

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Dan's Place Allotment
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0152-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 grazing permit for the Dan’s Place and Matt Creek Allotments. The term of both permits will be for ten years March 1, 2013 through February 28, 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 permits would be issued as follows:

GR#2503529

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Dan’s Place #10253	28	C	6/01	12/26	66	Active	127

Total Active AUMs: 127

Terms and Conditions:

- Grazing 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.
- No Pasture will be grazed from 6/1 to 7/15 in consecutive grazing seasons

GR#2504443

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Matt Creek #03349	59	C	6/01	12/26	57	Active	231

Total Active AUMs: 231

Terms and Conditions:

- Grazing 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.
- No Pasture will be grazed from 6/1 to 7/15 in consecutive grazing seasons



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# 2503529

August 05, 2013

Karen and Jeanie Hovermale
HC 82 Box 228
Broadus, MT 59317

Certified Mail No: 7011350000345174016
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Dan's Place Allotment (#10253) is located approximately 8 miles South of Powderville in Powder River County, MT. The Dan's Place Allotment consists of 534 acres of BLM-Public Domain containing 127 AUMs of authorized active use and 293 acres of private land

The allotment was assessed for and met Land Health Standards in July 1999. Subsequent field visits indicate the allotment continues to meet the Standards.

Karen and Jeanie Hovermale have submitted a warranty deed for the base property for the Dan's Place 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 May 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-020-2013-0152-EA) to analyze the issuance of the grazing permit to Karen and Jeanie Hovermale 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 issue a grazing permit, which will authorize the grazing of the Dan's Place Allotment (#10253) to Karen and Jeanie Hovermale. The permit will be issued for a ten year term from 03/01/2013 through 02/28/2023. The permit will be issued as follows:

GR#2503529

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Dan's Place #10253	28	C	6/01	12/26	66	Active	127

Total Active AUMs: 127

Terms and Conditions:

- Grazing 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.
- No Pasture will be grazed from 6/1 to 7/15 in consecutive grazing seasons.

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-020-2013-0152-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 Karen and Jeanie Hovermale 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 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

Reiersen:TL:08/02/13:Hovermale_Decision_Reiersen_2013