



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
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ENVIRONMENTAL ASSESSMENT

NUMBER: CO140_2009_0043ea

CASEFILE NUMBER:

PROJECT NAME: Light Livestock Grazing Allotment (08331)

LEGAL DESCRIPTION: T08S, R86W, Sec 28, 29, 31, 32, & 33

APPLICANT: Grazing Permittee

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Introduction:

There are several authorities which mandate or allow BLM to authorize livestock grazing on public lands as part of multiple-use management of natural resources. As a consequence, all land use plans (LUPs) for BLM have established grazing allotments, grazing objectives, and grazing allocation decisions. The BLM typically allows the maximum allowed 10-year term on new and reissued grazing permits and leases, herein referred to as permits. An environmental assessment (EA) done pursuant to the National Environmental Policy Act (NEPA) is necessary to determine the manner and degree to which reissuance of the permit in this allotment would, based on current information, continue to provide a reasonable balance among competing resource values.

Background:

The Light Allotment is located on the south slope of Light Hill and west of the Light Hill subdivision within Pitkin County, Colorado (Map 1). The northern boundary of the allotment runs along the ridgeline of Light Hill. Vegetation consists of pinion & juniper with small openings of mixed mountain shrub. The allotment boundary incorporates 1020 acres of BLM public land and 1849 acres of private land. The private land primarily is located along the basin of East Sopris Creek and in section 31 while BLM primarily occurs on the south facing slopes of Light Hill.

In the spring and summer of 2008 a vegetation treatment was conducted on Light Hill designed to create and improve deer and elk winter range by removing/reducing the dense oak brush canopy. As shown in Map 1, the vegetation treatment occupies less than

30 acres on the extreme north boundary of the Light Allotment. The rest of the treatment area was conducted on the Light Hill Allotment which is currently un-permitted for livestock use.

The Light Allotment is currently permitted with the following grazing preference animal unit months (AUMS) and the associated scheduled grazing use:

Scheduled Grazing Use:

Allotment Name/No.	Livestock No./Kind	Grazing Period	%PL	AUMS
Light/08331	50 Cattle	05/20—09/30	37	82
	8 Horses	05/07—10/30	37	17

Grazing Preference (AUMS)

Allotment Name/No.	Total	Suspended	Active
Light/08331	236	105	131

The current permit will expire on February 28, 2009 and the permittee has applied to renew the current permit with the same terms and conditions as well as scheduled grazing use and grazing preference as the previous permit.

Alternative A: Proposed Action

The Proposed Action is to renew a term grazing permit for the above applicant. The grazing schedule will remain unchanged from the previous permit and preference animal unit months (AUMS) will be reduced from 131 AUMs to 99 AUMs. The reduced AUMs would be added to the Suspended AUMs on the permit. The permit would be issued for a 10-year period, unless the base property is leased for less, but for purposes of the EA, we are assuming 10 years of grazing by this or another applicant (in case of transfer). The proposed action is in accordance with 43 CFR 4130.2. The tables below summarize the level of scheduled grazing use and grazing preference for the proposed permit issuance.

Proposed Scheduled Grazing Use:

Allotment Name/No.	Livestock No./Kind	Grazing Period	%PL	AUMS
Light/08331	50 Cattle	05/20—09/30	37	82
	8 Horses	05/07—10/30	37	17

Proposed Grazing Preference (AUMS)

Allotment Name/No.	Total	Suspended	Active
Light/08331	236	137	99

The following terms and conditions were included on the previous permit and will be included on the renewed permit:

- Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turn out.
- An Actual Use Report for each allotment shall be submitted annually to the BLM office no later than 15 days after livestock have been removed (i.e., the grazing end period on the bill of the permit).

The following allotment term and condition will be included on the renewed permit.

- If an assessment of rangeland health results in a determination that changes are necessary in order to comply with the standards for public land health or the guidelines for livestock grazing management in Colorado, this permit will be reissued subject to revised terms and conditions.
- Education/Discovery stipulation: The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4).

Alternatives Considered but Eliminated:

“No Grazing” Alternative:

Under this alternative the BLM Field Office Manager would discontinue livestock grazing in the allotment. As a result, the BLM Field Office Manager would not reissue the term grazing permit upon expiration or issue new livestock grazing permits within the allotment. The BLM would allow the current permit for the permittee currently using the allotment to complete the terms in this allotment. A “No Grazing” alternative was not analyzed because its implementation would not meet the underlying need for the action.

No Action Alternative:

The No Action alternative has also been eliminated from further consideration. The No Action alternative would involve reissuing the permit/lease with current terms and conditions and no additional stipulations would be added to the permit/lease. Reissuing the permit/lease without the new stipulations would be unrealistic due to current Washington Office and Colorado State Office policies.

Need for the Proposed Action:

This permit/lease is subject to renewal or transfer at the discretion of the Secretary of the Interior for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permits/leases consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and Glenwood Springs Field Office’s Resource Management Plan/Environmental Impact Statement. This Plan/EIS has been amended by Standards for Public Land Health in Colorado.

The action is needed for the following reasons: (1) to meet the livestock grazing management objective of the Resource Management Plan of providing 56,885 animal

unit months of livestock forage commensurate with meeting public land health standards, (2) to continue to allow livestock grazing on the specified allotment, (3) to meet the forage demands of local livestock operations, (4) to provide stability to these operations and help preserve their rural agricultural lands for open space and wildlife habitat, and (5) to allow use of native rangeland resource for conversion into protein suitable for human consumption.

