



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov

August 4, 2014

In Reply Refer To:
4100 (LLAZC01000)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7013 0600 0000 8790 2454

Hualapai Tribe/Robinson Honani
P.O. Box 179
Peach Springs, AZ 86434

NOTICE OF PROPOSED DECISION FOR GRAZING PERMIT RENEWAL

Dear Hualapai Tribe:

INTRODUCTION

This proposed decision is written in accordance with 43 Code of Federal Regulations (CFR) § 4160.1. It is important because this proposed decision will change the terms and conditions of your grazing permit.

BACKGROUND

The following timeline provides details on the sequence of actions that led up to this proposed decision.

On May 17, 2010, an application and proposed grazing plan for permit renewal was submitted.

On April 7, 2011, the Bureau of Land Management (BLM) met with members of the Hualapai Tribe (Wilfred Whatoname-Chairman, Erin S. Forrest, Joel J. Querta-Hualapai Department of Natural Resources (HDNR) Ag Program Manager, Scott Crozier-Game and Fish Manager, and Robinson Honani-Range Specialist) and discussed topics including the grazing schedule, water development, fences, and the general condition of the allotment.

On April 11, 2011, BLM sent an email to the following members of the Hualapai Tribe (Wilfred Whatoname-Chairman, Sr, Erin S. Forrest, Joel J. Querta-HDNR Ag Program Manager, Scott

Crozier-Game and Fish Manager, and Robinson Honani-Range Specialist) to answer questions on the grazing schedule, water development, fences, and the general condition of the allotment for future use.

On August 1, 2011, BLM sent the Rangeland Health Evaluation to the permittee and the interested public.

On November 18, 2013, BLM sent a letter to the interested public stating Kingman Field Office (KFO) will begin work on the environmental analyses for the Hot Springs Allotment and requested allotment-specific resource data or comments that would assist in understanding resource conditions on the allotment. KFO did not receive any comment letters from the interested public.

On May 6, 2014, scoping was conducted at KFO, and the following resources were identified by the program leads for analysis in the environmental assessment (EA): wild horses and burros; wildlife (including BLM sensitive species and migratory birds); threatened, endangered or candidate plant/animal species; soil resources; vegetation; invasive, non-native plant species; and socioeconomic values.

On May 15 and June 17, 2014, BLM coordinated with the permittee through email about the EA alternatives and when the EA would be available for public comment.

On July 2, 2014, the EA was sent out to the permittee and the interested public for a 15-day review period, which ended on July 23, 2014. No comment letters were received.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based upon the analysis of potential environmental impacts contained in Environmental Assessment (EA)# DOI-BLM-AZ-C010-2014-0035, incorporated herein, public involvement throughout the analysis, consideration of the context and intensity of the proposed action, and all other information available to me, it is my determination that impacts are not expected to be significant; therefore, an environmental impact statement is not required.

PROPOSED DECISION

Therefore, it is my proposed decision to implement the Proposed Action described in the EA# DOI-BLM-AZ-C010-2014-0035, which does not change the current permitted use. My proposed decision is to authorize a new 10-year permit with the following terms and conditions:

1. Grazing Permit

Mandatory Terms and Conditions:

Allotment Name	Livestock			Active AUMs	% Public Land
	No.	Kind	Season of Use		
Hot Springs	20	Cattle	3/1 to 3/3 and 12/15 to 2/28	52	100

Other Terms and Conditions:

The following term and condition would be removed from the existing permit:

“The Hot Springs Allotment is under Custodial management.”

The following terms and conditions would remain on the permit:

“For administrative purposes, livestock are authorized at 100 percent public land.”

“[The permittee] will provide the BLM a certified actual use report by March 15th of each year. This report will detail the number of livestock and periods of use (43 CFR 4100).”

2. Range Improvements

Projects, such as fences and water developments, associated with livestock grazing management have been installed over the last several decades and will continue to be maintained. No new range improvement projects will be constructed, and no modifications will be made to existing projects. The permittee will be responsible for maintenance of range improvements.

