

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

**Decision Record
Environmental Assessment
DOI-BLM-CO-S010-2013-0012**

September 2013

**Dolores River Canyon Livestock Crossing &
Special Recreation Permits**

Tres Rios Field Office
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DECISION RECORD
Environmental Assessment
DOI-BLM-CO-S010-2013-0012

East Pines Ranch
Special Recreation Permit

DECISION

I have reviewed the Environmental Analysis (EA) of the Dolores River Canyon Livestock Crossing and Special Recreation Permits (DOI-BLM-CO-S010-2013-0012). After review of that document it is my decision to approve the proposed action as described in the EA which is to authorize the issuance of a multi-year Special Recreation Permit to East Pines Ranch for educational trail rides and 'dude ranching' activities in association with livestock trailing in the Dolores River Canyon area.

Description of Proposed Action:

In conjunction with livestock crossing public lands along the Dolores River Canyon, East Pines Ranch utilizes paying guests to assist in this component of livestock management (dude ranching). 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.

Authorities:

The authority for this action is found in 43 CFR 2931.

The Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801 et seq. The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA authorizes the BLM to promulgate and enforce regulations, and establishes the penalties for violations of the regulations.

The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria (16 U.S.C. 6802(f) and (g)(2)), and to issue special recreation permits for group activities and recreation events (16 U.S.C. 6802(h)).

Compliance and Monitoring: Special recreation permits are monitored by BLM Recreation and Law Enforcement staff as necessary and dependent upon staffing and funding levels. Multi-year permits are subject to annual reauthorization contingent upon compliance and reporting requirements.

Terms / Conditions / Stipulations:

Standard Special Recreation Permit Terms, Conditions, and Stipulations will be signed by the permit applicant prior to permit issuance.

In addition, the following conditions will be applied to the East Pines Ranch permit:

Recreation-The Special Recreation Permit will allow the operation to be conducted over a period not to exceed seven days between October 30th and December 1st. A maximum of eight people, including any recreational clients, eight horses, four tents, and two support vehicles are involved in the cattle drive.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

- The proposed action to review and issue a livestock crossing permit is consistent with the public lands grazing regulations (43 CFR 4100).
- 43 Code of Federal Regulations 4130-6.3 authorize the BLM to issue crossing permits to any applicant who demonstrates a need to trail livestock through public land or other BLM-administered lands.
- Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)
- Archaeological Resource Protection Act of 1974
- National Historical Preservation Act of 1966 as Amended (1980)
- National Environmental Policy Act of 1969, as amended (42 USC 4321 et seq.)
- 1973 Endangered Species Act, as amended
- Migratory Bird Treaty Act of 1918 (16 USC 703711)
- Taylor Grazing Act of 1934, as amended
- The proposed action to review and issue a Special Recreation Permit is consistent with the public lands recreation permit regulations (43 CFR 2930) and the BLM Recreation Permit Administration Handbook H-2930-1.
- In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands

Alternatives Considered:

The EA analyzed the Proposed Action and the No Action. The No Action alternative to deny authorization of both the livestock crossing and Special Recreation permits was considered in the EA. Under this alternative, crossing through BLM administered lands would not occur, nor would the associated commercial recreation operation.

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).

Decision: It is my decision to authorize this Special Recreation Permit as described in the Environmental Assessment document #DOI-BLM-CO-SO10-2013-0012.

Rationale for Decision:

The No Action alternative was not chosen due to the permittees legal right to trail cattle that had been previously conducted under his term grazing permit. BLM could not deny the SRP application as it is already authorized by the Tres Rios Field Office through 2016. The SRP was included in this NEPA to ensure adequate analysis for future SRP renewals. The actions do conform to the existing land use plan as referenced in the Dolores River Canyon Livestock Crossing and Special Recreation Permit Environmental Assessment (EA).

Public comments received during the public scoping period were addressed in the EA and all commenters will receive a draft EA for review.

Comments included:

- Local Government: Support of multiple uses including ranching and Recreation businesses (Dolores County, Town of Dove Creek); Protection of riparian areas, water quality and big horn sheep lambing periods (San Miguel County).
- General Public: One Dove Creek resident commented in support of the proposal noting the importance of the operation to local history, business and ecological benefits.

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-SO10-2013-0012 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.

Protest/Appeal Language: This decision goes into effect immediately and will remain in effect while appeals are pending unless a stay is granted under 43 CFR Section 4.21 (b).

If you are adversely affected by this decision, within 30 days of receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400.

Connie Clementson 9-23-13
Connie Clementson Date
Field Manager
Tres Rios Field Office