

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

In Reply Refer To:
4160(OFFICE CODE)

Certified Mail No. _____
Return Receipt Requested

XYZ Ranch, PERMITTEE OR LESSEE
c/o AUTHORIZED REPRESENTATIVE
P.O. Box xxxx
Outback, NV xxxxx

NOTICE OF FIELD MANAGER'S OF FINAL GRAZING DECISION

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

This format essentially follows the same format suggested for a proposed decision and that the final decision needs to be a stand alone document that does not refer to other documents or the proposed decision.

INTRODUCTION

At a minimum this section includes: What this document is, as compared with routine correspondence, and why it important to the permittee or lessee, and how it is the "next step" following the proposed decision. 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

Background information included in a proposed decision need not be repeated if it is clearly referenced. In some circumstances, however, the authorized officer may wish to repeat it or when this decision also addresses an alternative in a NEPA document.

In the "Background" section, include:

On ___(date)___, you received my Notice of Proposed Decision regarding ... (briefly describe the purpose and content of the proposed decision). Timely protest(s) to the Proposed Decision were

received from [Name(s)]. I have considered each protester's statement of reasons as to why the proposed decision was in error and [optional, but preferred] have responded to these reasons, below.

Protest Point 1

Quote exactly what the protest point said.

Response

Etc., until all reasons have been addressed.

Protest Point 2

Response

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 FINAL DECISION

After consideration of the statement of reasons included in the protests, information received through consultation, communication and coordination with [names of individuals or entities], and other information pertinent to the matters addressed in this decision, my Final Decision is

It may occur that the final decision is issued unchanged or that the final decision is a modification of what was stated in the proposed decision based on information received through protest and/or further consultation, or it may be that the final decision vacates the intentions of the proposed decision. In any event, the decision must be explained in the rationale.

Be cautious to ensure that the final decision does not introduce new material issues that were not addressed by the proposed decision. "Changing horses in mid-stream" is not allowed. New material issues or circumstances that merit a decision should be addressed by another proposed decision.

RATIONALE

Be specific as to the reasons and the rationale for the decision. Is it different from the proposed decision? Why or why not? If it is issued effective upon issuance or a date specified, why is it necessary to implement the decision immediately? 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 final 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 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 4160.1-4. 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 this office of [name, address and title of the authorized officer] within 30 days following receipt of the final decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error, and 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

Lienholder(s) of record

Tribes

Interested public (specific to allotments for which they have been granted interested public status) States having affected lands or management responsibilities