

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

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Rosenlund Allotment Lease Renewal DOI-BLM-CO-N05-2015-0082-EA

Background

The applicant holds one grazing lease within the WRFO, authorizing sheep use. The Rosenlund Allotment was historically a sheep allotment. In July 2012 the applicant (permittee) requested the flexibility to be able to graze both sheep and/or cattle on the allotment (refer to Appendix A: Map).

Finding of No Significant Impact

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. This project is focused on changing the class of livestock authorized to graze by both sheep and cattle within the Rosenlund Allotment, a grazing allotment identified as available for grazing through the White River ROD/RMP. The applicant is the current grazing preference holder for the allotment.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

The beneficial effects of the Proposed Action include support of the local livestock industry and increased stewardship of public lands. The authorized livestock operator has mandatory terms

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

2. The degree to which the Proposed Action affects public health or safety.

There would be no impact to public health and safety.

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

There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the area of Proposed Action.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.

Livestock grazing has occurred for many years on the Rosenlund Allotment and surrounding areas. The White River ROD/RMP the minimum rest requirement is from March 1 until May 31 annually on the allotment. Thus, the Proposed Action is similar to what has been recommended for this allotment is not expected to generate controversy. No comments or concerns have been received regarding possible effects on the quality of the human environment during scoping.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

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

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Livestock grazing of the proposed allotment has been evaluated since the 1981 Grazing Management EIS.

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

No individually or cumulatively significant impacts were identified for the Proposed Action. Any adverse impacts identified for the Proposed Action, in conjunction with any adverse impacts of other past, present, or reasonably foreseeable future actions will result in negligible impacts to natural and cultural resources.

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

Within the allotment, there were no cultural sites from previous inventories assessed, and no paleontological sites. Mitigation measures have been included to address any potential impacts to cultural or paleontological resources from livestock grazing activities.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.

No special status plant species (SSPS) are known to occupy land within or adjacent to the Rosenlund Allotment.

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

Neither the Proposed Action nor impacts associated with it violate any laws or requirements imposed for the protection of the environment.

