

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

## DETERMINATION OF NEPA ADEQUACY (DNA)

**NUMBER:** DOI-BLM-CO-110-2014-0030-DNA

**CASEFILE/PROJECT NUMBER:** 0503686 (Carter) and 0504917 (Lopez)

**PROJECT NAME:** Grazing Permit Issuance

**LEGAL DESCRIPTION:**

Allotment		BLM Acres	Township.	Range	Section(s)/Lots or Portions Of
Name	No.				
Segar Mountain	03202	5690	1S	95W	18, 19, 25-36
			2S	95W	4, 5

**APPLICANT:** Chad and Elanor Carter (authorization #0503686),  
Mike Lopez (authorization #0504917)

**ISSUES AND CONCERNS:** None

**DESCRIPTION OF PROPOSED ACTION:** The Proposed Action is to issue a revised livestock grazing permit to Chad and Elanor Carter to reflect their remaining preference after having transferred half of the grazing preference for the Segar Mountain Allotment; and to issue a livestock grazing permit to Mike Lopez for his grazing preference, in the Segar Mountain Allotment #03202. There will be no change in livestock grazing in the allotment. The permits to be issued will be as shown in the two tables below.

Proposed Grazing Permit (Carter - 050368) for Segar Mountain Allotment								
Allotment No. 03202	Livestock		Date		% PL	BLM AUMs scheduled	Suspended AUMs	Total AUMs
	Pasture Name	#	Kind	On				
Segar Mountain	73	C	06/15	10/30	93	308	0	308

Proposed Grazing Permit (Lopez - 0504917) for Segar Mountain Allotment								
Allotment No. 03202	Livestock		Date		% PL	BLM AUMs scheduled	Suspended AUMs	Total AUMs
	Pasture Name	#	Kind	On				
Segar Mountain	68	C	06/15	10/30	100	308	0	308

Design Features: Livestock grazing in the Segar Mountain Allotment will remain unchanged from the grazing permit/schedule analyzed in CO-110-2008-127-EA. Segar Mountain Allotment will now be grazed by livestock owned by two operators (Lopez/Carter) as an “in-common” allotment.

Decision to be Made: The BLM will decide whether or not to issue a revised grazing permit to Chad and Elanor Carter and whether or not to issue a grazing permit to Mike Lopez, both under the same terms and conditions included in and analyzed in CO-110-2008-127-EA.

**PLAN CONFORMANCE REVIEW:**

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

Date Approved: July 1, 1997

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

Decision Language: 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).

**REVIEW OF EXISTING NEPA DOCUMENTS:**

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

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

Date Approved: June 1996

Name of Document: Grazing Permit Renewal for Chad Carter & Mike Lopez on the Segar Mountain allotment (previously the Segar Gulch pasture of the Segar Gulch allotment (06008)

Date Approved: September 4, 2008

**NEPA ADEQUACY CRITERIA:**

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently

similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

*Yes, the grazing permits that will be issued to the two livestock operators will authorize grazing identical to that previously analyzed in CO-110-2008-127-EA. This analysis resulted in issuing one permit to Carter and Lopez who at that time presented themselves as being in partnership. When they did not pursue or provide documentation of the recognized partnership it became necessary to issue individual permits. The grazing use period, overall authorized AUMs (now split between two separate operators), and terms and conditions will be unchanged. Carter continues to lease unfenced private property in the allotment so the percent public land on his permit will remain at 93 percent. Lopez does not control any private lands in the allotment so his permit will be issued at 100 percent public land which only affects the number of AUMs billed.*

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

*Three alternatives (Proposed Action, No Action, and No Grazing) were analyzed in CO-110-2008-127-EA. The Proposed Action remains the most reasonable and viable of the alternatives analyzed. No reasons have been identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.*

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

*Land health assessments, riparian assessments, and rangeland monitoring conducted for the 2008 analysis remain adequate and valid. Actual use data has been submitted showing use consistent with that analyzed. Implementation of a large scale water development project on the ridge-top of Segar Mountain (analyzed in CO-110-2008-127-EA) has likely improved livestock distribution and benefited livestock management and resource conditions though no assessments have been conducted since the 2008 analysis. There have been no updates of BLM-sensitive species or endangered species listings associated with the Segar Mountain allotment that would affect the Proposed Action.*

