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

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-110-2012-0046-EA

CASEFILE/GRAZING PERMIT NUMBER: The Bureau of Land Management (BLM) will select and issue an updated lease with the preference attached to the selected permittee/allotment.

PROJECT NAME: Grazing Lease Revision and Reissuance for the Kritsas N. Allotment (#06810)

LEGAL DESCRIPTION:

Legal Description						
Allotment		BLM	Private			Section(s)/Lots
Name	No.	Acres	Acres	Twp.	Range	or Portions Of
Kritsas N.	06810	80	None	T1N	R93W	4
Kritsas N.	06810	534	None	T2N	R93W	32, 33
Total		614				

APPLICANTS: George Rienau and Curtis Cherry (doing business as the Cherry Ranch)

PURPOSE & NEED FOR THE ACTION: The purpose of this action is to fully process the term grazing lease for the Kritsas N. Allotment in accordance with all applicable laws, regulations, and policies in accordance with 43 CFR 4130.2. The need for the action is to issue a grazing lease with terms and conditions (including kind and number of livestock and period of use) necessary to achieve management and resource condition objectives (43 CFR 4130.3), including Colorado Standards for Public Land Health. The lease is subject to renewal or transfer at the discretion of the Secretary of the Interior for a period of up to 10 years.

The BLM has the authority to renew a grazing lease consistent with provisions of the Taylor Grazing Act, the Public Rangelands Improvement Act, the Federal Land Policy and Management Act, and the White River Record of Decision and Approved Resource Management Plan (ROD/RMP). In order to graze livestock on public land, the livestock permittee must hold a valid

grazing lease. The grazing permittee has a preference right to receive the lease if grazing is to continue.

The percent public land (percent PL) which is the percentage of BLM AUMs in relation to total AUMs produced which in this case is 100 percent public land so there are only BLM AUMs. In the Kritsas N. Allotment, cattle tend to make most grazing use in the bottoms and gentler slopes. Public land in this allotment primarily consists of steeper and brushy terrain that limits some availability of forage for cattle use.

Decision to be Made: The decision to be made is to determine the conditions and limitations necessary to issue a grazing lease that will comply with the BLM's statutory obligations as outlined in 43 CFR § 4130.2 (a) and multiple use mandate specified in the Federal Land Policy and Management Act of 1976, and conform to the fundamentals of Rangeland Health (43 CFR § 4180). The BLM will decide which applicant will be granted the grazing preference and which applicant will be granted the grazing lease.

ISSUES OR CONCERNS: Cattle are able to drift off the top of the Kritsas N. Allotment down into the Curtis Creek area since there is no fence and they could potentially become trespass cattle on the Nick Kritsas Estate private property. This is only an issue for the Cherry Ranch livestock because Mr. Rienau has a private land lease with portions of the Nick Kritsas Estate, however, it is noted that Colorado statute as a "fence out" state which states in portion as follows: Without a "lawful" fence, the landowner has no civil recourse for damage done to their property by trespassing livestock. Fencing your property, either as a good neighbor or in cooperation with the owner of the livestock, is a way to avoid future conflicts and problems. When property is protected by a lawful fence civil recourse is available to the landowner for damage caused by trespassing livestock. The burden of proof falls upon the landowner to prove the livestock broke through their legal fence and did not come through an open gate or an unfenced portion. It is legal to take custody of livestock found trespassing on your property. Keep in mind that when you do so, you become legally responsible for their care and feeding. Refer to C.R.S. 35-46-102.

INTRODUCTION/BACKGROUND: The Kritsas N. Allotment (06810) is located approximately 4.5 miles north of Meeker on the east side of Colorado State Highway 13 (Hwy. 13), see Figure 1. The allotment originally included the private lands on the west side of Hwy. 13 along with the Nick Kritsas Estate's private property and lands administered by the BLM on the east side of Hwy. 13. The Kritsas N. Allotment was previously authorized for sheep grazing as well as the neighboring Rienau B. and Rattlesnake Mesa Allotments. Because the previous permittees on these three allotments were sheep operators, no fences were built between the allotments because of herding the sheep as well as mutual agreements amongst the permittees. Over time, all three of the allotments were converted to cattle allotments. While the owners of the Rienau B. and Kritsas N. Allotments remained the same, the Rattlesnake Mesa Allotment was purchased by Cherry Ranch. Even with the class of livestock changes, no fences were built between these allotments.

Previous National Environmental Policy Act (NEPA) document #CO-WRFO-00-73-EA analyzed livestock grazing on the Kritsas N. Allotment incorporating updated federal range percentage calculations that resulted in a change from 154 to the 69 Animal Unit Months (AUMs). This allotment is a Section 15 grazing lease and has been categorized as a "C" for Custodial Allotment, on which no significant problems, issues, and/or resource conflicts have been identified other than the presence of noxious weeds. The BLM's assessment of the health of the public lands within this allotment is that the land is in satisfactory condition. Attempts to contain the noxious weed species leafy spurge are being conducted through a cooperative effort by the various permittees in the area, the BLM, U.S. Forest Service (USFS), Colorado Parks and Wildlife (CPW), Rio Blanco County (RBC), and the Natural Resources Conservation Service (NRCS). Recent chemical containment efforts have also included helicopter-spraying efforts coordinated through Rio Blanco County Weed Department under an assistance agreement with the BLM, private landholders, and permittees.

On January 25, 2008 the grazing authorization for the Nick Kritsas Estate was suspended and then on December 6, 2010 a final decision was issued to cancel that grazing lease due to non-payment of grazing authorizations. The Cherry Ranch had reported making incidental use of this allotment due to the lack of fencing, along with a misunderstanding that this allotment was included as a portion of their operation from a previous purchase as well as it is currently included as part of their Special Recreation Permit (SRP). It was not determined if Mr. Rienau made incidental use of this allotment as well; none was reported. However, cattle from either the north or east are able to get on this allotment due to lack of fencing. Mr. Rienau previously suggested a short drift fence on a ridgeline to attempt resolving this issue.

Both neighboring permittees have made application for this lease at the full preference of the 69 (BLM) AUMs available, however, they have submitted different use schedules (see Alternatives A and B). Both are qualified applicants and have an adequate grazing record. Both permittees are identified as participants (past and current) in the county weed management practices based on information obtained from the Rio Blanco County and BLM (HollyPostmis and Matt Dupire).

The previous authorization is listed below in Table 1 and the previous land ownership acreages are listed below in Table 2:

Table 1. Previous authorization:

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type*	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas N.	60	Cattle	A	6/1	10/31	22	69

**A=Active Use*

Table 2. Acreage Associated with Kritsas N. Allotment:

Allotment Name	Allotment #	BLM Acres	Private Acres	Total Acres
Kritsas N.	06810	614	2,725	3,339

Under the previous authorization, approximately ½ of the total private acreage was private lands located on the west side of Highway 13. A private pasture could have been made of those lands.

Further, the lands associated with the public acres on the east side of Hwy. 13 and the Kritsas N. Allotment included acreage whose land was above 35 percent slopes.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES:

Scoping: Public scoping was the primary mechanism used by the BLM to identify any issues on the allotment. Internal scoping was initiated when the project was initially presented to the White River Field Office (WRFO) interdisciplinary team on January 31, 2012. A copy of the completed EA will be posted on the WRFO's on-line NEPA register and notification of the decision will be sent to interested parties.

Issues: Internal scoping identified that trespass cattle could become an issue therefore this will be monitored by BLM and if necessary separate NEPA analysis will be done to consider possible corrections to the issue.

DESCRIPTION OF ALTERNATIVES:

Alternative A (Proposal by George Rienau):

Under this proposal, the Rienau B. and Kritsas N. Allotments would combine into one allotment called the Rienau B. Allotment for a total of 86 AUMs with grazing as outlined below. Cattle would enter the newly formed allotment around June 10 and be removed on July 20. The cattle will be gathered and moved onto the Nine Mile Ranch (Jensen) private property to the north for the remainder of the summer months. Then the cattle would be gathered and put back into the newly formed Rienau B. Allotment on October 1 thru October 24th. The proposed use in this allotment would be during portions of the growing season; however, approximately 6 weeks of plant regrowth could be realized before the onset of fall depending on the year. The duration of grazing would be 41 days in June/July and 23 days in October. The grazing schedule does not currently include a rotation.

Under this alternative, a fence will need to be constructed with an estimated start construction date of June 1, 2013. The operator estimates approximately 70% of the fence line will require brush removal and the other 30% of the fence line may need dirt work but those sections will be delineated with an on-the-ground inspection of the fence line prior to construction. This fence will become the boundary fence between the Rienau B. and the Rattlesnake Mesa Allotments. The fence line will connect to the fence line on the north (Jensen private property) and then rim out on the southern end. This fence line will eliminate Cherry Ranch cattle from dropping off the BLM allotment from the top into the Nick Kritsas Estate private properties along Curtis Creek (Figure 1).

Additionally, the applicant would like to investigate a water source, a seep with water flow part of the year (depending on the year), in order to supplement the utilization of the allotment. The seep is located in Section 32 of Township 2 North, Range 93 West. A water development project is not being proposed at this time, however, the potential of the seep will be investigated

and if it is determined that the seep is worth developing, a range improvement project will be proposed and separate NEPA analysis be conducted.

Table 3a. Proposed Schedule: Rienau B. Allotment (incorporating Kritsas N. Allotment).

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type*	Date On	Date Off	% PL	BLM AUMs
06809	Rienau B.	60	Cattle	A	6/10	7/20	67	54
06809	Rienau B.	60	Cattle	A	10/1	10/22	67	30

**A=Active Use*

Table 3b. Newly formed Allotment Acreage:

Allotment Name	Allotment #	BLM Acres	Private Acres	Total Acres
Rienau B.	06809	735	494	1,229

Design Features: Alternative A (Rienau) proposed fence line will include two 30 foot gates (one at the north end and one at the south end of the fence line). Also a gate will be located where the two track from the east is located. Further, the operator has offered to put laydown fence in sections where known big game movement occurs. Mr. Rienau would leave the fences up until all cattle are off the allotment, as well as, all cattle being off the Rattlesnake Mesa Allotment to the east or approximately mid-November of each year.

Alternative B (Proposal by Cherry Ranch):

Under Alternative B, the Kritsas N. and Rattlesnake Mesa Allotments would combine into one allotment called the Rattlesnake Mesa Allotment for a total of 459 cattle AUMs and 136 sheep AUMs with grazing as outlined below. For the Kritsas N. Allotment the cattle would enter the allotment on August 1 and removed on October 1 of each year (see Table 4). The grazing system does not include a rotation. Duration of grazing would be for approximately 62 days. At this time, there is no request to develop additional water source(s) or to construct a fence.

The applicant indicated that he would not be pushing cattle into the area but rather they would end up drifting into this area from his Rattlesnake Mesa Allotment since no fence is present on the Kritsas N. Allotment. Under this proposed grazing scheduled use in the allotment would be towards the end of the growing season when the plants have set seed and with potential for no fall regrowth occurring depending on the moisture regime for a given year.

Table 4a. Proposed Schedule with Kritsas N. Allotment as a pasture.

Allotment Number	Allotment Name	Pasture	Livestock Number	Kind	Use Type*	Date On	Date Off	% PL	BLM AUMs
06808	Rattlesnake Mesa		325	Cattle	A	6/1	12/29	18	408
06808	Rattlesnake Mesa		540	Sheep	A	6/1	12/30	18	136
06808	Rattlesnake Mesa	Kritsas	25	Cattle	A	8/1	10/1	100	51

**A=Active Use*

Table 4b. Proposed Schedule with Kritsas N. Allotment incorporated into the Rattlesnake Mesa Allotment (no pasture).

Allotment Number	Allotment Name	Pasture	Livestock Number	Kind	Use Type*	Date On	Date Off	% PL	BLM AUMs
06808	Rattlesnake Mesa		342	Cattle	A	6/1	12/29	20	477
06808	Rattlesnake Mesa		490	Sheep	A	6/1	12/30	20	136

**A=Active Use*

Grazing Lease Terms and Conditions Applicable to Both Alternatives A and B: The following terms and conditions as required by 43 CFR 4130.3 and the White River ROD/RMP will be included in the grazing lease issued:

1. Grazing use will occur as per the Grazing Schedule outlined in EA #DOI-BLM-CO-110-2012-0046-EA.

2. This grazing lease is subject to cancellation, in whole or in part, at any time because of:

    a. Noncompliance by the lessee with rules and regulations now or hereafter approved by the Secretary of the Interior.
    b. Loss of control by the lessee of all or a part of the property upon which it is based.
    c. A transfer of grazing preference by the 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

3. A grazing utilization limit averaging between 40 and 60 percent of annual growth in key forage areas will be applied to public lands in the area originally known as the Kritsas N. Allotment.

4. 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 though a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

5. 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 (AO) under 43 CFR Sections 4150.1 and 4160.1-2 (Trespass).

6. 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.

7. The 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).

8. It is unlawful for the lessee, 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 lessee is to stop activities that might disturb such materials, and notify the AO immediately.

9. 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 AO.

10. The lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

11. Thirty (30) days prior to turnout, the lessee will submit a grazing application for the grazing year to the BLM for approval. The application may include the anticipated turnout dates, numbers of animals, and the sequence that the pastures will be used.

12. 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.

13. The lessee must own or control and be responsible for the management of the livestock authorized to graze under this grazing lease.

14. The AO may require counting and/or additional/special marking or tagging of the livestock authorized to graze under this grazing lease.

15. The operator will be required to submit actual use grazing records 15 days after the end of grazing.

Limits of Flexibility: The selected lessee will be allowed flexibility from the submitted plan of operation during the grazing year that does not require prior approval from BLM. This flexibility will be limited to off dates and number of animals to adjust to changing climatic conditions, forage variability, and operational needs. Flexibility of the on or off dates will be limited to seven days provided total days of use do not exceed from the number of days authorized. Flexibilities that require approval by the BLM are adjustments made beyond the above criteria. BLM approved flexibilities and/or changes to this plan may be required due to such factors as forage influences from grazing, drought, fire, and/or water availability.

Rangeland Improvements Necessary to Implement the Grazing System: Under Alternative A, a fence line will be constructed to create a boundary fence between the Rienau B. and the Rattlesnake Mesa Allotments. If further investigation of the seep results in a request to develop

it as a livestock water source, then additional NEPA analysis would be completed after receipt of that application. Under Alternatives B and C, no range improvements are requested.

