



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



## DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

**NUMBER:** DOI-BLM-CO-N040-2014-0042-DNA

**CASEFILE NUMBER:** 0503994

**PROJECT NAME:** Grazing Permit Renewal on the Clough-Alber and Webster Park allotments

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

**LEGAL DESCRIPTION:** T5S R94W portions of sections 7-10, 15-18, 20-22, 28-29 & T5S R95W portions of sections 12-13 (see attached allotment maps)

**APPLICANT:** Grazing Permittee

**DESCRIPTION OF PROPOSED ACTION:**

The Proposed Action is to renew a term grazing permit for the above applicant. The number/kind of livestock, period of use, percent public land and Animal Unit Months (AUMS) will remain the same as the previous permit. The permit will be issued for a 3 year period. The proposed action is in accordance with 43 CFR 4130.2. The tables below summarize the scheduled grazing use and grazing preference for the permit.

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

Allotment Name and No.	Livestock Number & Kind	Pasture	Grazing Period Begin	Grazing Period End	%PL	AUMS
Webster Park #18902	1000 Sheep	Webster Mesa	4/5	6/15	20	95
Clough-Alber #18909	1000 Sheep	East Pasture	5/16	7/6	80	274
Clough-Alber #18909	1000 Sheep	East Pasture	9/10	10/31	80	274
Webster Park #18902	1000 Sheep	Goodrich Park	11/1	11/30	20	39

**Grazing Preference (AUMS)**

Allotment Name/No.	Total	Suspended	Temporary Suspended	Active
Webster Park #18902	700	172	395	133
Clough-Alber #18909	972	422	0	550

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

Grazing management on the Clough-Alber allotment will be in accordance with the Clough-Alber Allotment Management Plan (AMP).

An Actual Use report for the Clough-Alber allotment shall be submitted to the BLM office no later than July 20 for the spring use and no later than November 30 for the fall use.

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

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.

A herder will be present on the allotment each day of the grazing season. Sheep camps will be moved every 5-7 days and sheep will not be brought back to the same area once it has been used that grazing season. The herder will minimize grazing use by sheep on the creek bottoms. Sheep can be herded to creek bottoms for brief periods for watering purposes only. Once sheep have been watered they will be herded away from the creek bottoms.

Trailing use through the Hubbard Mesa (#18903) and JQS (#18908) allotments will take place in the spring-summer for 2 days (1 day up and 1 day down) and in the fall for 2 days (1 day up and 1 day down). A majority of the trailing use will be on county roads.

Supplemental feed such as salting blocks should be placed at least ¼ mile from water developments and riparian areas and, where applicable, up to a ½ mile. This will encourage livestock distribution and give permittees more control over what areas are being used.

Grazing in riparian areas by livestock should leave an average minimum 4-inch stubble height of herbaceous vegetation and should not exceed an average utilization of 40% of the current year's growth for browse species. Within the uplands, livestock utilization will be limited to 50% by weight on key grass species. Livestock will be moved to another portion of the allotment, moved to the next scheduled pasture, or removed immediately from the allotment when the above utilization levels occur.

The allotment will be divided into two pastures. The West pasture and the East pasture. Use in each pasture will be rotated to achieve objectives.

Administrative access on routes identified as "Foot/Horse Trail" will be allowed from June 1 to August 25 and should only be utilized for the maintenance of assigned range improvement

projects. Motorized administrative access on “Foot/Horse Trail” routes for grazing operation after August 25th will require the permit holder to seek and receive prior authorization from an authorized BLM officer.

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.

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

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

Name of Plan: Glenwood Springs Resource Management Plan

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

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

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

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

**REVIEW OF EXISTING NEPA DOCUMENTS:**

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

Name of Document: DOI-BLM-CO-N040-2012-0021 EA

Date Approved: April 11, 2012

Name of Document: DOI-BLM-CO-N040-2013-0016 EA

Date Approved: May 22, 2013

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

None

**NEPA ADEQUACY CRITERIA:**

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

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

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

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

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

Documentation of answer and explanation: Yes. The analysis contained in the existing NEPA document remains valid in light of new studies and/or resource assessment information. The circumstances upon which the existing NEPA document is based remain valid and germane to the Proposed Action. No new threatened, endangered or sensitive species have been identified on the allotment and the Proposed Action would not adversely impact migratory birds per EO 13186.

