



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Phoenix District  
Hassayampa Field Office  
21605 North 7<sup>th</sup> Avenue  
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[www.blm.gov/arizona/](http://www.blm.gov/arizona/)

In Reply Refer To:  
4160 (AZP030)  
# 06235

Certified Mail: 7018 0360 0000 1241 4342

RETURN RECEIPT REQUESTED

JH Cattle Company LLC  
C/O John Holbrook  
PO Box 1196  
Mayer, AZ 86333

## **NOTICE OF PROPOSED DECISION**

Dear Mr. Holbrook,

In 2014, you were notified that the Horseshoe Allotment (#06235) would be assessed and evaluated to determine if resource conditions are meeting the Arizona Standards for Rangeland Health, land use plan objectives, Allotment-specific objectives, and to determine if the terms and conditions of the permit are in conformance with the Arizona Guidelines for Grazing Administration in order to fully process the reissuance of the grazing permit on the Allotment.

### **BACKGROUND**

The Hassayampa Field Office, Agua Fria National Monument initiated the Allotment evaluation process in 2014 for the Horseshoe Allotment permit. Monitoring data was collected for the evaluation between 2014 and 2018. The evaluation area is located in Yavapai County, northeast of Black Canyon City, Arizona, within the Phoenix District of the Bureau of Land Management (BLM). The Allotment is within the Agua Fria National Monument of the Bradshaw-Harquahala planning area of the Hassayampa Field Office, with intermingled federal and private lands throughout the Allotment. The Allotment is approximately 29,851 acres in size; 29,651 acres are federally managed and 200 acres are private lands.

Following the analysis, interpretation, and evaluation of monitoring data, it was determined that land use plan objectives, Allotment specific objectives, and Standards 1 (Upland Sites) and 3 (Desired Resource Conditions) of the Arizona Standards for Rangeland Health have been met on the upland portions of the Allotment. Standard 2 (Riparian-Wetland Sites) was not met on the allotment due to wildfire and drought. The rangeland health assessments and evaluation indicates

that the upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to the soil type, climate and landform.

As part of the draft Horseshoe Allotment Rangeland Health Evaluation (RHE), technical recommendations were developed to ensure that the allotment would continue meeting and/or make significant progress towards meeting the Arizona Standards for Rangeland Health, land use plan objectives and Allotment specific objectives. As a result, the BLM has prepared the Horseshoe Allotment Grazing Authorization Renewal Final Environmental Assessment (EA) (DOI-BLM-AZ-P030-2020-0001-EA) to analyze a range of alternatives for reissuing the grazing permit.

The Final Environmental Assessment, Finding of No Significant Impact, and Proposed Grazing Decision may be viewed or downloaded from ePlanning: <https://go.usa.gov/xvFh5> (this link is case sensitive).

## **PUBLIC INVOLVEMENT**

On May 22, 2020 the BLM announced a 15-day public comment and review period. The comment period closed on June 5, 2020. The BLM received 9 comment emails or letters to consider. Substantive comments have been summarized and responses provided in Appendix 7 of the Final EA.

## **PROPOSED DECISION**

After reviewing the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my proposed decision to implement the Proposed Action described in the EA to authorize livestock grazing use on the Horseshoe Allotment with a term of 10-years beginning March 1, 2021, upon acceptance of the permit. A new grazing permit will be offered once this decision becomes final.

Through the Allotment evaluation process, it was determined that the following management actions are appropriate to ensure meeting land use plan objectives, Arizona Standards for Rangeland Health, and Allotment specific objectives for the Horseshoe Allotment. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the Allotment evaluation your permit is adjusted as follows:

### **Proposed Permitted Livestock Use:**

<b>Allotment</b>	<b>Pasture</b>	<b>Livestock Number Kind</b>	<b>Begin Date</b>	<b>End Date</b>	<b>Percent Public Land</b>	<b>Type use†</b>	<b>AUMs</b>	
Horseshoe		381	Cattle	03/01	02/28	100	Adaptive	4,094
	Upper Agua Fria	381	Cattle	11/1	03/01	100	Adaptive	214
	Lower Agua Fria	381	Cattle	11/1	03/01	100	Adaptive	264

**Other Terms and Conditions:**

In accordance with 43 Code of Federal Regulations(CFR) 4110.3-2 the following terms and conditions of your permit (Authorization #0200078) will be adjusted as follows:

1. All wildlife troughs would be left full of water and operational year-round for wildlife accessibility, unless in limited circumstances where extreme freezing conditions may damage facilities or extreme droughts limit water availability.
2. When entering the next scheduled pasture, all livestock would be removed from the previous pasture within two weeks.
3. Lessee would ensure that enough time is allowed to remove livestock to meet the pasture move date(s) and avoid unauthorized and/or excessive use.
4. Lessee would ensure adequate range improvements to be in functioning condition prior to entering the next scheduled pasture.
5. Any changes in the grazing schedule for any reason must be requested in writing at least 30 days before the requested changes are proposed to occur and be approved by the BLM Authorized Officer in writing.
6. Supplementation feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter (1/4) mile from livestock water sources and known cultural sites, and one-eighth (1/8) mile away from major drainages and washes, sensitive wildlife habitat, and designated recreational sites. Supplements would be removed from pastures when cattle have left an area, and not placed within a pasture until the cattle arrive. Additionally, supplements would not be placed in the same location(s) each year.
7. The lessee must properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4230-5) annually. The completed form(s) must be submitted to the BLM, Hassayampa Field Office (HFO) within 15 days from the last day of authorized annual grazing use (43 CFR 4130.3-2 9d)).
8. If in connection with Allotment operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

**In addition to the above Terms and Conditions, the BLM will implement the following administrative actions:**

- Reconstruction of the corrals in Double Tank and Joe's Hill pastures is approved. Corrals will be reconstructed using the guidance and methods of low-stress livestock handling recommended by Dr. Temple Grandin. All corrals will follow designs that have been implemented by Dr. Grandin.
- Fencing for the realignment of North River and South River pastures, fencing to exclude the Agua Fria River in Boone pasture, and fencing to exclude Silver Creek in Double Tank pasture is approved. The fencing will conform to BLM fencing standards consisting of 4 wires with the lowest and top wire being barbless strand a minimum of 18" above ground and be wildlife friendly. BLM Fencing requirements can be found in the Fencing Handbook H-1741-1.
- Fencing the wildlife only troughs in New Mill and Perry Mill is approved. Fencing will be approximately 300 by 300 feet and consist of wildlife friendly barbed wire or pipe-rail fences to prevent livestock use.
- Several additional livestock water facilities are approved for construction. All livestock water facilities must meet BLM specifications found in the Water Developments Handbook H-1741-2.
  - Three new wells are approved for construction in North River, Double Tank, and Boone pastures. Wells would be constructed by a class 8 (3 axle) vehicle. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to Endangered Species Act (ESA) listed species.
  - Five pipelines are approved for construction in the North River, South River, New Mill, Joe's Hill, Lousy, Upper Agua Fria, and Boone Tank pastures. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to ESA-listed species. All pipelines will be laid on the soil surface to minimize disturbance to soils, vegetation, and cultural resources. In areas where the pipeline would need to be underground (e.g. near troughs and road crossings), trenches would be no more than 24 inches deep and would be backfilled appropriately.
  - Seventeen 500 gallon watering troughs, five 10,000 gallon storage tanks, and three wildlife only troughs are approved for construction in North River, South River, New Mill, Perry Mill, Joe's Hill, Lousy, Upper Agua Fria, and Boone Tank pastures. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to ESA-listed species.
- All water troughs and tanks with open tops that are located on public lands within the Horseshoe Allotment must have wildlife escape ramps installed to reduce risk of wildlife drowning. Examples of appropriate wildlife escape ramps can be found in the enclosed documents (BLM Technical Bulletin 89-4, and *Wildlife Escape Ramps for Livestock Watering Troughs* (NRCS 2012).
- Removal of unnecessary pasture fencing and existing steel pipelines, to suspend surface water diversions from the Agua Fria River and Indian Creek, are approved in Double

Tank and Boone Pasture. Materials and labor must be hauled from the project area using existing routes. Materials would be carried overland by hand from their respective project sites to the nearest road for removal.

- Installation of one cattleguard is approved on Bloody Basin Road in North River Pasture. Future locations identified by the authorized user must be submitted to the Agua Fria Monument Manager in writing for approval and may require additional NEPA analysis. All cattleguards installed must meet BLM specifications found in the Road Design Handbook H-9113-1.
- Three, five acre vegetation research plots will be located in the uplands of North River, New Mill, and Joe's Hill pastures. The study plots will be used to evaluate vegetation treatments on non-native and invasive grass species such as wild oats (*Avena fatua*) and red brome (*Bromus rubens* L.) and shrubs such as catclaw acacia (*Senegalia greggii*). Treatment methods would be consistent with the protocols established under the BLM Phoenix District Integrated Weed Management EA (DOI-BLM-AZ-P000-2015-0001-EA) and may include use of herbicide, mechanical, or biological methods (or a combination of methods) to reduce or eradicate undesired vegetation species within the Allotment (BLM 2015).