Plan Conformance Review:

The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Glenwood Springs Resource Management Plan.

Date Approved: Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20).

Decision Language: Administrative actions states, “Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan”. The livestock grazing management objective as amended states, “To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards.”

Standards for Public Land Health: In January 1997, Colorado Bureau of Land Management (BLM) approved the Standards for Public Land Health. The five standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands.

The Roaring Fork Landscape which incorporates the Light Allotment is scheduled to be assessed in 2010. As such, we are deferring making a determination on conformance with the Standards on this allotment until the formal Land Health Assessment is completed. If the authorized officer determines that existing livestock grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform to the

guidelines, the authorized officer shall take appropriate action as soon as practical (according to 43 CFR 4180.2) to achieve progress toward meeting the standards.

Because a standard exists for the five categories mentioned above, the impact analysis must address whether the proposed action or any alternatives being analyzed would result in impacts that would maintain, improve, or deteriorate land health conditions for that specific parameter. These analyses are located in specific elements listed below:

AFFECTED ENVIRONMENT /ENVIRONMENTAL CONSEQUENCES / MITGATION MEASURES:

CRITICAL ELEMENTS

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and no action alternative. In addition, the section presents comparative analyses of the direct and indirect consequences on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain critical environmental elements. Not all of the critical elements that require inclusion in this EA are present, or if they are present, may not be affected by the proposed action and alternative (Table 2). Only those mandatory critical elements that are present and affected are described in the following narrative.

In addition to the mandatory critical elements, there are additional resources that would be impacted by the proposed action and alternative. These are presented under **Other Affected Resources.**

Table 1 - Critical Elements of the Human Environment									
<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>		<i>Critical Element</i>	<i>Present</i>		<i>Affected</i>	
	Yes	No	Yes	No		Yes	No	Yes	No
Air Quality		X		X	Prime or Unique Farmlands		X		X
ACECs		X		X	Threatened or Endangered Species	X		X	
Cultural Resources	X			X	Wastes, Hazardous or Solid		X		X
Environmental Justice		X		X	Water Quality, Drinking and Ground	X		X	
Floodplains		X		X	Wetlands and Riparian Zones	X		X	
Invasive, Non-native Species	X		X		Wild and Scenic Rivers		X		X
Native American Religious Concerns	X			X	Wilderness		X		X
Migratory Birds	X		X						

CULTURAL RESOURCES and NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment: Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Additional range improvements (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (GSFO #1009-14) was completed for the Light Allotment on February 4, 2009 following 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, CO-2001-026, and CO-2002-029. The results of the assessment are summarized in the table below. A copy of the cultural resource assessment is available at the GSFO office.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent (%) Allotment Inventory data Class III level	Number of Cultural Resources known in allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
Light	376	2493	13	16	No	No additional acres need to be inventoried to meet the 10% sampling threshold. 20% of the allotment has 30%+ slopes.
Total	376	2493	13	16		

Seven Class III cultural resource inventories (147, 723, 1212, 940, 15404-3, 15408-2, and 16507-4) have been conducted within this allotment resulting in the recording of one historic property. Historic properties are cultural resources that are considered eligible or potentially eligible for listing on the National Register of Historic Places that need to be preserved. If they cannot be avoided, the adverse impacts must be mitigated. Based on available data, there is a low to moderate potential for historic properties within the allotment. Undiscovered historic era sites within this allotment could represent a time frame from the late 1800's through the 1950's; Native American sites could represent a time range from 200 to 10,000 years before present.

Subsequent site field visits, inventory, and periodic monitoring may have to be done to identify if additional historic properties are present within the term of the permit and as funds are made available. If the BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

At present, there are is one known area of Native American concern within this allotment. On November 7, 2008 the Glenwood Springs Field Office mailed an informational letter and maps to the Ute Tribe (Northern Ute Tribe), Southern Ute Tribe, and the Ute Mountain Ute Tribes, identifying the proposed 2009 grazing

permit renewals. No response has been received. If new data is disclosed, new terms and conditions may have to be added to the permit to accommodate their concerns. The BLM will take no action that would adversely affect these areas or location without consultation with the appropriate Native Americans.

Environmental Consequences: The direct impacts that occur where livestock concentrate include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullying, and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

Two historic properties were identified during the inventories for this allotment. A determination of “**Conditional No Adverse Affect**” has been made for this renewal. In order to mitigate this potential affect all ground disturbing activity and the placement of supplemental feed, etc, must be at least 100m from the areas of concern. The cultural resource specialist should be involved in discussions for improvements, maintenance, supplemental feeding areas, etc to ensure that the historic properties and area of concern is avoided.

Mitigation: New improvements or maintenance of existing range improvements, additional feeding areas, etc may require cultural resource inventories, monitoring, and/or data recovery. This allotment may also contain undiscovered historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM may require modification to development proposals to protect such properties, or disapprove any activity that is likely to result in damage to historic properties or areas of Native American concern.

Education/Discovery stipulation: The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4).

ENVIRONMENTAL JUSTICE

Affected Environment: The table below reflects 2004 estimated median annual household income data,¹ and minority population data from July, 2005² for the proposed action and “no action” area.

2004 Estimated Median Household Income & 2005 Minority Data			
County	Estimate	90% Confidence Interval	Minority %
Pitkin	\$60,662	\$56,388 to \$65,259	9.5

Environmental Consequences/Mitigation: Pitkin County is not considered to be impoverished, but is thought to be a wealthy county. The proposed action is not likely to create a disproportionately high and adverse human health impact or environmental effect on minority or low-income populations in the area.

