



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-N040-2014-0058-CX

A. Background

BLM Office: Colorado River Valley Field Office

Permit/Serial/Case File No.: 05000015

Proposed Action Title/Type: Grazing Preference Transfer

Location of Proposed Action: T3, 4 & 5S, R83 & 84W, Sixth Principal Meridian, Eagle County, Colorado.

Description of Proposed Action: The proposed action is to transfer of half the grazing preference from base property controlled by Schlegel Ranch Partnership to base property controlled by Hammer Ranch. 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
Castle Ind. #08609	88	0	0	88
Catamount Common #08619	261	0	0	261
Upper Cottonwood #08639	36	37	0	73
Greenhorn #08641	126	125	0	251

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



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 2300 River Frontage Road
 Silt, CO 81652



IN REPLY REFER TO:
 ON 0504937 (CON040)

CERTIFIED MAIL 7012 2210 0001 5070 0563
RETURN RECEIPT REQUESTED

Hammer Ranch
 c/o Steve Hammer
 PO BOX 74
 Burns, CO 80426

NOTICE OF PROPOSED DECISION

Dear Mr. Hammer and Mr. Schlegel:

Introduction & Background:

On March 13, 2014 Hammer Ranch submitted an application to transfer grazing preference from Schlegel Ranch Partnership, LTD to Hammer Ranch on the Wheelock Ind. Large, Piskey, Catamount Common, Castle Ind., Upper Cottonwood, and Greenhorn allotments. Also, as part of this transfer action Schlegel Ranch Partnership, LTD submitted an application on March 30, 2014 to transfer their remaining grazing preference from Schlegel Partnership, LTD to Schlegel Cattle Company, LLC. The transfer actions are excluded from the National Environmental Policy Act (NEPA) review and were documented in Categorical Exclusions (CX) No. DOI-BLM-CO-N040-2014-0046, No. DOI-BLM-CO-N040-2014-0047, No. DOI-BLM-CO-N040-2014-0058, and No. DOI-BLM-CO-N040-2014-0059.

Simultaneously, applications were filed for new grazing permits. The permits have 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 Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) No. DOI-BLM-CO-N040-2014-0061. 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 transfers and re-issue grazing permits No. 0504937, No. 0504936, No. 0504942, and No. 0504941 for the remainder of the existing expiration dates as described in the following table. Mandatory Terms and Conditions and Grazing Preference are listed below.

Mandatory Terms and Conditions/Scheduled Grazing Use:

Permittee Name & Authorization No.	Permit Expiration Date	Allotment Name and No.	Livestock No. & Kind	Begin Date	End Date	%PL	AUMS
Hammer Ranch #0504937	3/31/2018	Wheelock Ind. large #08607	79 Cattle	11/1	2/28	8	25
		Wheelock Ind. large #08607	10 Cattle	11/16	1/15	8	2

Hammer Ranch #0504936	3/31/2019	Piskey #08606	195 Cattle	5/12	7/17	100	430
		Catamount Common #08619	165 Cattle	7/18	10/15	100	488
Hammer Ranch #0504942	3/13/2016	Castle Ind. #08609	72 Cattle	5/06	6/11	100	88
		Catamount Common #08619	63 Cattle	6/12	10/15	100	261
		Upper Cottonwood #08639	19 Cattle	5/08	6/25	100	31
		Greenhorn #08641	70 Cattle	5/08	6/25	100	113
		Upper Cottonwood #08639	2 Cattle	6/26	9/15	100	5
		Greenhorn #08641	5 Cattle	6/26	9/15	100	13
Schlegel Cattle Company #0504941	3/13/2016	Castle Ind. #08609	72 Cattle	5/06	6/11	100	88
		Catamount Common #08619	63 Cattle	6/12	10/15	100	261
		Upper Cottonwood #08639	19 Cattle	5/08	6/25	100	31
		Greenhorn #08641	70 Cattle	5/08	6/25	100	113
		Upper Cottonwood #08639	3 Cattle	6/26	9/15	100	8
		Greenhorn #08641	4 Cattle	6/26	9/15	100	11

Grazing Preference (AUMS)

Permittee Name & Authorization No.	Allotment Name/No.	Total	Suspended	Temporary Suspended	Active
Hammer Ranch #0504937	Wheelock Ind. large #08607	43	0	0	43
Hammer Ranch #0504936	Piskey #08606	545	115	0	430
	Catamount Common #08619	490	0	0	490
Hammer Ranch #0504942	Castle Ind. #08609	88	0	0	88
	Catamount Common #08619	261	0	0	261
	Upper Cottonwood #08639	73	37	0	36
	Greenhorn #08641	251	125	0	126
Schlegel Cattle Company #0504941	Castle Ind. #08609	88	0	0	88
	Catamount Common #08619	261	0	0	261
	Upper Cottonwood #08639	77	38	0	39
	Greenhorn #08641	249	125	0	124

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

Travel restrictions within the Castle Peak Travel Management Area: In areas closed to motorized travel, or during seasonal closures to motorized travel, normal grazing administration, facilities maintenance, or facilities operation will be accessed by non-motorized methods only unless authorized by an approved administrative access agreement. In areas closed to motorized travel, or during seasonal closures to motorized travel, the permittee will be required to get pre-approval from a BLM authorizing officer for reconstruction of existing permitted facilities or other operations requiring motorized equipment. In case of an emergency, the permittee will be allowed access by motorized vehicle but must notify a BLM authorizing officer within 72 hours of the emergency. The permittee will not be allowed to use

motorized equipment in an area closed to motorized travel for activities other than those authorized by the BLM.

Average utilization levels by livestock in uplands should not exceed 50%, by weight, on key grass species and 40 % of the key browse species current year's growth. Grazing in riparian areas by livestock 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 for browse species. 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. 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.

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.

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."

My proposed decision is based on the findings of the analyses contained in these EAs identified in the enclosed DNA. The analysis of the proposed action indicated that the current conditions and land health standards on these 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."

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 Steve Bennett, Field Manager, 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.

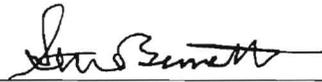
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (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 permits 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,



Steve Bennett
Field Manager

4/3/14

Date

Enclosure(s):

Documentation of NEPA Adequacy (No. DOI-BLM-CO-N040-2014-0061-DNA)
Form 4130-2a (Grazing Permit)

CC:

Schlegel Cattle Company, LLC
PO BOX 64
Burns, CO 80426

CERTIFIED MAIL 7012 2210 0001 5070 0402