Signature of Authorized Official



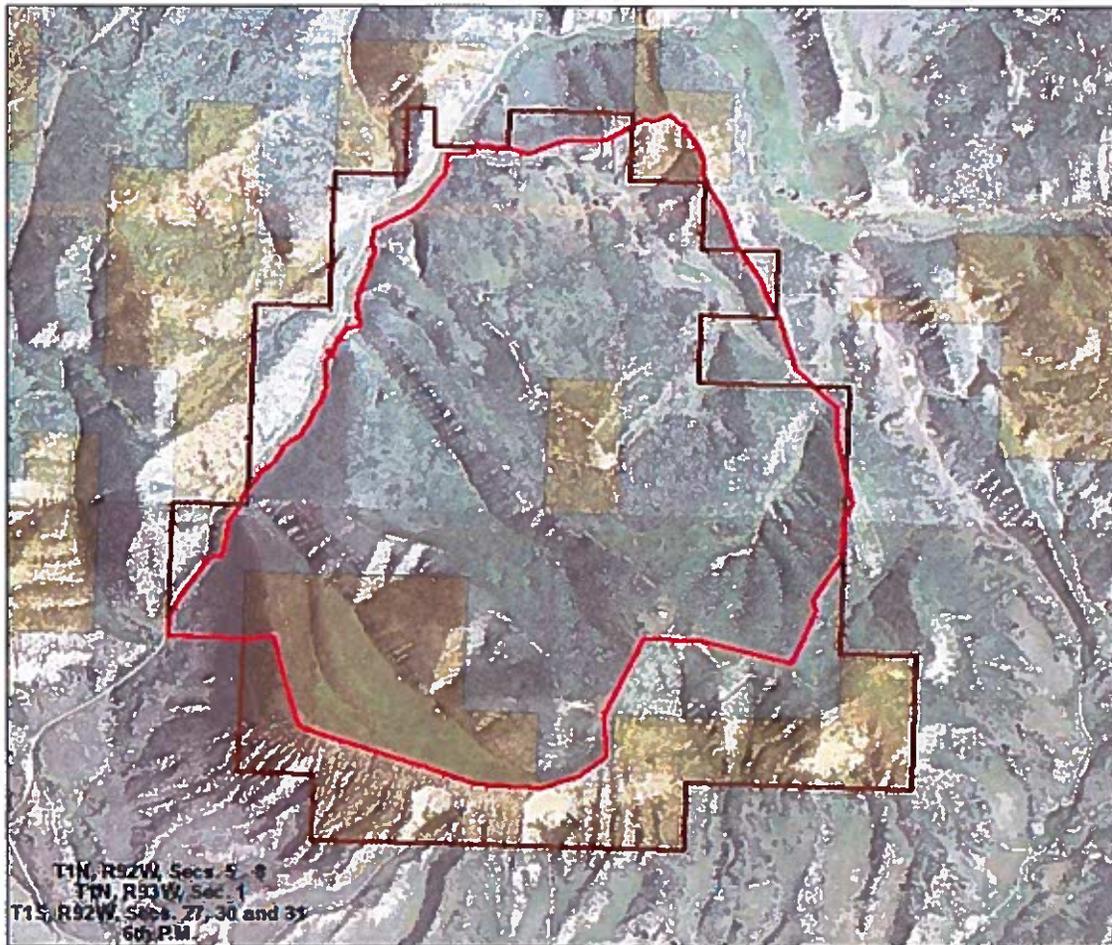
Field Manager



Date

Appendix A. Map

Rosenlund Allotment (#06806)



Legend

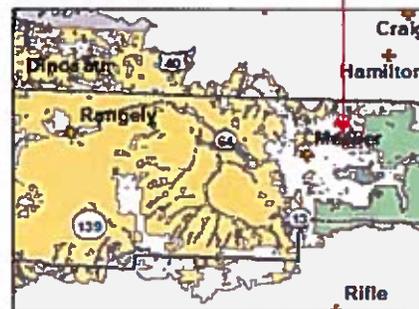
-  Rosenlund_New_Bndry
-  Allotment Boundaries
-  BLM
-  PRI

July 8, 2015



Map Disclaimer

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





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, CO 81641



LLCON05000 (WRFO)
Section 15 Case File #0501973

Certified Mail No. 7008 3230 0001 2304 6986
Return Receipt Requested

August 18, 2015

Mr. Brett Harvey
P.O. Box 569
Meeker, Colorado 81641

NOTICE OF PROPOSED DECISION

Dear Mr. Harvey:

The Bureau of Land Management (BLM), White River Field Office (WRFO) has reviewed your application for livestock grazing on the Rosenlund Allotment. 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.

BACKGROUND

The applicant holds one grazing permit within the WRFO, authorizing cattle use. The Rosenlund Allotment is a historical sheep allotment. In July 2012 the applicant (permittee) requested the flexibility to be able to graze both sheep and/or cattle on the allotment. The allotment boundary would be adjusted to accurately follow the functional fencing that is in place and make allotment adjustments to the public lands on the northern end to correspond with the existing fence and on the southern end due to steep slopes. The permittee associated with the allotment to the north on the Theos N. Allotment, Nick Theos Family Limited Partnership, and the permittee associated with the allotment to the south on the Theos T. Allotment, Theos Swallow Fork Ranches, have been contacted about the potential inclusion of those public lands into their allotments via the next grazing permit or lease renewal associated with their authorizations. They have expressed no issues with that inclusion into their current allotments.

To comply with the National Environmental Policy Act, the WRFO conducted an environmental assessment (DOI-BLM-CO-N05-2015-0082-EA) for the issuance of a new grazing lease to determine whether or not significant impacts would result from implementation of the proposed grazing permit. The EA analyzed three alternatives: the Proposed Action (Alternative A), Continuation of Current Management (Alternative B), and a No Grazing Alternative (Alternative C). In general, Alternative A considered grazing by both sheep and cattle as follows: 800 Sheep

from 6/16 until 9/1 for 53 BLM Aums and for 60 cattle from 6/1 to 10/15 for 40 BLM Aums on the Rosenlund Allotment with an annual rest rotation during a portion of the critical growing season (see Section 3.1 of the EA for a detailed description of this alternative). However, the total AUMs available on the allotment would not exceed 53 BLM AUMs when sheep and cattle are grazing the allotment in common with cattle AUMs not to exceed 40 BLM AUMs. Alternative B considered grazing by 800 sheep from 6/16 until 9/30 for a total of 174 BLM AUMs (see Section 3.1 of the EA for a detailed description of this alternative).

