



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 (AZG020)
Allotment No. 5208

CERTIFIED MAIL – RETURN RECEIPT REQUESTED No: 7005 3110 0000 4645 2086

Matt and Barbara Ford
2238 N. Bowers Road
Huachuca City, AZ 85616

NOTICE OF FINAL DECISION Babocomari Allotment Grazing Lease Renewal (No. 5208)

Dear Matt and Barbara Ford:

This Notice of Final Decision (NOFD) follows the receipt of timely protests of a Notice of Proposed Decision (NOPD) which was mailed on December 21, 2022, to you and other interested publics regarding the renewal of the 10-year term grazing lease on the Babocomari Allotment that was analyzed in Environmental Assessment (EA) No. DOI-BLM-AZ-G020-2021-0013-EA.

INTRODUCTION AND BACKGROUND

The Bureau of Land Management (BLM) Tucson Field Office completed a Land Health Evaluation (LHE) and final determination of land health for the Babocomari Allotment in 2022 in accordance with 43 Code of Federal Regulation (CFR) § 4180 (2005) and Manual Handbook H-4180-1. The LHE identified land health standards as either being met (Standard 1 and 2), not being met due to factors other than current livestock grazing management (part of Standard 3), or not being met due to current livestock grazing (part of Standard 3) (see [2022 Babocomari Allotment Final Determination of Land Health Standards](#)). The LHE identified the development of an adaptive management framework, a season of use restriction, integrated vegetation management (IVM) treatments, and the construction of the River Canyon Fence within the Babocomari Allotment as management actions necessary to move the allotment toward meeting land health standards where standards are not currently being met and livestock grazing is a significant causal factor.

In April 2022, the BLM released an EA (DOI-BLM-AZ-G020-2021-0013-EA) for a 30-day public comment period. The EA analyzed four alternatives as well as two modifications (Alternatives A.1 and A.2) to the Proposed Action (Alternative A). The Proposed Action (Alternative A) includes renewing the 10-year lease with a season of use restriction for the riparian grazing on the Babocomari River, implementation of a fence along the Babocomari River (River Canyon Fence), placing 50% of the Animal Unit Months (AUMs) into temporary suspense until objectives are achieved, adaptive management to move the allotment toward meeting land health standards, and range improvements to allow for separate management of the portions of the public lands in the allotment that are located in the San Pedro Riparian National Conservation Area (SPRNCA). The Proposed Action (Alternative A) also includes IVM treatments to move vegetation conditions, resulting from historic land uses, that are not currently meeting Land Health Standard 3 toward meeting the Standard. The IVM treatments component of the Proposed Action (Alternative A) are addressed in a separate decision (see Decision Record for SPRNCA Allotments Lease Renewals IVM Treatments).

The BLM received 21 comment letters during the public comment period from which 199 unique substantive comments were identified. Comments voiced concerns about the impacts from livestock grazing and the BLM's ability to meet the intent of the Arizona-Idaho Conservation Act of 1988 (AICA), Public Law 100-696 and to meet Land Health Standards given current temperature and precipitation trends and on-going unauthorized livestock grazing. Comments were generally in opposition to renewing the Babocomari livestock grazing lease and to authorizing livestock grazing in the SPRNCA. The BLM's responses to the substantive public comments are in Appendix I of the final EA. The BLM received three letters from potentially affected Tribes. The White Mountain Apache Tribe and the San Carlos Apache Tribe stated in their respective emails that "the proposed lease renewal[s] will 'Not have an Adverse Effect' on the tribe's cultural heritage resources and/or traditional cultural properties." The Hopi Tribe requested additional information to determine the likelihood of potential impacts. The BLM provided the Hopi Tribe with the requested information.

The BLM finalized the SPRNCA Allotments Lease Renewals EA and associated Finding of No Significant Impact (FONSI) on December 21, 2022. The EA and associated documents were made available, and continue to be available, electronically on the project website:

<https://eplanning.blm.gov/eplanning-ui/project/2013674/510>.