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

*Under the Proposed Action, livestock grazing in the Segar Mountain allotment will be unchanged. There are no other changes in resource management or development associated with this allotment; hence there would be no change to direct, indirect or cumulative effects.*

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

*The public involvement and interagency review associated with the existing NEPA document CO-110-2008-127-EA are adequate for the current proposal of issuing individual livestock grazing permits to these same two livestock operators.*

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on December 3, 2013. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Wolfe	Archaeologist	Cultural Resources, Native American Religious Concerns	2/3/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	12/20/2013
Heather Woodruff	Rangeland Management Specialist / Ecologist	Special Status Plant Species	12/30/2013

**REMARKS:**

**Cultural Resources:** The present document is only reissuance of a permit for remaining preference after a preference transfer and issuance of a permit for the transferred portion of preference. This change results in no change in the livestock grazing that occurs in the Segar Mountain allotment. The affected environment and impacts from grazing for this allotment have been adequately analyzed as part of the 2008 Grazing Permit Renewal for Segar Mountain Allotment (CO-110-2008-127-EA). A file search of the cultural resource records performed on 2/3/2014 (WRFO GIS data; WRFO CRM base maps; Compass) reveals there have been no substantial changes to the cultural resource information within the allotment since 2008 that would warrant additional analysis.

Grazing permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo separate standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (#14-030) was completed for the Segar Mountain allotment by Michael Wolfe, White River Field Office (WRFO) Archaeologist on 2/3/2014. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the WRFO archaeology and allotment files.

## CULTURAL RESOURCES LITERATURE REVIEW RESULTS

Percentage of Allotment Previously Inventoried	Number of Sites Present	Additional Inventory Required (yes/no)	Number of Historic Properties to be Visited	High Potential of Historic Properties (yes/no) Explain below:
390	0	No	0	No

Explanation why field work is or is not needed: No known cultural resources exist within the allotment. Previous Class III inventories have focused on numerous grazing related improvements such as reservoirs, water lines, and fence lines. These surveys have documented no cultural resources within the allotment. There is very little potential for the reissuance of a grazing permit to have adverse effects to historic properties.

Human use of the general area has occurred for at least 11,000 years, including manifestations of Paleo-Indian big-game hunting peoples; archaic hunter/gatherer groups; Fremont horticulturalists/foragers; historic Ute tribes; Euroamerican and other modern peoples. Current GIS data shows 390 acres have been surveyed in the allotment, which is 6 percent of the allotment. This is an approximate and does not necessarily represent Class III surveys that were done to current standards. Previous surveys have recorded zero sites that are eligible for the National Register of Historic Places (NRHP), one site that is not eligible, and zero sites that currently do not have enough information recorded and have to be treated as potentially eligible. Additionally, zero prehistoric and zero historic isolated finds have been recorded. There is a low potential of finding eligible sites in this allotment, ascertained by reviewing adjacent areas with similar steep sloped geology and considering the types of sites previously recorded in those areas.

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

Zero livestock concentration areas on BLM administered lands in the Segar Mountain Allotment have been identified by Mary Taylor, BLM WRFO Rangeland Management Specialist. As there are no areas where heavy livestock use has the potential to negatively affect cultural resources, no additional cultural inventory is needed.

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

Field work remaining to be performed before the next scheduled permit renewal in 2018 includes monitoring any newly discovered sites evaluated as eligible to the National Register of Historic

Places for potential impacts from grazing, and new Class III inventory of any identified cattle concentration areas.

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

*Threatened and Endangered Wildlife Species:* Special status, terrestrial and aquatic wildlife were adequately addressed in the original environmental assessment (CO-110-2008-127-EA). There are no wildlife-related issues or concerns as there will be no change in the grazing system.

*Threatened and Endangered Plant Species:* The CO-110-2008-127-EA discussed the Piceance bladderpod (*Lesquerella parviflora*); the analysis for this BLM sensitive plant species still holds true and there is still a lack of confirmed presence of Piceance bladderpod in the Segar Mountain allotment.

