



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona Strip District
Arizona Strip Field Office
345 East Riverside Drive
St. George, Utah 84790
<http://www.blm.gov/az/>
Phone (435) 688-3200 • Fax (435) 688-3258

In Reply Refer To:
4110, 4130 (LLAZA01000)

April 8, 2019

NOTICE OF GRAZING DECISION

One Cowboy Stand, LLC
P.O. Box 918
Colorado City, Arizona 86021

Dear One Cowboy Stand, LLC:

This is in response to your application to transfer the Tuckup Allotment grazing permit from LF Legacy, LLC, to One Cowboy Stand, LLC.

The Tuckup Allotment is located in the Arizona Strip Field Office, approximately 50 miles south of Fredonia, Arizona, and is found within the following described area:

Gila & Salt River Meridian, Mohave County, Arizona.

T. 35 N., 7 W., Sections 7-24, 27-30

T. 36 N., R. 7 W., Sections. 25, 26, 27, 34, 35 and 36.

T. 35 N., R. 6 W., Sections 6, 7, 18, and 19

Federal Acres: 15,884
State Acres: 639
Private Acres: 0
Total Acreage: 16,523

The transfer of the Tuckup Allotment permit will be authorized with no changes in season of use, kind of livestock, or number of AUMs, and with current terms and conditions. Billing will be based on after the fact (Actual Use). The term of the new permit will be the same as the transferor's permit which is 3/01/2011 to 5/15/2019. The authorized grazing use and permit terms and conditions are as follows:

Table 1. Tuckup Allotment (AZ00097) Current Permitted Use Before the Transfer.

Permittee	Livestock Number and Kind	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
One Cowboy Stand, LLC	161 Cattle	10/15 – 05/15	100%	1,075	4	1,079
Total				1,075	4	1,079

AUMs = Animal Unit Months

TERMS AND CONDITIONS

Terms and Conditions:

Permit issued will have no changes and includes the Standard Terms and Conditions under 43 CFR 4130.3. The current permit for LeVoy Finicum was renewed in 2011 under the authority of Section 416, Public Law No. 111-88. This permit contains the same terms and conditions as the previous permit.

DECISION

The grazing permit is in accordance with the Arizona Strip Field Office Resource Management Plan (RMP) and the Grand Canyon-Parashant National Monument RMP, both approved February 2008.

Your application and supporting documentation is in order and you meet all requirements under 43 CFR § 4110.2-3 for transfer of grazing preference.

Transfers of grazing preference are categorically excluded from further National Environmental Policy Act (NEPA) review (516 DM 11.9). Based on a review of the action described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that this permit transfer is in conformance with the Arizona Strip Field Office RMP and is categorically excluded from further environmental analysis. An interdisciplinary team completed a review of extraordinary circumstances for applicability and found that none apply. Based on this review, the transfer does not require preparation of an environmental assessment or environmental impact statement.

Therefore, I have decided to approve the transfer of grazing preference described above.

RATIONALE

The transfer of the grazing permit will help to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

AUTHORITY

Statutory and regulatory authorities for this decision are in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976 and 43 CFR § 4100:

43 CFR § 4100.0-8: “The authorized officer shall manage cattle grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans.”

43 CFR § 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.”

43 CFR § 4130.3-1(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.”

Section 3023 of Public Law (PL) 113-291, National Defense Authorization Act (NDAA) 2015, amends Section 402 of the Federal Land Policy and Management Act of 1976 (FLPMA) and includes seven provisions related to livestock grazing as cited in BLM Instruction Memorandum (IM) No. 2015-122. This IM provides direction for the provisions that address continuing the terms and conditions for livestock grazing when a permit or lease has expired or was terminated due to a grazing preference transfer.

When a permit is terminated as a result of a transfer of preference, the authorized officer may either issue the new permit in accordance with section 402(c)(2) or prepare an appropriate NEPA document prior to such termination. If the existing NEPA analysis is adequate, the authorized officer may complete a Determination of NEPA Adequacy (DNA), or the authorized officer may determine that a categorical exclusion (CX) is appropriate if the criteria of the FLPMA Section 402(h)(1) are met, or the authorized officer may determine preparation of an Environmental Assessment (EA) is necessary. Upon completion of a DNA, CX or EA, the authorized officer will issue the grazing decision in accordance with 43 CFR § 4160, followed by a new permit. Otherwise, issue a permit in accordance with FLPMA Section 402(c)(2) with the same terms and conditions that were contained on the transferor’s permit. A permit must be issued once the transfer of preference is complete, whether with a completed NEPA document, by using the FLPMA Section 402(h)(1) statutory categorical exclusion (if applicable), or in accordance with the mandatory renewal provisions in the FLPMA Section 402(c)(2). Permits issued in accordance with Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291 are not protestable or appealable under the processes described in 43 CFR § 4160 and 43 CFR § 4.470 et seq.

Sincerely,



Lorraine M. Christian
Field Manager

cc: One Cowboy Stand, LLC case file.