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

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

DOI-BLM-CO-N040-2015-0003-DNA

PROJECT NAME. Reissue 1 permit on Barr Allotment (Authorization #0507541).

CASEFILE NUMBER. 0507541

LOCATION. Garfield County, South of Silt, CO.

LEGAL DESCRIPTION. T7S R92W SEC 011. See MAP IN Attachment 1.

APPLICANT. Grazing Permittee

DESCRIPTION OF PROPOSED ACTION. The Proposed Action is to issue one grazing permit. 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 would be issued for a 10-year period unless base property is leased for less. In the case of a base property lease the permit would be issued for the term of the lease. The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are summarized below.

Table 1. Mandatory Terms and Conditions/Scheduled Grazing Use.

Operator Name	Authorization Number	Allotment	Livestock Number and Kind	Begin Date	End Date	Public Land	AUMs
Hermann Staufer	0507541	Barr	4 cattle	05/25	06/25	100	4

Table 2. Grazing Preference (AUMS).

Operator Name	Auth. No.	Allotment	Active	Suspended	Total
Hermann Staufer	0507541	Barr	4	0	4

Terms and Conditions. The following terms and conditions will be included on the renewed permit:

1. 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. Use different than that shown above must be applied for in advance.

2. 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. Grazing in riparian areas should leave an average minimum 4-inch stubble height of herbaceous vegetation. If utilization is approaching allowable use levels, livestock should be 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.

3. 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.

4. 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.

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. Environment Assessment #DOI-BLM-CO-N040-2005-023-EA

Date Approved. March 2th, 2005

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).

Name of Document. Divide Creek Land Health Assessment Report 2009

Date Approved. June 1, 2010

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 Assessments. The proposed action is essentially similar to the actions analyzed in the existing documents.

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 documents 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. A land health assessment was conducted on the Barr Allotment in 2009. The results of the assessment indicated that the allotment was meeting all the standards at the time of the assessment, although concerns were noted with a weed infestation on the agricultural fields in the northern part of the allotment. Therefore, the analysis contained in the existing NEPA documents remains valid in light of this new resource assessment information. The circumstances upon which the existing NEPA documents are 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 documents. The direct, indirect and cumulative impacts would be the same as those identified in the existing NEPA documents. The environmental assessments 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 documents, 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.

Table 3. BLM Interdisciplinary Team Authors and Reviewers.

Name	Title	Areas of Participation
Kristy Wallner	Rangeland Management Specialist	NEPA Lead, Range Management, Invasive, Non-Native species (Noxious weeds)
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Pauline Adams	Hydrologist	Water, Soil, Air, Geology
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; T/E/S Plants; Vegetation; Wetlands and Riparian Zones
Hilary Boyd	Wildlife Biologist	Aquatic Wildlife including T/E/S, Migratory Birds and Terrestrial Wildlife including T/E/S
Erin Leifeld	Archaeologist	Cultural Resources and Native American Religious Concerns
Brian Hopkins	Planning and Environmental Coordinator	NEPA Compliance

REMARKS.

1. Soil and Hydrologic Function Concerns.

The Divide Creek Land Health Assessment (BLM 2009) indicated that slight to moderate departures from expected conditions were present due to water flow patterns and gullies in the Barr Allotment. Soil/site stability indicators and hydrologic function indicators should be monitored in the future to ensure conditions are not worsening. Best management practices for livestock grazing should take place to maintain land health standards for soils and water quality.

2. Cultural Resources and Native American Religious Concerns.

There have been no cultural resource inventories completed in the Barr Allotment #08109 and there are no documented cultural resources. Looking at the GLOs records from 1888, there is nothing to indicated potential for historic properties.

Table 4. 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)
Barr #08109	BLM	0	81.1	0%	0	Moderate	No new inventory and no sites to monitor

In the previous environmental analysis 8 acres was recommended for cultural resource inventory. Continued use of the allotment in livestock kind, number, or season of use will not likely have impacts to cultural resources. This information does not bring to light any changes to the previous analysis and no new areas of inventory are needed and no cultural resources need to be monitored. New range improvements, maintenance of existing range improvements, or additional feeding areas may require cultural resource inventories, monitoring, and/or data recovery.

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 November 19, 2014, requested the tribes to identify issues and areas of concern within the allotment. No comments were received at that time.

NAME OF PREPARER. Kristy Wallner

Date: 01/23/2014

CONCLUSION.

