

**United States Department of the Interior
Bureau of Land Management**

**Environmental Assessment
for the Renewal of BLM Grazing Permit #0501943 for Tom
Hackleman, and #0501942 for Adams Ranch LLC .**

Kremmling Field Office
2103 Park Ave, PO Box 68
Kremmling, Colorado 80459

DOI-BLM-LLCON02000-2013-009-EA



IDENTIFYING INFORMATION

This Environmental Assessment (EA) has been prepared by the Bureau of Land Management (BLM) in response to the application for renewal of Livestock Grazing Permits #0501942 for Adams Ranch LLC. that authorizes livestock grazing on Allotment 07056 (Mendenhall), and #0501943 for Tom Hackleman that authorizes livestock grazing on Allotment 07057 (Sand Creek).

PROJECT NAME: Grazing Permit Renewal for Adams Ranch LLC. and Tom Hackleman.

PLANNING UNIT: Kremmling Field Office

APPLICANT: Adams Ranch LLC.
Tom Hackleman

BACKGROUND:

To meet the mandates of the National Environmental Policy Act (NEPA), an environmental analysis of the permit renewal must occur. This environmental assessment (EA) will satisfy the NEPA mandates. These permits need to be renewed in order for the permittees to continue to graze livestock on their allotments. Both permittees have applied to have their permits renewed. Livestock grazing permits are subject to renewal at the discretion of the Secretary of the Interior for a period of up to 10 years. Approving permit renewals has been delegated to the local Authorized Officer.

Both allotments are comprised of a small part of BLM administered land with the majority of the land held by private entities. There are no known issues or concerns. The objective of these allotments is to maintain the current existing allotment situation and provide for management opportunities as needs arise with operators/other land use agencies.

Vegetation on allotments #07056 and #07057 All of the allotments are dominated by sagebrush steppe vegetation. Big sagebrush (*Artemisia tridentata*) is the dominant species with scattered shrubs such as rabbit brush (*Chrysothamnus* spp), serviceberry (*Amelanchier alnifolia*), and snowberry (*Symphoricarpos* spp) present. The understory consists mainly of cool, season native perennial grasses including bluegrasses (*Poa* spp), pine needle grass (*Stipa pinetorum*), western wheatgrass (*Pascopyrum smithii*). Forbs vary in density and vigor from year to year depending on precipitation amounts and timing. Common forbs found within these allotments include buckwheat (*Eriogonum* spp), phlox (*Phlox* spp), mat penstemon (*Penstemon caespitosus*), snakeweed (*Gutierrezia sarothrae*), pussytoes (*Antennaria* spp), and groundsels (*Senecio* spp). The range sites within these allotments are mostly Valley Bench, Dry Mountain Loam and Sandy Bench. Both allotments are comprised primarily of private land and are better managed in conjunction with the ranches' overall ranching programs.

PROJECT LOCATION AND LEGAL DESCRIPTION

LEGAL DESCRIPTION: BLM administered land in North Park located in Jackson County.

Allotment Number	Legal Description
07056 (Mendenhall)	T. 10N., R. 78W., Sec.18, 17 & 7, 6 th PM
07057 (Sand Creek)	T. 10N., R. 78W., Sec.6, 7 & 18; T. 10N., R. 79W., Sec. 12, 13 & 24, 6 th PM

Project Location Maps: Attached

PURPOSE AND NEED

The purpose of this action is to continue to allow grazing on public lands in a responsible manner that is compatible with the Standards for Public Land Health, other resource uses and objectives, and in compliance with grazing regulations under 43 CFR 4110.1(a)(1).

In order to graze livestock on public land, the livestock permittee must hold a valid grazing permit. The need for this action is to ensure that grazing is authorized by a valid grazing permit and ensure the permittee manages grazing in accordance with current resource trends and uses.

PLAN CONFORMANCE REVIEW

The BLM has the authority to renew the livestock grazing permit/lease consistent with the provision of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Kremmling Area Resource Management Plan (KRMP). This plan has been amended by the Standards for Public Land Health in Colorado.

Taylor Grazing Act (43 U.S.C. §§ 315-316o, June 28 1934, as amended 1936, 1938, 1939, 1942, 1947, 1948, 1954 and 1976) was the first Federal effort to regulate grazing on Federal public lands. It establishes grazing districts and uses a permitting system to manage livestock grazing in the districts.

315b. Grazing Permits. The Secretary is authorized to issue permits to graze livestock in grazing districts to settlers, residents and other stock owners upon the annual payment of reasonable fees. Permits must be for a period of not more than ten years, with renewal subject to the discretion of the Secretary, who shall specify numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or during epidemics, the Secretary may remit, reduce, refund in whole or part, or postpone payment of grazing fees for the time the emergency exists. Grazing privileges must be safeguarded adequately but must not create any right, title, interest, or estate in or to the lands.

Federal Land Policy and Management Act (43 U.S.C. 1701) states that public lands will be managed on the basis of multiple use and sustained yield.

§ 402. Grazing leases and permits. Permits and leases for domestic livestock grazing on public lands issued by the Secretary...shall be for a term of ten years subject to such term and conditions the Secretary concerned deems appropriate.

