

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

*Miles City Field Office*

**McMullin Pipeline**  
**Range Improvement Project**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0021-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



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**ENVIRONMENTAL ASSESSMENT REVIEW**

<b>OFFICE/AREA:</b> Miles City Field Office	<b>DOI-BLM-MT-C020-2013-0021-EA</b>
	<b>DATE POSTED:</b> November 28, 2012
<b>NAME:</b> McMullin Pipeline	<b>DATE DUE:</b> December 31, 2012
	<b>FUNDING:</b> 8200
<b>LOCATION:</b> Township 15 North, Range 45 East, Sections 10, 15, 22, 26, 27, & 34; Prairie County, Montana	

<b>ORIGINATOR DATE/INITIALS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>
Dale Tribby	Lead Wildlife Biologist	

<b>REVIEWERS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>	<b>DATE/INITIALS</b>
Doug Melton	Archaeologist	Cultural/Paleo	05/20/13 DM Cultural Report MT-020-13-32
Curt Kunugi		Engineering	CAK 5/31/13
Reyer Rens	Supervisory Range Management Specialist	Review	RR 5/29/2013
Dena Lang	Recreation Specialist	Recreation/Visual	DJL 12/12/12
Josh Halpin			JOH 12/04/2012


---

**ENVIRONMENTAL COORDINATOR**

**6/4/2013**  
**DATE**



## ENVIRONMENTAL ASSESSMENT

**EA NUMBER: DOI-BLM-MT-C020-2013-0021-EA      RIPS# 016469 GR# 2502763**

**PROPOSED ACTION/TITLE TYPE: McMullin Pipeline 2013**

**LOCATION OF PROPOSED ACTION: T15N, R45E, Sections 10, 15, 22, 26, 27, & 34**

**PREPARING OFFICE: Miles City Field Office**

**DATE OF PREPARATION: November 28, 2012**

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD says “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

**BACKGROUND:** A 5 mile pipeline is proposed across private and BLM administered lands within the McMullin Allotment #01263. The existing private well located in Township 15 North, Range 45 East Section 10 NE¼ SW¼ would water the entire pipeline, including five tank locations.

**SCOPING:** This project was posted on Montana/Dakotas BLM webpage on 10/29/2012 for public information requests. Internal scoping identified the issues below. No issues were brought forth by the public.

### **ISSUES IDENTIFIED THROUGH SCOPING:**

#### Cultural:

- Effects to cultural sites, paleontological localities, or sacred sites of interest to Tribes

#### • Livestock Grazing:

- Effects to installing water pipeline

#### • Grazing Administration:

- Effects to livestock management on the allotment

#### • Wildlife:

- Effects to habitats of game and nongame wildlife species, including sage and

sharp-tailed grouse habitat

Vegetation:

- Effects to vegetative condition and meeting Standards for Rangeland Health for installing a water pipeline

**PURPOSE AND NEED:** The purpose of the Environmental Assessment is to analyze the effects of improved distribution and enhanced livestock water resources on public land in northwest Prairie County. The need is to construct new stock water pipeline. The improved watering facilities would help the McMullin allotment continue to meet the Standards for Rangeland Health under current permitted management practices.

**PROPOSED ACTION:** The proposed action is to design, contract and install the McMullin Pipeline on BLM administered lands, comprising approximately 25,200 feet of 1 ½ inch HDPE, schedule 11 pipe, plowed in at the depth of 5 to 6 feet. An additional 4,100 feet of pipeline and one stock tank would be paid for and located on private land. Only HDPE pipe would be acceptable for plowing in the pipeline. A dozer would plow 5 to 6 feet deep and 18 inches wide along the entire length of the pipeline. After the pipeline is laid, the backhoe would drive over the line to ensure proper packing of the soil to minimize water or soil erosion. Total disturbance following backhoe would be approximately 2 feet wide along the entire pipeline. The pipeline would be located within Pasture A and Pasture D in Township 15 North, Range 45 East Sections 10, 15, 22, 26, 27, & 34. The private well in section 10 would supply the pipeline which runs approximately 20 gallons per minute. Limited removal of surface biomass would be necessary for this project due to the gently rolling terrain. It is possible, but not anticipated that subsurface rock excavation may be needed. If needed, this would be performed with a backhoe. Four new tank locations would be placed on the public, and one tank on private lands (see map). In addition, the pipeline would be extended to an existing windmill and tank. These tank locations would require minor site leveling. Bird ramps would be inserted in each tank on public lands. Livestock would be rotated through the pasture by turning on or off stock tanks. A Cooperative Agreement would be signed and once the project is completed the permittee would assume all maintenance responsibilities. Construction activities would not be allowed between December 1 and March 31 to mitigate impacts to wintering big-game and between April 15 and July 15 to mitigate impacts to nesting birds.

