

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2013-033-DNA

CASEFILE/PROJECT NUMBER: Authorization #0501526

PROJECT NAME: Grazing Lease Issuance (Yellow Jacket - South Allotment 06826)

LEGAL DESCRIPTION: Township 2 North, Range 92 West, Sections 16 and 17

APPLICANT: Davidson Yellow Jacket Ranch, LTD

ISSUES AND CONCERNS:

DESCRIPTION OF PROPOSED ACTION: The proposed action is to re-issue a grazing lease to Davidson Yellow Jacket Ranch authorizing them to graze livestock on the Yellow Jacket - South Allotment #06826. Yellow Jacket - South Allotment is a Section 15 grazing lease.

The base property lease for the Yellow Jacket - South Allotment expired on December 31, 2012. A new base property lease has been signed by the base property land holder and Davidson Yellow Jacket Ranch. The new lease is from January 21, 2013 through December 31, 2017.

The Yellow Jacket - South grazing lease is being issued with the same grazing schedule and terms and conditions as the grazing lease previously authorized for this allotment. Livestock grazing on this allotment was previously analyzed in environmental assessment (EA) DOI-BLM-CO-110-2004-197-EA.

The Yellow Jacket - South Allotment has approximately 521 acres of BLM administered land (Figure 1). Yellow Jacket - South Allotment is a custodial category allotment.

Design Features: The yearly grazing schedule for the Yellow Jacket - South Allotment was analyzed in DOI-BLM-CO-110-2004-0197-EA.

Allotment Name and Number	Livestock Number and Kind	Grazing Period Begin	Grazing Period End	% Public Land	Type Use	BLM AUMs
Yellow Jacket - South #06826	105 Cattle	July 15	July 19	100	Active	17

Grazing Lease Terms and Conditions:

The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing lease issued under this alternative:

1. Thirty (30) days prior to turnout, the permittee will submit a grazing application for the grazing year to the BLM for approval. The application will include the anticipated turnout dates, numbers of animals, and the sequence that the allotments and/or pastures will be used.
2. The permittee or lessee must provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands, as outlined 43 CFR 4130.3-2(h).
3. Grazing use will occur as per the DOI-BLM-CO-110-2004-0197-EA and the new grazing lease upon approval.
4. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony. The permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
5. No grazing use can be authorized under this grazing lease during any period of delinquency in the payment of amounts due in settlement for unauthorized grazing use.
6. Grazing use authorized under this grazing lease may be suspended, in whole or in part, for violation by the permittee/lessee of any of the provisions of the rules or regulations now or hereafter approved by the Secretary of the Interior.
7. This grazing lease is subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations now or hereafter approved by the Secretary of the Interior.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described herein.
 - e. Repeated willful unauthorized grazing use
8. This grazing lease is subject to the provisions of executive Order NO. 11246 of September 24, 1965, as amended, which sets forth nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

9. The permittee/lessee must own or control and be responsible for the management of the livestock authorized to graze under this grazing lease.
10. The authorized officer may require counting and/or additional/special marking or tagging of the livestock authorized to graze under this grazing lease.
11. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
12. In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements will not be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
13. In accordance with 43 CFR 4130.8-1(F): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(b) (1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2 (Trespass).
14. Regarding the Grazing Authorization #0501526, the John Economos base property lease agreement on the Yellow Jacket – South Allotment (#06826) between him and the Davidson Yellow Jacket Ranch, LLC: The cattle authorized on this allotment will be dependent upon the control of both the north and south sides of Rio Blanco County Road #48. If and/or when the control is lost the Yellow Jacket – South Allotment (#06826) will revert back to a sheep allotment with the carrying capacity to be determined at that time.

Decision to be Made: The BLM will decided whether or not to re-issue the grazing lease on the Yellow Jacket - South Allotment #06826 to Davidson Yellow Jacket Ranch for a period of 5 years associated with a base lease agreement.

PLAN CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-23

Decision Language: “With minor exceptions, livestock grazing will be managed as described in the 1981 Rangeland Program Summary (RPS). That document is the Record of Decision for the 1981 White River Grazing Management Final Environmental Impact Statement (Grazing EIS).”