The Proposed Action is in conformance with the Record of Decision for the KRMP updated in 1999, and with the land use plan as required by 43 CFR 1610.5-3(a). The BLM Kremmling RMP analyzed the impacts of grazing.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (Federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

PUBLIC PARTICIPATION

Scoping: National Environmental Policy Act (NEPA) regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted:

A scoping process was initiated in January 2007, to request information concerning the renewal of the grazing permit and to prioritize areas of allotments with issues and concerns. The BLM Kremmling Field Office (KFO) sent scoping letters, along with land status maps showing the affected allotments to the following groups and agencies:

- Colorado Parks and Wildlife (CPW) (Steamboat Springs, Walden, Hot Sulphur Springs, Fort Collins);
- District Board of Grazing Advisors;
- County Commissioners of Grand and Jackson Counties;

- Stock Growers Association (Middle Park, North Park, Upper Big Laramie River Ranch Association);
- Northwest Resource Advisory Council;
- United States Forest Service (Silverthorne, Granby, Walden);
- U.S. Fish and Wildlife Service (Arapaho National Wildlife Refuge);
- Tribal Councils (Arapaho, Shoshone, Southern Ute);
- Colorado Commission of Indian Affairs;
- Ute Indian Tribe Uintah and Ouray Agency Business Committee;
- Colorado Environmental Coalition; and
- Colorado State Land Board (Lane Osborn).

The BLM Colorado State Office also mailed outreach letters concerning the renewal of the grazing permit to all Congressional offices, State and Federal agencies, and major environmental, conservation and user group organizations.

In addition, the BLM mailed individual letters to the affected permittee informing them that their permit was up for renewal and requested any information they wanted the agency to include or take into consideration during the permit renewal process.

The BLM also posted a Notice of Public Scoping on the BLM Colorado external website and the BLM KFO Internet NEPA register website, as well as placing notices in the Grand and Jackson County newspapers asking for public input on permit renewals and the assessment for compliance with the Standards within the KFO. The notice was followed up with a website posting of the KFO prioritization of the allotments and a determination as to which allotments would be assessed according to the Standards.

Comments were received by Mike Ritschard, Middle Park Rancher, Pete and Carol Petersen, Middle Park Ranchers, Ron Velarde, Colorado Parks and Wildlife, and the Grand County Board of Commissioners.

No issues were identified during public scoping.

DECISION TO BE MADE

The BLM will decide whether to implement the proposed action which is to renew the BLM Livestock Grazing Permits #0501942 for Adams Ranch LLC. that authorizes livestock grazing on Allotment 07056 (Mendenhall), and #0501943 for Tom Hackleman that authorizes livestock grazing on Allotment 07057 (Sand Creek) based on the analysis contained in this Environmental Assessment (EA). The BLM may choose to; implement the proposed action, implement the proposed action with modifications/mitigation, or implement an alternative to the proposed action.

The BLM will determine if the applicants have a satisfactory record of performance in accordance with 43 CFR 4110.1-1(a)(1).

ALTERNATIVES ANALYZED IN DETAIL

In this document, the BLM has analyzed the Proposed Action Alternative in detail. The Proposed Action is to authorize grazing at the current level which was established to address public land health issues.

Proposed Action

Under the Proposed Action, the BLM would renew the applicant's 10-year term livestock grazing permits #0501942 for Adams Ranch LLC. and #0501943 for Tom Hackleman. There would be no change to the number or kind of livestock, season of use, or authorized grazing preference expressed in AUMs (animal unit months*). The proposed action is in accordance with 43 CFR 4130.2. The table below summarizes the scheduled grazing use and grazing preference for the permits.

Permit	ALLOTMENT	Acres Public	Acres State	Acres Private	%PUBLIC LAND	LIVESTOCK NUMBER /KIND	SEASON OF USE	AUMs
# 0501942	07056 Mendenhall	160	0	410	28	200 Cattle	06/01-06/12	22
# 0501943	07057 Sand Creek	881	0	1,114	44	177 Cattle	5/20-6/19	61

* AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

1. Grazing use in the Allotments would be in compliance with the decision date.
2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM administered lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM administered lands.
4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.
5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
6. The permittee is responsible for informing all persons who are associated with the allotment operations that they would be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer would inform the permittee

whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator would likely have to undertake before the identified area can be used for grazing activities again.

8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer would consult and determine the best option for avoiding or mitigating the paleontological site.
10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM administered land is not fenced.
11. The permittee shall provide the BLM with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.
12. Areas are designated within Resource Management Plans as Open, Limited, or Closed to motorized travel activities and are defined in 43 CFR §8340.0-5, (f), (g) and (h) respectively. The permittee is responsible for following an areas designation and stipulations outlined within a grazing lease that permit administrative use and exemptions to an areas' designation exclusively for the management of such lease.
13. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

Flexibility in Operations (Adaptive Management):

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation; and
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2).

Compliance for the grazing permit and its associated terms and conditions would be accomplished through the BLM KFO Range Management Program. The KFO staff would use a Range Monitoring Plan to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

No Action Alternative:

The Council on Environmental Quality (CEQ) has indicated that the “No Action” alternative for permit renewals is the continuation of the current “terms and conditions”. Their rationale is that this is the best alternative for analysis of current resource conditions, since in most cases, the land at issue has been grazed for many years, permittees already have a preference and, in the majority of the cases are applying to continue such use.

For the purpose of this EA, the No Action and the Proposed Action are the same and therefore, this EA will analyze the Proposed Action.

No Grazing Alternative

Under the No Grazing Alternative, grazing would be discontinued on the allotments within livestock grazing permits #0501942 for Adams Ranch LLC. and #0501943 for Tom Hackleman.

The KRMP has identified the land within the allotments as available for livestock grazing; a decision to implement a No Grazing Alternative would not be consistent with the Kremmling RMP. Under 43 CFR 1610.5-3, all actions approved or authorized by the BLM must conform to the existing land use plan. Actions out of conformance with the Kremmling RMP would require a land use plan amendment which is outside the scope of this EA.

There are no fences or natural barriers separating BLM and non-BLM administered lands within these allotments. This alternative would affect how the adjacent private lands are grazed since the operator would have to keep livestock off of public lands either through herding or fencing, or be in violation of federal grazing regulations. Herding would be impractical and difficult, due to the mixed ownership pattern and still would not assure that public lands would not be grazed. Because it would not be economically feasible for the BLM to fence all federal land parcels, fences would most likely be constructed on private land, fragmenting the area and making BLM unable to stipulate wire spacing to facilitate wildlife movement.

