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)
DOI-BLM-OR-P040-2009–0046-DNA
GRN 3605324

OCT 26 2010

CERTIFIED MAIL – 7009 2820 0000 8633 5874
Return Receipt Requested

[redacted]

NOTICE OF THE FIELD MANAGERS PROPOSED DECISION

INTRODUCTION

This document addresses the issuance or renewal of your grazing permit. A proposed decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any affected 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 permit for the Lear (#2574) grazing allotment will expire on February 28, 2010 and you have requested that we initiate a renewal for this permit. An interdisciplinary team completed the appropriate National Environmental Policy Act (NEPA) documents, Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) DOI-BLM-OR-P040-2009–0046-DNA for this proposed renewal. The DNA is available from the Prineville District upon request.

PROPOSED DECISION

Therefore, it is my proposed decision to issue you a grazing permit, authorization #3605324, for livestock grazing on the allotment listed below. Your grazing permit shall be for a period of ten years and will reflect the following:

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUM's
	Number	Kind	Begin	End			
Lear	2	Cattle	04/01	10/15	100	Active	13

Due to computer calculation rounding, the above animal unit months (AUM's) may not correspond with your actual grazing preference. Your actual grazing preference is shown below.

Lear:
Total AUM's are 13, of which 13 are Active and 0 are Suspended.

Other terms and conditions of the permit would be as follows:

♦ The BLM is in the process of implementing the standards for rangeland health and guidelines for grazing management. This permit is subject to future modification as necessary to achieve compliance with the standards and guidelines (43 CFR 4180).

♦ Lessees are required to submit actual use grazing records within 15 days of completion of the years grazing use.

♦Salting of livestock within one-quarter mile of water is prohibited. Supplemental feeding of livestock on public lands is prohibited without prior authorization from the BLM.

♦ Lessees are required to maintain all range improvements for which they have maintenance responsibilities.

♦ Lessees / permittees are to provide reasonable access across private and leased lands to the BLM for the orderly management and protection of the public lands as allowed in 43 CFR 4130.3-2 (H).

RATIONALE
Based on the review of DOI-BLM-OR-P040-2009–0046-DNA, I determined that this renewal meets the criteria for a DNA and that no additional environmental analysis is required. Furthermore, the renewal conforms to the applicable land use plan and the NEPA documentation fully covered the proposed action and constitutes BLM's compliance with the requirements of NEPA.

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.gpoaccess.gov/cfr/index.html

§4130.2 (a) Grazing permits or leases
§4130.3-2 other terms and conditions
§4160.1 (a) Proposed decisions

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Homer Faver, Field Manager, Central Oregon Resource Area, 3050 NE Third St., Prineville, OR 97754 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), 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.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final 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 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. 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 U.S. Department of the Interior, Office of the Regional Solicitor, 805 S.W. Broadway, 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.

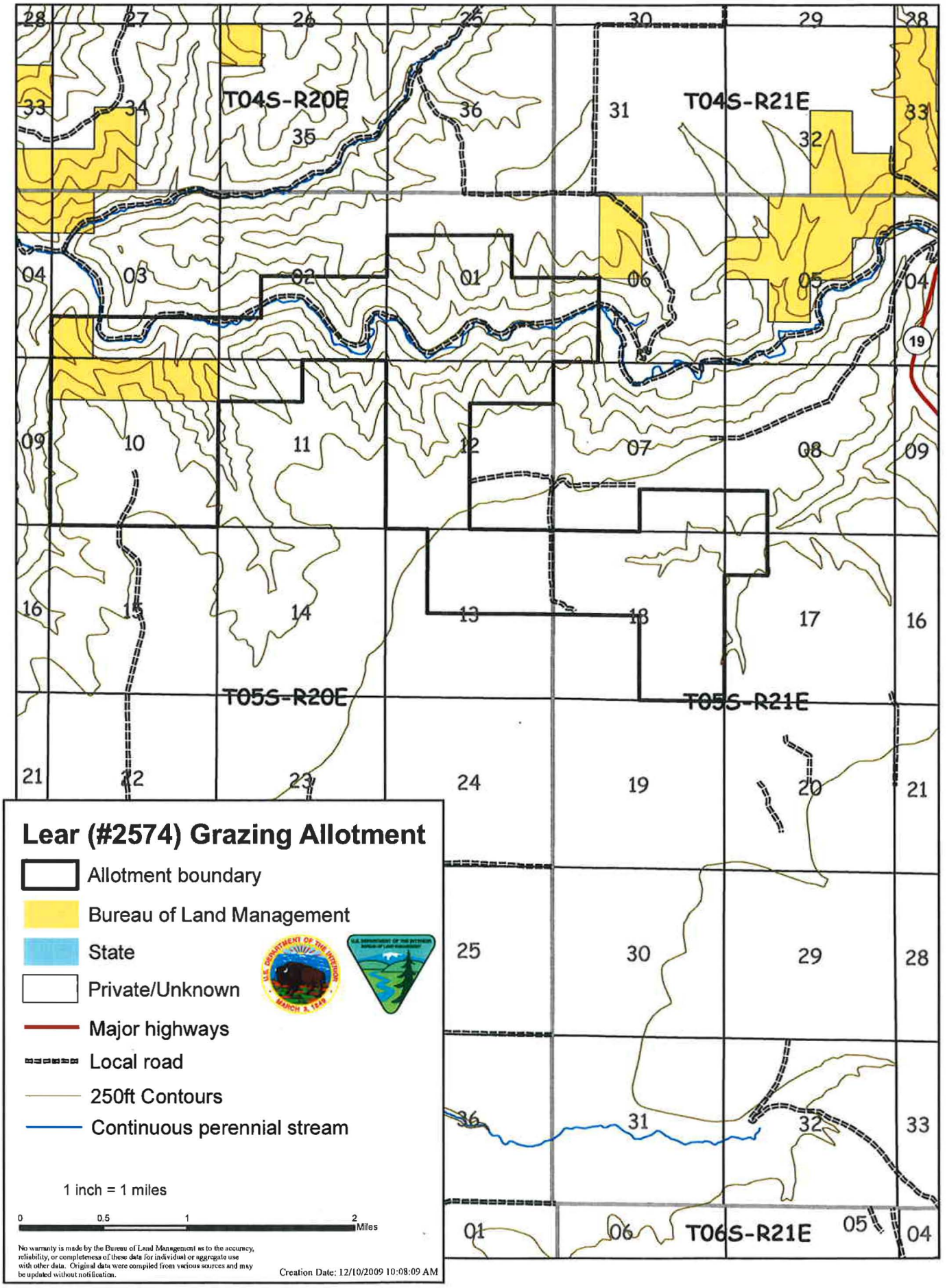
Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, feel free to contact Craig Obermiller at 541-416-6700.

Sincerely,

H. F. "Chip" Faver

H. F. "Chip" Faver
Field Manager, Central Oregon Resource Area


Lear (#2574) Grazing Allotment
Allotment boundary
Bureau of Land Management
State
Private/Unknown
Major highways
Local road
250ft Contours
Continuous perennial stream
1 inch = 1 miles
0
0.5
1
2
Miles
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.
Creation Date: 12/10/2009 10:08:09 AM
T04S-R20E
T04S-R21E
T05S-R20E
T05S-R21E
T06S-R21E
19