



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona Strip District
Arizona Strip Field Office
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In Reply Refer To:
4110, 4130 (LLAZA01000)
0201013

NOTICE OF GRAZING DECISION

Leon Brinkerhoff
P.O. Box 1
Glendale, Utah 84729

Dear Mr. Brinkerhoff:

This is in response to your application to transfer a portion of the grazing preference from Gubler Ranch LLC (transferor) to Leon Brinkerhoff (transferee) of the Whiterock-Soapstone Allotment.

The Whiterock-Soapstone (AZ04804) Allotment is a shared/common allotment with Leon Brinkerhoff and Gubler Ranch LLC. The allotment is located in the northwestern corner of Arizona on the Arizona Strip Field Office, approximately twenty-five miles south of St. George, Utah. The legal description is as follows:

Gila and Salt River Meridian, Arizona

T. 38 N., R. 12 W.,
Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29 and, 30.
T. 38 N., R. 13 W.,
Sections 1; 2, 3, 10, 11, 12, 13, 14, 15, 22, 23 and, 24.
T. 39 N., R. 12 W.,
Sections 18, 19, 30, 31, 32 and, 33.
T. 39 N., R. 13 W.,
Sections 34, 35 and, 36.

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

The transfer will designate 220 Animal Unit Months¹ of Gubler Ranch LLC grazing preference to Leon Brinkerhoff. The transfer will result in two grazing permits being issued. The terms and conditions of the permits will be the same as the previous permits. The details of the two permits are shown in the following table.

Permittee	Number of Cattle	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
Leon Brinkerhoff	117 Cattle	10/01-02/28	100%	523	0	880
	118 Cattle	03/01-05/31	100%	357		
Gubler Ranch LLC	176	8/1/-10/15	100%	440		440

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 on the permit will have no changes.

DECISION

The grazing permit is in accordance with the Arizona Strip Field Office Resource Management Plan (RMP) and Record of Decision approved February 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 AUMs will help to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

¹ AUM = Animal Unit Month

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
Digitally signed
by LORRAINE
CHRISTIAN
Date: 2020.08.20
13:01:34 -06'00'

Lorraine M. Christian
Field Manager

cc: Leon Brinkerhoff Case File (0201013).