

## NOTICE OF PROPOSED DECISION

The Lakeview Resource Area, Bureau of Land Management (BLM) has analyzed a proposal and two alternatives for a project to extend an existing pasture fence about 9 miles to the southeast to Actney Camp across the Beaty Butte allotment (0600) to completely separate the north and south pastures as shown in Map 1 of the EA. Fence construction would require mowing sagebrush in 10-15 foot wide swath.

Four fence "traps" would be created around the existing Butch, Swede, Bald Mountain, and Shelby Waterholes to manage livestock and wild horse access to water (see Map 2 of the EA). In addition, two pipelines would be required (see Map 5 of the EA). About one-quarter mile of pipeline would be constructed on public land along with a new trough outside the trap fence around Bald Mountain Waterhole. Water would be piped in a second pipeline from Seep Spring to a trough approximately one-half mile north of the spring, located on the north side of the proposed fence. These would provide water for wild horses when livestock are in the South pasture. Water could also be used by both livestock and wild horses on years livestock are in the North pasture. Gates would be opened when livestock are not on the allotment to allow wild horses to move between pastures.

### Decision:

Based on the analysis contained in EA OR-010-2004-07, recommendations from my staff, input received through coordination with the permittees and interested publics, my proposed decision is to implement the preferred alternative, as described above.

### Rationale:

The EA has analyzed the three alternatives related to implementation of a rest-rotation grazing system, as outlined within the Beaty Butte AMP/ROD (1998). The preferred alternative, described above, best meets the goals and objectives of the approved plan.

### Authority:

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR), which states in pertinent parts: 4120.3-1 (f) " Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under 4160 of this part."

### Administrative Remedies:

Any applicant, permittee, lessee or other person whose interest is adversely affected by the proposed decision may protest it in accordance with 43 CFR 4160.2 within 15 days from receipt of this decision. The protest should specify the reason(s), clearly and concisely, why the decision is in error. The protest should be submitted in writing to me at BLM, 1301 South G Street, Lakeview, Oregon 97630.

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(a)).

Anyone whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on 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 and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address: Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Suite 300, Arlington, VA 22203.

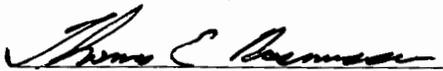
The appeal must be in writing and state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470.

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, a petition for a stay must show sufficient justification based on the following standards under 43 CFR 4.21:

- (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 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 either myself, Les Boothe, or Bob Hopper of my range staff at (541) 947-2177.



Thomas E. Rasmussen, Manager  
Lakeview Resource Area

6/14/04

Date