



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona Strip Field Office
345 East Riverside Drive
St. George, Utah 84790
www.az.blm.gov

In Reply Refer To:
LLAZA01000: 4160 (0200281)

NOTICE OF FINAL DECISION

Grazing Permit Renewal for Johnson Run and Jacob Canyon Allotments

INTRODUCTION

A Notice of Proposed Decision (NOPD) was signed July 30, 2019 for the Grazing Permit Renewal for the Johnson Run and Jacob Canyon allotments. Western Watersheds Project (WWP) received notification of the NOPD on July 30, 2019. The Bureau of Land Management (BLM) received a timely protest to the NOPD from WWP on August 16, 2019.

The protest reasons are addressed below in the section titled "Response to Protest Statements of Reasons". Addressing the protest reasons did not cause substantive changes to the Categorical Exclusion (CX) analysis; however, additional narrative (for clarification purposes) was added to the CX. The specific changes to the CX are noted in the Response to Protest Statements of Reason below.

After considering the protest reasons, this Notice of Final Decision (NOFD) is the final administrative step in the land health evaluation and permit renewal process for the Johnson Run and Jacob Canyon allotments. This final decision is to issue a new ten-year term grazing permit with new terms and conditions for the Johnson Run and Jacob Canyon allotments, as described in the "Decision" section below.

BACKGROUND

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976 provide for livestock grazing use of the public lands that have been classified as available for grazing. Grazing use must be consistent with good range management aimed at conservation and protection of the natural and cultural resources.

An assessment of these allotments was conducted in accordance with directions set forth by the Washington Office and Arizona State Office for implementation of the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (Standard for Rangeland Health). The purpose of the Standards for Rangeland Health is to ensure the health of public rangelands. These standards help the BLM, rangeland users, and interested members of the public achieve a common understanding of acceptable resource conditions and work together to implement that vision. Standards for Rangeland Health were developed by the BLM State Standards and Guidelines Team and the

Arizona Resource Advisory Council (RAC), a state level council appointed by the Secretary of the Interior. The Secretary of the Interior approved the Standards for Rangeland Health for Arizona in April 1997, and the BLM Arizona State Director mandated full implementation of the Standards for Rangeland Health in all Arizona land use plans.

The permittee, the RAC, Interdisciplinary Assessment Team (IAT), Rangeland Resources Team (RRT), and the interested public were invited to an issue/scoping meeting on January 14, 2003 for the Johnson Run Allotment, and a scoping meeting on October 27, 2004 for the Jacob Canyon Allotment. In addition, a field visit with the IAT and RRT was held on February 19, 2003 for the Johnson Run Allotment. The land health evaluation for the Johnson Run Allotment was completed in 2005. That evaluation determined that the allotment was making significant progress toward meeting the applicable standards for rangeland health. A land health evaluation update was recently completed (see Appendix A of the CX), which constitutes a re-evaluation of the 2005 assessment determination by considering and analyzing new monitoring data. Based on the analysis of this monitoring data (including data collected since the land health evaluation was completed), it has been determined that the allotment is now meeting all applicable Rangeland Health Standards.

The land health evaluation for the Jacob Canyon Allotment was completed in 2007. That evaluation determined that the allotment was meeting the applicable standards for rangeland health. A land health evaluation update was recently completed (see Appendix B of the CX), which constitutes a re-evaluation of the 2007 assessment determination by considering and analyzing new monitoring data. Based on the analysis of this monitoring data (including data collected since the land health evaluation was completed), it has been determined that the allotment is still meeting all applicable Rangeland Health Standards.

Public involvement for the Johnson Run and Jacob Canyon allotments permit renewal process began with a scoping meeting for the Johnson Run Allotment's land health evaluation on January 14, 2003 followed by a field visit on February 19, 2003, as stated above. A scoping meeting was held for the Jacob Canyon Allotment on October 27, 2004.

The proposed grazing permit renewal is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 402(h)(1) of Federal Land Policy and Management Act (FLPMA), as amended by Section 3023 of Public Law 113-291, National Defense Authorization Act (2015). A CX is appropriate for this grazing permit renewal because all of the following conditions apply:

- The permit continues the current grazing management of the allotment(s).
- A Land Health Evaluation (LHE) Report (land health assessment(s) and evaluation) has been completed in accordance with BLM Manual Handbook H-4180-1 Rangeland Health Standards.
- The Authorized Official concludes from the findings of the LHE report that the public land subject to the evaluation is meeting land health standards.

