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-N040-2014-0040-CX

A. Background

BLM Office: Colorado River Valley Field Office

Permit/Serial/Case File No.: 0507665

Proposed Action Title/Type: Grazing Preference Transfer

Location of Proposed Action: T4S, R93W, Sixth Principal Meridian, Garfield County, Colorado.

Description of Proposed Action: The proposed action is to transfer grazing preference from William Robinson to Bair Bros. Sheep Company LLC. The proposed action is in accordance with 43 CFR 4110.2-3.

Grazing Preference (AUMS) to be transferred:

Allotment Name & No.	Permitted AUMs	Suspended AUMs	Temporary Suspended	Active AUMs
Watts #18021	375	192	0	183
Harris Gulch #18013	384	204	0	180
SW Rifle Creek #18016	119	74	0	45
Hayden #08015	8	0	0	8

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		X

designated Critical Habitat for these species.		
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: 5/30/14

Name: Greg Wolfgang
Title: Acting Supervisory Natural Resource Specialist

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

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 0504973 (CON040)

CERTIFIED MAIL 7013 2630 0000 2732 8011
RETURN RECEIPT REQUESTED

Bair Bros. Sheep Company
66586 Hwy 6
Glenwood Springs, CO 81601

NOTICE OF PROPOSED DECISION

Dear Mr. Bair:

Introduction & Background:
On November 26, 2013 an application for a transfer of grazing preference from Wayne Pollard to Belgum/Bandarra Partnership LLC on the Harris Gulch, Hayden, and SW Rifle Creek allotments was submitted. Also, on February 10, 2014 an application for a transfer of grazing preference from Bill Robinson to Bair Bros. Sheep Company on the Harris Gulch, Hayden, SW Rifle Creek, and Watts allotments was submitted. The transfer actions are excluded from the National Environmental Policy Act (NEPA) review and were documented in Categorical Exclusion (CX) No. DOI-BLM-CO-N040-2014-0032 and No. DOI-BLM-CO-N040-2014-0040. Applications for grazing permits with no changes from the previously authorized use were also submitted. The permit issuance 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 Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) No. DOI-BLM-CO-N040-2014-0023. 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 permit No. 0504949 to Belgum/Bandarra Partnership LLC. for a period of 10 years (June 15, 2014 – Feb 28, 2023) and to re-issue grazing permit No. 0504973 to Bair Bros. Sheep Company for a period of 3 years (June 15, 2014 – Dec 15, 2016). My Proposed Decision results in no 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 & No.	Period of use	%PL	AUMs
Bear Ranch LLC.	Harris Gulch #18013	800 Sheep	6/15 – 7/22	90	180
	SW Rifle Creek #18016	850 Sheep	6/7 – 6/14	100	45
	Hayden #08015	600 Sheep	6/15 – 6/16	100	8
	Watts #18021	800 Sheep	6/1 – 7/1	45	73

	Watts #18021	800 Sheep	9/15 – 11/1	45	114
Belgum Livestock	Harris Gulch #18013	200 Cattle	6/15 – 7/15	90	183
	SW Rifle Creek #18016	108 Cattle	5/16 – 6/14	100	107
	Hayden #08015	16 Cattle	6/15 – 7/15	100	16

Grazing Preference (AUMS):

Permittee	Allotment Name & No.	Active	Suspended	Temporary Suspended	Total
Bair Ranch LLC.	Harris Gulch #18013	180	0	0	180
	SW Rifle Creek #18016	45	0	0	45
	Hayden #08015	8	0	0	8
	Watts #18021	183	192	0	375
Belgum Livestock	Harris Gulch #18013	183	434	199	816
	SW Rifle Creek #18016	108	173	0	281
	Hayden #08015	16	0	0	16

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

Grazing use on the Harris Gulch allotment shall be in accordance with the Allotment Management Plan (AMP) approved on 4/2/1997 as amended. Any deviations must have prior approval from the BLM. (The AMP would be updated with the above scheduled grazing use change.)

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.

A herder will be present on the allotment each day of the grazing season. The herder will make a diligent effort to minimize grazing use by sheep in riparian areas. Sheep may be herded to riparian areas for watering purposes only. Once sheep have been watered they will be herded away from riparian areas. Sheep will be moved to fresh feed every few days.

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-N040-2009-0060) for the proposed permit. The Watts allotment was analyzed in another EA (No. CO-GSFO-2004-0041). My proposed decision is based on the findings of the analyses contained in these EAs. 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 Angie Foster 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,

Angie Foster 5/30/14

Angie Foster Date
Acting Supervisory Natural Resources Specialist

Enclosure(s)
Documentation of NEPA Adequacy (No. DOI-BLM-CO-N040-2014-0023-DNA)
Form 4130-2a (Grazing Permit)