AFFECTED RESOURCES

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

The CEQ Regulations state that NEPA documents “must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a

significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Attachment 1 lists the resources considered and the determination as to whether they require additional analysis.

**AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES /
MITIGATION MEASURES:**

SOCIAL AND ECONOMIC CONDITIONS

Affected Environment: Agricultural practices, energy exploration and development, and hunting are the main economic activities of the areas listed under the Proposed Action. In these regions, livestock operations and public land management are strongly linked through grazing permits and leases.

Environmental Consequences of Proposed Action

Direct and Indirect Effects: Indirect benefits to the surrounding economy would occur due to overall employment opportunities related to the ranching service support industry in the region as well as the economic benefits to state and county governments related to taxes. Grazing operations would continue to supply personal income to the operator and employees and would proportionally influence the regional, state, and national economy.

Mitigation: None

Cumulative Impacts of Proposed Action: None

CUMULATIVE EFFECTS SUMMARY

Geographic Scope of the Cumulative Impacts:

For the purpose of this EA, the general geographic boundaries for cumulative impact analysis are Allotment 07056 (Mendenhall), Allotment 07057 (Sand Creek). Both allotments located within the Canadian River drainage.

“Cumulative Effects” are those effects resulting from the incremental effect of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes other actions. Cumulative Effects are tiered to those described and analyzed in the Kremmling Resource Management Plan (KRMP) updated in 1999, and with the land use plan as required by 43 CFR 1610.5-3(a). The KRMP analyzed the impacts of grazing.

Cumulative effects occur when additional management facilities are added to those already present. Grazing plans are intended to meet specific objectives to the plan area and involve rangeland improvements that are designed to maintain or improve wildlife habitat, watershed, and overall resource conditions, thus improving ecosystem health.

Livestock grazing in the region has evolved and changed considerably since it began in the 1860s, and is one factor that has created the current environment. At the turn of the century,

large herds of livestock grazed on unreserved public domain in uncontrolled open range. Eventually, the range was stocked beyond its capacity, causing changes in plant, soil and water relationships. Some speculate that the changes were permanent and irreversible, turning plant communities from grass and herbaceous species to brush and trees. Protective vegetative cover was reduced, and more runoff brought erosion, rills and gullies.

In response to these problems, livestock grazing reform began in 1934, with the passage of the Taylor Grazing Act. Subsequent laws, regulations, and policy changes have resulted in adjustments in livestock numbers, season-of-use changes, and other management changes.

Given the past experiences with livestock impacts on public land resources, as well as the cumulative effects that could occur on the larger ecosystem from grazing on various public and private lands in the area, management of livestock grazing is an important factor in ensuring the protection of public land resources. Past, present, and reasonably foreseeable actions within the analysis area would continue to influence range resources, watershed conditions and trends. The impact of vegetation treatments, voluntary livestock reductions during dry periods, and implementation of a grazing system have improved range conditions. The net result has been greater species diversity, improved plant vigor, and increased ground cover from grasses and forbs.

COMPLIANCE/MONITORING: Compliance for the grazing permit and its associated terms and conditions would be accomplished through the BLM KFO Range Management Program. The KFO staff would use a Range Monitoring Plan to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

NAME OF PREPARER: Neilie Goodwin

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 2/21/13

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel

DATE SIGNED: 3/19/13

ATTACHMENTS:

- Attachment 1 – Interdisciplinary Team Analysis Review Record and Checklist
- Attachment 2 – Native American Tribal Consultation List
- Attachment 3 - Maps
- Attachment 4 - Livestock Grazing Permits with Standard Terms and Conditions

Attachment 1: Resources and Determination of Need for Further Analysis

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

¹ NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required. PI = Present with potential for impact analyzed in detail in the EA.

* Public Land Health Standard

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	1/30/2013	1/30/2013	BBW	Though the action is considered a Section 106 undertaking. Consultation was not conducted with the Colorado SHPO.
American Indian Tribal Consultation	12/10/2013 and 1/15/2013	2/16/2013	BBW	Tribal consultation, it was initiated on December 10, 2012, and January 15, 2013.
T&E Species/FWS	N/A	N/A	MM	
Permits Needed (i.e. Air or Water)	N/A	N/A	PLB	Renewing the grazing permits does not result in surface disturbances that require air or water permits.

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

NP NI PI	Discipline/Name	Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
NI	Air Quality Belcher	1/30/2013	PLB	The air quality in North Park is considered to be meeting National ambient air quality standards. Renewing the grazing permits will not result in new or increased emissions that would impact air quality.
NP	Areas of Critical Environmental Concern McGuire	2/14/13	MM	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NI	Cultural Resources Wyatt	1/31/2013	BBW	An allotment assessment was completed in 2000, for potential impacts to known cultural resources. Allotment #07056 has had approximately 160 acres (28%) of BLM administered land inventoried at the Class III level, with two historic properties located. Allotment #07057 has had approximately 60 acres (3.6%) of BLM administered land inventoried at the Class III level, with two historic properties located. When project undertakings are identified, a cultural resource inventory would be conducted under Section 106 of the National Historic Preservation Act to determine if historic

