

In Reply Refer To:
4120 (WYR01)
GR 4914999

September 13, 2012

CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2460

RETURN RECEIPT REQUESTED

Graves Land and Livestock, LLC
c/o Rod Graves
4070 Grass Creek Road
Thermopolis, WY 82443

NOTICE OF PROPOSED DECISION

Background

The Grass Creek Allotment No. 00530 has one grazing permit associated with it. Graves Land and Livestock, LLC controls the base property associated with the grazing preference on the allotment. In 2011, after gaining control of the property, Graves Land and Livestock made application for the grazing privileges. The BLM has determined that Graves Land and Livestock are qualified applicants in good standing and have accepted their application for grazing preference.

Environmental Assessment DOI-BLM-WY-R010-2012-0082-EA has analyzed the impacts of grazing on the Grass Creek Basin Allotment. The following decision is based upon that assessment.

My Proposed Decision, pursuant to 43 Code of Federal Regulations 4160.1(a) and in accordance with 43 CFR 4130.2, as well as Worland Field Office Policy, is to issue a grazing permits (enclosures 1) to Graves Land and Livestock as analyzed within the Environmental Assessment (enclosure 2). The grazing permit will be issued as follows:

Grass Creek Basin Allotment No. 00530

200 Cattle	03/01-03/15	35% Public Land	Active	35 AUMs
200 Cattle	11/06-02/28	35% Public Land	Active	265 AUMs

300 Active AUMs 37 Suspended AUMS 337 Grazing Preference AUMs

Other Terms and Conditions:

Cultural Resources: The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

Paleontology: The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).

Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

Please review the Grazing Permit and if you accept the terms and conditions, sign and date the Grazing Permit and return to this office within 45 days after receiving it. An approved copy will be returned to you for your records.

Provision for 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 Worland Field Manager, Bureau of Land Management, 101 S. 23rd Street, Worland, Wyoming 82401 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 in accordance with 43 CFR 4.471 and 4.479, 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 person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet Street Suite 151, Lakewood, CO. 80215. The BLM does not accept appeals by facsimile or email.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) 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. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

The Environmental Assessment and FONSI are available for your review on the Worland Field Office website: <http://www.blm.gov/wy/st/en/info/NEPA/documents/wfo/grazing-renewals.html>

If you have any questions, please contact John Elliott at the above address or telephone (307) 347-5100.

Sincerely,

Rebecca A. Spurgin
Field Manager

Enclosures:

1. Finding of No Significant Impact
2. EA DOI-BLM-WY-R010-2012-0082-EA
3. Grazing Permit

cc: **CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2477**
RETURN RECEIPT REQUESTED
Western Watersheds Project
c/o Jonathan Ratner, Wyo. Director
P.O. Box 1160
Pinedale, WY 82941

CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2484
RETURN RECEIPT REQUESTED
Guardians of the Range
c/o Kathleen Jachowski
217 Road 6EH
Cody, WY 82414

**CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2491
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Wyoming Office of State Lands & Investments
c/o Marty Matsen
122 West 25th St.
Cheyenne, WY 82002

**CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2507
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Wyoming State Grazing Board
c/o Dick Loper
P.O. Box 1202
Lander, WY 82520

**CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2514
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Wyoming Game and Fish Department
c/o Vern Stelter
5400 Bishop Blvd.
Cheyenne, WY 82006

**CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2521
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Western Watersheds Project
c/o Sean Sheehan, Northern Wyo. Dir
1313 South Fork Rd.
Cody, WY 82414

**CERTIFIED MAIL NUMBER 7009 2250 0000 9897 2538
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Department of Agriculture
c/o Jessica Crowder
2219 Carey Ave.
Cheyenne, WY 82002