



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Tucson Field Office
12661 East Broadway Blvd.
Tucson, AZ 85748-7208
(520)722-4289

In reply refer to:
4000/5252(060)

August 4, 1999

CERTIFIED MAIL No. Z 270 113 790
RETURN RECEIPT REQUESTED

Fred Rai Company
C/O Mr. Burt Devere
P. O. Box 963
Tombstone, Arizona 85638

NOTICE OF PROPOSED DECISION

Dear Mr. Devere:

On March 1, 1999 you were issued a grazing authorization for use through September 30, 1999 on the Lucky Hills allotment (No. 5252) in accordance with Pub. L. 105-277. You were issued this short-term billing while we completed processing the renewal of your lease.

Changes contained in the new grazing regulations that became effective August 22, 1995 (43 CFR Part 4100) require that livestock operations on public lands adhere to federal Standards and Guidelines developed as they relate to livestock grazing. The Bureau of Land Management has assessed and evaluated the Lucky Hills allotment.

The resource evaluation we conducted determined that the exiting resource conditions are meeting Arizona's Standards for Rangeland Health, and current management of the livestock is appropriate under Arizona's Guidelines for Grazing Administration. A subsequent administrative determination concluded that existing environmental assessment for livestock grazing on the Lucky Hills allotment and our renewal of your lease with appropriate Terms and Conditions is sufficient, and no further changes in the current operation are required at this time. No new information, issues or concerns were identified for the allotment; through allotment field visits, monitoring data and/or through public comment, since the last term lease renewal which are not being addressed through this renewal.

The Bureau submitted a Biological Evaluation to the United States Fish and Wildlife Service which detailed our anticipated impacts of livestock grazing to federally listed Threatened and Endangered species in the Tucson Field Office area. We received a Biological Opinion (2-21-96-F-160) back from the Service on September 26, 1997. The Service determined that the proposed action is not likely to jeopardize the continued existence of the listed species affected, and is not likely to result in destruction or adverse modification of designated or proposed critical habitat. Mandatory terms and conditions were included by the Service for all animal species designed to reduce incidental take of the species. Some of these actions address predator control and future

range improvements authorized, funded, or carried out by BLM, such as fences, pipelines, waters, mechanical or chemical vegetation treatments, or prescribed fire. They may not directly apply to your lease, but apply to actions the Bureau might consider on the public lands in the allotment. We have included them for your information in Attachment A with the actions the Bureau has determined are necessary to maintain proper grazing management on the public lands in your allotment.

Based on the above and in accordance with 43 CFR 4100, my proposed decision is to offer you the enclosed Term Grazing Lease on the Lucky Hills allotment (No. 6015) with the following Terms and Conditions. This lease is offered to you based on your recognized grazing preference on the public lands administered by the Bureau of Land Management. You are authorized to make grazing use to the extent of the active permitted use as shown on the lease. The lease will expire February 28, 2009. If you choose to accept the Term Lease, please sign and date the original and return it to our Tucson office. We will mail you your copy of the approved lease for your records. You will continue to receive annual grazing applications in January, and the billing in February.

Terms and Conditions:

The Terms and Conditions for the Lucky Hills allotment are incorporated into this Proposed Decision and included as Attachment A.

Rational:

The public lands in the Lucky Hills allotment are designated as available for livestock grazing through the Safford District Resource Management Plan, which adopted the Eastern Arizona Grazing Environmental Impact Statement.

43 CFR 4130.3 states that, "livestock grazing permits or 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.

Authority: The authority for this decision is contained in Title 43 of the code of Federal Regulations, which states in pertinent parts:

4100.0-8 "The authorized officer shall manage livestock grazing on public lands under the principles of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also sets forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4130.2(a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2."

4130.2(b) "The authorized officer shall consult, cooperate and coordinate with affected permittees and lessees, the State having lands or responsible for managing resources within the area, and the interested publics 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 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."

4130.3-2 "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..."

4160.1(a) "Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modification relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interest publics."

4160.2 "Any applicant, permittee or lessee, or other affected interests may protest the proposed decision under Sec. 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision."