					properties are present and project effects.
NP	Environmental Justice Cassel	1/23/13	SC		According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.
NP	Farmlands, Prime and Unique Belcher	1/30/2013	PLB		The BLM lands do not include any prime or unique farmlands, nor does the permit impact any farmlands.
NI	Floodplains Belcher	1/30/2013	PLB		The renewal of the permits does not alter the functionality of a floodplain nor increase the flood hazard.
NP	Invasive, Non-native Species Hughes	1/02/2012	ZH		Currently there are no invasive, noxious species within the proposed grazing allotments
NI	Migratory Birds McGuire	2/14/13	MM		Most migratory birds complete nesting activities from May 15 to July 15. There is a possibility that nests would be active when livestock use the allotments and a slight chance that livestock could trample a nest. The probability that this would occur is very low to none as the identified bird species within the allotments nest in trees, cliffs, or in and under shrubs. Generally, livestock prefer to go around these obstacles rather than over them. Therefore, the chance of wounding, killing, or disturbing a migratory bird species or their nests is very low to none. The probability that golden eagles' or falcons' prey species are impacted is low to none as sufficient forage and cover is expected to remain in the allotments after being grazed by livestock.
NI	Native American Religious Concerns Wyatt	1/30/13	BBW		Tribal consultation was initiated on December 10, 2012, and January 15, 2013. To date no tribe has identified any area of traditional cultural or spiritual concern. All Section 106 undertakings would initiate additional tribal consultation to identify any potential effects to traditional places.
NI	T/E, and Sensitive Species (Finding on Standard 4) McGuire	2/14/13	MM		The Proposed Action would not have any impact on threatened or endangered species or their habitats. Greater sage-grouse typically complete breeding and nesting activities from March 1 to June 30. There is a possibility that nests would be active when livestock use the allotments and a slight chance that livestock could trample a nest. The probability that this would occur is very low as sage-grouse typically nest under shrubs and livestock prefer to go around these obstacles rather than through them. The proposed grazing system would not likely impact the long-term health of nesting habitat. A BLM sensitive plant species, the boat-shaped

				bugseed occurs in the southern portion of allotment 7057. This species occurs in areas of active sand movement where cattle do not concentrate and is not likely to be impacted by the Proposed Action.
NP	Wastes, Hazardous and Solid Elliott	2/14/13	KE	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Water Quality, Surface and Ground (Finding on Standard 5) Belcher	2/1/2013	PLB	<p>The two allotments are tributary to the Canadian River, which is on Colorado's Monitoring and Evaluation List for suspected impairment from both E. coli and dissolved iron. The 2012 Draft Jackson County, Colorado Nonpoint Source Watershed Protection Plan did not find sufficient data to indicate E. coli concerns, and historic data indicated that the source did not appear to be livestock. The Plan and several other reports cite the Coalmont geologic formation to be the source of Iron, which is located on the south side of the Canadian River and not the north, where these allotments are located. There are no known groundwater sources that would be impacted from livestock grazing on these allotments.</p> <p>In the absence of any known concerns for the drainages within the allotment, and having no observed accelerated erosion, soil loss, or poor riparian conditions, it is assumed that the allotments are meeting water quality standards. Renewing the permits would continue the existing conditions, and would not result in new degradation to water quality. If data does become available, then specific review of the allotments can be done.</p>
NI	Wetlands & Riparian Zones (Finding on Standard 2) Belcher	2/1/2013	PLB	7056- little to no wetland or riparian zones on public land. 7057- short segment of N. Sand Creek, very short segment of Buffmeyer Draw & Mendenhall Creek, unnamed swales are public. Due to land ownership patterns, most of the wetland, riparian lands are on private lands, as is the livestock use. N. Sand Creek's public segment in 2012 field visit had very low flows. In general, riparian vegetation was good with some livestock trailing. Renewal of the grazing permits would continue current conditions, which appear to be allowing the areas to meet or move towards meeting proper functioning condition. During drought years, monitor wetland use due to no upland water-see water rights discussion.
NP	Wild and Scenic Rivers Schechter		HS	There are no eligible Wild and Scenic River segments in the proposed areas.

NP	Wilderness Monkouski	1/31/11	JJM	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
NP	Lands with Wilderness Characteristics Monkouski	2/19/2013	JJM	The area is part of the Sentinel/Battleship Inventory Unit CO-010-107 and was inventoried for Wilderness Characteristics in 1979 and reviewed in 2009. The area does not possess Wilderness Characteristics due to its size being less than 5000 acres nor is it of sufficient size as to make practicable its preservation and use in an unimpaired condition.
NI	Soils (Finding on Standard 1) Belcher	2/1/2013	PLB	The soils for the allotments are discussed in EA CO-120-2004-13-EA's Water Quality Report. The soils on public lands are on flat to gentle slopes and have good permeability, resulting in low amounts of runoff or water erosion. Wind erosion can be more of a concern, especially on the northern parcels of the allotments. The allotments have good ground cover and no areas of accelerated erosion have been observed. Renewing the permits would continue the existing conditions, which appear to be maintaining longterm soil health.
NI	Vegetation (Finding on Standard 3) Goodwin	1/16/2012	NG	The permitted grazing under this alternative would likely maintain the upland rangeland health conditions in all allotments. Portions of the annual forage production would continue to be removed by grazing livestock and the decrease of herbaceous surface cover could negatively affect soil and water resources. However, rangeland vegetation inventory and monitoring data indicates an adequate amount of forage is available to continue to support or improve rangeland health.
NI	Wildlife, Aquatic (Finding on Standard 3) McGuire	2/14/13	MM	Aquatic wildlife such as muskrat, beaver, amphibians, and cold water fish are not expected to be impacted by the Proposed Action. Most waterfowl complete nesting activities from May 15 to July 15. There is a possibility that nests would be active when livestock use the allotments and a slight chance that livestock could trample a nest. The probability that this would occur is low as utilization levels under the current grazing system are light and cattle are not likely concentrating in one area. Similar utilization levels are expected under the Proposed Action, therefore impacts to nesting waterfowl are expected to be slight to none and have no effect to their populations as a whole.
NI	Wildlife, Terrestrial (Finding on Standard 3) McGuire	2/14/13	MM	The Proposed Action would not likely affect big game animals or their habitats. Livestock grazing, as proposed, would ensure that sufficient forage would continue to be available for wildlife. Habitat conditions would remain