The northern portion of the allotment has potential threatened habitat for Dudley Bluffs twinpod (*Physaria obcordata*). This potential habitat was not identified in the original environmental assessment. This habitat has been identified using current NAIP imagery and geologic formation information. These potential areas are on very steep white shale slopes on the Thirteen Mile Creek Tongue of the Green River geologic formation. The area has not had a plant survey and the nearest occupied population of twinpod is located 3.8 miles to the northwest of the grazing allotment. At this time it cannot be confirmed that suitable or occupied habitat for Dudley Bluffs twinpod occurs on those potential habitat areas. Most the areas of potential threatened habitat are very steep making it difficult for livestock to access them. Damage from livestock would be limited in those steep areas.

Since the grazing schedule will not be changing at this time there are no special status plant species issues, but in the future plant surveys on potential habitat where livestock can access will be required prior to a full permit renewal.

#### MITIGATION:

1. The permittee is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
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.

The following applicable mitigation from DOI-BLM-CO-110-2008-0127-EA has been carried forward:

3. If the permittee suspects the release of any chemical, oil, solid waste, petroleum product, or sewage within the allotment they are to contact the BLM – WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) through the 24-hour spill reporting line at 1 (877) 518-5608.
4. Stocking rates should be reduced during periods of drought and/or during periods of drought recovery to improve upland health.
5. Immediate action should be taken to reduce trailing issues when they are identified. If accelerated erosion (rilling, gullyng etc.) is occurring due to trailing contact the authorized officer to determine if a change in management or a rangeland development project should be constructed or the grazing approach altered to reduce impacts.
6. If direct livestock use of undeveloped springs is documented, these areas should be considered for rangeland improvement projects that would fence the source and develop the spring if it is used as a water source by wildlife and/or livestock. Springs that are already developed, should be maintained in good condition to continue to protect water quality.
7. Riparian areas should show an upward trend in function. If proposed management actions are not likely to improve the function of the riparian areas in Segar Gulch, new management or nonuse should result.
8. The livestock operator will, as often as necessary to minimize use in the riparian area, repeatedly throughout the grazing season drive any cattle that drift down to the channel of Segar Gulch back up onto the ridge top and slopes of Segar Mountain to minimize impacts to this riparian system. Specific cattle identified as repeatedly returning to and preferring the riparian area should be culled from the herd to reduce perpetuation of this behavior.

COMPLIANCE PLAN: On-going compliance inspections, surveys and monitoring will be conducted by the BLM White River Field Office staff periodically. Specific mitigation developed in this document will be followed. Refer to Monitoring and Evaluation section within the Proposed Action of CO-110-2008-127-EA for a detailed description.

NAME OF PREPARER: Mary Taylor

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

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

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

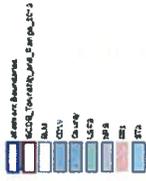
DATE SIGNED:

02/10/2014

ATTACHMENTS: Map of Segar Mountain Allotment 03202 from CO-110-2008-127-EA

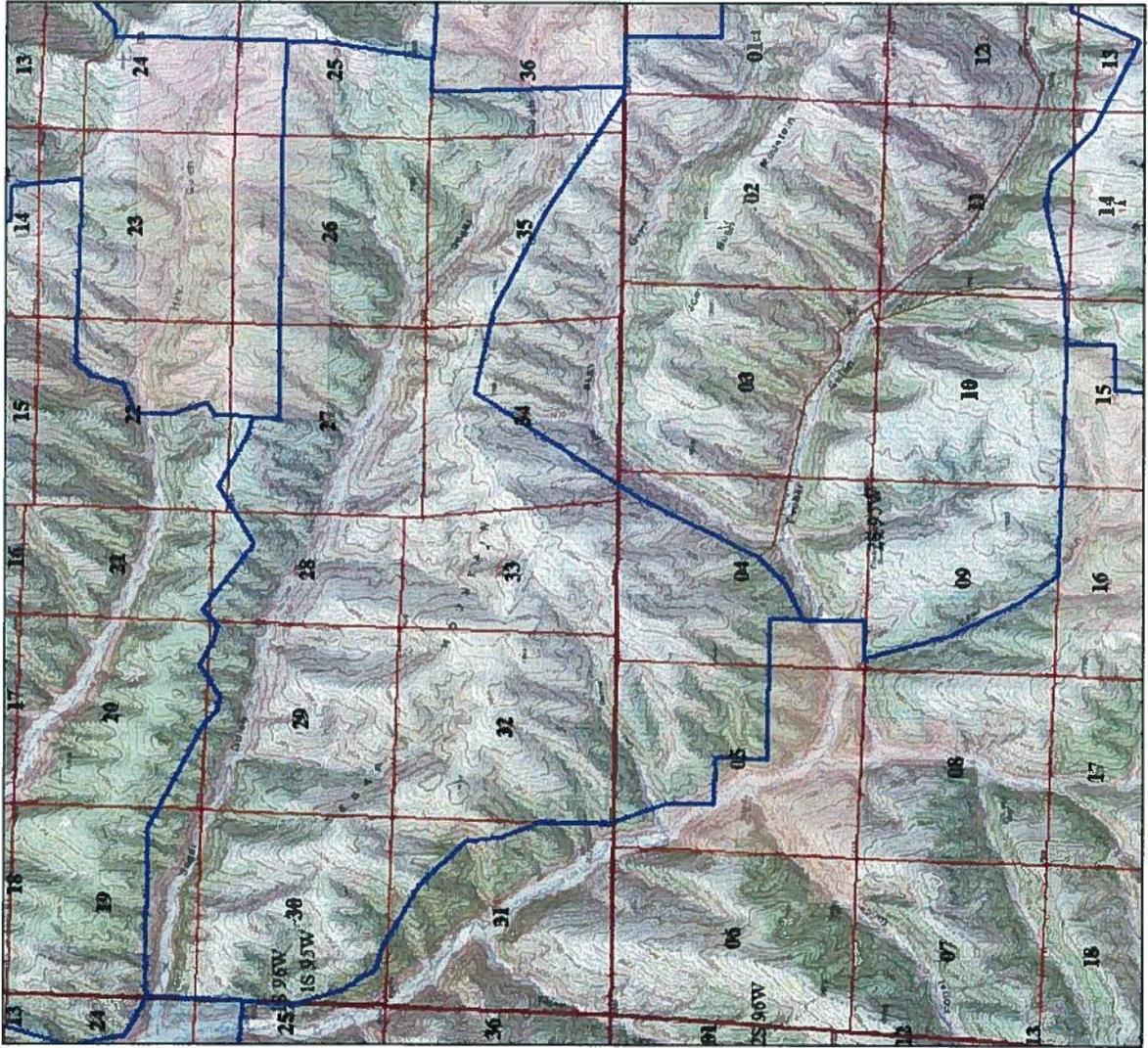
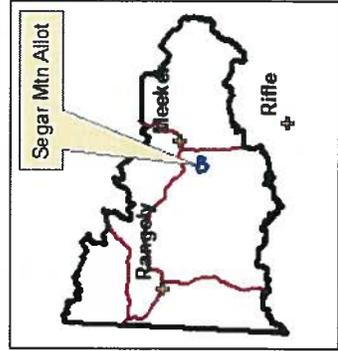
Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific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

# Segar Mountain Allotment 03202



Although the data presented on this map, and the map itself, have been processed as accurately as possible by BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data presented, nor does the fact of distribution constitute or imply any such warranty.

December 2013





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



CO-110 (WRFO)  
Sec 3. CF 0503686

Certified Mail No. 7011 0470 0002 4568 7608  
Return Receipt Requested

February 10, 2014

Chad and Elanor Carter  
P.O. Box 841  
Meeker, CO 81641

**NOTICE OF PROPOSED DECISION**

Dear Chad and Elanor:

Bureau of Land Management (BLM) White River Field Office (WRFO) has received your application for a revised grazing permit in the Segar Mountain Allotment #03202. The application has been reviewed for conformance with 43 CFR 4110.1(b)(2)(i), 4110.1(b)(2)(ii), and 4110.1(b)(2)(iii).

