

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
_____ FIELD OFFICE**

**Address
(Phone number)**

Certified Mail No. _____
Return Receipt Requested

In Reply Refer To:
4160 (OFFICE CODE)

DATE

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

NOTICE OF PROPOSED DECISION

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

INTRODUCTION

At a minimum this section includes: a factual chronology of the situation providing sufficient information to lead the reader (permittee, interested publics, appeals judges) to the intended action(s).

BACKGROUND

At a minimum this section includes: What events/actions led to the need for a decision and why a decision is needed now - e.g. implementation of a land use plan or activity plan, modifying a permit or lease as a result of a standards attainment determination, unresolved regulatory violation and so forth. In this section, if an EA had been completed that analyzed various alternatives. The EA number should be addressed in this section. Are desired resource objectives not being met? What are they? As noted in the handbook, there is no restriction on the use of a proposed decision so listing all possible examples here is not practical.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

If an EA was completed in support of this decision, the FONSI determination statement needs to be placed in this part of the decision. The signed FONSI should be referenced here and a statement that indicates the approved action has been analyzed in an EA and found to have no significant impacts, thus an EIS is not required. You should also include in this section a discussion of any comments received during the public review of the EA and unsigned FONSI and how these comments were addressed in the final EA and signed FONSI.

PROPOSED DECISION

This section should begin with: “**Therefore, it is my proposed decision that**”, or similar language that clearly identifies to the reader that the actions about to be described comprise the intended decision. At a minimum, this section includes: What BLM intends to authorize, implement or enforce, under what time frames, and the proposed effective date of the decision; schedule(s) if the implementation is to occur in phases and/or intended terms and conditions of use to be authorized, as appropriate; payment due date(s) if the decision is demanding payment; a duplication of the preferred alternative of the NEPA document that spells out the specific mandatory terms and conditions, other special T&Cs and potential BLM actions if there is lack of compliance. Include also, as appropriate, an explanation or comparison of how the proposed decision is different from what BLM is currently authorizing, implementing or enforcing. There is no “cookbook” of what all could possibly go in this section. Basically the reader will be looking to find: What BLM intends to do, when do they intend to do it and how and when will this be affecting me?

If this proposed decision becomes the final decision without further notice, be sure to include the following language: "In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b)." The Right of Protest and/or Appeal as well as petition for stay language at the end of this template should also be included here if the proposed decision will become final without further notice.

RATIONALE

Be specific as to the reasons and the rationale for the proposed decision. Why is the action needed and how is it expected to address the issues discussed in the background section? If this decision is part of an EA, the purpose and need for the EA can be discussed in this section.

AUTHORITY

Cite all relevant sections of 43 CFR that provides the authority and/or direction for issuing a proposed decision (essentially, 43 CFR § 4160) and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision).

RIGHT OF PROTEST AND/OR APPEAL

The following example is provided as suggested language for communicating to the recipient their right of protest and/or appeal:

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the (*enter Field Office name*) Field Office Manager, Bureau of Land Management, (*enter Field Office Name*) Field Office, (*enter field office address including zip code*).

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative

law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the (*enter Field Office name*) Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. **The BLM does not accept appeals by facsimile or email at this time.**

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall 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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

Name _____
Signature
Title of the Authorized Officer

Enclosures:

cc (by certified mail):
(As applicable)
Agent(s) of record
Lien Holder(s) of record
Tribes
Interested public (specific to allotments for which they have been granted interested public status)
States having affected lands or management respo