

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Henerson Allotment Split
#00723
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0067-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 Henerson Unit and Tree Creek Allotments. The term of both permits will be for a term of ten years March 1, 2013 through February 28, 2023. The permits would be issued as follows:

GR#2502330

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Henerson Unit #00723	8	C	3/1	2/28	100	Custodial	100
	4	H	3/1	2/28	100	Custodial	48

Total Active AUMs: 148

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.

Supplemental feed (includes salting) will not be placed within one quarter mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands.

GR#2504440

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Tree Creek #03336	7	C	3/01	2/28	100	Custodial	84
	1	H	3/01	2/28	100	Custodial	12

Total Active AUMs: 96

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.



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# 2502330

April 15, 2013

Swope Ranch LLC.
C/O Mike Swope
1110 Kinsey Road
Miles City, MT 59301

Certified Mail No: 70113500000345171763
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Henerson Unit Allotment (#00723) is located approximately 5 miles Northeast of Miles City in Custer County, Montana. The allotment consists of 790 acres of BLM managed lands, 12,395 acres of private lands and 640 acres of State Lands. The BLM administered acreage on the Henerson Unit Allotment has 147 AUMs of active use.

The allotment was determined to be meeting the Land Health Standards in 2006.

Swope Ranch LLC has deed for base property for the allotment on file. 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 January 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0067-EA) to analyze the issuance of the grazing permit to Swope Ranch LLC for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Henerson Unit Allotment (#00723) to Swope Ranch LLC. 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# 2502330

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Henerson Unit #00753	8	Cattle	03/01	02/28	100	Custodial	100
	4	Horse	03/01	02/28	100	Custodial	47

Total Active AUMs: 147

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.

Supplemental feed (includes salting) will not be placed within one quarter mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands.

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-C020-2013-0067-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 28, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Swope Ranch LLC 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 Philip Reieron, 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

Reieron:lrn:4/12/13:Henerson_Unit_Decision_Letter_Reieron_2013



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# 2504440

April 19, 2013

XL Land and Livestock Inc.
P.O. Box 159
Miles City, MT 59301

Certified Mail No: 70113500000345171787
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

A portion of the base property for the Henerson Unit Allotment (#00723) was purchased by the applicant XL Land and Livestock Inc. The original allotment name and number were retained by the original permittee with a new allotment Tree Creek (#03336) created for the purchased base property and attached BLM preference.

The Tree Creek Allotment (#03336) is located approximately 10 miles Northeast of Miles City in Custer County, Montana. The allotment consists of 400 acres of BLM managed lands and 4,082 acres of private lands. The BLM administered acreage on the Tree Creek Allotment has 91 AUMs of active use.

The allotment was determined to be meeting the Land Health Standards in 2006.

XL Land and Livestock Inc. submitted deed for base property for the Tree Creek Allotment. In addition, they submitted Form 4120-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application/Preference Summary), and Form 4130-1b (Grazing Application-Supplemental Information).

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0067-EA) to analyze the issuance of the grazing permit to Swope Ranch LLC for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 28, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Tree Creek Allotment (#03336) to XL Land and Livestock Inc. 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# 2504440

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Tree Creek #03336	7	Cattle	03/01	02/28	100	Custodial	81
	1	Horse	03/01	02/28	100	Custodial	10

Total Active AUMs: 91

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.

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-C020-2013-0067-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 28, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that XL Land and Livestock 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:

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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

Reieron:lrn:4/12/13:Tree_Creek_Decision_Letter_Reieron_2013