



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction Field Office
2815 H Road
Grand Junction, Colorado 81506



4160 Sec. 3 (LLCON03000)

NOTICE OF PROPOSED DECISION

CERTIFIED MAIL NO. 7015 0640 0006 5732 8192
RETURN RECEIPT REQUESTED

Lazy 3X Cattle, LLC
c/o Mark Hill
561 S Road
Mack, CO 81525

Dear Mr. Hill,

Your current Grazing Permit for the Dolores Point Allotment expired 12/31/14. The permit was renewed for 10 years under the Appropriation language of 2014 which states, "This permit or lease is issued under the authority of Section 415, Public Law 112-74 and contains the same terms and conditions as the previous permit or lease." The permit was renewed under this law until the BLM could fully process your permit. We have completed the environmental assessment (EA) review of your allotment and prepared a new grazing permit. The EA is available upon request from our office or may be seen at the following website:
http://www.blm.gov/co/st/en/BLM_Information/nepa/qjfo/fy_2015_nepa_register.html

The authorized grazing use has changed from the previous permit with some of the AUMs being shifted from spring grazing use to fall grazing use. The new permit will have 340 AUM's in the spring and 481 AUM's in the fall. The total AUM's on the allotment have not changed. Additional terms and conditions have been added to the permit to include Adaptive Management and the potential for Temporary Non-renewable use. The term of the new Grazing Permit will be October 1, 2015 to September 30, 2025. This permit will only be valid with an approved base property lease.

Enclosed is your new grazing permit which will be effective for the period October 1, 2015 to September 30, 2025. Please sign, date and return **both copies** to this office. I will return a copy for your records following approval.

On the basis of the information contained in the EA (DOI-BLM-CO-N030-2015-0023-EA), and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed

in the "Record of Decision and Resource Management Plan," for the Grand Junction Resource Area (*January 1987*); (2) the Proposed Action is in conformance with the Resource Management Plans; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

Therefore in accordance with 43 CFR 4130.2, it is my proposed decision to issue Grazing Permit #0504579 for the period of October 1, 2015 to September 30, 2025, with the following schedule,

Permitted Use and Terms and Conditions.

Allotment/#	Category	Livestock #/Kind	Grazing Period	%PL	Type Use	Federal Acres	AUMs		
							Active	Suspended	Total
Dolores Point 06429	Improve	287 Cattle	5/10 - 6/14	100	A	340	821	0	821
		287 Cattle	09/20 - 11/9	100		481			

%PL is the percentage of BLM lands used for grazing within the allotment.

AUM-The amount of forage necessary for the sustenance of one cow/calf pair or its equivalent for a period of one month.

Terms and Conditions of the Proposed Action would be:

- 1 This permit is only valid with an approved base property lease.
- 2 The Dolores Point allotment consists of two pastures, a North pasture and South pasture. The spring grazing use shown on the permit will be rotated between the two pastures from year to year. This will provide rest from spring grazing in each pasture every other year.
- 3 To allow for variation in climate, plant growth conditions, and flexibility in permittee livestock operations, the BLM may adjust the authorized grazing period by up to one week before or after the permitted grazing period if rangeland conditions are determined by the Authorized Officer (AO) to be satisfactory for livestock use and AUMs are not exceeded.
- 4 Temporary Non-renewable (TNR) use may be approved by the AO if additional forage is deemed available within the authorized grazing period and the vast majority of the grazing area is meeting Land Health Standards.
- 5 Livestock grazing utilization levels on key forage species (Indian ricegrass, blue grasses, squirreltail grass, perennial wheat grasses, ryegrasses, sand dropseed grass, needle and thread grass, galleta grass, serviceberry, and snowberry) should not exceed

40% in the spring and 50% in the early winter grazing period. If utilization levels are approaching allowable use, livestock would be required to be moved to areas within the allotment that are not approaching allowable use levels. When such areas are not available, livestock would be removed from the allotment when allowable use rates are met. Management adjustments would be made the following year to avoid recurring instances of over utilization.

- 6 Use supervision checks by BLM staff will be conducted to assure grazing compliance. The Grand Junction Field Office will use utilization checks, collect trend data including habitat assessment framework data, and evaluate allotments whenever necessary. Evaluation of monitoring will be used to make appropriate changes to grazing management in order to protect land health.
- 7 This permit is subject to change if results from a land health assessment conclude that the Standards for Rangeland Health are not being met and livestock grazing is determined to be the cause.
- 8 Salting and mineral blocks will be placed at least one quarter (1/4) mile or further from water sources. Less than one quarter mile may be allowed if terrain does not allow for one quarter mile distance and approved by the BLM AO.
- 9 All new range improvement projects will be in accordance with BLM standards.
 - Example - wildlife escape ramps are required in water troughs under BLM standards.
- 10 Water source areas will be monitored by the permittee and BLM for infestation of noxious weeds. The permittee and BLM will coordinate to treat and eradicate any weed infestations should they occur.
- 11 Upon approval by the AO, the permittee will have the option to apply for more cattle over a shorter time period as long as AUMs and/or utilization levels are not exceeded in a grazing season and use is within the season of use.
- 12 Maintenance of all structural rangeland improvements (RI) and other projects are the responsibility of the permittee to which they have been assigned. Maintenance would be in accordance with cooperative agreements and/or range improvement permits (43 CFR §4120.3-1). Failure to maintain assigned projects in a satisfactory/functional condition may result in withholding authorization to graze livestock until maintenance is completed. Construction of new RI on BLM administered lands is prohibited without approval from the authorized officer.
 - a. The BLM authorized officer shall be contacted 60 days prior to any range improvement maintenance activity involving soil surface disturbance. An example includes but not limited to cleaning of ponds with heavy equipment, which would involve soil surface disturbance. All heavy equipment will be washed and free of debris before entering BLM lands.