**ALTERNATIVE 1 - NO ACTION:** The McMullin Pipeline project would not be completed, therefore, the allotments would continue to be grazed and the water locations and livestock grazing would stay as previously established within the Pasture A and Pasture D of the McMullin Allotment #01263.

**ALTERNATIVE CONSIDERED BUT DROPPED FROM FURTHER ANALYSIS:** Earthen reservoirs were dropped as soils do not make this a viable option. In addition, placement of tank locations was based on specialist input and their locations are designed to minimize impacts to flora and fauna.

**AFFECTED ENVIRONMENT:**

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

<b>Mandatory Item</b>	<b>Potentially Impacted</b>	<b>No Impact</b>	<b>Not Present On Site</b>
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers		X	X
Wetland/Riparian	X		
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species		X	
Environmental Justice			X

*The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment:*

Cultural: The proposed pipeline route was inspected for cultural and paleontological resources on 05/08/2013. No cultural sites and four isolated finds were observed in the pipeline route (See BLM Cultural Resources Report MT-020-13-32). None of the isolated finds are eligible for listing on the National Register of Historic Places. The proposed pipeline would have no effect to historic properties. The proposed pipeline is in the Tongue River Member of the Fort Union Formation, which has a Potential Fossil Yield Classification rating of 3a and is not expected to produce paleontological materials.

Grazing Administration: This project is located within the McMullin Allotment #01263. The allotment consist of 10,244 acres of public lands rated at 2,667 AUM's, 10,402 acres of private lands and 1,280 acres of state lands.

Livestock Grazing: A revised AMP for the allotment (McMullin Brothers AMP) was signed in October, 2002. Livestock grazing within the McMullin AMP consisted of grazing approximately 556 head of cattle, 100 yearlings and five horses from April through October. Pasture A which the majority of the pipeline will be placed is authorized from April 1 through May 25. If fewer

cows are grazed, the pasture may then be grazed by up to 100 yearlings for up to two additional months, so long as the permitted AUMs for the pasture are not exceeded.

Soils: Soils have developed in alluvium and residuum derived from the Tongue River Member of the Tertiary Fort Union Formation. Lithology consists of light to dark yellow and tan siltstone and sandstones with coal seams. In many areas, the coal seams have burned, baking the surrounding rock, producing red, hard fragments. Differences in lithology have produced the topographic and geomorphic variations seen in the area. Higher ridges and hills are often protected by an erosion resistant cap of clinker, porcellanite or sandstone. Soils have surface and subsurface textures of silt loam and fine sandy loam. Soil depths vary from deep on lesser slopes to shallow and very shallow on steeper slopes. Soils are generally productive, though varies with texture, slope and other characteristics. There are no sodium salts present in large enough amounts to effect plant growth and productivity. Slopes may be as much as 75 percent though are generally 12 to 15 percent.

Vegetation: This project is located in northwest Prairie County. The allotment is dominated by cool season grasses and forb species. The dominate grasses found throughout the allotment include western wheatgrass, crested wheatgrass, bluebunch wheatgrass, needleandthread, prairie junegrass, prairie sandreed, little bluestem, Sandberg's bluegrass, green needlegrass, threadleaf sedge, and blue grama. The dominate forbs and half shrubs that occur on the allotment include winter fat, fringed sagewort, scarlet globemallow, dandelion, American vetch and numerous others. The dominate upland shrub found on the allotment is silver sagebrush. The uplands have generally been determined to be in good condition overall and are meeting the standards for rangeland health. A BLM interdisciplinary Rangeland Health Assessment was conducted in the summer of 2012. The allotment was found to be meeting all standards. A need for increased water was identified by the interdisciplinary team.

There are numerous draws/drainages located within the allotment and they are dominated by chokecherry, snowberry and silver sagebrush, with lesser amounts of green ash and other trees (Rocky Mountain Juniper) or shrubs.