Monitoring and Evaluation: Currently there are no long-term trend sites established on the Kritsas N. Allotment. Depending on this decision, future monitoring will be conducted to evaluate the overall condition and health of the landscape on either the Rienau B. or the Rattlesnake Mesa Allotments.

No Grazing (Alternative C): The grazing lease would not be issued and there would be no livestock grazing on public lands within the allotment where it currently has 69 AUMs of preference available. There is no fencing to keep cattle from either the Rienau B. or the Rattlesnake Mesa Allotments from obtaining access to this area. This alternative would not comply with the RMP decision to provide for livestock grazing as one of the acceptable multiple uses.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD: The BLM considered an alternative that would split the Kritsas N. Allotment in approximately half and allow for partial use by both applicants. This alternative would require constructing a new fence that would divide the allotment into two parcels depending on the lay of the land and what would make sense in regards to topography. If possible the AUMs would be divided at around a 50/50 preference split (see Table 5). Under this proposal, the divided Kritsas N. Allotment would be combined with the allotments in which they are located (i.e. west portion with Rienau B. and east portion with Rattlesnake Mesa):

Table 5. Proposed Grazing Schedule (BLM alternative)

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type*	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas N. - West (Rienau B.)	60	Cattle	A	6/10	7/17	100	34
06810	Kritsas N. - East (Rattlesnake Mesa)	25	Cattle	A	8/21	10/1	100	34

**A=Active*
This schedule is an example only the division would need adjusted depending on the vegetation resources available within either the west or east Portions.

This alternative was considered but not carried forward for detailed analysis due to the size of the allotment and minimal AUMs available, as well as, the required investment by the BLM to construct the necessary fence to divide the allotment (which only one applicant proposed), and topographical concerns with the 50/50 split of the allotment.

PLAN CONFORMANCE REVIEW: This Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

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

Date Approved: July 1, 1997

Decision Number/Page: Pages 2-22 through 2-26

Decision Language: Livestock Grazing: Management: 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). 5) Identification of range improvements to enhance rangeland productivity and management.

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Standards for Public Land Health: In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis (EA). Table 6 summarizes the assessment of each public land health standard for each allotment. The findings are located in specific elements listed below.

Table 6. Summary of Assessment of the Standards for Public Land Health

	Current Situation			With Action		With No Grazing	
Standard	**Achieving or Moving Towards Achieving (Acres)**	**Not Achieving (Acres)**	**Causative Factors**	**Achieving or Moving Towards Achieving (Acres)**	**Not Achieving (Acres)**	**Achieving or Moving Towards Achieving (Acres)**	**Not Achieving (Acres)**
#1-Upland Soils							
	600	14	Noxious Weeds	600	14	600	14
#2-Riparian Systems							
	N/A	-	-	-	-	-	-
#3-Plant Communities							
	600	14	Noxious Weeds	600	14	600	14
#3-Animal Communities							
	600	14	Noxious Weeds	600	14	600	14
#4-Special Status, T&E Species							
	600	14	Noxious Weeds	600	14	600	14
#5-Water Quality*							
Impaired Waters 303(d) List	482	132	Selenium	482	132	482	132

* 132 acres of the allotment is in the Coal Creek watershed. Coal Creek (segment 9a) has been listed on the 303(d) list for selenium by CDPHE and therefore is not meeting water quality standards.

Cumulative Effects Analysis Assumptions: Cumulative effects are defined in the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.7) as "... the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." Table 7 lists the past, present, and reasonably foreseeable future actions within the area that may be affected by either Alternative; for this project, the area considered is the Kritsas N. Allotment. However, the geographic scope used for analysis may vary for each cumulative effects issue and are described in the Affected Environment section for each resource.

Table 7. Past, Present, and Reasonably Foreseeable Actions

Action Description	STATUS		
	Past	Present	Future
Livestock Grazing	X	X	X
Wild Horse Gathers	No	No	No
Recreation	X	X	X
Invasive Weed Inventory and Treatments	X	X	X
Range Improvement Projects : Water Developments Fences & Cattleguards	X	X	X
Wildfire and Emergency Stabilization and Rehabilitation	X	X	X
Wind Energy Met Towers	No	No	No
Oil and Gas Development: Well Pads, Access Roads, Pipelines, Gas Plants Facilities, etc.	No	No	X
Power Lines	X	X	X
Oil Shale	No	No	No
Seismic	X	No	X
Vegetation Treatments	X	X	X
Coal Mining	X	No	No

Affected Resources:

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. Table 8 lists the resources considered and the determination as to whether they require additional analysis.

Table 8. Resources and Determination of Need for Further Analysis

Determination[1]	Resource	Rationale for Determination
Physical Resources		
NI	Air Quality	Livestock grazing and fence building are unlikely to generate emissions that would be measurable or impact regional air quality.
NI	Geology and Minerals	The proposed grazing schedule would not affect mineral or geologic resources associated the allotment.
PI	Soil Resources*	See analysis below.
PI	Surface and Ground Water Quality*	See analysis below.
Biological Resources		
NP	Wetlands and Riparian Zones*	There are no riparian acres or wetlands known to occur on the public lands within the allotment.
PI	Vegetation*	See analysis below.
PI	Invasive, Non-native Species	See analysis below.
PI	Special Status Animal Species*	See analysis below.
NP	Special Status Plant Species*	There are no known occurrences of special status plant species in the project area; therefore, there are no special status plant species issues or concerns associated with either Alternative.
PI	Migratory Birds	See analysis below.
NP	Aquatic Wildlife*	There are no aquatic habitats within the allotment. Curtis Creek, a small intermittent stream wholly located on private lands, lies about 175 yards outside the northeast corner of the allotment. In those portions of the creek relevant to this allotment (potential source of livestock water in Alternative A), the stream is likely capable of supporting a relatively simple and predominantly invertebrate aquatic community.
PI	Terrestrial Wildlife*	See analysis below.
NP	Wild Horses	The location of this grazing lease renewal is not located within the Piceance-East Douglas Herd Management Area, the North Piceance or West Douglas Herd Areas.
Heritage Resources and the Human Environment		
PI	Cultural Resources	See analysis below.
PI	Paleontological Resources	See analysis below.
NP	Native American Religious Concerns	No Native American concerns have been identified within the allotment.
NI	Visual Resources	Grazing, and associated range improvements, as described in the alternatives, is not expected to have any negative effects on visual resources and VRM Class II objectives would be retained.
NI	Hazardous or Solid Wastes	Potential hazardous materials that may occur on the lease are associated with the vehicles typically used in livestock and recreational activities. While they hold varying amounts of fuels, lubricants and other materials these are considered *de minimis* and are not of concern.

Determination[1]	Resource	Rationale for Determination
NI	Fire Management	It is anticipated that there would be no impacts to the ability to follow the fire management plan.
NI	Social and Economic Conditions	There would not be any substantial changes to local social or economic conditions.
NP	Environmental Justice	According to recent Census Bureau statistics (2000), there are no minority or low income populations within the WRFO.
Resource Uses		
NI	Forest Management	Grazing on this allotment should have no direct impact on the juniper woodland community.
PI	Rangeland Management	See analysis below.
NI	Floodplains, Hydrology, and Water Rights	Cattle grazing are unlikely to impact hydrology, floodplains, or water rights since the impacts will be in uplands and the intensity and duration is appropriate for the area and there will be no use of floodplains or stream channels.
NI	Realty Authorizations	Rights-of-Way are present, however, no impacts are expected.
PI	Recreation	See discussion below.
NI	Access and Transportation	Access to these BLM lands are restricted by private property. No activities related to the alternatives are expected to impact access or transportation.
NP	Prime and Unique Farmlands	There are no Prime and Unique Farmlands within the project area.
Special Designations		
NP	Areas of Critical Environmental Concern	There are no ACECs within the project area.
NP	Wilderness	There are no wilderness issues within the project area.
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers in the WRFO.
NP	Scenic Byways	There are no Scenic Byways within the project area.

[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

SOIL RESOURCES

Affected Environment: Soils on the allotment are described in Table 9:

Table 9. Soil Types

RANGE SITE	SOIL TYPE	ACRES
Brushy Loam	Jerry-Thornburgh-Rhone complex (8 to 65 percent slope)	259
P/J woodland	Blazon, moist-Rentsac complex (8 to 65 percent slope)	177

Clayey Foothills	Mergel-Redthayne-Dollard complex (8 to 65 percent slope)	84
Stony Foothills	Thorriorthents-Rock Outcrop (15 to 90 percent slope)	62

In general, the elevation ranges from 6,900 to 8,000 feet. Annual precipitation varies from approximately 14 to 24 inches. Snowfall, which accounts for about half of the annual precipitation, occurs from October to May and accumulates on the ground from November through April. This landscape has high potential for growth and regrowth of all herbaceous species along with retained moisture capabilities.

Existing vegetation cover on the soils within the allotment provides adequate vegetative and litter cover for effective soil surface protection. Canopy and ground cover are appropriate for the various soil types. No active gully erosion is evident on the public lands within the allotment. Expression of rills and soil pedestals is non-existent. For all but the 14 acres of public lands previously identified with noxious weed issues the remaining 600 acres are meeting the requirements of the Colorado Public Land Health Standards for upland soils (see Table 6).

Five livestock concentration areas on BLM administered lands were located by the range staff and assessed by the cultural resources staff (see the Cultural Resources section). Impacts from cattle use around concentration areas include compaction and direct impacts to vegetation from grazing.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Annually grazing during a portion of the critical growing season could potentially have a negative impact on vegetative and litter cover. Grazing use on this allotment during the critical growing season could result in an acceptable trend in rangeland condition during the next ten-year term of the grazing lease due to the timing and a concentrated stocking rate. This alterative would include the construction of a fence on the east boundary, which would concentrate the grazing on the public lands. Only approximately six weeks of regrowth/rest would be realized and further plant regrowth opportunities may be reduced. Public land health standards would be maintained and grazing is not expected to change these standards

Cumulative Effects: Livestock grazing would likely occur across the entire allotment based on this proposal with 60 cattle grazing the allotment from June 10 to July 13. This schedule includes grazing during the critical growing season which may over time reduce soil productivity and lead to increased erosion and instability of the soils in the allotment. No other impacts from livestock grazing (trampling, etc.) are expected to result in soil resources degradation unless additional livestock concentration areas develop on the allotment.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Under this proposal, it is expected that grazing use on this allotment after the critical growing season could result in a continued acceptable trend in rangeland condition during the next ten-year term of the grazing lease and continue to meet the standards. Because this allotment is not fenced and it would be incorporated into the Rattlesnake Mesa Allotment to the east it should allow sufficient rest and regrowth opportunities on the

allotment due to the use beginning after the critical growing season or August 1. Such use could help maintain the present vegetative ground cover necessary for healthy, productive soils. With such a grazing system that could provide rest and regrowth opportunities, the standard for healthy soils is expected to continue to be met even once incorporated into the Rattlesnake Mesa Allotment.

Cumulative Effects: Livestock grazing would likely occur across only portions of the Kritsas N. Allotment portion based on this proposal and location of water sources. This schedule does not include grazing during the critical growing season which could aid in retention of the soil productivity and stability, however, the grazing could potentially be for a 52 day period which is 1 and ½ times longer than Alternative A but takes place during a more favorable time for plants. No other impacts from livestock grazing (trampling, etc.) are expected based on this proposal unless aditional livestock concentration areas develop on the allotment. Depending on the year, potentially cooler temperatures starting in August could also aid in wide spread livestock distribution across the allotment and may further reduce the potential for concentration areas to develop on the allotment or these public lands even if incorporated into the Rattlesnake Mesa Allotment.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Under this alternative, no livestock would be allowed to graze the allotment. There would be potential for cattle from the Rienau B. to the North and/or the Rattlesnake Mesa to the east to incidentally utilize the allotment due to lack of fencing on the Kritsas N. Allotment boundaries. No livestock grazing could potentially provide substantial opportunities for plant maintenance and regrowth in the allotment but would most likely not change the current infestation sizes or locations of the noxious weed species leafy spurge. No grazing use could potentially increase the canopy and ground covers to a maximum vegetative state. Under this alternative, the surface cover as relates to soil protection is expected to have optimal protection potential.

Cumulative Effects: Cumulative impacts would be similar in nature to those described for Alternatives A and B with no impacts from livestock grazing.

Mitigation: For Alternatives A and B provide growing season rest per the 1997 RMP at a minimum.

Finding on the Public Land Health Standard #1 for Upland Soils: If Alternative A is selected there may be a reduction in the productivity of soils on the public lands that may need to be mitigated during the ten-year lease unless the grazing schedule is altered. Alternative B would be less likely to reduce the productivity of soils on public lands.

SURFACE & GROUND WATER QUALITY

Affected Environment: The Proposed Alternatives would authorize grazing for cattle in the Kritsas N. Allotment on 614 acres of public land. Watersheds in the allotment drain to White River segment 9a (tributaries to the White River) and White River segment 10b which includes

Coal Creek that is on the Colorado 303(d) List of Impaired Waters for selenium. Of the 614 acres of public land 132 acres have previously been identified as Impaired Waters 303 (d) list for selenium (see Table 6).

White River segment 10b, is protected for cold water 1 aquatic life, potential primary contact recreation, water supply and agriculture. Segment 9a, is protected for cold water 2 aquatic life, not primary contact recreation, water supply and agriculture. Segments 10b and 9a are protected for cold water aquatic life and would be protective of waters where the summer weekly average temperatures are below 20 °C. The Cold 1 designation means that it has been determined that these waters are capable of sustaining a wide variety of warm water biota, but the Cold 2 designation means that they are not. Both segments are protected for water supply due to proximity to the town of Meeker. The Meeker municipal water supply is from groundwater wells completed in the White River's alluvium that is fed by these tributaries.

The list of impaired waters is given in Regulation #93 and the most current list became effective on March 30, 2012 (WQCC 2012). Coal Creek (segment 9a) has been listed on the 303(d) list for selenium. The soils in much of this allotment are saline and clayey and therefore more susceptible to downstream water quality impacts, due to eroded sediment and salts from these soils and are likely the source of the trace element selenium.

No springs have been inventoried in the allotment, but the groundwater of the White River alluvium is likely affected by eroded sediments from the project area. Groundwater moving through mancos shale formations has been shown to have elevated salt concentrations (BLM 2005).

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Alternative A would authorize grazing on 614 acres of public lands for 69 AUMs, requires building a new fence to facilitate the management of cattle, and assess the use of a seep as a water source. Public land health standards would be maintained and grazing is not expected to change these standards (see the Vegetation and Range sections). Impacts from cattle use in uplands for grazing are expected to result in vegetation disturbance associated with grazing and trailing mostly in the uplands.