The BLM mailed a NOPD for the Babocomari Allotment lease renewal to the lessee and interested publics on December 21, 2022. The decision was subject to a 15-day protest period.

The BLM received timely protests from Watershed Management Group, Jeff Burgess, Sharon Rock, Ann Prezyna, Charles Quiroz, the Lower San Pedro Watershed Alliance, and Western Watersheds Project/Sierra Club/Center for Biological Diversity/Maricopa Audubon Society/Tricia Gerrodette. I have carefully considered each reason for protest and respond to the relevant reasons for protest below.

REASONS FOR PROTEST AND BLM RESPONSES

Reason for Protest:

A. Land Health

- 1. One protester raised a concern that the BLM should have assessed the impacts of the proposed grazing decisions using the Historic Climax Plant Community (HCPC) as the ecological baseline.*

BLM Response: Using HCPC as a baseline for vegetation was not appropriate for assessing impacts from this grazing decision due to shifts in plant communities that have occurred in the action area before it came under BLM management. The BLM used the resource objectives in the SPRNCA Resource Management Plan (RMP) (2019) to create allotment specific objectives (Desired Plant Community [DPC] objectives) which the BLM used in the LHE.

- 2. One protester raised a concern that the BLM should have assessed land health within the Babocomari Allotment against Standard 2 of the Arizona Standards for Rangeland Health.*

BLM Response: The BLM did assess achievement of Standard 2 for the Babocomari Allotment and documented that assessment in the Final Babocomari LHE and the Babocomari Allotment Final Determination of Land Health Standards (April 2022).

B. Monitoring and Data

- 1. Two protesters raised concerns about the monitoring of the ecological condition of the Babocomari River, suggesting a need for additional riparian monitoring points and data and questioning the value of the Proper Functioning Condition (PFC) method as a monitoring tool.*

BLM Response: The BLM conducted two PFC assessments in 2013 and 2018 both of which assessed the ecological condition of the Babocomari River. PFC is a qualitative assessment of the ecological condition of the riparian area.

As documented in the Babocomari LHE, the BLM is meeting Standard 2 of the Rangeland Health Standards and has not identified a need for additional riparian monitoring data. Any additional riparian monitoring that the BLM collects in the future would focus on quantitative metrics and would inform general trend and condition.

- 2. One protester raised a concern about the need for recent actual use data and information for the Babocomari Allotment.*

BLM Response: Descriptions of the best available actual use data are included in LHEs. This grazing decision includes a new term and condition of the grazing lease requiring annual actual use data to be submitted annually. The BLM, under the adaptive management framework, will consider actual use data as it monitors and responds to changing conditions to prevent impacts from livestock grazing.

- 3. One protester raised a concern about the need for more than a single year's data to make a determination of land health, trend, and progress.*

BLM Response: The BLM used the best available data to evaluate land health and determine causal factors where standards were not achieved. Trend was not evaluated in the LHEs due to the lack of consistent and comparable historical monitoring data. The adaptive management framework is designed to allow the BLM to monitor and adjust grazing management to prevent impacts from livestock grazing. Trend will be determined in the future as additional monitoring data is collected. In addition, the BLM will collect an additional two years of Assessment Inventory and Monitoring (AIM) data at Key Areas to fine tune the adaptive management objectives (see EA Section 2.2.2) and will evaluate the data and make management adjustments if needed through the process described in the Proposed Action (See EA Sections 2.2.2 and 2.2.5.1).

4. *One protester raised a concern that the BLM should have used additional upland monitoring points.*

BLM Response: The monitoring points and locations used were designed to evaluate upland condition. The BLM specifically designed the monitoring points by using previously established Key Areas and additional AIM points that were selected because of their location, use, or value that reflect overall conditions at larger scales, such as a pasture, grazing allotment, wildlife habitat area, herd management area, watershed area, etc. The Key Areas and AIM monitoring locations were determined to adequately represent upland conditions on the SPRNCA allotment.