The green ash draws located within the allotments are typical of most woody draws found in eastern Montana, as the regeneration of green ash and chokecherry is limited. The green ash within the draw is all of a similar age class, but limited. Chokecherry is located on the sides of the draw, less accessible to livestock. These draws would be considered functioning lack of green ash and the abundance of silver sagebrush and snowberry.

Visual Resource Management: This project area falls within a VRM Class IV management objective. The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

Wildlife: The area provides habitat for wildlife including mule deer, whitetail deer, antelope, sage grouse, sharp-tailed grouse, wild turkey, and numerous other non-game animals and migratory birds. This area is designated winter range for whitetail deer (section 15) and pronghorns (sections 27, 34-35). There are three known sharp-tailed grouse lek site within the project area, located in sections 27 and 34. One sharp-tailed grouse lek is located adjacent to the pipeline route in section 34. Two sage-grouse strutting grounds are located with or within .5 miles of the project area. Several sharp-tailed grouse leks sites and raptor nest locations located beyond .5 miles of this project. There are no known habitats for endangered or threatened species within this area.

## **ENVIRONMENTAL IMPACTS:**

### **DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:**

Cultural: The proposed action would have no effect to cultural properties listed on or eligible for listing on the National Register of Historic Places. Unanticipated discoveries of cultural materials during construction are subject to the cultural resource stipulation in the cooperative agreement for the project.

Livestock Grazing: The installation of this pipeline would improve livestock distribution over the entire pasture. Currently livestock concentrate grazing use around three windmills and on one reservoir. The existing windmills are unreliable and at times, not functional. Due to most of the livestock use occurring during the spring and early summer, livestock use is fairly well distributed. With the main source of water coming from three windmills, providing a more reliable source of water and providing livestock water in adjacent areas, would help to insure livestock are able to graze these pastures and the associated crested wheatgrass. Crested wheatgrass, especially in Pasture A is underutilized as a result of a lack of livestock water. By providing additional and more reliable livestock water, better management of the native vegetation would result. The implementation of this project would not result in the adjustment of livestock numbers or season of use, but assist the allotments meeting resource objectives and standards for rangeland health.

Soils: Mixing of soil horizons would occur during construction of the pipelines and wells. Mixing may affect productivity of surface flora and effect subsurface flora and fauna. Compaction of adjacent soils would occur due to equipment operation. Compaction may affect soil productivity until released due to natural means such as freeze – thaw cycles. Soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction and productivity should return to natural conditions.

Vegetation: Localized vegetative disturbance would occur along the pipeline route and associated with stock tank installation and use. The impact associated with construction would heal itself and become less evident with time, usually within 1 to 2 growing seasons. The area around the stock

tanks would receive disturbance when the livestock are utilizing the tanks. These areas may become weedy with annual vegetation as a result of the livestock use, however the disturbance is considered minimal. In addition, the vegetative area in the proximity of the livestock tanks may receive heavier livestock grazing pressure. This use is expected to be within allowable use parameters.

The proposed livestock watering projects would enhance distribution throughout the allotment to areas that are currently under-utilized. Vegetation in over utilized areas around current existing water sources would receive less livestock pressure.

Visual Resource Management: The proposed pipeline would create surface disturbance by creating contrasting soil colors affecting the visual landscape and view shed. The disturbance from the pipeline would be short term as re-vegetation would occur with time and after, should not attract the attention of the casual observer. Placement of the stock tanks should try to meet the natural features of the landscape by following lines, form, and color. Placing the tanks using existing topography and landform would assist in repeating the basic elements and not dominating the view.

Wildlife: The proposed wells would disturb some sagebrush-grasslands habitat until re-vegetation occurs. Utilization of the vegetation associated with the drainages would be less, as livestock use would be better managed through turning tanks on or off. Livestock would also be rotated utilizing water to distribute the animals. Activities during construction would temporarily displace some wildlife species. Construction would not occur from December 1 to March 31 to protect big game winter range habitat. In addition, construction would not occur from April 15 to July 15 to protect migratory bird and grouse nesting activities at all locations.

This pipeline extension would provide water to an area within a pasture essentially comprised of a mixture of native grasses, as well as crested wheatgrass. This water is crucial in being able to hold livestock within this pasture while native plant species in other pastures are allowed to grow without livestock grazing use.