Grazing removes vegetation that may help reduce rain splash erosion and attenuate surface runoff. Livestock and particularly cattle often preferentially remove grass and forb species suited to soil stability, leave weaker annuals, and therefore may lessen these beneficial effects of vegetation compositions for water quality. Hoof action from trailing creates preferential flow paths that can concentrate overland flow and intercept subsurface flows. Vegetation loss and trailing would be expected to contribute to potential increases in sediment production from exposed soils, gully initiation and channel erosion in some locations.

Undeveloped seeps can experience water quality impacts from hoof action and grazing near the source. In some cases, trampling can cause seeps to cease production or result in more standing water susceptible to evaporation. Development of the seep as a range improvement project would likely include the establishment of a catchment, typically constructed with a perforated culvert with gravel, a pipe down to a drinking trough, and fencing of the seep vegetation. If done

correctly and direct cattle use is successfully moved to a dry upland site, water quality impacts should not be expected.

The Soil Resource section describes areas with saline soils corresponding to outcrops of geologic features that naturally occur. Once these soils are disturbed (i.e., from hoof action or removal of perennial vegetation during grazing), the potential for the release of sediment and salt is increased. However, there is no reason to believe that cattle grazing would impact the water quality of 303(d) listed stream segments for Coal Creek, since grazing would occur in uplands and be limited based on AUMs for the area.

The WRFO manages grazing on public lands according to the 1997 RMP that outlines Standards and Guidelines for Public Land Health and Colorado Livestock Grazing Management Guidelines. These Standards include guidelines for upland soils, riparian systems, healthy desirable plant species, and water quality (both surface and ground). With good grazing management, mitigation below and the proposed grazing schedule impacts are not expected beyond those typically experienced on public lands with multiple uses.

Cumulative Effects: Limited dispersed recreation occurs on public lands including off-highway vehicle use, hunting and other activities due to private land access is necessary to reach the BLM. In general, Alternative A and other activities would increase sediment and salt loading but are not likely to exceed Colorado standards for water quality even with cumulative impacts.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: This alternative would have reduced impacts from grazing as compared to Alternative A due to potential for a reduced actual use of the AUMs and a favorable period for grazing (August is generally past the prime growth period for grasses and forbs). There would be no additional impacts from the construction of a fence and the potential improvement of the seep would not occur. Spring developments generally improve the function of springs and seeps; therefore there is the potential for greater impacts to this seep area if cattle use this as a water source.

Cumulative Effects: Cumulative impacts would be similar in nature to those described for the Alternative A with a decrease in potential erosion due to a lower grazing intensity.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: No impacts to vegetation or localized erosion from concentrated grazing use would occur from livestock under this alterative. Therefore, this alternative would have the least potential for impacting surface and groundwater resources.

Cumulative Effects: Cumulative impacts would be similar in nature to those described for Alternatives A and B with no impacts from livestock grazing.

Mitigation: The following should be added as conditions of approval:

1. Stocking rates should be reduced during periods of drought and/or during periods of drought recovery to improve upland health.

2. Immediate action should be taken to reduce trailing issues when they are observed. If accelerated erosion (rilling, gullying, etc.) is occurring due to trailing contact the AO to determine if a change in management or a rangeland development project should be constructed and the grazing approach altered to reduce impacts.

Finding on the Public Land Health Standard #5 for Water Quality: None of the alternatives are likely to exceed the Colorado water quality standards or change the status of listed streams under Section 303(d) of the Clean Water Act.

VEGETATION

Affected Environment: Several range sites (Brushy loam, P/J woodland, Clayey Foothills and Stony Foothills) are present in the Kritsas N. Allotment. Brushy loam accounts for the greatest percentage present on the allotment. Overstory in these ecological sites is primarily Gambel oak, serviceberry, snowberry, and big sagebrush. The understory of these sites includes mountain brome, western wheatgrass, elk sedge, Indian ricegrass, nodding brome and basin wildrye. Overall, these ecological sites are currently productive with healthy and diverse plant communities.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Under this proposal, plant communities in the allotment would be grazed during a portion of what is considered the critical growing season which could possibly reduce the plants ability to meet the physiological needs of replenishing nutrient stores and allowing for seed production. However, there is potential for a six to eight week regrowth period, depending on the year, that would repopulate the allotment with those desirable species necessary to maintain the diverse vegetative community. The landscape within this allotment is primarily brushy slopes, in places, limiting equal widespread livestock use with the possibility of concentration areas developing. In general most BLM allotments have some concentration areas develop on the grazed lands around water and salting sources. When stocked at the full preference, as proposed, it would be expected that the vegetation would be grazed at a moderate intensity level with potential for heavier grazed areas. Greater distribution will be realized due to the livestock's ability to utilize the entire newly formed allotment versus a concentrated area of either the Rienau B. or the Kritsas N. Allotments individually.

Cumulative Effects: This grazing schedule would need to be monitored for any signs of the development of plant health and composition due to grazing during a portion of the critical growing season, and the varying regrowth potential from year to year. It may be possible for the permittee to incorporate a grazing rotation in this allotment with other portions of his private lands, as well as, his current leases but the need for that has not been determined at this time. It is necessary that the fence be constructed in order to keep the Rienau B. and the Rattlesnake Mesa livestock separate as well as the grazing uses associated with those allotments.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Under this proposal, impacts to the vegetation community should be negligible with respect to plant diversity, cover amounts, and litter accumulation due

to grazing use occurring past the critical growing season and generally more towards the dormant timeframe of the plant cycle. As proposed grazed after the critical growing season would mean growing season rest every year allowing the vegetation to meet their physiological needs of replenishing nutrient stores and allowing for seed production. Potential for regrowth would be limited but would not be of concern due to the minimal utilization made annually, grazing started near the end of the critical growing season, and the ability of the cattle to utilize other areas within the Rattlesnake Mesa Allotment.

The landscape within this allotment is primarily brushy slopes thereby limiting widespread livestock use. However, due to the timing of the proposal with the potential for cooler temperatures aiding in disbursement of the cattle grazing across the allotment. As proposed, it would be expected that the vegetation would be grazed at a lower intensity, which could result in fewer plants being subjected to a grazing pressure. Each plant could have a higher probability for growth and/or regrowth to reach maturity for maintained level of plant vigor.

However, this may not be the case because without an allotment fence cattle may drift into the Kritsas N. Allotment area from the Rattlesnake Mesa Allotment and make season long use. That use would be with unknown dates of use and unknown cattle numbers but by as many cattle as are permitted on the Cherry Ranch at 325 cattle. For example, the use could be from June 1 to November 30 instead of the proposed August 1 to October 1 use.

Cumulative Effects: This allotment currently has healthy and diverse plant community composition therefore fall time removal of forage, when the plants are near or in the dormancy state, could have minimal influence on the overall plant community. This grazing schedule would be monitored for signs of the development of reduced plant health and composition. The need for a rotation grazing system has not been determined at this time. As the Rattlesnake Mesa and Kritsas N. Allotments would become one allotment the pastures that are currently present within the Rattlesnake Mesa Allotment could be developed into a rotation grazing system along with any other leased lands and the ranch's private property. The permittee has not proposed to construct a fence in order to keep cattle out of the Rienau B. Allotment or to keep cattle from dropping off the top onto private lands along Curtis Creek.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: No impacts to vegetation would result from the No Action Alternative which would be an overall benefit to the condition of the range in this area.

Cumulative Effects: There would be no additional impacts to existing vegetation from the no action alternative.

Mitigation: BLM will establish monitoring sites in association with the selected permittee.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: Vegetation production and species composition in this allotment currently provides adequate opportunity for regrowth and maintenance of existing plant community conditions to meet a multitude of demands.

INVASIVE, NON-NATIVE SPECIES

Affected Environment: Previous biological treatments and current chemical treatments continue to attempt to contain/control the noxious weed species leafy spurge. Leafy spurge has been the primary species in this area to receive treatment; however, other species such as houndstongue also receive treatment due to their proximity to the leafy spurge. Other species that may exist on the allotment at a minimum level or as few occurrences are: bull thistle, musk thistle, knapweed, or common mullein. Through a cooperative effort by the various permittees and landowners in the area, BLM, U. S. Forest Service, Colorado Parks and Wildlife, Rio Blanco County Weed and Pest District, and the local Natural Resources Conservation Service continue work on this front. Recent chemical treatment efforts have also included the use of helicopter spraying techniques with these efforts coordinated through Rio Blanco County. Other noxious weed species are considered a minor component of an otherwise diverse, healthy, vigorous plant community.

With livestock grazing the potential exists for spread of noxious weed species due to seeds being transported after attaching on the animals' hides, however, this also would include wildlife species.

Environmental Consequences of Alternative A (Rienau) and Alternative B (Cherry):

Direct and Indirect Effects: Given the landscape within the allotment where livestock utilize the less steep brushy slopes this could be where the greatest potential exists for introduction and establishment of weed species. Potential for establishment of noxious weeds on these areas could be rated moderate to high due to the potential for loss of vegetation. With timely and successful weed treatments the risk of weed establishment/expansion could be reduced. Through an on-going active weed control program the selected applicant could make progress in the containment/control of the primary noxious weed found in the allotment, leafy spurge.

Cumulative Effects: The grazing proposals would possibly contribute to placing native plant communities at risk for the establishment and spread of noxious or invasive weed species. If noxious weeds establish in these plant communities the health of the upland plant communities and the associated ecological function would decline. With timely and successful weed treatment the risk of weed establishment could be reduced.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Under this alternative, grazing would not be permitted. Overall cover and density of native species would be expected to increase with no grazing pressure. The competitive advantage of the native communities would reduce the opportunity for noxious weed establishment. It is likely that leafy spurge would persist even under improved vegetation conditions although the density and rate of spread could be decreased. However, with no livestock grazing the allotment would no longer have a commitment by a permittee to aggressive management of noxious weeds on public lands. This stewardship is an important factor in preventing, containing, or controlling noxious weed infestations on public land.

Cumulative Effects: There would be no additional impacts to existing invasive, non-native species from the No Action Alternative.

Mitigation: The selected applicant should continue to treat and monitor the allotment for infestations of leafy spurge, as well as, other species. Noxious weed infestations will be addressed on a case-by-case basis. From the White River Resource Area Record of Decision (ROD)/Resource Management Plan (RMP), Appendix B, #179, a Pesticide Use Proposal will be prepared and approved prior to spraying. All spraying would be under the direction of a certified applicator. Herbicides must be registered with the Environmental Protection Agency (EPA).

SPECIAL STATUS ANIMAL SPECIES

Affected Environment: There are no federally listed, proposed, or candidate animals that are known to inhabit or derive important benefit from habitats potentially influenced by alternative management proposals. Several BLM-sensitive animals are known to or have potential to be associated with habitats encompassed by the allotment, namely the midget faded rattlesnake, Columbian sharp-tailed grouse, prairie and peregrine falcons, and Brewer's sparrow.

Columbian sharp-tailed grouse inhabit mixed shrub communities throughout the year. These birds attend communal breeding grounds in April to early May. Ideal nesting and brood-rearing habitat consists of mixed shrub communities with well-developed herbaceous ground cover of 8 to 12-inch height, including previous-year residual growth that augments early season nest concealment. Clutches begin to hatch in late May to early June. Young, in particular, are especially vulnerable to mortality from inclement weather, insufficient supplies of insect and broadleaf forage and predation through mid-August.

Midget faded rattlesnakes may inhabit the lower margin of the allotment's western and southern boundaries (generally below 7,000 feet). These snakes hibernate from November through April and remain closely associated with rocky den sites throughout the year. The snakes' primary prey are lizards.

Two or more pair of prairie and/or peregrine falcons nest along a cliff series that extends east from Meeker across Rattlesnake Mesa. These birds generally return to nest on cliff ledges in April and fledge young by August. Their main prey consists of birds (peregrine falcon) and small mammals (prairie falcon).

Brewer's sparrows are a sagebrush-obligate that is widely distributed and one of the most common migratory birds in northwest Colorado. These birds nest in virtually all sagebrush and mixed shrub habitats from late May through mid-July. Although not particularly sensitive to understory conditions in shrubland stands, the nestlings are reliant on abundant and diverse sources of insect prey through fledging and brood-rearing.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Based on habitat and prey preferences, it is unlikely that the falcons or rattlesnake would be influenced in any substantive manner by livestock grazing under this alternative.

Cattle would use the allotment for 40 days during the middle to later portions of the growing season (June 10 through July 20) and again for 23 days in October. The earlier period of use would be coincident with the initial appearance of sharp-tailed grouse broods and extend through the early brood-rearing period when broods are most vulnerable to mortality. Progressive declines in cover height and density on about 200 acres of mutually-preferred gentle-gradient slopes and swales would occur every year and, particularly within 0.75 mile of water, would likely exceed utilization levels that would maintain optimal ground cover expression during the early to middle portions of the brood-rearing period. Progressive decline in interstitial ground cover that peaks just prior to fledging would expose grouse broods to diminished thermal protection (chilling/wetting), hiding and escape cover from mammalian and avian predators, and substrate for invertebrate and broadleaf forage. Persistent use of favored sites during the growing season, with limited and probably inconsistent opportunities for substantive plant recovery after livestock are removed in mid-July (about 2-3 weeks), is likely to prompt gradual shifts in ground cover composition and convert ground cover character from native forb/bunchgrass to one more heavily represented by introduced grazing-tolerant species, such as Kentucky bluegrass, dandelion, yarrow, and quackgrass. The introduced grasses are inferior to native bunchgrass communities in their capacity to provide effective and functional forms of brood cover and forage substrate. Conversely, in bottomland meadow and swale types where succulence is retained, the introduced forbs are readily taken by older broods of grouse. In an overall sense, these grazing-related effects are generally believed to reduce potential rates of annual survival and recruitment of young into the population (e.g., dandelions attract use to areas with deficient escape cover). Incremental declines in habitat utility stemming from deleterious shifts in ground cover composition would be subtle and persistent.

Follow-up dormant season use would be about half that of growing season use, but would tend to largely remove that herbaceous regrowth gained after cessation of the initial grazing period.

Impact assessment of this alternative on Brewer's sparrow would be the same as those addressed in the Migratory Bird section.

