

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

**Major Allotment Modification &
Grazing Permit**

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0055-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 revise the allotment management plan and issue a grazing permit for the Major Allotment. The allotment would be authorized for sheep and cattle under a modified deferred grazing rotation. The term of the permit would run for the remainder of the base property lease, from February 1, 2013 to December 31, 2013. The permit will be issued as follows:

GR # 2503689

Allotment #10411	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Major – Outside AMP	1	Cattle	03/01	2/28	100	Custodial	15
Major–AMP	100	Sheep	5/01	12/19	82	Active	126
Major–AMP	82	Cattle	5/01	12/19	82	Active	515

Total Active AUMs: 656

Terms and Conditions:

Line 1: refers to exchange of use with Blackford Allotment, paid for by Major Allotment.

Line 2 & 3: Grazing use in accordance with revised Allotment Management Plan described in the grazing decision signed February 6, 2013.

Pastures will be used in a modified deferred rotation. 140 head of cattle and 150 head of sheep can use Pasture 1 for 30 days, Pasture 2 for 38 days, Pasture 3 for 40 days, and Pasture 6 for 43 days. Pasture 6 will be used first in the rotation on even years and last on odd years.

Actual use is due within 15 days after grazing is ended in the AMP pastures; or permittee will be billed for the total preference and actual use will be required.

"The term of the permit will run from February 1, 2013 to December 31, 2013, 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 December 31, 2020.



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 (4160.1)
GR 2503689

February 20, 2013

Tom & Kathy Stieg,
Nathan & Lisa Foxley
363 Stieg Lane
Hammond, MT 59332

Certified Mail No: 70113500000345159921
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Major Allotment (#10411) is located approximately 4 miles west of Ridgeway, MT in Carter County. The Major Allotment consists of 3,146 acres of land managed by the BLM containing 656 AUMs of authorized active use, 4,314 acres of private lands, and 320 acres of Indian Trust Land.

In December, 2012 Tom & Kathy Stieg submitted to the Miles City BLM Field Office an application for a change of livestock type for the grazing permit #2503689. The applicant has provided a lease agreement showing control of the base property for the permitted use within the Major allotment. All required forms have been submitted and accepted by the Miles City Field Office.

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0055-EA) to analyze the issuance of the grazing permit to Tom & Kathy Stieg and Nathan & Lisa Foxley for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on, February 6, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to select the proposed action, as contained within the EA (DOI-BLM-MT-C020-2013-0055-EA), to issue a grazing permit to Tom & Kathy Stieg and Nathan & Lisa Foxley for the Major Allotment. The term of the permit would run for the remainder of the base property lease, from February 1, 2013 to December 31, 2013. The permit will be issued as follows:

GR # 2503689

Allotment #10411	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Major – Outside AMP	1	Cattle	03/01	2/28	100	Custodial	15
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Total Active AUMs: 656

Terms and Conditions:

Line 1: refers to exchange of use with Blackford Allotment, paid for by Major Allotment.

Lines 2 & 3: Grazing use in accordance with revised Allotment Management Plan described in the grazing decision (MT-C020-2013-0055) signed February 6, 2013.

140 head of cattle and 150 head of sheep can use Pasture 1 for 30 days, Pasture 2 for 38 days, Pasture 3 for 40 days, and Pasture 6 for 43 days. Pastures will be used in a modified deferred rotation. Pasture 6 will be used first in the rotation on even years and last on odd years. Actual use is due within 15 days after grazing is ended in the AMP pastures; or permittee will be billed for the total preference and actual use will be required.

The term of the permit will run from February 1, 2013 to December 31, 2013, 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 December 31, 2020.

RATIONALE

The issuance of the grazing permit is provided through a lease agreement showing control of the base property for this allotment being submitted to the BLM. The lease agreement contained 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-C020-2012-0283-DNA) 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 February 6, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Tom & Kathy Stieg and Nathan & Lisa Foxley 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 decision

§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 9and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision 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, and
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed 2 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 copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fence line locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Matt Lewin, Rangeland Management Specialist at (406) 233-2834 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager, Miles City Field Office

Enclosed:
BLM Grazing Permit (2 copies)
Allotment Map
(Please sign and return to the Miles City Field Office)

Lewin:lrn:2/14/13:Major_Allotment_Modification_Lewin_2013