



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona Strip District

Grand Canyon-Parashant National Monument

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NOTICE OF PROPOSED DECISION

Belnap and Big Spring Pipeline Allotments

Proposed Grazing Permit Renewal

Environmental Assessment DOI-BLM-AZ-A030-2023-0002-EA

INTRODUCTION

This Notice of Proposed Decision (NOPD) is the final administrative step in the land health evaluation and permit renewal process for the Belnap (AZ04849) and Big Spring Pipeline (AZ04870) Allotments. This proposed decision is to renew the existing grazing permit for the Belnap Allotment and Big Spring Pipeline Allotments for a period of ten years with proposed changes and new terms and conditions, as described in the “Decision” section below.

BACKGROUND

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976 provide for livestock grazing use of the public lands that have been classified as available for grazing. Grazing use must be consistent with good range management aimed at conservation and protection of the natural and cultural resources.

An assessment of these allotments was conducted in accordance with directions set forth by the Washington Office and Arizona State Office for implementation of the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration. The purpose of the Arizona Standards and Guidelines is to ensure the health of public rangelands. These standards help the Bureau of Land Management (BLM), rangeland users, and interested members of the public

achieve a common understanding of acceptable resource conditions and work together to implement that vision. Arizona's Standards for Rangeland Health and Guidelines for Grazing Administration were developed by the BLM State Standards and Guidelines Team and the Arizona Resource Advisory Council, a state level council appointed by the Secretary of the Interior. The Secretary of the Interior approved the Standards and Guidelines for Arizona in April 1997, and the BLM Arizona State Director mandated full implementation of the Standards and Guidelines in all Arizona land use plans.

The previous ten-year permit renewal process (EA) involved the public by conducting scoping meetings for both subject allotments. The Rangeland Resource Team (RRT), Interdisciplinary Assessment Team (IAT), livestock grazing permittees and other interested parties were invited to attend an issue scoping meeting for the Belnap Allotment on March 14, 2001. The issue scoping meeting for the Big Spring Pipeline Allotment was held on October 22, 2003 and a field visit on March 17, 2004. The two allotments were assessed under Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (Appendix B).

The methodology for LHE and determining if allotments are meeting Arizona Standards and Guides is described in Appendix B of the EA. The BLM conducted evaluations for rangeland conditions on the Belnap Allotment (AZ04849) September 30, 2002. An evaluation was conducted on the Big Spring Pipeline Allotment (AZ04870) on May 22, 2006. The IAT determined that the Belnap Allotment met applicable LHE standards. The IAT determined that the Big Spring Pipeline Allotment is making significant progress toward meeting LHE standards.

The grazing permit for the Belnap Allotment expired in 2015 and Big Spring Pipeline Allotment expired in 2017, the BLM renewed the permits for a ten-year period with the same terms and conditions pursuant to Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291, pending compliance with applicable laws and regulations. This action resulted in a new permit being issued while the current EA is analyzed to fully process the permit.

In 2022, an interdisciplinary team comprised of both BLM and NPS resource specialists conducted LHE in both allotments utilizing Interpreting Indicators of Rangeland Health, Version 4 (BLM 2005b). The team conducted the evaluation on the Belnap Allotment on May 18, 2022, and on the Big Spring Pipeline Allotment on June 9, 2022. In conjunction with the field visits, the team considered existing monitoring data, specifically frequency trend monitoring plots that were established on both NPS and BLM managed lands in both allotments. These plots were established in the 1980s and are read on a five-year cycle. The data associated with these evaluations and trend monitoring are available in Appendix C (utilization and monitoring data) and Appendix F (Desired Plant Community/Ecological Site Description Comparison Tables). The trends identified in the rangeland health assessments for both allotments assessed erosion status, vegetative cover, vigor, species diversity, and location of the most palatable plants in relation to access to a grazing animal.

Based on the recent LHE and long-term monitoring data, the team determined that the Belnap Allotment continues to meet LHE standards and Big Spring Pipeline Allotment continues to make significant progress toward meeting LHE standards.

A 15-Day Public Scoping Comment period was posted on the BLM's ePlanning and the NPS Planning, Environment and Public Comment (PEPC) web pages on February 27, 2023. Ten scoping comment letters were received, those comments and responses are in Appendix I of the EA.

