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 (OR-054)
OR-054-08-216
GRN 3605348

FEB 25 2009

CERTIFIED MAIL – 7008 1300 0000 4697 5114
Return Receipt Requested

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 John T. Murtha (#2597) and Hay Creek (#2598) grazing allotments will expire on February 28, 2009 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) #OR-054-08-216 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 #3605348, 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			
John T. Murtha	22	Cattle	03/01	02/28	100	Active	264
Hay Creek	15	Cattle	10/15	06/15	100	Active	120

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.

John T. Murtha:
Total AUM's are 264, of which 264 are Active and 0 are Suspended.

Hay Creek:
Total AUM's are 126, or which 126 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).

♦ 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.

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

♦ 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 DNA # OR-054-08-216, 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 Christina Welch, 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,

Christina M. Welch

Christina M. Welch
Field Manager, Central Oregon Resource Area