- 13 Permittees or lessees shall provide reasonable access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands related to grazing administration.
- 14 Grazing will be deferred on new vegetation treatments and rehabilitated burned areas to allow two growing seasons of rest unless otherwise authorized. Coordination and cooperation will occur with the permittee prior to any treatment.
- 15 The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR §4130.3-2(d).
- 16 It is the responsibility of the permittee to inform all persons associated with work on public lands managed by the BLM subject to the permit that they would be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.
- 17 Surface disturbing range improvements associated with the allotment (e.g., fences, ponds) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures.
- 18 If newly discovered cultural resources are identified during project implementation, work in that area should stop and the BLM Authorized Officer should be notified immediately (36 CFR §800.13).
- 19 Notify the Authorized Officer (AO) by telephone and with written confirmation, immediately upon discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Activities would stop in the immediate area of the find, and the discovery would be protected for 30 days or until notified to proceed in writing by the AO.
- 20 During dry and drought conditions adjustments will be made that involve reduction of AUMs or non-use as stated under 43 CFR §4110.3-2 "Decreasing permitted use" (a) Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, And 43 CFR §4110.3-3 "Implementing changes in active use" (a) After consultation, cooperation, and coordination with the affected permittee or lessee ... reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. (b) When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire ... the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section.
- 21 Salt and mineral blocks will not be placed in the general vicinity of undeveloped campsites where campfire rings are present.

Additional Standard Terms and Conditions can be found on the signature page of the Grazing Permit.

Rationale

Under the proposed grazing program, the authorized grazing use will change by shifting some of the spring AUM's to the fall season. This will reduce the grazing pressure during the critical growth period of the forage species. Rotating grazing use between the two pastures will also provide rest from spring grazing in each pasture every other year. Also added were provisions for Adaptive Management and Temporary Non-renewable use. Including Adaptive Management allows for some flexibility in grazing dates to account for variations in growth conditions of forage plants due to annual changes in temperature and precipitation. A Land Health Assessment has shown the majority of the allotment to be meeting land health standards and for areas not meeting land health standards livestock is not a causal factor. Rangeland monitoring results show a static to upward trend.

The Grand Junction Field Office will continue to monitor rangeland conditions on the allotment and as stated in the Terms and Conditions of the permit: use supervision checks by BLM staff will be conducted to assure grazing compliance. The Grand Junction Field Office will use utilization checks, collect trend data, and evaluate the allotment whenever necessary. Evaluation of monitoring will be used to make appropriate changes to grazing management in order to protect land health. This permit is subject to change if results from a land health or riparian proper functioning condition assessment conclude that the Standards for Rangeland Health or Riparian Health are not being met and livestock grazing is determined to be the cause. Under the Grand Junction Field Office rangeland monitoring program and terms and conditions of the proposed grazing permit, rangeland conditions are expected to maintain or improve.

Issuance of the permit is necessary for the continuance of the livestock operation of the grazing permittee. Analysis of the proposed action has concluded impacts to the human environment are not significant. The proposed action is in conformance with the Colorado Standards for Rangeland Health as discussed in the environmental assessment. Monitoring of the rangeland will continue. Based on these results, the livestock management identified in the proposed action is appropriate.

Authority

The authority for this proposed decision is contained in Title 43 Code of Federal Regulations (CFR) §4130, §4160, and §4180 which in part state:

§4130.2(a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to §§ 4130.3, 4130.3-1, and 4130.3-2."

§4130.2(d) "The term of grazing permit or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless....." (Unless circumstances require the permit to be less than 10 years).

§4130.3 "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."

§4160.1 (b) "Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations."

§4180.1(a) "Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow."

Protest and/or Appeal

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Grand Junction Field Manager, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado 81506, 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 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 appellant must serve a copy of the appeal by certified mail on the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named (43 CFR 4.421(h)) in the Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons 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 appellants 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.

In accordance with 43 CFR 4160.1(a) a copy of this proposed decision shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, by certified mail or personal delivery. Copies of this proposed decision shall also be sent to any interested public who has requested involvement in a specific allotment.

If you have any questions concerning the above matter please contact Jim Dollerschell of this office at (970) 244-3016.

Sincerely,



Katie A. Stevens
Field Manager

Enclosure:
Grazing Permit (Two Copies)