Cumulative Effects: Seasonal consumption of herbaceous ground cover by livestock and elk are the primary sources of cumulative influences on nesting and brood-rearing habitats for Columbian sharp-tailed grouse and Brewer's sparrow in the project vicinity. Livestock use during the growing season, in particular, would be a small, incremental addition (about 200 acres for grouse, 50 acres for sparrow) to those grazing-related effects that are not strictly compatible with the maintenance of optimal grouse nesting and brood-rearing habitat conditions across northwest Colorado. It is unlikely that this alternative would exert any cumulative influence on habitat or populations of midget faded rattlesnake or prairie falcon.

Environmental Consequences of the Alternative B Proposal (Cherry):

Direct and Indirect Effects: Based on habitat and prey preferences, it is unlikely that the falcons or rattlesnake would be influenced in any substantive manner by livestock grazing under this alternative.

Cattle would initiate 62 days of grazing near the beginning of the plant dormant season (August 1 through October 1). This period of use would be largely asynchronous with the sharp-tailed grouse nest and early brood-rearing period and, considering grazing use by only 25 head of cattle, have little potential to exert marked influence on the character or utility of herbaceous ground cover during the first half of August. This alternative would provide no effective time for vegetation recovery (i.e., intersticial residual cover augmenting early nest concealment) though the herbaceous community would generally be allowed to fulfill all growth, reproduction, and preparation for dormancy prior to cattle entry every year. Assuming cattle distribution would be effectively regulated consistent with the proposal (i.e., without fences), near optimal ground cover expression and values (i.e., thermal/hiding/escape cover, forage substrate) for grouse nesting and brood-rearing would be realized and sustained in the long term across the allotment, including those 200-acres of habitat mutually preferred by grouse and livestock. This alternative would not require the development of new waters (as added sources of livestock concentration) and annual use would be expected to be self-limiting under adverse environmental circumstances (e.g., drought). The potential for potentially deleterious grazing-related effects on annual survival and recruitment rates for grouse would be largely avoided under this grazing management proposal.

Impact assessment of this alternative on Brewer's sparrow would be the same as those addressed in the Migratory Bird section.

Cumulative Effects: Dormant season use at levels generally reduced from past and alternate livestock grazing regimes would stabilize or allow for progressive improvement in the condition and function of reproductive habitats (nest and brood-rearing) for sharp-tailed grouse and Brewer's sparrow in the WRFO. This effect would be localized and small in scale, but would contribute incrementally toward the achievement of desirable habitat and population objectives for these special status animals in the WRFO and northwest Colorado.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Removal of livestock use from the allotment would allow for the full development of ground cover expression (including carryover of residual herbaceous cover) and would ostensibly provide sustained optimal habitat conditions for sharp-tailed grouse and Brewer's sparrow reproductive functions. The increment of value (e.g., elevated survival and recruitment) derived from this alternative versus the dormant season use proposed in Alternative B would probably be slight. It would remain unlikely that livestock removal would have any effective influence on the condition or utility of falcon or rattlesnake habitats offered by the allotment.

Cumulative Effects: Removing livestock use from this allotment would stabilize or lead to progressive improvement in the condition and function of reproductive habitats for sharp-tailed grouse and Brewer's sparrow in the WRFO. This effect would remain localized and small in scale, but would contribute incrementally toward the achievement of desirable habitat and

population objectives for these special status animals in the WRFO and northwest Colorado. Tangible benefits attributable to livestock removal would likely be indistinguishable from those realized in Alternative B.

Mitigation: In the event cattle distribution contradicts the terms and intent of the lease (e.g., unregulated drift prior to August 1 or by higher numbers of cattle), consideration might be given to the installation of fencing that would help confine use to authorized terms.

Finding on the Public Land Health Standard #4 for Special Status Species: Shrub lands encompassed by this allotment are generally well suited for the support of those special status animals presented above. Repetitive growing season use of the allotment's gentle-gradient shrub land communities in closer association with water sources (Alternative A) would, over time, depress the utility of these associations (about 1/3 of the allotment's available acreage) as Columbian sharp-tailed grouse nesting and brood-rearing habitat and, to a lesser extent, Brewer's sparrow reproductive habitat. These effects would be contradictory to continued meeting of the land health standards at current levels. Deferring livestock use until the late summer/early fall period and reducing cumulative livestock grazing use by about 40 percent (Alternative B compared to Alternative A) would avoid functional losses of ground cover during the grouse and migratory bird nesting and brood-rearing seasons, avert deleterious shifts in ground cover composition, and would likely reduce concentrated livestock use of favored swale and meadow sites. This alternative would maintain and progressively elevate achievement of the land health standards for sharp-tailed grouse and, to a lesser extent, Brewer's sparrow. The no grazing alternative (Alternative C) would be expected to provide optimal reproductive habitat conditions for sharp-tailed grouse and Brewer's sparrow, but those effects would be largely indistinguishable from those derived from management associated with Alternative B.

MIGRATORY BIRDS

Affected Environment: Migratory birds associated with the allotment's sagebrush, mixed shrub, and mountain shrub land communities on slopes less than 35 percent are most apt to be influenced by livestock grazing during the nesting season (late May through early August). Birds most common to these communities include: common poorwill, Virginia's warbler, Brewer's sparrow, orange-crowned warbler, house wren, green-tailed and spotted towhee, chipping sparrow, plumbeous vireo, black-headed grosbeak, and dusky flycatcher. These birds are widely distributed at appropriate densities in suitable habitat across the WRFO and northwest Colorado. With the exception of areas of concentrated use closely associated with water, these species generally nest in situations that are not particularly vulnerable to trampling or repeated disturbance by livestock (e.g., shrub canopy or base of shrub), though the nestlings are reliant on abundant and diverse sources of insect prey through fledging and brood-rearing.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Cattle use of the allotment from June 10 through July 20 would coincide with the core of the migratory bird nesting season. Progressive declines in herbaceous vegetation expression (as a source of supplemental cover and invertebrate prey) through the nestling/fledgling stages and longer term shifts in herbaceous composition (see

discussion in Special Status Animal Species above) would be expected to incrementally reduce former levels of migratory bird reproductive success and, ultimately, recruitment potential on up to one-third of the allotment (about 240 acres). Reductions of herbaceous plant density of 50 to 70 percent suppressed breeding bird abundance by half in arid shrub land communities in Arizona (Krueper 2003).

Cumulative Effects: Seasonal consumption of herbaceous ground cover by livestock and elk are the primary sources of cumulative influences on nesting and brood-rearing habitats for migratory birds in the project vicinity. Livestock use during the growing season, in particular, would be a small, incremental addition (about 240 acres) to those grazing-related effects that are not strictly compatible with the maintenance of optimal nesting and brood-rearing habitat conditions across northwest Colorado.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Assuming cattle distribution would be effectively regulated consistent with the proposal (i.e., without fences), the proposed grazing schedule would not coincide with the primary migratory bird nesting season and would have no effective influence on nesting or brood-rearing functions. Although the availability of residual herbaceous growth as supplemental nest cover for the following nesting season would be reduced, ground cover would be supplemented by 3 to 4 weeks of new growth prior to most birds returning to establish nests. Dormant season use would pose no risk of shifting herbaceous composition to less desirable forms and would help reduce the tendency for concentrated livestock use of productive swale and meadow sites. It is expected that near optimal conditions for migratory bird nesting habitat would be realized under this grazing alternative.

Cumulative Effects: Dormant season use at levels reduced from past and alternate livestock grazing regimes would stabilize or allow for progressive improvement in the condition and function of reproductive habitats for migratory birds in this allotment. This effect would be localized and small in scale, but would contribute incrementally toward the achievement of desirable habitat and population objectives for affected shrub land species in the WRFO and northwest Colorado.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Removal of livestock use from the allotment would allow for the full development of ground cover expression and would ostensibly provide sustained optimal habitat conditions for migratory bird reproductive functions. The increment of value (e.g., elevated survival and recruitment) derived from this alternative versus the dormant season use proposed in Alternative B would probably be slight.

Cumulative Effects: Removing livestock use would stabilize or lead to progressive improvement in the condition and function of reproductive habitats for migratory birds in the allotment. This effect would remain localized, but would contribute incrementally toward the achievement of desirable habitat and population objectives for affected shrubland species in the WRFO and northwest Colorado. Tangible benefits attributable to livestock removal would likely be indistinguishable from those realized in Alternative B.

Mitigation: None, but see mitigation caveat in Special Status Animal Species section above.

TERRESTRIAL WILDLIFE

Affected Environment: The allotment's higher elevation mountain shrub and mixed shrub communities are used primarily for deer and elk summer use functions, including the rearing of young (May through September). Big game use in these shrubland communities extends into November, but late season critical winter range functions (December through March) are confined to the allotment's lower-elevation south-facing exposures on its western and southern margins. Raptor nesting use of the allotment is likely limited to cliff-nesting species such as those addressed in the Special Status Animals section. Although the allotment encompasses small stands of pinyon-juniper, many of these stands are open-canopied and located on steep, southern exposures and do not constitute preferred nesting habitat for woodland species (e.g., Cooper's hawk).

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Cattle and big game use would be coincident for a 40-day midsummer period each year. Forage competition for favored forb and grass (e.g., junegrass) growth is not expected to be strong across the entire allotment, but due to the static and limited availability of water, localized areas of concentrated use may develop (e.g., mesic bottoms, swales, and basins). These areas (about 45 acres) would be subject to heavy and repetitive growing season use each year and would likely undergo or continue progressive shifts in composition to introduced, sod-forming and grazing-tolerant plants. Although these modified communities offer components palatable to deer (e.g., Kentucky bluegrass), from the overall animal community standpoint, they are generally inferior to native forb-bunchgrass complexes in terms of plant and phenologic diversity, residual ground cover, and forage and seed production. Conversely, cattle use of heavier bunchgrass growth, including the 23-days of recurrent use in October, would increase the availability of any fresh late summer or fall regrowth and subsequent spring emergence for seasonal use by big game, especially deer.

Cumulative Effects: Seasonal consumption of herbaceous ground cover by livestock and elk are the primary sources of cumulative influences on herbaceous ground cover as a cover and forage base for all wildlife supported in project vicinity. Livestock use during the growing season, in particular, would be a small, incremental addition (greatest influence on 45 acres, 240 total acres plus on slopes less than 35 percent) to those grazing-related effects that are not strictly compatible with the maintenance of optimal reproductive and young-rearing habitats conditions for wildlife populations across WRFO and northwest Colorado.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Deferred livestock use of these higher elevation shrubland communities would offer a full complement of herbaceous (especially broadleaf) forage for selective use by nursing and newborn deer and elk. Once cattle begin making use of heavier bunchgrass growth, any fresh late summer or fall regrowth (e.g., August) and subsequent spring emergence would be preconditioned for enhanced seasonal access and use by big game, especially deer. Because available water late in the season would remain confined to adjacent private lands, dormant season use is expected to remain relatively dispersed across the allotment

and heavy animal concentrations in productive swale and drainage situations may be largely avoided. Proposed livestock grazing use would not influence reproductive functions or the availability of prey for any cliff-nesting of woodland nesting raptors associated with the allotment or surrounding lands.

Cumulative Effects: Dormant season use at levels reduced from past and alternate livestock grazing regimes would stabilize or allow for progressive improvement in rangeland attributes that are important in the support of seasonal forage and cover bases for the entire complement of wildlife inhabiting the allotment, including big game. This effect would be localized and small in scale, but would contribute incrementally toward the achievement of desirable habitat and population objectives for big game in the WRFO and northwest Colorado.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Livestock removal would eliminate any potential for forage competition among big game and livestock, especially during the summer months, but advantageous preconditioning of bunchgrass growth for late summer/fall and subsequent spring use may be limited (i.e., less consistent effect attributable to elk). Reductions in foraging opportunity attributable to this effect would be localized, small in scale (e.g., 240 acres), and due to the prevalence of grazing in surrounding allotments, would not figure prominently in the overall support of local big game populations. Livestock removal would be expected to promote the development of near-optimal habitat conditions for small mammal and bird populations as prey for raptors, although the degree of change in abundance or diversity relative to Alternative B would probably remain slight.

Cumulative Effects: There are few, if any, rangelands in the WRFO that are not subjected to livestock grazing and removing those influences on 240 acres would have virtually no measurable effect on any facet of terrestrial wildlife habitat or populations at the local or regional scale. Regardless, removing livestock influences would allow for progressive remediation of certain rangeland attributes that are important in the support of seasonal forage production for big game and other resident wildlife. This effect would be localized and small in scale, but would contribute incrementally toward the development of desirable habitat and population objectives for terrestrial wildlife in the WRFO and northwest Colorado.

Mitigation: None.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: Habitats available within this allotment are presently adequate in meeting the land health standard, particularly for big game, raptor, and non-game wildlife populations.

Livestock grazing prescriptions in Alternative A would likely maintain or exacerbate continued modification of herbaceous ground cover composition to one dominated by non-native, grazing-tolerant species. These circumstances would represent a small, incremental addition (greatest influence on 45 acres, 240 total acres) to those grazing-related effects that are not strictly compatible with the maintenance of optimal reproductive and young-rearing habitats conditions for wildlife populations across WRFO and northwest Colorado. Although the allotment would continue to be viewed as meeting the land health standards at the landscape scale, concentrated growing season use would be expected to increase the fraction of lands within the allotment that

do not fully meet the standard. Alternatives B and C would promote maintenance or improvements in ground cover conditions as a forage and cover base for resident and migratory animals and would be expected to elevate the functional status of the standard within the allotment.

CULTURAL RESOURCES

Affected Environment: 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. The assessments follow 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.

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; Euro-American and other modern peoples. Previous block surveys within one mile of the allotments have recorded various sites. These include historic homesteads, sheepherder camps, aspen glyphs, and prehistoric open camps and isolated finds. Although some of these sites are evaluated as eligible for the National Register of Historic Places (NRHP), the majority of these are site types are not known to be especially vulnerable to adverse effects resulting from grazing activities. The Kritsas N. and Rienau B. Allotments consist of steep and rugged terrain, relatively far from dependable water sources, suggesting a low probability for the presence of historic properties. The Rattlesnake Mesa Allotment, in addition to steep and rugged terrain, includes some valley bottoms, long ridge lines, and high elevation mesa top where historic properties are expected. If historic properties are located during any subsequent field inventories in this area, and BLM determines that grazing activities will adversely impact the historic properties, mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Office (SHPO). This could include fencing, relocating of stock ponds or salt licks, or other avoidance methods.

The present proposal includes three previously designated range allotments: Rienau B. (06809), Kristas N. (06810), and the Rattlesnake Mesa (06808) Allotments. A file search of cultural records at the WRFO (Haddden 2000) reveals that 100 percent of the 527 acres of the Rieneau allotment is inventoried at the Class III level. No eligible historic properties were identified.

