



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Phoenix District

Lower Sonoran Field Office

21605 North 7th Avenue

Phoenix, Arizona 85027

www.az.blm.gov



In Reply Refer To:
4160 (AZP020)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED NO. 7015 1660 0000 0574 9724

Page Cattle Company
C/O Steve Brophey
10265 W Camelback Road, Rm 1
Phoenix, AZ 85037

NOTICE OF FINAL DECISION

Dear Mr. Brophey:

In 2016, you were notified that the Arkansas Gulch Allotment 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. It has been determined that the Arkansas Gulch Allotment is meeting Arizona Standards for Rangeland Health and is suitable for livestock grazing.

The Land Health Evaluation (LHE), Categorical Exclusion (CX), Proposed Decision, and this Final Decision may be viewed or downloaded from the Bureau of Land Management (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 "Globe Complex" in the space after Project Name, and then click the "Search" button. Scroll down and select the link on the left for this project (DOI-BLM-AZ-P020-2016-0008-CX) to display the project web site.

BACKGROUND

The Bureau of Land Management, Phoenix District, Lower Sonoran Field Office initiated the allotment evaluation process in 2015 for the Arkansas Gulch Allotment. Monitoring data was collected for the evaluation in 2015. The evaluation area is located in Gila County, surrounding the towns of Globe and Miami, AZ. The area is also roughly bisected by State Highway 60 and is 17,034 acres in size. The complex is managed by the Lower Sonoran Field Office under the Lower Sonoran Record of Decision and Approved Resource Management Plan (September 2012).

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 Arkansas Gulch 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. Standard 2 (Riparian-Wetland Sites) does not apply.

In the draft LHE, it was recommended that the terms and conditions remain unchanged and the lease be reissued for a 10 year term. The Arkansas Gulch Allotment qualified to have its lease considered for renewal under a categorical exclusion (CX) (DOI-BLM-AZ-P020-2016-0008-CX) where land use plan conformance and extraordinary circumstances, as identified in 516 Departmental Manual 2, Appendix 2, were evaluated.

PUBLIC INVOLVEMENT

Public scoping for the LHE was conducted via letter sent to the interested parties list for the Globe Complex allotments. Recipients were asked to comment on the LHE and the management recommendations. The scoping period for the LHE was January 7 through February 5, 2016. No external scoping comments were received.

Tribal consultation was initiated with letters sent to the tribes on March 10, 2016. A response was received from the Hopi Tribe requesting to review the results of the Class I cultural resources literature search, which was sent to the tribe on May 3, 2016. No further concerns were shared by the tribe.

Interested members of the public were notified of the BLM's intentions to prepare a categorical exclusion compliance record via a letter mailed on March 10, 2016. No comments were received.

Interested members of the public were also sent the proposed decision on May 9 and June 16, 2016, and were given 15 days to protest the decision. No protests were received.

FINAL DECISION

After reviewing the extraordinary circumstances and other qualifying criteria presented in the

CX and carefully considering the comments and input received from interested parties through the consultation, cooperation, and coordination process, it is my final decision to implement the Proposed Action described in the CX to authorize livestock grazing use on the Arkansas Gulch Allotment with a term of 10-years, upon acceptance of the lease. A new grazing lease will be offered once this decision becomes final. The new lease will have the same mandatory terms and conditions as the previous lease.

Proposed Permitted Livestock Use:

Allotment	Allotment Number	Livestock Number	Livestock Kind	Percent Public Land	Type Use	Authorized AUMs
Arkansas Gulch	06097	12	Cattle	100	Active	36

Other Terms and Conditions:

In accordance with 43 Code of Federal Regulations (CFR) 4110.3-2 the following terms and conditions of the leases (Authorization #0202698) will be as follows:

1. 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, Lower Sonoran Field Office (LSFO) within 15 days from the last day of authorized annual grazing use (43 CFR 4130.3-2 9d)).

RATIONALE

Based on the data compiled and analyzed for the LHE, the Arkansas Gulch Allotment is 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 is typical of the ecological communities within the allotment.

No 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 LHE determined utilization levels within the allotment have been within acceptable levels throughout the evaluation.

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.

§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.

§4130.2(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.

§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.

§4160.4 Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge by following the requirements set out in §4.470 of this title. As stated in that part, the appeal must be filed within 30 days after the receipt of the final decision or within 30 days after the date the proposed decision becomes final as provided in 4160.3(a). Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer. The authorized officer shall promptly transmit the appeal and petition for stay and the accompanying administrative record to ensure their timely arrival at the Office of Hearings and Appeals.

§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 APPEAL

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, Edward J. Kender, BLM/ LSFO, 21605 North 7th Avenue, Phoenix, Arizona 85027-2929, within 30 days following receipt of the final decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

In accordance with 43 CFR 4.21(b) (1), a petition for stay, if filed, 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 granting the stay.



Edward J. Kender
Field Manager
Lower Sonoran Field Office

7/13/14
Date

Enclosure: CC list