



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Wind River/Bighorn Basin District

Worland Field Office

101 South 23rd Street

June 16, 2015

In Reply Refer To:

4120 (WYR01)

GR 4901237

RIPS 018448

DATE

CERTIFIED MAIL NUMBER 7012 0470 0002 4022 4340

RETURN RECEIPT REQUESTED

Prospect Land and Cattle Co.

c/o Dee Hillberry

PO Box 210

Thermopolis, WY 82443

NOTICE OF PROPOSED DECISION

Background

Prospect Land and Cattle Co. submitted to the Worland Field Office a project proposal to install a stockwater pipeline in the Wales Homestead (00722), Urwin Homestead (00721), and Lower Pastures (00634) allotments to improve water distribution and livestock management. The proposal is similar in design and effects as the Twentyone Creek Pipeline authorized in 2014. The proposal consists of extending a current pipeline that is on private lands that is fed from springs in the Prospect Creek drainage to the Wagonhound drainage. The proposed pipeline extension is 4.9 miles with 4 watering troughs, of which 0.26 miles and 1 trough is on BLM lands. The proposed project would be constructed and maintained by Prospect Land and Cattle Co.

Decision

My Proposed Decision, pursuant to 43 Code of Federal Regulations 4160.1(a) and in accordance with 43 CFR 4120.3, as well as Worland Field Office Policy, is to issue a Range Improvement Cooperative Agreement (enclosure 1) to Prospect Land & Cattle, with mitigating measures and design features as found in EA No. DOI-BLM-WY-R010-2013-0069-EA, Alternative 3

(enclosure 2). This EA was determined to meet the needs of the National Environmental Policy Act as found in DNA No. DOI-BLM-WY-R010-2015-0010-DNA (enclosure 3).

Please review the Cooperative Agreement and if you accept the terms and conditions, sign and date the Cooperative Agreement and return to this office within 45 days of receipt.

Provision for Protest and Appeal

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Worland Field Manager, Bureau of Land Management, 101 S. 23rd Street, Worland, Wyoming 82401 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 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 Street Suite 151, Lakewood, CO 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)).

The Determination of NEPA Adequacy, the Environmental Assessment, and FONSI are available for your review on the Worland Field Office website:
https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do?eNEPA=eNEPA

If you have any questions, please contact Derek Trauntvein at the above address or telephone (307) 347-5208.

Sincerely,

/s/Rebecca A. Good

Rebecca A. Good
Field Manager

Enclosures:

1. Range Improvement Cooperative Agreement
2. EA No. DOI-BLM-WY-R010-2013-0069-EA
3. DNA No. DOI-BLM-WY-R010-2015-0010-DNA
4. Findings of No Significant Impact

Cc: see attached