United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Phoenix District
Hassayampa Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027
www.blm.gov/az/

In Reply Refer To:
4160 (AZP010), #03079 JUL 2 9 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7013 3020 0000 6082 9892

Lemons Family Trust
PO Box 21028
Wickenburg, AZ 85358

NOTICE OF PROPOSED DECISION

Dear Mr. & Mrs. Lemons:

In 2014, you were notified that the Arrow Y (#00084) and the R&E Park Lease (#00085) allotments would be assessed and evaluated to determine if resource conditions are meeting the Arizona Standards for Rangeland Health, land use plan objectives, allotment-specific objectives, and to determine if the terms and conditions of the lease are in conformance with the Arizona Guidelines for Grazing Administration in order to fully process the reissuance of the grazing lease on the allotment.

BACKGROUND

The Hassayampa Field Office initiated the allotment evaluation process in 2014 for the Arrow Y and R&E Park Lease allotment leases. Monitoring data was collected for the evaluation between 2008 and 2013. The evaluation area is located in Maricopa and Yavapai Counties, north of SR-74 and northeast of Wickenburg, AZ within the Phoenix District of the BLM. The allotment is within the Hassayampa Management Unit of the Bradshaw-Harquahala planning area of the Hassayampa Field Office, with intermingled state lands. The allotments are approximately 5,814 acres in size; 3,789 acres are federally managed, 1,805 acres are managed by the state, and 220 acres are private lands.

Following the analysis, interpretation, and evaluation of monitoring data, it was determined that land use plan objectives, allotment specific objectives, and Standards 1 (Upland Sites) and 3 (Desired Resource Conditions) of the Arizona Standards for Rangeland Health have been met on the upland portions of the allotment. 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 and the desired plant community objectives are achieved. Standard 2 (Riparian-Wetland Sites) was not applicable to these allotments.

As part of the draft Sky Arrow Complex rangeland health evaluation (RHE), technical recommendations were developed to ensure that the allotment would continue meeting and/or make significant progress towards meeting the Arizona Standards for Rangeland Health, land use plan objectives and allotment specific objectives. As a result, the BLM has prepared the Sky Arrow Complex Grazing Permit Renewal Environmental Assessment (EA) (DOI-BLM-AZ-P010-2014-0038-EA) to analyze a range of alternatives for reissuing the grazing lease.

The Environmental Assessment, Finding of No Significant Impact, and Proposed Decisions may be viewed or downloaded from the BLM Land Use Planning and NEPA Register Page under the following link:

https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

To navigate to the project, click on the "Text Search" tab at the top of the map. Click on "Advanced Search" under the menus and type "Sky Arrow" in the space after Project Name, then click the "Search" button. Scroll down and select the link on the left for this project (DOI-BLM-AZ-P010-2014-0038-EA) to display the project web site.

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 6th through June 23rd, 2014. No external scoping comments were received.

PROPOSED DECISION

After reviewing the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my proposed decision to implement the Proposed Action described in the EA to authorize livestock grazing use on the Arrow Y and R&E Park Lease allotments with a term of 10-years beginning March 1, 2016, upon acceptance of the lease. A new grazing lease will be offered once this decision becomes final.

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 Arrow Y and R&E Park Lease allotments. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the allotment evaluation your lease is adjusted as follows:

Proposed Permitted Livestock Use:

Lessee	Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Type of Use	Animal Unit Months (AUMs)
Lemons	Arrow Y	24 Cattle	3/01 – 2/28	71%	Active	204

Lessee	Allotment	Livestock Number and Kind	Grazing Period	Percent Public Land	Type of Use	Animal Unit Months (AUMs)
Family Trust	R&E Park Lease	24 Cattle	3/01-- 2/28	50%	Active	144

Other Terms and Conditions:
In accordance with 43 Code of Federal Regulations(CFR) 4110.3-2 the following terms and conditions of your lease (Authorization #0201768) will be adjusted as follows:

1. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter (1/4) mile from livestock water sources, and one-eighth (1/8) mile away from major drainages and washes and sensitive wildlife habitat.
2. The lessee must properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4230-5) annually. The completed form(s) must be submitted to the BLM, Hassayampa Field Office(HFO) within 15 days from the last day of authorized annual grazing use (43 CFR 4130.3-2 9d)).
3. If in connection with allotment operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

Administrative Actions
No road construction would be permitted in conjunction with the Proposed Action. Routine maintenance would be performed on existing range improvements as required.

RATIONALE

Based on the data compiled and analyzed for the RHE, the Arrow Y and R&E Park Lease allotments are achieving Standards 1 and 3 of the Arizona Standards for Rangeland Health on uplands; Standard 2 is not applicable. Vegetation attributes such as vigor, recruitment and composition are appropriate for the area under current grazing management, and soils are stable. Species composition and structure were typical of the ecological communities within the allotment.

Adjustments to terms and conditions and management practices are necessary in order to continue to meet and/or make significant progress towards meeting Standards for Rangeland Health and Guidelines for Grazing Administration and other Land Use Plan multiple use objectives. The proposed changes in terms and conditions and management practices are 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.

The RHE determined utilization levels within the allotment have been within acceptable levels throughout the evaluation. Modifications to current grazing management such as requiring placement of nutritional supplement at least one-quarter (1/4) mile from livestock water sources and one-eighth (1/8) mile away from sensitive wildlife habitat is necessary to improve livestock distribution across the allotment, better utilize areas that are lightly used, provide additional water for wildlife species, and avoid livestock concentration in sensitive wildlife habitat.

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.

§4120.3-1(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

§4120.3-2(a) The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).

§4120.3-2(b) Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipelines where authorization is granted after August 21, 1995 shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines shall be through cooperative range improvement agreements. A permittee's or lessee's interest in contributed funds, labor, and materials will be documented by the Bureau of Land Management to ensure proper credit for the purposes of §§ 4120.3-5 and 4120.3-6(c).

§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.

§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 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 ... 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 that 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 calendar 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 calendar days following receipt of the final decision, or 30 calendar 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.

Amanda Jamo Acting

Rem Hawes
Field Manager
Hassayampa Field Office

7/29/15
Date

Enclosure: CCC list