



United States Department of the Interior



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In Reply Refer To:
4160 (AZP030)
06235

Certified Mail: 7018 0360 0000 1241 4106

RETURN RECEIPT REQUESTED

JH Cattle Company LLC
C/O John Holbrook
PO Box 1196
Mayer, AZ 86333

NOTICE OF FINAL DECISION

Dear Mr. Holbrook,

In 2014, you were notified that the Horseshoe Allotment (#06235) 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 permit are in conformance with the Arizona Guidelines for Grazing Administration in order to fully process the reissuance of the grazing permit on the Allotment.

BACKGROUND

The Hassayampa Field Office, Agua Fria National Monument initiated the Allotment evaluation process in 2014 for the Horseshoe Allotment permit. Monitoring data was collected for the evaluation between 2014 and 2018. The evaluation area is located in Yavapai County, northeast of Black Canyon City, Arizona, within the Phoenix District of the Bureau of Land Management (BLM). The Allotment is within the Agua Fria National Monument of the Bradshaw-Harquahala planning area of the Hassayampa Field Office, with intermingled federal and private lands throughout the Allotment. The Allotment is approximately 29,851 acres in size; 29,651 acres are federally managed and 200 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. Standard 2 (Riparian-Wetland Sites) was not met on the allotment due to wildfire and drought. The rangeland health assessment and evaluation indicate

that the upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to the soil type, climate and landform.

As part of the draft Horseshoe Allotment 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 Horseshoe Allotment Grazing Authorization Renewal Final Environmental Assessment (EA) (DOI-BLM-AZ-P030-2020-0001-EA) to analyze a range of alternatives for reissuing the grazing permit.

The Final Environmental Assessment, Finding of No Significant Impact, and Final Grazing Decision may be viewed or downloaded from ePlanning: <https://go.usa.gov/xvFh5> (case sensitive).

Separately, the BLM has approved weed treatments in the Allotment and has published a Decision Record on the same website.

RESPONSE TO PROTEST STATEMENTS OF REASONS

Protest Point #1

Commenter protests the Proposed Grazing Decision because the BLM relied on a 2018 Biological Assessment.

“The BLM relies upon a letter of concurrence from the U.S. Fish and Wildlife Service (USFWS) based upon the October 2018 Biological Assessment (BA). This reliance on outdated information may seem trivial to the BLM, but there are significant differences between 2018 and 2020. As WWP noted in its prior comments, there have been significant changes to the project area and surrounding area since the BA and letter of concurrence were issued, including wildfires, especially in the surrounding Tonto National Forest, continued and expanded residential development surrounding the project area, and an increase in drought and air quality concerns. On August 3, 2020, the USFWS agreed to place the Sonoran desert tortoise back on the candidate list for protection under the ESA...Despite being made aware of these concerns, these issues are not addressed in the 2018 BA nor were they considered by the USFWS in their letter of concurrence. The BLM has not included an adequate response in the FEA and has completely ignored the changed status of the Sonoran desert tortoise. The tortoise’s return to the candidate species list is also new information that requires the BLM to pause and consider.”

BLM Response

The BLM fulfilled its obligations under Section 7 of the Endangered Species Act. The BLM received concurrence from the U.S. Fish and Wildlife Service for the project.

Protest Point #2

Commenter protests the Proposed Grazing Decision because the BLM: a) failed to consider the baseline conditions in the AFNM; and b) consider a reasonable range of alternatives.

“As we stated in our prior comments, “NEPA is a procedural statute intended to ensure environmentally informed decision-making by federal agencies.” *Tillamook Cnty. v. U.S. Army Corps of Eng’rs*, 288 F.3d 1140, 1143 (9th Cir. 2002). It requires federal agencies to take a “hard look” at a proposed project’s environmental impacts, but it does not mandate particular results. *Id.* Under NEPA, federal agencies must prepare an EIS before “taking ‘major Federal actions significantly affecting the quality’ of the environment.” *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1067 (9th Cir. 2002) (quoting 42 U.S.C. § 4332(2)(C)). Council on Environmental Quality regulations requires federal agencies to consider a reasonable range of alternatives. 40 C.F.R. §§ 1502.13, 1502.14.

Here, the BLM failed to analyze the baseline conditions of the National Monument, and failed to take a hard look at the impacts of the proposed decision, failed to consider a reasonable range of alternatives, and failed to provide accurate information regarding the history of livestock grazing on the allotment.”

BLM Response

The BLM provides the following responses:

a) Baseline conditions were described in both the LHE (Section 4.1 Soils and Ecological Sites on pages 3-10, Section 5.0 Wildlife Resources and Special Status Species on pages 15-17, and Section 6.0 Vegetation Resources on pages 17-24, Section 7.0 Riparian Resources on pages 24-25) and in the Final EA. The Final EA incorporated by reference the affected environment information from the LHE in Sections 3.2.1, 3.3.1, 3.4.1, 3.4.3 and 3.5.1.

b) The BLM considered a No Action (Current Management) Alternative, Proposed Action, and No Grazing Alternative. In addition, the BLM described two other potential alternatives and provided rationale why they were not analyzed in detail.

Protest Point #3

Commenter protests the Proposed Grazing Decision because the BLM should have prepared an environmental impact statement.