INVASIVE, NON-NATIVE SPECIES

Affected Environment: Noxious weed inventory reports reveal plumeless thistle (*Carduus acanthoides*), houndstongue (*Cynoglossum officinale*), and field bindweed (*Convolvulus arvensis*) occur on the Light grazing allotment. The recorded noxious weeds listed above occur along roadsides.

Environmental Consequences/Mitigation: Wind, water, vehicles, animals, and people transport weeds. Weeds generally germinate and become established in areas of surface disturbing activities such as road construction and maintenance, vehicular traffic, big game and livestock grazing. Livestock grazing can contribute to the establishment and expansion of noxious weeds through various mechanisms. Improperly managed grazing, (over-grazing), can cause a decline in desirable native plant species and ground cover which provides a niche for noxious weed invasion. In addition, noxious weed seed can be transported and introduced to new areas by fecal deposition or by seed that clings to the animal’s coat. Conversely, properly managed livestock grazing which does not create areas of bare ground and which maintains the vigor and health of native plant species, particularly herbaceous species, is not expected to cause a substantial increase in noxious weeds.

The proposed season-of-use and livestock numbers are designed to sustain the overall rangeland health of the allotments. By sustaining or improving rangeland health, noxious or invasive weeds would less likely become established and a reduced rate of spread would result.

¹ Source: U.S. Census Bureau, Data Integration Division, Small Area Estimates for Garfield and Pitkin Counties
Release Date: December 2006

² Source: U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, Census of Population and Housing, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report
Last Revised: January 12, 2007

MIGRATORY BIRDS

Affected Environment:

This grazing allotment is comprised of a variety of vegetative/habitat types including pinyon/juniper, mixed mountain shrub/oakbrush, and limited riparian vegetation along East Sopris Creek. Given the mix and diversity of vegetation present, this allotment provides cover, forage and nesting habitat for a variety of migratory bird species. Priority species on the USFWS Birds of Conservation Concern List that may nest in the area include: sage sparrow, Brewer's sparrow, Virginia's warbler, pinyon jay and black-throated gray warbler. No raptors are known to nest on the allotment but red-tailed hawks and golden eagles nest nearby and these and other raptors likely forage on the allotment.

Environmental Consequences/Mitigation:

It is unlikely that continued livestock grazing in this allotment would reduce the extent or quality of habitat available for migratory bird breeding functions. The grazing management in place does allow for season long use and overlaps with the breeding and nesting times of the bird species identified above. However, the allotment is lightly stocked and is generally used less than the timeframes allowed which minimizes over-utilization of forage across the allotment and provides some growing season rest. In addition, the majority of grazable land is located on the private land portions of the allotment where terrain is flatter and forage is more abundant. The majority of the BLM portions of the allotment are located on steeper south facing slopes with denser pinyon-juniper with limited understory vegetation/forage. In addition, the main water sources for livestock are on private lands which concentrate livestock use on the private land portions of the allotment. More concentrated use on the private lands helps to provide for growing season rest and adequate plant rest and recovery periods on public land portions of the allotment. Monitoring data show the allotment to be in generally good condition, providing healthy and productive habitat for migratory bird species.

No intentional take of native bird species is anticipated under the proposed action. Grazing by cattle and horses could result in the accidental destruction of ground nests through trampling. This could impact ground nesting species. However, this impact is expected to be minimal and isolated and would not influence populations of migratory birds on a landscape level.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment:

According to the latest species list from the U. S. Fish and Wildlife Service (<http://mountain-prairie.fws.gov/endspp/CountyLists/COLORADO.pdf>), the

following Federally listed, proposed, or candidate plant and animal species may occur within or be impacted by actions occurring in Pitkin County: Canada lynx (*Lynx canadensis*), Mexican spotted owl (*Strix occidentalis*), yellow-billed cuckoo (*Coccyzus americanus*), Uncompahgre fritillary butterfly (*Boloria acrocroma*), Ute ladies'-tresses orchid (*Spiranthes diluvialis*), razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus lucius*), bonytail chub (*Gila elegans*), and humpback chub (*Gila cypha*)

Listed Species: There are no known occurrences of the Ute ladies'-tresses orchid in the Light Allotment. This species is generally found in wetlands or along ditches or other subirrigated soils. East Sopris Creek may contain a small amount of potential habitat, but no herbaceous wetlands have been documented along the creek, therefore, it is unlikely to provide suitable habitat for this species.

BLM Sensitive Species: The BLM Sensitive plant, Harrington's penstemon (*Penstemon harringtonii*) is known to occur within the sagebrush/mixed mountain shrub habitat on the crest of Light Hill and also on the sagebrush parks on the east end of the allotment.

Environmental Consequences/Mitigation:

Listed Species: Due to the absence of known occurrences or suitable habitat for listed species, the proposed grazing schedule would have "No Effect" on listed species.

BLM Sensitive Species: Harrington's penstemon flowering stalks are palatable to both livestock and wildlife. Heavy grazing on penstemon flower stalks each year could result in a decline in the reproductive capability of the species. As old plants eventually die, the population would decline if there is little recruitment of young plants. Light grazing or grazing outside of the flowering period should result in few flower stalks being removed and would not affect the long-term reproductive capability of the population.