A CX (NEPA # DOI-BLM-AZ-A010-2018-0021-CX) was therefore prepared for this proposed action. This CX constitutes the BLM's environmental review of the proposed action in accordance with NEPA), Section 3023 of Public Law 113-291, and other relevant federal and state laws and regulations.

The BLM has carefully considered each protest statement of reasons as to why the proposed decision was in error and has responded to each reason below.

RESPONSE TO PROTEST STATEMENTS OF REASONS:

Protest Reason 01: *The use of a Categorical Exclusion (CX) for the grazing lease renewal is inappropriate in this instance because the information upon which the decision to allow continued livestock grazing is woefully outdated. The Land Health Evaluation (LHE) for the Jacob Allotment is from 2007 and is merely supplemented with undisclosed monitoring data from 2008, 2013, and 2018. Similarly, the LHE for the Johnson Run Allotment is from 2005 and supplemented with monitoring data from 2010 and 2015.*

Response to Protest Reason 01: A categorical exclusion is appropriate for this grazing permit renewal because all of the following conditions apply:

- The permit continues the current grazing management of the allotment(s).
- A land health evaluation (LHE) report, and evaluation update based upon current monitoring, has been completed for each allotment in accordance with BLM Manual Handbook H-4180-1 Rangeland Health Standards.
- The Authorized Official concludes from the findings of the LHE report updates that the public land subject to the evaluation for each allotment is meeting land health standards.

Protest Reason 02: *Extraordinary circumstances do exist in the project area, including the presence of the California condor.*

Response to Protest Reason 02: The California condor does have the potential to occur in the allotments – condors may occasionally fly over or feed in the allotments at any time of year. Although condors may either fly over or feed within the allotments, they have not been observed doing so. California condors are federally listed as endangered and a population of these condors was reintroduced on the Arizona Strip in 1996. This population is designated as experimental non-essential under Section 10(j) of the Endangered Species Act.

The proposed action is the renewal of a grazing permit with no changes in season of use, kind of livestock, or number of AUMs and with current terms and conditions (i.e., continued grazing management of the allotments). There is no evidence that rangeland health on these allotments is limiting or restricting condor population growth. In addition, the action would not alter nest sites, roost sites, or cause disturbance to these sites. Scavenging opportunities would not be impacted. As stated in the “Land Health Standard Findings” section of the CX, the allotments are ecologically stable and functional based on the vegetation communities and soil conditions present. Thus, no effect to this species is expected from the action, and none of the Extraordinary Circumstances apply (see in particular the response to Extraordinary Circumstance #8 in the CX).

Protest Reason 03: *The BLM has failed to acknowledge and analyze the extraordinary circumstances of climate change (and related impacts) and ongoing drought in the project area, which requires a more thorough analysis of livestock grazing before a grazing permit can be renewed. The impacts of livestock grazing on landscapes in light of the impacts of climate change should have been evaluated as part of the NEPA analysis for this project.*

Response to Protest Reason 03: Cattle grazing on public land (and elsewhere) eat vegetation that potentially stores carbon, and cattle do generate methane. The proposed action would be a minute source of carbon dioxide (CO₂) and other greenhouse gases (GHGs). This analysis is unable to identify the specific impacts of the alternatives’ GHGs on global warming and climate change because there is insufficient information, and there are numerous models that produce widely divergent results. It is difficult to state with any certainty what impacts may result from GHG emissions, or to what extent the proposed action could contribute to those climate change impacts. In addition, the effects of livestock grazing on public

lands in the semi-arid west are not unknown or uncertain. There are no anticipated effects that involve unique or unknown risks – the effects of livestock grazing on the Arizona Strip and elsewhere in the western U.S. are well known and well documented. The proposed action is not unique or unusual. It has therefore been determined that the proposed action would have a negligible effect on local, regional, and global climate change.

