United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Prineville District Office
3050 NE Third Street
Prineville, Oregon 97754

In Reply Refer to:
4160 (ORP040)
DOI-BLM-OR-P040-2008-0163-DNA
GRN #3602039

August 19, 2009

CERTIFIED MAIL – 7005 1160 0002 3890 4677
Return Receipt Requested

S Bar S Ranches
C/o Don Moss
P.O. Box 315
Dayville, OR 97825

NOTICE OF THE FIELD MANAGERS PROPOSED DECISION

INTRODUCTION
This document addresses the issuance or renewal of your grazing lease. A proposed decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any affected applicant, permittee or lessee who is affected by the proposed actions, terms, conditions, or modifications relating to issuance of a grazing lease.

BACKGROUND
The current grazing lease for the Battle Creek Allotment, #04049 expired on 2/28-09, and you, the lessee, for this allotment have requested a renewal. An Interdisciplinary team completed a **Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)** document (#DOI-BLM-OR-P040-2008-0163-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 lease, authorization #3602039, for livestock grazing on the below listed allotment**.** Your grazing permit/lease shall be for a period of **ten** years (2009 - 2019) and will reflect the following:

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUM's
	Number	Kind	Begin	End			
Battle Creek #04049	104	C	4/1	11/30	100	Active	834

Due to computer calculation rounding, the above aums may not correspond with your actual grazing preference. Your actual grazing preference is shown below.

Total animal unit months (aums) are 830, of which 830 are Active and 0 are Suspended.

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

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

♦Lessees/permittees 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/permittees 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).

♦The fish and Wildlife Service and the National Marine Fisheries Service are evaluating species and have found some for listing that are present within the Central Oregon Resource Area Boundary. If these listed species, as well as any future listed threatened and endangered species are found on Federal lands located within this allotment boundary, this lease is subject to future modification to achieve compliance with the listing.

RATIONALE
Based on the review of DOI-BLM-OR-P040-2008-0163-DNA, I determined that this renewal meets the criteria for a Determination of NEPA Adequacy (DNA) and that no additional environmental analysis is required. Further more, the renewal conforms to the applicable land use plan and that 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 Christina Welch, Field Manager, Central Oregon Resource Area, 3050 N.E. 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 Office of the Solicitor, U.S. Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland OR 97205.

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 Vicki Van Sickle at 541-575-3145, or me at 541-416-6731.

Sincerely,

/S/ Christina M. Welch

Christina M. Welch
Field Manager, Central Oregon Resource Area