The EA (DOI-BLM-AZ-A030-2023-0002-EA) analyzes the potential effects of the proposed grazing permit renewal in accordance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. A preliminary version of the EA was posted on the BLM ePlanning and NPS PEPC web pages on May 26, 2023, for public review and comment, and a notice of public comment period letter was sent to those persons and groups listed on the Arizona Strip District Office interested publics mailing list notifying them of the availability of the EA for a 30-day review and comment period. All comments received during development of the preliminary EA were considered and incorporated in the final EA (EA Appendix I). The final version of the subject EA, decision record, and Finding of No Significant Impact is now posted to the NPS PEPC planning site:

<https://parkplanning.nps.gov/BigSpringEA>

and the BLM planning site ePlanning:

<https://eplanning.blm.gov/eplanning-ui/admin/project/2023432/510>

FINDING OF NO SIGNIFICANT IMPACT

After consideration of the environmental effects described in the EA and supporting documentation, I have determined that the selected action is not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No environmental effects meet the (40 CFR 1501.3(b)(2)) Council on Environmental Quality's criteria for the degree of effects rising to the need for further analysis. Our analysis of these criteria within this EA led the decision maker to conclude that the level of effects of the alternatives identified did not require an EIS. Therefore, the preparation of an environmental impact statement is not required as per Section 102 (2) of NEPA. These criteria are described in the EA and as described in the attached Finding of No Significant Impact.

PROPOSED DECISION

After considering the analysis contained within the above referenced EA, and a review of existing monitoring data and land health related data, it is my proposed decision to renew the existing term grazing permit for Belnap and Big Spring Pipeline Allotments and issue a new ten-year term permit with proposed changes and new terms and conditions for the allotment. Alternative A (Proposed Action) is selected as the approved action, the specific decision is outlined below.

Grazing Permit

The proposed action will combine the Belnap and Big Spring Pipeline Allotments into one allotment that will then be renamed Big Spring Pipeline Allotment. The Belnap North and South pastures will become the Big Spring Pipeline Allotment North and South pastures (EA Appendix A, Figure 2). This will include extending the season of use from the current 12/1 – 5/15 use to year-round use in what is now the Belnap Allotment (EA Table 2.3). This will allow grazing

rotation between nine pastures rather than the current seven. The proposal will renew the grazing permit for the Big Spring Pipeline Allotment for a period of ten years. There will be no proposed change in the total number of Animal Unit Months (AUM) limited to the current active preference and suspended AUMs for either allotment (Table 1). Combining the two allotments will necessitate combining the Management Status (see 3.4.1 Livestock Grazing) which is currently improve (I) for the Belnap and maintain (M) for the Big Spring Pipeline allotments. Improve is the more intensive management status of the two categories. Both allotments will become Management Status Improve. The majority of the two allotments have a high productivity potential. This is due to the majority of the acreage being relatively moderate to higher elevations with associated precipitation. The improve status may provide opportunities for positive economic return from public investments. Past investments in range improvements, including structural and vegetation treatments on these allotments recognize the production capability and return on labor and capital investments. Existing range improvements, including water developments will continue to be maintained.

Table 1. Mandatory Terms and Conditions – Belnap and Big Spring Pipeline Allotments

Allotment Number	Allotment Name	Livestock Number and Kind	Season of Use	Percent Public Land¹	Active AUMs	Suspended AUMs	Total AUMs Active and Suspended
AZ04849	Big Spring Pipeline (former Belnap) North and South Pastures	48 Cattle	03/01 – 02/28	85	490	180	670
AZ04849	Big Spring Pipeline (former Belnap) North and South Pastures	4 Horses	03/01 – 02/28	85	41	0	41
Total					531*	180	711*
AZ04870	Big Spring Pipeline	211 Cattle	03/01 – 02/28	92	2337	1429	3766
AZ04870	Big Spring Pipeline	20 Horses	03/01 – 02/28	92	220	0	220
Total					2557	1429	3986

¹Percent public land is based on AUMs. *Total Active AUMs in the Belnap Pastures will remain 534 Active and Suspended combined will remain 714.

Grazing System

Belnap Allotment

This allotment has two pastures, Belnap North and Belnap South, (Appendix A, Figure 3). Although the Belnap Allotment does not have an AMP, it does have a pasture rotation schedule. From 1984 until 1996, this allotment operated under a two-pasture deferred rotation. Deferment implies that livestock are not permitted to graze a particular pasture that year until seed production is completed for key species. Key species are the species of perennial grass, forbs, or browse that the permitted livestock would consume. At that time, cattle were turned on the allotment June 1 and stayed until November 15. One pasture was grazed from June 1 through August 31 and the other was used September 1 through November 15. The time of use for each pasture was alternated each year.

Beginning in the summer of 1997, the grazing system was modified, the allotment has been grazed from December 1 through May 15. The pasture rotation schedule has continued, with one pasture grazed December through February and the other grazed March through mid-May, pasture use alternated each year. Livestock are then moved off the allotment and taken to a private pasture from June through September. The livestock use the Big Spring Allotment pastures until they are permitted back on to the Belnap Allotment in December. This rotation allows both pastures recovery time during the summer growing season.