Protest Reason 04: *There is a high likelihood that continued livestock grazing will contribute to the introduction, continued existence, and spread of noxious weeds or non-native grasses. As the BLM is well aware, livestock promote the spread and colonization of alien plants, which can increase fire frequencies. Disturbance is a reliable indicator of alien dominance in vegetation composition, and livestock grazing is a significant disturbance to desert ecosystems. Brooks and Berry 2006. The BLM acknowledges that cheatgrass is present on both allotments and Scotch thistle is present on the Johnson Run allotment. CX at 10-11. As the BLM is aware, “Scotch thistle first established along the shoulders of the Ryan Road, which runs through the middle of the Johnson Run Allotment. Since first established, Scotch thistle has spread further into the allotment from the road.” Allotment Assessment for Johnson Run at 15.*

Response to Protest Reason 04: As stated in the review of Extraordinary Circumstance #12 of the CX, cheatgrass is present in some areas across both of the allotments. Cheatgrass is not on the Arizona Noxious Weed list. However it can be a very invasive non-native grass species. Research by Douglas et al. (1990) and Hunter (1991) shows that cheatgrass readily invades areas that have not been disturbed and do not have livestock influence. Young and Evans (1978) speculated that removal of livestock would actually accelerate conversion to cheatgrass because of increased fuel accumulations and more frequent wildfires. Proper range practices can help prevent the spread of undesirable plant species (Sheley 1995). Sprinkle et al (2007) found that grazing exclusion does not make vegetation more resistant to invasion by exotic annuals. Reasons for this may include: 1) grazing may result in a more diverse age classification of plants due to seed dispersal and seed implementation by grazing herbivores, and 2) grazing removes senescent plant material, and if not extreme, helps open up the plant basal area to increase photosynthesis and rainfall harvesting (Holechek 1981). Loeser et al. (2007) reported that moderate grazing was superior to both grazing exclusion and high impact grazing in maintaining plant diversity and in reducing exotic plant recruitment in a semiarid Arizona grassland. It is also important to note that removal of grazing by domestic livestock does not automatically lead to disappearance of cheatgrass (Young and Clements 2007). Proper grazing use which maintains stable plant communities (as is the case in these allotments) should minimize or have no effect on the spread of invasive non-native species. The renewal of the grazing permit and continued livestock grazing are therefore not anticipated to increase the rate at which invasive species are spread throughout the area. The combination of proper grazing management to reduce invasive and noxious weed establishment coupled with the ongoing treatment efforts, should minimize or have no effect on the spread of invasive non-native species in the two allotments.

Scotch thistle, a noxious weed, is known to occur in the Johnson Run Allotment; no noxious weeds have been detected on the Jacob Canyon Allotment. The allotments are monitored annually for noxious weeds as part of the compliance inspections. Any noxious weeds are treated upon discovery. Inspections and monitoring will continue, which will reveal any need to retreat and control as necessary.

The two allotments are meeting Rangeland Health Standard 3 in regard to invasive and noxious weeds. The allotments are ecologically stable and functional based on the vegetation communities present. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Protest Reason 05: *Native plants in the project area are not found in expected amounts. The Johnson Run Allotment Management Plan indicates that Indian ricegrass in Key Area #1 should be at 5%, but in 2015 it was only at 2%. CX at 14. Sagebrush should be at 44% frequency, but as of 2015 was at just 2%. CX at 15. For Key Area #2, squirreltail the frequency should be at 30%, but is at just 2%, sagebrush should be at 47% but is listed as 0%. CX at 15. For Key Area #3, squirreltail should be at 24%, but is at 0%, Indian ricegrass should be at 15% but is at 1%, galleta should be at 45% but has dropped to 37%, and sagebrush should be at 14% but is at just 4%. CX at 15-16. As compared to 2003, squirreltail appears to be on a downward trend - moving from 1.5% to just 0.3% in 2015 in Key Area #1 and from 0.5% to 0% in 2015 in Key Area #3. In Key Area #11, galleta dropped from 47% in 2004 to 36% in 2015.*

Response to Protest Reason 05: For information on the latest key species composition studies, please refer to the land health evaluation updates attached to this CX.

