

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Burgess Allotment
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0117-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to issue the permit for the Burgess Ranch Allotment (#00048) to the current applicant for a ten year term. The term of the permit will run from March 01, 2013 through February 28, 2023. Two grazing authorizations will also be combined so that the allotment is run as one large AMP as was originally intended. In addition, changes to the permitted AUMs by specific pastures will be changed to coincide with updated mapping completed on the allotment. An allotment management plan revision (See attached Appendix A) will also reflect these changes and will update the grazing schedule for the allotment based on the combination of these two files. Terms and conditions will address the updated rotation as seen in the revised AMP. The permit will be issued as follows:

GR# 2502038

Burgess Ranch AMP Allotment #00048	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Harper Pasture	372	Cattle	4/01	6/7	75	Active	624
AMP Pastures	625	Cattle	5/01	12/31	65	Active	3272
	4	Cattle	5/01	6/15	65	Active	4
Outside Pastures	60	Cattle	3/01	2/28	100	Custodial	683

Total Active AUMs: 4,583 AUMs

Terms and Conditions:

Line 1: Refers to the Harper Pasture, which is to be used as an early season pasture. Grazing will be allowed beginning April 1st and will be no later than June 10th.

Line 2 & 3: Refers to AMP pastures. The Viall and Flat Creek pastures will be used once the Harper pasture has been used, beginning about the first week of June, alternating the pasture that is started in:

North Rotation (Based on 242 head in rotation for full season.) :

Year 1 (2013): Viall Pasture June 8 through September 21, Flat Creek Pasture - September 22 through December 31st.

Year 2 (2014): Flat Creek Pasture June 8th through September 16, Viall Pasture - September 17th through December 31st.

South Rotation (Based on 433 head in rotation for full season.) :

Year 1 (2013): Woody Pasture May 1 through July 22nd, Arnold Pasture July 23rd through October 10th, South Pasture October 11th through December 28th.

Year 2 (2014): Arnold Pasture May 1st through July 20th, South Pasture: July 21st through October 6th, Woody Pasture October 7th through December 28th.

Year 3 (2015): South Pasture May 1st through July 17th, Woody Pasture: July 18th through October 8th, Arnold Pasture October 9th through December 28th.

Line 4: Refers to pastures outside the AMP, which are primarily grazed outside the summer season of use due to croplands within these pastures. Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (MTC021)
GR# 2502038

July 08, 2013

McDonald, Donald, Scott, Duncan
430 Old Flat Creek Road
Jordan, MT 59337

Certified Mail No: 7011350000345173507
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Burgess Allotment (#00048) is located approximately 35 miles northeast of Jordan, Montana in Garfield County. The Burgess Allotment consists of 21,620 acres of BLM administered lands containing 4,583 AUMs of authorized active use, 2,520 acres of state lands, and 13,190 acres of private lands.

The allotment was assessed for and met Land Health Standards in 1998 and subsequent field visits and monitoring information have confirmed that the standards are being met.

Donald, Scott and Duncan McDonald have submitted to the Miles City BLM Field Office a lease showing control of the base property associated with this allotment and all other required forms have been submitted and accepted by the Miles City Field Office.

In March 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0117-EA) to analyze the issuance of the grazing permit to Donald, Scott and Duncan McDonald for the above mentioned allotment. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on April 30, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Burgess Allotment (#00048) to Donald, Scott and Duncan McDonald. The permit will be issued from January 1, 2013 through December 31, 2017. The permit will be issued as follows:

GR# 2502038

Burgess Allotment #00048	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Harper Pasture	372	Cattle	4/01	6/07	75	Active	624
AMP Pastures	625	Cattle	5/01	12/31	65	Active	3,272
	4	Cattle	5/01	6/15	65	Active	4
Outside Pastures	60	Cattle	3/01	2/28	100	Custodial	683

Total active AUMs: 4,583 AUMs

Terms and Conditions:

Line 1: Refers to Harper Pasture, which is to be used as an early season pasture. Grazing will be allowed beginning April 1st and will be no later than June 10th.

Lines 2 & 3: Refers to AMP Pastures. The Viall and Flat Creek Pastures will be used once the Harper Pasture has been used, beginning about the first week of June, alternating the pasture that is started in:

North Rotation (Based on 242 head in rotation for full season):

Year 1 (2013): Viall pasture June 8th through September 21st, Flat Creek Pasture – September 22nd through December 31st.

Year 2 (2014): Flat Creek Pasture June 8th through September 16th, Viall Pasture – September 17th through December 31st.

South Rotation (Based on 433 head in rotation for full season):

Year 1 (2013): Woody pasture May 1st through July 22nd, Arnold Pasture July 23rd through October 10th, South Pasture: October 11th through December 28th.

Year 2 (2014): Arnold pasture May 1st through July 20th, South Pasture July 21st through October 6th, Woody Pasture: October 7th through December 28th.

Year 3 (2015): South pasture May 1st through July 17th, Woody Pasture July 18th through October 8th, Arnold Pasture: October 9th through December 28th.

Grazing in accordance with the revised Burgess Ranch AMP as described in Appendix A of the Burgess Allotment Transfer EA (MT-C020-2013-0117-EA) signed on April 30, 2013. Actual Use records must be submitted within 15 days of the end of the grazing season or the permittee will be billed for the total preference, but must still submit actual use records.

Line 4: Refers to pastures outside the AMP, which are primarily grazed outside the summer season of use due to croplands within these pastures. Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

The term of the permit will run from January 1, 2013 to December 31, 2017, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon the renewal of the base property lease through December 31, 2022.

RATIONALE

The issuance of the grazing permit is provided through a lease showing control of the base property for this allotment being submitted to the BLM. The lease contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0117-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on April 30, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Donald Scott and Duncan McDonald meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

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.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

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 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

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 Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

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.

4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:7/3/13:Burgess_Decision_Letter_AndersonK_2013