



# 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](http://www.blm.gov/mt)

In Reply Refer To:  
4100/4160 (MTC021)  
GR# 2504050

July 21, 2016

CERTIFIED MAIL NO. 9171082133393701242378  
RETURN RECEIPT REQUESTED

Kelly & Jodi Pierson  
3694 Brusett Road  
Brusett, MT 59318

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Devils Creek Common (#00233) and the Individual (#00304) Allotments are located approximately 35 miles northwest of Jordan in Garfield County, Montana. The Devils Creek Common Allotment consists of 4,374 acres of public domain, containing 189 AUMs of active use. The Individual Allotment consists of 113 acres of public domain, containing 26 AUMs of active use and 2,747 acres of private lands.

The Devils Creek Common Allotment was assessed for and met Land Health Standards in July 10, 2014. The Individual Allotment was assessed for and met Land Health Standards in May 27, 2015. Subsequent field visits indicate the allotment continues to meet Standards.

Kelly and Jodi Pierson have submitted a valid deed for the base property associated with the Devils Creek Common and Individual Allotments. 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 January 2016, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2016-0046-DNA) to analyze the issuance of the grazing permit to Kelly and Jodi Pierson for the above mentioned allotments. The DNA was signed by the authorized officer on April 6, 2016.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Devils Creek Common (#00233) and the Individual (#00304) Allotments to Kelly and Jodi Pierson. The permit will be issued from 2016 through 2026. The permit will be issued as follows:

GR# 2504050

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Individual #00304	2	Cattle	3/01	2/28	100	Custodial	26
Devils Creek Common #00233	47	Cattle	05/01	08/30	100	Active	189

Total Active AUMs: 215

**Terms and Conditions:**

Individual Allotment: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Devils Creek Common Allotment: Grazing is authorized on a restricted season of use.

**RATIONALE**

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotments being submitted to the BLM. The deed contains 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-C020-2016-0046-DNA) to analyze the issuance of the grazing permit for the allotments. The DNA was signed by the authorized officer on April 6, 2016. Existing information indicates the allotments are meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Kelly and Jodi Pierson 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](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:

Todd D. Yeager, 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 Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,

**/s/ Todd D. Yeager**  
Todd D. Yeager  
Field Manager

Enclosures (3)