



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
UNCOMPAHGRE FIELD OFFICE  
2465 South Townsend  
Montrose, CO 81401  
[www.blm.gov/co/st/en/fo/ufo.html](http://www.blm.gov/co/st/en/fo/ufo.html)

In Reply Refer To: COS050 (4100)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

July 26, 2013

Etchart Sheep Ranch  
58751 Loesch Road  
Montrose, CO 81403

## NOTICE OF PROPOSED DECISION

Dear Etchart Sheep Ranch:

### BACKGROUND/INTRODUCTION

The Etchart Sheep Ranch has acquired the Pipeline, S. Piney, Dry Creek Basin, and Franklin Mesa allotments, and has requested a transfer of grazing preference. In addition the applicant has requested to add sheep to the class of livestock. The applicant has grazing privileges on adjacent allotments, and would like to be able to graze sheep on the four allotments analyzed to increase flexibility of management strategies.

Changes to the permit also occur to grazing dates, stocking rates, AUMs, season of use, and utilization in order to address land health concerns.

The Uncompahgre Field Office has completed Environmental Assessment (EA) # DOI-BLM-CO-S050-2011-0020, which analyzes the effects of the proposed action.

### FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in EA # DOI-BLM-CO-S050-2011-0020 and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not

have significant environmental impacts; 2) the Proposed Action is in conformance with the Uncompahgre Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

### PROPOSED DECISION

**Therefore, it is my proposed decision to transfer the livestock grazing permits and to change the class of livestock from cattle only to sheep and cattle on the Pipeline #05507; S. Piney #05515; Dry Creek Basin #05513; and Franklin Mesa #05512 allotments. The permittee is authorized to graze only one class of livestock in a season.**

Livestock grazing will be authorized as shown in the following table.

Allotment	Livestock		Grazing Period		% PL	AUMs
	Type	Number	Begin	End		
Pipeline #05507	Cattle	197	5/01	5/31	100	201
	Cattle	93	10/10	02/28	100	399
	or					
	Sheep	650	5/01	5/31	100	201
	Sheep	1500	12/15	03/10	100	399
Franklin Mesa #05512	Cattle	81	10/10	1/20	100	218
	or					
	Sheep	1500	12/15	3/10	100	215
Dry Creek Basin #05513	Cattle	100	5/01	5/31	100	50
	Cattle	82	12/15	3/10	100	215
	or					
	Sheep	500	5/01	5/31	100	50
	Sheep	1500	12/15	3/10	100	215
South Piney #05515	Cattle	71	5/01	5/31	100	73
	Cattle	37	10/10	1/08	100	111
	or					
	Sheep	650	5/01	5/31	100	73
	Sheep	1500	12/15	3/10	100	111

A rest-rotation grazing strategy will be developed each year to support compliance with terms and conditions of the permit and promote Land Health Standards. The rest-rotation strategy will limit grazing to either spring or fall within a year (see Terms and Conditions #3 for an exception).

### Terms and Conditions for the permits:

1. Utilization levels on perennial herbaceous vegetation will be between 40-50% of the seasonal growth in the higher elevation spring portions of the allotments, and 30-40% seasonal utilization in the lower elevation allotments to support rangeland health in semi-arid rangelands (Holechek et al. 1989).
2. Limit seasonal use on native riparian woody species to 35% or less.
3. Spring and fall use during the same year will be limited to special circumstances such as accommodating grazing deferments associated with fire rehabilitation or vegetation treatments.
4. Limit grazing use to 14 days or less in each pasture (or use area) during the spring and summer growing season. This limitation does not apply to fall or winter grazing periods.
5. Periodic authorization of grazing outside the time period specified in the grazing permit may be allowed. This kind of authorization will be granted only after notification and consultation with the Rangeland Management Specialist.
6. The BLM authorized officer will be contacted prior to any range improvement maintenance activity which will involve soil surface disturbance (e.g. cleaning of ponds or reservoirs).
7. Permitted on/off dates may vary by two weeks in either direction to support range readiness and improve range management flexibility.
8. Grazing will be managed in a way that does not encourage the establishment or spread of noxious weeds or other invasive plants, or significant degradation of the native plant community. Permittees are not authorized to use chemical or biological methods of control on BLM lands unless they have received prior approval from the BLM authorized officer and have an approved Pesticide/Biological Use Proposal.
9. If human remains or historic, archaeological, or paleontological materials are found in the course of any allotment activities, the operator shall refrain from further actions that might impact the materials and contact the BLM. Additional stipulations may be added to this permit if new cultural or paleontological sites are identified that could be affected by livestock grazing.
10. Grazing dates, duration of grazing, stocking rates, and/or AUMs may be adjusted on the permit for drought, vegetation treatments, wildfire, etc. to support land health.
11. Submission of actual use reports is required within 15 days after the end of the grazing season.

