



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Lakeview Resource Area  
1301 South G Street  
Lakeview, Oregon 97630  
[www.or.blm.gov/lakeview](http://www.or.blm.gov/lakeview)



In Reply Refer To:  
4160 (OR-015)

April 3, 2008

Certified Mail: 7007 071 0003 2770 3198  
Return Receipt Requested

Dennis Flynn  
1108 South 4<sup>th</sup> Street  
Lakeview, Oregon 97630

### **NOTICE OF FIELD MANAGER'S PROPOSED DECISION TO VACATE THE FINAL DECISION REGARDING DENNIS FLYNN'S TEMPORARY NONRENEWABLE GRAZING APPLICATION**

Dear Mr. Flynn:

This letter is to inform you of the Field Manager's Proposed Decision to vacate the Final Decision Regarding your Temporary Nonrenewable (TNR) grazing application for the 2008 grazing season.

### **INTRODUCTION**

On January 11, 2008, you applied for 100 Animal Unit Months (AUMs) of TNR grazing for the West Lake Allotment (#0424). The requested TNR was to be utilized from April 1 through April 30, 2008.

You received my February 11, 2008, Proposed Decision on February 19, 2008. That Proposed Decision was to authorize the issuance of 100 AUMs of TNR on the #0424 West Lake Allotment from April 1 to April 30, 2008 (contingent on a site visit by an Interdisciplinary Team during the week of March 24, 2008).

The protest period for the Proposed Decision addressing your TNR request ended on March 5, 2008. No protests were received during the 15 day protest period; therefore, the Proposed Decision became final. The appeal period for the Final Decision ended on April 3, 2008.

## **PROPOSED DECISION**

**It is My Proposed Decision to Vacate the Final Decision Regarding TNR Grazing (April 1 to April 30, 2008) on the #0424 West Lake Allotment.**

### **RATIONALE/AUTHORITY**

The BLM has received new information on the #0424 West Lake Allotment. The BLM plans to evaluate the new information but no date has yet been scheduled. The BLM will be unable to evaluate the new information before April 1, 2008.

Grazing permittees who graze their livestock on BLM administered lands may be issued TNR under the grazing regulations Code of Federal Regulations (CFR) 43 CFR 4130.6-2; however, the issuance of TNR is at the discretion of the BLM. This final grazing decision is in compliance with the stipulations stated in the Non-renewable Grazing Environmental Assessment (EA) # OR-010-87-19 (1989).

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

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Thomas E. Rasmussen, Field Manager, Lakeview District Office, 1301 South G Street, Lakeview, Oregon 97630, 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.

Any protest received will be carefully considered and then a final decision will be issued. In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final grazing decision may appeal the decision to an administrative law judge in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appellant must serve a copy of the appeal on any person named in the decision.

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

Appellant may also petition for a stay of the final decision by filing a petition for stay together with the appeal in accordance with the provisions of 43 CFR 4.471.

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.471, 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.
4. Whether or not the public interest favors granting the stay.

The appellant bears the burden of proof to demonstrate that a stay should be granted.



Thomas E. Rasmussen  
Lakeview Resource Area Field Manager

4/3/08

Date

cc:

Oregon Natural Desert Association  
Certified Mail: 7007 0710 0003 2770 3204  
Return Receipt Requested