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-N05-2015-0082-EA and it was found to have no significant impacts, thus an EIS is not required.

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as described in DOI-BLM-CO-N05-2015-0082-EA for authorization of livestock grazing use on the Rosenlund Allotment for a period of 10 years from March 1, 2016 until February 28, 2026 as supported by 43 CFR 4130.2(d)(3).

Grazing Schedule

The percent of federal range has been updated to 13 percent for sheep and 11 percent for cattle, because sheep are able to graze on a steeper slopes than cattle. This is based on vegetation associated with slope calculations, and the adjustment in the allotment boundary with those calculations on the Rosenlund Allotment Grazing Lease.

Over the course of the 10-year grazing lease, the permittee would be granted the following ability to adjust the combination of livestock classes grazing on the allotment:

- 1) sole use of the allotment by cattle within any grazing year;
- 2) sole use of the allotment by sheep within any grazing year; or
- 3) a combination of both sheep and cattle use within any grazing year.

Regardless of the combination of livestock, authorized use within the allotment the grazing use would not exceed an annual total of 53 BLM AUMs or a cumulative total of 409 AUMs including BLM and private AUMs.

Cattle Grazing

The permittee could graze 80 head of cattle from 6/1 to 10/15 for a total of 350 AUMs, (of which there are 40 BLM AUMs) see Table 1.

Table 1. Proposed Grazing Schedule for Cattle in the Rosenlund Allotment

| Allotment Number | Allotment Name | Livestock Number | Kind | Date On | Date Off | %BLM | BLM AUMs | Private AUMs | Total AUMs |
|------------------|----------------|------------------|--------|---------|----------|------|----------|--------------|------------|
| 06806 | Rosenlund | 80 | Cattle | 6/1 | 10/15 | 11 | 40 | 310 | 350 |

Note: Updated percent federal range is calculated based on forage availability in association with slope (see Livestock Grazing, Section 5.6).

Sheep Grazing

The permittee could graze 800 sheep from 6/16 to 9/1 for a total of 356 AUMs, (of which there are 53 BLM AUMs) see Table 2.

Table 2. Proposed Grazing Schedule for Sheep in the Rosenlund Allotment

| Allotment Number | Allotment Name | Livestock Number | Kind | Date On | Date Off | %BLM | BLM AUMs | Private AUMs | Total AUMs |
|------------------|----------------|------------------|-------|---------|----------|------|----------|--------------|------------|
| 06806 | Rosenlund | 800 | Sheep | 6/16 | 9/1 | 13 | 53 | 356 | 409 |

Note: Updated percent federal range is calculated based on forage availability in association with slope (see Livestock Grazing, Section 5.6).

Combination of Cattle and Sheep Grazing

The Proposed Action **does not** allow for the combination of the two types of livestock grazing at their full use levels (i.e., combining a total of 350 cattle AUMs and a total of 409 sheep AUMs) within any given year.

Majority Use by Cattle with Some Sheep Use

Authorized cattle use in the allotment would not be permitted to exceed 350 total AUMs (or 40 BLM AUMs) and would be within the 6/1 to 10/15 timeframe. However, any unused cattle AUMs (projected for annual grazing use period) may be used for sheep so long as 1) the cumulative total of AUMs used by both sheep and cattle does not exceed 409 total AUMs (or 53 BLM AUMs) and 2) the sheep season of use remains within the 6/16 to 9/1 timeframe.

Majority Use by Sheep with Some Cattle Use

Authorized sheep use in the allotment would not be permitted to exceed 409 total AUMs (or 53 BLM AUMs) and would be within the 6/16 to 9/1 timeframe. However, any unused sheep AUMs (projected for annual grazing use period) may be used for cattle so long as 1) the cumulative total of AUMs used by both sheep and cattle does not exceed 409 total AUMs (or 53 BLM AUMs) and 2) the cumulative total of AUMs used by cattle does not exceed 350 total AUMs (or 40 BLM AUMs). Cattle season of use could extend from 6/1 to 10/15.

