

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**McGee Grazing Transfer**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0109-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 permit for the McGee allotment (#01022) and issue it for a term of ten years, April 01, 2013 through March 31, 2023. The grazing permit will be issued as follows:

GR# 2502521

Allotment	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
McGee Allot (#01022)		25	Cattle	05/01	11/03	100	Active	154

Total Active AUMs: 154

**Terms and Conditions**

- Grazing not to exceed the surveyed carrying capacity of the public land.
- Supplemental feed (includes salting) will not be placed within one quarter of a mile from livestock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feeds defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available for public land.



# 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](http://www.blm.gov/mt)

In Reply Refer To:  
4100(MTC021)  
GR 2502521

June 10, 2013

Florence Eslinger  
1294 Highway 12 East  
Miles City, MT 59301

Certified Mail No: 7011350000345173330  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The McGee Allotment (#01022) is located approximately six miles south of Ismay Montana, in Fallon County. This allotment is 640 acres categorized as land utilization acres with 154 active AUMs. There are 1,904 private acres associated with the allotment.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the McGee Allotment (#01022) to Florence Eslinger. The permit would be issued from April 01, 2013 through February 28, 2023. The permit would be issued as follows:

GR# 2502521

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
McGee #01022	25	C	05/01	11/03	100	Active	154

Total Active AUMs: 154

### Terms and Conditions:

Grazing is not to exceed the carrying capacity of the public land. Supplemental feed to include salting is not to be placed within one quarter of a 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 contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms an Environmental Assessment EA (DOI-BLM-MT-C020-2013-0109-EA) was completed to ensure the allotment continues to meet the Standards for Rangeland Health and 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 05/02/2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Florence Eslinger met 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](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 (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 a copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline location and return the edited map to the office.

If you have any questions on this document please contact Patrick Merrill, Range Technician at (406) 233-2843 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager  
Field Manager

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

Merrill:lrn:6/5/13:Eslinger\_Transfer\_Decision\_Letter\_Merrill\_2013