



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Green River District  
Vernal Field Office  
170 South 500 East  
Vernal, UT 84078

<http://www.blm.gov/ut/st/en/fo/vernal.html>



IN REPLY REFER TO:  
4160 (UTG010)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED  
70142870000079088456

Moon Ranches LLC; c/o Gordon Moon  
PO Box 154  
Duchesne, UT 84021

### **NOTICE OF PROPOSED DECISION Reissuance and Modification of the: Ten - Year Livestock Grazing Permit for the Castle Peak Allotment**

Dear Mr. Gordon Moon:

#### **INTRODUCTION**

The current grazing permit, Authorization Number 4308167 was issued on May 27, 2008 under the Authority of Section 426, Public Law 111-8. This permit contained the same mandatory terms and conditions as the prior permit until the Bureau of Land Management (BLM) could complete the required Environmental analysis. The Environmental Assessment (EA) DOI-BLM-UT-G010-2014-0006-EA has been completed and this Decision is being issued to provide you a 10 year grazing permit for the use of the Castle Peak Allotment.

A copy of the final Environmental Assessment is attached. An interdisciplinary team developed the EA for the purpose of analyzing the potential site-specific effects of livestock grazing on resources that may be affected within the boundary of the Castle Peak Allotment. This approach is needed to ensure that all management actions on BLM managed public lands conform to the appropriate land use plans and balance uses between different resource values. This allotment has been and continues to be open to livestock grazing.

#### **BACKGROUND**

A grazing application for permit renewal was received from you on February 06, 2014 for your proposed use of the Castle Peak Allotment. The BLM conducted an assessment of rangeland

health and found that those applicable standards for rangeland health were being met. The proposed project was posted to the E-Planning Register on March 06, 2014. No comments have been received by the BLM regarding this project.

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

A FONSI has been prepared and is enclosed with this Decision finding that no Environmental Impact Statement is needed for this action.

**PROPOSED DECISION**

Therefore, based on my understanding of the information contained in the Ten-Year Grazing Permit Renewal EA for livestock use on the Castle Peak Allotment, and the subsequent FONSI, it is my decision to renew the grazing permit for Authorization # 4308167. This decision authorizes livestock use of the Castle Peak Allotment as set out in the DOI-BLM-G010-2014-0006-EA. The following terms and conditions will be part of the authorization to graze:

Authorization No. and Permittee	Allotment Name and Number	Number & Kind Livestock	Season of Use	Percent Public Land	Active AUMs
4308167, Moon Ranch LLC	Castle Peak, #5886	433 Cattle	11/05 to 4/30	83	2092

Modified terms and conditions as per the analysis within the EA document:

- Prior to November 01, the permittee will coordinate with the BLM to discuss any management concerns on the allotment; specifically, use within the sage grouse habitat
- No use will occur after March 01 of each year south of Big Wash and/or within Greater sage grouse mapped habitat
- Billing will continue based on after the fact actual use reports as a continued privilege; however the BLM may revoke after failure to pay bills in a timely manner.
- No supplements (salt/mineral blocks, molasses tubs, etc...) would be allowed within 660 feet of *Sclerocactus glaucus* populations
- No supplements, salt, range improvements or water troughs would be allowed within 200 feet of the 2nd Nature Campsites as identified in a map provided as needed to the permittee.

Standard terms and conditions:

- Livestock use would not exceed the available AUMs.
- Any livestock remaining in the pasture or allotment after the off date or prior to the begin date will be considered in trespass.
- Supplemental feeding requires approval from the BLM Authorized Officer.
- Feeding of hay, straw, pellets etc. shall be certified weed-seed free and marked with appropriate label/tags.

- Supplements such as salt/mineral blocks, molasses tubs, etc. shall be placed no less than 100 feet off roads, fence lines and trails, and at least 300 feet from streams, ponds and troughs.
- Movement of supplements may be required where proper utilization has been reached to facilitate uniform distribution of livestock.
- The permittee may be required to haul water, providing a water truck and troughs, to areas lacking water in order to improve livestock distribution
- Maintenance of range projects is the responsibility of the permittee. All range projects must be maintained prior to the movement of livestock onto the allotment/pasture.
- This permit may be modified if future monitoring indicates that Utah's Rangeland Health Standards are not being met or making progress toward being met.
- Move dates may be adjusted through consultation with the permittee when maximum utilization levels are met due to climatic conditions, fire, flood, or other acts of nature.
- A Class III Cultural Resources survey would be required over the Area of Potential Effect prior to the construction of any new permanent range improvement project.
- Dead livestock shall be moved by the permittee at least 300 feet from streams, springs, ponds, guzzlers and troughs, and 100 feet off roads, fence lines and trails.
- If livestock other than the permittees would be run on the allotment, the permittee shall contact the Vernal Field Office Range Management Staff for approval.
- The permittee shall provide administrative access across private and leased lands to the Vernal Field Office BLM for the orderly management and protection of public lands.
- Failure to pay grazing bills within 15 days of the due date will result in a late fee of 25.00 or 10% of the bill, whichever is greater. Failure to make payment within 30 days after the due date may result in trespass.
- A BLM trailing permit is required before trailing livestock across public lands. A trailing permit does not authorize trailing across private lands, tribal, or state owned lands.

## **RATIONALE AND AUTHORITY**

Moon Ranch has been compliant with their existing grazing authorization and with the rules and regulations set forth 43 CFR 4110.1 (b). The permittee conforms to the conditions of the grazing permit defined under 43 CFR 4130. Moon Ranch has not engaged in unauthorized acts such as those set forth in 43 CFR 4150.1.

My decision to authorize implementation of the Proposed Action Alternative will not result in any undue or unnecessary environmental degradation to wilderness characteristics, threatened and endangered or sensitive species, cultural resources, or matters pertaining to Native American religious freedoms or their customs. Realization of the Proposed Action is in in conformance with the existing Vernal Field Office Resource Management Plan (2008) and is consistent with Duchesne and Uintah County Land Use Plans.

The Proposed Action Alternative incorporates deferred rest during early spring months within currently mapped Greater Sage Grouse habitat within the Southwest portion of the allotment. The Proposed Action also modifies terms and conditons of the existing permit to reflect current resource issues within the Allotment; specifically, those terms and conditions which provide for enhanced management protection measures of threatened/endangered or sensitive species habitat.

The Proposed Action and Alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plan and associated decision(s):

The Vernal Field Office Record of Decision and Approved Resource Management Plan (2008), which identifies the allotment as being open for livestock grazing and falling within the authority of the 1934 Taylor Grazing Act, the 1976 Federal Land Policy and Management Act, and the Grazing Administration Regulations under 43 CFR Part 4100, subparts 4110, 4120, 4130, 4160, and 4180.

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee, cooperator, 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:

Vernal Bureau of Land Management, Field Manager  
170 South 500 East,  
Vernal, Utah 84078

In the absence of a protest, this proposed decision shall constitute my final decision without further notice unless otherwise provided for in the proposed decision, 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).

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, 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, pursuant to 43 CFR § 4.471. 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 Vernal Field Office as noted above. The BLM does not accept appeals submitted by facsimile or via email or other electronic means.

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.

In accordance with 43 CFR §§ 4.470(a) and 4.471(b), 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:

Office of the Regional Solicitor  
6201 Federal Building  
125 South State Street  
Salt Lake City, UT 84138-1180



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Michelle Brown  
Acting Field Manager, Vernal Field Office

cc:  
Case File  
NEPA File – Castle Peak Permit Renewal EA  
Western Watershed Project c/o Jonathan Ratner