Protest Reason 06: *Key information necessary for a thorough analysis of the impacts of this project were not disclosed. The cost of permitting livestock grazing on this allotment, which should include the costs to taxpayers for the loss of ecological resilience of these lands, must be disclosed as part of the NEPA analysis for the reauthorization of the grazing permit. This was not done. This is an important analysis to undertake given the small return BLM receives from livestock grazing. For the Johnson Run and Jacob Canyon allotments combined, full permitted use would yield just \$529.20 in grazing fees and one-quarter of this is returned to the county (\$132.30), leaving the taxpayer with just \$396.90 as a result of permitting livestock to graze and degrade these lands, but before calculating any costs associated with these permits.*

Response to Protest Reason 06: The cost of permitting livestock grazing on these allotments is outside of the scope of this CX.

Protest Reason 07: *Finally, the temporal scope of livestock grazing permits should preclude the use of a Categorical Exclusion for reauthorization. There are no other federal projects that allow the use of a Categorical Exclusion to authorize a permit for a decade of use, especially where those uses have such significant impacts on natural resources.*

Response to Protest Reason 07: The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 402(h)(1) of Federal Land Policy and Management Act (FLPMA), as amended by Section 3023 of Public Law 113-291, National Defense Authorization Act (2015)..

Protest Reason 08: *The CX for this project does not disclose the soil erosion issues known to exist at Johnsons Wash at the north end of the allotment and the lack of herbaceous understory. "The extreme north strip of BLM land on the allotment still has soil erosion in the form of sheet, head, and lateral head cutting. The strip of land is also heavily trodden by livestock and is isolated from the permittee by private property and fence. The permittee's livestock are not grazing this portion of the allotment." Allotment Assessment for Johnson Run at 16. Clearly, livestock are having an impact on soils in the allotment and the BLM's current management does not appear to be improving soil conditions, at least in a portion of the allotment. However, this information was not disclosed nor analyzed in the CX.*

Response to Protest Reason 08: Due to this protest comment, we looked into this issue. The LHE for the Johnson Run Allotment does identify soil erosion at the northern edge of the allotment as a concern. Later in the LHE report (see page 23), the following recommendation was made to address this soil erosion:

"In reference to the isolated BLM owned strip of land in section 35, the group talked about three options to solve this problem. (1) Move the existing fence to the north private land boundary. (2) Fence the BLM/private boundary. (3) Get the parties (BLM, private land owners, permittees) involved to discuss

the issue. One other possibility would be a land exchange. When this land management problem is solved by the above parties, the trodden [(e.g., compaction)] issue can then be addressed.”

We determined that this piece of BLM land is inaccessible from the rest of the allotment, and is fenced in with adjacent private land (not belonging to the permittee); the use occurring on this land is therefore not authorized use and is not connected with the grazing permit. Due to personnel turnover in our office, we never followed up on this issue. We appreciate your bringing this to our attention, and will certainly follow up on it to resolve the unauthorized use. However, please note that resolution of this unauthorized use is outside the scope of the current permit renewal action.

Protest Reason 09: The CX does not disclose or analyze the direct or indirect effects of livestock grazing on rare plants found on the allotment. The gypsiferous soils on the allotment has habitat for *Cryptantha semiglabra* (and BLM Sensitive Species under consideration for Endangered Species Act protection, with an extremely narrow range), *Pediocactus sileri* (listed as threatened under the Endangered Species Act), *Cammissonia exilis*, *Artemisia pygmaea*, and *Phacelia pulchella* var. *atwoodii*. There is no information in the CX about any of these species.

Response to Protest Reason 09: As stated in the response to Extraordinary Circumstance #8, “There are ... no known threatened, endangered or candidate plant species, or designated critical habitat, on the allotments.”

Protest Reason 10: *The CX does not discuss BLM Sensitive wildlife species or wildlife species of State concern, including ferruginous hawk, Western burrowing owl, Peregrine falcon, Cooper’s hawk, and Northern goshawk.*

Response to Protest Reason 10: The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. BLM sensitive species or species of State concerns are not one of these extraordinary circumstances. Please note that migratory birds are addressed in Extraordinary Circumstance #2 of the CX. However, in response to this protest comment, we provide the following additional information, which is taken from the same EA referenced in Protest Reason 11.