Protests:

Any applicant, permittee or lessee, or other affected interests may protest the proposed decision under Sec. 4160.1 in person or in writing to the authorized officer, Jesse J. Juen, at 12661 East Broadway, Tucson, Arizona 85748, 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. In the absence of a protest, the proposed decision will become a final decision of the authorized officer without further notice.

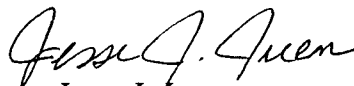
Any applicant, permittee or lessee, or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4160.4, 4.21 and 4.470. The appeal and petition for stay must be filed in the office 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 appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall 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.

As noted above the petition for stay must be filed in the office of the authorized officer.

Respectfully yours,



Jesse J. Juen
Field Manager

Attachment A

**Lucky Hills Allotment No. 5252
Grazing Lease - Terms and Conditions**

This grazing lease is issued subject to the following conditions:

1. Actual Use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing lease and/or grazing billings in accordance with 43 CFR 4130.3-2(d).
2. In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements will not be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
3. In Accordance with 43 CFR 4130.8-1(F): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2.
4. Grazing in this allotment shall strictly adhere to the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, the Upland Livestock Utilization Policy, Safford Drought Policy, and the Arizona Ephemeral Grazing Policy.

To Protect the Lesser Long-nosed Bat:

5. Prior to construction of range improvement projects, pre-construction surveys shall be conducted for paniculate agaves and saguaros that may be directly affected by construction activities, or in the case of new water sources, may occur within 0.5 mi of the proposed water source. If agaves or saguaros are found during pre-construction surveys, the following measures shall be implemented:
 - a. Fences, pipelines, waters, and other range improvement projects shall be located to reduce as much as possible injury and mortality of agaves and saguaros.
 - b. Disturbance shall be limited to the smallest area practicable and projects shall be located in previously-disturbed areas whenever possible.
 - c. Vehicle use shall be limited to existing routes and areas of disturbance except as necessary to access or define boundaries for new areas of construction or operation.

d. All workers shall strictly limit their activities and vehicles to designated areas. Construction workers shall be informed of these terms and conditions.

6. No seeding/planting of nonnative plants shall occur on any public lands in the allotment.

7. Any chemical and mechanical vegetation manipulation, or use of prescribed fire shall be designed and planned to minimize adverse effects to lesser long-nosed bat forage plants. Measures shall be developed to ensure that no more than 20 percent of agaves that are burned during prescribed fire are killed by the fire and that injury and mortality of saguaros are negligible.

8. A mitigation plan shall be developed by the Bureau in coordination with the Service for each prescribed fire or chemical or mechanical vegetation management project within 0.5 mile of a lesser long-nosed bat roost or in areas that support paniculate agaves or saguaros. The mitigation plan shall ensure that effects to lesser long-nosed bat roosts and forage plants are minimized and shall include monitoring of effects to forage plants. The plan shall be approved by the Service.

To Protect Huachuca Water Umbel

9. Livestock grazing will be managed in accordance with the provisions of Lucky Hills Ranch Coordinated Resource Management Plan. The plan implements grazing management practices to establish a long-term upward trend in range condition in those areas where condition is fair or poor, and implement watershed improvement projects that will increase infiltration.

To Protect Jaguar

10. Jaguars will not be subjected to any predator control activities on this allotment.

P. 3

TERMS AND CONDITIONS
(See 43 CFR 4100)

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with all the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans must be incorporated in permits or leases when completed.
4. Those holding permits or leases must own or control and be responsible for the management of livestock authorized to graze.
5. The BLM may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the BLM.
8. Livestock grazing use that is different from that authorized by a permit or lease must be applied for prior to the grazing period and must be filed with and approved by the BLM before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. Grazing fee payments are due on the date specified on the billing notice and must be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
11. Member of, or Delegate to, Congress or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) will be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provisions of Section 3741 Revised Statutes (41 U.S.C. 22; 18 U.S.C. Sections 431-433, and 43 CFR Part 7), enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

NOTICES

The Privacy Act of 1974 and the regulations at 43 CFR 2.48 (d) provide that you be furnished the following information in connection with information required by this permit

AUTHORITY: Taylor Grazing Act, 43 U.S.C. 315, 316; Federal Land Policy and Management Act, 43 U.S.C. 1701; and Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901, and 43 U.S.C. 1181d.