For the Kristas allotment the range allotment cultural resource assesment (Wolfe 2012a) revealed 17 acres had been previously surveyed (Henss and Anderson 1979) with no historic properties identified within the allotment. In 2012 Melissa Kindall, Range Technician, identified two livestock concentration areas on BLM administered lands in the Kritsas N. Allotment. As part of Section 106 compliance for the present range renewal an additional 3.2 acres were intensively surveyed on April 13, 2012 (Wolfe 2012b). No cultural resources were identified. Therefore, approximately 20 acres of the 600 acre Kristas N. Allotment, or 3 percent, has been inventoried.

For the Rattlesnake Allotment as of 2010 approximately 1,253 acres of the 7,284 acres of the Rattlesnake Mesa Allotment (06808), or approximately 17 percent, has been previously inventoried at the Class III level. The 2010 assessment (Haymes 2010a) revealed cultural sites are present within the allotment: a Euro-American abandoned homestead (5RB932) evaluated as not eligible to the NRHP, and a previously recorded multi-component open camp (5RB1219), evaluated as eligible to the NRHP. 5RB1219 is located on private land. This is a site type vulnerable to impacts from cattle grazing. However, because this site is on private property, and would be subject to grazing activities even if the grazing lease were denied, its re-evaluation or monitoring will not be made a condition for renewal of the lease. Also during the 2010 cultural resource assessment for the Rattlesnake Allotment (Haymes 2010), four cattle concentration areas were identified for new cultural inventory in order to assess potential impacts to historic properties. An additional 19 acres was recommended to be Class III inventoried. As part of the Section 106 clearance for this present proposed range allotment renewal an additional 39.2 acres of the Rattlesnake Allotment were intensively surveyed on April 23 and June 5, 2013 by WRFO archaeologist Michael Wolfe (Wolfe 2013). The remains of one historic log cabin (5RB7377) was documented. It is evaluated as not eligible to the NRHP and therefore is not considered a "historic property". With the newly inventoried acreage added to the 2010 total acres surveyed, a total of 1292.2 acres, or approximately 17.7 percent, of the Rattlesnake allotment has been inventoried at the Class III level.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: 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 (Broadhead 2001, Osbourn et al. 1987). Indirect impacts include soil erosion, gullying, and increased potential for unlawful collection and vandalism (Broadhead 2001, Osbourn et al. 1987). Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties. Continued livestock management is appropriate, as long as identified grazing impacts are properly mitigated.

Alternative A proposes to combine the Rieneau B. (06809) and Kristas N. Allotments (06810) and to construct a new drift fence to create a barrier with the Rattlesnake Mesa Allotment (06808) to the east. The proposed new fence line has not yet been inventoried for cultural resources. It must be inventoried before construction and if historic properties are identified within the area of impact, the fence line will be relocated to avoid having effects to any potential historic properties. A potential spring may be developed but will be analyzed under a separate NEPA document. This too will require a new cultural resource inventory in order to assure there will be no effect to historic properties.

Cumulative Effects: Past and present land uses such as livestock grazing and foraging by deer and elk are expected to continue to occur in the future. The impacts described above, such as increased wind and water erosion, livestock trampling, and so on will continue. Much of the allotment is remote, seldom visited, with difficult access.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: The direct and indirect impacts in Alternative B are the same as in Alternative A (see above). Continued livestock management is appropriate, as long as identified grazing impacts are properly mitigated.

Cumulative Effects: Same as Alternative A.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: While a no grazing alternative alleviates potential damage from livestock activities, cultural resources are constantly being subjected to site formation processes or events after creation (Binford 1981, Schiffer 1987). These processes can be both cultural and natural and take place in an instant or over thousands of years. Cultural processes include any activities directly or indirectly caused by humans. Natural processes include chemical, physical, and biological processes of the natural environment that impinge and or modify cultural materials.

Cumulative Effects: Cattle will not continue to contribute to cumulative impacts to cultural resources.

Mitigation: 1) 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.

2) 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

3) Four previously identified cattle concentration areas were identified for new cultural inventory in order to assess potential impacts to historic properties. These must be surveyed during the 2013 field season to ensure compliance with Section 106.

Condition of Approval: The proposed new fence line in Alternative A has not yet been inventoried for cultural resources. It must be inventoried before construction and if historic properties are identified within the area of impact, and BLM determines that grazing activities will adversely impact historic properties, mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Office (SHPO).

PALEONTOLOGICAL RESOURCES

Affected Environment: The allotment is located in an area generally mapped as representing the Cretaceous Period with the following formations (Tweto 1979), (c.f. Armstrong and Wolny 1989):

- Williams Fork Formation—Potential Fossil Yield Classification (PFYC) Class 5 — mammals (multituberculates, eutherians, and marsupials), dinosaurs, reptiles (turtles, crocodilians (including champosaurs), and possibly marine reptiles, etc.), fish (sharks, Amiidae, and Lepisosteidae), invertebrates (mollusks, gastropoda, and pelecypoda) and plants (including Auracaria and other conifers, Debya and Ficus leaf impressions, palms, wood, and possible flower or fruit capsules).

- Iles Formations—PFYC Class 5 — Sandstone and shale. Trout Creek Sandstone Member at top; coal beds in upper half Fossils: Poorly-preserved large bones (dinosaur), smaller bones, gar scales, turtles, pelecypods, baculites, and clams (Inoceramus), ammonites, oysters (Ostrea), freshwater gastropods, and wood and plant impressions (partly Lucas and Kihm 1982) and a bryozoan (Lindsey 1987a). Class II Iles Formation—PFYC Class 4—poorly preserved osteological remains, gar scales, invertebrates (pelecypods, baculites, and clams (Inoceramus), ammonites, oysters (Ostrea), and freshwater gastropods), wood and plant impressions, and bryozoans.

The BLM, Colorado State Office (COSO) has classified these formations as PFYC Class 5. indicating the formations within the allotments have a very high occurrence of scientifically valuable fossils. There are no known specific paleontological localities in the Rienau B., Kritsas N., and Rattlesnake Mesa Allotments.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: In general, paleontological materials (fossils) are not considered to be endangered by normal grazing activities. Direct impacts to fossil materials may occur in areas of exposed bedrock, or where livestock congregate. Direct impacts can include damage or destruction of fossils, and the disturbance of the stratigraphic context in which they are located. Since in situ fossils are seldom encountered in alluvial areas where cattle tend to concentrate, the potential for damage to undisturbed fossil remains is low. Indirect impacts may include a reduction in vegetative cover, causing wind and water erosion, and unlawful collection. The short time period of pasture use, and pasture rotation, should have the effect of decreasing any potential damage to existing fossil resources by decreasing the time frame for impacts on any given location.

Any use of a bulldozer to dig into existing bedrock to clear for a fence line has the potential to effect paleontological materials. If bulldozer work can be limited to clearing brush effects to paleontological materials will be negligible. If excavation into bedrock is performed paleontological materials (fossils) could be endangered. Such work will need to be monitored by a paleontologist.

Cumulative Effects: Past and present land uses such as livestock grazing and foraging by deer and elk are expected to continue to occur in the future. The allotment is in a remote location,

seldom visited, with difficult access. However, there should be minimal if any cumulative effects to fossil resources from livestock grazing.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Same as Alternative A with the exception of there would be less chance to effect paleontological materials, due to no proposed use of a bulldozer for dirt work in Alternative B.

Cumulative Effects: Same as Alternative A.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Direct and indirect impacts to paleontological resources from grazing activities would cease. Exposed fossil materials would still be subject to foraging by deer and elk and other natural processes. These include any activities directly or indirectly caused by humans, and chemical, physical, and biological processes of the natural environment.

Cumulative Effects: Cattle will not continue to contribute to cumulative impacts to fossil resources. The allotment is in a remote location, seldom visited, with difficult access.

Mitigation: 1) The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

2) Any use of a bulldozer to dig into existing bedrock to clear for a fence line will need monitored by a paleontologist.

RANGELAND MANAGEMENT

Affected Environment: The Kritsas N. Allotment is 614 acres of public land with no pastures and is not fenced. The allotment has the Rienau B. Allotment to the north and the Rattlesnake Mesa Allotment to the east. Table 10 lists the plant community appearance for the range sites or woodland types in the allotment along with the predominant plant species. Forb species, though important to the diversity of a community and make up approximately 30 percent of the composition of several and the plant communities are not presented in the following table because they generally are not contributors to the appearance of the community.

Table 10. Range Sites, Plant Community, Predominant Species within the allotment.

Range Site/Woodland Type	Plant Community Appearance	Predominant Plant Species in Plant Community
Brushy Loam	Deciduous, Shrub/Grass, Shrubland	Serviceberry, oak brush, snowberry, mountain brome, slender wheatgrass, western wheatgrass, Letterman and Columbia needle grasses
		Mountain brome, elk sedge, nodding brome, slender wheatgrass, western wheatgrass, junegrass, oak brush,

Clayey Foothills	Grass, Shrubland	serviceberry, chokecherry, snowberry
Stony Foothills	Grass, Shrubland	Western wheatgrass, bluebunch wheatgrass, galleta, Indian ricegrass, black and big sagebrush, fringed sage, P/J, rabbitbrush

The public rangelands and plant communities in the Kritsas N. Allotment are in good condition. These communities are within the acceptable thresholds of healthy communities and acceptable levels of a desired plant community as defined in the 1997 White River ROD/RMP. The majority of the forage available for cattle use in the allotment is located on the lands associated with slopes less than 35 percent. Much of the public lands in the allotment tend to occur on steep brushy slopes. Vegetation production and species composition on these sites provide adequate cover for soil protection and forage production to meet forage demands. The condition rating of good is perhaps due to a reduced use by cattle simply because of the landscape and lack of water sources on the allotment. Current permitted AUMs are believed to be within the actual forage production/carrying capacity available on the allotment. Table 11 identifies the range sites found in the allotment as described by the Natural Resource Conservation Service.

Table 11. Range Sites by BLM acres and AUMs.

Allotment Name	Range Site	BLM Acres	BLM AUMs
Kritsas N.	Brushy Loam	259	38
	Clayey Foothills	64	7
	Stony Foothills	62	7
	P-J Woodlands	177	17
	Rock Outcrop	52	0
Total		**614**	**69**

The selected grazing system should provide plant communities in the Kritsas N. Allotment adequate opportunity for regrowth and seed production following grazing. The critical growing season for this area is generally from May 1 through June 30 with yearly variations. A grazing schedule start date around June 20 would be preferred to provide each plant with a high probability for growth and/or regrowth to reach maturity for an increased level of plant vigor and maintenance of the existing vegetative communities.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: This proposed grazing schedule has adjusted the beginning of the grazing use from the original May 27 on date to a June 10 on date with 54 AUMs of use until July 20 for 60 cattle and a return date on date of October 1 to October 22 for 30 AUMs each year. The proposed adjustment does provide for some grazing outside of the critical growing season (May 1 to June 30) of the plant resources. The proposed grazing schedule limits alternative management opportunities unless the operator is able to develop a rotation grazing system with his private lands and other leased private grazing pastures; however, that is not being proposed at this time. A rotation in grazing could allow the allotment to experience

alternating years of grazing during portions of the critical growing season. The proposed use for livestock grazing use is within the grazing capacity for the allotment.

At this time, no livestock have been determined to trespass from the Rienau Ranch onto the Nick Kritsas Estate private lands in the bottom of the drainage near Curtis Creek due to the fact that Mr. Rienau currently leases portions of the Nick Kritsas Estate private lands so the Rienau cattle are allowed on said private lands.

Overall, the June 10 to July 20 grazing proposal may become problematic in areas that may develop into concentration areas due to annual grazing of plants during a portion of the critical growing season which may not allow enough time after grazing for plant regrowth opportunities depending on the annual fluctuation in precipitation, etc. However, monitoring would determine if changes may be necessary and those adjustments could be made in a timely manner or additional watering sources and salting areas could be evaluated to help with distribution of livestock.

Cumulative Effects: The proposed grazing would not likely add substantially to future grazing influences. The public land within the allotment currently maintains healthy and diverse plant community composition; therefore removal of forage at a moderate level could have minimal influence on the overall plant community. Concentration areas may develop in locations due to slope, over story vegetation, water proximity, and salting locations. Initiating a salting location rotation into the grazing program would be recommended if determined necessary during monitoring.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: This proposed grazing schedule has adjusted the original on date of May 27 to August 10 with grazing completed on October 1. The AUM use would be at approximately 51 AUMs of the 69 possible AUMs. The proposed grazing is outside of the critical growing season of the plant resources in relation to annual forage production. This proposal for livestock grazing use is within the livestock grazing capacity for the allotment. Livestock grazing after the critical growing season could aid in maintaining land health standards within the current native plant communities.

However, the Rattlesnake Mesa Allotment's authorization is from June 1 to December 29 of each year. It would be possible that cattle could graze on this area during that entire time and at unknown numbers unless the cattle were physically gathered and driven from the allotment to keep them off until the August 1 on date. In the past, the operator has grazed the Rattlesnake Mesa Allotment until sometime in November with the cattle that have not "gathered" themselves to lower country will be gathered and taken to the ranch. In short, there is potential that cattle would also be on that portion of the allotment beyond the October 1 off date. The proposed numbers and dates are only estimate by the operator and a more realistic use could be from June 1 to November 15 (which is usually when permittee gathers the remaining cattle on the allotment) at unknown numbers.

Available water is located on the permittee's allotment (Rattlesnake Mesa) to the east. The applicant's cattle numbers would not be consistent or exact number of cattle, the cattle numbers

would adjust up, as well as, down over the time period identified because the cattle are allowed to simply drift west versus pushed or driven that direction. Livestock grazing could consist of a few head of cattle or the whole herd of cattle from the Rattlesnake Mesa Allotment (permitted at 325 cattle) for up to 183 days or June 1 to approximately November 30.

Without a fence grazing of Cherry Ranch cattle may continue to generate potential for trespass livestock that drop off the top onto the Rienau B. allotment and further in to the bottoms along Curtis Creek and the Nick Kritsas Estate private lands. It may be necessary to address this issue in the future, however, it should be noted that this is a "fence out" state , (see Issues and Concerns section).