5. *One protester raised a concern that the BLM failed to consider the best available science and that the BLM has ignored or minimized the science about the adverse impacts of livestock grazing in the SPRNCA.*

BLM Response: The BLM uses the best available data relevant to the actions being analyzed and has reviewed other applicable science and information. Appendix J of the final EA describes how literature submitted during the April-May 2022 preliminary EA comment period was or was not incorporated into the EA.

C. Riparian

1. *One protester raised a concern about negative effects on riparian resources from livestock grazing in the desert southwest.*

BLM Response: Impacts to riparian areas were considered in Section 3.4.3 of the EA. This grazing decision includes measures to protect riparian resources, including the reduction and the possible elimination of livestock grazing in the Babocomari River riparian corridor if resource objectives are not met. The San Pedro River is excluded from livestock grazing.

2. *Two protesters raised the concern that the proposed grazing decision for the Babocomari Allotment would perpetuate ongoing E. coli contamination.*

BLM Response: This decision establishes new requirements for water quality monitoring to determine if livestock from the Babocomari Allotment are an ongoing contributor to *E. coli* exceedances in the Babocomari River. In addition to additional water quality monitoring, the BLM identified the actions it will take to ensure that state water quality requirements are achieved. These actions include building a fence around the Babocomari River, adding a season

of use restriction to the Babocomari lease terms and conditions, and implementing adaptive management if water quality standards are not being met. If water quality standards continue to not be met, the BLM will remove AUMs from the Babocomari River Canyon Pasture per the water quality adaptive management framework (see EA Section 2.2.5.1).

D. Livestock Management

- 1. One protester raised a concern about the need for additional information about the existing livestock management on the Babocomari Allotment.*

BLM Response: The BLM describes the relevant existing management on the Babocomari Allotment in EA Section 1.2.1 and based its assessment of impacts and ultimate decision on that information.

- 2. One protester raised a concern about the baseline used by the BLM in assessing impacts from this grazing decision in light of supposed procedural defects in previous grazing leases.*

BLM Response: The area that includes the Babocomari Allotment has a long history of livestock grazing, predating the establishment of the SPRNCA or the BLM, and which has contributed to the current baseline against which the effects of future actions must be measured. For the past 30 years, grazing has occurred in the allotment subject to a federal grazing lease, which has been authorized under the same terms and conditions throughout that period and has been renewed through various authorities, including Section 402(c)(2) of the Federal Land Policy and Management Act (FLPMA). Most recently, the lease was renewed under FLPMA Section 402(c)(2) in 2020.

- 3. One protester raised a concern that the BLM failed to analyze ongoing trespass livestock impacts and that the Land Health Evaluation (LHE) does not account for trespass livestock.*

BLM Response: Unauthorized livestock use on the Babocomari Allotment is addressed in the EA in the discussions of the affected environment and current conditions of the allotment. Potential impacts from unauthorized livestock use were captured in the LHE as part of the environmental baseline against which Standards were compared.

- 4. Two protesters raised concerns about whether fences will be maintained.*

BLM Response: This decision assumes that the BLM and lessees will comply with its requirements, including as they relate to installation and maintenance of fencing.

- 5. One protester raised a concern that the adaptive management framework allows harm to resources that will only be addressed after the fact, once the adaptive management threshold is reached.*

BLM Response: The thresholds within the adaptive management framework are designed to trigger changes in grazing management and prevent potential impacts from livestock grazing.

The thresholds are specifically designed so that changes in management are implemented before resources are harmed.

