



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Hassayampa Field Office
21605 N. 7th Ave.
Phoenix, Arizona 85027

In Reply Refer To:
4160 (P010)

Certified Mail Return Receipt Requested No. 7012 1010 0000 2449 5859

Colorado River Farms
C/O Charles Chavez
PO Box 302
Skull Valley, AZ 86338

NOTICE OF PROPOSED DECISION

Dear Mr. Chavez:

In 2014, you were notified that the Turner Allotment (#03084) would be assessed and evaluated to determine if resource conditions were meeting the Arizona Standards for Rangeland Health, land use plan objectives, allotment-specific objectives, and to determine if the terms and conditions of the ephemeral permit are in conformance with the Arizona Guidelines for Grazing Administration.

The Secretary of the Interior approved Arizona Standards for Rangeland Health (Standards) and Guidelines for Grazing Administration (Guidelines) in April 1997. The purpose of the Standards and Guidelines is to maintain or improve the health of the public rangelands. Standards and Guidelines are intended to help the Bureau of Land Management, rangeland users and others focus on a common understanding of acceptable resource conditions and work together to achieve that vision. The authority for these Standards and Guidelines is found in 43 CFR 4180.

BACKGROUND

The Hassayampa Field Office initiated the allotment evaluation process in 2014 for the Turner Allotment. Monitoring data was collected for the evaluation in 2010. The evaluation area is located in Maricopa County, west of Phoenix, south-southeast of Tonopah, AZ, with the town of Wintersburg contained centrally within the allotment. The majority of federal public lands are along the western side of the allotment, including and surrounding the Palo Verde Hills due south of Tonopah and the Salome Highway. All federal public lands within this allotment lie south of Interstate 10 and are within the Phoenix District of the Bureau of Land Management

(BLM). The allotment is located within the boundary of the Lower Sonoran Field Office and grazing management is administered by the Hassayampa Field Office. Federal public lands, 8,080 acres, represent slightly more than 13.5% of the acreage of this allotment. The remaining acreage is 6,290 acres of State lands and 45,430 acres of private lands.

Following the analysis, interpretation, and evaluation of monitoring data, it was determined that land use plan objectives, allotment-specific objectives, and Standard 3 (Desired Resource Conditions) of the Arizona Standards for Rangeland Health have not been fully met. Standard 1 (Upland Sites) objectives were met and Standard 2 (Riparian-Wetland Sites) does not apply for this allotment. A summary of the results are listed below:

- Standard 1 has been met for upland sites. The rangeland health assessments and evaluation indicates that the upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to the soil type, climate and landform.
- Standard 3 (biotic integrity) has not been met and the desired plant community objectives are not achieved. Abundant forage species, such as perennial grasses, and browse species were not present based on the ecological site description for wildlife species and soil protection.

As a result of the rangeland health evaluation, the technical recommendation was to not re-issue a 10 year permit on this allotment and to re-assess conditions for potential permit issuance in 10 years' time. During the ten 10 years the allotment would be rested from ephemeral grazing. The rationale behind this recommendation is to make progress towards meeting the Arizona Standards for Rangeland Health, land use objectives and allotment specific objectives.

PUBLIC INVOLVEMENT

Public scoping was conducted via letter sent to the Consultation, Coordination, and Cooperation list. Recipients were asked to comment on the RHE and the proposed action. The scoping period was June 24, 2014 through July 7, 2014. One external scoping comment letter was received and was incorporated during development of the EA.

PROPOSED DECISION

After reviewing the analysis provided through the allotment evaluation and EA, making a Finding of No Significant Impact (FONSI), and carefully considering the information received through consultation, communication and coordination with Interested Publics and the affected permittee, it is my proposed decision to implement the Proposed Action described in the

Environmental Assessment Number DOI-BLM-AZ-P010-2014-0037-EA to not re-issue a 10 year permit on this allotment, and to re-assess conditions for potential permit issuance in 10 years' time.

