



4160 (040)

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Rock Springs Field Office  
280 Highway 191 North  
Rock Springs, Wyoming 82901-3447



September 14, 2007

Certified Mail -7005-2570-0000-8257-9342 - Return Receipt Requested

Hellyer Limited Partnership  
560 Lyons Valley Road  
Lander, Wyoming 82520

## NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION AND FINDING OF NO SIGNIFICANT IMPACT

Dear Hellyer Limited Partnership:

### INTRODUCTION:

The Bureau of Land Management (BLM), Rock Springs Field Office plans to allow the conversion of Hellyer Limited Partnership's permitted sheep use to cattle use, sheep use or a combination of both sheep and cattle on the Red Desert Allotment.

### BACKGROUND:

On July 21, 1998, Magagna Brothers submitted a request for a transfer and conversion of Animal Unit Months (AUMs) in the Continental Peak and Red Desert Allotments. They requested that the AUMs be transferred to Robert and Martha Hellyer (now Hellyer Limited Partnership) and that the AUMs be converted from sheep to cattle use, sheep use or a combination of both sheep and cattle. On March 3, 1999, a decision was issued denying the requested livestock conversion because the Continental Peak and Red Desert Allotments were within the area being analyzed in the Jack Morrow Hills Coordinated Activity Plan (JMH CAP). Such actions were on hold until the JMH CAP was completed (40 CFR 1506.1). The transfer, however, was completed on June 15, 1999. On May 12, 2004, Hellyer Limited Partnership and Magana Brothers jointly sent a letter to the Rock Spring Field Office to again request a livestock conversion in the Continental Peak and Red Desert Allotments. Now that the Record of Decision for the JMH CAP is signed, the Rock Springs Field Office can proceed with the analysis of the requested livestock conversion. After discussions, BLM and Hellyer Limited Partnership have decided to consider both allotments separately, in terms of a livestock conversion. Therefore, this proposal is for the Red Desert Allotment only. The request is to convert existing sheep use under permit to the Hellyer Limited Partnership to cattle use, sheep use or to allow for a combination of both sheep and cattle use if desired. On June 15, 2007, the initial Environmental Assessment (EA) was sent out for public comment to interested publics and was posted on the BLM website. The comment

period was open for 45 days. The comments received were taken into consideration in the completion of the EA. The BLM met with Hellyer Limited Partnership on several occasions during the comment period and after to address concerns and clarify the proposed action. On August 2, 2007, Hellyer Limited Partnership met with BLM to discuss their comments on the EA and to review the proposed action. In a letter dated August 3, 2007 to the BLM, the Hellyer Limited Partnership stated their agreement to a conversion rate that differs from the conversion rate stated in the original Allotment Management Plan (AMP) and modified their proposed action as a result. The EA was completed in September 2007.

**PROPOSED DECISION:**

My proposed decision is to implement the proposed action described in the Environmental Assessment #WY-040-06-067 (enclosure 1) allowing conversion of sheep use to cattle use, sheep use or both within the Red Desert Allotment, #13012, in your grazing permit/lease, #4904648, and to issue a new grazing permit.

The decision will be to convert the grazing permit as follows:

**FROM**

ALLOTMENT	LIVESTOCK NUMBER & KIND	GRAZING PERIOD	PERCENT FEDERAL	AUMs
Red Desert	3,660 Sheep	5/1-5/6 (trailing use)	100	144
	2,300 Sheep	5/1-12/15	91	3,152

**TO**

ALLOTMENT	LIVESTOCK NUMBER & KIND	GRAZING PERIOD	PERCENT FEDERAL	AUMs
Red Desert	732 Cattle or 3,660 Sheep	5/1-5/6 (trailing use)	100	144
	191 Cattle	5/1-12/15	91	1,337
	or 2,300 Sheep			3,152
	or a combination of sheep and cattle			not to exceed 1,337

The following terms and conditions will apply to the permit:

- Use within the Red Desert Allotment will be in accordance with the Red Desert AMP.
- Use within the Red Desert Allotment will be as follows:
  - a. 1,337 AUMs cattle, or
  - b. 3,152 AUMs sheep, or
  - c. a combination not to exceed 1,337 AUMs total.
- Livestock will be removed from the pasture or the allotment when the utilization levels reach:
  - a. 35% of current year's growth on key upland grass species, or
  - b. 35% of current year's growth on riparian herbaceous species, or

- c. 30% of stems bitten on riparian willows, or
- d. 30% of stems bitten on mountain shrub species in the Pinnacles pasture.
- Hellyer Limited Partnership has agreed to conduct joint utilization monitoring with the BLM.
- The terms and conditions of the permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

#### RATIONALE:

My decision is based on the following:

- The stocking rate in the Proposed Action would be at a level that will be sustainable over time on range in good condition. The area has limited water availability and the level of conversion is based on an appropriate distance from these waters as suitable for use by cattle.
- Utilization levels on current year's growth for upland and riparian herbaceous species, willows and mountain shrubs are being applied to protect vegetation.
- The competition for forage with big game and wild horses was taken into account.
- The Proposed Action will not have significant adverse effects on sensitive species. Habitat quality for sage-grouse would not be adversely impacted.
- Wyoming standards for healthy rangelands would be maintained under the stipulations imposed by the proposed action and AMP.
- This grazing design would meet the Wyoming guidelines for livestock grazing.