Cumulative Effects: The proposed grazing would not likely add substantially to future grazing influences. The public land within the allotment currently maintains healthy and diverse plant community composition; therefore, removal of forage at a moderate level could have minimal influence on the overall plant community. Concentration areas may develop in locations due to slope, over story vegetation, water proximity, and salting locations. Initiating a salting location rotation into the grazing program would be recommended if determined necessary during monitoring.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: Under this Alternative the BLM would not authorize a grazing lease on the Kritsas N. Allotment and livestock grazing use would not be permitted on these public lands. Plant communities would likely experience an increase in percent ground cover and in the density of native species. Noxious weeds species would not be treated by a permittee so there is potential for infestations to increase in size and occurrence, as well as, increase in weeds species present on the allotment.

Grazing would continue on the adjacent allotments which would generate issues with possible trespass cattle drifting from the Rattlesnake Mesa, as well as, the Rienau B. Allotments onto the public lands contained in the Kritsas N. Allotment due to the lack of fencing. Fencing of public lands by the BLM at this time would not be a justifiable expense in terms of construction, maintenance and possible negative impacts to wildlife movement. Without fencing and in association with the continued grazing of the neighboring allotments the BLM would need to construct the fence and possibly increase monitoring of the allotment to ensure that cattle trespass concerns would be addressed.

Cumulative Effects: There could potentially be no change from the present situation except that the vegetative understory and over story would increase in density.

Mitigation: Establish long-term trend and utilization monitoring on the allotment. Establishment of monitoring will take place on the allotment through utilization measurements and establishment of a long-term trend plot(s) to ensure that the grazing management will continue to meet public land objectives and land health standards in association with the selected grazing permittee. If it is determined that the grazing management strategy is not meeting land health standards, further adjustments may be necessary and analyzed in a separate NEPA document.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial)*:* Of the 14 acres not meeting the Standard, all of those acres are scattered isolated infestations of the noxious weed species leafy spurge. These areas are generally dominated by brushy hillsides intermixed with grass, forbs and shrub species and contains an adequate amount of native perennials to stabilize soils and maintain rangeland health. The remaining 600 acres of the allotment make up all of the other communities (mid – Potential Natural Community (PNC) or late seral are meeting standards) and constitutes 98 percent of the acreage associated with the Kritsas N. Allotment.

RECREATION

Affected Environment: The action alternatives are located on a parcel of BLM surrounded by private property and, therefore there is limited public access. Access to the parcel can only be gained through adjacent private property. Recreation on the parcel is confined primarily to big game hunting associated with guides who possess Special Recreation Permits (SRP) with the BLM to commercially operate, and by hunters who are granted access to BLM lands through adjacent private property. Cherry Ranch Outfitters holds an SRP on the parcel for commercial guiding and outfitting services, and Nine Mile Ranch holds an SRP on the parcel for game retrieval only.

Environmental Consequences of Alternative A (Rienau):

Direct and Indirect Effects: Alternative A may have some effects on recreation in the project area. This proposal includes having 60 cattle on it from 10/1-10/22 each year and a fence constructed. These dates coincide with three big game hunting seasons for muzzleloader, 1st rifle season, and 2nd rifle season. Cherry Ranch has a SRP for commercial big game hunting for all big game seasons on this portion of BLM administered land. Based on known past hunting activity, it is likely there will be hunters on the parcel during these three seasons. The presence of the hunters, any shots fired, and other associated hunting activity could affect the cattle grazing in localized areas. Cherry Ranch is permitted for commercial big game hunting on several other parcels of BLM administered lands in the area. Conversely, the presence of cattle in localized areas could have some minor effect on the big game hunting experience for hunters as well as activities associated with administering this allotment such as OHV use and moving cattle off the allotment. Overall, these impacts are anticipated to be minor and not considerably impact either the overall hunting experience or grazing of this allotment.

Cumulative Effects: No cumulative effects to recreation have been identified.

Environmental Consequences of Alternative B (Cherry):

Direct and Indirect Effects: Under Alternative B, cattle will be on the parcel until October 1 of each year, which encompasses the full archery and muzzleloader seasons. Based on known past hunting activity, it is likely there will be hunters on the parcel during these two seasons. Given the size of the project area (614 acres) and the number of cattle anticipated on the area (25), the presence of cattle itself would not likely distract from the hunting experience, except in certain localized areas. If the presence of cattle, or movement of them on/off parcel, disturb big

game, this could potentially affect the hunting experience (please see the *Terrestrial Wildlife* section).

Cumulative Effects: No cumulative effects to recreation have been identified.

Environmental Consequences of No Livestock Grazing (Alternative C):

Direct and Indirect Effects: As no grazing would occur, there would be no effects to recreation in the project area.

Cumulative Effects: No cumulative effects to recreation have been identified.

Mitigation: None.

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TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED:

Native American tribes were notified of this grazing lease renewal as part of the annual BLM, WRFO's scoping letter (sent April 9, 2012) to inform the tribes of the proposed projects in the field office area which will be subject to National Environmental Policy Act (NEPA) analysis and implemented in 2012. The following tribes were notified: Ute Mountain Ute Tribe, Southern Ute Indian Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, and the Eastern Shoshone Tribe.

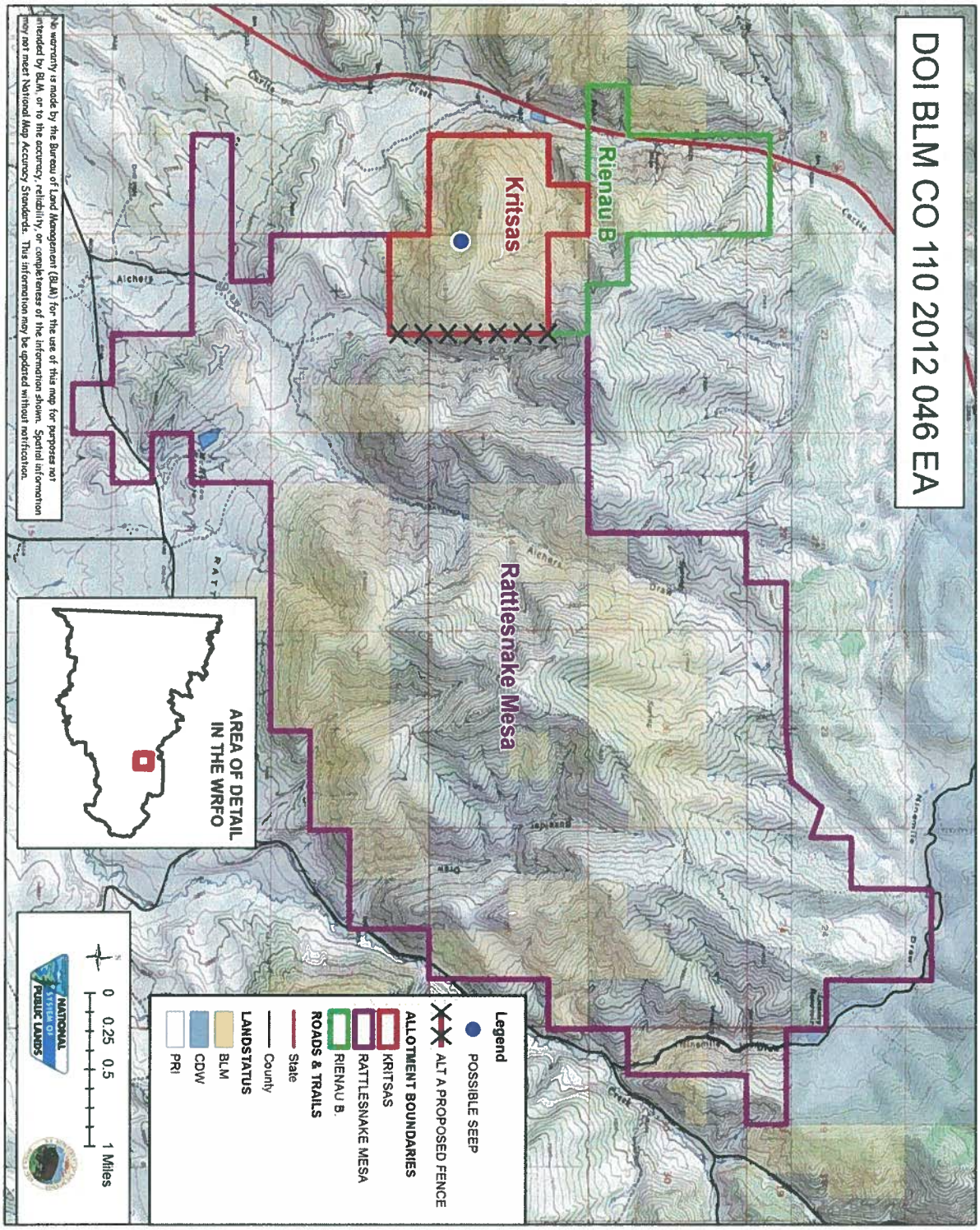
INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Signed
Bob Lange	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights	7/2/2012
Amber Shanklin	Biological Technician - Plants	Areas of Critical Environmental Concern; Special Status Plant Species; Forest Management	7/12/2012
Michael Wolfe	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	4/4/2013
Ed Hollowed	Wildlife Biologist	Migratory Birds; Special Status Animal Species; Terrestrial and Aquatic Wildlife; Wetlands and Riparian Zones	7/6/2012 and 4/20/2013
Aaron Grimes	Outdoor Recreation Planner	Wilderness; Visual Resources; Access and Transportation; Recreation,	4/26/2013
Jim Michels	Fire Management Specialist	Fire Management	4/26/2012
Paul Daggett	Mining Engineer	Geology and Minerals	6/19/2012
Janet Doll	Realty Specialist	Realty	6/8/2012
Melissa J. Kindall	Range Technician	Soils, Invasive, Non-Native Species; Vegetation; Rangeland Management; Wild Horses; Hazardous & Solid Wastes, Project Lead	3/26/2012 and 2/22/2013
James R. Roberts	Assistant Field Manager	Renewables Resources Staff	5/28/2013
Heather Sauls	Planning & Environmental Coordinator	NEPA Compliance	11/8/2012 and 5/14/2013

ATTACHMENTS:

Figure 1. Allotment Map/Kritsas N./#06810/Lease Renewal

Figure 1. Map of the Kritsas N., Rienau B. and Rattlesnake Mesa Allotments



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

Finding of No Significant Impact (FONSI)

DOI-BLM-CO-110-2012-0046-EA

BACKGROUND

The Kritsas N. Allotment (06810) is located approximately 4.5 miles north of Meeker on the east side of Colorado State Highway 13 (Hwy. 13). The allotment originally included the private lands on the west side of Colorado State Highway 13 (Highway 13) along with the Nick Kritsas Estate (ranch) private and lands administered by the Bureau of Land Management (BLM) on the east side of Hwy. 13.

This allotment was previously authorized for sheep grazing. NEPA document #CO-WRFO-00-73-EA analyzed livestock grazing on the Kritsas N. Allotment which included incorporating updated federal range percentage calculations that resulted in a change from 154 to the current 69 AUMs. This allotment is a Section 15 grazing lease and has been categorized as a "C" for Custodial Allotment, on which no significant problems, issues, and/or resource conflicts have been identified other than the presence of noxious weeds. The BLM's assessment of the health of the public lands within this allotment is the land is in satisfactory condition. The majority of the forage available for cattle use in his allotment is located on the lands associated with slopes less than 35 percent. Much of the public lands in the allotment tend to occur on steep brushy slopes.

Previous biological, as well as, current chemical treatments on the allotment in an attempt to contain the noxious weed species leafy spurge are being conducted through a cooperative effort by the various permittees in the area, BLM, US Forest Service, Colorado Division of Parks and Wildlife (CPW), Rio Blanco County (RBC), and the local Natural Resources Conservation Service (NRCS). Recent chemical containment efforts have also included helicopter-spraying efforts coordinated through RBC under an assistance agreement with BLM and the permittees.

On January 25, 2008 the grazing authorization for Kritsas, Nick Estate was suspended and then on December 6, 2010 a final decision was issued to cancel that grazing lease due to no communication efforts on behalf of the permittees and due to nonpayment of past grazing authorizations.

The ranch to the east (Cherry Ranch) has been making some use of this allotment based on the fact the Kritsas N. Allotment was unfenced, plus Curtis Cherry thought that this allotment was included as a portion of their operation from a previous purchase, as well as, because it is included as part of his Special Recreation Permit (SRP). The grazing operator to the north of the Kritsas N. Allotment previously notified the BLM that cattle from the east graze on his BLM

lease and private lands he leases and had suggested a short drift fence on a ridgeline in an attempt resolving the trespass cattle issue.

Both neighboring permittees have made application for this lease at the full preference of BLM AUMs available or 69, however, they have submitted different types of use schedules (see below). Both are qualified applicants and have an adequate grazing record. Both permittees are identified as participants (past and current) in the county weed management practices based on information obtained from the RBC (Holly Postmis) and BLM (Matt Dupire).

FINDING OF NO SIGNFICANT IMPACT

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

Context

The proposed alternatives are a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or statewide importance. The proposed alternatives are specific to public land located in Township 1 North, Range 93 West, and Section 4 and Township 2 North, Range 93 West, Sections 32 and 33 for a total of 614 acres of public land. The public lands are land locked by the surrounding private lands, which restrict the public's ability to obtain access to these public lands.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for the Alternatives A/B/C:

1. Impacts that may be both beneficial and adverse. The beneficial effects of Alternatives A and B include support of the local livestock industry and increased stewardship of public lands. The selected, authorized livestock operator has mandatory terms and conditions that must be met to maintain their grazing preference. This provides a certain level of stewardship of public lands in that if these lands were to become degraded by any activity or event, natural or human in origin, grazing and or other authorized uses would be terminated. This stewardship role of the selected livestock operator not only mandates proper livestock and forage management but also provides communication with the BLM as to other activities or events that could cause degradation to public lands. Adverse effects include minor impacts to soils and vegetation that will be limited in scope and are expected to be insignificant.

2. The degree to which the Selected Alternative affects public health or safety. There would be no impact to public health and safety.

