



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



## NOTICE OF RESCISSION

On January 19, 2021, Secretary Bernhardt issued a “Notice of Final Decision” to apportion available forage within the Bridge Creek Area allotments (Hammond, Hammond FFR, Mud Creek, and Hardie Summer); assign a grazing preference; issue a 10-year livestock grazing permit with allotment management plans for the Bridge Creek Area allotments to Hammond Ranches, Inc.; and authorize the construction and removal of range improvements within the Bridge Creek Area allotments (“January 19 Decision”). I hereby rescind the January 19 Decision and remand the matter to the Bureau of Land Management (BLM) for additional consideration consistent with the direction provided herein.

The BLM livestock grazing regulations provide that a grazing decision must be preceded by a proposed decision that any applicant, permittee, lessee, or the interested public may protest within 15 days after receipt. 43 C.F.R. § 4160.2 (2005). The Principal Deputy Assistant Secretary signed the proposed decision on December 31, 2020, and the Department posted it to the BLM’s ePlanning website on that date. The interested public, however, was not immediately alerted to the availability of the proposed decision; it was transmitted to interested parties by postal or electronic mail days later, resulting in confusion about how the Department would calculate the protest period and, in some instances, preventing the interested parties from having a full 15 days after receipt to submit protests, as is required by applicable regulation.<sup>1</sup>

Because the protest period had not properly concluded before the January 19 Decision was issued, I am rescinding the January 19 Decision and remanding the matter to the BLM to allow for full consideration of the timely protests received by the BLM in accordance with 43 C.F.R. subpart 4160. This is not a final determination of any matter at issue in the Notice of Final Decision.

On remand, the BLM is encouraged to initiate any additional processes and opportunities for public involvement that it may determine appropriate under applicable law following a careful and considered review of protests. I also direct the BLM to distribute notice of this rescission to all stakeholders by posting it online on the ePlanning website, by mailing physical copies to all applicants and all interested public via certified mail, and by additional communications or any additional public announcements the BLM deems appropriate.

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Laura Daniel-Davis  
Senior Advisor to the Secretary  
Exercising the Delegated Authority of the Assistant Secretary  
Land and Minerals Management

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Date

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<sup>1</sup> Several protesters contended that the protest period offered by the Department was inadequate, and others submitted protests after the issuance of the January 19 Decision.