

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Hofmann Grazing Transfer

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0091-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 preference and issue a new grazing permit to the current base property owner which would allow livestock grazing to continue on the Hough Lease Allotment No. 1190. A permit would be issued for a ten year term March 1, 2013 through November 27, 2023. The permit will read as follows:

GR #2502692

Allotment and Number	Pasture	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Hough Lease No. 01190	North Pasture	18	Cattle	03/01	11/27	82	Active	142

Total Active AUMs: 142

Terms and Conditions:

Use will occur between the dates outlined above. Examples of season and numbers of use include: 54 head for 3 months or 81 head for 2 months or 157 head for 1 month. A season of use of 3 months and the recognized carrying capacity of that pasture will not be exceeded. The gate between North Pasture and South Pasture must be open while cattle are on the allotment.



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# 2502692

May 07, 2013

Donald and Kathleen Hofmann
195 Road 337
Ismay, Montana 59336

Certified Mail No: 7011350000345173125
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Hough Lease No. 01190 is located approximately 4 miles west of Ismay, Montana in Custer County. The Hough Lease Allotment consists of 640 acres of BLM-Public Domain containing 142 AUMs of authorized active use and 110 acres of private land. The allotment was assessed for and met Land Health Standards in 1999.

In February 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-2013-0091-EA) to analyze the issuance of the grazing permit to the Donald and Kathleen Hofmann for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on 04/08/2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Hough Lease No. 01190 to the Donald and Kathleen Hofmann. 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# 2502692

Sage Hen & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Hough Lease No. 01190	18	Cattle	03/01	12/04	86	Active	142

Total Active AUMs: 142

Terms and Conditions:

Use will occur between the dates outlined above. Season and numbers of use could include: 54 head for 3 months or 81 head for 2 months or 157 head for 1 month. A season of use of 3 months and the recognized carrying capacity of pastures will not be exceeded. The gate between North and South Pastures must be open while cattle are on the allotment.

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-2013-0091-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 04/08/2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that the Donald and Kathleen Hofmann 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 Josh Halpin, Rangeland Management Specialist, at (406) 233-3168 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

Halpin:lrn:5/6/13:Hoffman_Transfer_Letter_Halpin_2013