

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Dear interested party:

NOTICE OF FINAL DECISION
Construct Livestock Drift Fence
North Labarge Common grazing allotment
WY-100-EA09-20

The following is my Proposed Decision to construct the Big Mesa Drift Fence. This project consists of a 0.8 mile drift fence in order to delay livestock use of vegetation in the western portion of the Big Mesa pasture (along the central portion of the Calpet road) by holding livestock in the north eastern portion of the Big Mesa pasture. A copy of the Environmental Assessment (WY-100-EA09-20) for this action and the associated North Labarge Area Grazing Plan is enclosed and is on file in the Pinedale Field Office.

BACKGROUND

The allotment associated with this decision encompasses a total of 142,244 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.

This decision is necessary and appropriate because in late summer 2008 an existing fence that served the same function as the proposed fence was removed by a private party (the adjacent landowner). The Big Mesa drift fence is designed to force livestock to travel over the Big Mesa, thus delaying their arrival in the western portion of the pasture and protecting several sensitive springs in that area. The original fence was aligned on BLM and private land; the Big Mesa drift fence will now lie entirely on BLM and, because of its location, should be even more effective at livestock distribution management than the previous fence had been. This fence is needed before livestock turn-out in early May 2009.

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 and necessary associated range improvements 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.

FINAL DECISION

It is my Proposed Decision to construct the Big Mesa Drift Fence. This project consists of a 0.8 mile, wildlife-friendly drift fence. In order to insure that the fence does not impede wild ungulate migrations the fence will incorporate a series of gates that can remain open (especially during spring and fall wildlife migrations) except when required to control livestock movements.

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”.

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 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. 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 Perpet 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:

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