There are no known conflicts for forage between prey species of the sensitive species cited in the comment and livestock as sufficient forage would be provided by ensuring that utilization limits (of no more than 50% of current year’s growth) are not exceeded. As shown in the LHE update, all applicable standards for rangeland health are being met, meaning that the allotments are ecologically stable and functional based on the vegetation communities present. No adverse impacts to any sensitive species (i.e., a trend toward Federal listing or loss of viability) are expected from the proposed action. This has been added to the response to Extraordinary Circumstance #2 of the CX.

Protest Reason 11: *There is no discussion in the CX regarding the 2012 livestock infrastructure project to install fencing, pipelines, and other water developments on the Johnson Run allotment that were supposed to improve range conditions. What was the impact of this project? Did the new infrastructure have the desired effect? There is nothing in the CX that discloses the impacts of that project and no analysis of the cumulative impacts.*

Response to Protest Reason 11: As stated in the Land Health Update, “Observations and data collected for Johnson Run Allotment indicate that deferred rotation grazing has resulted in widely dispersed grazing with good rest and recovery periods. All pastures have good water availability to provide good distribution throughout the allotment.” The range improvements that were approved in 2012 and subsequently installed (fencing, and water developments) have helped achieve these goals of reliable water and good distribution

throughout the allotment. This statement has been added to the Johnson Run Allotment land health evaluation update in CX Appendix A.

Protest Reason LWP-A12: *The BLM has inappropriately utilized a Categorical Exclusion for a project that requires an EA. It appears that BLM believes grazing must continue on this allotment and has approached grazing permit renewals with this pre-determined outcome in mind. The result is that the analysis in this Categorical Exclusion is flawed, the proposed decision was not reached by a full and fair analysis of the conditions on the allotment, the public was not afforded an adequate opportunity to review and comment upon this project, and the decision is rendered invalid. The analysis should be revised, and the decision revisited.*

Response to Protest Reason 12: Since current management is consistent with BLM regulatory guidance and land use plan objectives, and the land health evaluations of these allotments found that Standards for Rangeland Health are being achieved, there is no need for a change from current management. As described in the response to Protest Comment 01, a CX is appropriate for this grazing permit renewal because all of the conditions listed in that response apply. See also response to Protest Reason 07.

FINAL DECISION

After considering the review of extraordinary circumstances contained in CX No. DOI-BLM-AZ-A010-2018-0021-CX, it is my final decision to authorize the action as described in the CX and summarized below. This decision is to cancel the existing term grazing permit and issue a new ten-year term permit with the same terms and conditions for the Johnson Run and Jacob Canyon allotments.

Grazing Permit

A new grazing permit will be issued for a period of 10-years in the Johnson Run and Jacob Canyon allotments. There will be no changes in the number of livestock or season of use for the allotments; there will be no change in AUMs. The new grazing permit will include the mandatory terms and conditions shown below in Table 1, which are the same as those in the current grazing permit.

A. Table 1 – Mandatory Terms and Conditions

Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
Johnson Run	32 Cattle	03/01 – 02/28	66%	253	0	392
Jacob Canyon	27 Cattle	11/01 – 05/31	74%	139	0	

B. Other Terms and Conditions

- Use of nutritional livestock supplements is allowed, including protein, minerals and salt. However, any supplements used must be dispersed at a minimum of ¼ mile from any known water sources, and cultural or sensitive sites. Any hay or other feed used in administering the livestock operation must be certified weed-free and subject to approval prior to use.
- The following statement would be included in the new permit for tracking purposes but is not a term and condition of the permit: “This permit is issued under the authority of Section 402(c)(2) of FLPMA, 1976 as amended, and contains the same terms and conditions as the previous permit.”

C. Miscellaneous

Grazing System

The Johnson Run Allotment uses a yearlong three-pasture, rest-rotation grazing system. By using this system, one pasture is rested through the growing season every year. Jacob Canyon Allotment uses a season-long grazing system whereby the allotment is authorized to be grazed from November 1 to May 31 and rested from June 1 to October 31.

