



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)
Allotment #16129

AUG 30 2016

NOTICE OF PROPOSED DECISION

CERTIFIED MAIL NO. 7016 1370 0000 0050 1661
RETURN RECEIPT REQUESTED

Dahl Aubert
2610 Partridge Court
Grand Junction, CO 81506

Dear Mr. Aubert,

The Grand Junction Field Office (GJFO) mailed a letter on July 6, 2016 informing you and the Interested Publics that the Preliminary Environmental Assessment (EA) for your livestock grazing permit renewal on the Snyder Flats allotment (#16129) was ready for review with a 30 day comment period. The due date for this review was August 5, 2016. No comments were received.

The Final EA for your grazing permit on the Snyder Flats allotment (#16129) has been completed. A total of three alternatives were evaluated in the EA. These alternatives included Alternative A – No Action, Alternative B – Proposed Action, and Alternative C – No Livestock Grazing. The No Action Alternative provided the option to reissue the applicant's existing term grazing permit.

The Final EA and Finding of No Significant Impact (FONSI) statement may be found online at:
https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

On the basis of the information contained in EA (DOI-BLM-CO-N030-2016-0011-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 August 2015 Grand Junction Field Office Resource Management Plan (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.

Under the Proposed Action, adjustments to the current management will be made to further sustain healthy rangelands while supporting the permittees livestock operation. To allow for flexibility in livestock management, the BLM may adjust the authorized grazing period by up to two weeks before or after the grazing period depending on variation in climate effecting timing of plant growth conditions. The AUMs will not be exceeded and any adjustments must be approved by the BLM Authorized Officer (AO) upon determination that rangeland conditions are satisfactory. Temporary Non-renewable (TNR) may be approved by the BLM 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.

Gunnison Sage Grouse grazing management guidelines are included in the terms and conditions of the permit addressing: Occupied Habitat, Unoccupied habitat, Monitoring/Evaluation, and Adaptive Management.

Therefore in accordance with 43 Code of Federal Regulations (CFR) §4130.2, it is my proposed decision to implement Alternative B, the Proposed Action and issue Grazing Permit #0507004 for the period of October 1, 2016 to September 30, 2026, with the following Schedule, Permitted Use, and Terms and Conditions. Mandatory and Other Terms and Conditions:

Grazing Schedule:

Allotment/#	Livestock #/Kind	Grazing Period	%PL	Type Use	AUMs
Snyder Flats #16129	471 C	04/24 – 06/15	25	A	205
	555 C	09/17 – 11/1			210

%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.

Allotment Summaries:

Allotment	Federal Acres	AUMs		
		Active	Suspended	Total
Snyder Flats	3,007	415	10	425

Terms and Conditions:

1. This authorization also includes trailing cows on the Glade Park and 6 and 50 Stock Driveway in the spring and fall.
2. 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 two weeks before or after the permitted grazing period if rangeland conditions are determined by the BLM Authorized Officer (AO) to be satisfactory for livestock use and AUMs are not exceeded.
3. Temporary Non-renewable (TNR) may be approved by the BLM AO if additional forage is deemed available within the authorized grazing period or during the period November 20 to

January 10 at the lower elevations, the vast majority of the grazing area is meeting Land Health Standards and identified utilization levels will not be exceeded.

4. 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, and Four wing saltbush) should not exceed 40 percent in the spring and summer grazing period and 50 percent in the fall 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.
5. 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.
6. 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.
7. 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.
8. All new range improvement projects will be in accordance with BLM standards.
 - Example - wildlife escape ramps are required in water troughs under BLM standards.
9. 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.
10. Upon approval by the BLM 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 grazing use is within the season of use.
11. 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 project 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.

12. 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.
13. 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.
14. 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).
15. 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.
16. 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.
17. 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).
18. Notify the BLM 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.
19. 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 (2005) "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 (2005) "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.
20. In Gunnison Sage Grouse habitat if monitoring indicates livestock grazing is negatively impacting sage grouse habitat then management guidelines identified in the Environmental Assessment (EA) under the Adaptive management in the following Gunnison Sage-Grouse Grazing Management Guidelines term and condition will be applied.
21. **Gunnison Sage Grouse Grazing Management Guidelines**

Allotments and/or pastures containing occupied habitat will be managed for relevant (breeding and summer/fall herbaceous heights) Rangeland Conservation Plan (RCP) habitat guidelines.