				<p>in a condition capable of supporting healthy wildlife populations.</p> <p>Burrowing rodents may sustain injury or damage to burrows by livestock. Because utilization levels under the current grazing system are light, similar utilization levels are expected under the Proposed Action. Therefore, impacts to rodent burrows are expected to be minor and have no effect to their populations as a whole.</p>
NI	Access/Transportation Monkouski	2/19/2013	JJM	<p>Public Lands within the allotment have minimal motorized access to the southeast portion of the allotment from Colorado State Trust Land. Foot and Horse travel is permitted to the remainder of Public Lands within the allotment from Colorado State Forest State Park. These access points allow public access under the allowable travel uses for the respective agencies that manage those lands and the public cannot be denied access by the grazing permittee if such agency allows access. The grazing permittee must abide by any current or future travel designation for the area. There would be no impacts from the Proposed Action.</p>
NP	Forest Management K. Belcher	1/9/2013	KB	No forest resources present
NI	Geology and Minerals Elliott	2/14/13	KE	Implementation of the Proposed Action would have no impacts on geologic or mineral resources.
NI	Fire Thompson	1/17/13	KT	By following the Standards for Public Land Health and grazing regulations under 43 CFR 4110.1(a) (1), the Fire Regime Condition Class is non-expected to increase, therefore maintaining and not increasing the risk of catastrophic wildland fire.
NI	Hydrology/Water Rights Belcher	2/1/2013	PLB	<p>No other hydrology concerns- see water quality and wetlands section. Water Rights- The BLM does not have water rights in allotment 7057, nor does there appear to be a private right for water use within the allotment. There is a prvt. pond on Buffmeyer Draw that provides livestock water and may not require a water right. Livestock appear to depend on N. Sand Creek, Buffmeyer Draw, and Coon Creek for water. N. Sand Creek and Buffmeyer are often intermittent. There is a water right on Coon Creek, just downstream of the allotment. Water right administration does not generally restrict livestock from drinking from streams. The Canadian River watershed is over-appropriated, so the potential to file for surface rights does not exist. This limits the management potential of this allotment.</p> <p>The BLM has a right on Stony Creek (7056) for</p>

				<p>1.7 gpm which is enough for 160 cow/calf pairs, but the water is often not physically present (subsurface). It appears that the North Park No. 2 Ditch and Mendenhall Creek are the primary water sources for 7056, with the ditch right providing legal livestock water.</p> <p>Renewing the permits would continue the existing conditions. Administration of water rights would be expected to continue, and even drought years have not resulted in the state enforcing the need for livestock water rights on private lands.</p>
NI	Paleontology Wyatt	1/30/2013	BBW	<p>Allotment #07056 lies within the Colorado Group - Niobrara Formation, Benton Shale, and Graneros Formations with a Potential Fossil Yield Classification (PFYC 3 ; condition 2 that contain various vertebrate and invertebrate fossils or plant fossils of importance. Also, within the unit is the Morrison, Burro Canyon Sandstone, Dakota with a PFYC 5, condition 1 that contains vertebrate and invertebrate fossils of importance.</p> <p>Allotment #07057 lies within the Benton Shale Formation that contains Clams, scaphites, baculites, and oysters with a PFYC 3; condition 2. The Pierre Shale Formation, Undivided with Ammonites, baculites, nautilus, bivalves, clams, gastropods, mosasaurs, marine reptiles, scaphites, baculites, and oysters with a PFYC 3; condition 2. It also includes Eolian Deposits with no known fossil locations but with a potential for fossils is a PFYC 3; condition 2. The area has exposures of geological units or settings that have a high potential to contain vertebrate fossils or noteworthy occurrences of invertebrate or plant fossils.</p> <p>Geologic formations sensitive for fossil resources are present, but will not be impacted by the proposed action. All future actions within the allotments would require a paleontological inventory. BLM standard “discovery” stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.</p>
NI	Noise Monkouski	2/19/2013	JJM	<p>The management of grazing allotments and the maintenance of grazing improvements has limited noise generated that is typically short-term in extent. There would be no impacts from the Proposed Action.</p>
NI	Range Management Goodwin	1/16/2013	NG	<p>Since there would be no changes to the number or kind of livestock, season of use, or amount of authorized livestock grazing preference,</p>

				there would be no impact on the range management.
NP	Lands/ Realty Authorizations Sperandio	1/9/2013	AS	There are no ROWs in the project area. No impacts would occur in the proposed project area.
NI	Recreation Monkouski			Existing recreational uses in the general area include hunting, hiking, horseback riding, wildlife viewing; snowmobiling and driving for pleasure. There are no BLM recreation activity plans or other BLM special recreation designations for this area. There would be no impacts from the Proposed Action.
PI	Socio-Economics Cassel	1/23/13	SC	There is an economic component to the permittee, county and state from grazing. See discussion.
NI	Visual Resources Schechter	2/19/2013	HS	No changes to the permit are proposed. Therefore, there would be no new impacts from implementation of the Proposed Action.
FINAL REVIEW				
	P&E Coordinator Cassel	2/21/13	SC	

LIST OF PREPARERS AND PARTICIPANTS

INTERDISCIPLINARY REVIEW

NAME	TITLE	AREA OF RESPONSIBILITY
Neilie Goodwin	Range Management Specialist, Project Lead	Vegetation, Range
Zach Hughes	Natural Resource Specialist	Weed Coordinator, Invasive, Non-Native Species
Bill Wyatt	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources
John Monkouski	Recreation	Transportation, Recreation, Access, Wilderness, Wilderness Noise
Anne Sperandio	Realty Specialist	Land Tenure/Status, Realty Authorizations
Megan Mcguire	Wildlife Biologist	Areas of Critical Environmental Concern; Special Status Plant and Animal Species; Migratory Birds; Terrestrial and Aquatic Wildlife
Paula Belcher	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils, Farmlands, Prime and Unique
Kelly Elliott	Natural Resource Specialist	Wastes, Hazardous and Solid, Geology and Minerals, Visual Resources
Susan Cassel	Associate FO Manager	Environmental Justice, Social Economics, P&E Coordinator
Ken Belcher	Forester	Forestry, Vegetation
Hannah Schechter	Outdoor Recreation Planner	Wild and Scenic Rivers, Visual Resources