The permittee has worked with Natural Resource Conservation Service (NRCS), BLM, and Arizona Game and Fish Department (AGFD) to develop a water catchment for both livestock and wildlife use in the Belnap South Pasture. This water is used in the South Pasture and piped to a trough in the adjoining Big Spring Pipeline – Whitmore Point Pasture. Water availability allows seasonal flexibility for livestock use in these pastures. The permittee is currently authorized to have up to 110 cows and four horses on the allotment for approximately five and a half months. The proposal will allow 48 cows and four horses year-round (see Tables 2.2 and 2.3 of the EA). In a typical year, livestock return from private leased pasture in late September to early October. Currently those cattle are turned on to Big Spring Pipeline pastures. With flexibility of year-round pasture availability in the Belnap pastures, the cattle could be turned out on these pastures thus allowing additional rest for the lower Big Spring Pipeline - Whitmore Canyon pastures (see Big Spring Pipeline Allotment discussion below). The two Belnap pastures will continue with a deferred rotation. The Belnap pastures will likely be grazed from October through May with alternating rest-rotation between those two pastures as well as the current Big Spring Pipeline winter pastures. The majority of livestock forage use will occur in the dormant season, allowing growth of above and below ground biomass, as well as seed production and maturation. This scenario will likely increase the rest-rotation of the lower Whitmore Canyon winter pastures, allowing continued progress towards these pastures fully meeting S&Gs, while the Belnap Pastures (proposed Big Spring Pipeline North and South pastures) will continue to meet S&Gs (see Appendix B and C of the EA).

Big Spring Pipeline Allotment

The Big Spring Pipeline Allotment has an AMP that was implemented in 1994. This allotment has seven pastures, Lower Cole (Cold Spring), Airstrip, Lava, Chaparral, Whitmore (includes Whitmore Point), Cole Spring (aka Upper Cole), Big Spring (Appendix A, Figure 4). When the AMP was developed, a deferred rotation grazing system was established and implemented. This system was split into two units; a winter unit that is grazed from October 16 to April 15 and a summer unit which is grazed from April 16 to October 15. Within the winter unit there are four pastures operating under a four pasture, deferred-rotation schedule. Included in the winter unit is the Lower Cole (Cold Spring), Airstrip, Lava, and Chaparral pastures. Each pasture is grazed approximately 45 days during the use period. Each pasture receives spring use (March 1 – April 15) once every four years. Utilization levels in the winter pastures are set at 45 percent as per the Big Spring Pipeline AMP to minimize grazing impacts in the bottom of Whitmore Canyon. The AMP will continue to be implemented for this allotment.

The summer unit of the Big Spring Pipeline Allotment is operated as a two pastures deferred-rotation system. Whitmore Point and Cole Spring (aka Upper Cole) pastures are grazed in the summer rotation. One pasture is grazed from April 16 to July 15, the other pasture is grazed July 16 to October 15. Scheduled use periods for each pasture is switched each year to allow for rest and recovery during a portion of the growing season. There is another pasture within this allotment known as the Big Spring Pasture, however due to topography, a large lava field, and pinyon-juniper overstory with sparse understory, this pasture does not provide much grazing opportunity for livestock.

As with the Belnap pastures, most of the livestock are removed from public grazing lands from mid-May through September. This allows complete rest during the growing season for most of the pastures in both the Belnap and Big Spring Pipeline pastures each year.

In addition to the “Mandatory Terms and Conditions” and standard language on the last page of the grazing permit, the following terms and conditions will be added to the “Other Terms and Conditions” section on the new grazing permit for the Big Spring Pipeline Allotment.

Other Terms and Conditions:

In addition to the “Mandatory Terms and Conditions” and standard language on the last page of the grazing permit, the following terms and conditions will be added to the “Other Terms and Conditions” section on the new grazing permit for the Big Spring Pipeline Allotment:

- Allowable use on key forage species is 50% on the Belnap Allotment or pastures due to the rotational grazing systems. When 50% forage utilization is reached, livestock will be moved to another pasture or off the allotment completely. As per the Big Spring Pipeline AMP, utilization levels will continue to be 45% for the Lower Cole (Whitmore Canyon), Airstrip, Lava, and Chaparral pastures. When 45% forage utilization is reached in these four pastures, livestock will be moved to another pasture or off the Big Spring Pipeline Allotment.
- The permittee will be allowed to use an actual use billing system. This privilege may be revoked, and the permittee placed on advanced billing if payment of bills and/or actual use

reports are late. An actual use grazing report (Form 4130-5) must be submitted within 15 days after completing annual grazing use.

- Associated maintenance of existing facilities and improvements relevant to the grazing operation will be required and authorized.
- With prior approval, more livestock may be grazed for a shorter period, within the authorized dates, so long as the active AUMs are not exceeded.