The permit allows for season long grazing use. However, the allotment is lightly stocked which minimizes over-utilization of forage across the allotment. In addition, the majority of grazable land is located on the private land portions of the allotment where terrain is flatter and forage is more abundant. The majority of the BLM portions of the allotment are located on steeper south facing slopes with denser pinyon-juniper with limited understory vegetation/forage. In addition, the main water sources for livestock are on private lands which concentrate livestock use on the private land portions of the allotment.

During past visits to the allotment, only light utilization was noted in penstemon habitat and many penstemon flowering stalks remained intact. The continuation of livestock grazing, as currently managed, should have little negative impact on Harrington's penstemon or its habitat.

Finding on the Public Land Health Standard for Threatened & Endangered Species: A formal Land Health Assessment has not been completed in this area. Based on visual observations of habitat condition and grazing use, it appears that the area is likely meeting Standard 4 for threatened, endangered and other special status species. The continuation of livestock grazing should have minimal effect on the ability of the allotment to meet this Standard.

WATER QUALITY, SURFACE AND GROUND (includes an analysis on Standard 5)

Affected Environment: The Light Allotment is located south of the Town of Basalt, southwest of the Roaring Fork River and Highway 82, west of the perennial Snowmass Creek, and within the 8,989 Lower East Sopris Creek 6th field watershed. Within the allotment are two mapped unnamed ephemeral tributaries to the perennial East Sopris Creek which flows through a small portion of BLM managed land.

East Sopris Creek and its ephemeral tributaries are not currently listed on the State of Colorado's *Stream Classifications and Water Quality Standards* (CDPHE, Water Quality Control Commission, Regulation No. 37) list, *303(d) List of Water Quality Limited Segments Requiring TMDLS* (CDPHE, Water Quality Control Commission, Regulation No. 93) or the *Monitoring and Evaluation List* (CDPHE, Water Quality Control Commission, Regulation No. 94) as waterbodies suspected to have water quality problems. At this time no water quality data are available for East Sopris Creek or its ephemeral tributaries.

Environmental Consequences/Mitigation: Grazing activities would result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. In addition, the number of livestock in the area would increase the amount of feces present in close proximity to nearby drainages and could lead to stream bank trampling. The introduction of livestock feces to waterbodies often leads to water quality degradation by increasing fecal coliform bacteria levels and often leads to algal blooms which increase water temperatures. While few drainages are within the allotment, there is potential that additional sediment associated with grazing practices as well as fecal coliform bacteria from livestock feces could reach the drainages mentioned above. However, based on the amount of livestock and the distance from perennial drainages with the exception of a small segment of East Sopris Creek, the potential for measureable water quality degradation is minimal.

Finding on the Public Land Health Standard 5 for water quality: The Glenwood Springs Field Office is scheduled to complete the Roaring Fork Land Health Assessment in summer 2010 that would include the Light Allotment and East Sopris Creek. Based on the number of livestock scheduled and the distance from

major drainages, the proposed activities would not likely prevent Standard 5 for Water Quality from being met.

WETLANDS & RIPARIAN ZONES (includes a finding on Standard 2)

Affected Environment: The table below lists known riparian areas and their Proper Functioning Condition (PFC) assessment for the Light Allotment:

Riparian Area Name	Approximate Miles	Year Assessed	Condition Rating
East Sopris Creek	0.4	1994	Proper Functioning Condition

The Proper Functioning Condition assessments above did not raise or identify any issues with livestock grazing. Remarks on the assessment form stated there was no apparent livestock use due to lack of access (dense vegetation) along the stream. The north side of the creek is also fenced along the county road which limits grazing use as well.

Environmental Consequences/Mitigation: Although the period of grazing use would be nearly six months and occurs most of the growing season, fencing and dense vegetation restricts grazing use along the creek. In consideration of this and the condition of riparian zones described in the Affected Environment, renewal of the grazing permit (including the proposed changes in grazing use) is not expected to cause adverse impacts to riparian zones. The condition of riparian areas would be maintained or improved. There would be no cumulative impacts.

Finding on the Public Land Health Standard for riparian systems: The proposed action would not result in failure to achieve this standard and should maintain and/or improve land health conditions for riparian systems.

NON-CRITICAL ELEMENTS

The following elements **must** be addressed due to the involvement of Standards for Public Land Health:

SOILS (includes a finding on Standard 1)

Affected Environment: According to the *Soil Survey of Aspen-Gypsum Area, Colorado: Parts of Eagle, Garfield, and Pitkin Counties* (USDA 1992), the Light Allotment contains seven different soil map units that can be identified by the numerical code assigned by the soil survey. These soil map units are scattered throughout the allotments and some of them have been identified as having severe erosion hazards. In addition, the northwest portion of the allotment is mapped as CSU 4 (Controlled Surface Use) for erosive soils on slopes greater than 30% and NSO 15 (No Surface Occupancy) for slopes greater than 50% regardless of soil

type. Following is a brief description of the seven soil map units found within the Light Allotment.

