

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
Implement Range Improvements
Brodie Draw (02171), East Aspen Ridge (#22006), and
West Aspen Ridge (00747) grazing allotments
WY-100-EA09-19

The following is my Proposed Decision to construct and abandon multiple range improvement projects in Brodie Draw (02171), East Aspen Ridge (#22006), and West Aspen Ridge (00747) grazing. 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. The range improvement projects are described below:

- Brodie Draw well water system: The Brodie Draw Well is located in the West Aspen Ridge grazing allotment. The well has been drilled but not completed. This project would complete the well and attach two separate water pipelines (one running north and one running southeast into the Brodie Draw allotment), a large-capacity water storage tank in the Brodie Draw allotment, and two water tanks (intended to replace the function of Brodie Draw Reservoir #2 and Brodie Draw Reservoir #3) to be fed by the large-capacity storage tank. (T33N R112W Sec 7, T33N R113W Sec 1, 22, and 12, T34N R113W Sec 35)
- Boulder Lake Reservoir retirement: This water pit occurs in an area of the East Aspen Ridge allotment characterized by sage brush and cool season bunch grasses. The section of the allotment tends to be very dry and does not produce high amounts of forage, compared to other portions of the allotment. The reservoir lies at the toe of a wet meadow area, rarely fills with water, and empties quickly. It is very shallow and muddy and the livestock operator

loses several adult cows and calves every year (four cows and one calf in 2008). The operator and range specialist feel the best course of action is to retire this reservoir. (T33N R112W Sec 9)

- Redesign Ryegrass Reservoir #3: This water pit occurs at the head of a wet meadow riparian complex, is wide and shallow, and fed by a small spring and snow melt. The operator often loses one to two cattle in this reservoir every year. We would like to shift the reservoir location to create a smaller, deeper reservoir and retire the original dam. (Figure 5; T34N R112W Sec 33)

BACKGROUND

The allotments associated with this decision are 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.

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 and necessary associated range improvements 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 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 implement the range improvements described in the introduction. However, in order to ensure that livestock grazing is not concentrated near sage grouse leking areas in the Brodie Draw grazing allotment livestock water troughs will not be used to replace the Brodie Draw Reservoir #2 and Brodie Draw Reservoir #3. Instead a water trough will be located next to the proposed location for the large-capacity water tank.

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

Attachments

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
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