United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wind River/Bighorn Basin District
Worland Field Office
101 South 23rd Street
Worland, WY 82401-3743
www.blm.gov/wy

In Reply Refer To:
4120 (WYR01)
GR 4900322

August 2, 2016

CERTIFIED MAIL NUMBER 7015 3010 0001 8457 1265
RETURN RECEIPT REQUESTED
Hay Creek Land and Cattle Co., LLC
895 Highway 120 W
Thermopolis, 82443

NOTICE OF PROPOSED DECISION

Background

Hay Creek Land and Cattle Co. LLC (Hay Creek) applied for grazing privileges for the Wagonhound, Wagonhound Bench, West Cottonwood, East Cottonwood and the Coal Draw Allotments. The BLM found them to be qualified applicants and therefore their application was accepted.

In 2014 and 2015 the Worland Field Office completed rangeland health assessments on the allotments to determine if the rangeland health standards and guidelines for livestock management were being met. It was determined there are acres within the allotments that are and are not meeting standards. Pertaining to the guidelines for livestock grazing, there is no current permit for use on the allotments and has not been for approximately 10 years so the current range conditions could not be associated to an active grazing permit.

Subsequently, the Worland Field Office prepared an environmental assessment (EA) specific to these allotments titled: Hay Creek (phase 1) Grazing Permit EA number DOI-BLM-WY-R010-2016-0009-EA, New grazing permit. The purpose of this action is to analyze the issuance of new grazing permit for the above mentioned allotments within the Worland Field Office with appropriate terms and conditions to promote rangeland health (based upon potential of site). The purpose of this EA is to determine the amount of permitted use based on current resource conditions, season of use, type of livestock, and under what terms and conditions would be applied to grazing management for the grazing permits.

The need for this action is BLM's responsibility to issue grazing permits in accordance with the provisions of the Taylor Grazing Act, Federal Land Policy and Management Act, Public Rangelands

Improvement Act, Administrative Procedures Act, Worland Resource Management Plan (WRMP 2015) and the grazing regulations 43 CFR 4100.

The following decision is based upon that EA.

My Proposed Decision, pursuant to 43 Code of Federal Regulations 4160.1(a) and in accordance with 43 CFR 4130.2, as well as Worland Field Office Policy, is to issue a grazing permit (enclosure 1) to Hay Creek analyzed as the Proposed Decision within the Environmental Assessment (enclosure 2). The grazing permit will be issued as follows:

Alternative	Allotment	Number of Animals	Kind	Season of Use	%Public Land	Active AUMs	Suspended AUMs	Total Preference AUMs
Proposed Action*	Coal Draw	625	Sheep	3/1-3/31	67	85	0	459
				10/16-2/28	67	374	0	
	East Cottonwood	122	Cattle	3/1-3/31	46	57	0	308
				10/16-2/28	46	251	0	
	Wagonhound							
	West Pasture	167	Cattle	3/1-3/31	78	133	0	715
				10/16-2/28	78	582	0	
	Middle Pasture	131	Cattle	3/1-3/31	47	63	0	338
				10/16-2/28	47	275	0	
	East Pasture	248	Cattle	3/1-3/31	37	94	0	504
				10/16-2/28	37	410	0	

- Livestock number may vary in each pasture or allotment so long as grazing is within authorized period and active AUMs are not exceeded
- Utilization should not exceed 50% based on an average of several sites throughout the pasture/allotment or through use pattern mapping using BLM approved methods. If use exceeds 50% in 2 consecutive years the BLM will coordinate with the permittee to reduce grazing in the third year to be under the 50% use level.
- Specific to Coal Draw: Locations of supplements/salt blocks must be requested and approved in writing by the BLM prior to placement.
- Sheep or Cattle use may be made in the Coal Draw allotment but use may be made only by one kind during the annual use period of 10/16-3/31. The following Mandatory Terms and Conditions will apply to cattle use in Coal Draw as analyzed in DOI-BLM-WY-R010-2016-0009-EA:

Number/Kind	Dates	%Public Land	Active AUMs
69 Cattle	3/1 – 3/31	40	28
69 Cattle	10/16 – 2/28	40	123

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 Environmental Assessment and FONSI will be available for your review on the Worland Field Office website: https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=55349

Please review the Grazing Permit and if you accept the terms and conditions, sign and date the Grazing Permit and return to this office within 45 days after receiving it. An approved copy will be returned to you for your records.

If you have any questions, please contact John Elliott at the above address or telephone (307) 347-5100.

Sincerely,

Michael J. Phillips
Field Manager

Enclosures:

1. Grazing Permit
2. EA DOI-BLM-WY-R010-2016-0009-EA

cc:

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Western Watersheds Project
C/O Jonathon Ratner, WY Director
P.O. Box 1160
Pinedale, WY 82941

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Guardians of the Range
C/O Ben Rux
8264 HWY 26
Crowheart, WY 82512

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Wyoming Office of State Lands and Investments
C/O Marty Matsen
122 West 25th St.
Cheyenne, WY 82002

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Wyoming Office of State Lands and Investments
Lander District Office
PO Box 1660
Lander WY 82520

CERTIFIED MAIL NUMBER 7015 1520 0002 2176 8434
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Wyoming State Grazing Board
C/O Dick Loper
PO Box 1202
Lander, WY 82520

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Wyoming Game and Fish Dept.
C/O Vern Stetler
5400 Bishop Blvd.
Cheyenne, WY 82002

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Wyoming Farm Bureau Federation
C/O Suzy Noecker
PO Box 1348
Laramie, WY 82073

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Department of Agriculture
C/O Joe Budd
2219 Carey Ave.
Cheyenne, WY 82002

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Hot Springs County Cons. District
601 Broadway Suite A
Thermopolis, WY 82443

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Wyoming Wild Sheep Foundation
C/O Steve Kilpatrick
P.O. Box 12
Moose, WY 83012