



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 Safford Field Office
 711 14th Avenue
 Safford, AZ 85546
 928-348-4400
www.blm.gov/arizona



July 30, 2021

In Reply Refer To:
 4160 (G010)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED NO. 7019 2970 0000 8153 1616

Lance or Kristen Knight
 P.O. Box 127
 Springerville, AZ 85938

NOTICE OF PROPOSED DECISION
 Hardscrabble Wash Allotment (No. 06110)
 Grazing Lease Renewal

Dear Lance or Kristen Knight:

INTRODUCTION

The Bureau of Land Management (BLM) is charged with evaluating public lands on an allotment basis, in accordance with the current regulations to determine if the rangelands are meeting the Arizona Standards for Rangeland Health. The information collected in the land health evaluation (LHE) will be used as a basis to evaluate the renewal of livestock grazing leases and authorizations of any other uses on the public lands, consistent with land use plan documents.

This proposed decision is to renew the grazing lease on the Hardscrabble Wash Allotment for a period of 10 years with the same mandatory terms and conditions as the previous lease, and slight modifications to the other terms and conditions as outlined in the LHE and presented below.

BACKGROUND

On June 24, 2021, the draft LHE was sent to you and various interested parties for a 15-day review and comment period. No comments were received by any of the interested parties. The Final LHE concluded that the existing resource conditions encountered on the Hardscrabble Wash Allotment meet the Arizona Standards for Rangeland Health, and current management of the livestock is appropriate under the Arizona Guidelines for Grazing Administration. Further, you were provided notice that the BLM intended to prepare a categorical exclusion (CX) pursuant to the National Environmental Policy Act (NEPA) and Section 402(h)(1) of the Federal

Land Policy and Management Act (FLPMA; 43 U.S.C. 1701 et seq.). The CX (DOI-BLM-AZ-G010-2021-0051-CX) and Final LHE are available electronically through the online NEPA Register at: <https://go.usa.gov/xFKmu>.

PROPOSED DECISION

Therefore, it is my proposed decision to offer you a new grazing lease for a period of 10 years with the following terms and conditions:

Mandatory Terms and Conditions:

Allotment Name/Number	Livestock Number/Kind	Grazing Period Begin - End	% Public Land	Number of Animal Unit Months (AUM)
Hardscrabble Wash (No. 06110)	62 Cattle	3/1 - 2/28 Yearlong	100	744

Other Terms and Conditions:

- In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements shall not be placed within a ¼ mile of any riparian area, wet meadow or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
- The lessee shall submit, upon request, a report of the actual grazing use made on this allotment for the previous grazing period, March 1 to February 28. Failure to submit such a report upon request by March 15 of the current year may result in suspension or cancellation of the grazing lease.
- The lessee shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.

RATIONALE

The BLM-managed lands on the Hardscrabble Wash Allotment are guided by the Phoenix Resource Management Plan (RMP), incorporating by reference the Eastern Arizona Grazing Final Environmental Impact Statement (FEIS) Record of Decision (1987).

The Secretary of the Interior approved Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (Standards and Guidelines) 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.

The Hardscrabble Wash Allotment LHE was completed in July 2021. In accordance with BLM

policy and regulations, all applicable monitoring data were examined and evaluated in order to determine progress in meeting the Arizona Standards for Rangeland Health and other land use plan objectives. In addition, the Hardscrabble Wash Allotment was reviewed to determine if any new information, issues, or concerns have been identified. An interdisciplinary team completed the analysis of the resource data and developed the formal evaluation, which was previously sent for your review. Grazing management per the terms and conditions of the renewed 10-year grazing lease will continue as established herein. The terms and conditions will ensure that the allotment continues to meet those standards for rangeland health addressed in the LHE.

The Code of Federal Regulations (43 CFR 4130.2(a)) requires that, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans." I have determined that renewing this 10-year grazing lease is in conformance with the Phoenix RMP and incorporating by reference the Eastern Arizona Grazing FEIS Record of Decision (1987).

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations including, but not limited to the following pertinent subparts:

§4100.0-3(a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r); (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

§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).

§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.

§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.

§4130.2(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 BLM 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) Provision 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 and 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 grazing 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 of this part. To the extent practical, the Authorized Officer 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 practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform to the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to 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 guidelines.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.1 and 4160.2. The protest may be submitted in person or in writing to:

Scott C. Cooke
Bureau of Land Management
Safford Field Office
711 S. 14th Avenue
Safford, Arizona 85546

Any protest filed should clearly and concisely state the reason(s) why the proposed decision is in error. The BLM cannot accept the electronic filing of protest documents including compact disc, thumb drive, or similar media, due to Federal Information Systems Security Awareness policies.

In accordance with 43 CFR 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the Authorized Officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file a notice of appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, and 4.470. The notice of appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The notice of appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The notice of appeal and petition for a stay must be filed in the office of the Authorized Officer, as noted above. As defined in 43 CFR 4.22(a), "A document is filed in the office where the filing is required only when the document is received in that office during its regular business hours and by a person authorized to receive it. A document received after the office's regular business hours is considered filed on the next business day."

Within 15 days of filing the appeal, the appellant must provide the BLM with proof of service to the other persons named in the Service section of this decision in accordance with 43 CFR

4.470(a). A copy of the appeal must also be served on the Office of the Solicitor located at the address below in accordance with 43 CFR 4.413(a).

US Department of the Interior
Office of the Field Solicitor
Sandra Day O'Connor U.S. Courthouse
401 W. Washington St. SPC 44, Suite 404
Phoenix, AZ, 85003-2151

In accordance with 43 CFR 4.413(b), failure to serve a notice of appeal will subject the appeal to summary dismissal as provided in 43 CFR 4.402. Appellants are responsible for determining whether the Office of the Solicitor or other persons named in the decision will accept service of a notice of appeal and/or petition for stay electronically via email.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay 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 granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, is directed to 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact Amelia Taylor, Assistant Field Manager, or myself at (928) 348-4400.

Sincerely,



SCC Scott C. Cooke
Field Manager

Enclosure

Link to the Final LHE and the Categorical Exclusion (ePlanning):

- <https://go.usa.gov/xFKmu>

cc:

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Arizona Game and Fish Department
Region I – Pinetop
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Pinetop, AZ 85935
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Western Watersheds Project
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