Your grazing permit is being revised to reflect your remaining grazing preference on the Segar Mountain Allotment after your recent transfer of one half of the grazing preference (308 AUMs) to Mike Lopez. The percent public land reflected on this permit is contingent upon your continued lease of the unfenced private land within the allotment. The grazing schedule reflected in this permit reflects that developed by yourself and WRFO during the grazing permit renewal process in 2008. Land health assessments, field observations, and other information was evaluated and reviewed for this allotment. Information provided by you through consultation was also considered in development of the proposed grazing permit.

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 permit to analyze and determine whether or not significant impacts would result from implementation of the proposed grazing permit. This review was completed in an Environmental Assessment which analyzed the proposed grazing programs as developed by BLM and yourselves. The EA resulted in a Finding of No Significant Impact. A copy of DOI-BLM-CO-110-2008-0127-EA is on file at the WRFO. A Determination of NEPA Adequacy (DNA) has been completed for this allotment (DOI-BLM-CO-110-2014-0030-DNA); the DNA verified that the previous Environmental Assessment DOI-BLM-CO-110-2008-0127-EA completed for this allotment in 2008 still adequately addresses affected resources. There have been no changes that would affect the validity of the previous analysis. The

Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3): White River Record of Decision and Approved Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

The EA analyzed three alternatives: The Proposed Action (Alternative A), The Continuation of Current Management (Alternative B), and a No Grazing Alternative (Alternative C). This proposed decision is based on that analysis. Refer to the proposed decision sent to you on September 16, 2008 for a full description of those alternatives and the grazing schedules associated. Those grazing schedules remain in effect but your actual grazing use will be based on your remaining grazing preference. The grazing permit for which you recently applied and that is being offered to you is outlined in the table below.

Proposed Grazing Permit (Carter - 050368) for Segar Mountain Allotment								
Allotment No. 03202	Livestock		Date		% PL	BLM AUMs scheduled	Suspended AUMs	Total AUMs
Pasture Name	#	Kind	On	Off				
Segar Mountain	73	C	06/15	10/30	93	308	0	308

**PROPOSED DECISION**

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2014-0030-DNA for authorization of livestock grazing use in the Segar Mountain Allotment # 03202 for the remainder of the current grazing permit period expiring on December 31, 2018 as supported by 43 CFR 4130.2(d)(3)].

**Grazing Permit Terms and Conditions:** The following other terms and conditions would be included in the grazing permit:

1. Livestock use will occur as outlined in the Grazing Schedule in the Proposed Action portion of the Environmental Assessment document CO-110-2008-127-EA that analyzes grazing on the Segar Mountain Allotment in accordance with 43 CFR 4120.2(d). These schedules have been listed in DOI-BLM-2014-0030-DNA to reflect preference of each individual operator.
2. The permittee shall submit an Actual Use form within 15 days after completing his annual grazing use as outlined in 43 CFR 4130.3-2(d).
3. The permittee will allow livestock grazing at a level resulting in no more than 522 BLM AUMs of use until two to three full growing seasons after implementation of the hazardous fuels reduction (burn) project and the entire water-line / tire tank project is functional. At that time, based on forage conditions and in consultation with the BLM Rangeland Management Specialist combined scheduled grazing may be increased up to 617 BLM AUMs.
4. 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).

5. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing permit:

1. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
2. Grazing permit or 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.
3. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land management within the allotment(s) described.
  - e. Repeated willful unauthorized grazing use.
4. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. 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)(i) and shall result in action by the authorized officer under 43 CFR Sec. 4150.
8. Grazing permits or leases are subject to the nondiscrimination clauses set forth in the Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

9. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
10. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
11. 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 permit or 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).
12. No Member of, or Delegated to, Congress or Resident Commissioner, after his/her election of appointment, either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or 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 permit, 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 Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3); White River Record of Decision and Approved Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

## **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 Mary Taylor at 878-3807, or myself at 878-3800.

Sincerely,



Kent E. Walter  
Field Manager

cc: Rio Blanco County Commissioners



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



CO-110 (WRFO)  
Sec 3. CF 0504917

Certified Mail No. 7011 0470 0002 4568 7592  
Return Receipt Requested

February 10, 2014

Mr. Mike Lopez  
P.O. Box 1416  
Meeker, CO 81641

**NOTICE OF PROPOSED DECISION**

Dear Mike:

Bureau of Land Management (BLM) White River Field Office (WRFO) has received your application for a revised grazing permit in the Segar Mountain Allotment #03202. The application has been reviewed for conformance with 43 CFR 4110.1(b)(2)(i), 4110.1(b)(2)(ii), and 4110.1(b)(2)(iii).