PRINCIPAL PURPOSE: The information will be used to process your application for change in grazing use on the public lands.

ROUTINE USES: (1) This information is being collected to determine if the applicant is applying for use within the applicant's grazing preference to use the land or resources. (2) This information will be used to calculate your grazing billing. (3) Documentation for public information in support of notations made on land status records for management, disposal, and use of public lands and resources. (4) Information from the record and/or the record will be transferred to appropriate Federal agency when concurrence is required prior to granting a preference to use public lands or resources. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records, and transfers to Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecution.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is required to obtain a benefit, in accordance with Sections 3 and 15 of the Taylor Grazing Act, and Section 302 of the Federal Land Policy and Management Act.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to authorize the right to graze livestock on public lands.

Response to this request is required under 43 CFR 4130.1-1 and 4130.4.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-1005), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Washington, D.C. 20240.

AZ BLM - Grazing Permit Renewal Plan Conformance and NEPA Compliance Review

Proposed Action: AZ-060-AD-09-031

Field Office Tucson Field Office

Allotment Number 5252

Allotment Name Lucky Hills

Renewal Period 10-1-99 to 2/28/09

Terms and Conditions:

1. Actual Use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing lease and/or grazing billings in accordance with 43 CFR 4130.3-2(d).
2. In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements will not be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
3. In Accordance with 43 CFR 4130.8-1(F): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2.
4. Grazing in this allotment shall strictly adhere to the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, the Upland Livestock Utilization Policy, Safford Drought Policy, and the Arizona Ephemeral Grazing Policy.

To Protect the Lesser Long-nosed Bat:

5. Prior to construction of range improvement projects, pre-construction surveys shall be conducted for paniculate agaves and saguaros that may be directly affected by construction activities, or in the case of new water sources, may occur within 0.5 mi of the proposed water source. If agaves or saguaros are found during pre-construction surveys, the following measures shall be implemented:
 - a. Fences, pipelines, waters, and other range improvement projects shall be located to reduce as much as possible injury and mortality of agaves and saguaros.
 - b. Disturbance shall be limited to the smallest area practicable and projects shall be located in previously-disturbed areas whenever possible.
 - c. Vehicle use shall be limited to existing routes and areas of disturbance except as

necessary to access or define boundaries for new areas of construction or operation.

d. All workers shall strictly limit their activities and vehicles to designated areas. Construction workers shall be informed of these terms and conditions.

6. No seeding/planting of nonnative plants shall occur on any public lands in the allotment.

7. Any chemical and mechanical vegetation manipulation, or use of prescribed fire shall be designed and planned to minimize adverse effects to lesser long-nosed bat forage plants. Measures shall be developed to ensure that no more than 20 percent of agaves that are burned during prescribed fire are killed by the fire and that injury and mortality of saguaros are negligible.

8. A mitigation plan shall be developed by the Bureau in coordination with the Service for each prescribed fire or chemical or mechanical vegetation management project within 0.5 mile of a lesser long-nosed bat roost or in areas that support paniculate agaves or saguaros. The mitigation plan shall ensure that effects to lesser long-nosed bat roosts and forage plants are minimized and shall include monitoring of effects to forage plants. The plan shall be approved by the Service.

To Protect Huachuca Water Umbel

9. Livestock grazing will be managed in accordance with the provisions of the Lucky Hills Ranch Coordinated Resource Management Plan. The plan implements grazing management practices to establish a long-term upward trend in range condition in those areas where condition is fair or poor, and implement watershed improvement projects that will increase infiltration. Other actions may include planning and developing range improvement and vegetation management projects.

To Protect Jaguar

10. Jaguars will not be subjected to any predator control activities on this allotment.

Plan Conformance Review:

LUP Name Safford District RMP and EIS 1991 Date Approved 9/92.7/94

LUP Amendment AZ State-wide S & G Amendment Date Approved 4/18/97

LUP Amendment _____ Date Approved _____

XX The proposed action is specifically provided for in the LUP.