ATTACHMENT 2

TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

Colorado Commissioner of Indian Affairs
Attn: Ernest House, Jr., Exec. Sec.
130 State Capitol
Denver, Colorado 80203

Matthew Box, Chairman
Southern Ute Indian Tribe
P O Box 737
Ignacio, Colorado 81137

Neil Cloud, NAGPRA Rep.
Southern Ute Indian Tribe
Mail Stop #73
Ignacio, Colorado 81137

Gary Hayes, Chairman
Ute Mountain Ute Tribe
P O Box 189
Towaoc, Colorado 81334

Terry Knight, Sr., THPO Director
Ute Mountain Ute Tribe
P O Box 468
Towaoc, Colorado 81334

Robert Goggles, NAGPRA Rep.
Northern Arapaho Tribe
328 Seventeen Mile Road
Arapaho, Wyoming 82510

Harvey Spoonhunter, Chairman
Northern Arapaho Business Council
P O Box 396
Fort Washakie, Wyoming 82514

Wilford Ferris
Shoshone Tribe, Cultural Center
P O Box 538
Fort Washakie, Wyoming 82514

Ivan Posey, Chairman
Shoshone Tribe
P O Box 538
Fort Washakie, Wyoming 82514

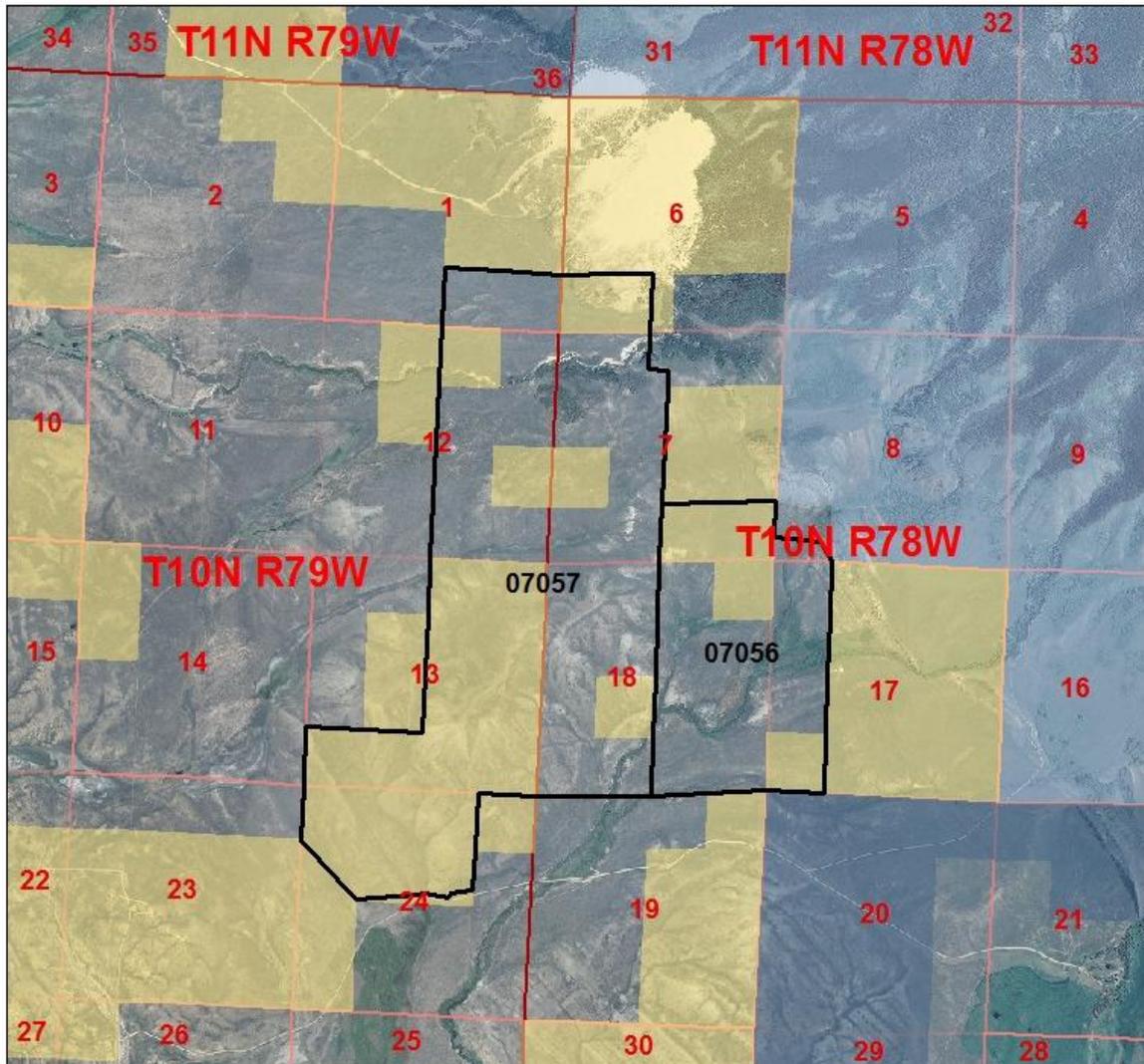
Darlene Conrad, THPO Director
Northern Arapaho Tribe
P O Box 396
Fort Washakie, Wyoming 82514

Curtis Cesspooch, Chairman
Uintah & Ouray Tribal Business Center
P O Box 190
Fort Duchesne, Utah 84026

Betsy Chapoose, Director
Uintah & Ouray Tribal Business
Council
P O Box 190
Fort Duchesne, Utah 84026



Allotments 07056 and 0757



Legend

Highway Labels
 State Highways Legend
 U.S./State

Land Status

- Bureau of Land Mgt
- National Park
- US Forest Service
- National Wildlife Refuge
- State/DOW
- CO State Forest State Park

0.9

Miles

1:40,000

BLM, Kremmling FO 2010

Red box shows map location.