Decision Number/Page: Page 2 - 25

Decision Language: “Current livestock grazing levels and management practices will continue to be authorized on the 36 maintain and 54 custodial category allotments.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the proposed action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: White River Resource Area Grazing Management Environmental Impact Statement (Grazing EIS).

Date Approved: April 1981

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: Yellow Jacket Ranch Projects:
Change-in-Kind of Livestock
Boundary Fence Construction
Cattleguard Installations
Construct Reservoir
DOI-BLM-CO-110-2004-197-EA

Date Approved: 7/14/2005

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes, the Proposed Action is to reissue a lease to graze livestock under the same schedules and terms and conditions and in the same allotment as analyzed in DOI-BLM-CO-110-2004-197-EA.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Two alternatives (continuation of current management and no grazing) to the Proposed Action were analyzed in DOI-BLM-CO-110-2004-0197-EA. No reasons were identified to analyze additional alternatives to the Proposed Action and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Documentation of answer and explanation: Yes, the existing analysis remains valid and is absent of any new information or circumstances that would change the analysis of the Proposed Action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes, the direct and indirect impacts remain unchanged from those identified and analyzed in the White River ROD/RMP and the White River Grazing EIS and in the site specific analysis in DOI-BLM-CO-110-2004-197-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Documentation of answer and explanation: Yes, public involvement conducted for the White River ROD/RMP, the White River Grazing EIS, and DOI-BLM-CO-110-2004-197-EA is adequate for issuance of this grazing lease.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on January 8, 2013. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	6/25/2013
Michael Selle	Archaeologist	Paleontological Resources	6/17/2013
Edward J. Hollowed	Wildlife Biologist	Special Status Wildlife Species	6/25/2013
Baili Foster	Ecologist Intern	Special Status Plant Species	1/09/2013

REMARKS:

Cultural Resources: Grazing lease renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo separate standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (#13-033) was completed for the Yellow Jacket - South allotment by Michael Wolfe, White River Field Office (WRFO) archaeologist on 06/23/2013. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the WRFO archaeology and allotment files.

RANGE ALLOTMENT CULTURAL RESOURCE ASSESSMENT #13-033

NEPA NUMBER: 13-033DNA

USGS TOPO QUAD: Thornburg

ALLOTMENT NAME: Yellow Jacket - South

ALLOTMENT NUMBER: 06826

LEGAL LOCATION:
Township 2 North, Range 92 West, Sections 16, 17, 19, 20, and 21

TOTAL ACRES: 1776

CULTURAL RESOURCES LITERATURE REVIEW RESULTS

Percentage of Allotment Previously Inventoried	Number of Sites Present	Additional Inventory Required (yes/no)	Number of Historic Properties to be Visited	High Potentials of Historic Properties (yes/no) Explain below:
2.27	2	no	0	no

Explanation why field work is or is not needed:

Two sites are located on private land and could not be evaluated for this assessment. The NEPA document CO-110-2004-197-EA analysis for the previous allotment renewal claimed a stock pond and a fence line along the Forest Service-BLM boundary between Sections 16 and 17 had been inventoried but a file search of WRFO cultural data bases could not find any report. Based on this information Michael Wolfe, WRFO archaeologist, in June of 2013 performed Class III inventory (Wolfe 2013) of the fence line and an existing pond on BLM administered land. No new cultural resources were identified. M.Wolfe 6/23/2013

Human use of the general area has occurred for at least 11,000 years, including manifestations of Paleo-Indian big-game hunting peoples; archaic hunter/gatherer groups; Fremont horticulturalists/foragers; historic Ute tribes; Euroamerican and other modern peoples.

Current GIS data shows 40.34 acres have been surveyed in the allotment, which is 2.27 percent of the allotment. The previous surveys have recorded no cultural resources that are eligible for the National Register of Historic Places (NRHP) although two potentially eligible sites, the ruins of the Jack Wallace Bootleg Cabin (5RB101), and a Native American rock art panel (5RB4431) have been documented on private land within the allotment. These have not been evaluated for listing to the National Register. However, because the sites are on private property, and would be subject to grazing activities even if the grazing lease were denied, their re-evaluation or monitoring will not be made a condition for renewal of the lease. The BLM cannot require cultural inventory on private land for assessing impact to cultural resources from grazing activities. The two sites mentioned above are site types possibly vulnerable to impacts from grazing but because no cattle concentration areas have been identified in the allotment, it is presumed that these two sites are not being adversely affected by grazing impacts.

