



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District
Hassayampa Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027
www.blm.gov/az/

JUL 05 2017

In Reply Refer To:
4160 (AZP010)
#05012

CERTIFIED MAIL: 7015 1660 0000 0574 8574

RETURN RECEIPT REQUESTED

Forepaugh Cattle Co
C/O Jim Lytle
PO Box 3025
Wickenburg, AZ 85358

NOTICE OF PROPOSED DECISION

Dr. Lytle:

In 2016, you were notified that the Forepaugh (#05012) allotment 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 permit are in conformance with the Arizona Guidelines for Grazing Administration in order to fully process the reissuance of the grazing permit on the allotment.

BACKGROUND

The Hassayampa Field Office initiated the allotment evaluation process in 2016 for the Forepaugh allotment lease. Monitoring data was collected for the evaluation between 2013 and 2016. The evaluation area is located in Yavapai County, north of Aguila, AZ within the Phoenix District of the BLM. The allotment is within the Harcuvar Management Unit of the Bradshaw-Harquahala planning area of the Hassayampa Field Office, with intermingled state lands in the eastern portions of the allotment. The allotment is approximately 63,123 acres in size; 9,431 acres are federally managed, 50,248 acres are managed by the state, and 3,444 acres are private lands.

Following the analysis, interpretation, and evaluation of monitoring data, it was determined that land use plan objectives, allotment specific objectives, and Standard 1 (Upland Sites) of the

Arizona Standards for Rangeland Health have been met on the upland portions of the allotment. Standard 3 (DPCs) has not been met due to extended drought leading to reduced foliar cover measurements and wildlife browse requirements. The rangeland health assessments and evaluation indicates that the upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to the soil type, climate and landform. Standard 2 (Riparian-Wetland Sites) does not apply to this allotment, as no riparian areas are present.

As part of the draft Upper Centennial Complex rangeland health evaluation (RHE), technical recommendations were developed to ensure that the allotment would continue meeting and/or make significant progress towards meeting the Arizona Standards for Rangeland Health, land use plan objectives and allotment specific objectives. As a result, the BLM has prepared the Upper Centennial Complex Grazing Permit Renewal Environmental Assessment (EA) (DOI-BLM-AZ-P010-2017-0003-EA) to analyze a range of alternatives for reissuing the grazing permit.

The Environmental Assessment, Finding of No Significant Impact, and Proposed Decisions may be viewed or downloaded from the BLM Land Use Planning and NEPA Register Page under the following link:

<http://bit.ly/2t5Rzr7> (this link is case sensitive)

PUBLIC INVOLVEMENT

Public scoping was conducted via letter sent to the Consultation, Coordination, and Cooperation list. Recipients were asked to comment on the RHE and the proposed action. The scoping period was November 10th, 2016 through January 1st, 2017. External scoping comments were received from the grazing operator for the CARCO and Forepaugh allotments.

PROPOSED DECISION

After reviewing the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my proposed decision to implement the Proposed Action described in the EA to authorize livestock grazing use on the Forepaugh allotment with a term of 10-years beginning March 1, 2018, 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 Forepaugh allotment. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the allotment evaluation your permit is adjusted as follows:

Proposed Permitted Livestock Use:

Permittee	Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Type of Use	Animal Unit Months (AUMs)
Forepaugh Cattle Co.	Forepaugh	74	3/1-2/28	100%	Active	888

Other Terms and Conditions:

In accordance with 43 Code of Federal Regulations(CFR) 4110.3-2 the following terms and conditions of your permit (Authorization #0202512) will be adjusted as follows:

1. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form.
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. 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.
4. When forage conditions warrant, livestock grazing may be authorized upon application to utilize an ephemeral forage crop pursuant to federal grazing regulations, special management requirements, and other guidance.

