

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

**DOI-BLM-MT-C020-2016-0040-DNA
January 21, 2016**

DECISION RECORD

**CARTER COUNTY UNIT
GRAZING TRANSFER**

Location:

**Carter County, Montana
T.4S., R 56E. Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23 and 24
T.4S., R.57E. Sections 6, 7 and 18**

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# 2503732/2504021

January 21, 2016

CERTIFIED MAIL NO. 9171082133393701239330

RETURN RECEIPT REQUESTED

Jason King
330 Cottonwood Creek
Hammond, MT 59332

NOTICE OF PROPOSED DECISION

BACKGROUND

The Carter County Unit Allotment (#00456) is located approximately 27 miles southwest of Ekalaka, Montana in Carter County. The Carter County Unit Allotment consists of 6,532 acres of BLM administered land and 2,400 acres of private lands. The BLM administered acreage on the Carter County Unit Allotment has 1,062 AUMs of active use.

The allotment was assessed for and met Land Health Standards in 2004. Subsequent field visits, monitoring, re-assessments indicate the allotment continues to meet Standards.

Jason King submitted two lease agreements for the base property for the Carter County Unit Allotment. In addition, he submitted Forms 4130-1 (Grazing Application-Grazing Schedule), Forms 4130-1a (Grazing Application/Preference Summary), and Forms 4130-1b (Grazing Application-Supplemental Information).

In December 2015, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2016-0040-DNA) to analyze the issuance of the grazing permits to Jason King for the above mentioned allotment. The Documentation of NEPA Adequacy was signed by the authorized officer on January 8, 2016.

PROPOSED DECISION

Therefore, it is my proposed decision to issue grazing permits, which will authorize the grazing of the Carter County Unit (#00456) to Jason King. The permits will be issued from 11/1/2015 through 11/1/2018. The permits will be issued as follows:

GR# 2503732

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Carter Co. Unit #00456	166	C	6/1	10/15	71	Active	531

Total Active AUMs 531

Terms and Conditions

Grazing in accordance with signed Nisley AMP dated 9/02/1971 and revised 10/28/1991. Actual use report is due no later than 15 days after grazing is ended on AMP; or permittee will be billed for the total preference and actual use will still be required.

GR# 2504021

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Carter Co. Unit #00456	166	C	6/1	10/15	71	Active	531

Total Active AUMs 531

Terms and Conditions

Grazing in accordance with signed Nisley AMP dated 9/02/1971 and revised 10/28/1991. Actual use report is due no later than 15 days after grazing is ended on AMP; or permittee will be billed for the total preference and actual use will still be required.

RATIONALE

The issuance of the grazing permits is provided through base property leases showing control of the base property for this allotment being submitted to the BLM. The base property leases contain the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2016-0040-DNA) to analyze the issuance of the grazing permits for the allotment. The documentation of NEPA Adequacy was signed by the authorized officer on January 8, 2016. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Jason King meets the qualifications to be an applicant to hold the grazing permits. The issuance of the permits 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 each of your grazing permits. Please read the terms and conditions of the permits. If you agree with the terms and conditions of the permits, sign all four copies and promptly return them to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with signed copies for your records.

If you have any questions on this document please contact Philip Reiersen, Rangeland Management Specialist, at (406) 233-3144 or Dawn Doran, Acting Supervisory Rangeland Management Specialist, at (406) 233-2833.

Sincerely,

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

Enclosures (4)

MTC021:Reiersen:Hudson:1/14/16:Reiersen_2503732_2504021_CarterCountyUnit_Transfer_FY16