Through the allotment evaluation process, it was determined that the following management actions are appropriate to ensure meeting land use plan objectives, Arizona Standards for Rangeland Health, and allotment specific objectives for the Turner Allotment. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the allotment evaluation your permit for authorized ephemeral grazing will be placed on hold and the allotment will be rested for a period of 10 years. In 10 years the Turner allotment will be reassessed for the following rangeland health standards and desired plant community objectives:

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| <i>Key Area 1: Limy Upland Ecological Site</i> <u>Standard 1- Upland Sites</u> | Objective: Upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to soil type, climate, and landform (ecological site). (Bradshaw-Harquhala RMP decision LH-1) |
| <i>Key Area 1: Limy Upland Ecological Site</i> <u>Standard 3- Desired Resource Conditions</u> | <ul style="list-style-type: none"> • Maintain composition of perennial grass at a minimum of $\geq 5\%$ • Maintain composition of palatable browse at $\geq 5\%$ • Maintain a forb and subshrub group at $\geq 15\%$ of composition • Maintain total vegetative canopy cover at $\geq 10\%$. |
| <i>Key Area 2: Sandy Wash Ecological Site</i> <u>Standard 1- Upland Sites</u> | Objective: Upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to soil type, climate, and landform (ecological site). (Bradshaw-Harquhala RMP decision LH-1) |
| <i>Key Area 2: Sandy Wash Ecological Site</i> <u>Standard 3- Desired Resource Conditions</u> | <ul style="list-style-type: none"> • Maintain composition of perennial grasses at $\geq 5\%$ • Maintain composition of palatable browse species at $\geq 10\%$. • Maintain vegetative canopy cover at $\geq 30\%$ |
| <i>Key Area 3: Basalt Hills Ecological Site</i> <u>Standard 1- Upland Sites</u> | Objective: Upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to soil type, climate, and landform (ecological site). (Bradshaw-Harquhala RMP decision LH-1) |
| <i>Key Area 3: Basalt Hills Ecological Site</i> | <ul style="list-style-type: none"> • Maintain composition of perennial grass species at $\geq 5\%$ |

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| <u>Standard 3- Desired Resource Conditions</u> | <ul style="list-style-type: none"> • Maintain composition of Ambrosia and Encelia species at $\geq 30\%$ • Maintain total vegetative canopy cover at $\geq 25\%$ |
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RATIONALE

Based on the data compiled and analyzed for this Rangeland Health Evaluation, the Turner Allotment is achieving Standard 1 and not achieving Standard 3 of the Arizona Standards for Rangeland Health; Standard 2 does not apply for this allotment. Vegetation attributes such as vigor, recruitment and composition are not appropriate for the area under current grazing management, however; soils are as expected. Species composition and structure were not typical of the ecological communities within the allotment.

Non-reissuance of the 10 year ephemeral grazing permit is necessary in order to make significant progress towards meeting Standards for Rangeland Health and Guidelines for Grazing Administration and other Land Use Plan multiple use objectives. The non-reissuance of the ephemeral grazing permit is in conformance with Arizona Guidelines for Grazing Administration and will provide for forage on a multiple use sustained yield basis and support wildlife habitat requirements.

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).

§4110.3 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.

§4130.2(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.

§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.

§4130.3-2 (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...

§4130.3-3 Following consultation, cooperation, 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 or this part. To the extent practical, 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 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.

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 days after receipt of this proposed decision.

Protests may be either in person or in writing to Bureau of Land Management, Hassayampa Field

Office ATTN: Rem Hawes, Field Manager, 21605 North 7th Avenue, Phoenix, Arizona 85027.

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 days following receipt of the final decision, or 30 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.

_____/S/
David R. Hawes
Field Manager
Hassayampa Field Office

9/10/14
Date

cc (by certified mail):

Colorado River Farms
C/O Charles Chavez
7012 1010 0000 2449 5859

Arizona Game and Fish Dept
Region 6
7012 1010 0000 2449 5866

Arizona Game and Fish Dept.
Region 4

7013 2630 0001 6598 5008

Arizona Cattlemen's Association

7013 2630 0001 6595 9245

United States Fish & Wildlife Service

7013 2630 0001 6595 9252

Western Watersheds Project

7013 2630 0001 6595 9269

Arizona State Land Department

7013 2630 0001 6595 9276

Center for Biological Diversity

7013 2630 0001 6595 9283

The Wilderness Society

7013 2630 0001 6595 9290

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