E. Threatened and Endangered Species

- 1. One protester raised a concern that the proposed decisions did not appropriately account for the current conditions on the ground in the SPRNCA, as captured in photographs provided by the protester purporting to show existing impacts to yellow-billed cuckoo and northern Mexican gartersnake habitat.*

BLM Response: The BLM considered current conditions with respect to yellow-billed cuckoo and northern Mexican gartersnake habitat within the allotment (see Section 3.4.5.2 of the EA and specifically page 3-42) and assessed, through the EA and in consultation with US Fish and Wildlife Service (USFWS) through the Biological Evaluation (BE) and Biological Opinion (BO), including future impacts from this decision on yellow-billed cuckoo and northern Mexican gartersnake habitat.

- 2. One protester raised concerns that impacts to the northern Mexican gartersnake, willow and other tree species recruitment, and the Huachuca water umbel were not adequately addressed.*

BLM Response: The BLM considered impacts from this decision to the northern Mexican gartersnake, willow and other tree species recruitment, and the Huachuca water umbel within the allotment (see Section 3.4.3 and 3.4.5 of the EA) through the EA and in consultation with USFWS through the Biological Evaluation (BE) and Biological Opinion (BO).

F. Other

- 1. One protester raised the concern that the grazing decision would result in “unnecessary or undue degradation.”*

BLM Response: In light of the analysis contained in the EA, the BLM concluded that this grazing decision would not result in significant impacts to the environment, let alone “unnecessary or undue degradation.” See 43 USC § 1732(b).

Compliance with the Arizona-Idaho Conservation Act (AICA)

Several protesters raised concerns that this grazing decision violates the AICA and argued that livestock grazing does not conserve, protect, and enhance the conservation area and its resources and is not a use that the BLM has found will further the primary purposes for which the conservation area was established.

The AICA does not prohibit livestock grazing as a use from the SPRNCA and allows management decisions that are consistent with the statutory command to “conserve[], protect[], and enhance[] the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area.” The BLM established goals and objectives in the SPRNCA Resource Management Plan (RMP) (2019) that implement the “conserve, protect, and enhance” mandate under the AICA. The allotment-specific DPC objectives that the BLM established for each of the four SPRNCA Allotments in

the LHEs tier directly from those SPRNCA RMP (2019) goals and objectives. Based on the content of the LHEs, EA, BO, and this decision record, the BLM has specifically found that this grazing decision will ensure that the agency conserve, protect, and enhance the conservation values for which the SPRNCA was designated and will further the primary purposes for which the SPRNCA was designated (see the Rationale Section).

Compliance with the National Environmental Policy Act (NEPA)

Several protesters raised concerns that the BLM violated NEPA on the theory that, for example, the BLM did not take a “hard look” at all foreseeable environmental impacts, adopted an impermissible Purpose and Need statement, failed to consider and fully analyze all reasonable alternatives including a “no grazing” alternative, failed to analyze and disclose cumulative impacts, and failed to disclose data and analysis to the public.

Section 1.3 of the EA provides a “brief discussion of the need for the proposal.” 40 CFR § 1508.9(c). The BLM fully analyzed all reasonable alternatives and provides rationale in EA Section 2.8 for alternatives considered but eliminated from detailed analysis. The BLM considered two No Grazing alternatives in the EA (Alternatives B and D).

The BLM took a hard look at the environmental impacts that would result from each of the alternatives, including cumulative impacts based on reasonably foreseeable trends and planned actions in the affected environment in each resource section in the EA. For example, the EA addresses cumulative effects on water quantity by incorporating the discussion of the trend for the Upper San Pedro regional groundwater flow system in the SPRNCA Proposed RMP and Final Environmental Impact Statement (EIS) (2019). EA Section 3.3.7 summarizes the analysis from the SPRNCA Proposed RMP and Final EIS (2019) of livestock water use on base flows. In addition, impacts from the synergistic effects of drought, climate change, and grazing on vegetation are discussed in section 3.4.2, page 3-22. The impacts of these effects are part of the environmental baseline which was analyzed in the LHE.

The BLM uses the best available data and has reviewed other applicable science and information. Appendix J of the final EA describes how literature submitted during the April-May 2022 preliminary EA comment period was or was not incorporated into the EA. The BLM disclosed all of the data used in the lease renewal process culminating in this decision in the body and the appendices of the Babocomari LHE.

