpson & Nichols #18022 allotment. The transfer action is excluded from National Environmental Policy Act (NEPA) review and was documented in Categorical Exclusion (CX) # DOI-BLM-CO-N040-2014-0066. Simultaneously, you applied for a grazing permit with changes from the previously authorized use. The permit has undergone review for conformance with the land use plan and compliance with NEPA. The review and NEPA compliance has been completed as documented in the Environmental Assessment (EA) # DOI-BLM-CO-N040-2013-0075. A copy of the DNA is enclosed. Renewal of the permit has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

Proposed Decision:

As a result of this process, it is my proposed decision to approve the preference transfer and re-issue grazing permit No. 0504955 for a period of 10 years (June 1, 2014 – February 28, 2024). My Proposed Decision results changes from the previously authorized use. Mandatory Terms and Conditions and Grazing Preference are listed below.

Mandatory Terms and Conditions/Scheduled Grazing Use:

Permittee	Allotment Name & No.	Livestock Kind & #	Period of use	%PL	AUMs
Robert L. Nichols	Simpson & Nichols #18022	43	06/01 – 06/30	100	42

Grazing Preference (AUMS):

Permittee	Allotment Name & #	Active	Suspended	Temporary Suspended	Total
Robert L. Nichols	Simpson & Nichols #18022	42	337	1	380

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

The permittee will erect a permanent fence between the BLM and private property to help control the season of use allowed on the allotment.

Adaptive management will be employed on these allotments. The BLM will allow up to 14 days of flexibility in the start and end dates on this permit depending on range readiness. The range will be considered ready when there is a minimum of 4 inches of new growth on grasses. AUMs may not exceed Active Preference. Use different than that shown above must be applied for in advance.

Average utilization levels by livestock should not exceed 50% by weight on key grass species, and 40% of the key browse species current year's growth. Once these levels are reached, livestock should be moved to another portion of the allotment, or removed from the allotment entirely for the remainder of the growing season. Application of this term may be flexible to recognize livestock management that includes sufficient opportunity for regrowth, spring growth prior to grazing, or growing season deferment.

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 turnout. 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 advance 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 lands 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:

Renewal of the grazing permit 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 October 2012 - Record of Decision for Solar Energy Development in Six Southwestern States.

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-N040-2012-0018) for the proposed permit. My proposed decision is based on the findings of the analyses contained in this EA. The analysis of the proposed action indicated that the current conditions and land health standards in the Harris Gulch, Hayden, SW Rifle Creek, and Watts 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.

Other terms and conditions outlined in the permit have been included to mitigate potential impacts from grazing use.

Authority:

43 CFR 4100.0-8 states: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0- 5(b)."

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 4130.2(a) states: "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing. Permits and leases will specify the grazing preference, including active and suspended use. These grazing permits and leases will also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2."

43 CFR 4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless -- (1) The land is being considered for disposal; (2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years; (3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or (4) the authorized officer determines that a permit or lease for less than 10 years is the best interest of sound land management."

43 CFR 4130.3 states: "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."

43 CFR 4130.3-1(a) states: "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

43 CFR 4130.3-2 states: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public 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 publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Greg Wolfgang Acting 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.

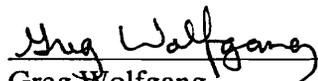
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (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 sign and date both copies of the enclosed grazing permit and return to our office. If you have any questions about this proposed decision please contact Isaac Pittman, Rangeland Management Specialist at 970-876-9069.

Sincerely,



Greg Wolfgang
Acting Supervisory Natural Resources Specialist

Date 4/24/11

Enclosure(s)
Environmental Assessment # (DOI-BLM-CO-N040-2013-0075-EA)
Form 4130-2a (Grazing Permit)