“An agency may prepare an environmental assessment to determine whether an EIS is needed. 40 C.F.R. § 1501.4(b).1 If the environmental assessment shows that the agency action may significantly affect the environment, then the agency must prepare an EIS. *Nat’l Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 730 (9th Cir. 2001), *abrogated on other grounds by Monsanto Co. v. Geerston Seed Farms*, 130 S. Ct. 2743, 2756-57 (2010). If an agency concludes in its environmental assessment that the proposed action will not have a significant environmental impact, then it may issue a finding of no significant impact and proceed without further study. *See Te-Moak Tribe of W. Shoshone of Nev. v. U.S. Dep’t of Interior*, 608 F.3d 592, 599 (9th Cir. 2010).

Here, BLM failed to adequately disclose or analyze significant impacts and is precluded from a Finding of No Significant Impact. The BLM also failed to adequately disclose the cumulative impacts by arbitrarily including only the allotment boundary in the Cumulative Effects Study Area

(CESA). This myopic view precluded BLM from acknowledging and analyzing the impacts of recent wildfires, nearby residential developments, drought, and air quality concerns.

In *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, at 1149 (9th Cir. 1998), the court recognized that under 42 U.S.C. § 4332(2) an EIS "must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor." "The plaintiff need not show that significant effects will in fact occur, but if the plaintiff raises substantial questions whether a project may have a significant effect, an EIS must be prepared." *Id.* at 1150. This is a low standard. WWP and Guardians have raised "substantial questions" regarding the impacts livestock grazing will have in the project area and BLM has failed to address these questions. *Klamath Siskiyou Wildlands Center v. Boody*, 468 F.3d 549, 562 (9th Cir. 2006). We raised substantial questions regarding several environmental factors that BLM failed to address, including climate, fire, and impacts to a species newly returned to the candidate list under the ESA.

We also raised concerns about the site-specific impacts of the proposed range infrastructure projects, including impacts to soils, cultural resources, watersheds, and BLM special status species. Nowhere in the FEA does BLM take a look, much less a hard look, at the impacts various aspects of this project will have on the ground. The impacts analysis is generalized, which is a violation of NEPA. In the response to comments section of the FEA (Appendix 7), the BLM states that WWP did not state how the application of herbicides is scientifically controversial. This is inaccurate. In WWP's prior comments, we explained:

The proposed use of herbicides for vegetation treatments is extremely controversial, both from a public perception aspect, as well as scientific controversy. Glyphosate has recently been confirmed to cause cancer in those who are applying it via civil litigation against the chemical company and the Environmental Protection Agency's approval of certain herbicides has very recently been overturned. Chemicals used to control vegetation are extremely controversial and the public is deeply concerned about the impacts of the use of these chemicals, as well as the application methods. This project could result in the widespread application of herbicides via hand application, horseback, motorized vehicles, and via aerial spraying² and including spraying or other application in riparian areas. 2020 EA at 13-14; 27.

...

Throughout these comments we identify our concerns about uncertain, unique, or unknown risks. The use of chemical herbicides, along with the unproven and experimental use of "biological controls" clearly indicate that even the BLM acknowledges the uncertain and unknown risks of the proposed vegetation treatments. 2020 EA at 13. The BLM states that these "experiments" "would hopefully help resource managers understand past and present conditions." 2020 EA at 13.

The BLM has not addressed the appropriateness of utilizing experimental methods within a federally protected National Monument. Given that half of the herbicides proposed for use are non-selective in the type of vegetation they destroy, this is deeply concerning and the BLM has not disclosed what the effect will be on non-target species. 2020 EA at 15.

See WWP 2020 Comments at 5-6. We specifically asked BLM to analyze the impacts to insects, especially bees, and BLM claims to have conducted this analysis but we are unable to find any analysis of the impacts to the bee species present on the Horseshoe allotment from herbicide use.

Furthermore, there is scientific controversy over the use of livestock for vegetation management, especially in arid areas and especially where invasive species of non-native plants are present. We asked the BLM to disclose how the proposed use of biological controls will impact desert bighorn sheep and despite our repeated requests, BLM failed to disclose these impacts. In the FEA that BLM discloses the species of livestock that will be used for biological controls to include cattle, sheep and goats. (2020 FEA at Appendix 7, p. 8.) BLM claims to disclose the impacts of sheep and goats as biological controls but in reality has only stated that “[g]oats have been shown to effectively control shrubs in sensitive areas such as streams and wetlands[,]” sheep and goats consume a variety of vegetation, sometimes large quantities, stocking rates and timing are important, and that “[b]iological treatments are most effective when used in combination with other treatments.” (2020 FEA at 36, 15.)

The BLM has failed to analyze the impacts of sheep and goats in terms of disease transmission to wildlife, wildlife displacement, or competition for forage (especially as it may occur with Sonoran desert tortoise). While BLM states that the allotment is not within the current or former range of the bighorn sheep, the allotment is within the foray range of the sheep. (2020 FEA at Appendix 7, p. 9; *and see* WWP 2020 at 10.) We also noted that recent nearby fires would have impacts that must be considered and a change in the range and foray range of bighorn sheep would fall within those impacts.

We provided BLM with many reasons that a Finding of No Significant Impact is inappropriate. The BLM failed to adequately acknowledge the importance and significance of this area and the significance of impacts associated with the proposed decision.”

