



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

In Reply Refer To:
4110, 4130 (LLAZA01000)

NOTICE OF GRAZING DECISION

Terry Esplin
Bridlebit Three Cattle Company
544 So. 100 E.
St. George, Utah 84770-3924

Dear Mr. Esplin:

This is in response to your application to transfer the Blake Pond Allotment grazing permit from Bridlebit Three Cattle Company (transferor) to Esplin Family Trust.

The Blake Pond Allotment (AZ04813) is located in the northwestern corner of Arizona on the Arizona Strip Field Office. The allotment is divided into three separate geographic areas that are 10-25 miles south, southwest, and southeast of St. George, Utah. The legal locations for Blake Pond Allotment are:

Gila and Salt River Meridian, Arizona

T. 38 N., R. 10 W., various sections
T. 38 N., R. 11 W., various sections
T. 38 N., R. 12 W., various sections
T. 39 N., R. 11 W., various sections
T. 39 N., R. 12 W., various sections
T. 41 N., R. 11 W., various sections
T. 41 N., R. 13 W., various sections
T. 42 N., R. 11 W., various sections

The transfer of the Blake Pond Allotment is authorized with no changes in the season of use, kind of livestock, or number of AUMs, and with the current terms and conditions. Billing will continue to be based on actual use. The term of the new permit will be 1/1/2023 to 12/31/2026, the remaining period of time left on the base water lease. The authorized grazing use and permit terms and conditions are as follows in Table 1 and in the Terms and Conditions section.

Table 1. Blake Pond Allotment Authorized Grazing Use

Allotment Name	No.	Kind	Season of Use	Active AUMs	Total Active AUMs by Allotment	Suspended AUMs	Public Land (acres)	% Federal Range
Blake Pond	118	Cattle	3/1 - 2/28	1,317	1,317	383	20,415	93

AUMs = Animal Unit Months

TERMS AND CONDITIONS

Permit issued would have no changes and includes the Standard Terms and Conditions under 43 CFR 4130.3. Environmental Assessment DOI-BLM-AZ-010-2016-0008-EA was completed for the Blake Pond Allotment in 2017. Livestock grazing was fully analyzed through the National Environmental Policy Act (NEPA) process. As requested by the proponent, the permit was renewed at that time with no changes. This permit will contain the same terms and conditions as the previous permit issued in 2017.

DECISION

The grazing permit is in accordance with the Arizona Strip Field Office Resource Management Plan, 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 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 Resource Management Plan (approved February 2008) 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 either issue the new permit in accordance with section 402(c)(2) or prepare an appropriate NEPA document prior to such termination. If the existing NEPA analysis is adequate, the Authorized Officer may complete a Determination of NEPA Adequacy (DNA), or the Authorized Officer may determine that a categorical exclusion (CX) is appropriate if the criteria of the FLPMA Section 402(h)(1) are met, or the Authorized Officer may determine preparation of an Environmental Assessment (EA) is necessary. Upon completion of a DNA, CX or EA, the Authorized Officer will issue the grazing decision in accordance with 43 CFR § 4160, followed by a new permit. Otherwise, issue a permit in accordance with FLPMA Section 402(c)(2) with the same terms and conditions that were contained on the transferor’s permit. A permit must be issued once the transfer of preference is complete, whether with a completed NEPA document, by using the FLPMA Section 402(h)(1) statutory categorical exclusion (if applicable), or in accordance with the mandatory renewal provisions in the 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,


Digitally signed by
LORRAINE
CHRISTIAN
Date: 2022.10.06
15:55:18 -06'00'

Lorraine M. Christian
Field Manager
Arizona Strip Field Office

cc: Bridlebit Three Cattle Company Case File.