Additionally, no prehistoric or historic isolated finds have been recorded. Although only a fraction of this allotment has been surveyed, the allotment is located at elevations from 7,480 to 8,720 feet, and the potential of historic properties being present within the allotment, that would be vulnerable to adverse effects by grazing, is very low. No additional cultural inventory is needed.

The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullying, and increased potential for unlawful collection and vandalism.

No livestock concentration areas on BLM administered lands in the Yellow Jacket - South Allotment have been identified by Melissa Kindall, BLM WRFO Range Technician. Since the above assessment and cultural resources literature review could not find evidence of the past surveys, new Class III inventory was performed June 2013 (Wolfe 2013). No new cultural resources were identified within the Yellow Jacket - South Allotment.

If historic properties are located during any subsequent field inventories in this area, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Office.

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Ute tribal authorities. Recent consultations with tribal authorities have indicated that consultation is not desired for projects that have no potential to affect known cultural sites. Should future inventories or consultations with tribal authorities reveal the existence of sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resources: The BLM administered portions of the Yellow Jacket - South allotment in Sections 16 and 17 are generally mapped as being located in three geologic formations. In the western one half of Section 17 the formation is mapped as the Williams Fork (*ibid.*) which the BLM has classified as a Potential Fossil Yield Classification (PFYC) 5 formation. The eastern half of Section 17 and a small fraction of the W1/2 of the NW ¼ of Section 16 are mapped as an undifferentiated portion of the Frontier Sandstone and Mowry Shale members of the Mancos Shale and Dakota Sandstone which the BLM has classified as PFYC 5. The remaining portion of Section 16 is mapped as an undifferentiated Morrison, Entrada and Glen Canyon formation which the BLM has classified as a PFYC 5 formation.

PFYC 5 formations are formations that are known to produce scientifically noteworthy, significant (WO-IM-2009-011, attachment 1) (c.f. Armstrong and Wolny 1989).

Should any of the formations be exposed at the surface where livestock concentrate or trail there is a potential to impact significant (*ibid.*) fossil resources. Smaller fossils could be crushed by trampling or displaced or washed away through erosion. Larger fossil could be partially exposed and the exposed portions crushed by trampling and possibly lost to erosion. Any loss of fossils and related scientific data would constitute as irreversible, irretrievable and permanent loss of data from the regional paleontological database.

Threatened and Endangered Wildlife Species: There are no special status animal issues or concerns associated with the Proposed Action.

Threatened and Endangered Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

Wolfe, Michael

2013 Class III Cultural Resource Inventory of Cattle Concentration Areas within the Rattlesnake & Yellow Jacket Grazing Allotments, in Rio Blanco County, Colorado (RB.LM.R1331;BLM 13-10-06). Ms. on file at BLM-White River Field Office, Meeker, Colorado.

MITIGATION:

Grazing Lease Terms and Conditions: The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing lease issued:

1. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
2. The permittee or lessee must provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands, as outlined in 43 CFR 4130.3-2(h).
3. Grazing Lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or here after approved by the Secretary of the Interior.
4. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
5. The permittee shall submit an Actual Use Report within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).
6. Livestock use will occur as outlined in the Environmental Assessment document CO-110-2004-0197-EA that analyzes grazing on the Yellow Jacket - South Allotment in accordance with 43 CFR 4120.2(d).
7. Those holding leases MUST own or control and be responsible for the management of livestock authorized to graze.
8. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
9. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
10. The grazing case file is available for public inspection as required by the Freedom of Information Act.
11. Grazing leases are subject to the nondiscrimination clauses set forth in the Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
12. Livestock grazing use that is different from that authorized by a lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
13. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
14. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the

amount owed but not more than \$250 will be assessed.

