



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-N040-2014-0056-CX

A. Background

BLM Office: Colorado River Valley Field Office

Permit/Serial/Case File No.: 0502886

Proposed Action Title/Type: Grazing Preference Transfer

Location of Proposed Action: T., 5 S., R., 84 W., all part sections 14 – 17, 19 – 23 and 26 – 35.

Description of Proposed Action: The proposed action is to transfer the grazing preference **from** Mr. Kirk A. and Kristine A. Shiner **to** LJ Farms LLC. The preference will be transferred to property controlled by LJ Farms LLC in the Alamosa area. The proposed action is in accordance with 43 CFR 4110.2-3.

Mandatory Terms and Conditions/Scheduled Grazing Use:

Allotment Name & No.	Livestock No. & kind	Period of use	Percent Public Land	AUMs
East Hardscrabble 08502	581 Cattle	05/06 to 06/20	100	879
Salt Creek –Bellyache 08721	456 Cattle	06/01 to 06/16	100	240
Salt Creek Forest 08722	Now closed in accordance with the Proposed Resource Management Plan and Final Environmental Impact Statement for the Colorado River Valley Field Office 2014.			
Falk 08723				

Grazing Preference (AUMS)

Allotment Name & No.	Total	Suspended	Active
East Hardscrabble 08502	879	0	879
Salt Creek –Bellyache 08721	368	116	252

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):

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.

If notified of cattle straying off the allotment, the permittee will be given 24 hours to have livestock removed. If livestock cannot be maintained on the BLM allotment then livestock will be removed entirely from the allotment.

No livestock use will be made on Salt Creek Bellyache number 08721 until an approved allotment management plan is in place that addresses livestock management, fences and water systems.

D. Decision/Rational

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.

Signature

Authorized Official: Greg Wolfgang Date: 5/1/14

Name: Greg Wolfgang

Title: Acting Supervisory Natural Resource Specialist

Contact Person

For additional information concerning this CX review, contact Everett Bartz, Rangeland Management Specialist at 970-876-9074, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652.



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IN REPLY REFER TO:
ON 0504948 (CON040)

CERTIFIED MAIL 7012 2210 0001 5070 0525
RETURN RECEIPT
REQUESTED

LJ Farms, LLC
C/O Rio Jacober
P.O. Box 1073
Carbondale, CO 81623

NOTICE OF PROPOSED DECISION

Dear Mr. Jacober:

Introduction & Background:

On March 14, 2014, you submitted your application for the grazing preference on both East Hardscrabble and Salt Creek-Bellyache allotments. The preference for the permit will be attached to property controlled by LJ Farms LLC in the Alamosa area.

Proposed Decision:

As a result of this process, it is my proposed decision is to transfer the grazing preference for East Hardscrabble (No. 08502) and Salt Creek-Bellyache (No. 08721) allotments from Kirk A. and Kristine A. Shiner to LJ Farms LLC.

Grazing Preference (AUMS)

Allotment Name & No.	Total	Suspended	Active
East Hardscrabble 08502	879	0	879
Salt Creek -Bellyache 08721	368	116	252

We will be unable to complete the National Environmental Policy Act (NEPA) requirements prior to the grazing use date that you applied for on the new permit. Therefore this permit is issued under the authority of Section 411, Public Law 113-76 and contains the same terms and conditions as the previous permit. This permit may be cancelled, suspended, or modified, in whole or in part to meet the requirements of applicable laws and regulations. We anticipate having your new permit fully processed this summer.

Rationale for the Proposed Decision:

Transfer of the grazing preference 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 -

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421 (h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215. The BLM does not accept appeals by facsimile or email.

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

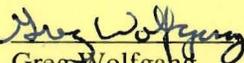
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

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

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

Please take a moment to review, sign, date and return both copies of the enclosed grazing permit. If you have any questions about this proposed decision please contact Everett Bartz, Rangeland Management Specialist at (970) 876-9074.

Sincerely,

 5/1/14
Greg Wolfgang Date

Acting Supervisory Natural Resources Specialist

Enclosure(s)

Form 4130-2a (Grazing Permit)

CC:

US Forest Service Eagle

West Hardscrabble permittees