



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District
Lower Sonoran Field Office
2020 E. Bell Road
Phoenix, Arizona 85022
www.blm.gov/az/

December 15, 2022

In Reply Refer To:
4160 (AZP020)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED NO. 7018 3090 0001 1152 0895

DUSTIN AND LISA FEYDER
PO BOX 281443
LAMOILLE NV 89820

NOTICE OF PROPOSED DECISION

Gable-Ming Allotment (No. 03032)
Ward Allotment (No. 03086)
Grazing Permit Renewal

Dear Mr. and Mrs. Feyder:

INTRODUCTION

The Bureau of Land Management (BLM) is charged with managing public lands, in accordance with the current regulations. This includes evaluating grazing preference transfer applications when they are submitted. The Bureau of Land Management is issuing this proposed decision to evaluate the transfer of grazing preference for the Gable-Ming (AZ 03032) and Ward (AZ 03086) allotments.

BACKGROUND

On November 7, 2022, Dustin and Lisa Feyder submitted a complete grazing preference transfer request for the Gable-Ming (AZ 03032) and Ward (AZ 03086) Allotments. The paperwork submitted was complete. Review of the paperwork and references indicated the corporation complied with the requirements of 43 CFR. 4110.1.

The Determination of NEPA Adequacy and Proposed Decision may be viewed or downloaded from the BLM Land Use Planning and NEPA Register Page under the following link:

<https://eplanning.blm.gov/eplanning-ui/project/2022687/510>

PROPOSED DECISION

After reviewing the analysis presented in the DNA, it is my decision to approve the transfer of grazing preference, upon acceptance of the permit. The grazing authorization will be in effect until the current authorization expires on February 28, 2029. In the absence of protests, this Proposed Decision will become Final 15 days after the receipt by all interested parties.

Proposed Permitted Livestock Use:

Allotment Name	Number	Livestock Number	Livestock Kind	Percent Public Land	Type Use	Authorized AUMS
Gable-Ming	03032	350	Cattle	100	Perennial/ Ephemeral (Active)	4200
Ward	03086	150	Cattle	82	Perennial/ Ephemeral (Active)	1476

Other Terms and Conditions:

In addition to the mandatory terms and conditions and accordance with 43 Code of Federal Regulations (C.F.R.) § 4110.3-2, the following terms and conditions would be added to your permit (Authorization #0200449):

1. The permittee must properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4230-5) annually and at the termination of all ephemeral use. The completed form(s) must be submitted to the BLM, Lower Sonoran Field Office (LSFO) within 15 days from the last day of authorized annual grazing use (43 CFR 4130.3-2 (d)).
2. When forage conditions warrant, cattle grazing only may be authorized upon application to utilize an ephemeral forage crop pursuant to federal grazing regulations, special management requirements, and other guidance.
3. All water troughs and tanks with open tops that are located on public lands within the Gable-Ming 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)).
4. Within 30 days of gathering and processing of cattle at Twin Tanks Well, remaining cattle must be moved from the area and distributed amongst other livestock waters.

RATIONALE

The Secretary of the Interior approved Arizona Standards for Rangeland Health and Guidelines for Grazing Administration in April 1997. The Standards and Guidelines Environmental Assessment Decision Record, signed by the BLM State Director in April 1997, provides for full implementation of the Standards and Guidelines in all Arizona BLM land use plans.

Based on the data compiled and analyzed for the grazing reauthorization approved in October 2018 (DOI-BLM-AZ-P020-2018-0040-EA), the Gable-Ming and Ward Allotments were authorized with the above terms and conditions. No substantial change was noted by the specialists that evaluated the DNA.

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).

§ 4110.2-3(a) Transfers of grazing preference in whole or in part are subject to the following requirements: (1) The transferee shall meet all qualifications and requirements of §§ 4110.1, 4110.2-1, and 4110.2-2. (2) The transfer applications under paragraphs (b) and (c) of this section shall evidence assignment of interest and obligation in range improvements authorized on public lands under § 4120.3 and maintained in conjunction with the transferred preference (see § 4120.3-5). The terms and conditions of the cooperative range improvement agreements and range improvement permits are binding on the transferee. (3) The transferee shall accept the terms and conditions of the terminating grazing permit or lease (see § 4130.2) with such modifications as he may request which are approved by the authorized officer or with such modifications as may be required by the authorized officer. (4) The transferee shall file an application for a grazing permit or lease to the extent of the transferred preference simultaneously with filing a transfer application under paragraph (b) or (c) of this section.

§ 4110.2-3 (d) At the date of approval of a transfer, the existing grazing permit or lease shall terminate automatically and without notice to the extent of the transfer... (f) Transfers shall be for a period of not less than 3 years unless a shorter term is determined by the authorized officer to be consistent with management and resource condition objectives.

§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.

§4130.3 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.

§4110.3-3(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...

§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.

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 the first recorded delivery attempt of this proposed decision. Protests may be either in person or in writing to Bureau of Land Management, Lower Sonoran Field Office ATTN: Tyler Lyndsey, Field Manager, 21605 2020 E. Bell Road, Phoenix, Arizona 85022.

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.

KATIE WHITE BULL

Digitally signed by KATIE WHITE
BULL
Date: 2022.12.15 11:39:31 -07'00'

for Tyler Lyndsey
Field Manager, Lower Sonoran Field Office

Date 15 DEC 2022

Enclosures: CCC list

CCC List

AZ Cattle Growers' Association	7018 3090 0001 1152 0772
AZ Dept. Transportation ATTN: Bruce Fenske	7018 3090 0001 1152 0802
AZ Game and Fish Dept. Region 4	7018 3090 0001 1152 0819
AZ Game and Fish Dept. Region 6	7018 3090 0001 1152 0789
AZ State Land Department	7018 3090 0001 1152 0826
Center for Biological Diversity	7018 3090 0001 1152 0833
Desert Tortoise Council	7018 3090 0001 1152 0796
Shawn and Mindy Goemmer	7018 3090 0001 1152 0840
Rangeland Conservancy	7018 3090 0001 1152 0857
The Wilderness Society	7018 3090 0001 1152 0864
US Fish and Wildlife Service Arizona Ecological Services Office	7018 3090 0001 1152 0871
Western Watersheds Project	7018 3090 0001 1152 0888