15. No Member of, or Delegated to, Congress or Resident Commissioner, after his/her election of appointment, either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing lease, so far as the same may be applicable.

Additional Mitigation Measures

16. The permittee is responsible for informing all persons who are associated with the allotment that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the permittee/ must immediately contact the appropriate BLM representative.
17. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
18. All applicable mitigation from DOI-BLM-CO-110-2004-197-EA has been carried forward.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Melissa J. Kindall

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

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

SIGNATURE OF AUTHORIZED OFFICIAL: *Kent T. Walter*
Field Manager

DATE SIGNED: 07/18/13

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

ATTACHMENTS:
Figure 1 – Map of the Yellow Jacket South Allotment

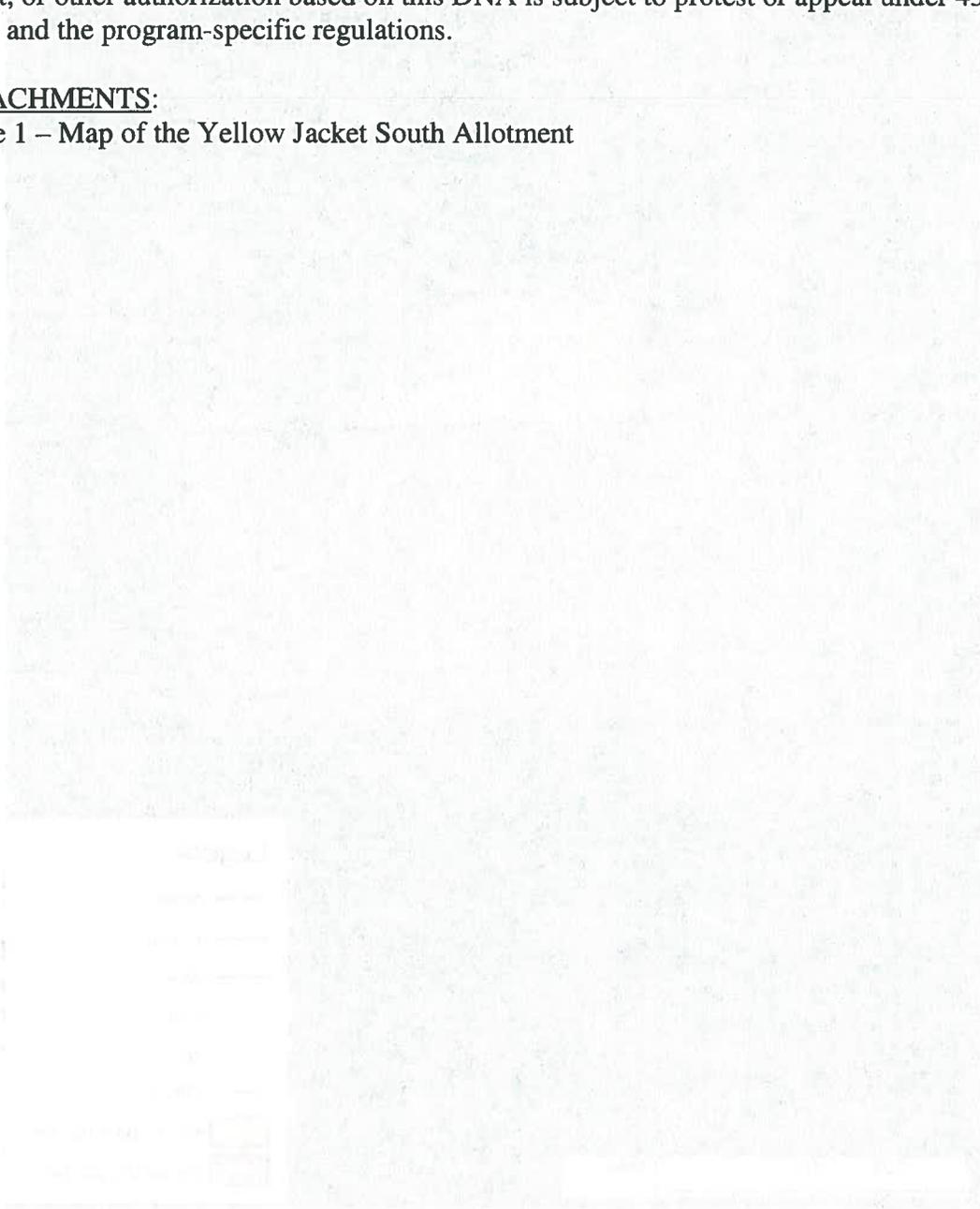
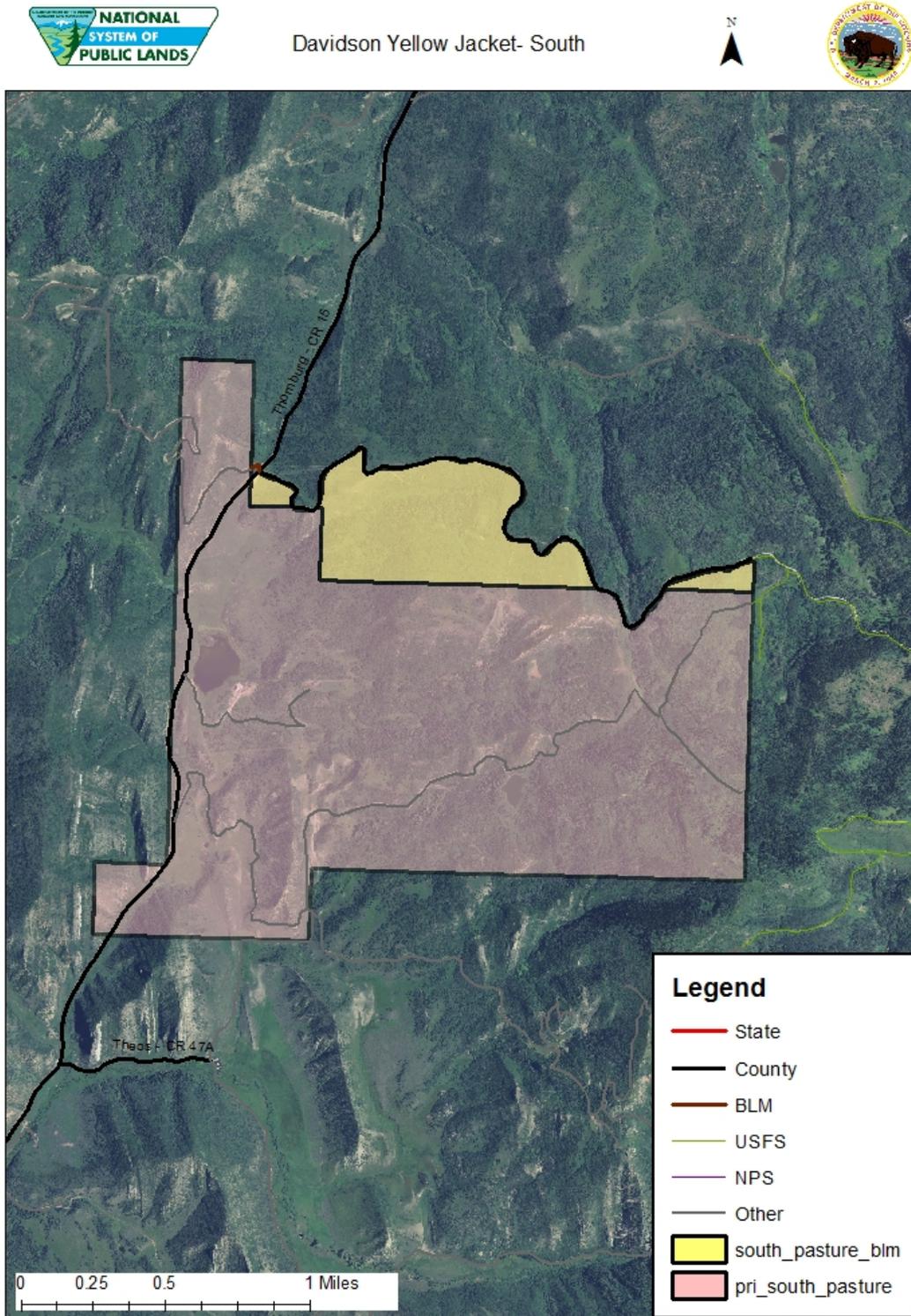