BLM Response

Based on the analysis in the Final EA, the BLM made a finding of no significant impact, therefore an environmental impact statement is not required (Appendix 7, comment response #15).

Protest Point #4

Commenter protests the Proposed Grazing Decision because the BLM failed to adequately consider the impacts from new range developments.

“The FEA fails to recognize the additive effects of livestock grazing impacts coupled with drought, climate change, wildlife herbivory, recreation, roads, habitat fragmentation, uncharacteristic wildfire, invasive species, and other stressors. As we have stated above, government ecologists have established that livestock grazing has exacerbated riparian ecosystem decline and stream downcutting associated with multiple concurrent factors.”

BLM Response

The BLM considered the potential impacts to the appropriate resources from new range improvements including Soils in Section 3.5.2 on page 59, Cultural Resources in Appendix 6,

Water Resources in Section 3.7.2 on page 59, and BLM Sensitive Species in Section 3.4.2 on pages 33-34.

Protest Point #5

Commenter protests the Proposed Grazing Decision because the application of herbicides is scientifically controversial.

“...In the response to comments section of the FEA (Appendix 7), the BLM states that WWP did not state how the application of herbicides is scientifically controversial. This is inaccurate. In WWP’s prior comments, we explained:

The proposed use of herbicides for vegetation treatments is extremely controversial, both from a public perception aspect, as well as scientific controversy. Glyphosate has recently been confirmed to cause cancer in those who are applying it via civil litigation against the chemical company and the Environmental Protection Agency’s approval of certain herbicides has very recently been overturned. Chemicals used to control vegetation are extremely controversial and the public is deeply concerned about the impacts of the use of these chemicals, as well as the application methods. This project could result in the widespread application of herbicides via hand application, horseback, motorized vehicles, and via aerial spraying² and including spraying or other application in riparian areas. 2020 EA at 13-14; 27.

...

Throughout these comments we identify our concerns about uncertain, unique, or unknown risks. The use of chemical herbicides, along with the unproven and experimental use of “biological controls” clearly indicate that even the BLM acknowledges the uncertain and unknown risks of the proposed vegetation treatments. 2020 EA at 13. The BLM states that these “experiments” “would hopefully help resource managers understand past and present conditions.” 2020 EA at 13.

The BLM has not addressed the appropriateness of utilizing experimental methods within a federally protected National Monument. Given that half of the herbicides proposed for use are non-selective in the type of vegetation they destroy, this is deeply concerning and the BLM has not disclosed what the effect will be on non-target species. 2020 EA at 15.

See WWP 2020 Comments at 5-6. We specifically asked BLM to analyze the impacts to insects, especially bees, and BLM claims to have conducted this analysis but we are unable to find any analysis of the impacts to the bee species present on the Horseshoe allotment from herbicide use...”

BLM Response

As stated in Section 1.6, the BLM would issue a separate decision authorizing the weed treatments, as such weed treatments were not subject to protest under the Proposed Grazing Decision. The BLM considered the potential impacts to the appropriate resources including wildlife (which includes insects), in Section 3.3.2 on pages 36-38. There is no substantial dispute as to the size, nature, or effect of the use of herbicides (BLM NEPA Handbook H-1790-1, Section 7.3).

Protest Point #6

Commenter protests the Proposed Grazing Decision because livestock grazing to control weeds is scientifically controversial and the BLM did not address impacts to desert bighorn sheep.

“...Furthermore, there is scientific controversy over the use of livestock for vegetation management, especially in arid areas and especially where invasive species of non-native plants are present. We asked the BLM to disclose how the proposed use of biological controls will impact desert bighorn sheep and despite our repeated requests, BLM failed to disclose these impacts. In the FEA that BLM discloses the species of livestock that will be used for biological controls to include cattle, sheep and goats. (2020 FEA at Appendix 7, p. 8.) BLM claims to disclose the impacts of sheep and goats as biological controls but in reality has only stated that “[g]oats have been shown to effectively control shrubs in sensitive areas such as streams and wetlands[,]” sheep and goats consume a variety of vegetation, sometimes large quantities, stocking rates and timing are important, and that “[b]iological treatments are most effective when used in combination with other treatments.” (2020 FEA at 36, 15.)

The BLM has failed to analyze the impacts of sheep and goats in terms of disease transmission to wildlife, wildlife displacement, or competition for forage (especially as it may occur with Sonoran desert tortoise). While BLM states that the allotment is not within the current or former range of the bighorn sheep, the allotment is within the foray range of the sheep. (2020 FEA at Appendix 7, p. 9; *and see* WWP 2020 at 10.) We also noted that recent nearby fires would have impacts that must be considered and a change in the range and foray range of bighorn sheep would fall within those impacts...”

BLM Response

Neither the CRMP (Appendix 1), LHE (Appendix 2), nor the Final EA mention any known occurrence of desert bighorn sheep in the Allotment. Appendix 7, comment response #29 on page 9 stated the following: “The BLM has reviewed the Arizona Game and Fish Department Bighorn Distribution GIS data, and the Allotment is not in current or former range of the bighorn sheep.” The nearest bighorn sheep range on BLM-administered lands is approximately 60 miles west of the Allotment. Correspondence with AGFD found that there are no bighorn sheep areas within the game management unit encompassing the allotment. Furthermore, this places the Allotment well outside of the established buffer zones for bighorn sheep ranges found in the BLM’s Bradshaw-Harquahala RMP and from the Arizona Game and Fish Department.