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

critical areas. There are no parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in this area. The Kristas N. Allotment does not include any WSAs.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial. Livestock grazing has occurred for decades on the Kritsas N. Allotment, neighboring public lands, and surrounding areas. The White River ROD/RMP recommends a minimum rest requirement for this allotment from 3/1 through 6/1 each year. Both Alternative A and Alternative B provides this requirement for the allotment, the maximum annual use within the allotment would range from 52 days under Alternative A and 62 days under Alternative B out of the available 152 days of available grazing dates. Thus, either of the alternatives is similar to what has been recommended for this allotment and is not expected to generate controversy.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk. No highly uncertain or unknown risks to the human environment were identified during analysis of the Alternatives.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. None of the Alternatives establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Livestock grazing of the proposed Kristas N. Allotment has been evaluated since, at least, the 1981 Grazing Management EIS.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. No individually or cumulatively significant impacts were identified under either of the Alternatives A or B. Any adverse impacts identified for either Alternative, in conjunction with any adverse impacts of other past, present, or reasonably foreseeable future actions could result in negligible impacts to natural and cultural resources.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. Neither of the Alternatives A or B will have an adverse effect on any of the resources listed above.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973. There are no listed, proposed or candidate species or their habitat in the Kritsas N. Allotment. Neither of the Alternatives A or B will have an adverse effect on the resources listed above.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Neither of the Alternatives A or B nor impacts associated with them would violate any laws or requirements imposed for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL: Kent E. Walter
Field Manager

DATE SIGNED: 09/04/13

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

CO-110 (WRFO)
Grazing Record #0501508

Certified Mail No. 7012.0470 0001 4080 7650
Return Receipt Requested

September 25, 2013

Cherry Ranch
C/O Curtis Cherry
P.O. Box 1107
Meeker, Colorado 81641

NOTICE OF PROPOSED DECISION

Dear Mr. Cherry:

The Bureau of Land Management (BLM) White River Field Office (WRFO) received applications for grazing preference and the grazing lease for the Kritsas Allotment from two qualified applicants. The applications have been reviewed for conformance with 43 CFR 4110.1(b)(2)(i), 4110.1(b)(2)(ii), and 4110.1(b)(2)(iii). In addition, the WRFO has reviewed and evaluated the two proposed grazing schedules utilizing Land Health Assessments, field observations, as well as consultation with the applicants regarding their proposed grazing schedules for this allotment.

To comply with the National Environmental Policy Act of 1969, as amended, this office conducted an Environmental Assessment (EA) for the issuance of a new grazing lease to determine if significant impacts would result from implementation of a selected grazing schedule. The EA analyzed three alternatives: Alternative A, Proposal Rienau, Alternative B, Proposal Cherry Ranch, and Alternative C, No Grazing Alternative. This EA was completed and both proposals resulted in a Finding of No Significant Impact. A copy of DOI-BLM-CO-110-2012-0046-EA is on file at the WRFO. The grazing schedules were 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.

The BLM is mandated by regulations to take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing on public lands are significant factors in failing to achieve the

Public Land Health Standards and conform with the Colorado Livestock Grazing Management Guidelines (43 C.F.R. 4180.2(c)).

Below is a brief description of Alternative A (Rienau proposal) and Alternative B (Cherry Ranch proposal) analyzed in the EA:

Alternative A (Proposal by George Rienau):
Under this proposal, cattle would enter the newly formed Rienau B. Allotment incorporating the Kritsas N. Allotment around June 10 and be removed on July 20. The cattle will be gathered and moved onto the Nine Mile Ranch (Jensen) private property to the north for the remainder of the summer months. Then the cattle would be gathered and put back into the Rienau B. Allotment around October 1 through October 24. The proposed use in this allotment would be during portions of the growing season; however, approximately 6 weeks of plant regrowth could be realized before the onset of fall depending on the year. The duration of grazing would be 41 days in June/July and 25 days in October (Table 1). The grazing schedule does not currently include a rotation.

If this grazing permittee is selected a fence will be constructed in either the fall of 2013 or the spring of 2014 prior to grazing (as analyzed in the EA). This fence will become the east boundary and would be constructed by the permittee after all necessary clearances are completed.

Another possible water development will be subject to site-specific environmental review including any necessary clearances pursuant to NEPA prior to approval and construction. The applicant suggested that a water source, generally a seep with water flow part of the year (depending on the year), would need to be investigated to see about its potential for development in Section 32 of Township 2 North, Range 93 West in order to supplement the utilization of the allotment since there are no other known water sources on the allotment and cattle travel to Curtis Creek for water.

Table 1 Proposed Grazing Schedule: Rienau

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06809	Rienau B.	60	Cattle	A	6/10	7/20	67	54
06809	Rienau B.	60	Cattle	A	10/1	10/22	67	30

Type Use = Active

Alternative B (Proposal by Cherry Ranch):
Under the proposal, cattle would enter the allotment around August 1 and be removed around October 1 of each year (Table 2). The applicant indicated that he would not be pushing cattle into the area but rather they would end up drifting into this area from his allotment to the east, Rattlesnake Mesa Allotment, since no fence is present on the eastern boundary of the Kritsas N. Allotment. Use in the allotment would be towards the end of the growing season when the plants have set seed and fall regrowth is potentially occurring depending on the moisture regime for that given year. The grazing system does not include a rotation. Duration of grazing would be for approximately 52 days. Available water is located on the permittee's Rattlesnake Mesa Allotment to the east. The applicant's cattle numbers would not be a consistent or exact number

of cattle, the cattle numbers would adjust up, as well as, down over the time period identified but because the cattle are allowed to simply drift west versus pushed or driven that direction. Because there is no water to draw them west it would simply be a few head of cattle from the main herd of cattle located on the Rattlesnake Mesa Allotment which is permitted for 325 cattle. The proposal at this time, was for no additional water source(s) and no fence to be constructed on the west or north line of the new formed Rattlesnake Mesa Allotment which incorporated the Kritsas N. Allotment into the current Rattlesnake Mesa Allotment.

Table 2 Proposed Grazing Schedule (Cherry)

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas	25	Cattle	A	8/1	10/1	100	51

Type Use =Active

PROPOSED DECISION

In conformance with 43 CFR 4160.1, it is my proposed decision to implement a modified decision, which combines portions of the two alternatives splitting the Kritsas N. Allotment and incorporating portions of those lands into both the Rienau B. and the Rattlesnake Mesa Allotments. The implementation of this decision will require the construction of a fence (see Figure 1), whose exact location will be determined upon completion of a field examination to determine the location of the fence, gates, and lay-down portions of the fence, as well as, the cultural clearance of the fence. Based upon the current estimated placement of the fence this would incorporate approximately 410 acres (67 percent) into the Rienau B. Allotment, and approximately 206 acres (33 percent) into the Rattlesnake Mesa Allotment. Because of the proportion of lands encorporated into the Rienau B allotment, the proposed fence construction and maintenance will be the responsibility of the Rienau B. permittee and will be authorized for construction upon the completion of all necessary surveys.

In addition, the time of use issued on the portion of the Kritsas N. Allotment incorporated into the newly formed Rienau B. Allotment will be from June 10 through July 13 period with a short window of use from October 1 to October 7 to trail cattle from the neighboring Jensen pasture back to the permittes private pastures. Use of the portion of the Kritsas N. Allotment incorporated into the Rattlesnake Mesa Allotment will remain from August 1 through October 1 as proposed under Alternative B. Table 3 below identifies the season of use that this decision provides for in the incorporated grazing leases.

This proposed decision will issue the split grazing preferences associated with the exact acres and estimated vegetation associated with those acres incorporated into both allotments and authorize the issuance of a livestock grazing lease for those AUMs for the use of the Kritsas N. Allotment as split in association with their current grazing leases on the Rienau B. and Rattlesnake Mesa Allotments, which expire on February 28, 2020 as supported by 43 CFR 4130.2(d)(3). The grazing preference and AUMs will be calculated upon the construction of the fence so that actual on-the-ground acreages and vegetative information would be obtained.

Table 3. Modified Grazing Schedule of the encorporated areas of Kritsas Allotment.

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas N. to Rienau B.	60	Cattle	A	6/10	7/13	*	**
06810	Kritsas N. to Rattlesnake Mesa	25	Cattle	A	8/1	10/1	*	**

* and** % PL (Public Lands) and BLM AUMs will be calculated upon completion of the fence so that actual on-the-ground acreage and vegetation information will be obtained.

DECISION RATIONALE

The decision to modify Alternatives A and B is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated September 4, 2013.
2. This decision is in accordance with policy and 43 Code of Federal Regulations 4130.1. This decision conforms to the White River Record of Decision and Approved Resource Management Plan dated July 1, 1997, the 1981 Rangeland Program Summary, and the1981 White River Grazing Management Final Environmental Impact Statement.
3. The modified alternative best meets the Purpose and Need to achieve management and resource condition objectives (43 CFR 4130.3), including Colorado Standards for Public Land Health.
4. Avoidance of Trespass resulting from the BLM's Authorization: Under this alternative, the installation of the fence addresses an ongoing issue with trespass cattle resulting from cattle leaving the Rattlesnake Mesa Allotment through the unfenced Kritsas N. Allotment. While continued trespass issues may result from the Rattlesnake Mesa Allotment these areas of concern are located on private pastures that the BLM lacks the authority to mitigate.
5. Fence Construction and Maintenance Responsibility: During consultation with the permittees it was identified that the approximate placement of the fence proposed under Alternative A, would not have been on the property line, rather it would likely follow topography (i.e. a ridgeline). Based on this discussion, it justified the idea of splitting the allotment between the two, since the issuance of either permit, would likely have resulted in unauthorized use of portions of the allotment by both of the permittees. Based on the amount of usable pasture to be incorporated into the Rienau B allotment (approximately 67 percent) and the Rienau B permitte proposed the installation of a fence under Alternative A, the construction and maintenance responsibility will lie with that permitte over the life of the lease. While this modified alternative appears similar to the alternative considered but not carried forward, it differs as it utilizes the appropriate landfeatures, instead of a 50/50 split, to meet the needs of the BLM for efficient and environmentally sound management of the rangelands.
6. The affects of the use authorized under the proposed modified decision is within the range of alternatives analayzed in the EA.

7. The placement and construction of the fence will be in coordination with the permittee, wildlife biologist, and cultural resource specialists to offset the anticipated effects to migrating big game herds and any identified cultural resources.

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. 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 AO 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. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated into leases when completed.

6. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).

7. Livestock use will occur as outlined in the Grazing Schedule in the Alterntative B portion of the Environmental Assessment document CO-110-2012-0046-EA that analyzes grazing on the Kritsas Allotment in accordance with 43 CFR 4120.2(d).

8. Those holding leases MUST own or control and be responsible for the management of livestock authorized to graze.

9. The AO may require counting and/or additional or special marking or tagging of the livestock authorized to graze.

10. 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 though a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

11. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

12. 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 AO.

13. 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 AO before grazing use can be made.

14. 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.

15. 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.

16. 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 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.

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). Changes being made to the existing lease, in the proposed grazing schedule are supported by regulation 43 CFR 4180.1(a) and (b) and 4180.2(c) which direct the Authorized Officer to take appropriate action as soon as practicable but not later than the next grazing year upon determination that existing grazing management needs to be modified to ensure the Fundamentals of Rangeland Health and Standards and Guidelines are being met. Proposed changes are also supported by 43 CFR 4180.2 (e) (1-7) and (10-12). Proposed decreases in permitted use are addressed in 43 CFR 4110.3-2(b).

The Selected Alternative 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.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested publics 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, CO 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, CO 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

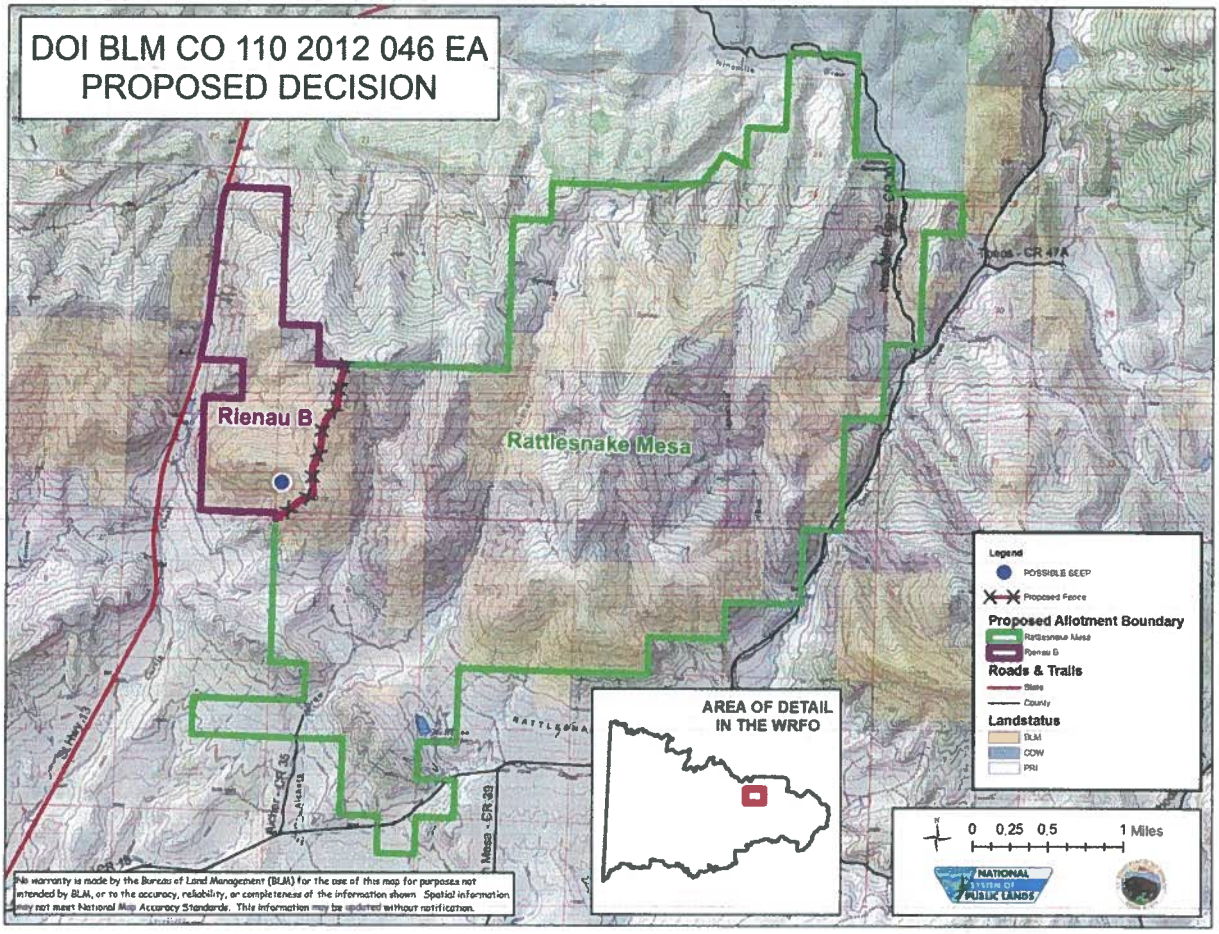
If you have any questions, contact either Melissa Kindall at 878-3842, or myself at 878-3800.

