

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Willow Creek Allotment
Grazing Transfer

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0100-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 transfer the grazing permit for the Willow Creek allotment (#10281) from Everette Flasted and issue it to S&L Sheep Ranch INC. for a term of three years. The term of the permit will run from January 01, 2013 to December 31, 2015, which coincides with dates of the base property lease. The grazing permit will be issued as follows:

GR# 2503557

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Willow Creek #10281	5	C	03/01	02/28	100	Active	60
	50	C	05/11	10/01	46	Active	109

Total Active AUMs: 169

Terms and Conditions:

Line 1: 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.

Line 2: Grazing is on a season and numbers

The term of the permit will run from January 01, 2013 to December 31, 2015, which coincides with 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 renewal of the base property lease through 2023.



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 (4160.1)
GR 2503557

May 23, 2013

S&L Sheep Ranch Inc.
C/O Kyle and Teri Lindberg
2550 Cottonwood Creek Rd
Alzada, MT 59311

Certified Mail No: 7011 3500 0003 4515 7439
Return Receipt Requested

C/O Everette Flasted
P.O. Box 4
Alzada, MT 59311

Certified Mail No: 7011 35000003 4515 7446
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Willow Creek Allotment (#10281) is located approximately four miles northwest of Alzada, MT in Carter County. The Willow Creek Allotment consists of 1,200 acres of land managed by the BLM containing 169 AUMs of authorized active use.

Proof of ownership documentation and the appropriate grazing application forms are currently on file.

In 2013, an Environmental Assessment EA (DOI-BLM-MT-C020-2013-0283-EA) was completed to ensure the allotment continues to meet the Standards for Rangeland Health and to analyze the issuance of the grazing permit to S&L Sheep Ranch Inc. for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on December 21, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the Willow Creek Allotment (#10281) to S&L Sheep Ranch Inc. The term of the permit will run from 01/01/2013 to 12/31/2015, 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 renewal of the base property through 12/31/2023. The permit would be issued for a three year term, and would be issued as follows:

GR# 2503557

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Willow Creek #10281	5	C	03/01	02/28	100	Active	60
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Terms and Conditions:

Line 1: 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.

Line 2: Grazing is on a season and numbers

The term of the permit will from 01/01/2013 to 12/31/2015, 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 renewal of the base property through 12/31/2023.

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 contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms an Environmental Assessment EA (DOI-BLM-MT-C020-2013-0283-EA) was initiated to ensure the allotment continues to meet the standards for Rangeland Health and to analyze the environmental effects of the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on December 21, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that S&L Sheep Ranch Inc. meets 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.

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 decision 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. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the Miles City BLM office.

If you have any questions on this document please contact Merle Blankenship, Rangeland Management Specialist, at (406) 233-2835 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

BLM Grazing Permit (2 copies)
(Please sign and return to the Miles City Field Office)
Allotment Map