

United States Department of the Interior  
Bureau of Land Management  
\_\_\_\_\_ Field Office  
Address  
(Phone number)  
Date

4160  
(OFFICE CODE)

Certified Mail No. \_\_\_\_\_  
Return Receipt Requested

XYZ Ranch, PERMITTEE OR LESSEE  
c/o AUTHORIZED REPRESENTATIVE  
P.O. Box xxxx  
Rough and Ready, CA xxxxx

**NOTICE OF FIELD MANAGER'S PROPOSED GRAZING DECISION**

Dear (Name of Permittee or Lessee or Authorized Representative):

**INTRODUCTION**

At a minimum this section includes: a factual chronology of the situation providing sufficient information to lead the reader (permittee, interested publics, appeals judges) to the intended action(s). It should also include specific information about the permit/lease and allotment. For example:

The current grazing permit (Operator Number 1614) for Lone Tree Cattle Company's (LTCC) Marble Creek # 6025 Allotment expired February 28, 2003. The Marble Creek Allotment consists of approximately 14,791 acres (100% BLM public lands) and is located approximately 40 miles north of Bishop. The current grazing permit authorized 845 animal unit months (AUMs) yearlong for the Marble Creek Allotment.

**BACKGROUND**

At a minimum this section includes: What events/actions led to the need for a decision and why the decision needed now e.g. implementation of a land use plan or activity plan, modifying a permit or lease as a result of a standards attainment determination, unresolved regulatory violation and so forth. The EA number should be addressed in this section. List number of alternative considered and name of each alternative. Are desired resource objectives not being met? What are they? As noted in the handbook, there is no restriction on the use of a proposed decision so listing all possible examples here is not practical. Add CCC attempts here. Make sure to include references to parts of the regulations.

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

It is my determination that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not

necessary and will not be prepared. This determination is based on review of the criteria found in 40 CFR 1508.27

### **FIELD MANAGER’S PROPOSED DECISION**

“**Therefore, it is my proposed decision that ....**”, or similar language that clearly identifies to the reader actions about to be described comprises the intended decision.

At a minimum, this section includes: What BLM intends to authorize, implement or enforce, under what time frames, and the proposed effective date of the decision; schedule(s) if the implementation is to occur in phases and/or intended terms and conditions of use to be authorized, as appropriate; payment due date(s) if the decision is demanding payment; a duplication of the preferred alternative of the NEPA document that spells out the specific mandatory terms and conditions, other special T&Cs and potential BLM actions if there is lack of compliance. Include also, as appropriate, an explanation or comparison of how what BLM intends is different from what BLM is currently authorizing, implementing or enforcing. This can be woven into this section in a “From: ..... To:” format, if appropriate.

There is no “cookbook” of what all could possibly go in this section. Basically the reader will be looking to find: What BLM intends to do, when do they intend to do it and how and when will this be affecting me?

### **RATIONALE**

Be specific as to the reasons and the rationale for the proposed decision. Why is taking the action stated in the decision needed and how is it expected to address the issues brought forward in the background section? If this decision is part of an EA, the purpose and need of the EA can be used in this section.

### **AUTHORITY**

Cite all relevant sections of 43 CFR that provides the authority and/or direction for both issuing a proposed decision (essentially, 43 CFR § 4160) and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision).

Sample wording:

The authority for this decision includes but is not limited to:

43CFR 4130.2 (a): “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use and conservation use. These grazing permits and leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1 and 4130.3-2.”

43 CFR 4130.3: “Livestock grazing permits and leases contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

### **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR

4160.1, in person or in writing to [Name, title, and office address of authorized officer] 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 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.

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 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on 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.

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, and
- (4) Whether the public interest favors granting the stay.

Sincerely,

Signature  
Title of the Authorized Officer

cc: (by certified mail):

(As applicable ....)

Agent(s) of record include address

Lienholder(s) of record include address

Tribes include addresses

Interested public (specific to allotments for which they have been granted interested public status) include addresses

States having affected lands or management responsibilities (include address)