



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

Certified # FedEx 774698455920
RETURN RECEIPT REQUESTED

Hanging C Ranch, LLC
P.O. Box 105
100 South 90 East
Glendale UT 84729

NOTICE OF GRAZING DECISION

*For the Grazing Permit Transfer
of the Whiterock-Soapstone Allotment*

Dear Hanging C Ranch, LLC.,

This is in response to your application to transfer the Whiterock-Soapstone Allotment grazing permit from Leon Brinkerhoff (transferor) to Hanging C Ranch, LLC. Hanging C Ranch, LLC received all of the transferor's interest in the existing range improvements for the grazing permit.

The Whiterock-Soapstone Allotment (AZA04804) is located approximately 25 miles south of St. George, Utah.

The legal description is as follows:

Location:

Gila and Salt River Meridian, Arizona

T. 38 N., R. 12 W.,

Sections 4 through 9, 16 through 21, 28 through 30.

T. 38 N., R. 13 W.,

Sections 1 through 3, 10 through 15, 22 through 24.

T. 39 N., R. 12 W.,

Sections 18, 19, 30 through 33.

T. 39 N., R. 13 W.,

Sections 34 through 36.

Federal Acres: 18,388
 State Acres: 0
 Private Acres: 42
 Total Acreage: 18,430

The transfer of the Whiterock-Soapstone Allotment grazing permit is authorized with no change in the season of use, kind of livestock, or number of animal unit months (AUM), and with the current terms and conditions. Billing will continue to be based on actual use. The term of the new permit will be 08/30/2021 to 04/05/2024, the remaining period of time left on the original permit. The authorized grazing use and permit terms and conditions are as follows:

Table 1. Whiterock-Soapstone Allotment (AZA04804), Proposed Permitted Use.

Permittee	Number of Cattle	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
Leon	117 Cattle	10/01-02/28	100%	523	0	880
Brinkerhoff	118 Cattle	03/01-05/31	100%	357		

TERMS AND CONDITIONS

Terms and Conditions:

Permit issued would have no changes and includes the Standard Terms and Conditions under 43 CFR 4130.3.

Other Terms and Conditions:

Grazing pursuant to this permit is subject to: (A) The final grazing decision dated May 27, 1999; and (B) Final disposition of any appeal filed against said decision.

DECISION

The grazing permit is in conformance with the Arizona Strip Field Office Resource Management Plan (RMP) and Record of Decision approved January 29, 2008.

Your application and supporting documentation are 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.

Attachment:
Categorical Exclusion No. DOI-BLM-AZ-A010-2021-0022-CX

cc: Hanging C Ranch LLC Case File

Sincerely,
LORRAINE CHRISTIAN
Digitally signed by LORRAINE CHRISTIAN
Date: 2021.09.01 10:53:21 -0600
Lorraine M. Christian
Field Manager