Compliance with the Endangered Species Act (ESA)

Several protesters raised concerns that the BLM violated the ESA and argued that the BE and BO fail to adequately address the impacts of livestock grazing that will be facilitated by the grazing infrastructure authorized by these decisions and because the BLM ignores the actual conditions on the ground with respect to listed species and their critical habitat.

The effects of the proposed action on listed species and their critical habitat, including from livestock grazing and installation of range improvements, were analyzed during the ESA Section 7 consultation process with the USFWS. These effects were considered in the USFWS’s BO.

The BLM describes the current condition of listed species and their critical habitat in the affected environment section of the EA. See EA Section 3.4.5.2. That discussion includes relevant trends and the cumulative effects of past, present, and reasonably foreseeable future actions.

Compliance with the Wild and Scenic Rivers Act

One protester raised a concern that the BLM violated the Wild and Scenic Rivers Act, expressing concerns that this grazing decision will cause harm to the Outstandingly Remarkable Values (ORVs) and Wild and Scenic Values of the San Pedro and Babocomari Rivers by authorizing fencing and water gaps.

Maintenance and construction of fencing is consistent with management of a Study River corridor, especially if the fencing is aimed at protecting the rivers’ values. New fence construction here is designed to avoid or minimize impacts on visual and other resources, including the Study Rivers’ ORVs.

FINAL DECISION

It is my final decision to implement the Proposed Action as described in Sections 2.2.1, 2.2.2, 2.2.3, and 2.2.5 of the EA to implement the proposed range improvements and authorize livestock grazing use on the Babocomari Allotment for a term of 10 years, upon acceptance of the lease.

Grazing Lease

The Babocomari Allotment (No. 5208) grazing lease is renewed as described in EA Section 2.2.5 with the following terms and conditions:

Table 1. Babocomari Allotment Mandatory Terms and Conditions.

| Allotment | Pasture | Livestock | | Period | | % Public Land | Type Use | AUMs |
|------------|--------------|-----------|--------|--------|------|---------------|----------|------|
| | | Number | Kind | Begin | End | | | |
| Babocomari | -- | 89 | Cattle | 3/1 | 2/28 | 100 | Adaptive | 9 |
| Babocomari | River | 89 | Cattle | 3/1 | 2/28 | 100 | Adaptive | 159 |
| Babocomari | River Canyon | 89 | Cattle | 11/1 | 3/31 | 100 | Adaptive | 12 |

Other Terms and Conditions

- Type use “Adaptive” identifies the maximum, not-to-exceed values for livestock numbers for each individual mandatory term and condition and does not represent what is actually allowed. In order to accommodate the maximum number of livestock (89 cattle) on the

River Pasture, the season of use must be less (cannot exceed 54 days) than the identified period of use, in order to not exceed the allowable 159 AUMs.

- The livestock operator shall submit an annual application prior to the start of the grazing year (3/1) to identify the grazing use that will occur. The application shall include livestock number, season of use, and AUMs.
- When adaptive management triggers are met, the terms and conditions of authorized grazing (e.g., livestock number, season of use, and/or AUMs) will be modified as outlined below under “Adaptive Management.”
- Once the Babocomari River Canyon fence is implemented, cattle may be actively pushed across the River Canyon Pasture no more than ten times per year.
- The lessee shall ensure all livestock are vaccinated with the *Escherichia coli* (*E. coli*) vaccine subject to availability.
- Each year, the lessee shall submit a report of the actual grazing use made on this allotment for the previous grazing period, 3/1-2/28. This report shall also include a statement about whether or not livestock were able to be vaccinated with the *E. coli* vaccine. Failure to submit such a report by 3/15 of the current year may result in suspension or cancellation of the grazing lease.
- In order to improve livestock distribution on the public lands, salt and mineral supplements shall not be placed within a ¼ mile of any riparian area, wet meadow or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR § 4130.3-2(c).
- The operator is responsible for informing all persons who are associated with the authorized operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. Any cultural (historic or prehistoric site or object) or paleontological (fossil remains of plants or animals) resource discovered during operations shall be immediately reported to the Authorized Officer or their official designee. A qualified archaeologist or paleontologist shall make an evaluation of the discovery to determine appropriate actions to prevent the loss of significant cultural or scientifically important values.
- Failure to comply with or violation of any term or condition of this lease – including livestock number, season of use and AUMs – may result in suspension or cancellation of the grazing lease in accordance with 43 CFR §§ 4140.1(b)(1) and 4170.1-1, and may subject the person or persons responsible to actions under 43 CFR § 4150 and/or other applicable civil and criminal penalties under 43 CFR Subpart 4170.
- Per 43 CFR § 4140.1(a)(5), the operator is required to maintain all range improvements, including fencing, in an operational condition.