Protest Point #7

Commenter protests the Proposed Grazing Decision because the BLM did not consider a range of alternatives, specifically a reduced grazing alternative.

“NEPA's requirement that agencies "study, develop, and describe appropriate alternatives . . . applies whether an agency is preparing an [EIS] or an [EA]." *N. Idaho Cmty. Action Network v. U.S. Dep't of Transp.*, 545 F.3d 1147, 1153 (9th Cir. 2008) (per curiam) (citations omitted). Although an agency must still "give full and meaningful consideration to all reasonable alternatives" in an environmental assessment, the agency's obligation to discuss alternatives is less

than in an EIS. *Id.* "The existence of a viable but unexamined alternative renders an [EA] inadequate." *Westlands Water Dist. v. U.S. Dep't of Inter.*, 376 F.3d 853 at 868 (9th Cir. 2004) (quoting *Morongo Band of Mission Indians v. Fed. Aviation Admin.*, 161 F.3d 569 at 575 (9th Cir. 1998)).

The range of alternatives for this project remains inadequate, especially because a recommended and reasonable alternative was arbitrarily rejected by the BLM. In the alternatives considered but eliminated section of the EA, BLM first stated that it rejected a reduced grazing alternative because it was too similar to the Proposed Action, but in the FEA states that a reduced grazing alternative was rejected because livestock are not the causal factor for failing to meet Standard 2.

As one example of an alternative that could have, and should have been analyzed is an alternative that reduces the amount of livestock grazing and does not include vegetation treatments. We requested the BLM analyze such an alternative and there is no explanation provided as to why this alternative was not considered in any way."

BLM Response

In Section 2.4 of the Final EA, the BLM disclosed the following: "A reduced grazing alternative, one with a lower maximum perennially authorized AUMs would not be feasible. Standards 1 and 3 are being met, and Standard 2 is not being met due to wildfire and drought. Livestock are not the causal factor for the non-attainment of Standard 2."

Protest Point #8

Commenter protests the Proposed Grazing Decision because the [unspecified] document did not disclose actual use.

"The BLM misapprehends our request to accurately describe the history of livestock grazing as a request to disclose actual use. Rather, our request was that BLM comply with its obligation to accurately discuss the long history of livestock grazing in Arizona and on this allotment, identifying how many livestock were historically grazed, how many livestock have been grazed in the past two decades, and disclose the impacts of that livestock grazing as part of the cumulative impacts analysis. In other words, BLM is required to analyze baseline conditions and the history of livestock grazing is essential to this analysis. The environmental analysis should describe how livestock grazing has contributed to and continues to exacerbate altered fire regimes, invasive species, loss of species diversity, and degraded watersheds. The BLM has not adequately or accurately provided this information."

BLM Response

The BLM stated in Appendix 7, comment response #26 on page 8, and in Section 3.3 on page 3 of the LHE, that actual use is not required to be submitted to the BLM under the terms of the current livestock grazing permit. Unless noted in the LHE, the BLM considered the billed use as the actual use.

Protest Point #9

Commenter protests the Proposed Grazing Decision because the BLM did not analyze Environmental Justice issues.

“The BLM refused to disclose underlying Indigenous land claims and address environmental justice issues related to the displacement of Indigenous peoples caused by livestock grazing.”

BLM Response

The BLM considered potential impacts to Environmental Justice in Appendix 6 on page 2. The BLM also described the consultation efforts with tribes; no Environmental Justice issues were identified.

Protest Point #10

Commenter protests the Proposed Grazing Decision because the BLM considered impacts to an inadequately narrow Cumulative Effects Study Area (CESA) which excluded consideration of recent fires on the Tonto National Forest.

“The BLM refused to consider recent fires in the Tonto National Forest because they were outside the Cumulative Effects Study Area and “[t]he Tonto National Forest is not within the CESA.” But then BLM included information regarding the impacts of the 2005 Cave Creek Fire complex, which is located on Tonto National Forest lands, as it relates to sedimentation as a causal factor for not attaining Standard 2. (2020 FEA at 19 and at Appendix 7, p. 6.) This arbitrary and capricious decision to include impacts from the Tonto National Forest (from 2005) for the analysis of some impacts, but the refusal to include impacts from the same forest from 2019 and 2020 renders the analysis and Finding of No Significant Impact invalid.”

BLM Response

The consideration of the latest wildfires in 2019 and 2020 would not have altered the BLM’s determination that Standard 2 is not being met (Functioning at Risk, Downward Trend).

Protest Point #11

Commenter protests the Proposed Grazing Decision because of changes that were made between the draft and final environmental assessment. including: a) removal of annual habitat and population monitoring; b) use livestock as biological controls of weeds; c) allow livestock use to exceed authorizations; d) use the term ‘range improvement’; d) elimination of allotment inspections; e) reducing tobosa height requirements; f) increasing threshold for upland browse; and g) allowing livestock use along various waterways.

“The decision to remove the wildlife management objective to conduct annual habitat and population monitoring to determine trends. (2020 FEA at 7.)

The decision to use livestock as a tool for weed treatments of invasive annual grasses, which may decrease the amount of rest between grazing cycles. (2020 FEA at 9, 17.)

