



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Prineville District Office
3050 N.E. 3rd Street
Prineville, Oregon 97754

IN REPLY REFER TO:

4160 (ORP040)
GRN 3605251

APR 30 2009

HAND DELIVERED

Jim Barker
35940 Highway 19
Kimberly, OR 97848

NOTICE OF THE FIELD MANAGERS FINAL DECISION

INTRODUCTION

This document addresses the renewal of your grazing lease of the Herbert Asher Allotment (No. 2501). A decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any applicant, or permittee, who is affected by the proposed actions, terms, conditions, or modifications relating to issuance of a grazing permit/lease.

BACKGROUND

The current grazing lease for the Herbert Asher Allotment (No. 2501) expired on February 28, 2008. We received your signature dated January 16, 2008, requesting us to process the renewal of that lease. That lease has not yet been renewed.

On February 9, 2009 we received your grazing application to turn out 28 head into Pasture "A" beginning on March 25, 2009. No annual authorization has been given to date.

FINAL DECISION

It is my final decision to issue the grazing lease (No. 2501) for a period of two years.

If, at the end of two years, the Bureau of Land Management (BLM) finds that the settlement agreement and workplan (attached) have been fulfilled successfully and no other violations have occurred, it may reissue the grazing lease for a period of 10 years, under the terms of 43 CFR 4130.2(d) subject to all other regulations.

RIGHT OF 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 4160.3 and 4160 .4.

The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, Pacific Northwest Region, 805 SW Broadway Street, Suite 600, Portland, OR 97205 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, feel free to contact either Colleen Wyllie or John Zancanella at 541-575-3146 or 541-416-6735, respectively.

Sincerely,



Christina M. Welch
Field Manager, Central Oregon Resource Area