- Cushool-Rentsac complex (25) – This soil map unit is found on mountains and mesa side slopes at elevations ranging from 6,200 to 7,600 feet and on slopes of 15 to 65 percent. Approximately 45 percent of this soil map unit is Cushool soil and 40 percent Rentsac soil. The Cushool soil is moderately deep, well drained, derived from sandstone and shale, and is found on slopes of 15 to 50 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as severe. The Rentsac soil is shallow, well drained, derived from sandstone, and is found on slopes of 25 to 65 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as severe. Primary uses for this soil map unit include rangeland, wildlife habitat, Christmas trees, firewood, and fence posts.
- Evanston loam (40) - This deep, well drained soil formed in mixed alluvium and is found on alluvial fans, terraces, and valley sides at elevations ranging from 6,500 to 8,000 feet and on slopes of 25 to 45 percent. Surface runoff for this soil is rapid and the erosion hazard is classified as moderate to severe. Primary uses for this soil include rangeland and wildlife habitat.
- Forsey cobbly loam (47) – This deep, well drained soil is found on alluvial fans, mountainsides, and ridges at elevations ranging from 7,500 to 9,500 feet and on slopes of 25 to 65 percent. This soil is derived from alluvium and colluvium of mixed mineralogy. The surface runoff for this soil is medium and the water erosion hazard is moderate. Primary uses for this soil include rangeland and wildlife habitat.
- Jerry loam (64) – This deep, well drained soil is found on alluvial fans and hills at elevations ranging from 7,500 to 9,500 and on slopes of 25 to 65 percent. This soil is derived from sandstone and shale alluvium. Surface runoff is very rapid and the water erosion hazard is moderate. This soil is used primarily for rangeland purposes.
- Kobar silty clay loam (72) – This deep, well drained soil is found on alluvial fans and terraces at elevations ranging from 6,800 to 8,200 feet and on slopes of 12 to 25 percent. It is derived from alluvium composed of Mancos shale. Surface runoff for this soil is rapid and the water erosion hazard is moderate. This soil is used primarily for rangeland purposes.
- Torriorthents-Camborthids-Rock outcrop complex (104) – This soil map unit occurs on south-facing mountainsides, hills, and ridges with slopes ranging from 6 to 65 percent. Approximately 45 percent of this unit is Torriorthents, 20 percent Camborthids, and 15 percent Rock outcrop. The Torriorthents are shallow to moderately deep, well drained, and are derived from sedimentary rock. Surface runoff is rapid and the water erosion hazard is severe. The Camborthids are shallow to deep, well drained, and are derived from sandstone, shale, and basalt. Surface runoff is rapid and the water erosion hazard is severe. The Rock outcrop component of this unit consists of exposed sandstone, shale, and basalt. This soil map unit is used primarily for wildlife habitat.

- Uracca, moist-Mergel complex (110) – This stony soil map unit is found on alluvial fans and valley sides at elevations ranging from 6,800 to 8,400 feet and on slopes of 25 to 65 percent. Approximately 45 percent of this unit is Uracca soil and 40 percent is Mergel soil with the other 15 percent consisting of similar soil types. The Uracca soil is deep, well drained and was formed in alluvium derived from igneous and metamorphic rocks. Runoff for this soil is medium and the water erosion hazard is moderate. The Mergel soil is deep, well drained and was formed in glacial outwash. Runoff for this soil is medium and the water erosion hazard is moderate. Primary uses for this soil map unit include rangeland and wildlife habitat.

Environmental Consequences/Mitigation: As mentioned above, portions of the Light Allotment occur on soils with severe erosion hazards and on slopes greater than 30% (17°). Grazing activities would result in soil compaction and displacement that increase the likelihood of erosional processes, especially on steep slopes and areas devoid of vegetation. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. While few drainages are within the allotment, there is potential that additional sediment associated with grazing practices could reach East Sopris Creek or its ephemeral tributaries. However, based on the amount of livestock and the distance from perennial drainages with the exception of a small segment of East Sopris Creek, the potential for measureable sediment transport and negative soil impacts is minimal.

Finding on the Public Land Health Standard 1 for upland soils: The Glenwood Springs Field Office is scheduled to complete the Roaring Fork Land Health Assessment in summer 2010 that would include the Light Allotment. Based on the number of livestock scheduled, the proposed activities would not likely prevent Standard 1 for Upland Soils from being met.

VEGETATION (includes a finding on Standard 3)

Affected Environment:

This Light Allotment is comprised of a variety of vegetative types including pinyon/juniper, sagebrush and oakbrush/mixed mountain shrublands and some willows and other riparian vegetation along East Sopris Creek. The south-facing pinyon/juniper woodlands have a sparse understory of grasses and forbs. The mixed mountain shrub habitat and the riparian vegetation are tall and dense.

Environmental Consequences/Mitigation:

The grazing management in place does allow for season long use (May – October). However, the allotment is lightly stocked which minimizes over-utilization of forage across the allotment. In addition, the majority of grazable land is located on the private land portions of the allotment where terrain is flatter and forage is more abundant. The majority of the BLM portions of the allotment are located on steeper south-facing slopes with denser pinyon-juniper with limited

understory vegetation. In addition, the main water sources are on private lands which concentrate livestock use on the private land portions of the allotment. More concentrated use on the private lands helps to provide for adequate growing season rest and recovery periods for vegetation on public land portions of the allotment and helps to improve and maintain range conditions. Given this situation, it is unlikely that the proposed action would have any long-term negative impacts to the health of rangeland vegetation.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): A formal Land Health Assessment has not been completed in this area and there is little utilization data and no vegetative monitoring data for this allotment. Based on site visits to the allotment, it appears that the area is likely meeting Standard 3 for plant communities. The continuation of livestock grazing on this allotment should have little bearing on the ability of the area to meet this Standard.

WILDLIFE, AQUATIC (includes a finding on Standard 3)

Affected Environment:

This allotment contains one perennial stream, East Sopris Creek. This creek contains rainbow and brown trout and aquatic insects.

