



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 Colorado River Valley Field Office
 2300 River Frontage Road
 Silt, Colorado 81652



DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

DOI-BLM-CO-N040-2015-0081-DNA

PROJECT NAME. Renew a Grazing Permit on North Thompson Creek Common Allotment.

CASEFILE NUMBER. Number 0507658.

LOCATION. Garfield County, near Carbondale, CO.

LEGAL DESCRIPTION. North Thompson Creek Common #08348, T8S R89W portions of Sections 1, 12, 13, 24, 25, 26, 35, and 36. See map in Attachment 1.

APPLICANT. Grazing Permittee

DESCRIPTION OF PROPOSED ACTION. The Proposed Action is to renew one grazing permit. The number and kind of livestock, period of use, percent public land and animal unit months (AUMs) will remain the same as the previous permit. The permit would be issued for 5 years. The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are summarized below.

Table 1. Scheduled Grazing Use.

Operator Name	Operator Number	Allotment	Livestock Number and Kind	Begin Date	End Date	Public Land	AUMs
Mark J. Nieslanik	0507658	N Thompson Crk Com	90 Cattle	06/01	06/15	50	22
			90 Cattle	10/10	10/16		10

Date Approved. June 2015

The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: Decision Number GRZ-OBJ-01. Meet the forage demands of livestock operations based on active use, by providing approximately 441,600 acres for livestock grazing, and provide approximately 35,500 AUMs of livestock forage.

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

REVIEW OF EXISTING NEPA DOCUMENTS. List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document. DOI-BLM-CO-N040-2014-0005-EA.

Date Approved. October 2, 2014.

List by name and date any other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Name of Document. Roaring Fork Land Health Assessment Report 2010 and Determination Document.

Date Approved. September 28, 2011.

NEPA ADEQUACY CRITERIA.

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes. The current Proposed Action was analyzed in the above mentioned Environmental Assessments. The proposed action is essentially similar to the actions analyzed in the existing documents.

INTERDISCIPLINARY REVIEW.

Table 3. BLM Interdisciplinary Team Authors and Reviewers.

Name	Title	Areas of Participation
Kristy Wallner	Rangeland Management Specialist	NEPA Lead, Range Management, Invasive, Non-Native species (Noxious weeds)
Kimberly Leitzinger	Outdoor Recreation Planner	Wild and Scenic River, Wilderness, Recreation
Erin Leifeld	Archaeologist	Cultural Resources and Native American Religious Concerns
Hilary Boyd	Wildlife Biologist	Aquatic Wildlife including T/E/S, Migratory Birds and Terrestrial Wildlife including T/E/S
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; T/E/S Plants; Vegetation; Wetlands & Riparian Zones; Land Health Stds
Brian Hopkins	Planning and Environmental Coordinator	NEPA Compliance

REMARKS.

1. CULTURAL RESOURCES AND NATIVE AMERICAN RELIGIOUS CONCERNS.

Table 4. Cultural Resources Assessment Summary for the North Thompson Creek Common Allotment (#08348).

Land Status	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent Allotment Inventoried at a Class III Level (%)	Number of Cultural Resources known in Allotment	Potential of Historic Properties	Management Recommendations (Additional inventory required and historic properties to be visited)
BLM	289.5	2968.5	8.8%	13	Moderate	Recommend survey a portion of 124.4 acres; No sites to monitor
Private	414.8	2839.7	12.7%			

This allotment was analyzed in 2014 as part of a larger Environmental Assessment (DOI-BLM-CO-N040-2014-0005-EA). The information below is what was analyzed during that assessment; no changes have occurred since that analysis within the allotment.

Within the N Thompson Creek Common allotment #08348, a total of 13 cultural resource inventories (CRVFO CRIR# 275, 378, 591, 952, 1078, 1370, 1098-5, 1191-1, 5495-6, 8205-1, 9458A, OAHP# MC.FS.NR159, PT.FY.R38) have been conducted resulting in the survey coverage of 704.3 acres at the Class III level. A total of 13 cultural resources have been documented within the allotment. One is a prehistoric open lithic scatter (5PT.103) which is not eligible for the NRHP. Six are historic sites, of which one is the historic Midland railroad which is eligible (5GF.469), three are historic roads (5GF.1497, 5GF.1499, and 5GF.469.1) which are not eligible, one is a historic homestead (5PT.22) which is not eligible, and a historic cemetery

CONCLUSION.

Based on the review documented above, I conclude that this proposal conforms to the Colorado River Valley Field Office Record of Decision and Approved Resource Management Plan. The NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Signature.

Authorizing Official:  Date: 8-7-15
Brian Hopkins, Assistant Field Manager

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



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IN REPLY REFER TO:
ON 0507658 (CON040)

CERTIFIED MAIL 70132630000027325904
RETURN RECEIPT REQUESTED

Nieslanik, Mark J.
c/o Mark J. Nieslanik
1872 Prince Creek Rd
Carbondale, CO 81623

NOTICE OF PROPOSED DECISION

Dear Mr. Nieslanik:

Introduction & Background.

On November 14, 2014 you applied to renew your grazing permit on the North Thompson Creek Common Allotment. The review and NEPA compliance has been completed as documented in the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) No. DOI-BLM-CO-N040-2015-0081. A copy of the DNA 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.

Proposed Decision.

As a result of this process, it is my proposed decision to renew grazing permit #0507658 for a period of 5 years (September 5, 2015 – April 30, 2020). My proposed decision results in the following authorized use and terms and conditions:

Table 1. Scheduled Grazing Use.

Operator No.	Allotment Name & Number	Livestock Number & Kind	Period of Use	% PL	AUMs
0507658	N Thompson Crk Com	90 Cattle	06/01 – 06/15	50	22
		90 Cattle	10/10-10/16		10

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; amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in October 2012 – Record of Decision for Solar Energy Development in Six Southwestern States.

The proposed action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the Glenwood Springs 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 previously prepared an EA # DOI-BLM-CO-N040-2014-0005 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 and land health standards in the North Thompson Creek Common Allotment are expected to be maintained or improved. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

Authority.

43 CFR 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).”

43 CFR 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.”

43 CFR 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.”

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 BLM does not accept appeals by facsimile or email.

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

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

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and 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 both copies to our office.** If you have any questions, contact Kristy Wallner of my range staff at (970) 876-9023.

Sincerely,



Brian Hopkins, Assistant
Field Manager

8-7-15
Date

Enclosure(s):
BLM Form 4130-2a (Grazing permit)
Documentation of NEPA Adequacy (No. DOI-BLM-CO-040-2015-0081)