

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Robert L. McNeel Living Trust
Deanne Kelly, Trustee
PO Box 1024
Big Piney, WY 83113

Dear Mrs. Kelly:

NOTICE OF PROPOSED DECISION

Issue Grazing Permit

Jewett Rye Grass (#02118), Brodie Draw (02171),
and East Aspen Ridge (#22006), grazing allotments
WY-100-EA09-19

The following is my Proposed Decision to issue a new (ten year) grazing permit on the Jewett Rye Grass (#02118), Brodie Draw (02171), East Aspen Ridge (#22006), and West Aspen Ridge (#00747) grazing allotments pursuant to Sec. 43 CFR Subparts 4100, 4120, and 4130 of the Grazing Regulations. A copy of the Environmental Assessment (WY-100-EA09-19) for this action and the associated McNeel Ryegrass Grazing Plan is enclosed and is on file in the Pinedale Field Office.

BACKGROUND

The allotments associated with this decision encompass a total of 10,926 acres. The area is located in Sublette County, WY approximately 10 miles west of Daniel, WY. Ownership is predominantly Bureau of Land Management (BLM) but also includes some private and state lands. This decision only applies to BLM managed lands. Table 1 summarizes currently permitted livestock operations.

Table 1

| Allotment Name | Allotment # | Livestock # | Livestock Kind | Begin Date | End Date | % Public Land | Aums |
|-------------------------|-------------|-------------|----------------|------------|----------|---------------|------|
| BRODIE DRAW | 02171 | 249 | Cattle | 15-May | 30-Jun | 100 | 385 |
| EAST ASPEN RIDGE | 22006 | 548 | Cattle | 8-May | 30-Jun | 87 | 846 |
| JEWETT RYE GRASS | 02118 | 307 | Cattle | 22-May | 30-Jun | 100 | 404 |
| JEWETT RYE GRASS | 02118 | 10 | Horse | 15-May | 1-Sep | 100 | 36 |

This decision is necessary and appropriate because: (1) where consistent with other multiple use goals and objectives there is Congressional intent to allow grazing on suitable lands (The Taylor Grazing Act of 1934, The Classification and Multiple Use Act of 1964, Federal Land Policy and Management Act of 1976, The Public Rangelands Improvement Act of 1978); (2) the allotments contain lands identified as suitable for domestic livestock grazing in the Pinedale RMP and continued domestic livestock grazing is consistent with the management goals, objectives, and actions in the Pinedale RMP (pg 2-17 – 2-18, Pinedale RMP ROD); (3) it is Bureau of Land Management’s policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans (43 CFR 4100); (4) the Pinedale RMP, which directs the management of lands contained within this project area, has as one of its goals to “maintain and/or enhance livestock grazing opportunities and rangeland health”; and (5) livestock management is meeting desired conditions in all allotments.

A scoping letter describing all alternatives was sent to permittees, interested publics, the Wyoming Department of Agriculture, and the Wyoming Game and Fish Department on March 12, 2009. Scoping responses were due April 1, 2009. This decision, the associated grazing plan and the associated EA will be sent to the same scoping mailing list.

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA# WY-100-EA09-19) for a proposed action to address livestock grazing in the Jewett Rye Grass (#02118), Brodie Draw (02171), and East Aspen Ridge (#22006) grazing allotments in Sublette County, Wyoming. The project would authorize grazing for at least 10 years according to the Proposed Action described in EA# WY-100-EA09-19 (as attached). A No Action (or no change from current management) Alternative, a No Grazing Alternative, and a Proposed Action Alternative were analyzed in the EA.

Based upon a review of the EA and DNA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40

CFR 1508.27 and do not exceed those effects described in the Pinedale RMP/FEIS. Therefore, an environmental impact statement is not needed.

PROPOSED DECISION

It is my Proposed Decision to issue a 10 year grazing permit to authorization #494316. Use in Jewett Rye Grass (#02118), Brodie Draw (02171), and East Aspen Ridge (#22006) grazing allotments will occur according to the stipulations described in the McNeel Ryegrass Grazing Plan and analyzed in EA WY-100-EA09-19.

If future monitoring data indicates a change in grazing management is necessary, this permit and associated grazing plan is subject to modification following consultation with the permittee and any interested publics.

RATIONALE

This decision is appropriate because it is the most suitable course of action to achieve the objectives of the McNeel Ryegrass Grazing Plan. Namely to:

1. Provide adequate growing season rest for preferred vegetation species (namely cool season bunch grass species).
2. Promote sagebrush recruitment in order to maintain or improve mule deer winter range and seasonal sage grouse habitat in the portion of the brodie burn (1999) that is inside the Brodie Draw Allotment.
3. Reduce livestock mortality due to muddy conditions in poorly functioning livestock water pits.
4. Reduce livestock grazing pressure in about one third of the East Aspen Ridge allotment, thus allocating grass forage for either grouse nesting cover or wild ungulate use.
5. Improve sage grouse brood rearing habitat by restoring hydrologic function within several wet meadow areas in the East Aspen Ridge allotment).
6. Maintain or improve site-specific sage grouse populations.
7. Maintain or improve riparian condition in Brodie Draw.
8. Maintain the Wyoming Standards for Rangeland Health

Furthermore, the allotments contain lands identified as suitable for domestic livestock grazing in the Pinedale Resource Management Plan (RMP), November 2008 and continued domestic livestock grazing is consistent with the management goals, objectives, and actions in the Pinedale RMP (pg 2-17 – 2-18, Pinedale RMP ROD).

And finally, the Pinedale RMP, which directs the management of lands contained within this project area, has as one its goals to “maintain and/or enhance livestock grazing opportunities and rangeland health”.

Alternative 3, the “No Grazing” alternative, was determined to be inconsistent with the Pinedale RMP.

AUTHORITY

The authority for issuing this decision is located in Sec. 43 CFR 4100 Subparts 4100, 4110, 4130, and 4160.

RIGHTS OF PROTEST AND APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Chuck Otto, Field Office Manager, Pinedale Field Office, PO Box 768, Pinedale, WY 82941 within 15 days after receipt of such decision. A written protest should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3(b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal.

The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must also serve a copy of the appeal and petition for stay on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Perfet Street, Room 151, Lakewood, CO 80215, and all persons named in the "Copies Sent To" section of this decision.

The appeal must comply with all provisions of 43 CFR 4.470, including the requirement that the appeal state the reasons, clearly and concisely, why the appellant thinks the final decision is wrong.

Should you wish to file a petition for a stay, you must comply with the requirements of 43 CFR 4.471. In accordance with 43 CFR 4.471©, a petition for a stay must show sufficient justification based on the following standards:

1. The relevant 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.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal should refer to 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions feel free to contact Amber Robbins (307-367-5343) or myself (307-367-5300).

Sincerely,

Chuck Otto
Field Manager

Attachment

Copies sent to:

Bernie Holz
Wyoming Game and Fish
P.O. Box 850
Pinedale, WY 82941

Scott Smith
Wyoming Game and Fish
P.O. Box 850
Pinedale, WY 82941

Chris Wichmann
Wyoming Department of Agriculture
2219 Carey Ave.
Cheyenne, WY 82001

Mary Flanderka
Wyoming Game and Fish Department
5400 Bishop Blvd
Cheyenne, WY 82006

State Planning Coordinator's Office
122 W. 25th St.
Herschler Building, 1E
Cheyenne, WY 82003

State Land Office
Attn: Mike Henn
122 W 25th St
Herschler Building 3W
Cheyenne, WY 82002-0600

Jonathan Ratner
Western Watersheds Project
P.O. Box 1160
Pinedale, WY 82941

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