Although not specifically provided for, the proposed action is clearly consistent with the terms and conditions of the approved LUP.

The proposed action is in conformance with the following LUP decisions:

1. Safford District RMP and EIS 1991, Records of Decision 9/92, 7/94
2. The proposed action would be implemented on 193 specific land areas called "grazing units" and shown on map 1-3. page 1-1.
3. AMPs are proposed for all grazing units containing parcels of public land considered to be large enough or to have sufficient resource values to warrant increased management efforts.
4. In general, AMPs are proposed for units with greater than 20% of the land area composed of public lands. page 1-9.
5. Proper stocking is the average number of cattle required to consume 40% of the perennial forage production. Proper stocking thus leaves 60% of the forage for watershed protection and other non-consumptive uses.
6. The Upper Gila-San Simon Grazing Environmental Impact Statement was completed in 1978 and its decisions have been implemented since then. Monitoring studies are in place and analysis indicates that rangeland condition is improving under the present management.
7. Present management has the flexibility to modify grazing levels and seasons where necessary.
8. In addition, the Eastern Arizona Grazing Environmental Impact Statement was completed in 1987 and the decisions made in that document are beginning to be implemented. The grazing decisions are incorporated by reference. RMP page 12

The proposed action is not in conformance with the approved LUP

NEPA Adequacy Review:

Documents from our NEPA analysis base that address the proposed terms and conditions:

1. Eastern Arizona Grazing EIS
2. Safford RMP
3. Vegetation Treatment on BLM Lands EIS 1991
4. Rangeland Reform '94 EIS 1994

Review Criteria:

XX Yes No 1. The proposed action is a feature of or essentially the same as the alternative selected in the document being reviewed.

Rationale: The proposed action is specifically identified in the Eastern Arizona Grazing EIS.

XX Yes No 2. A reasonable range of alternatives to the proposed action was analyzed in the document being reviewed; i.e., there are no unresolved conflicts involving alternative resource uses for the proposed action.

Rationale: Four Alternatives were analyzed, including the no grazing alternative. This action is part of the preferred alternative that was selected in the Record of Decision.

XX Yes No 3. The information or circumstances upon which the document being reviewed are based are still valid and germane to the proposed action; i.e., circumstances have not significantly changed and no significant new information has surfaced.

Rationale: Circumstances have not significantly changed, field inspections have not identified any Threatened or Endangered species being present on the allotment.

XX Yes No 4. The methodology and analytical approach used in the document being reviewed is appropriate for the proposed action.

Rationale: The Plan for Implementing the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration was used to analyze the proposed action.

XX Yes No 5. The direct and indirect impacts of the proposed action do not significantly differ from, or essentially the same as, those identified in the document being reviewed.

Rationale: The impacts do not significantly differ from those identified in the EIS.

XX Yes No 6. The proposed action, if implemented, would not significantly change the cumulative impact analysis, i.e., is within the range of reasonable, foreseeable developments contemplated in the document being reviewed.

Rationale: No significant change in the cumulative impact analysis is foreseen.

XX Yes No

7. Public involvement in the document being reviewed provides suitable coverage for the proposed action.

Rationale: Public involvement provides suitable coverage for the proposed action.

Determination:

BLM has determined that this proposal conforms to the land use plan, that NEPA documentation previously prepared by the BLM fully covers the proposed action, and that no additional analysis (neither an EA nor EIS) is needed. The grazing permit will be renewed subject to the above stated terms and conditions.

Additional NEPA analysis is needed before this grazing permit may be renewed.

Reviewed By:

Planning & Environmental Coordinator

Date

Approved By:



BLM Field Manager

8/4/99
Date

AZ BLM - Grazing Permit Renewal Plan Conformance and NEPA Compliance Review

Proposed Action: AZ-060-AD-09-031

Field Office Tucson Field Office Allotment Name Lucky Hills
Allotment Number 5252 Renewal Period 10-1-99 to 9-30-09 Terms
and Conditions:

Ephemeral Rule published in the Federal Register dated December 7, 1968.

Any applicable Terms and Conditions in Programmatic Biological Opinion for the Safford and Tucson Field Offices' Livestock Grazing Program, Southeastern Arizona (2-21-96-F-160) as amended.