AUM Reduction

Upon acceptance of the lease, 50% of authorized use for the Babocomari Allotment (90 AUMs) will be placed into Temporary Suspended Use until DPC objectives are met.

Adaptive Management

The terms and conditions for the Babocomari Allotment lease include the adaptive management framework described below to meet the quantitative allotment-specific objectives associated with the SPRNCA RMP (2019) objectives. If the allotment-specific objectives are not being met, the BLM would reduce AUMs as described below.

Table 2. Babocomari Allotment adaptive management objectives and current conditions.

| Key Area | Ecological Site | Adaptive Management Objective | Current Condition (2019 data) |
|----------|-----------------|---|------------------------------------|
| GRZ-02 | Limy Upland | Perennial grass foliar cover of $\geq 10\%$ | 12.0% perennial grass foliar cover |
| | | Bare ground of $< 26.7\%$ | 26.7% bare ground cover |
| Babo-05 | Limy Upland | Perennial grass foliar cover of $\geq 1\%$ | 0.0% perennial grass foliar cover |
| | | Bare ground of $< 25.3\%$ | 25.3% bare ground cover |
| Babo-03 | Shallow Upland | Perennial grass foliar cover of $\geq 20\%$ | 18.1% perennial grass foliar cover |
| | | Bare ground of $< 19.3\%$ | 19.3% bare ground cover |
| GRZ-05 | Shallow Upland | Perennial grass foliar cover of $\geq 20\%$ | 3.4% perennial grass foliar cover |
| | | Bare ground of $< 30.0\%$ | 30.0% bare ground cover |

Monitoring for Upland Adaptive Management

On an annual basis, the BLM will monitor the ecological attributes at each of the four key areas. Each year, the BLM will use the annual monitoring data to conduct adaptive management assessments to determine attainment of key area objectives and determine if adaptive management thresholds have been reached.

The adaptive management criteria are as follows:

Perennial grass foliar cover and bare ground

Limy Upland and Shallow Upland Sites

Maintain perennial grass foliar cover objectives (see Table 2) at each Limy Upland and Shallow Upland Key Area and decrease bare ground cover as compared to current conditions (see Table 2).

1. If, based on monitoring or routine inspections, conducted annually, adaptive management perennial grass foliar cover objectives are not being met or there has not been a decrease in bare ground cover compared to current conditions, livestock numbers would be reduced by 50% of remaining authorized use (through temporary suspension) in the portion of the allotment within the SPRNCA boundary.
2. If annual reassessment from a reduction under number 1 (above) shows that adaptive management perennial grass foliar objectives continue not to be met or there is no improvement with respect to bare ground, livestock would be completely removed

(through temporary suspension) from the portion of the allotment within the SPRNCA boundary until perennial grass foliar cover meets adaptive management objectives and bare ground cover decreases as compared to current conditions.

