

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

JF RANCH, INC.
BOX 280
BIG PINEY WY 83113

Dear Mr. McGinnis:

NOTICE OF PROPOSED DECISION
Issue Grazing Permit
North Labarge Common, Jory, No.Lab.Brid.Tet.F.S,
and Dry Piney grazing allotments
WY-100-EA09-20

The following is my Proposed Decision to issue a new (ten year) grazing permit on the North Labarge Common, Jory, No.Lab.Brid.Tet.F.S, and Dry Piney grazing allotments pursuant to Sec. 43 CFR Subparts 4100, 4120, and 4130 of the Grazing Regulations. A copy of the Environmental Assessment (EA) for this action (WY-100-EA09-20) and the associated North Labarge Area Grazing Plan is enclosed and is on file in the Pinedale Field Office.

BACKGROUND

The allotments associated with this decision encompass a total of 157,650 acres. The area is located in Sublette and Lincoln counties, WY and bounded by Labarge Creek to the south, Piney Creek to the north and highway 189 to the east. Ownership is predominantly Bureau of Land Management (BLM) but also includes private, state, and United States Forest Service (USFS) lands. This decision only applies to BLM and USFS managed lands. Table 1 summarizes currently permitted livestock operations.

Table 1

Authorization	Allotment	Allotment Name	No. Cattle	Begin Date	End Date	% Public Land	AUM's
4904347	12223	Bridger Teton NF	110	15-May	1-Oct	100	506
4904347	2100	Dry Piney Ind	6	15-May	14-Oct	100	30
4904347	2099	Jory Ind	300	1-Jul	6-Jul	83	49
4904347	2077	N. Labarge Com	1083	15-May	1-Oct	97	4835
4904347	2077	N. Labarge Com	415	15-Jul	5-Sep	97	701
4904347	2077	N. Labarge Com	415	15-May	1-Jul	97	635
4904347	2077	N. Labarge Com	415	15-Sep	24-Sep	97	132
4904347	2077	N. Labarge Com	936	2-Oct	15-Oct	97	418

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 except North Labarge Common.

A revised grazing plan has been developed concurrently with this NEPA effort that addresses any management changes needed to move toward desired conditions in an acceptable timeframe.

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-EA09-20) for a proposed action to address livestock grazing in the North Labarge area in Sublette County, Wyoming. The project would authorize grazing for at least 10 years according to the Proposed Action described in EA# WY-100-EA09-20 (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 issue a 10 year grazing permit to authorization #4904347. Use in the North North Labarge Common, Jory, No.Lab.Brid.Tet.F.S, and Dry Piney grazing allotments will occur according to the stipulations described in the North Labarge Area Grazing Plan and analyzed in EA WY-100-EA09-20. The mandatory terms and conditions associated with this authorization number are summarized in Table 2.

Allotment	% Public Land	AUM's	Begin Date	End Date	# Cattle
Jory Individual	83	49	1-May	1-Oct	12
Dry Piney	100	30	1-Jan	31-Dec	2
North Labarge Common (Calpet)	97	542	15-May	25-Jun	405
North Labarge Common (Calpet)	97	116	7-Oct	15-Oct	405
North Labarge Common (Black Canyon)	97	809	11-Jul	1-Oct	306
BTNF (Black Canyon)	100	271	11-Jul	1-Oct	99
BTNF (Chimney)	100	235	15-Jul	5-Oct	86
North Labarge Common (Chimney)	97	2171	15-May	14-Jul	1116
North Labarge Common (Chimney)	97	2726	15-Jul	5-Oct	1030
North Labarge Common (Chimney)	97	356	6-Oct	15-Oct	1116

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 North Labarge Area Grazing Plan. Namely to:

1. Maintain or achieve those Wyoming Standards for Rangeland Health that can be positively affected by changes in livestock grazing management.

2. Maintain economically viable livestock operations while applying multiple use/sustained yield management principles.
3. Improve the orderly administration of the North Labarge Common Allotment.

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 2, the “No Change” alternative, was determined to be inconsistent with 43 CFR 4100 guidance. 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
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Chris Wichmann
Wyoming Department of Agriculture
2219 Carey Ave.
Cheyenne, WY 82001

Mary Flanderka
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5400 Bishop Blvd
Cheyenne, WY 82006

State Planning Coordinator's Office
122 W. 25th St.
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State Land Office
Attn: Mike Henn
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Herschler Building 3W
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