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data. Last edited by cll.

**Finding of No Significant Impact and Decision Record
Bureau of Land Management
Kremmling Field Office**

Environmental Assessment DOI-BLM-LLCON02000-2011-0009-EA

Proposed Action Title/Type: Grazing Permit Renewal

Applicant/Proponent: Adams Ranch LLC.
Tom Hackleman

Location of Proposed Action:

6th PM

T. 10N., R. 78W., Sec.18, 17 & 7

T. 10N., R. 78W., Sec.6, 7 & 18;

T. 10N., R. 79W., Sec. 12, 13 & 24

Conformance with Applicable Land Use Plan:

These plans have been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plans:

Name of Plan:	Kremmling Resource Management Plan	Date Approved:	1999
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BACKGROUND

The Kremmling Field Office of the Bureau of Land Management (BLM) is proposing to issue grazing lease renewals for the #0501942 for Adams Ranch LLC. authorizing livestock grazing on Allotment 07056 (Mendenhall), and #0501943 for Tom Hackleman that authorizes livestock grazing on Allotment 07057 (Sand Creek).

The Bureau of Land Management prepared an Environmental Assessment which analyzed the effects of re-authorization of Grazing Permits #0501942 and #0501943 to determine impacts and mitigation required to continue to allow grazing on public lands in a responsible manner that is compatible with Standards for Public Land Health other resource uses and objectives, and in compliance with grazing regulations under 43 CFR 4110.1(a)(1). In order to graze livestock on public land, the livestock permittees must hold valid grazing permits.

The EA identified a preferred alternative which proposes to continue livestock grazing on the identified allotments. There would be no changes to the number or kind of livestock, season of use, or amount of authorized grazing preference as expressed in animal unit months (AUMs).

Finding of No Significant Impact

The Kremmling Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

I have reviewed the above mentioned NEPA compliance document (EA). I have determined that the proposed action and the alternatives are in conformance with the Kremmling Resource Management Plan, 1999.

I have determined, based on the analysis in DOI-BLM-LLCON02000-2011-0009-EA, this is not an action that would significantly affect the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met.

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in Title 40 CFR 1508.27:

1. Impacts that may be both beneficial and adverse.

This project may have minor short term impacts to soils, vegetation, and wildlife; however these impacts are not significant. No changes to the number or kind of livestock, season of use, or amount of authorized grazing preference as expressed in AUMs are disclosed in the EA.

2. The degree to which the proposed action affects public health and safety.

The proposed action is not expected to impact public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no significant impacts to riparian vegetation, parklands, prime farmlands, wetlands, historic, cultural, or wild and scenic rivers within the project area. There are no municipal water supplies in the project area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the proposed action on the quality of the human environment are not considered highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Kremmling Field Office

P.O. Box 68, 2103 E. Park Ave.

Kremmling, Colorado 80459-0068

www.blm.gov/co/st/en/fo/kfo.html



In Reply Refer To:

4190.1

CON020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF MANAGER'S PROPOSED DECISION

DECISION:

It is my proposed decision to implement the Proposed Action of Environmental Assessment **DOI-BLM-CO-LLCON02000-2013-009-EA**, which is to issue the grazing permit for #0501943 for Tom Hackleman that authorizes livestock grazing on Allotments 07057 (Sand Creek) for a period of 10 years. The permit will be issued for the same livestock numbers and season of use that are currently permitted. The permit will include the following terms and conditions, management guidelines, goals, objectives, and monitoring and evaluation requirements. The Proposed Action has been reviewed for consistency and conformance with the land use plan and compliance with the National Environmental Policy Act. A copy of the **DOI-BLM-CO-LLCON02000-2013-009-EA** is attached.

The renewed permit would authorize livestock grazing to the following extent:

Permit	ALLOTMENT	Acres Public	Acres State	Acres Private	%PUBLIC LAND	LIVESTOCK NUMBER /KIND	SEASON OF USE	AUMs
# 0501943	07057 Sand Creek	881	0	1,114	44	177 Cattle	5/20-6/19	61

* AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

1. Grazing use in the Allotments would be in compliance with the decision date.
2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM administered lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM administered lands.
4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.
5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
6. The permittee is responsible for informing all persons who are associated with the allotment operations that they would be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer would inform the permittee whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator would likely have to undertake before the identified area can be used for grazing activities again.
8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer would consult and determine the best option for avoiding or mitigating the paleontological site.
10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM administered land is not fenced.
11. The permittee shall provide the BLM with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.
12. Areas are designated within Resource Management Plans as Open, Limited, or Closed to motorized travel activities and are defined in 43 CFR §8340.0-5, (f), (g) and (h) respectively. The permittee is responsible for following an areas designation and

stipulations outlined within a grazing lease that permit administrative use and exemptions to an areas designation exclusively for the management of such lease.

13. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation.
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2)

Compliance for the grazing permit and its associated terms and conditions will be accomplished through the Kremmling Field Office Range Management Program. The Kremmling Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

RATIONALE:

Approving permit renewals has been delegated by the Secretary of the Interior to the local Authorized Officer. Renewal of this permit would allow the current permittee to continue to graze on their designated allotments for a period of 10 years.