Livestock reduction as part of adaptive management would be carried out through the temporary suspension of AUMs. The AUMs placed in temporary suspension would be reassessed annually. Once perennial grass foliar cover meets the adaptive management objectives and bare ground cover decreases as compared to current conditions, all AUMs placed in temporary suspension under this adaptive management framework would be restored.

Water Quality

There have been water quality exceedances for *E. coli* on the Babocomari Allotment. Therefore, the BLM is establishing water quality adaptive management and associated monitoring to determine if livestock from the Babocomari Allotment are an ongoing contributor to the *E. coli* exceedances in the Babocomari River and to identify the actions that would be taken if such exceedances occur to ensure that the obligations under the AICA are met.

Monitoring for Water Quality Adaptive Management

Considering the sources of contaminants in the watershed, the best way to isolate the impacts from cattle in this allotment is to sample during baseflow conditions, during which there is higher confidence in attributing the source of any exceedance to the livestock in the allotment. This sampling would occur quarterly at two monitoring points, one upstream of the allotment and one inside the allotment within the SPRNCA boundary. Quarterly monitoring would continue until there is a sample exceedance, at which point monitoring frequency would be completed monthly. If, during one year of monthly monitoring, there are no additional exceedances, then the monitoring frequency would return to quarterly. The sampling threshold would be the same as the Arizona Department of Environmental Quality (ADEQ) assessment: two samples in three years cannot exceed the standard. If a concurrent sample taken upstream of the allotment exceeds the *E. coli* indicator criteria, then a downstream exceedance (if found) would not be attributed to livestock grazing within the Babocomari Allotment.

Water Quality Adaptive Management Criteria

1. If two baseflow *E. coli* samples (attributable to livestock grazing in the Babocomari Allotment) in three years exceed the state water quality standards, the remaining AUMs would no longer be authorized for the River Canyon Pasture for that season of use in which the second exceedance occurs. For the next period of use (starting 11/1), cattle could be returned to the River Canyon Pasture with AUMs reduced (through temporary suspension) by 25% of the original stocking rate. If there is an additional state water quality exceedance in any subsequent years (attributable to livestock grazing in the Babocomari Allotment), all cattle would be removed from the River Canyon Pasture for the remainder of that period of use. For the next period of use, cattle could be returned to the River Canyon Pasture with AUMs reduced by an additional 25% of the original

stocking rate (through temporary suspension). This process would continue until no AUMs are authorized in the River Canyon Pasture.

2. When the water quality adaptive management is activated such that no AUMs are authorized in the River Canyon Pasture (see number 1 above), livestock grazing would be excluded (with the exception of crossing) from the River Canyon Pasture for the life of the lease.

Range Improvements

In order for the BLM to implement the adaptive management on the BLM-administered portion of the allotment that is located within the SPRNCA and to be able to manage that portion separately from the rest of the allotment, the BLM will construct range improvements through the implementation of this decision as described in EA Section 2.2.5.2 and according to the range improvement features described in EA Section 2.2.3.

Compliance Inspections

The BLM will periodically, at least monthly, conduct compliance inspections both within the Babocomari Allotment and on adjacent BLM administered land. In addition, the BLM will conduct compliance inspections based on credible reports of livestock use outside of the Babocomari Allotment or outside of the grazing lease terms and conditions. The BLM will make every effort to identify the livestock owner and take the appropriate action under 43 CFR §§§ 4150, 4160 and/or 4170, which may include impoundment.

RATIONALE

Renewal of the grazing lease is in conformance with the BLM's livestock grazing regulations found at Part 4100 of Title 43 of the CFR (2005) and the AICA which established the SPRNCA. This decision fully processes the grazing lease renewal and provides for livestock grazing in a manner that is consistent with the resource objectives in the SPRNCA Resource Management Plan (RMP) (2019), the Safford District RMP (1992 and 1994), and the Arizona Standards for Rangeland Health. Because this decision is consistent with those resource objectives, and having considered the LHE, EA, BO, and this decision record, I find that this decision ensures that the BLM would continue to manage the SPRNCA "in a manner that conserves, protects, and enhances the riparian area" and its many resources. 16 U.S.C. § 460xx-1(a). On that same basis, I find that renewal of the grazing lease on the terms and conditions included in this decision furthers the primary purposes for which the SPRNCA was established. 16 U.S.C. § 460xx-1(b).