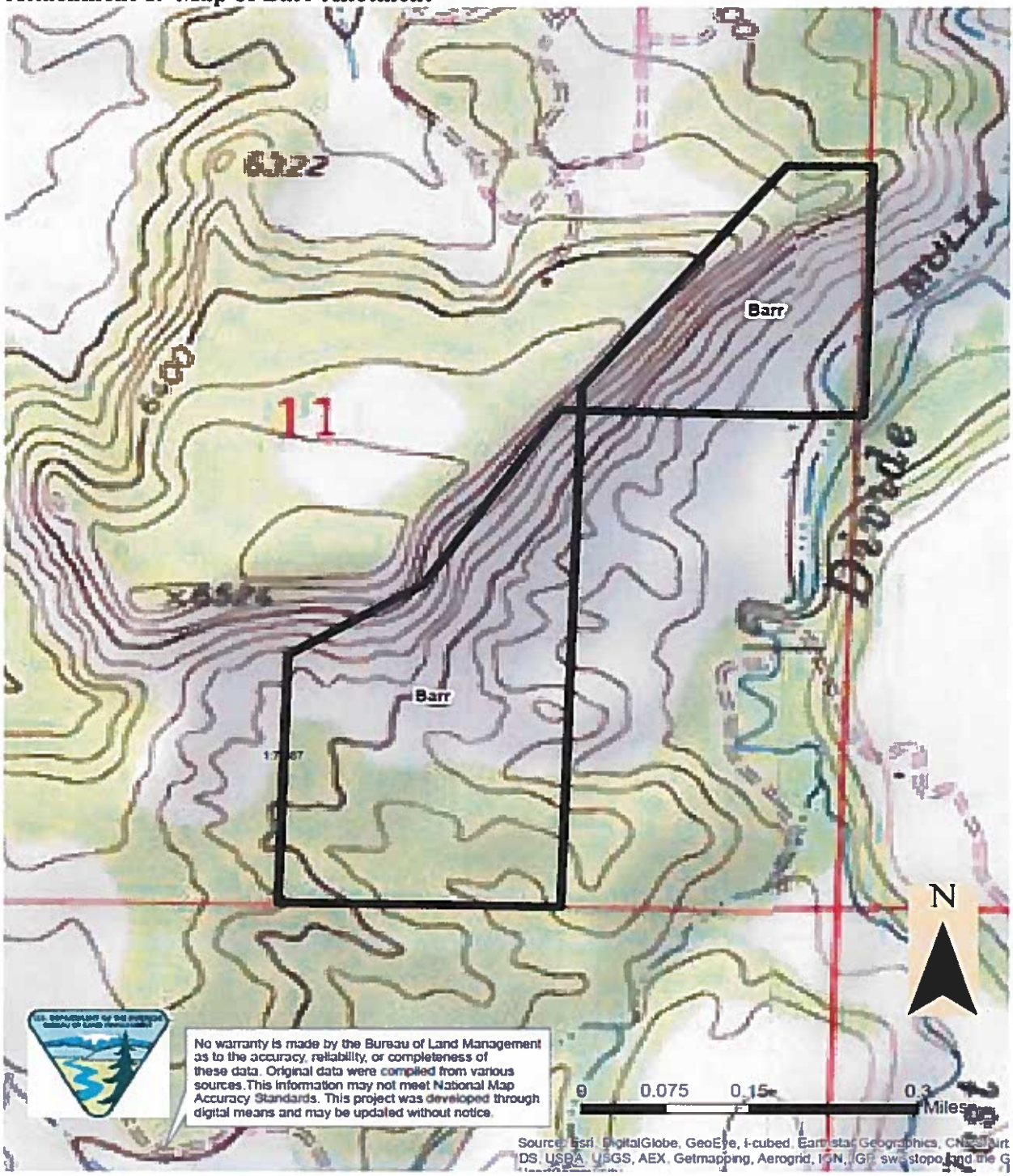
Based on the review documented above, I conclude that this proposal conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Signature.

Authorizing Official: _____ Date: 1/23/2015
Karl R. Mendonca, Acting Field Manager

The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Attachment 1. Map of Barr 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 0507541 (CON040)

CERTIFIED MAIL 70132630000027326444
RETURN RECEIPT REQUESTED

Staufer, Hermann
c/o Hermann Staufer
P.O. Box 5000
Vail, CO 81658

NOTICE OF PROPOSED DECISION

Dear Mr. Staufer:

Introduction & Background.

On November 8, 2014 you applied to renew your grazing permit on the Barr Allotment. 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-N040-2015-0003. 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 authorization #0507541 for a period of 10 years (March 15, 2015 – January 15, 2025). My Proposed Decision results in the following authorized use and terms and conditions:

Table 1. Scheduled Grazing Use.

Authorization Number	Allotment Name & No.	Livestock No. & Kind	Period of Use	% PL	AUMs
0507541	Barr - No. 08109	4 Cattle	05/25 – 06/25	100	4

Table 2. Grazing Preference (AUMS).

Authorization Number	Allotment Name & No.	Active	Suspended	Total
0507541	Barr - No. 08109	4	0	4

Terms and Conditions.

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

1. 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. Use different than that shown above must be applied for in advance.

2. 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. Grazing in riparian areas should leave an average minimum 4-inch stubble height of herbaceous vegetation. If utilization is approaching allowable use levels, livestock should be 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.

3. 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.

4. 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 lease 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 #DOI-BLM-CO-N040-2005-023-EA 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 Barr 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.

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 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 take a moment to review your enclosed grazing permit. **If you do not have any concerns with the leases as offered, please sign, date, and return both copies to our office.** If you have any questions, contact Kristy Wallner of my range staff at (970) 876-9023.

Sincerely,

Karl B. Mendonca 1/23/2015

Karl Mendonca Date
Acting Field Manager

Enclosure(s):
BLM Form 4130-2a (Grazing permit)
Documentation of NEPA Adequacy (No. DOI-BLM-CO-040-2015-0004)