- 1) To maintain and improve Gunnison Sage-Grouse seasonal habitat:

- a. Control the distribution of livestock, duration of use, and the time of year that livestock graze a particular location by using grazing systems such as rest-rotation, deferred rotation, or low intensity/longer duration.
 - b. Allow for growth and/or re-growth in each pasture during the spring growing season to provide quality vegetation and vegetation height requirements during periods of sage-grouse seasonal use (refer to "GUSG Structural Habitat Guidelines", RCP, Appendix H).
 - Specifically, retain adequate cover for nesting habitat during current season *and* residual cover for nesting habitat the subsequent year.
 - c. To avoid impacting breeding birds range improvement activities (such as pond cleaning, fence replacement etc.) will not be conducted March 15 through July 15 annually. Any exceptions to this timing would be approved on a case by case basis in coordination with CPW and USFWS to ensure impacts to nesting grouse would be insignificant and discountable.
- 2) Furthermore, in order to improve riparian, swales, and wet meadow habitat for grouse/other species:
- a. New spring developments and spring reconstructions should be designed to minimize changes to the natural flow of the water.
 - When possible, develop alternative livestock water sources outside of naturally occurring riparian areas (dig wells, install pipelines, etc.).
 - Where possible (when sufficient water is present to support riparian habitat and supply livestock water), redesign existing water developments that are in naturally occurring riparian areas to protect riparian habitat and pipe a portion of the water to troughs that are well away from naturally occurring riparian habitat.
 - b. Place salt, minerals, and supplements at least 1/4 mile away from riparian areas, to the extent feasible within existing pasture boundaries.
 - c. Move 95% of all livestock from one pasture to the next within 3 days of scheduled move, with 100% moved within one week from scheduled move.
 - d. Maintain at least 4" of stubble height (residual material) on hydrophytic plant species (wide-leaved sedges such as beaked sedge, water sedge, rushes, tufted hairgrass, and spikerush) in riparian areas throughout the growing season.

Habitat vegetation variables will be collected using various techniques, such as Habitat Assessment Framework, Assessment (HAF, See CCA Section 7.1), Assessment, Inventory, and Monitoring (AIM), and Land Health Assessments (LHA), to incorporate habitat guidelines for herbaceous heights as a term and condition of the permit.

- a. Maintain at least 4" of stubble height (residual material) on water-loving plant species (wide-leaved sedges such as beaked sedge, water sedge, rushes, tufted hairgrass, and spikerush) in riparian areas throughout the growing season.
- b. In upland areas maintain a grass droop height of at least 4-6 inches between March 15 and September 28 within 4 miles of a lek.
- c. Short-term/annual monitoring points will be selected by an ID Team, including permittees, to monitor compliance with herbaceous height standards.
- d. For permittees participating in cooperative monitoring, implementing agencies will conduct on-the-ground review of the monitoring protocol.

A. *Unoccupied habitat:*

Allotments and/or pastures containing unoccupied habitat will be managed to sustain relevant Rangeland Conservation Plan (RCP) habitat guidelines to provide for potential range expansion of the sage-grouse. If monitoring indicates livestock grazing is causing negative impacts to sage-grouse habitat then management guidelines identified below under Adaptive management will be applied.

B. Monitoring/Evaluation

The BLM would be responsible for implementing the following monitoring/evaluation requirements:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representative, Colorado Parks and Wildlife, and the BLM of livestock-related field monitoring is essential to determine conformity with the terms and conditions of the permit.

Sufficient monitoring data would be collected to determine if management actions are, 1) contributing to the achievement of allotment objectives and the Grand Junction RMP management objectives, and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and conforming to the Colorado Livestock Grazing Management Guidelines.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Grand Junction Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References, BLM Manuals, and the Grand Junction RMP would be the basis for monitoring/inventory conducted on the allotment. Other appropriate guidance documentation would be considered when establishing, collecting and evaluating data.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands as well as climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this proposed action if monitoring data and/or other data support changes to the allotment objectives, management actions or annual permitted use.

C. Adaptive Management

The following framework of actions will take effect if herbaceous heights are not met by the following timelines:

- a. If monitoring shows that herbaceous heights are not meeting the terms and conditions of the permit and changes in grazing are needed, changes will be coordinated with a team approach that involves the permittee.

- b. If other land use authorizations and factors are limiting factors to achieving the guidelines, address as appropriate.