The decision to allow the number of livestock to exceed the authorization. (2020 FEA at 10.)

The change of the term “range infrastructure” to “range improvement.” (2020 FEA throughout.)

The removal of allotment inspections by BLM to determine if seasonal vegetative use of available forage approaches use thresholds and the decision to make this a responsibility of the permittee. (2020 FEA at 17.)

Reducing tobosa height utilization from below 12 inches to below 8 inches, or put another way, maintaining minimum tobosa height at just 8 inches instead of at least 12 inches. (2020 FEA at 18.)

Increasing the utilization threshold for upland browse species to 50 percent (increased from 40 percent). (FEA 2020 at 18.)

Allowing livestock access to 7.4 miles of the Agua Fria River, 2.2 miles of Indian Creek, 0.8 miles of Silver Creek, and 2.1 miles of Bishop Creek. (2020 FEA at 21.)”

BLM Response

The process of writing draft and final environmental assessments is iterative. The iterative process provides opportunities for the collection and dissemination of the best available data from agency and stakeholder sources through the NEPA process. Information in draft documents are updated and provided to the public in the final document.

The BLM provides the following responses:

- a) Conditions of wildlife habitat are assessed through monitoring and application of Standards in developing the LHE. The primary responsibility for wildlife population monitoring and trends is with the Arizona Game and Fish Department, who was a participating agency in the development of the CRMP.
- b) The Final EA considered impacts from biological controls in the following sections: Riparian Resources in Section 3.3.2 on page 29; Wildlife, Migratory Birds, BLM Sensitive Species in Section 3.4.2 on page 36; Soils in Section 3.5.2 on page 50; Water Resources in Section 3.7.2 on page 57; and in Section 4.5 Cumulative Impacts.
- c) Adaptive use authorizations allow for the flexibility in timing and intensity of livestock use, but within the maximum perennially authorized AUMs of 4,572 per grazing year.
- d) This comment was previously addressed in Appendix 7, comment response #32 (c) on page 9.
- e) Inventory and monitoring will continue by BLM specialists. See FEA on page 3, GM-9 “Inventory and/or monitoring studies are used to determine if adjustments to permitted use levels, terms and conditions, and management practices are necessary in order to meet and/or make significant progress towards meeting the Arizona Standards for Rangeland Health and other management objectives.”

f) There were no changes to the Upland Browse Species threshold of 50% between the draft (Draft EA, page 16, Table 6) and final environment analysis (Final EA, page 18, Table 1).

g) There were no changes to Livestock Management along waterways between the Draft EA (Section 3.3.2.1 on page 30), and the Final EA (Section 3.3.2 on page 27).

Protest Point #12

Commenter protests the Proposed Grazing Decision because the BLM did not consider the impacts of the Proposed Action on climate change.

“We specifically asked BLM to analyze the impacts of this project in light of the compounding impacts of climate change. (*See* WWP 2020 at 9-10.) Despite NEPA’s requirements that federal agencies provide for intergenerational equity, which would require a thorough analysis of climate impacts, there is no mention of climate change in the FEA.”

BLM Response

Appendix 6 on page 1 disclosed that under the Proposed Action and No Action (Current Management) Alternative, livestock would contribute to methane emissions, a greenhouse gas.

Protest Point #13

Commenter protests the Proposed Grazing Decision because it is in violation of FLPMA and OPLMA.

“Instruction Memorandum (IM) 2009-215³ amended BLM’s Land Use Planning Handbook H 1610-1, Appendix C, and interpreted the exception clause in section 302(a) to mean that FLPMA specifically provided for the multiple-use policy to give way when other law requires elevation of a specific use. The identification of an object for protection under the Antiquities Act, and the reservation of land necessary to protect that object, dedicates the land for the purposes of the Monument, and withdraws it from uses incompatible with that purpose. The mandate to protect the Monument’s objects imposed by the Antiquities Act, and by the Proclamation, overrides the multiple-use mandate where incompatible. Thus, even where the proclamation does not expressly restrict or preclude certain uses, BLM must weigh potential uses in light of the values protected by the proclamation, and the requirement to elevate protection of the Monument resources above other values. Vegetation communities and wildlife are specifically mentioned in the AFNM Proclamation as objects for protection but livestock grazing is not.

The Omnibus Public Land Management Act of 2009 (OPLMA) requires BLM to manage components of the National Conservation Lands system to “conserve, protect, and restore nationally significant landscapes” and to do so “in accordance with any applicable law (including regulations) relating to any component of the system ... and in a manner that protects the values for which the components of the system were designated.” The AFNM Proclamation establishes the values for which the Monument lands were designated, and is applicable law with which BLM must comply in determining how to conserve, protect, and restore the landscape. Therefore, in developing any plan for the management of areas within the Monument, BLM must consider the impact on Monument objects, including impacts from grazing.

The FEA consistently describes the No Grazing alternative as being the least impactful and best for natural resource recovery and stability of upland and riparian vegetation, soil health, and other ecosystem functions. The other alternatives have grazing impacts to some degree. This analysis makes the case that AFNM would best be set aside as a grazing-free area devoted to native species and ecosystem function in accordance with the Monument proclamation stipulating that “the national monument shall be the dominant reservation.”⁴

The lack of information and violations of NEPA as described above may lead to violations of Federal Land Policy Management, which requires the BLM to “take any action necessary to prevent unnecessary or undue degradation” of public lands (43 U.S.C. § 1732(b)).³”

BLM Response

The BLM described in the Final EA on page 1, that the multiple use mandate of FLPMA applies to the monument, and that the Proclamation directed that monument lands shall continue to be available to livestock grazing.