Environmental Consequences/Mitigation:

Continued livestock grazing activities across the entire allotment would result in some soil compaction and displacement and increase the likelihood of erosional processes, especially on steep slopes, areas devoid of vegetation, and in concentration areas such as salting sites, stock waters, and drainage bottoms. Soil detachment and sediment transport are likely to occur during runoff events associated with spring snowmelt and short-duration high intensity thunderstorms. Due to the close proximity of grazing to area drainages, there is some potential that additional sediment associated with grazing practices could reach East Sopris Creek. Excessive sediment can impact trout by silting in important spawning substrates or in the event eggs are present, by smothering eggs. In addition, important micro habitats such as pools needed for overwinter and oversummer thermal protection can be silted in which reduces depth and makes these areas less usable. Aquatic insect productivity can also be reduced due to excessive sediment that covers stream substrates. This can result in reduced food sources for fish and terrestrial bird and bat species.

The permit allows for season long use. However, the allotment is lightly stocked and is generally used less than the timeframes allowed which minimizes over-utilization of forage across the allotment and provides some growing season rest. In addition, the majority of grazable land is located on the private land portions of the allotment where terrain is flatter and forage is more abundant. The majority of the BLM portions of the allotment are located on steeper south facing slopes with denser pinyon-juniper with limited understory vegetation/forage. In

addition, the main water sources for livestock are on private lands which concentrate livestock use on the private land portions of the allotment. More concentrated use on the private lands helps to provide for growing season rest and adequate plant rest and recovery periods on public land portions of the allotment. However, concentrated use on private lands along East Sopris Creek could result in increased utilization along the riparian and stream corridor and increase the potential for sediment impacts discussed above.

The small ¼ mile BLM segment of East Sopris Creek within the allotment appears to be in great condition. Based on a Riparian Habitat Assessment from 1994 and subsequent drive by looks (the stream is adjacent to the county road) the stream is in Proper Functioning Condition with very dense and abundant willows, alder, hawthorne, dogwood, rose, iris, sedges, and rushes. Based on drive by looks, the private land portions of the stream look good as well. Based on habitat condition, the continuation of livestock grazing as currently managed should have little negative impact on these fish or their habitat.

Finding on the Public Land Health Standard 3 for Plant and Animal Communities (partial, see also Vegetation and Wildlife, Terrestrial):

A formal Land Health Assessment has not been completed in this area. Based on habitat condition, it appears that the area is likely meeting Standard 3 for aquatic wildlife. The continuation of livestock grazing on this allotment should have little bearing on the areas ability to meet this Standard.

WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment:

This grazing allotment is comprised of a variety of vegetative/habitat types including pinyon/juniper, mixed mountain shrub/oakbrush, and some limited riparian vegetation along East Sopris Creek. Given the diversity of vegetation found on this allotment, a variety of wildlife species may be found here. This allotment provides cover, forage, breeding, and nesting habitat for a variety of big game, small game, and non-game mammals, reptiles, and birds. Large portions of this allotment are mapped as important big game winter habitat, and it is a known fall concentration area for black bears (CDOW 2008).

Environmental Consequences/Mitigation:

It is unlikely that the proposed action would have any long-term negative impacts to terrestrial wildlife habitat. The grazing management in place does allow for season long use (May – October). However, the allotment is lightly stocked and is generally used less than the timeframes allowed which minimizes over-utilization of forage across the allotment and provides some growing season rest. In addition, the majority of grazable land is located on the private land portions of the allotment where terrain is flatter and forage is more abundant. The majority of the BLM portions of the allotment are located on steeper south facing slopes with denser pinyon-juniper with limited understory vegetation/forage. In

addition, the main water sources for livestock are on private lands which concentrate livestock use on the private land portions of the allotment. More concentrated use on the private lands helps to provide for growing season rest and adequate plant rest and recovery periods on public land portions of the allotment and helps to improve and maintain range conditions and provide for the forage needs of resident wildlife.

Range data indicates that site specific areas within this allotment are generally in good condition, and provide healthy and productive habitat for resident wildlife species.

Finding on the Public Land Health Standard 3 for Plant and Animal Communities (partial, see also **Vegetation and Wildlife, Terrestrial**):

A formal Land Health Assessment has not been completed in this area. Based on habitat condition, it appears that the area is likely meeting Standard 3 for terrestrial wildlife. The continuation of livestock grazing on this allotment as proposed should have little bearing on the areas ability to meet this Standard.

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Table 2. Other Resources Considered in the Analysis.			
<i>Resource</i>	<i>NA or Not Present</i>	<i>Present and Not Affected</i>	<i>Present and Affected</i>
Access and Transportation		X	
Cadastral Survey		X	
Fire/Fuels Management		X	
Forest Management	X		
Geology and Minerals	X		
Law Enforcement	X		
Paleontology	X		
Noise	X		
Range Management		X	
Realty Authorizations	X		
Recreation		X	
Socio-Economics		X	
Visual Resources		X	
Water Rights	X		

CUMULATIVE IMPACTS SUMMARY:

No cumulative impacts have been identified.