## **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:**

Livestock Grazing: Livestock grazing would continue be concentrated around the four current water sources. Management flexibility would be maintained at the current level for now and may decrease over time, as the older wells are beginning to fail. Areas adjacent to the existing water sources would be utilized at the current degree, being heavy in some instances.

Soils: Plowing, tank development, compaction, and ground-cover removal would not occur. Soils would potentially decline in health because of inadequate livestock distribution continue.

Vegetation: Historic use pattern on upland and riparian vegetation would remain the same. Objectives would not be met to disrupt the current livestock distribution patterns to minimize over

utilization on woody hardwood draws and to distribute livestock evenly on the uplands.

Wildlife: The no-action alternative would result in no additional direct habitat loss or wildlife disturbance on public lands.

### **CUMULATIVE IMPACTS**

There would be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

**MITIGATION:** Wildlife escape ramps would be placed in all stock tanks on public lands. The pipeline will be routed approximately 200 feet west of the sharp-tailed grouse lek located in Section 34. Construction would not occur from April 15 through July 15 in order to protect nesting birds and from December through March to protect wintering big game.

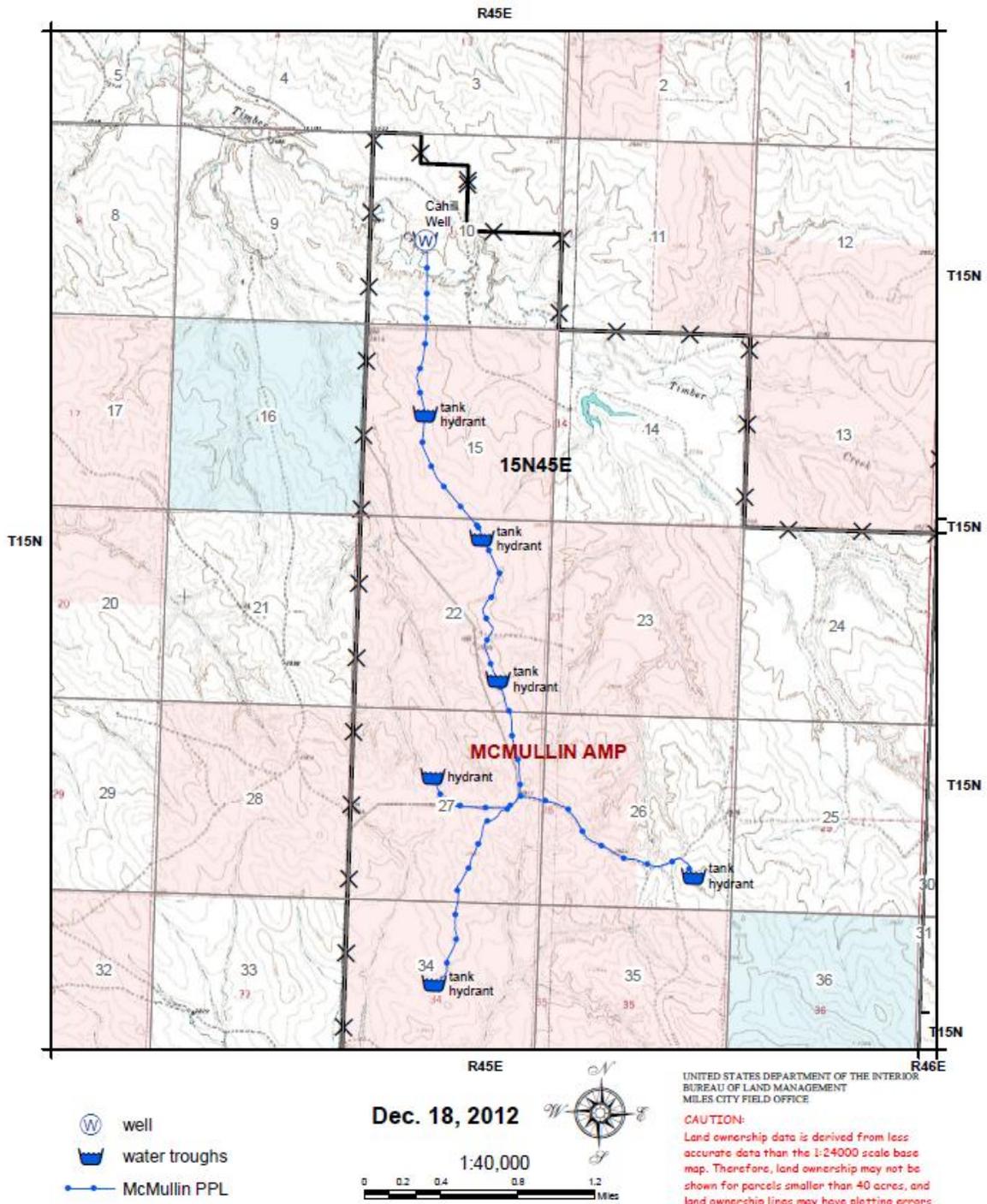
**CONSULTATION/COORDINATION:** Doug Cahill (permittee)