Protest Point #14

Commenter protests the Proposed Grazing Decision because the BLM did not consider an alternative to protect the Agua Fria River, because Standard 2 is not being met and livestock grazing is the causal factor.

“We thus support the proposed exclosures on Long Gulch and Silver Creek. While we argue for a No Grazing Alternative, we mandate that if livestock are allowed to continue grazing this protected natural resource *that cattle be henceforth excluded from all critical habitat and all riparian ecosystems contained within the AFNM*. This management strategy is a means to protect the riparian system identified as one of the objects for which the national monument was designated. Indeed, the Decision recommends fencing of Silver Creek in order to protect critical habitat for Gila chub (and other species such as lowland leopard frog, longfin dace, desert sucker and riparian obligate migratory birds). The Agua Fria river is also proposed critical habitat for the yellow billed cuckoo, yet the Decision does not recommend cattle exclosures to protect critical habitat here as it does for the Gila chub. This decision is internally inconsistent and arbitrary and capricious. We protest the Final Decision on these grounds...The BLM has ignored our request to analyze this alternative, in spite of the fact that Rangeland Standard 2 is not being met across the Horseshoe Allotment as a result of livestock grazing. PFC results determined most riparian areas are “Functioning at Risk.” The Agua Fria River is “Functioning at Risk” with no apparent trend for improvement.¹⁰ Causal factors for the “at risk” status included, according to the Land Health Evaluation, livestock grazing.¹¹ If livestock grazing is not permanently excluded from riparian areas, wetlands, and aquatic ecosystems in the Horseshoe Allotment, the proposed action to allow continuance of grazing without any protective measures to the river, conditions will continue to degrade much less achieve a level of restoration of habitat, hydrology, and ecological integrity that is needed of our public lands if they are to endure the increasingly stressful conditions driven by climate change. We protest the Final Decision on these grounds.”

BLM Response

The BLM stated in the Abstract to the LHE on page 1, that Standard 2 is not being met "...due to environmental factors such as drought and continuing sediment loading from the 2005 Cave Creek Complex Fire." Livestock grazing is not the causal factor for not meeting Standard 2 in riparian areas.

Protest Point #15

Commenter protests the Proposed Grazing Decision because the BLM did not consider the best available science.

"The BLM had previously requested that the Nature Conservancy conduct a literature review of livestock grazing impacts and management strategies applicable to the Sonoran Desert. The final literature review, synthesis, and conclusions provides the BLM another source of information upon which to base its grazing administration decisions. The report, entitled "*The Impacts of Livestock Grazing in the Sonoran Desert: A Literature Review and Synthesis*" was produced for the BLM at the BLM's request. This report compiled 260 pieces of relevant literature, and included input from a 23-member External Review Committee comprising representatives from U.S. Fish and Wildlife Service, U.S. Geological Survey, Jornada Experimental Range, University of Colorado, Audubon Research Ranch, Arizona Game and Fish Department, Prescott College, New Mexico State University, The Wild Utah Project, University of Arizona, Desert Botanical Garden, Colorado State University, U.S. Forest Service, Natural Resources Conservation Service, Organ Pipe Cactus National Monument, and the Desert Laboratory. The final report cited 143 pieces of literature on the subjects of grazing impacts to cultural sites, plants, saguaro cacti, soils, biological soil crusts, vegetation communities, and wildlife. This work represents one of the most comprehensive scientific analyses of grazing impacts in the Sonoran Desert ever produced. Importantly, Hall et al (2005) provided a review of grazing strategies, ultimately concluding that "*no currently described approach, including continuous grazing and each of the specialized grazing systems, is completely applicable to or appropriate for the Sonoran Desert ecosystem within their current formulations.*"³¹ This synthesis is clearly the best scientific literature available, and must be used in the preparation of any subsequent documents and analyses. We submitted these cited sources of scientific information along with our 5 June 2020 comments. Based on a review of Appendix 7 (Comments and Responses to Comments), provided as a project document online, the BLM has made no indication that these documents were reviewed or incorporated into the Decision, and the BLM has not responded to our comments wherein we presented this best available science. We protest the Final Decision on the grounds that BLM failed to make use of the best available science in making their decision."

BLM Response

Report offered by protester is not applicable because it was specific to the Sonoran Desert National Monument, which is outside the Major Land Resource Area and the Ecological Site Descriptions for the Allotment.

Protest Point #16

Commenter protests the Proposed Grazing Decision because the Proposed Action does not protect monument objects.

“...The AFNM presidential Proclamation identifies the Department of the Interior, through the BLM, as the responsible federal agency for implementing the purposes of the Proclamation. The Secretary of Interior is directed to prepare a management plan that addresses the actions necessary to protect the objects identified in the Proclamation. The Final Decision and Proposed Action to sustain grazing pressure on these protected public lands fails to account for the unique and irreplaceable ecological resources of AFNM, fails to comply with the AFNM Proclamation, and fails to comply with other applicable federal laws. We protest the Horseshoe Allotment Final Decision on these grounds.

