



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 (MTC021)
GR # 2502624

June 10, 2016

CERTIFIED MAIL NO. 9171082133393701241487
RETURN RECEIPT REQUESTED

Pine Creek Grazing Association, LLC
c/o Courtney Ayers
Box 328
Ismay, MT 59336

NOTICE OF PROPOSED DECISION

BACKGROUND

The enclosed permit is the result of the change in control of base property for the Rugg Allotment (01122).

PROPOSED DECISION

Therefore, it is my proposed decision to issue the permit with the same custodial terms and conditions.

RATIONALE

The Miles City Approved Resource Management Plan and subsequent NEPA Documents have analyzed the environmental effects of issuing the attached permit. No significant impacts to the human environment were found. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

Existing information indicates the allotment is meeting Land Health Standards and the applicants are qualified to hold the permit. Existing grazing is consistent with land use plan and any applicable allotment management plan objectives and decisions. A Miles City Field Office BLM interdisciplinary team reviewed the 12 extraordinary circumstances in 43 CFR 46.215 and no extraordinary circumstances exist. Other legal and regulatory requirements, such as tribal and Endangered Species Act consultation, are complete. Consultation and coordination has occurred with affected permittees or lessees, the state agency having lands or responsibility for managing resources within the area, and the interested public. The Categorical Exclusion (DOI-BLM-MT-C020-2016-0099-CX) was approved by the authorized officer on June 1, 2016.

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 (43 CFR 4160.3(a)). 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 and 43 CFR 4.471, pending final determination of an appeal. The BLM does not accept appeals by facsimile or email. 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, 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 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. 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. 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 or other edits on the map and return it to the office.

If you have any questions on this document please contact Kim Dolatta, Rangeland Management Specialist, at (406) 233-2826 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,

/s/ Shane Findlay, Acting
Wendy M. Warren
Acting Field Manager

Enclosures (3)