### **LIST OF PREPARERS:**

Patrick Merrill, Range Tech  
Dale Tribby, Wildlife Biologist  
Doug Melton, Archeologist  
Curt Kunugi, Civil Engineer  
Dena Sprandel-Lang, Outdoor Recreation Planner  
Reyer Rens, Supervisory RMS  
Kathy Bockness, Environmental Coordinator



# McMullin PPL Proposal





**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT**

**DOI-BLM-MT-C020-2013-0021-EA**

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0021-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives with the applied cultural stipulations will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Big Dry Resource Management Plan as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

**Context**

The proposed action would occur in the McMullin Allotment designated as available for livestock grazing in the Big Dry RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed actions are in accordance with the Big Dry RMP. The proposed action is a site-specific action directly involving approximately 1-2 acres of land administered by the BLM, which by itself does not have international, national, regional, or state-wide importance to the overall rangeland health.

**McMullin Pipeline:** The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 25,200 feet in length, with an additional 4,100 feet located on private land and will be constructed with 1 1/2 inch HDPE SDR 11 pipe on public and lands. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas

disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed.

The water to supply the pipeline will come from a private well located at T.15N. R45E. Sec.10; in Prairie County, Montana. The well produces approximately 20 gallons per minute. This pipeline will cross public and private lands.

### **Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

**1. Impacts that may be both beneficial and adverse.** The analysis documented in EA DOI-BLM-MT-C020-2013-0021-EA did not identify any individual significant adverse short-term or long-term impacts. In the long-term, under the proposed grazing management practices, maintenance in the overall rangeland health within the McMullin Allotment will occur.

**2. The degree to which the proposed action affects public health and safety.** No significant effects to public health and safety were identified in the EA.

**3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no known historic or cultural resource sites that would be affected by the proposed action. A review of BLM and SHPO Cultural Resource Records databases indicates that no cultural resource sites have been recorded on public lands within this allotment. None of the sites are considered eligible for listing on the National Register of Historic Places. The permit renewal portions of the proposed action meets the inventory exemption criteria found in BLM Montana/Dakotas Cultural Resources Handbook H-8110-1, Appendix I, Range I. There were no new cultural sites recorded during the class III Inventory of the proposed pipeline. There are no parks, prime farmlands, or wild and scenic rivers in the planning area.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the actions planned under the Proposed Action are similar to many other grazing permit actions implemented within the scope of the Big Dry RMP, as amended. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The proposed action neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP, as amended.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Big Dry RMP, as amended.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** The proposed action, will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** There are no threatened or endangered species or habitat in the area of the proposed action.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The proposed action does not threaten to violate any Federal, State, or local law.



---

Todd Yeager  
Field Manager  
Miles City Field Office

6/4/2013

---

Date



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
RECORD OF DECISION  
DOI-BLM-MT-C020-2013-0021-EA**

**DECISION**

It is my decision to select the Proposed Action Alternative as described in the McMullin Pipeline Project EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in a range funded project which includes the installation of a 25,200 ft. livestock water pipeline throughout the McMullin Allotment. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Big Dry Resource Management Plan, as amended.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered other alternatives. Alternative 1 the “No Action” alternative would be to not authorize the construction of McMullin Pipeline on public land in Prairie County.

**RATIONALE FOR SELECTION**

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

**CONSULTATION AND COORDINATION**

Doug and Shelly Cahill, Base Property Owner of McMullin Allotment

**IMPLEMENTATION**

Once the McMullin Pipeline EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperators. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperators authorization to proceed with the project.

**ADMINISTRATIVE REVIEW OPPORTUNITIES**

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this 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).

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 Yeager, Field Office 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 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, 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.

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.

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.



---

Todd Yeager  
Field Manager  
Miles City Field Office

6/4/2013

---

Date