## **RATIONALE**

Based on the data compiled and analyzed in the RHE, the Horseshoe Allotment is achieving Standards 1 and 3 of the Arizona Standards for Rangeland Health on uplands. Vegetation attributes such as vigor, recruitment and composition are appropriate for the area under current grazing management, and soils are stable. Species composition and structure were typical of the ecological communities within the Allotment. Standard 2 is not being achieved due to wildfire and drought.

Adjustments to terms and conditions and management practices are necessary in order to continue to meet and/or make significant progress towards meeting Standards for Rangeland Health and Guidelines for Grazing Administration and other Land Use Plan multiple use objectives. The proposed changes in terms and conditions and management practices are in conformance with Arizona Guidelines for Grazing Administration and will provide for forage on a multiple use sustained yield basis and support wildlife habitat requirements.

Modifications to current grazing management such as requiring placement of nutritional supplement at least one-quarter (1/4) mile from livestock water sources and one-eighth (1/8) mile away from sensitive wildlife habitat, and new water sources within the Allotment are necessary to improve livestock distribution across the Allotment, better utilize areas that are lightly used, provide additional water for wildlife species, avoid livestock concentration in sensitive wildlife habitat, and to provide reliable water sources for both wildlife and livestock.

## **AUTHORITY**

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, as amended, effective July 11, 2006, which states in pertinent subparts and sections:

**§ 4100.0-8** The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use

plans...Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 C.F.R. 1601.0-5(b).

**§4110.2-4** After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands.

**§4110.3** The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory, or other data acceptable to the authorized officer.

**§4110.4(a)** Where there is a decrease in public land acreage available for livestock grazing within an allotment: **(1)** Grazing permits or leases may be cancelled or modified as appropriate to reflect the changed area of use.

**§4120.3-1(a)** Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

**§4120.3-2(a)** The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).

**§4120.3-2(b)** Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipelines where authorization is granted after August 21, 1995 shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines shall be through cooperative range improvement agreements. A permittee's or lessee's interest in contributed funds, labor, and materials will be documented by the Bureau of Land Management to ensure proper credit for the purposes of §§ 4120.3-5 and 4120.3-6(c).

**§4130.2(b)** The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.

**§4130.3** Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

**§4110.3-2(b)** When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory, or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

**§4110.3-3(a)** After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §§ 4110.3-2 shall be issued as proposed decisions pursuant to 4160.1 of this part, except as provided in paragraph (b) of this section.

**§4130.3** Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

**§4130.3-1(a)** The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

**§4130.3-1(c)** Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

**§4130.3-2** The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to: ... (d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made; ... (f) Provisions for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants ... or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans...

**§4130.3-3** Following consultation, cooperation, coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 or this part. To the extent practical, shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

**§4160.2** Any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

**§4180.2(c)** The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines.

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

Any applicant, permittee, lessee, or other affected interest may protest this proposed decision under 43 CFR §§ 4160.1 and 4160.2 within 15 calendar days after receipt of this proposed decision. Protests may be either in person or in writing to Bureau of Land Management, Hassayampa Field Office ATTN: Lane Cowger, Field Manager, 21605 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85027.

The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error. In absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice in accordance with 43 CFR § 4160.3, unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the final decision pending final determination on appeal under 43 CFR §4160.4, §4.21 and must follow the requirements set forth in §§ 4.470 through 4.480 of this title. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 calendar days following receipt of the final decision, or 30 calendar days after the proposed decision becomes final.

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

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Lane Cowger  
Field Manager, Hassayampa Field Office

September 10, 2020

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Date

Carbon Copies:

Arizona Cattleman's Association ATTN Patrick Bray	7018 0360 0000 1241 4359
Arizona Game and Fish Department ATTN Region 2	7018 0360 0000 1241 4366
Arizona Game and Fish Department ATTN Region 4	7018 0360 0000 1241 4373
Arizona Game and Fish Department ATTN Region 6	7018 0360 0000 1241 4380
Arizona State Land Department	7018 0360 0000 1241 4397
Center for Biological Diversity	7018 0360 0000 1241 4403
C. Borg	7018 0360 0000 1241 4410
Desert Tortoise Council	7018 0360 0000 1241 4427
J. Burgess	7018 0360 0000 1241 4434
M. Anderson	Incomplete mailing address, sent via email
Nature's Feed, LLC ATTN Tim Peterson	7018 0360 0000 1241 4441
R. Spotts	7018 0360 0000 1241 4458
Red Mountain Mining Co. ATTN Dale L. Longbrake	7018 0360 0000 1241 4465
Sierra Club, Grand Canyon Chapter	7018 0360 0000 1241 4472
United States Fish and Wildlife Service	7018 0360 0000 1241 4489
Western Watersheds Project ATTN Greta Anderson	7018 0360 0000 1241 4496
Wild Earth Guardians	7018 0360 0000 1241 4502