



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Arizona Strip District
Arizona Strip Field Office
345 East Riverside Drive
St. George, Utah 84790
<http://www.blm.gov/az/>

Phone (435) 688-3200 • Fax (435) 688-3258

In Reply Refer To:
4110, 4130 (LLAZA01000)

April 30, 2019

NOTICE OF GRAZING DECISION

Esplin Livestock LLC
P.O. Box 5501
Mt. Carmel, Utah 84755

Dear Esplin Livestock LLC:

This is in response to your application to transfer the Antelope and Flat Top Well grazing allotments from Foremaster Ranches LLC (transferor) to Esplin Livestock LLC.

The Antelope and Flat Top Well allotments are located in the Arizona Strip Field Office, approximately 15 miles southwest of Colorado City, Arizona, and are found within the following described areas:

Antelope Allotment

Salt River Meridian, Mohave County, Arizona
T. 41 N., R. 9 W., secs. 3, 10, 11, 13, 14, 23, 26, 27, 28, 33, 34, 35 and 36
T. 40 N., R. 9 W., secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17

Federal Acres: 14,390
State Acres: 1,280
Private Acres: 40
Total Acreage: 15,710

Flat Top Well Allotment

Salt River Meridian, Mohave County, Arizona
T. 39 N., R. 8 W., secs. 1, 2, 3, 9, 10, 11, 12, 13, 14 and 16
T. 39 N., R. 7 W., secs. 5, 6, 7, 8, 17 and 18

Federal Acres: 8,625
 State Acres: 1,120
Private Acres: 0
 Total Acreage: 9,745

The transfer of the grazing preference for the Antelope and Flat Top Well allotments from Foremaster Ranches LLC to Esplin Livestock LLC is authorized with no changes in the season of use, kind of livestock, or number of AUMs, and with current terms and conditions. Billing will continue to be based on actual use.

The term of the new permit will be the same as the transferor's permit which was March 1, 2017 to February 28, 2027.

The authorized grazing use and permit terms and conditions are shown in Table 1.

Table 1. Antelope Allotment (#05206) and Flat Top Well Allotment (#05214) Current Permitted Use.

Permittee	Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
Foremaster Ranches LLC	Antelope	116 Cattle	3/1- 2/28	88%	1,227	370	1,597
	Flat Top Well	82 Cattle	11/1 – 2/28 3/1 – 6/30	89%	874	4	878
Total					243	374	2,475

AUMs = Animal Units Months

The total AUMs for Esplin Livestock LLC will be 2,475.

TERMS AND CONDITIONS

Terms and Conditions:

Permit issued will have no changes and includes the Standard Terms and Conditions under 43 CFR 4130.3.

Other Terms and Conditions:

Grazing pursuant to this permit is subject to: (A) The final grazing decision dated May 27, 1999; and (B) Final disposition of any appeal filed against said decision.

DECISION

The grazing permit is in accordance with the Arizona Strip Field Office Resource Management Plan (RMP) approved February 2008.

Your application and supporting documentation is in order and you meet all requirements under 43 CFR § 4110.2-3 for transfer of grazing preference.

Transfers of grazing preference are categorically excluded from further National Environmental Policy Act (NEPA) review (516 DM 11.9). Based on a review of the action described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that this permit transfer is in conformance with the Arizona Strip Field Office RMP and is categorically excluded from further environmental analysis. An interdisciplinary team completed a review of extraordinary circumstances for applicability and found that none apply. Based on this review, the transfer does not require preparation of an environmental assessment or environmental impact statement.

Therefore, I have decided to approve the transfer of grazing preference described above.

RATIONALE

The transfer of the grazing permit will help to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

AUTHORITY

Statutory and regulatory authorities for this decision are in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976 and 43 CFR § 4100:

43 CFR § 4100.0-8: “The authorized officer shall manage cattle grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans.”

43 CFR § 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.”

43 CFR § 4130.3-1(b): “All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.”

Section 3023 of Public Law (PL) 113-291, National Defense Authorization Act (NDAA) 2015, amends Section 402 of the Federal Land Policy and Management Act of 1976 (FLPMA) and includes seven provisions related to livestock grazing as cited in BLM Instruction Memorandum (IM) No. 2015-122. This IM provides direction for the provisions that address continuing the terms and conditions for livestock grazing when a permit or lease has expired or was terminated due to a grazing preference transfer.

When a permit is terminated as a result of a transfer of preference, the authorized officer may issue the new permit in accordance with FLPMA Section 402(c)(2) with the same terms and conditions that were contained on the transferor’s permit. When a grazing permit

expires, a new permit may be issued in accordance with the mandatory renewal provisions also contained within FLPMA Section 402(c)(2). Permits issued in accordance with Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291 are not protestable or appealable under the processes described in 43 CFR § 4160 and 43 CFR § 4.470 et seq.

Sincerely,

Lorraine M. Christian

Lorraine M. Christian
Field Manager

cc: Esplin Livestock LLC case file.