

United States Department of the Interior
Bureau of Land Management
Lander Field Office
1335 Main Street
P.O. Box 589
Lander, Wyoming 82520
(307-332-8400)

Certified Mail No. 7007 1490 0002 1554 8210
Return Receipt Requested

WY050 4010
GR#4903089

July 15, 2008

CORP. OF THE P.B. OF THE L.D.S. CHURCH
HANDCART RANCH
47630 W. HWY 220
ALCOVA, WY 82620

NOTICE OF THE FIELD MANAGERS PROPOSED DECISION

Dear Mr. Stephenson:

INTRODUCTION AND BACKGROUND

The proposed action is to construct approximately 1.5 miles of pipeline from the 66 ranch well to provide off-site water for livestock and wildlife in the UT Ranch pasture; ½ miles would be located on public land with the balance on private and state land. The construction of this project would occur between August 16 and September 30, 2008. The pipeline would supply water to 1 stock tank. The stock tank would be equipped with several bird ladders, to allow small animals or birds to escape. This pipeline would be ripped into the ground. Some backhoe work would be done at the stock tank site. A cobble pad of rock would be spread around the tank to prevent lounging of livestock and erosion of the area around the tank. Approximately 1 acre of land would be disturbed during construction of this project. This project would be located in T.28N., R.88W., Sections 7, 8, 9. (See the attached map.)

PROPOSED DECISION

My proposed decision is to implement the proposed action described in Environmental Assessment EA No. WY-050-EA07-157.

It would authorize the construction of the 66 water pipeline across public lands in the Devils Gate allotment.

New terms and conditions will be added from existing laws and regulations as mandated by

(43 CFR 4130.3—1) or terms and conditions that ensure conformance with subpart 4180. These terms and conditions pertain to predator control actions on public lands, Threatened and Endangered species, future implementation of Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management, maintenance of range improvements and cultural resources.

These terms and conditions are:

1. Predator Control: The permittee/lessee and/or his/her employees shall not use or place poison or M-44 devices for prairie dog or predator control on Bureau of Land Management(BLM)-administered public lands. Predator, prairie dog or trophy animal predation control actions will be carried out by the Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), or the Wyoming Game and Fish Department, or whoever has the responsibility for the offending species. If predation problems and conflicts with prairie dogs arise, the permittee/lessee shall immediately notify the BLM Lander Field Office and the appropriate agency.
2. Standards and Guidelines: In accordance with current regulations regarding Standards for Healthy Rangelands, all allotments are subject to further review regarding compliance with the standards as outlined in 43 CFR 4180. BLM will conduct an assessment of rangeland health for this (these) allotment(s) during the 10 year term of the lease using Wyoming BLM's Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management (1997). The permit will be reissued subject to revised terms and conditions if the assessment results in a determination that appropriate actions are necessary in order to comply with the standards and guidelines.
3. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must immediately stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. The holder is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly damaging, altering, excavating, or removing any archaeological, historical, or vertebrate fossil object or site, or for collecting artifacts. Any cultural and/or paleontological resource (historic or prehistoric site or object or fossil) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all activities in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Any decisions as to proper mitigation measures shall be made by the authorized officer after consulting with the holder. The BLM is responsible for the cost of any investigation necessary for the evaluation, and any mitigation measures required by the authorized officer. Upon verification from the authorized officer that the required evaluation and/or mitigation has

been completed, the holder will be allowed to resume grazing operations in the identified area.

5. All proposed actions within the allotment on public lands will have a cultural/paleontological resource evaluation completed by the field office archaeologist and/or regional paleontologist. Standard cultural resources inventory and evaluation procedures will be followed. Appropriate inventories and mitigation measures must be completed prior to project implementation.
6. The area under consideration contains no known areas or locations of Native American religious or cultural concern. If such areas are subsequently identified or become known through the Native American notification or consultation process they would be considered during the implementation phase. The BLM will not take action that has the potential to adversely affect these areas or locations without consultation with the appropriate Native American Tribes.
7. All range improvements shall be maintained in accordance with cooperative agreements/range improvement permits on file with the Bureau of Land Management pursuant to 43 CFR 4120.30 and 42310.3-2

MITIGATION

1. During construction and installation of the trough on this pipeline, bird ladders and a gravel pad around the trough will be installed.
2. The trough will have water in it during the hot part of the grazing season for wildlife (June 1 – September 1).
3. After the useful life of the project, the area will be cleaned up and reclaimed.

RATIONALE

The proposed decision to allow the proposed action is consistent with present and projected future uses in the subject area and is environmentally acceptable as it does not result in undue or unnecessary environmental degradation. It is more desirable than the No Action Alternative because it is consistent with the Lander Resource Management Plan, approved on June 9, 1987, and will fulfill a need that has been expressed by the public. It also improves the ecological conditions of the riparian areas surrounding Jackson Lake while maintaining acceptable use levels by livestock around the project area over the long term.

AUTHORITY

The Bureau of Land Management has authority to renew this grazing lease consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Lander Resource Management Plan. An approved grazing Lease is required to authorize grazing use on public lands as required by 43 CFR 4140.1 (b)(i).

RIGHT OF PROTEST AND/OR 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 Lander Field Manager, Bureau of Land Management, 1335 Main or P.O. Box 589, Lander, Wyoming 82520, 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 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 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 Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons 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 served in accordance with 43 CFR 4.473.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please to contact Roy Packer at 307-332-8400, or myself at 307-332-8400.

Sincerely,

A handwritten signature in black ink, appearing to read "R. B. Ross, Jr.", with a stylized flourish at the end.

Robert B. Ross, Jr.
Field Manager

CC: Agent(s) of record - None
Lien holder(s) of record - None
Interested public (specific to allotments for which they have been granted interested public status)
States having affected lands or management responsibility