Step 1:

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights and due in part or whole to current livestock grazing:

Adjust intensity, timing, distribution and/or duration of livestock grazing. Employ Grazing Best Management Practices or BMPs (as described in the RCP, pages 212-213) adapted and listed below:

1. Where possible, do not graze the same pasture at the same time of year for consecutive years. If not possible, develop smaller grazing units within large pastures using salting, supplements, water, herding, or fencing to facilitate improved grazing practices.
2. Consider rotating the type of livestock (age, species), if possible.
3. If needed, to avoid overuse of riparian areas, water sources, and other known livestock concentration areas, use management actions such as the placement of salt/supplements, herding, and/or fencing to achieve improved livestock grazing distribution.
4. If needed, manage grazing in riparian areas to maintain or move towards the desired riparian vegetation condition.
5. If needed, modify the livestock use in pastures or allotments when abnormal environmental events occur (e.g., drought, heavy snow fall, flooding) and stress vegetation.
6. If the need arises and as determined by, and with prior approval from the managing agency, periodically use livestock grazing as a vegetation treatment to improve the openness of lek sites. *Note:* temporary fencing, herding, or increased stocking rate may be used, but grazing needs to be limited to specific lek site, so as to not overgraze surrounding area. Consistent with #6, strategic grazing of lek sites should occur outside of the grouse breeding season.
7. Avoid placing salt, minerals or supplements within ½ mile of leks.
8. Avoid livestock concentrations in lek areas during the breeding season, approximately March 15 – May 15. Depending on seasonal conditions, this date may fluctuate.
9. For areas failing to meet RCP habitat guidelines, develop a range vegetation improvement plan in consultation with the affected permittee, which could include but is not limited to:

If monitoring data indicate forb density and height do not meet the RCP habitat guidelines or is declining:

- Periodically defer spring grazing through rest and rotation.
- Plant native forb seed in rangelands that have enough moisture and the soil characteristics to establish and support forbs.

If sagebrush stands don't meet the RCP habitat guidelines:

- Use grazing treatments that will rejuvenate new sagebrush growth, improve sagebrush quality and age diversity, and improve the understory.

If an allotment or area is not meeting sage-grouse habitat guidelines due in part/all to weeds:

- Where practical use livestock to strategically graze to control noxious and invasive weeds.
- Restrict grazing in vegetation treatment areas for 2 full growing seasons after treatment, unless grazing is needed for seedbed preparation or desired understory and overstory are established.

Note: Address any other contributing factors, as appropriate.

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights and not due to current livestock grazing:

- Record adequate monitoring data to determine cause.

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights and the cause is unclear:

- Conduct more monitoring, including key areas of livestock use and important habitat areas for grouse, pre-season, and during the grazing season as needed to determine the cause.
- Adjust intensity, timing, distribution and/or duration of livestock grazing. Employ grazing BMPs.

Step 2:

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights for two consecutive years due in part or whole to current livestock grazing:

- Adjust intensity, timing, distribution, and/or duration of livestock grazing. Employ grazing BMPs.

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights and is not due to current livestock grazing:

- Record adequate monitoring data to determine cause.

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights and the cause is unclear:

- Employ additional adjustments to livestock grazing and to other contributing factors
- Continue additional monitoring, key areas of livestock use and important habitat areas for grouse, etc.

Step 3:

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights for 3rd-5th consecutive year due in part or whole to current livestock grazing:

- Employ longer-term adjustments to grazing, including changing grazing system, reducing stocking/season of use, rest, etc.
- If appropriate, treat/restore structural habitat.

If the Authorized Officer determines an allotment is not meeting habitat guidelines for herbaceous heights for 3rd-5th consecutive year and not due to current livestock grazing:

- Continue to manage other factors and monitor progress.

For undetermined causes, continue to implement applicable BMPs to move towards sage-grouse habitat guidelines. Continue to monitor progress towards meeting relevant guidelines.

RATIONALE

The Proposed Action should maintain or improve rangeland conditions by rotating the cattle through the pastures and allotments with periodic rest. The two week flexibility will allow plants time to recover if grazed early or to be in boot or seeding stages with a later turnout.

Gunnison Sage Grouse Management Guidelines will be followed as described in the Terms and Conditions of the permit. The Grand Junction Field Office will continue to monitor rangeland conditions on the allotments 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 assessment conclude that the Standards for Rangeland 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.”

PROTESTS AND APPEALS

Any applicant, permittee, lessee or other interested public may protest a proposed decision under section 43 CFR §4160.1 and §4160.2, in person or in writing to Grand Junction Field office 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 also serve a copy of the appeal by certified mail on the Office of the 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 BLM does not accept appeals by facsimile or email.

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:

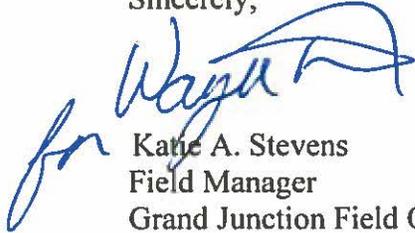
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant’s success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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 Wayne Werkmeister of this office at (970) 244-3037.

Sincerely,

A handwritten signature in blue ink, appearing to read "for Wayne" with a large flourish at the end.

Katie A. Stevens
Field Manager
Grand Junction Field Office

Cc: Wildlands Defense
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Boise, ID 83701
7016-1370-0000-0050-1647

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