



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona Strip District
Grand Canyon-Parashant National Monument
345 East Riverside Drive
St. George, Utah 84790
<http://www.blm.gov/az/>
Phone (435) 688-3200 • Fax (435) 688-3258

In Reply Refer To:
4110, 4130 (LLAZA03000)
0200084, 0201008, 0201062

NOTICE OF GRAZING DECISION

Attn. Gavin Heaton
Superior Cattle LLC
P.O. Box 910088
St. George, Utah 84791

Mr. Heaton:

This is in response to your application to transfer the Belnap, Big Springs Pipeline, and Pa's Pocket Allotment grazing permit from Canyon Edge, LLC; Lazy H Livestock, LC; and Anthony G. Heaton to a qualified applicant, Superior Cattle LLC.

The Belnap Allotment (AZ04849), Big Springs Pipeline (AZ04870) and Pa's Pocket Allotment (AZ04848) are located in the northwestern corner of Arizona on the Grand Canyon-Parashant National Monument. The allotments are located approximately 60 miles southeast of St. George, Utah. The legal description is as follows:

Gila & Salt River Meridian, Mohave County, Arizona.

Portions of the three allotments are within the following townships and ranges (see map):

Belnap: T34N R10W.

Big Springs Pipeline: T32N R9W; T33N R8, T33N R9, T33N R10, T34N R8, T34N R9, T34N R10.

Pa's Pocket: T32N R8W, T32N R9W, T33N R8W, T33N R9W.

Table 1. Management and Acreage of Allotments Proposed for Transfer.

Land Management	Belnap (acreage)	Big Springs Pipeline (acreage)	Pa's Pocket (acreage)
BLM	7397	42186	8087
Other Federal	0	13823	0
State	704	1314	606
Private	120	397	0

The transfer of the Belnap, Big Springs Pipeline, and Pa's Pocket Allotments is authorized with no changes in the season of use, kind of livestock, or number of AUMs, and with the current terms and conditions. Billing will continue to be based on actual use. The term of the new permit will be 4/15/2020 to 4/14/2030. The authorized grazing use and permit terms and conditions are as follows in Table 1 and Terms and Conditions section:

Belnap Allotment

<u>Livestock Numbers</u>	<u>Season of Use</u>	<u>% Federal</u>	<u>Active AUMs</u>
110 Cattle	12/1- 5/15	85	516
4 Horses	12/1- 5/15	85	19

Big Springs Pipeline

<u>Livestock Numbers</u>	<u>Season of Use</u>	<u>% Federal</u>	<u>Active AUMs</u>
222 Cattle	03/01 – 02/28	92	2,451
20 Horses	03/01 – 02/28	92	220

Pa's Pocket

<u>Livestock Numbers</u>	<u>Season of Use</u>	<u>% Federal</u>	<u>Active AUMs</u>
107 Cattle	12/1 – 4/30	87	479
4 Horses	12/1 – 4/30	87	164

AUMs = Animal Unit Months

TERMS AND CONDITIONS

Permit issued will have no changes and includes the Standard Terms and Conditions under 43 CFR 4130.3. The current permit for Eddie and Connie Bundy as renewed in 2016 under the authority of Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291 and BLM Instruction Memorandum 2015-0122. This permit contains the same terms and conditions as the previous permit or lease.

DECISION

The grazing permit is in accordance with the Grand Canyon-Parashant National Monument (GCPNM) Resource Management Plan (RMP), approved February 2008.

Your application and supporting documentation is in order and you meet all requirements under 43 CFR § 4110.2-3 for transfer of grazing preference.

Transfers of grazing preference are categorically excluded from further National Environmental Policy Act (NEPA) review (516 DM 11.9). Based on a review of the action described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that this permit transfer is in conformance with the GCPNM RMP and is categorically excluded from further environmental analysis. An interdisciplinary team completed a review of extraordinary circumstances for applicability and found that none apply. Based on this review, the transfer does not require preparation of an environmental assessment or environmental impact statement.

Therefore, I have decided to approve the transfer of grazing preference described above.

RATIONALE

The transfer of the grazing permit will help to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

AUTHORITY

Statutory and regulatory authorities for this decision are in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976 and 43 CFR § 4100:

43 CFR § 4100.0-8: “The authorized officer shall manage cattle grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans.”