#### AUTHORITY:

This EA fulfills the National Environmental Policy Act (NEPA) requirement for site-specific analysis. The Proposed Action is in accordance with 43 CFR 1610.5-3(a); Federal Land Policy and Management Act (FLPMA) of 1976, as amended; Sandy Grazing Environmental Statement Record of Decision (1979); Taylor Grazing Act of 1934; and NEPA of 1969. The Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management were developed and approved by the Secretary of the Interior on August 12, 1997.

The Proposed Action is in conformance with the Record of Decision Green River Resource Management Plan approved August 8, 1997, the JMH CAP Record of Decision dated July 19, 2006, the land use plan terms and conditions as required by 43 CFR 1610.5-3(a), and the Red Desert AMP and revisions, dated March 7, 1984. The Green River RMP EIS and JMH CAP EIS analyzed the impacts of grazing.

This action is in conformance with 43 CFR 4130 authorizing grazing use on public lands.

### **Finding of No Significant Impact**

I have determined that the selected alternative is in conformance with the approved land use plan. I have reviewed this environmental assessment including the analyses of potentially significant environmental impacts. I have determined that the selected action will not have any significant impacts on the human environment and that an EIS is not required.

#### **RIGHT OF PROTEST AND/OR APPEAL:**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under 43 CFR 4160.2, in person or in writing to:

Bureau of Land Management  
Rock Springs Field Office  
Attn: Field Manager  
280 Highway 191 North  
Rock Springs, WY 82901

within 15 days after receipt of such decision. The protest, if filed, 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 accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 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 petition for a stay of the decision pending appeal, in accordance with 43 CFR 4.471. The appeal and petition for a stay must be filed or in writing to:

Bureau of Land Management  
Rock Springs Field Office  
Attn: Field Manager  
280 Highway 191 North  
Rock Springs, WY 82901

The appellant must serve a copy of the appeal by certified mail on the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named [43 CFR 4.421(h)] in the cc sent to: section of this decision.

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

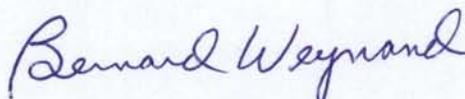
Should you wish to file a petition for a stay, you must comply with the provisions at 43 CFR 4.471. Among other things, that regulation requires that a petition for a stay show sufficient justification based on the following standards:

- (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.

Any person named in the decision from which an appeal is taken who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. The person must serve copies of the motion to intervene and response on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions, feel free to contact Bob Price at (307) 352-0367.

Sincerely,



Bernard Weynand  
Acting Field Manager

Enclosure:  
Red Desert EA #WY-040-06-067

cc:  
Bar X Sheep Company 7005-2570-0000-8257-9359  
c/o Mary Hay  
812 Bushnell  
Rock Springs, WY 82901

Blair and Hay Land & Livestock Company 7005-2570-0000-8257-9366  
c/o John Hay  
PO Box 247  
Rock Springs, WY 82902

Sweetwater County Conservation District 79 Winston Drive, Ste 110 Rock Springs, WY 82901	7005-2570-0000-8257-9373
Wyoming State Grazing Board PO Box 1202 Lander, WY 82520	7005-2570-0000-8257-9380
Jenifer Nordstorm 294 6 <sup>th</sup> Street Idaho Falls, ID 83401	7005-2570-0000-8257-9397
Western Watersheds Project PO Box 1160 Pinedale, WY 82941	7005-2570-0000-8257-9403
WY Dept. of Agriculture Attn: Don Christianson 2219 Carey Avenue Cheyenne, WY 82001	7005-2570-0000-8257-9410
WY Game & Fish Department Attn: Vern Stelter Habitat Protection Program 5400 Bishop Blvd. Cheyenne, WY 82006	7005-2570-0000-8257-9427
WY Game & Fish 351 Astle Green River, WY 82935	7005-2570-0000-8257-9434
Office of State Lands & Investments Forestry Division Herschler Building, 3rd Floor West 122 West 25th Street Cheyenne WY 82002	7005-2570-0000-8257-9441