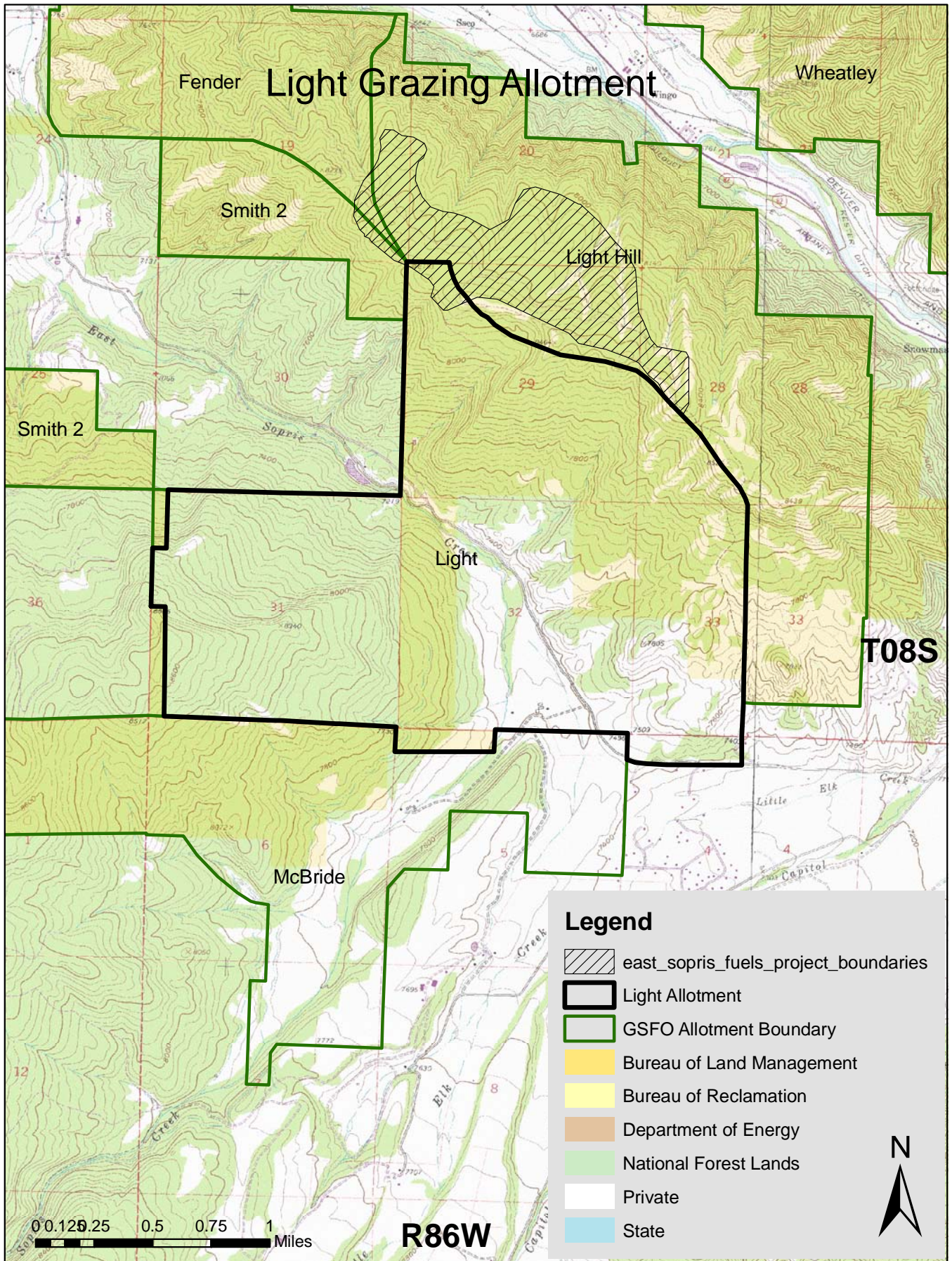
PERSONS / AGENCIES CONSULTED:

Southern Ute Tribe
 Northern Ute Tribe
 Ute Mtn. Ute Tribe

INTERDISCIPLINARY REVIEW:

<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Dereck Wilson	Rangeland Management Specialist	NEPA Lead, Range, Invasive Plants
Mike Kinser	Rangeland Management Specialist	Riparian Zones
Jeff O'Connell	Hydrologist	Soil, Water, Air, Geology
Kay Hopkins	Outdoor Recreation Planner	Wilderness, WSR, VRM, Recreation , Transportation
Carla DeYoung	Ecologist	ACECs, T&E Plants, Standards, Vegetation
Cheryl Harrison	Archaeologist	Cultural & Native American Concerns

APPENDICES: Location map



States Department of the Interior
Bureau of Land Management
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, CO 81601
970-947-2800

Certified Mail No.
Return Receipt Requested

4160
CO-140
March 9, 2009

NOTICE OF PROPOSED DECISION

Dear

INTRODUCTION

On February 28, 2009 grazing permit No. 0507599 will expire, and to be renewed, the permit has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The current permit, #0507599, authorizes domestic cattle grazing on the Light Allotment #08331. The Light Allotment encompasses 2,869 acres, of which, 1,849 acres are private and 1,020 acres are BLM lands. The review and NEPA compliance has been completed as documented in Environmental Assessment (EA) No. DOI-BLM-CO-N040-2009-0043. A copy of the EA is enclosed. Renewal of the permit has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have reviewed the direct, indirect and cumulative effects of the proposed action documented in the EA DOI-BLM-CO-N040-2009-0043 for the grazing permit renewal on the Light Allotment. The effects of the proposed action are disclosed in the Alternatives and Environmental Impacts sections of the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significant, as used in NEPA, requires consideration of both *context* and *intensity* as follows:

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and/or adverse.

Impacts associated with the livestock grazing permit renewal are identified and discussed in the Environmental Impacts section of the EA. The proposed action will not have any significant beneficial or adverse impacts on the resources identified and described in the EA.