43 CFR § 4130.2(b): “The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.”

43 CFR § 4130.3-1(b): “All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.”

Section 3023 of Public Law (PL) 113-291, National Defense Authorization Act (NDAA) 2015, amends Section 402 of the Federal Land Policy and Management Act of 1976 (FLPMA) and includes seven provisions related to livestock grazing as cited in BLM Instruction Memorandum (IM) No. 2015-122. This IM provides direction for the provisions that address continuing the terms and conditions for livestock grazing when a permit or lease has expired or was terminated due to a grazing preference transfer.

When a field office is unable to complete the requirements of the National Environmental Policy Act of 1969 (NEPA) and other applicable laws prior to the expiration of a grazing permit, it must continue the terms and conditions of the expired permit by issuing a new permit with the same terms and conditions. These nondiscretionary permits issued in accordance with Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291 are not protestable or appealable under the processes described in 43 Code of Federal Regulations (CFR) § 4160 and 43 CFR § 4.470 *et seq* [1]. A permit that is issued under Section 402(c)(2) of the FLPMA is to be issued for 10 years in accordance with Section 402(a) of the FLPMA unless one of the provisions of 43 CFR § 4130.2(d) applies.

Sincerely,

Mark

Wimmer

Mark Wimmer
Monument Manager

Digitally signed
by Mark Wimmer
Date: 2020.03.31
16:41:29 -06'00'

cc: Superior Cattle LLC Case File.

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established by Statute
DOI-BLM-AZ-A030-2020-0005-CX**

**Belnap, Big Springs Pipeline, and Pa's Pocket Allotments
Grazing Permit Transfer**

Location: Arizona Strip, 60 miles SE of St. George, Utah.

Applicant/Address: St. George, Utah

March 2020

Grand Canyon-Parashant National Monument
345 East Riverside Dr.
St. George, UT 84790
435-688-3200
435-688-3258



A. Background

BLM Office: Grand Canyon-Parashant National Monument

NEPA Number: DOI-BLM-AZ-A030-2020-0005-CX

Lease/Serial/Case File No: NA

Proposed Action Title: Belnap, Big Springs Pipeline, and Pa’s Pocket Allotments Grazing Permit Transfer

Location of Proposed Action:

Grand Canyon Parashant National Monument, 60 miles SE of St. George, Utah (see map).

Description of Proposed Action:

The Bureau of Land Management (BLM), Grand Canyon Parashant National Monument are considering an application to transfer Belnap, Big Springs Pipeline, and Pa’s Pocket Allotment Grazing Permit preference from Canyon Edge, LLC; Lazy H Livestock, LC; and Anthony G. Heaton to a qualified applicant, Superior Cattle LC. The numbers and kinds of livestock and the animal unit months would not change as described in the current permit. No other range improvements are proposed.

B. Land Use Plan Conformance

Land Use Plan Name: Grand Canyon-Parashant National Monument Resource Management Plan (RMP)

Date Approved/Amended: January 29, 2008

C. Compliance with NEPA

A. The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with **516 DM 11.9, D. (1)**.

Approval of transfers of grazing preference.

And

B. Extraordinary Circumstances Reviews: In accordance with 43 CFR 46.215, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

Categorical Exclusion Review Record

Preparers / Reviewers	Date
Michael Cutler, Project Lead	/s/ M. Cutler 3/12/2020
Gloria Benson, Tribal Liaison	/s/ G. B. Benson 3/25/2020

Preparers / Reviewers	Date
Michael Cutler, Range/Vegetation/Weeds/S&G	/s/ M. Cutler 3/12/2020
Kendra Thomas, Lands and Realty	/s/ K. Thomas 3/19/2020
Braden Yardley, Recreation/Wilderness/VRM	/s/ B. Yardley 3/18/2020
David Van Alfen Cultural Resources	/s/D. Van Alfen 3/26/2020
Jennifer Fox, Special Status Plants	/s/ J. E. Fox 3/19/2020
Bryan Hansen, Geospatial and GIS	/s/ B. Hansen 3/27/2020
Patrick Fleming, Fire Management Specialist	/s/ P. Fleming 3/18/2020
Amber Hughes, Planning & Environmental Coordinator	/s/ A. L. Hughes 3/17/2020
Jeff Young, Wildlife/T&E Animals	/s/ J. Young 3/20/2020
Rody Cox, Minerals	/s/ R. Cox 3/27/2020
Eathan McIntyre, Soil/Water/Air	/s/ E. McIntyre 3/24/2020

*Identified staff are to review the Extraordinary Circumstances listed below, check the appropriate box (yes/no), comment and initial for concurrence. Add any additional reviewers and applicable manager as appropriate. Rational supporting the concurrence is to be included in the appropriate block.