In addition to the above Terms and Conditions, the BLM will implement the following administrative actions:

- Gabions will be installed on the northern floodplains of Bullard Wash, and along the south bank of Bullard Wash. These are designed to reduce erosion rates on the floodplains caused by historic flooding events.
- All water troughs and tanks with open tops that are located on public lands within the Forepaugh allotment must have wildlife escape ramps installed to reduce risk of wildlife drowning. Examples of appropriate wildlife escape ramps can be found in the enclosed

documents (BLM Technical Bulletin 89-4, and *Wildlife Escape Ramps for Livestock Watering Troughs* (NRCS 2012)).

RATIONALE

Based on the data compiled and analyzed for this RHE, the Forepaugh allotment is achieving Standard 1 of the Arizona Standards for Rangeland Health. Standard 3 was not met due to wildlife browse requirements and vegetative foliar cover. Vegetation attributes such as vigor, recruitment and composition are appropriate for the area under current grazing management, but reduced due to drought effects, and soils are stable. Species composition and structure were typical of the ecological communities within the allotment.

Adjustments to 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 RHE determined utilization levels within the allotment have been within acceptable levels throughout the evaluation. Modifications to current grazing management such installation of runoff control structures within the allotment are necessary to reduce erosion due to historic flooding in Bullard Wash, and will improve soil moisture regimes. This is expected to improve wildlife habitat over the life of the grazing lease.

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.

§4120.3-1(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

§4120.3-2(a) The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).

§4120.3-2(b) Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipelines where authorization is granted after August 21, 1995 shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines shall be through cooperative range improvement agreements. A permittee's or lessee's interest in contributed funds, labor, and materials will be documented by the Bureau of Land Management to ensure proper credit for the purposes of §§ 4120.3-5 and 4120.3-6(c).

§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.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other affected interest may protest this proposed decision under 43 CFR §§ 4160.1 and 4160.2 within 15 calendar 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: Rem Hawes, Field Manager, 21605 North 7th Avenue, Phoenix, Arizona 85027.

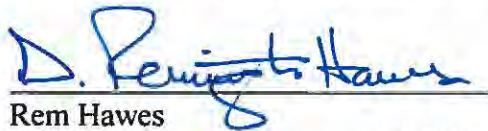
The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error. In absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice in accordance with 43 CFR § 4160.3, unless otherwise provided 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 calendar days following receipt of the final decision, or 30 calendar 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.


Rem Hawes

Field Manager, Hassayampa Field Office


Date

Enclosures: CCC list

Determination Document

For the non-compliance of Rangeland Health Standards on the Forepaugh Allotment (#5012) and the Cross Mountain Allotment (#3021)

Introduction

This determination document seeks to identify the causal factors for non-achievement of the Land Health Standards for the Forepaugh and Cross Mountain Allotments within the Upper Centennial Complex. A determination document is not a grazing decision but a stand-alone determination detailing the conditions and the causal factors for non-achievement of the Arizona Standards for Rangeland Health. In cases where a significant causal factor for non-achievement of Standards is current livestock management practices, the proposed corrective actions will be analyzed under a NEPA analysis and implemented before the start of the following grazing year in which the Determination was made.

Land Health Standards Not Achieved

- Forepaugh Key Area 1- Standard 3 is not achieved
- Cross Mountain Key Area 1- Standard 1 is not achieved

Current Conditions leading to the non-achievement of Standards

- Forepaugh Key Area 1 does not meet standard 3 due to insufficient browse species and insufficient foliar cover on the site.
- Cross Mountain Key Area 1 does not meet standard 1 due to soil compaction and increased erosion potential on the site.


Causal Factors for non-achievement of Standards

When considering the current conditions of the Forepaugh allotment, the causal factor for Forepaugh Key Area 1 appears to be extended drought, leading to a reduction in vegetation recruitment and foliar cover values.

When considering the current conditions of the Cross Mountain allotment, the causal factors for non-achievement of Standard 1 are historic military use, soil modification and compaction through construction of an airfield and associated facilities, and increased erosion potential of non-compacted soils adjacent to the airfield.

Conformance with the Guidelines for Grazing Administration

This Determination conforms to the Arizona Standards and Guidelines for Grazing Administration.


D. Remington Hawes
Field Manager, Hassayampa Field Office