2. The degree to which the proposed action affects health or safety.

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for multiple uses while maintaining or improving resource conditions to meet standards for rangeland health in the allotment. Similar actions have not significantly affected public health or safety.

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

Unique characteristics for the allotments have been identified and addressed in the EA. These include wetlands/riparian zones and cultural resources. A determination of "Conditional No Adverse Affect" has been for historic properties that occur in the allotments. The proposed action is not expected to cause adverse impacts to riparian zones. No other unique characteristics are known to occur in the allotments.

4. The degree to which the effects are likely to be highly controversial.

The analysis did not identify any effects that are highly controversial.

5. The degree to which the effects are highly uncertain or involve unique or unknown risks.

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for the determination of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

This EA is specific to the Light Allotment. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration in or outside of this allotment.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The analysis in the EA did not identify any related actions with cumulative significant effects.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant, cultural, or historical resources.

The proposed action is not considered to adversely affect districts, sites, highways or structures. A determination of “Conditional No Adverse Affect” has been for historic properties that occur in the allotments.

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 of 1973.

There is no designated critical habitat for any listed Threatened or Endangered species within the project area. The EA discloses that the proposed action would is not likely to adversely affect any species listed as threatened or endangered.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate or threaten to violate any Federal, State or local laws or requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.

PROPOSED DECISION

Therefore, under authority of 43 CFR 4110.0-8, 4110.2-2(a), 4130.2(a), 4130.2(d), 4130.3, 4130.3-1(a), 4130.3-2 and 4160.1(a), it is my proposed decision to renew grazing permit No. 0507599 for a period of ten years (March 1, 2009 – February 28, 2019). The renewed permit will contain the same livestock number, kind, period of use, and percent public land as described below. The grazing active preference will be reduced from 131 AUMs on the previous permit to 99 active AUMs on the renewed permit. Other terms and conditions will remain the same except for the additions as described below.

Mandatory terms and conditions are:

Allotment Name & No.	Livestock No. & Kind	Period of use	%PL	AUMs
Light No. 08331	50 Cattle	05/20 – 09/30	37	82
	8 Horses	05/07—10/30	37	17

The grazing preference in animal unit months (AUMS) is:

Allotment Name & No.	Active	Suspended	Total
Light No. 08331	99	137	236

Other terms and conditions are as follows:

- Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be required prior to turn out.
- An Actual Use Report for each allotment shall be submitted annually to the BLM office no later than 15 days after livestock have been removed (i.e, the grazing end period on the bill of the permit).

The following terms and conditions would be added to the grazing permit:

- The permittee and all persons specifically associated with grazing operations must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36CFR800.110 & 112, 43CFR 0.4). Placement of supplemental feed, etc., must be at least 100m from historic properties and Areas of Native American Concern.
- If an assessment of rangeland health results in a determination that changes are necessary in order to comply with the Standards for Public Land Health and the Guidelines for Livestock Management in Colorado, this permit will be reissued subject to revised terms and conditions.

RATIONAL

Renewal of the grazing permit is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance. The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the RMP. Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."

An interdisciplinary team prepared an EA (No. DOI-BLM-CO-N040-2009-0043) for the proposed permit renewal. My proposed decision is based on the findings of the analyses contained in the EA. The analysis of the proposed action indicated that the current conditions in the Light Allotment are expected to be maintained. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

The terms and conditions that have been added to your permit pertaining to cultural resources are designed to help mitigate impacts to these resources as identified in the EA.

In addition, Bureau Policy, IM No. 99-039 dated December 23, 1999, requires that we include terms and conditions that ensure achievement of the standards for rangeland health and conformance with appropriate guidelines for livestock grazing management when a land health assessment has not been conducted on an allotment. Since we have not conducted an assessment on the Light Allotment, a term and condition has been added to your permit to satisfy the Bureau policy requirement.

AUTHORITY

The authority under which this decision is made is the following 43 CFR 4100 citations:

4100.0-8 states: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0- 5(b)."

4110.2-2(a) states: "Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under § 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands."

4130.2(a) states: "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing. Permits and leases will specify the grazing preference, including active and suspended use. These grazing permits and leases will also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2."

4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless -- (1) The land is being considered for disposal; (2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years; (3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or (4) the authorized officer determines that a permit or lease for less than 10 years is the best interest of sound land management."

4130.3 states: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(a) states: "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing

permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

4130.3-2 states: “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.”

4160.1(a)states: “Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affect by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public”.

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 Karl R. Mendonca, Supervisory Natural Resource Specialist, Bureau of Land Management, 50629 US Highway 6 & 24, Glenwood Springs, Colorado 81601 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 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 and 4.479, 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 any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

The appeal shall state the reasons, clearly and concisely, why the appellat thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

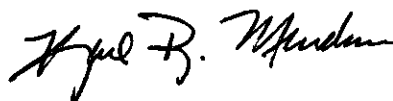
Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellat'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 serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Please take a moment to review your enclosed grazing permit. **If you do not have any concerns with the permit as offered, please sign, date, and return it to our office.** If you have any questions, feel free to contact either Dereck Wilson of my range staff at (970)947-2816, or myself at (970)947-2811.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl R. Mendonca". The signature is written in a cursive style with a large initial "K" and "M".

Karl R. Mendonca
Supervisory Natural Resource Specialist

ENCLOSURES:

BLM Form 4130-2a, Grazing Permit
Environmental Assessment (No. DOI-BLM-CO-N040-2009-0043)