

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

*Miles City Field Office*

**Brott Allotment**  
**Grazing Permit**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0129-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 Brott allotment (#01016). The term of the permit will run from January 10, 2013 through January 01, 2018, 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 lease through January 10, 2023.

Temporary electric fence, livestock supplement (e.g., salt, protein block) placement, riding, and herding are encouraged and, if warranted, may be required as a means of improving livestock distribution in all alternatives. When used, livestock supplement should be placed on ridges or terraces at least ¼-mile from the nearest live water source.

The grazing permit will be issued as follows:  
GR# 2502515

Allotment	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Brott Allot (#01016)		24	Cattle	05/01	11/25	100	Active	165

Total Active AUMs: 165

**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 may vary as long as AUMs are not exceeded.
- Supplemental feed (includes salting) will not be placed within on quarter of a mile from livestock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feeds defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available for public land.



# 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 (4160)  
GR# 2502515

August 05, 2013

DRO Inc.  
C/O Dirk O'Connor  
746 Pine Creek Road  
Plevna, MT 59344

Certified Mail No: 7011350000345173996  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Brott Allotment (#01016) is located approximately 6 miles west of Plevna in Fallon County, MT. The Brott Allotment consists of 620 acres of BLM-Public Domain containing 165 AUMs of authorized active use. The allotment also contains 1,558 acres of private 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.

DRO Inc. submitted a lease agreement for the base property for the Brott Allotment. In addition, they submitted Form 4120-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application/Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

In April 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-MT-0129-EA) to analyze the issuance of the grazing permit to DRO Inc. for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on July 1, 2013.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Brott Allotment (#01016) to DRO Inc. The permit will be issued for a 5 year term from 01/10/2013 through 01/01/2018. The permit will be issued as follows:

GR# 2502515

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Brott #01016	24	Cattle	05/01	11/25	100	Active	165

Total Active AUMs: 165

### 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 may vary as long as AUMs are not exceeded.
- Supplemental feed (includes salting) will not be placed within one quarter of a mile from livestock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feeds

defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available for public land.

- The term of the permit will run from January 10, 2013 to January 1, 2018, which coincides with the end date on 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 January 10, 2023.

## **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 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 (DOI-BLM-MT-C020-MT-0129-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 1, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that DRO 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](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 Philip Reiersen, Rangeland Management Specialist, at (406) 233-3144 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

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