Your grazing permit is being revised to reflect your grazing preference on the Segar Mountain Allotment after the recent transfer of one half of the grazing preference (308 AUMs) from Chad Carter to you. The grazing schedule reflected in this permit reflects that developed by yourself and WRFO during the grazing permit renewal process in 2008. Land health assessments, field observations, and other information was evaluated and reviewed for this allotment. Information provided by you through consultation was also considered in development of the proposed grazing permit.

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 permit to analyze and determine whether or not significant impacts would result from implementation of the proposed grazing permit. This review was completed in an Environmental Assessment which analyzed the proposed grazing programs as developed by BLM and you and Chad Carter. The EA resulted in a Finding of No Significant Impact. A copy of DOI-BLM-CO-110-2008-0127-EA is on file at the WRFO. A Determination of NEPA Adequacy (DNA) has been completed for this allotment (DOI-BLM-CO-110-2014-0030-DNA); the DNA verified that the previous Environmental Assessment DOI-BLM-CO-110-2008-0127-EA completed for this allotment in 2008 still adequately addresses affected resources. The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3): White River Record of Decision and Approved

Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

The EA analyzed three alternatives: The Proposed Action (Alternative A), The Continuation of Current Management (Alternative B), and a No Grazing Alternative (Alternative C). This proposed decision is based on that analysis. Refer to the proposed decision sent to you on September 16, 2008 for a full description of those alternatives and the grazing schedules associated. Those grazing schedules remain in effect but your actual grazing use will be based on your recently transferred grazing preference. The grazing permit for which you recently applied and that is being offered to you is outlined in the table below.

Proposed Grazing Permit (Lopez – 0504917) for Segar Mountain Allotment								
Allotment No. 03202	Livestock		Date		% PL	BLM AUMs scheduled	Suspended AUMs	Total AUMs
Pasture Name	#	Kind	On	Off				
Segar Mountain	68	C	06/15	10/30	100	308	0	308

### PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2014-0030-DNA for authorization of livestock grazing use in the Segar Mountain Allotment # 03202 for the remainder of the current grazing permit period expiring on December 31, 2018 as supported by 43 CFR 4130.2(d)(3)].

**Grazing Permit Terms and Conditions:** The following other terms and conditions would be included in the grazing permit:

1. Livestock use will occur as outlined in the Grazing Schedule in the Proposed Action portion of the Environmental Assessment document CO-110-2008-127-EA that analyzes grazing on the Segar Mountain Allotment in accordance with 43 CFR 4120.2(d). These schedules have been listed in DOI-BLM-2014-0030-DNA to reflect preference of each individual operator.
2. The permittee shall submit an Actual Use form within 15 days after completing his annual grazing use as outlined in 43 CFR 4130.3-2(d).
3. The permittee will allow livestock grazing at a level resulting in no more than 522 BLM AUMs of use until two to three full growing seasons after implementation of the hazardous fuels reduction (burn) project and the entire water-line / tire tank project is functional. At that time, based on forage conditions and in consultation with the BLM Rangeland Management Specialist combined scheduled grazing may be increased up to 617 BLM AUMs.
4. 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).

5. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing permit:

1. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
2. Grazing permit or 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.
3. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land management within the allotment(s) described.
  - e. Repeated willful unauthorized grazing use.
4. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. 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)(i) and shall result in action by the authorized officer under 43 CFR Sec. 4150.
8. Grazing permits or leases are subject to the nondiscrimination clauses set forth in the Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

9. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
10. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
11. 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 permit or 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.
12. No Member of, or Delegated to, Congress or Resident Commissioner, after his/her election of appointment, either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or 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 permit, 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 Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3); White River Record of Decision and Approved Resource Management Plan (ROD/RMP), approved: July 1, 1997, pages 2-10 through 2-14, 2-22 through 2-26.

## **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 Mary Taylor at 878-3807, or myself at 878-3800.

Sincerely,



Kent E. Walter  
Field Manager

cc: Rio Blanco County Commissioners