Standard Terms and Conditions

Livestock grazing permits and leases must specify terms and conditions pursuant to 43 CFR 4130.3, 4130.3-1, and 4130.3-2. The Standard Terms and Conditions that are applied to every permit in Colorado are as follows:

1. 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 hereafter approved by the Secretary of the Interior.
2. 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 BLM within the allotment described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. 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.
 4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
 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/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
 7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
 8. 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.
 9. 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.
 10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
 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, Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or 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.
 13. This grazing permit conveys no right, title or interest held by the United States in any lands or resources.

14. This grazing permit is subject to a) modification, suspension or cancellation as required by land plans and applicable law; b) annual review of terms and conditions as appropriate; and c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated thereunder by the Secretary of the Interior.

Other Terms and Conditions

Livestock grazing permits may also contain site-specific terms and conditions “determined by the authorized officer to be appropriate to achieve management and resource conditions objectives”, to ensure conformance with Colorado Public Land Health Standards and fundamentals of rangeland health, and to “assist in the orderly administration of the public rangelands” (43 CFR 4130.3, 4130.3-2). The following terms and conditions will also be added to the permit:

1. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within ¼ mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision (43 CFR 4130.3-2(c)).
2. All new water sources require prior BLM approval and NEPA analysis due to the potential to change livestock distribution and to create concentration areas.
3. The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands (43 CFR 4130.3-2(h)).
4. Thirty days prior to turnout, the permittee/lessee will submit a plan of operation (grazing application) for the grazing year to the BLM for approval. The plan of operation will include the anticipated turnout dates, numbers of animals, and the sequence that the allotments and/or pastures will be used.
5. The permittee/lessee will be required to submit actual grazing use records 15 days after the end of grazing (43 CFR 4130.3-2(d)).
6. The permittee/lessee 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.
7. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the authorized officer (AO). The permittee/lessee will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The permittee/lessee, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

8. Pursuant to 43 CFR 10.4(g), the permittee/lessee 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 operator/holder/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
9. The permittee/lessee is responsible for informing all persons who are associated with allotment operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/lessee must immediately contact the appropriate BLM representative.
10. Noxious weeds and invasive, non-native plant species infestations on the Rosenlund Allotment shall be treated in a manner consistent with BLM protocol as outlined in the 1997 White River ROD/RMP. On BLM administered lands noxious weeds and invasive, non-native plant species will be treated by a certified pesticide applicator either by the BLM or the permittee. If livestock grazing practices result in the establishment and/or spread of noxious weeds and invasive, non-native plant species; the permittee will be responsible for controlling those plants as directed by the BLM.

Final Decision

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

The purpose of the action is to fully process the term grazing permit (#0501973) on the Rosenlund Allotment (#06806) in accordance with 43 CFR 4130.2(a) which states, "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." The need for the action is to renew this grazing permit with terms and conditions for grazing use that would meet, or make substantial progress towards meeting the Colorado Public Land Health Standards, the Fundamentals of Rangeland Health (43 CFR 4180), and resource objectives in the White River Resource Management Plan. This decision also includes updating of the allotment boundary to accurately reflect where the on-the-ground fencing exists which ultimately updates the percent federal range within the allotment.

MONITORING AND COMPLIANCE

Allotment inspections (compliance) and monitoring are generally conducted by the BLM, White River Field Office staff on an annual basis or when deemed necessary to determine if use complies with this allotment in the moderate range of utilization and further complies with White

River ROD/RMP. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided time to resolve such issues.

No trend sites currently existing within the allotment. BLM/WRFO will set up at least one repeatable site in a key forage area by fall of 2015 to measure ground cover and frequency so that monitoring of livestock grazing use and vegetative resources are established under protocol developed in the Grazing Allotment Monitoring Plan for the White River Resource Area. Future monitoring in this grazing allotment will incorporate data from the field office wide Assessment Inventory and Monitoring, (AIM) database that provides an overview of vegetation conditions.

AUTHORITY

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as a qualified applicant under 43 CFR 4110.1. Changes being made to the existing permit in the proposed grazing schedule are supported by regulation at 43 CFR 4130.3-3 when active use or related management are not meeting objectives in the land use plan, Colorado Public Land Health Standards, or the fundamentals of rangeland health (43 CFR 4180.2(c)). Proposed decreases in permitted use are addressed in 43 CFR 4110.3-2(b).

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office 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, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall 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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

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

Sincerely,



Kent E. Walter
Field Manager