This decision includes adaptive management, which provides options for management that may be needed to adjust decisions and actions to meet desired conditions as determined through monitoring. BLM resource specialists will periodically monitor the allotment over the ten-year term of the grazing permit to ensure that the fundamentals or conditions of rangeland health are being met or making progress towards being met, in accordance with 43 CFR § 4180. If monitoring indicates that desired conditions are not being achieved and current livestock grazing practices are causing non-attainment of resource objectives, livestock management of the allotment will be modified in cooperation with the permittee(s).

Adaptive management allows the BLM to adjust the timing, intensity, frequency, and duration of grazing; the grazing management system; and livestock numbers temporarily or on a more long-term basis, as deemed necessary. An example of a situation that could call for adaptive management adjustments is drought conditions. If a permittee disagrees with the BLM's assessment of the resource conditions or the necessary modifications, the BLM may nevertheless issue a Full Force and Effect Grazing Decision to protect resources.

RATIONALE FOR DECISION

This decision has been made after considering impacts to resources, such as vegetation, wildlife, cultural resources, wilderness and soils, while providing opportunities for livestock grazing that meets management objectives, including the Arizona Standards for Rangeland Health and Guidelines for Livestock Grazing Management and the Grand Canyon-Parashant National Monument Resource Management Plan (RMP). Alternative A (Proposed Action) was chosen in its entirety. The NEPA analysis, documented in the EA, indicates that the action is in conformance with the RMP. Impacts from the action are either minimal or mitigated through design features incorporated into the action.

The EA constitutes the BLM's compliance with the requirements of NEPA, and procedural requirements as provided in the Council on Environmental Quality regulations. The EA went through an interdisciplinary review process. As documented in the EA analysis of the allotment's updated monitoring data and supporting documentation in the land health evaluation report, resource conditions on the allotments are meeting or making significant progress toward meeting all applicable standards for rangeland health. Based upon the above information and analysis, I have determined that implementing the proposed action will allow the allotments to continue meeting or making significant progress toward meeting all applicable standards for rangeland health.

Alternatives B and C would not provide the same livestock grazing opportunities as the proposed action. Alternative B – No Action Renew Permit for Belnap and Big Springs Pipeline Allotments with No Changes in Season of Use or Combination of Allotments was not chosen. This alternative would renew the existing ten-year term grazing permit with no changes with the current terms and conditions. This alternative would not allow the flexibility to combine the two allotments and allow an extended season of use.

Alternative C – No Grazing was not chosen. Alternative C would reissue a ten-year term grazing permit on the Belnap and Big Spring Pipeline Allotments with zero authorized AUMs for active preference – all AUMs would be suspended (i.e., livestock grazing would be deferred for the ten-year permit period). In ten years, the allotments would be re-evaluated. No new range improvement projects would be constructed, and no modifications would be made to existing projects.

AUTHORITY

The authority for this decision is found in a number of statutory and regulatory authorities contained in: The Taylor Grazing Act, as amended; the Federal Land Policy and Management Act of 1976, as amended; and throughout Title 43 of the Code of Federal Regulations (CFR), Part 4100 (Grazing Administration-exclusive of Alaska). The following sections of Part 4100 are noted below, although other subparts of Part 4100 are used to authorize grazing activities, with this listing not meant to be exhaustive.

43 CFR §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 CFR §1601.0-5(b).”

43 CFR §4110.3 “The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to 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.”

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 “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.”

43 CFR §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.”

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

43 CFR §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 ... of for the protection of other rangeland resources and values consistent with objectives of applicable land use plans,”

43 CFR §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 modifications 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 interested public.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision in accordance with 43 CFR §4160.2 in person or in writing to the authorized officer, Brandon Boshell, at 345 East Riverside Drive, St. George, Utah, 84790 within 15 days after receipt of such decision. If protest is sent by facsimile or email, the date filed is not official until the BLM receives the original by mail. Electronic dates of submissions are not acceptable. The protest should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, this proposed decision shall constitute my final decision without further notice, in accordance with 43 CFR §4160.3(a). Should a timely protest be filed, I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR §4160.3(b). Electronic pleading and appeals are not acceptable methods for filing.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an 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 must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30-day time period. The appeal, or the appeal and petition for stay, must be in

writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Grand Canyon-Parashant National Monument as noted above.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), 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 granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted. Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at: U.S. Courthouse, Suite 404, 401 West Washington Street, SPC-44, Phoenix, Arizona 85003-2151 in accordance with 43 CFR §4.470(a) and §4.471(b).

Brandon E. Boshell
Monument Manager

Enclosures:
List of all Persons or Groups Receiving this NOPD

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