

**United States Department of the Interior
Bureau of Land Management**

DOI-BLM-MT-C020-2-16-0038-DNA
January 28, 2016

**DECISION RECORD
COULTER ALLOTMENT
GRAZING PERMIT RENEWAL**

Location:

Garfield County
T. 21 N., R. 34 E. Sections: 1 (part) and 2 (part),
T. 21 N., R. 35 E. Sections: 5 (part) and 6 (part)

U.S. Department of the Interior
Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, MT 59301
Phone: 406-233-2800
FAX: 406-233-2921





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100/4160 (MTC021)
GR# 2502060

January 28, 2016

CERTIFIED MAIL NO. 9171082133393701239408

RETURN RECEIPT REQUESTED

Rod and Lorri Coulter
1359 Snowcreek Road
Brusett, MT 59318

NOTICE OF PROPOSED DECISION

BACKGROUND

The Coulter Allotment (#00074) is located approximately 12 miles north of Brusett, Montana in Garfield County. The Coulter Allotment consists of 691 acres of BLM administered land and 3,712 acres of private lands. The BLM administered acreage on the Coulter Allotment has 132 AUMs of active use.

The allotment was assessed for and met Land Health Standards in 2005. Subsequent field visits, monitoring, re-assessments indicate the allotment continues to meet Standards.

Rod and Lorri Coulter submitted a lease agreement for the base property for the Coulter Allotment. In addition, they submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application/Preference Summary), and Form 4130-1b (Grazing Application-Supplemental Information).

In December 2015, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2016-0038-DNA) to analyze the issuance of the grazing permit to Rod and Lorri Coulter for the above mentioned allotment and evaluated whether there was adequate existing NEPA. It was found that there was adequate NEPA documentation for this action. The DNA was signed on January 21, 2016.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Coulter Allotment (#00074) to Rod and Lorri Coulter. The permit will be issued from December 1, 2015 through November 30, 2025. The permit will be issued as follows:

GR# 2502060

Allotment Name and Number	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Coulter Allotment No. 00074	Coulter Individual	7	Cattle	03/01	02/28	100	Custodial	88
	Coulter East Hill	4	Cattle	03/01	02/28	100	Custodial	44

Total Active AUMs: 132

Terms and Conditions:

Livestock numbers are not restricted. The terms and conditions of your permit may be modified if Standards for Rangeland Health are not being met.

RATIONALE

In December 2015, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2016-0038-DNA) to analyze the issuance of the grazing permit to Rod and Lorri Coulter for the above mentioned allotment and evaluated whether there was adequate existing NEPA. It was found that there was adequate NEPA documentation for this action. The DNA was signed on January 21, 2016. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Rod and Lorri Coulter meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications**§4110.2-1 Base property.****§4110.2-2 Specifying permitted use.****§4130.2 Grazing permits or leases****§ 4120.2 Allotment management plans and resource activity plans.****§ 4120.3–2 Cooperative range improvement agreements.****§4130.3 Terms and conditions****§4130.3-1 Mandatory terms and conditions****§4130.3-2 Other terms and conditions****§4130.3-3 Modification of permits and leases****§4160.1 Proposed decisions**

§4160.2 Protests**§4160.3 Final decisions****§4160.4 Appeals****RIGHT OF PROTEST AND APPEAL****Protest:**

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Wendy M. Warren, Acting Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In order to protest a proposed grazing decision, you must be an interested public as defined by the grazing regulations. An interested public is defined as an individual, group or organization that has submitted a written request to the authorized officer to be provided an opportunity to be involved in the decision making process for the management of livestock grazing on specific grazing allotments or has submitted written comments to the authorized officer regarding the management of livestock grazing on a specific allotment.

Appeal:

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 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

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 Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, 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.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit/lease. Please read the terms and conditions of the permit. If you agree with the terms and conditions of the permit, sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fence line locations and return the edited map to the office.

If you have any questions on this document please contact Jon David, Natural Resource Specialist, at (406) 233-3168 or Dawn Doran, Acting Supervisory Rangeland Management Specialist, at (406) 233-2833.

Sincerely,

/s/ Wendy M. Warren
Wendy M. Warren
Acting Field Manager

Enclosures (3)