Of the alternatives analyzed in the EA, I am selecting the Proposed Action (Alternative A). The Proposed Action (Alternative A) was developed to respond to recommendations in the LHE to improve rangeland health and achieve resource objectives described in the SPRNCA RMP (2019). The Proposed Action (Alternative A) includes a season of use restriction in the Babocomari River Canyon Pasture such that livestock will only have access to the Babocomari River November 1st through March 31st to limit the impacts to riparian vegetation during the

growing season. The Proposed Action (Alternative A) also includes adaptive management that will require the Authorized Officer to reduce AUMs if resource objectives are not being met. Actions to install and maintain range improvements are designed to better manage the riparian habitat and to better manage livestock grazing on public lands within the Babocomari Allotment and the SPRNCA.

Alternative A.1 (modification to the Proposed Action) is not applicable to the Babocomari Allotment.

Alternative A.2 (modification to the Proposed Action) was not selected because the BLM can implement the Babocomari River Canyon fence along the Babocomari River to better manage the season of use restriction for riparian grazing and quickly exclude livestock from the Babocomari River if water quality thresholds are exceeded.

The No Action alternative (Alternative C) was not selected because it would renew the lease with the existing terms and conditions and without the changes described above that address concerns brought forward in the LHE process and without measures to ensure that the BLM is meeting the resource objectives described in the SPRNCA RMP (2019).

Under the No Grazing alternatives (Alternatives B and D), the grazing lease would not be renewed. These alternatives were not selected because the grazing regime and management actions in the Proposed Action (Alternative A) address the concerns identified in the LHE. Under the Proposed Action (Alternative A), the adaptive management coupled with the IVM treatments (approved by a separate decision) would allow the BLM to move toward achieving Land Health Standards and meet the objectives described in the SPRNCA RMP (2019).

In summary, I find that the Proposed Action (Alternative A) is the combination of actions that best meets the purpose and need for action and would help the BLM move toward achieving Land Health Standard 3 and meet the resource objectives described in the SPRNCA RMP (2019). Based on the analysis of potential impacts described in the EA, the BLM has determined in the FONSI that the Babocomari Allotment lease renewal would not have a significant impact on the human environment beyond those impacts analyzed in the Final EIS for the SPRNCA RMP (2019). Thus, an EA is the appropriate level of analysis, and an EIS will not be prepared. The BLM has determined that the lessee is in substantial compliance with the terms and conditions of its existing Federal grazing lease.

COMPLIANCE AND CONFORMANCE

My decision complies with the management standards set by the AICA and is in conformance with the SPRNCA RMP and associated Record of Decision (ROD) (BLM 2019a) and the 1992 and 1994 Safford District RMP and ROD (BLM 1994) (see EA Section 1.5).

The authority for this decision is:

The Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a through 315r); The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (Public Law 95-514); and Title 43 of the CFR including, but not limited to, the following subparts:

§ 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 CFR 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, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to 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, 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 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) Provision 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, and 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 of this part. To the extent practical, the authorized officer 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.

§ 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 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

The lessee or any other person whose interest is adversely affected by this final grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of this final decision. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by an administrative law judge may also be submitted during this same 30-day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to:

Colleen Dingman
Tucson Field Office
3201 East Universal Way
Tucson, AZ 85756

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), you 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.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at: US Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Courthouse, 401 W. Washington St. SPC 44, Suite 404, Phoenix, AZ 85003-2151 in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, please contact Eric Baker, Rangeland Management Specialist, or me at (520) 258-7201.

Sincerely,



Colleen J. Dingman
Field Manager
Tucson Field Office

Interested Parties

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