

DECISION RECORD
Environmental Assessment
Little Lost Creek Allotment
Livestock Grazing Permit Renewal
DOI-BLM-WY-R010-2011-0041-EA

The Little Lost Creek Allotment's No. 00103 livestock grazing permit has expired. The permittee, Lloyd A. Lungren Revocable Trust (c/o Vance Lungren), has made application for renewal of this grazing permit.

An Environmental Assessment (EA) DOI-BLM-WY-R010-2011-0041-EA has been prepared to disclose and analyze the environmental consequences of renewing the grazing permit, authorization number 4901052, on the Little Lost Creek Allotment.

If approved, a new grazing permit would be issued to the permittee/operator for a term of ten years, or for the duration of a valid base property lease, if applicable. The permit will authorize the same level of livestock grazing use as the previous grazing permit, with no change in livestock kind, number or permitted use period.

My decision is to implement the Proposed Action (Alternative 1) described in EA No. DOI-BLM-WY-R010-2011-0041-EA in accordance with 43 CFR 4130.2, as well as Worland Field Office Policy.

Authorities:

An approved grazing permit is required to authorize grazing use on public lands and this authority is contained in the following sections of the 43 Code of Federal Regulations (CFR):

43 CFR 4130.2(a) which states.

(a) Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing and suspended use. These grazing permits or lease shall also specify terms and conditions pursuant to § 4130.3, 4130.3-1, and 4130.3-2.

Compliance and Monitoring:

The authorized officer will review the grazing applications to ensure authorized use reflects what is specified on the grazing permit or lease. When monitoring or field observations show grazing use or patterns of use are causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

Terms / Conditions / Stipulations:

As a goal combined use of Needlegrass species on selected key areas would be limited to maximum of 50 percent of current year's growth. If grazing use consistently exceeds appropriate levels, or any of Standards 1-4 of Wyoming Standards for Healthy Rangelands are not met, or if

trend monitoring indicates that the condition of range resources is declining and it is determined to be primarily due to livestock management, adjustments to livestock management will be made based on a site specific analysis.

The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.

Limited cross-country vehicle travel is allowed for the purpose of maintaining existing range improvements or animal husbandry efforts if established access routes do not exist. Travel on wet or muddy roads or conditions should be avoided to prevent rutting and soil erosion.

The operator is responsible for informing all persons in the area who are associated with this undertaking 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.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Washakie Resource Management Plan, approved September 1988.

Alternatives Considered:

Under Alternative 1, the grazing permit would be issued for a term of ten years. The grazing permit would authorize the same level of livestock grazing use as the previous grazing permit. The AUMs, season of use, and management would remain the same. The grazing permit would authorize the following livestock grazing use:

60 Cattle 7/1 - 10/31 5% P.L 12 AUMs

Under Alternative 2, the current livestock grazing permit on the Little Lost Creek Allotment would not be renewed. The grazing preference for the allotment would then be removed from the Washakie RMP grazing base. This action would require an RMP revision and would not be practical or cost effective to enforce.

Rationale for Decision:

Monitoring of grazing management practices on the Little Lost Creek Allotment has not identified any problems or a need for any modifications that will reduce permitted grazing use, including changes to AUMs, livestock kind, or season of use. The impacts related to this decision were also analyzed in sufficient site-specific detail and will not change any known cumulative effects. Range conditions on this allotment still meets the criteria for category "M"-Maintain Existing Resource Conditions.

Protest/Appeal Language:

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the Worland Field Office Manager, Bureau of Land Management, Worland Field Office, P.O. Box 119, Worland, Wyoming 82401.

In the absence of a protest, this proposed decision shall constitute my final decision without further notice unless otherwise provided for in the proposed decision, in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Worland Field Office as noted above. The BLM does not accept appeals by facsimile or email.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall 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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet Street Suite 151, Lakewood, CO. 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

X 

Michael J. Phillips
Assistant Field Manager -Resources

6/17/2011

Date