ADMINISTRATIVE ACTIONS

BLM resource specialists will periodically monitor the allotment to ensure that the land health standards are being met, in accordance with 43 CFR § 4180. If monitoring indicates that desired conditions are not being achieved and current livestock grazing practices are causing non-attainment of resource objectives, livestock grazing management on the allotment will be modified in cooperation with the permittee, including adjustments to the timing, intensity, frequency and duration of grazing, or reducing livestock numbers.

RATIONALE

The proposed terms and conditions will allow for Arizona Standards for Rangeland Health to continue to be met, as well as other land use plan multiple-use objectives. Rationale for the proposed decision is based on expected benefits described in the EA and Land Health Evaluation.

The permitted season-of-use will allow rest to the plant communities each year, resulting in continued maintenance and possibly eventual increase in abundance and vigor of native forage species. These rest periods are anticipated to limit the establishment, spread, and persistence of red brome and other invasive, non-native plant species. Livestock grazing only during the permitted season-of-use will also allow vegetative communities and soil condition to be maintained and possibly improved.

The proposed decision will continue to maintain or improve wildlife habitat conditions because the season-of-use restrictions allow the allotment to meet the land health standards. Grazing during plants' dormant period will maintain or improve the frequency, cover, and productivity of key forage species, also improving habitat for those species of wildlife that use these plants for cover and foraging. Additionally, rest during the growing seasons will allow plants to fully seed

and provide sufficient seed production for seed eating species and residual forage for insects, which are important prey species to birds, reptiles and small mammals.

The season-of-use restrictions will eliminate any competition for forage between livestock and Desert Tortoise during the Desert Tortoise active season because no livestock grazing will occur during these months. Because land health standards are being met on the allotment, enough forage and quality forage for the Desert Tortoise will be left after livestock grazing.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR), Part 4100 in effect on July 11, 2006, which states in pertinent subparts and sections:

§4100.0-8 Land Use Plans. 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. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. 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).

§4130.2 Grazing Permits or leases. (a) Grazing permits or leases shall be issued to qualified applicants to authorize use on 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. Permits or leases shall specify the type and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits and leases shall also specify terms and conditions pursuant to §§4130.3, 4130.3-1 and 4130.3-2. (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 issuance or renewal of grazing permits and leases.

§4130.3 Terms and Conditions. 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 Mandatory Terms and Conditions. (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.... (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. (c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

§4130.3-2 Other Terms and Conditions. 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 rangeland.

§4130.3-3 Modification of permits or leases. 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 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.

§4160.1 Proposed Decisions. (a) Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms, or conditions, or modification relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

§4160.2 Protests. 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.

§4160.4 Appeals. Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge by following the requirements set out in § 4.470 of this title. As stated in that part, the appeal must be filed within 30 days after the receipt of the final decision or within 30 days after the date the proposed decision becomes final as provided in §4160.3(a). Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer.

§4180.2(c) Standards and guidelines for grazing administration. 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. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

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 4160.3 (a) in person or in writing to **Ruben Sanchez, Bureau of Land Management, Kingman Field Office, 2755 Mission Boulevard, Kingman, Arizona 86401** within 15 days after receipt of such decision in accordance with 43 CFR § 4160.2. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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 protests 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 BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Kingman Field Office as noted above. The BLM will not accept appeals by facsimile or via email or other electronic means.

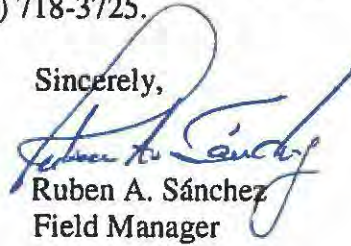
Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the *Office of the Field Solicitor, U.S. Department of the Interior, U.S. Courthouse, Suite 404, 401 W. Washington St. SPC 44, Phoenix, AZ 85003*, in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

As noted above, the petition for stay must be filed in the office of the authorized officer. If you have any questions, feel free to contact me at (928) 718-3725.

Sincerely,



Ruben A. Sánchez
Field Manager