In addition, the allotments will be managed for the following:

- Allowable use on key forage species on the allotments will be no more than 50% utilization of current year's production, removed through grazing or other loss. (Key species for Johnson Run Allotment are listed in Appendix A of the CX and in Appendix B of the CX for Jacob Canyon Allotment.) The BLM will assess resource conditions through field inspections and determine, in consultation with the permittee, whether management changes (e.g., changes in livestock numbers, adjustment of move date, or other changes or use within the parameters identified under this alternative) may be implemented prior to reaching maximum utilization. Move dates (i.e., removal of livestock from a pasture) may be adjusted if monitoring indicates maximum utilization has been reached or due to unusual climatic conditions, fire, flood, or other acts of nature. If maximum utilization is reached on key species/areas in the allotment before a scheduled move date, the use of salt, herding, or other management options may be used to distribute livestock away from an area where maximum utilization has been reached, or livestock may be removed from the pasture (after consultation with the permittee), as deemed necessary by the BLM.
- Achieve the DPC objectives listed in Appendix A (Johnson Run Allotment) and Appendix B (Jacob Canyon Allotment) of the CX.

Adaptive Management

My proposed decision includes adaptive management, as described in the CX.

RATIONALE FOR DECISION

This decision has been made after considering impacts to resources, such as vegetation, wildlife, cultural resources, and soils, while providing opportunities for livestock grazing that meets management objectives, including the Arizona Standards for Rangeland Health and Guidelines for Livestock Grazing Management and objectives contained within the Arizona Strip Field Office Resource Management Plan (RMP).

The environmental review, documented in the above referenced CX, indicates that the action is in conformance with the RMP. The CX constitutes the BLM's compliance with the requirements of NEPA, and procedural requirements as provided in the Council on Environmental Quality regulations. Based upon the above information and analysis, I have determined that the action will allow the Johnson Run and Jacob Canyon allotments to continue to meet the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration and land use plan objectives.

AUTHORITY

The authority for this decision is found in a number of statutory and regulatory authorities contained in: The Taylor Grazing Act, as amended; the Federal Land Policy and Management Act of 1976, as amended; and throughout Title 43 of the Code of Federal Regulations (CFR), Part 4100 (Grazing Administration-exclusive of Alaska). The following sections of Part 4100 are noted below, although other subparts of Part

4100 are used to authorize grazing activities, with this listing not meant to be exhaustive.

§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.”

§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.”

§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 ... of for the protection of other rangeland resources and values consistent with objectives of applicable land use plans,”

§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. (b) Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant’s statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.”

RIGHT OF APPEAL

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

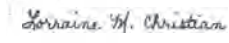

in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM 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 Arizona Strip Field Office as noted above.

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.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

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 Regional Solicitor located at: U.S. Courthouse, Suite 404,401 West Washington Street, SPC-44, Phoenix, Arizona 85003-2151 in accordance with 43 CFR 4.470(a) and 4.471(b).

Digitally signed by
LORRAINE CHRISTIAN
Date: 2019.12.18
08:34:07 -08'00'

Lorraine M. Christian, Field Manager
Arizona Strip Field Office

Date

Attachment:

List of all Persons or Groups Receiving this NOFD
Form 1842-1

List of all Persons or Groups Receiving this NOFD

R Duane & Rosemary Swapp

Mohave County PLUC
Stacy Swanson

Western Watershed Project
Cyndi Tuell

Sierra Club
Sandy Bahr

People of the USA
Shauna Johnson

7V Ranch Trust
Gene Heaton

Arlin Hughes

Michael P. Reilly

Karen LeRoy

Richard S. MacPherson

Helen C. Fairley

S. F. Robinson

George M. Bruce

Richard Madril

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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- 1. NOTICE OF APPEAL**..... A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE NOTICE OF APPEAL**..... Arizona Strip Field Office
Bureau of Land Management
345 E. Riverside Drive
St George, UT 84790
- And
- U.S. Dept. of the Interior
Office of Hearings & Appeals
Interior Board of Land Appeals
801 N. Quincy St., MS 300-QC
Arlington, VA 22203
- WITH COPY TO SOLICITOR**..... Office of the Field Solicitor
Sandra Day O'Connor
US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151
-
- 3. STATEMENT OF REASONS** Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO** Office of the Field Solicitor
Sandra Day O'Connor
US Courthouse, Suite 404
401 W Washington Street, SPC-44
Phoenix, Arizona 85003-2151
- And
- Field Office Manager, Arizona Strip Field Office
Bureau of Land Management
345 E. Riverside Drive
St George, UT 84790
-
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
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- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.