It was determined in the Kremmling Resource Management Plan (RMP) updated in 1999 that livestock grazing is an integral part of the economic and social structure of the counties in the planning area. Not renewing this permit is not considered a viable alternative in the RMP.

MITIGATION MEASURES\MONITORING:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representatives, the Colorado Parks and Wildlife, and the BLM of all livestock related field monitoring is essential to determine conformity with the terms and conditions of the permits.

Sufficient monitoring data would be collected to determine if management actions are: 1) contributing to the achievement of allotment objectives: and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and Guidelines for Livestock Grazing Management.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Kremmling Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References and BLM Manuals would be the basis for monitoring or inventory conducted on the allotment.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint

field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands and collection of climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this permit if monitoring data or other data support changes to the allotment objectives, management actions or annual permitted use.

Authorization:

§ 4100.0-3 Authority.

- (a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);
- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);
- (c) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*); and
- (d) Public Land Orders, Executive Orders, and Agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

PROTEST/APPEALS:

Any applicant, permittee, lessee or other affected interest may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459 within 15 days of the Notice of Proposed 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*, this Proposed Decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons 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 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. The appeal and petition for a stay must be filed with the Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459.

The person/party must also serve a copy of the appeal with the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151,

Lakewood, Colorado 80215, and any person sent a copy of this decision (see cc list following the signature line) [43 CFR 4.421(h)]. 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, Office of Hearings and Appeals, Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). 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)].

If you have no concerns with the grazing permit as offered, please sign, date, and return it at your earliest convenience. If you have any questions, please feel free to contact Neilie Tibbs at (970)724-3000 or stop by our office in Kremmling. Thank you for your continuing cooperation.

Susan L. Cassel
Acting Field Manager

Enclosure:

DOI-BLM-CO-LLCON02000-2013-009-EA



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Kremmling Field Office

P.O. Box 68, 2103 E. Park Ave.

Kremmling, Colorado 80459-0068

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In Reply Refer To:

4190.1

CON020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF MANAGER'S PROPOSED DECISION

DECISION:

It is my proposed decision to implement the Proposed Action of Environmental Assessment **DOI-BLM-CO-LLCON02000-2013-009-EA**, which is to issue the grazing permit for #0501942 for Kay Blanton-Huffman that authorizes livestock grazing on Allotment 07056 (Mendenhall) for a period of 10 years. The permit will be issued for the same livestock numbers and season of use that are currently permitted. The permit will include the following terms and conditions, management guidelines, goals, objectives, and monitoring and evaluation requirements. The Proposed Action has been reviewed for consistency and conformance with the land use plan and compliance with the National Environmental Policy Act. A copy of the **DOI-BLM-CO-LLCON02000-2013-009-EA** is attached.

The renewed permit would authorize livestock grazing to the following extent:

Permit	ALLOTMENT	Acres Public	Acres State	Acres Private	%PUBLIC LAND	LIVESTOCK NUMBER /KIND	SEASON OF USE	AUMs
# 0501942	07056 Mendenhall	160	0	410	28	200 Cattle	06/01-06/12	22

* AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

1. Grazing use in the Allotments will be in compliance with the decision date.
2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM lands.
4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources; and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; and (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.
5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
6. The permittee is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer will inform the permittee whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM land is not fenced.
11. The permittee shall provide the Bureau of Land Management with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.
12. Areas are designated within Resource Management Plans as Open, Limited, or Closed to motorized travel activities and are defined in 43 CFR §8340.0-5, (f), (g) and (h) respectively. The permittee is responsible for following an areas designation and stipulations outlined within a grazing lease that permit administrative use and exemptions to an areas designation exclusively for the management of such lease.

13. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation.
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2)

Compliance for the grazing permit and its associated terms and conditions will be accomplished through the Kremmling Field Office Range Management Program. The Kremmling Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

RATIONALE:

Approving permit renewals has been delegated by the Secretary of the Interior to the local Authorized Officer. Renewal of this permit would allow the current permittee to continue to graze on their designated allotments for a period of 10 years.

It was determined in the Kremmling Resource Management Plan (RMP) updated in 1999 that livestock grazing is integral part of the economic and social structure of the counties in the planning area. Not renewing this permit is not considered a viable alternative in the RMP.

MITIGATION MEASURES\MONITORING:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representatives, the Colorado Parks and Wildlife, and the BLM of all livestock related field monitoring is essential to determine conformity with the terms and conditions of the permits.

Sufficient monitoring data would be collected to determine if management actions are: 1) contributing to the achievement of allotment objectives; and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and Guidelines for Livestock Grazing Management.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Kremmling Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References and BLM Manuals would be the basis for monitoring or inventory conducted on the allotment.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands

and collection of climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this permit if monitoring data or other data support changes to the allotment objectives, management actions or annual permitted use.

Authorization:

§ 4100.0-3 Authority.

- (a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);
- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);
- (c) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*); and
- (d) Public land orders, Executive orders, and agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

PROTEST/APPEALS:

Any applicant, permittee, lessee or other affected interest may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459 within 15 days of the Notice of Proposed 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*, this Proposed Decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons 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 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. The appeal and petition for a stay must be filed with the Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459.

The person/party must also serve a copy of the appeal with the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215, and any person sent a copy of this decision (see cc list following the

signature line) [43 CFR 4.421(h)]. 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, Office of Hearings and Appeals, Salt Lake City, Utah a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). 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)].

If you have no concerns with the grazing permit as offered, please sign, date, and return it at your earliest convenience. If you have any questions, please feel free to contact Neilie Tibbs at (970)724-3000 or stop by our office in Kremmling. Thank you for your continuing cooperation.

Susan L. Cassel
Acting Field Manager

Enclosure:
DOI-BLM-CO-LLCON02000-2013-009-EA