Sincerely,

Kent E. Walter
FOR Field Manager

Attachment: See Figure 1 (Approximate proposed fenceline modification)

Figure 1. Approximate proposed fenceline modification of the Proposed Decision.



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

CO-110 (WRFO)
Grazing Authorization 0501509

Certified Mail No. 7012 0470 0001 4080 7667
Return Receipt Requested

September 25, 2013

Mr. George Rienau
P.O. Box 433
Meeker, Colorado 81641

NOTICE OF PROPOSED DECISION

Dear Mr. Rienau:

Bureau of Land Management (BLM) White River Field Office (WRFO) received applications for grazing preference and the grazing lease for the Kritsas Allotment from two qualified applicants. The applications have been reviewed for conformance with 43 CFR 4110.1(b)(2)(i), 4110.1(b)(2)(ii), and 4110.1(b)(2)(iii). In addition, the WRFO has reviewed and evaluated the two proposed grazing schedules utilizing Land Health Assessments, field observations, as well as consultation with the applicants regarding their proposed grazing schedules for this allotment.

To comply with the National Environmental Policy Act of 1969, as amended, this office conducted an Environmental Assessment (EA) for the issuance of a new grazing lease to determine if significant impacts would result from implementation of a selected grazing schedule. The EA analyzed three alternatives: Alternative A, Proposal Rienau, Alternative B, Proposal Cherry Ranch, and Alternative C, No Grazing Alternative. This EA was completed and both proposals resulted in a Finding of No Significant Impact. A copy of DOI-BLM-CO-110-2012-0046-EA is on file at the WRFO. The grazing schedules were 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.

The BLM is mandated by regulations to take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing on public lands are significant factors in failing to achieve the

Public Land Health Standards and conform with the Colorado Livestock Grazing Management Guidelines (43 C.F.R. 4180.2(c)).

Below is a brief description of Alternative A (Rienau proposal) and Alternative B (Cherry Ranch proposal) analyzed in the EA:

Alternative A (Proposal by George Rienau):
Under this proposal, cattle would enter the newly formed Rienau B. Allotment incorporating the Kritsas N. Allotment around June 10 and be removed on July 20. The cattle will be gathered and moved onto the Nine Mile Ranch (Jensen) private property to the north for the remainder of the summer months. Then the cattle would be gathered and put back into the Rienau B. Allotment around October 1 through October 24. The proposed use in this allotment would be during portions of the growing season; however, approximately 6 weeks of plant regrowth could be realized before the onset of fall depending on the year. The duration of grazing would be 41 days in June/July and 25 days in October (Table 1). The grazing schedule does not currently include a rotation.

If this grazing permittee is selected a fence will be constructed in either the fall of 2013 or the spring of 2014 prior to grazing (as analyzed in the EA). This fence will become the east boundary and would be constructed by the permittee after all necessary clearances are completed.

Another possible water development will be subject to site-specific environmental review including any necessary clearances pursuant to NEPA prior to approval and construction. The applicant suggested that a water source, generally a seep with water flow part of the year (depending on the year), would need to be investigated to see about its potential for development in Section 32 of Township 2 North, Range 93 West in order to supplement the utilization of the allotment since there are no other known water sources on the allotment and cattle travel to Curtis Creek for water.

Table 1 Proposed Grazing Schedule: Rienau

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06809	Rienau B.	60	Cattle	A	6/10	7/20	67	54
06809	Rienau B.	60	Cattle	A	10/1	10/22	67	30

Type Use = Active

Alternative B (Proposal by Cherry Ranch):
Under the proposal, cattle would enter the allotment around August 1 and be removed around October 1 of each year (Table 2). The applicant indicated that he would not be pushing cattle into the area but rather they would end up drifting into this area from his allotment to the east, Rattlesnake Mesa Allotment, since no fence is present on the eastern boundary of the Kritsas N. Allotment. Use in the allotment would be towards the end of the growing season when the plants have set seed and fall regrowth is potentially occurring depending on the moisture regime for that given year. The grazing system does not include a rotation. Duration of grazing would be for approximately 52 days. Available water is located on the permittee's Rattlesnake Mesa

Allotment to the east. The applicant's cattle numbers would not be a consistent or exact number of cattle, the cattle numbers would adjust up, as well as, down over the time period identified but because the cattle are allowed to simply drift west versus pushed or driven that direction. Because there is no water to draw them west it would simply be a few head of cattle from the main herd of cattle located on the Rattlesnake Mesa Allotment which is permitted for 325 cattle. The proposal at this time, was for no additional water source(s) and no fence to be constructed on the west or north line of the new formed Rattlesnake Mesa Allotment which incorporated the Kritsas N. Allotment into the current Rattlesnake Mesa Allotment.

Table 2 Proposed Grazing Schedule (Cherry)

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas	25	Cattle	A	8/1	10/1	100	51

Type Use =Active

PROPOSED DECISION

In conformance with 43 CFR 4160.1, it is my proposed decision to implement a modified decision, which combines portions of the two alternatives splitting the Kritsas N. Allotment and incorporating portions of those lands into both the Rienau B. and the Rattlesnake Mesa Allotments. The implementation of this decision will require the construction of a fence (see Figure 1), whose exact location will be determined upon completion of a field examination to determine the location of the fence, gates, and lay-down portions of the fence, as well as, the cultural clearance of the fence. Based upon the current estimated placement of the fence this would incorporate approximately 410 acres (67 percent) into the Rienau B. Allotment, and approximately 206 acres (33 percent) into the Rattlesnake Mesa Allotment. Because of the proportion of lands encorporated into the Rienau B allotment, the proposed fence construction and maintenance will be the responsibility of the Rienau B. permittee and will be authorized for construction upon the completion of all necessary surveys.

In addition, the time of use issued on the portion of the Kritsas N. Allotment incorporated into the newly formed Rienau B. Allotment will be from June 10 through July 13 period with a short window of use from October 1 to October 7 to trail cattle from the neighboring Jensen pasture back to the permittes private pastures. Use of the portion of the Kritsas N. Allotment incorporated into the Rattlesnake Mesa Allotment will remain from August 1 through October 1 as proposed under Alternative B. Table 3 below identifies the season of use that this decision provides for in the incorporated grazing leases.

This proposed decision will issue the split grazing preferences associated with the exact acres and estimated vegetation associated with those acres incorporated into both allotments and authorize the issuance of a livestock grazing lease for those AUMs for the use of the Kritsas N. Allotment as split in association with their current grazing leases on the Rienau B. and Rattlesnake Mesa Allotments, which expire on February 28, 2020 as supported by 43 CFR 4130.2(d)(3). The grazing preference and AUMs will be calculated upon the construction of the fence so that actual on-the-ground acreages and vegetative information would be obtained.

Table 3. Modified Grazing Schedule of the encorporated areas of Kritsas Allotment.

Allotment Number	Allotment Name	Livestock Number	Kind	Use Type	Date On	Date Off	% PL	BLM AUMs
06810	Kritsas N. to Rienau B.	60	Cattle	A	6/10	7/13	*	**
06810	Kritsas N. to Rattlesnake Mesa	25	Cattle	A	8/1	10/1	*	**

* and** % PL (Public Lands) and BLM AUMs will be calculated upon completion of the fence so that actual on-the-ground acreage and vegetation information will be obtained.

DECISION RATIONALE

The decision to modify Alternatives A and B is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated September 4, 2013.
2. This decision is in accordance with policy and 43 Code of Federal Regulations 4130.1. This decision conforms to the White River Record of Decision and Approved Resource Management Plan dated July 1, 1997, the 1981 Rangeland Program Summary, and the1981 White River Grazing Management Final Environmental Impact Statement.
3. The modified alternative best meets the Purpose and Need to achieve management and resource condition objectives (43 CFR 4130.3), including Colorado Standards for Public Land Health.
4. Avoidance of Trespass resulting from the BLM's Authorization: Under this alternative, the installation of the fence addresses an ongoing issue with trespass cattle resulting from cattle leaving the Rattlesnake Mesa Allotment through the unfenced Kritsas N. Allotment. While continued trespass issues may result from the Rattlesnake Mesa Allotment these areas of concern are located on private pastures that the BLM lacks the authority to mitigate.
5. Fence Construction and Maintenance Responsibility: During consultation with the permittees it was identified that the approximate placement of the fence proposed under Alternative A, would not have been on the property line, rather it would likely follow topography (i.e. a ridgeline). Based on this discussion, it justified the idea of splitting the allotment between the two, since the issuance of either permit, would likely have resulted in unauthorized use of portions of the allotment by both of the permittees. Based on the amount of usable pasture to be incorporated into the Rienau B allotment (approximately 67 percent) and the Rienau B permitte proposed the installation of a fence under Alternative A, the construction and maintenance responsibility will lie with that permitte over the life of the lease. While this modified alternative appears similar to the alternative considered but not carried forward, it differs as it utilizes the appropriate landfeatures, instead of a 50/50 split, to meet the needs of the BLM for efficient and environmentally sound management of the rangelands.
6. The affects of the use authorized under the proposed modified decision is within the range of alternatives analayzed in the EA.
7. The placement and construction of the fence will be in coordination with the permittee, wildlife biologist, and cultural resource specialists to offset the anticipated effects to migrating big game herds and any identified cultural resources.

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. 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 AO 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. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated into leases when completed.

6. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).

7. Livestock use will occur as outlined in the Grazing Schedule in the Alterntative B portion of the Environmental Assessment document CO-110-2012-0046-EA that analyzes grazing on the Kritsas Allotment in accordance with 43 CFR 4120.2(d).

8. Those holding leases MUST own or control and be responsible for the management of livestock authorized to graze.

9. The AO may require counting and/or additional or special marking or tagging of the livestock authorized to graze.

10. 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 though a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

11. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

12. 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 AO.

13. 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 AO before grazing use can be made.

14. 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.

15. 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.

16. 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 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.

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). Changes being made to the existing lease, in the proposed grazing schedule are supported by regulation 43 CFR 4180.1(a) and (b) and 4180.2(c) which direct the Authorized Officer to take appropriate action as soon as practicable but not later than the next grazing year upon determination that existing grazing management needs to be modified to ensure the Fundamentals of Rangeland Health and Standards and Guidelines are being met. Proposed changes are also supported by 43 CFR 4180.2 (e) (1-7) and (10-12). Proposed decreases in permitted use are addressed in 43 CFR 4110.3-2(b). The Selected Alternative 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.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested publics 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, CO 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, CO 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 878-3800.

Sincerely,

James R Roberts

Kent E. Walter
FOR Field Manager

Attachment: See Figure 1 (Approximate proposed fenceline modification)

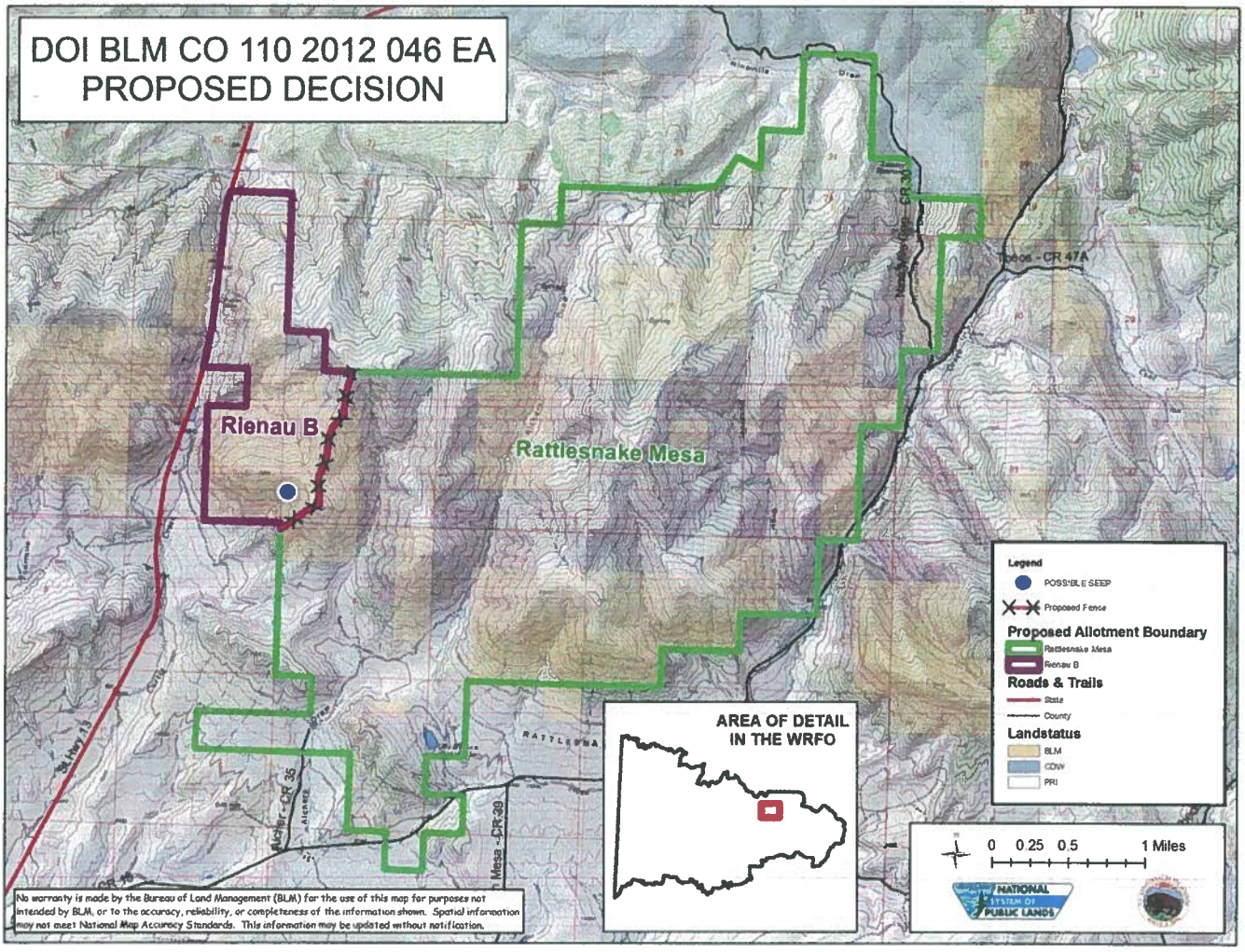



Figure 1. Approximate proposed fenceline modification of the Proposed Decision.