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

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

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

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

**INTERDISCIPLINARY REVIEW:**

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

**REMARKS:**

Cultural Resources and Native American Religious Concerns

The Clough-Alber and Webster allotments were all analyzed for cultural resources in the 2012 (CRVFO CRIR#1012-19) environmental assessment. No additional inventory has occurred in

these allotments and no new information has been brought to light that would change the previous analysis. It is still recommended that samples of eligible or potentially eligible sites are recommended to be monitored within the Clough-Alber and Webster Park allotments. Particularly sites 5GF3023, 5GF3026, and 5GF3027 within the Webster Park allotment as they were noted to have impacts from cattle grazing in a 2002 assessment. No additional inventory is required for the Clough-Alber and Webster Park allotments.

The cultural resource evaluation of this allotment 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 March 2, 2012, requested the tribes to identify issues and areas of concern within the allotment. No comments were received at that time.

Streams within the Webster Park allotment were considered to be meeting BLM Land Health Standards, despite the State of Colorado listing of the Lower Colorado Segment 10 (East Rifle Creek, West Rifle Creek and Rifle Creek, including tributaries from Rifle Gap to the Colorado River) on the *303(d) List of Impaired Waters and Monitoring and Evaluation List* (CDPHE 2012). Parameters of concern include *E. coli* and selenium, but were given a low priority by the State to develop a Total Maximum Daily Load (TMDL). Additional monitoring by the State is necessary to determine the extent of the impairments. When a TMDL is developed for this segment, additional mitigation measures may be required for compliance with the Clean Water Act.

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

**NAME OF PREPARER:** Isaac Pittman

**DATE:** 5/23/2014

## CONCLUSION

DOI-BLM-CO-N040-2014-0042-DNA

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

SIGNATURE OF RESPONSIBLE OFFICIAL:

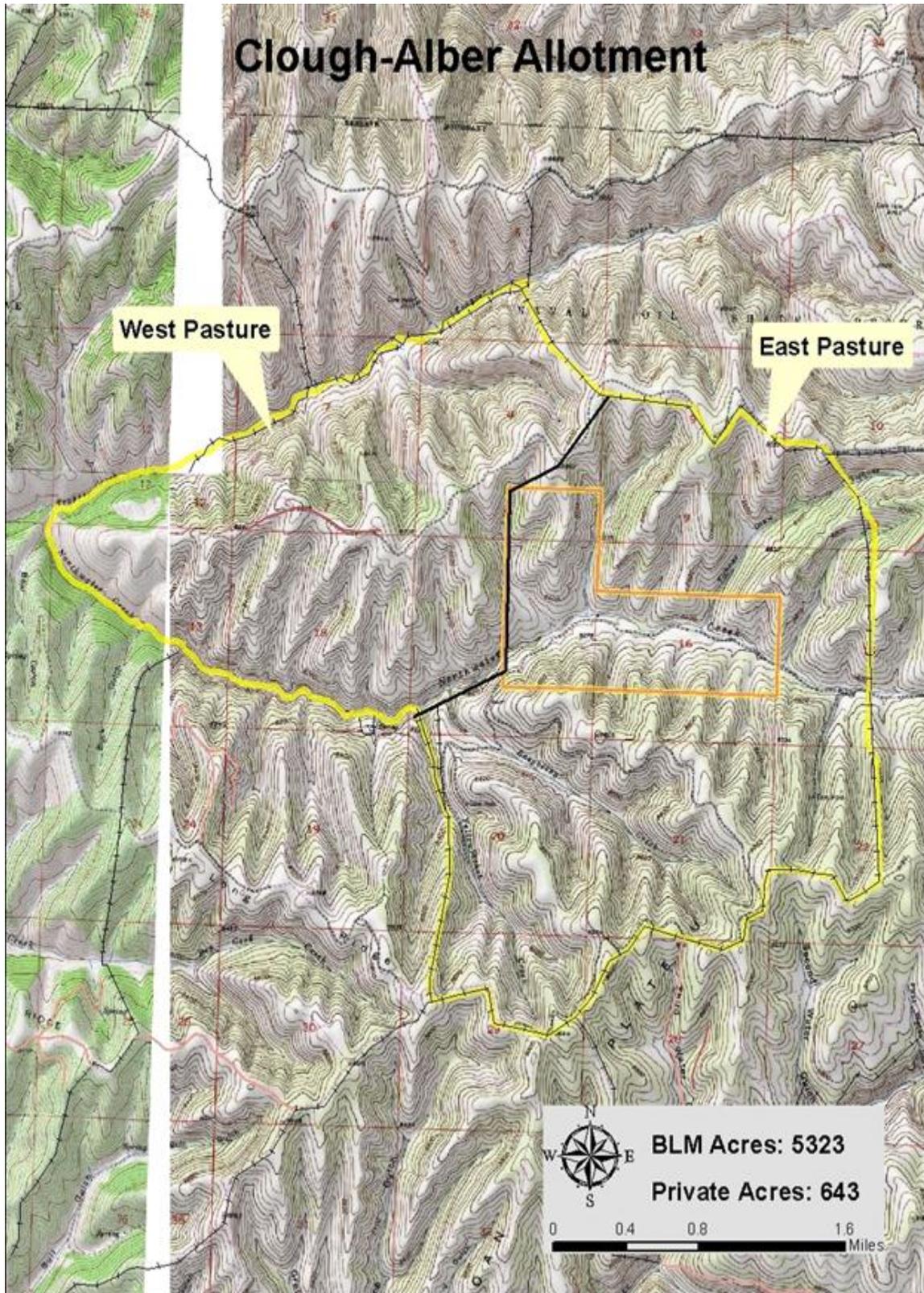
*Angie Foster*  
Supervisory Natural Resource Specialist (*acting*)

DATE SIGNED:

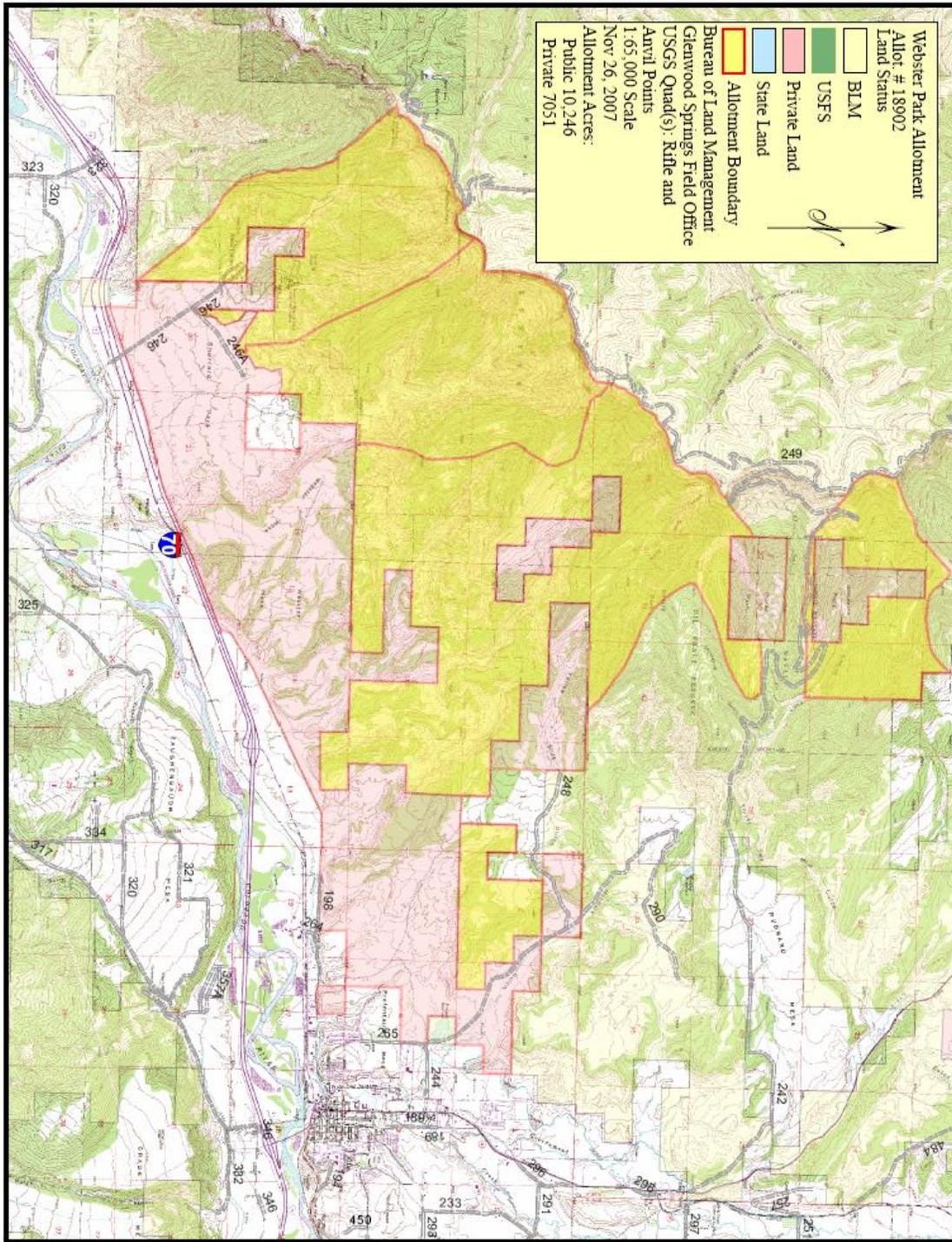
*5/27/2014*

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

**Attachment 1. Map of Clough-Alber allotment**



Attachment 2. Map of Webster Park Allotment





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



IN REPLY REFER TO:  
 ON 0503994 (CON040)

**CERTIFIED MAIL 7013 2630 0000 2732 8035**  
**RETURN RECEIPT REQUESTED**

James Craig Bair Ranch Co.  
 66418 Highway 6 and 24  
 Glenwood Springs, Colorado 81601

**NOTICE OF PROPOSED DECISION**

Dear Mr. Bair:

**Introduction & Background:**

On January 1, 2014 grazing permit No. 0503994 expired, and to be renewed, the permit has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The review and NEPA compliance has been completed as documented in the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) No. DOI-BLM-CO-N040-2014-0042. 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 renew grazing permit No. 0503994 for a period of 3 years, the term of the base property lease (Jun 1, 2014 – Jan 1, 2017). My Proposed Decision results in no changes to your previously authorized use. Please review your authorized use and terms and conditions outlined below.

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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.

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

### **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-N040-2012-0021) for the proposed permit renewal. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the current conditions and land health standards in the East Clough-Alber allotment 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 AMP 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 public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Matthew Thorburn, Supervisory Natural Resources Specialist, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215. The BLM does not accept appeals by facsimile or email.

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

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

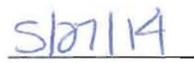
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

Please 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,

  
\_\_\_\_\_  
Angie Foster  
Acting Supervisory Natural Resources Specialist

  
\_\_\_\_\_  
Date

Enclosure(s)  
Documentation of NEPA Adequacy (No. DOI-BLM-CO-N040-2014-0042-DNA)  
BLM Form 4130-2a (Grazing Permit)