



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
TRES RIOS FIELD OFFICE
29211 Highway 184
Dolores, CO 81323
www.blm.gov/co/st/en/fo/sjplc.html

In Reply Refer To:
LLCOSO1000 (4160)

SEP 23 2013

Certified Mail No. 7012 2920 0001 8859 8750
Return Receipt Requested

Davis Real Estate Limited Partnership
Attn: Al Heaton
23589 County Road M
Cortez, CO 81321

NOTICE OF FINAL DECISION

BACKGROUND

The following decision is in response to Davis Real Estate Limited Partnership's application for a livestock crossing permit authorizing the trailing of cattle across BLM administered public lands within the Tres Rios Field Office, Colorado.

Davis Real Estate Limited Partnership submitted an application for a livestock crossing permit to trail cattle from their permitted East Pines Common Allotment (#08005) across BLM administered public lands outside of their permitted grazing allotments to the Slickrock Grazing Allotment (#17034) in which they also hold a grazing permit.

Guidance for processing livestock crossing permits is outlined in Colorado Instruction Memorandum (CO-2012-031). This management guidance directs the field offices to complete appropriate level of National Environmental Policy Act (NEPA) review. Therefore, to comply with this guidance the Tres Rios Field Office completed Environmental Assessment (DOI-BLM-CO-S010-2013-0012) "Dolores River Canyon Livestock Crossing & Special Recreation Permits" to analyze the impacts of authorizing this livestock crossing permit.

DECISION

I have reviewed the Environmental Analysis (DOI-BLM-CO-S010-2013-0012-EA) and it is my decision to authorize the proposed action (selected alternative) analyzed in Environmental Assessment DOI-BLM-CO-S010-2013-0012 and issue a livestock crossing permit to Davis Real Estate Limited Partnership for a ten year period to coincide with the term of their authorized term grazing permit for the East Pines Common Allotment. The livestock crossing will occur over approximately 23 miles of the Big Canyon Road (Dolores County Rd. 10) and the Snaggletooth/Dolores River Road from the Dove Creek Pump Station to Slick Rock in Dolores

and San Miguel Counties. Crossing will occur on an annual basis not to exceed 7 days within a timeframe of October 30th -December 1st. A maximum of eight people, including any recreational clients, eight horses, four tents, and two support vehicles will be involved in the cattle drive. The herd consists of a maximum of 160 cows. The authorized livestock crossing permit will be authorized with the following terms and conditions.

1. The authorized livestock crossing permit will consist of an annual grazing application and a paid grazing bill.
2. The annual application will include the duration, time, overnight locations and the specified route.
3. Livestock trailing will not exceed a total of 7 days between October 30th and December 1st annually.
4. A maximum of 160 head of cattle would be authorized for trailing.
5. A maximum of 6 nights stay will be permitted between the two campsites identified on the attached map.
6. Livestock trailing will be confined to the specified route identified on the attached map.

RATIONALE

Approval of the requested livestock crossing permit will allow for Davis Real Estate Limited Partnership to trail livestock from their permitted East Pines Common Allotment across BLM administered lands outside of an existing grazing allotment to their permitted Slickrock Allotment.

In addition, the proposed action meets the need for the issuance of the livestock crossing permit which is to comply with the Federal Land Policy and Management Act (FLPMA) and the Taylor Grazing Act, which requires the BLM to respond to requests for livestock to cross BLM-administered lands.

I have reviewed the Council for Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) and have determined the action analyzed in Environmental Assessment (EA) No. DOI-BLM-CO-S010-2013-0012 will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because the actions analyzed in the EA will not have any significant impact, an environmental impact statement is not required.

AUTHORITY

Authority of the action described above in the proposed decision is found in 43 CFR Parts 4130.6-3; and 4160.3.

PUBLIC INVOLVEMENT

During preparation of the EA, the public was notified of the proposed action by a scoping letter mailed March 21, 2013 to local stakeholders, Dolores and San Miguel Counties, the Town of Dove Creek, Colorado Parks & Wildlife, area recreation user groups and outfitters, area

commercial operators, and area environmental groups. It was also posted on the Tres Rios Field Office homepage on March 23,2013. Four have contacted the BLM in response to the notice.

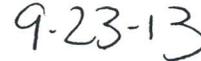
In addition, the BLM consulted with the Colorado State Historic Preservation Office for undertakings of the proposed action, as required by the National Historic Preservation Act (NHPA) (16 USC 470).

PROTEST AND/OR APPEAL

Pursuant to Section 123 of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74), this BLM final decision is not subject to protest and/or administrative appeal under subpart E of Part 4 of Title 43, Code of Federal Regulations and subpart 4160 of part 4100 of such title.



Connie Clementson
Field Manger
Tres Rios Field Office



DATE

Enclosure(s):
Dolores River Trailing Map

cc:
Dexter Gill
Bryan Martin
Duvall & Deanna Truelsen
Brian Rue
Perry & Lynne Lewis
Bill Ridgeway
Chris Guikema
Colorado Timber Industry Assoc.
Trout Unlimited
San Juan Citizens Alliance
Rocky Mountain Wild
Colorado Parks and Wildlife
Montezuma County Commissioners
Dolores County Commissioners
San Miguel County Commissioners
Coal Bed Creek Construction
Ragland and Sons Logging
U.S. Fish & Wildlife Service
Town of Dove Creek
Sue McWilliams
Slickrock Grazing Association LLC.
Jerry Carhart & Lucio Regalado
Jimmy D. Richardson
David and Penny Ayers
Ron Ebberts