The AFNM Proclamation identifies objects including riparian forests, diversity of vegetation communities, a wide array of sensitive wildlife species, native fish, and the availability of water to be protected above all else. The proposal to sustain cattle grazing in AFNM is in stark contrast to the Monument’s designated purpose, especially regarding protecting riparian ecosystems. Livestock is not a protected object in the AFNM and should not be held in equal standing to the objects AFNM was designated to protect. If BLM is willing to accept some level of collateral damage to the desert ecosystem from grazing, as we will demonstrate in this protest letter, then reasonably they are not treating Monument objects as paramount and are treating cattle grazing with equal prioritization. If an action has the potential, let alone a strong likelihood of compromising ecosystem integrity at AFNM, then Monument objects are not being protected. AFNM was irrefutably set apart and reserved for the purpose of protecting specified objects and distinguishing biological resources. The AFNM proclamation clearly states that the national monument shall be the dominant reservation. We protest the Horseshoe Allotment Final Decision for these reasons...”

BLM Response

As stated in Section 1.1 on page 1 of the Final EA, the Proclamation did not require the BLM to complete a compatibility determination document. Livestock grazing is compatible with monument objects as identified in the Presidential Proclamation so long as it is not found to be the causal factor for the non-attainment of land health standards as indicated in the Land Health Evaluation.

Protest Point #17

Commenter protests the Proposed Grazing Decision because the BLM failed to respond to their previously submitted comments.

“...The BLM failed to respond to The Center’s constructive and comprehensive comments on this management action, as warranted by the National Environmental Policy Act. The BLM states in Appendix 7: Comments and Responses that “*Although not required for an EA by regulation, an agency may respond to substantive and timely comments received.*” However, courts have concluded that to ensure that the agency has taken the required “*hard look*,” the agency must utilize “*public comment and the best available scientific information.*” The Ninth Circuit has ruled that government land management agencies violated NEPA when they “*neither responded to [or] considered comments “objectively and in good faith” nor made responsive changes to the proposed regulations.*” The Ninth Circuit similarly ruled that government land management agencies violated NEPA when they dismissed issues raised in comments, and “*did not provide the ‘full and fair discussion’ of the issue required by NEPA, and also did not properly respond to [public] comments...*”

BLM Response

All substantive comments were addressed in Appendix 7. The BLM did not specifically list Center for Biological Diversity comments in Appendix 7 because the comments were non-substantive; or the comments were substantially similar to comments submitted by other parties.

FINAL DECISION

After reviewing the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my final decision to implement the Proposed Action described in the EA to authorize livestock grazing use on the Horseshoe Allotment with a term of 10-years beginning March 1, 2021, upon acceptance of the permit.

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 Horseshoe Allotment. In accordance with Title 43 Code of Federal Regulations (CFR) 4100 and based upon the Allotment evaluation your permit is adjusted as follows:

Proposed Permitted Livestock Use:

Allotment	Pasture	Livestock Number Kind	Begin Date	End Date	Percent Public Land	Type use†	AUMs	
Horseshoe		381	Cattle	03/01	02/28	100	Adaptive	4,094
	Upper Agua Fria	381	Cattle	11/1	03/01	100	Adaptive	214
	Lower Agua Fria	381	Cattle	11/1	03/01	100	Adaptive	264

Other Terms and Conditions:

In accordance with 43 Code of Federal Regulations(CFR) 4110.3-2 the following terms and conditions of your permit (Authorization #0200078) will be adjusted as follows:

1. All wildlife troughs would be left full of water and operational year-round for wildlife accessibility, unless in limited circumstances where extreme freezing conditions may damage facilities or extreme droughts limit water availability.
2. When entering the next scheduled pasture, all livestock would be removed from the previous pasture within two weeks.
3. Lessee would ensure that enough time is allowed to remove livestock to meet the pasture move date(s) and avoid unauthorized and/or excessive use.
4. Lessee would ensure adequate range improvements to be in functioning condition prior to entering the next scheduled pasture.
5. Any changes in the grazing schedule for any reason must be requested in writing at least 30 days before the requested changes are proposed to occur and be approved by the BLM Authorized Officer in writing.
6. Supplementation 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 known cultural sites, and one-eighth (1/8) mile away from major drainages and washes, sensitive wildlife habitat, and designated recreational sites. Supplements would be removed from pastures when cattle have left an area, and not placed within a pasture until the cattle arrive. Additionally, supplements would not be placed in the same location(s) each year.
7. 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)).
8. 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.

In addition to the above Terms and Conditions, the BLM will implement the following administrative actions:

- Reconstruction of the corrals in Double Tank and Joe's Hill pastures is approved. Corrals will be reconstructed using the guidance and methods of low-stress livestock handling recommended by Dr. Temple Grandin. All corrals will follow designs that have been implemented by Dr. Grandin.
- Fencing for the realignment of North River and South River pastures, fencing to exclude the Agua Fria River in Boone pasture, and fencing to exclude Silver Creek in Double Tank pasture is approved. The fencing will conform to BLM fencing standards consisting of 4 wires with the lowest and top wire being barbless strand a minimum of 18" above ground and be wildlife friendly. BLM Fencing requirements can be found in the Fencing Handbook H-1741-1.
- Fencing the wildlife only troughs in New Mill and Perry Mill is approved. Fencing will be approximately 300 by 300 feet and consist of wildlife friendly barbed wire or pipe-rail fences to prevent livestock use.
- Several additional livestock water facilities are approved for construction. All livestock water facilities must meet BLM specifications found in the Water Developments Handbook H-1741-2.
 - Three new wells are approved for construction in North River, Double Tank, and Boone pastures. Wells would be constructed by a class 8 (3 axle) vehicle. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to Endangered Species Act (ESA) listed species.
 - Five pipelines are approved for construction in the North River, South River, New Mill, Joe's Hill, Lousy, Upper Agua Fria, and Boone Tank pastures. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to ESA-listed species. All pipelines will be laid on the soil surface to minimize disturbance to soils, vegetation, and cultural resources. In areas where the pipeline would need to be underground (e.g. near troughs and road crossings), trenches would be no more than 24 inches deep and would be backfilled appropriately.
 - Seventeen 500 gallon watering troughs, five 10,000 gallon storage tanks, and three wildlife only troughs are approved for construction in North River, South River, New Mill, Perry Mill, Joe's Hill, Lousy, Upper Agua Fria, and Boone Tank pastures. Water facility infrastructure in the Indian Creek area would be constructed between October 1 and June 1 to avoid impacts to ESA-listed species.
- All water troughs and tanks with open tops that are located on public lands within the Horseshoe Allotment must have wildlife escape ramps installed to reduce risk of wildlife drowning. Examples of appropriate wildlife escape ramps can be found in the enclosed documents (BLM Technical Bulletin 89-4, and *Wildlife Escape Ramps for Livestock Watering Troughs* (NRCS 2012).
- Removal of unnecessary pasture fencing and existing steel pipelines, to suspend surface water diversions from the Agua Fria River and Indian Creek, are approved in Double

Tank and Boone Pasture. Materials and labor must be hauled from the project area using existing routes. Materials would be carried overland by hand from their respective project sites to the nearest road for removal.

- Installation of one cattleguard is approved on Bloody Basin Road in North River Pasture. Future locations identified by the authorized user must be submitted to the Agua Fria Monument Manager in writing for approval and may require additional NEPA analysis. All cattleguards installed must meet BLM specifications found in the Road Design Handbook H-9113-1.
- Three, five acre vegetation research plots will be located in the uplands of North River, New Mill, and Joe's Hill pastures. The study plots will be used to evaluate vegetation treatments on non-native and invasive grass species such as wild oats (*Avena fatua*) and red brome (*Bromus rubens* L.) and shrubs such as catclaw acacia (*Senegalia greggii*). Treatment methods would be consistent with the protocols established under the BLM Phoenix District Integrated Weed Management EA (DOI-BLM-AZ-P000-2015-0001-EA) and may include use of herbicide, mechanical, or biological methods (or a combination of methods) to reduce or eradicate undesired vegetation species within the Allotment (BLM 2015).

RATIONALE

Based on the data compiled and analyzed in the RHE, the Horseshoe Allotment is achieving Standards 1 and 3 of the Arizona Standards for Rangeland Health on uplands. 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. Standard 2 is not being achieved due to wildfire and drought.

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.

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, and new water sources within the Allotment are necessary to improve livestock distribution across the Allotment, better utilize areas that are lightly used, provide additional water for wildlife species, avoid livestock concentration in sensitive wildlife habitat, and to provide reliable water sources for both wildlife and livestock.

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).

§4110.2-4 After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands.

§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.

§4110.4(a) Where there is a decrease in public land acreage available for livestock grazing within an allotment: **(1)** Grazing permits or leases may be cancelled or modified as appropriate to reflect the changed area of use.

§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 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 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.

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.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

As noted above, the petition for stay must be filed in the office of the authorized officer and additionally to: (1) All other parties named in the CC section of this Decision, (2) The appropriate Office of the Solicitor as follows, in accordance with 43 CFR 4.413(a) and (c): US Department of Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Courthouse, 401 W Washington St. SPC 44 Suite 404, Phoenix, Arizona, 85003-2151

In accordance with 43 DFR 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for stay may file with the Hearings Divisions a motion to intervene in the appeal, together with the response, within 10 calendar days after receiving the petition. Within 15 calendar days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate Office of the Solicitor in accordance with Sec 4.413(a) and (c), and any other person named in the decision.

LANE COWGER Digitally signed by LANE
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Date: 2020.11.19 09:44:42 -07'00'

11/19/2020

Lane Cowger
Field Manager, Hassayampa Field Office

Date

Carbon Copies:

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Arizona Game and Fish Department ATTN Region 2	7018 0360 0000 1241 4137
Arizona Game and Fish Department ATTN Region 4	7018 0360 0000 1241 4120
Arizona Game and Fish Department ATTN Region 6	7018 0360 0000 1241 4151
Arizona State Land Department	7018 0360 0000 1241 4144
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Red Mountain Mining Co. ATTN Dale L. Longbrake	7018 0360 0000 1241 4236
Sierra Club, Grand Canyon Chapter	7018 0360 0000 1241 4229
United States Fish and Wildlife Service	7018 0360 0000 1241 4267
Western Watersheds Project ATTN Cyndi Tuell	7018 0360 0000 1241 4243
Wild Earth Guardians	7018 0360 0000 1241 4250