

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Gussie Richard Allotment**  
**Grazing Permit**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0122-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 a new grazing permit to the current base property owner for the Gussie Richards Allotment #00500. The permit would be issued for a ten year term from 3/1/2013 to 2/28/2023. There would be no changes to permitted use. The permit will read as follows:

GR # 2503775

<b>Allotment Name &amp; Number</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Gussie Richards	19	Cattle	03/01	02/28	100	Active	228
Allot. #00500	97	Sheep	03/01	02/28	100	Active	233
	1	Sheep	03/01	02/28	100	Custodial	1
Johnston's Exchange	3	Cattle	03/01	02/28	100	Active	36

Total Active AUMs: 498

**Terms and Conditions:**

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 3: Is to authorize the full preference.

Line 4: Is exchange of use – McCarty Creek allotment #10357 uses 36 AUMs in T3S R58E Section 27 paid for by Gussie Richards allotment #00500.



# 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](http://www.blm.gov/mt)

In Reply Refer To:  
4100 (MTC021)  
GR# 2503775

July 24, 2013

Doran & Sharon Higgins  
520 Larson Loop Rd  
Hammond, MT 59332

Certified Mail No: 7011350000345173927  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Gussie Richards Allotment (#00500) is located approximately 33 miles south of Ekalaka in Carter County. The Gussie Richards Allotment consists of 3,041 acres of land managed by the BLM containing 498 AUMs of authorized active use, 2,929 acres of private lands, and 640 acres of state land.

The allotment was assessed for and met Land Health Standards in 1999. Subsequent field visits, monitoring, re-assessments indicate the allotment continues to meet the Standards.

In February, 2013 Doran and Sharon Higgins submitted to the Miles City BLM Field Office an application for renewal of grazing permit #2503775. The applicant has provided a valid deed showing control of the base property for the permitted use within the Gussie Richards allotment. All 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 (DOI-BLM-MT-C020-2013-0122-EA) to analyze the issuance of the grazing permit to Doran and Sharon Higgins for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 2, 2013.

### PROPOSED DECISION

Therefore, it is my proposed decision to select the proposed action, as contained within the EA (DOI-BLM-MT-C020-2013-0122-EA), to issue a grazing permit to Doran and Sharon Higgins for the Gussie Richards Allotment (#00500). The term of the permit would be for ten years, from March 1, 2013 to February 28, 2023. The permit would be issued as follows:

GR# 2503775

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%P L	Type Use	AUMs
Gussie Richards	19	Cattle	03/01	02/28	100	A	228
Allotment #00500	97	Sheep	03/01	02/28	100	A	233

	1	Sheep	03/01	02/28	100	A	1
Johnston's Exchange	3	Cattle	03/01	02/28	100	A	36

Total Active AUMs: 498

**Terms and Conditions:**

Grazing is authorized during the listed season for the recognized capacity of the public land. Cattle will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 3: Is to authorize the full preference

Line 4: Is exchange of use – McCarty Creek allotment #10357 uses 36 AUMs in T3S R58E Section 27, paid for by Gussie Richards's allotment #00500.

**RATIONALE**

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contained 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 (DOI-BLM-MT-C020-2013-0122-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 July 2, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Doran & Sharon Higgins 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](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 2 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 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 this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Matt Lewin, Rangeland Management Specialist at (406) 233-2834 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager  
Field Manager, Miles City Field  
Office

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

cc: Rebecca McCabe  
890 Highway 323  
Ekalaka, MT 59324

Certified Mail No: 70113500000345173910  
Return Receipt Requested

Lewin:lrn:7/15/13:Gussie\_Richards\_Renewal\_Letter\_Lewin\_2013