Plan Conformance Review:

LUP Name	<u>Safford District RMP and EIS 1991</u>	Date Approved	<u>9/92, 7/94</u>
LUP Amendment	<u>AZ State-wide S & G Amendment</u>	Date Approved	<u>4/18/97</u>
LUP Amendment	<u></u>	Date Approved	<u></u>

XX The proposed action is specifically provided for in the LUP.

Although not specifically provided for, the proposed action is clearly consistent with the terms and conditions of the approved LUP.

The proposed action is in conformance with the following LUP decisions:

Safford District RMP and EIS 1991, Records of Decision 9/92, 7/94

The proposed action would be implemented on 193 specific land areas called "grazing units" and shown on map 1-3. page 1-1.

AMPs are proposed for all grazing units containing parcels of public land considered to be large enough or to have sufficient resource values to warrant increased management efforts. In general, AMPs are proposed for units with greater than 20% of the land area composed of public lands. page 1-9.

Proper stocking is the average number of cattle required to consume 40% of the perennial forage production. Proper stocking thus leaves 60% of the forage for watershed protection and other nonconsumptive uses.

The Upper Gila-San Simon Grazing Environmental Impact Statement was completed in 1978 and its decisions have been implemented since then. Monitoring studies are in place and analysis indicates that rangeland condition is improving under the present management. Present management has the flexibility to modify grazing levels and seasons where necessary. In addition, the Eastern Arizona Grazing Environmental Impact Statement was completed in 1987 and the decisions made in that document are beginning to be implemented. The grazing decisions are incorporated by reference. RMP page 12

The proposed action is not in conformance with the approved LUP
Terms and conditions found to be "not in conformance":

NEPA Adequacy Review:

Documents from our NEPA analysis base that address the proposed terms and conditions:
Eastern Arizona Grazing EIS

Vegetation Treatment on BLM Lands EIS 1991

Rangeland Reform '94 EIS 1994

Review Criteria:

XX Yes No 1. The proposed action is a feature of or essentially the same as the alternative selected in the document being reviewed.

Rationale: The proposed action is specifically identified in the Eastern Arizona Grazing EIS.

XX Yes No 2. A reasonable range of alternatives to the proposed action was analyzed in the document being reviewed; i.e., there are no unresolved conflicts involving alternative resource uses for the proposed action.

Rationale: Four Alternatives were analyzed, including the no grazing alternative. This action is part of the preferred alternative that was selected in the Record of Decision.

XX Yes No 3. The information or circumstances upon which the document being reviewed are based are still valid and germane to the proposed action; i.e., circumstances have not significantly changed and no significant new information has surfaced.

Rationale: Circumstances have not significantly changed, field inspections have not identified any Threatened or Endangered species being present on the allotment.

XX Yes No 4. The methodology and analytical approach used in the document being reviewed is appropriate for the proposed action.

Rationale: The Plan for Implementing the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration was used to analyze the proposed action.

XX Yes No 5. The direct and indirect impacts of the proposed action do not significantly differ from, or essentially the same as, those identified in the document being reviewed.

Rationale: The impacts do not significantly differ from those identified in the EIS.

XX Yes No

6. The proposed action, if implemented, would not significantly change the cumulative impact analysis, i.e., is within the range of reasonable, foreseeable developments contemplated in the document being reviewed.

Rationale: No significant change in the cumulative impact analysis is foreseen.

XX Yes No

7. Public involvement in the document being reviewed provides suitable coverage for the proposed action.

Rationale: Public involvement provides suitable coverage for the proposed action.

Determination:

- BLM has determined that this proposal conforms to the land use plan, that NEPA documentation previously prepared by the BLM fully covers the proposed action, and that no additional analysis (neither an EA nor EIS) is needed. The grazing permit will be renewed subject to the ~~above~~ ^{attached} stated terms and conditions.
- Additional NEPA analysis is needed before this grazing permit may be renewed.

<i>William Aubrey</i>	Planning & Environmental Coordinator	7-2-99
Reviewed By	Title	Date
<i>Jose J. Owen</i>	Field Manager	7/2/99
Responsible Official	Title	Date