

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Hays Grazing Allotment
Permit Transfer

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0058-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 permit for the Hays Allotment (#00158) and issue the permit to the current applicant for a ten year term. The term of the permit will run from May 1, 2013 through February 28, 2023. In addition, changes will be made to the authorized use in order to more accurately reflect the percent of public land on the allotment. Under the proposed action the terms and conditions will be issued as outlined below.

GR# 2502133

Hays Allotment #00158	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Hays	478	Cattle	3/01	2/28	35	Active	2008

Total active AUMs: 2008

Terms and Conditions:

Line 1: Grazing is authorized during the season described above. Variable numbers of livestock will graze on the allotment in conjunction with USFWS lands.

NO ACTION: The no action alternative would continue the current management. Under the no action alternative the permit would continue to be authorized as shown below:

GR# 2502133

Hays Allotment #00158	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Hays	167	Cattle	3/01	2/28	100	Active	2004
	2	Cattle	3/01	4/30	100	Active	4

Total active AUMs: 2008

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. Line two is only to authorize the full preference.



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# 2502133

April 05, 2013

Abe Murnion
Box 222
Jordan, MT 59337

Certified Mail No: 7011 3500 0003 4517 0483
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Hays Allotment (#00158) is located approximately 25 miles northeast of Jordan, MT in Garfield County. The Hays Allotment consists of 8,934 acres of BLM administered lands containing 2,008 AUMs of authorized active use, 9,518 acres of private lands, 7,482 acres of USFWS lands, and 760 acres of state lands.

The allotment was assessed for and met Land Health Standards in 1999 and allotment visits conducted in 2011 and 2012 confirmed these findings.

Abe Murnion submitted a lease agreement for the base property for the Hays Allotment. In addition, he 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 January of 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-2013-0058-EA) to analyze the issuance of the grazing permit to Abe Murnion for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Hays Allotment (#00158) to Abe Murnion. The permit will be issued for a ten year term from March 14, 2013 through February 28, 2023. The permit will be issued as follows:

GR# 2502133

Hays Allotment #00158	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Hays	478	Cattle	3/01	2/28	35	Active	2,008

Total Active AUMs: 2,008

Terms and Conditions:

Line 1: Grazing is authorized during the listed season described above. Variable numbers of livestock will graze on the allotment in conjunction with USFWS lands.

RATIONALE

The issuance of the grazing permit is provided through a base property 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 (DOI-BLM-MT-2013-0058-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 March 7, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Abe Murnion 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 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

Anderson:km:4/1/13:MurnionAbe_Decision_Anderson_2013