Figure 1: Map of the Yellow Jacket South Allotment





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, Colorado 81641
970.878.3800

CO-110 (WRFO)
Sec 15. CF (0501508)

Certified Mail No. 7012 1010 0003 7309 4772
Return Receipt Requested

July 18, 2013

Davidson Yellow Jacket Ranch
C/O Bill Stewart
P.O. Box 675
Meeker, Colorado 81641

NOTICE OF PROPOSED DECISION

Dear Mr. Stewart:

The Bureau of Land Management, White River Field Office (WRFO), received your grazing lease renewal application and base property lease for the grazing preference on the Yellow Jacket – South (#06826) grazing allotment. To comply with the National Environmental Policy Act (NEPA) of 1969, as amended, this office prepared a determination of NEPA adequacy (DNA) for the issuance of grazing preference to Davidson Yellow Jacket Ranch. This review was tiered to an Environmental Assessment (EA) that was prepared and signed in July of 2005. The EA (# CO-110-2004-0197-EA) resulted in a Finding of No Significant Impact, and a copy the document is on file at the WRFO.

The EA analyzed two alternatives: The Proposed Action (Alternative A, Continuation of Current Management) and a No Grazing Alternative (Alternative B). A new lease term is January 21, 2013 through December 31, 2017. Your application for a grazing lease renewal on the Yellow Jacket – South Allotment is for the exact same period of use that was analyzed in the EA mentioned above. Below is a description of the grazing use associated with this Allotment:

Yellow Jacket - South Allotment									
Allotment			Livestock		Grazing Period		%PL	Type Use	AUM's
Name	Number	Pasture	Kind	Number	Begin	End			
Yellow Jacket - South	068262	N/A	Cattle	105	7/15	7/19	100	Active	17

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action as analyzed in DOI-BLM-CO-110-2013-0033-DNA which tiers to CO-110-2004-0197-EA for authorization of livestock grazing use on the Yellow Jacket – South Allotment (#06826) for a term of five (5) years until December 31, 2017 as supported by 43 CFR 4130.2(d)(3)]. This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as qualified applicants under 4130.2(a) and (e). The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3); White River Record of Decision and Approved Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

Grazing Lease Terms and Conditions: The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing lease issued:

1. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
2. The permittee or lessee must provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands, as outlined in 43 CFR 4130.3-2(h).
3. Grazing Lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or here after approved by the Secretary of the Interior.
4. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of gazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
5. The permittee shall submit an Actual Use Report within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).
6. Livestock use will occur as outlined in the Environmental Assessment document CO-110-2004-0197-EA that analyzes grazing on the Yellow Jacket - South Allotment in accordance with 43 CFR 4120.2(d).

7. Those holding leases MUST own or control and be responsible for the management of livestock authorized to graze.
8. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
9. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
10. The grazing case file is available for public inspection as required by the Freedom of Information Act.
11. Grazing leases are subject to the nondiscrimination clauses set forth in the Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
12. Livestock grazing use that is different from that authorized by a lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
13. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
14. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250 will be assessed).
15. No Member of, or Delegated to, Congress or Resident Commissioner, after his/her election of appointment, either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing lease, so far as the same may be applicable.

Additional Mitigation

16. The permittee is responsible for informing all persons who are associated with the allotment that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the permittee/ must immediately contact the appropriate BLM representative.
17. Pursuant to 43 CFR 10.4(g), the permittee must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the permittee must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
18. All applicable mitigation from DOI-BLM-CO-110-2004-0197-EA has been carried forward.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager, White River Field Office, 220 E. Market Street, Meeker, Colorado 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 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 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, Colorado 80215.

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 served in accordance with 43 CFR 4.471. Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond

If you have any questions, contact either Melissa Kindall at 878-3842, or myself at 878-3801.

Sincerely,



Kent E. Walter
Field Manager