



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4130 (AZP01000)

JUL 29 2015

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NOTICE OF PROPOSED DECISION

Big Bug Creek Allotment Grazing Lease Renewal DOI-BLM-AZ-P010-2014-0041-EA

Dear Mr. and Mrs. Hamernick:

In 2014, you were notified that the Big Bug Creek Allotment (#06143), 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 lease are in conformance with the Arizona Guidelines for Grazing Administration. A scoping period from August 25 through September 20, 2014 was conducted via letter requesting comments on the draft Big Bug Creek Allotment Land Health Evaluation (LHE).

BACKGROUND

The Hassayampa Field Office initiated the allotment evaluation process in 2014 for the Big Bug Creek Allotment. The evaluation area is located in Yavapai County, west of Interstate 17, immediately north and south of the town of Spring Valley, approximately 3.0 miles west of Cordes Junction, Arizona within the Phoenix District of the BLM. The allotment is mostly within the Black Canyon Management Unit of the Bradshaw-Harquahala planning area of the Hassayampa Field Office, extending slightly into state land in the northeastern portion. The allotment is approximately 4,749 acres in size; 747 acres are the BLM, 81 acres are Yavapai County, 2,912 acres are State of Arizona, and 1,002 acres are private land.

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 portion of Standard 3 (Upland - Desired Resource Conditions) of the Arizona Standards for

Rangeland Health have been met for the upland areas of the allotment. Standard 2 (Riparian-Wetland Sites) and portion of Standard 3 (Riparian - Desired Resource Conditions) were not met. A summary of the results are listed below:

- Standard 1 has been met for the allotment. The rangeland health assessments and quantitative monitoring information indicates that the upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to the soil type, climate, and landform found in the allotment. Monitoring information also shows robust plant communities with high amount of species richness, low percentages of bare ground, and acceptable percentages of litter.
- Standard 2 was not met for the allotment. This standard was not met due to lack of water in Big Bug Creek to support riparian vegetation. It is believed the causal factor for the standard not being met is ongoing drought conditions, ground water depletion from local industrial activities, and housing subdivisions which all draw from the water table that feeds Big Bug Creek. Livestock grazing is not considered to be the causal factor for this standard not being met.
- Standard 3 has been met for the upland areas of the allotment. Abundant forage species, such as perennial grasses and browse species are present for wildlife species and soil protection. The riparian portion of Standard 3 was not met; however, livestock are not considered to be the causal factor for the standard not being met. Lack of perennial or intermittent water in the riparian system will not allow riparian vegetation to reestablish and/or reproduce to desired quantities.

As part of the draft LHE, technical recommendations were developed to ensure that the allotment would continue meeting the Arizona Standards for Rangeland Health, land use land objectives and allotment specific objectives. As a result, the BLM has prepared the Big Bug Creek Allotment Grazing Lease Renewal EA (DOI-BLM-AZ-P010-2014-0041-EA) has been prepared to analyze a range of alternatives for reissuing the grazing lease.

PUBLIC INVOLVEMENT

The public was provided the opportunity to participate in this EA in compliance with 43 CFR 1610.2. Public scoping was conducted via letter sent to the Consultation, Coordination, and Cooperation list. Recipients were asked to comment on the LHE and the proposed action. The scoping period was August 25, 2014 through September 20, 2014. Two external scoping comment letters were received and are summarized in Appendix B of the EA.

PROPOSED DECISION

After reviewing the analysis presented in the EA, the Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from interested parties through the consultation, cooperation, and coordination process with Interested Publics, and the affected lessee, it is my proposed decision to implement the Proposed Action described in Section 2.2 of

the EA, along with the features common to all alternatives described in Section 2.1 of the EA, to authorize livestock grazing use on the Big Bug Creek Allotment with a term of 10-years beginning March 1, 2016, upon acceptance of the lease. A new grazing lease 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 Big Bug Creek Allotment. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the allotment evaluation your lease is adjusted as follows:

Proposed Permitted Livestock Use:

Lessee	Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Type of Use	Animal Unit Months (AUMs)
Hamernick	Big Bug Creek	9 Cattle	3/01 – 2/28	100%	Active	108

Other Terms and Conditions:

In accordance with 43 Code of Federal Regulations(CFR) 4110.3-2 the following terms and conditions of your lease (Authorization #0202744) will be adjusted as follows:

1. Supplemental 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 or known cultural sites, and one-eighth (1/8) mile away from major drainages and washes and sensitive wildlife habitat.
2. 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)).
3. As required by the Native American Graves Protection and Repatriation Act regulations at 43 CFR 10.4, the following would be added to the permit as a term and condition: "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:

Adaptive Management: If measures of annual use indicate that the current grazing intensity or strategy is not being achieved or is inconsistent with achieving the desired plant community objectives, then the BLM and the lessee would identify appropriate and timely actions to correct the root cause, and implement that action. Additional environmental analysis would occur prior to implementation if necessary.

The BLM in consultation, cooperation, and coordination with the lessee will monitor utilization of upland key forage species over time on the allotment to ensure average utilization of key herbaceous and browse forage species does not exceed 40 percent (30 percent during drought years), which is considered to be light to moderate use.

RATIONALE

Based on the data compiled and analyzed in the LHE, the Big Bug Creek Allotment is achieving Standard 1 and the upland portion of Standard 3 of the Arizona Standards for Rangeland Health. 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 and the riparian portion of Standard 3 are not being achieved. This is due to depleted groundwater that has reduced the frequency and duration of water through the area. PFC data shows that cattle use hasn't been significant in the Big Bug Creek riparian area since 1992; therefore cattle use is not considered to be the causal factor Standard 2 or the riparian portion of Standard 3 not being met.

Slight adjustments to the 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.

The LHE determined utilization levels within the allotment have been within acceptable levels throughout the evaluation. Implementation of an average 40% utilization trigger for key forage species will ensure adequate ground cover to protect watershed function and provide adequate wildlife forage and cover. Modifications to current grazing management such as requiring placement of nutritional supplement at least one-quarter (1/4) mile from livestock water sources, known cultural areas, and/or sensitive wildlife habitat. Maintaining range improvements (water developments) are necessary to improve livestock distribution across the allotment, better utilize forage in areas that are lightly used, provide additional water for wildlife species, and avoid livestock concentration in sensitive wildlife habitat. The lessee must properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4230-5) annually. This will allow BLM to better estimate the amount of use that areas receive from cattle and will help with future allotment evaluations.

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).

§4110.3 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.

§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.

APPEAL OF THE DECISION

Any applicant, permittee, lessee, or other affected interest may protest this proposed decision under 43 CFR §§ 4160.1 and 4160.2 within 15 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: David R. Hawes, Field Manager, 21605 North 7th 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 days following receipt of the final decision, or 30 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.


David R. Hawes
Field Manager
Hassayampa Field Office

7/29/15
Date

Enclosed: CC list for the Big Bug Creek Allotment