12. Salting or use of mineral supplements is not allowed within ¼ mile of permanent water sources.
13. When sheep are grazing on the allotment, signs will be posted stating “Guard Dogs” are in the area.
14. Motorized use will be kept on designated routes except for emergencies, including retrieval of sick, down, or dead animals.
15. Manage domestic sheep grazing on a case-by-case basis following a risk assessment to determine degree of risk of interaction between domestic and bighorn sheep and the probability of infection of bighorn sheep with domestic sheep diseases.
16. Manage domestic sheep with the following restrictions:
  - Only healthy domestic sheep may be turned out onto BLM.
  - All domestic ewes must be bred before turn out onto BLM.
  - No lambing of domestic sheep will occur on BLM.
  - Sweep allotments within 24 hours of moving off to capture any strays.
  - Use marker sheep within bands at least 1 per 100 head.
  - Report any sightings of bighorn sheep to BLM within 24 hours of sighting.
  - Remove sick, physically disabled or dead domestic sheep from the band or BLM lands within 24 hours of discovery and report cause of death to BLM within 24 hours.
  - Use only highly gregarious breeds of domestic sheep.
  - Mandatory use of at least two guard dogs per domestic sheep band to deter comingling.
  - Maintain a domestic sheep band of no greater than 2,000 head based on manageability by herder.

Use adaptive management to adjust domestic sheep grazing based on current science and updated risk assessments.

### **RATIONALE**

The Etchart Sheep Ranch has requested transfer of the grazing permit, and a change in the class of livestock to include sheep. The BLM is required to analyze a change in grazing preference (43 CFR 4110.3(c)). The EA analyzed whether to grant the change in livestock with changes Terms and Conditions.

The applicant has grazing privileges on adjacent allotments. The transfer of these allotments to the applicant with sheep included in the class of livestock, in addition to changes to seasons of use, AUM and Terms and Conditions will reduce conflicts between user groups, maintain or enhance land health, promote better range management, and increase flexibility within the applicant’s grazing management strategies.

## **AUTHORITY**

This proposed decision is authorized by 43 CFR § 4160.1(a), which states in pertinent part “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 agreement”. This action is further authorized under 43 CFR § 4130.3-1(a), which states in pertinent part “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.” Also, 43 CFR § 4130.3-1c) states “Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.”

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing, and should clearly and concisely state the reason(s) as to why the proposed decision is in error. A protest may be filed with Field Manager, BLM Uncompahgre Field Office, 2465 South Townsend Avenue, Montrose, CO 81401.

In accordance with 43 CFR § 4160.3(a), in the absence of a protest, this proposed decision shall constitute my final decision without further notice. Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR § 4160.3(b).

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

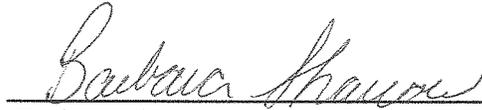
In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21(a), and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period [43 CFR § 4.21(b)]. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Uncompahgre Field Office as noted above.

Should you wish to file a petition for a stay in accordance with 43 CFR § 4.21(b) and 4.471(c), the appellant shall 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.

Within 15 days of filing an appeal, or an appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.413 and 4.471(b).

A handwritten signature in cursive script, reading "Barbara Sharrow", is written over a horizontal line.

Barbara Sharrow  
Field Manager  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401