Extraordinary Circumstance to Categorical Exclusions Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	<p>Rationale: No significant impacts on public health or safety would occur as a result of a change of preference and base water from one operator to another. The proposed action does not change management of the allotment; it simply changes the name of the permit holder.</p> <p><i>Preparer's Initials: MC</i></p>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		

Extraordinary Circumstances

Yes	No X	<p>Rationale: This CX is a transfer of preference from one operator to another with no changes to the mandatory terms and conditions. The permit name change would not have significant impacts to wilderness, recreation, cultural resources, visual resources, migratory birds, or wild and scenic river segments. No changes to the current allotment would therefore not alter the underlying aquifer. The allotment is outside designated wilderness areas, areas with wilderness characteristics, and existing or proposed wild and scenic river segments. However, the allotment is within NPS proposed wilderness. Both allotments proposed for transfer are within a national monument, these allotments were designated as available for livestock grazing in the land use plan and there would be no changes to the current permits or mandatory terms and conditions.</p> <p><i>Preparer's Initials: EM, BY, MC, JY</i></p>
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No X	<p>Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources on the allotment. This CX is a transfer of preference from one operator to another with no changes to the mandatory terms and conditions.</p> <p><i>Preparer's Initials: MC</i></p>
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No X	<p>Rationale: The mandatory terms and conditions would not change. This categorical exclusion is a change of preference from one operator to another, thus no highly uncertain and potentially significant environmental effects or unique or unknown environmental risks would occur.</p> <p><i>Preparer's Initials: MC</i></p>
<p>5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No X	<p>Rationale: The proposed action does not establish precedent for future actions or represent a decision in principal about future actions with potentially significant environmental effects. Any future proposals for actions on the allotments would be considered individually on a case-by-case basis.</p> <p><i>Preparer's Initials: MC</i></p>
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>		
Yes	No X	<p>Rationale: The proposed action does not have a direct relationship to other actions. This action is an administrative action changing the operator on the permit of record.</p> <p><i>Preparer's Initials: MC</i></p>

Extraordinary Circumstances

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No X	Rationale: Cultural Resource Compliance Documentation Record has been completed for the project and found no properties would be affected by the proposed grazing permit transfer (changing the operator name on an existing permit). <i>Preparer's Initials: DVA</i>
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8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No X	Rationale: The proposed action does not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. The proposed action is changing the operator name on an existing permit and does not otherwise modify the terms of the existing permit. <i>T & E Wildlife Preparer's Initials: JY</i> <i>T & E Plant Species Preparer's Initials: JF</i>
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9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No X	Rationale: This proposed action does not violate a federal law, or a state, local or tribal law or requirement imposed for the protection of the environment. It is the administrative action of changing the operator name on an existing permit. <i>Preparer's Initials: MC, GBB</i>
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10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No X	Rationale: Minority, low-income populations and disadvantaged groups may be present within the county and may use the undisclosed location. The proposed action would not cause any disproportionately high and adverse effects on minority or low-income populations, individually or collectively because there are no exposure pathways by which any population would come into contact, such as chemical, biological, physical, or radiological effects. <i>Preparer's Initials: ALH</i>
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11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No X	Rationale: This action would not limit access to and ceremonial use of Native American sacred sites on Federal lands by Native Americans or significantly adversely affect the physical integrity of such sacred sites. <i>Preparer's Initials: GBB</i>
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Extraordinary Circumstances		
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	<p>Rationale: The proposed action does not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). The proposed action is an administrative action changing the preference from one operator to another.</p> <p><i>Preparer's Initials: MC</i></p>

MITIGATION MEASURES/OTHER REMARKS:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

Design Features/Special Conditions/Other Remarks:

D: Signature
 Authorizing Official: Mark Wimmer Digitally signed by Mark Wimmer
 Monument Manager, Grand Canyon-Parashant National Monument Date: 2020.03.31 16:36:16 -06'00' Date:

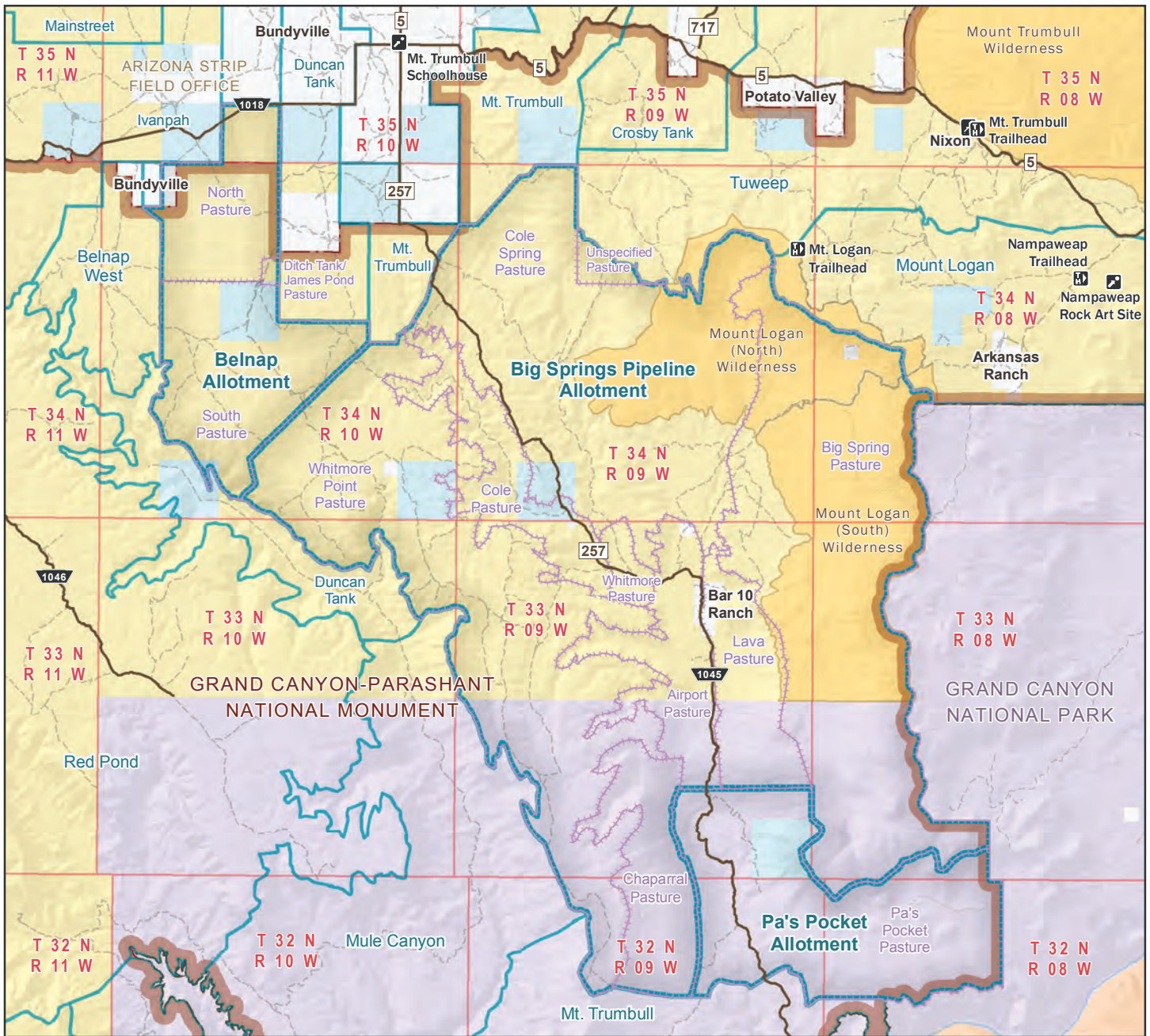
For additional information concerning this CX review, contact Michael Cutler mcutler@blm.gov or 435-688-3277.

Attachments:
 Allotment Map

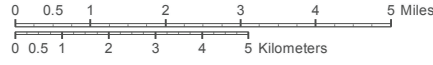


Belnap, Big Springs Pipeline, and Pa's Pocket Allotment Grazing Permit Transfer NEPA Project DOI-BLM-AZ-A030-2020-0005-CX

Bureau of Land Management - Arizona Strip District - Grand Canyon-Parashant National Monument



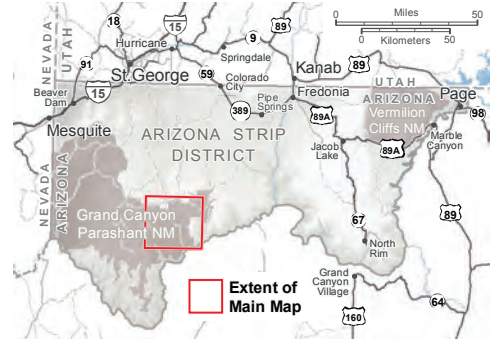
- ▭ Grazing Allotment
- ▭ Grazing Pastures within Transfer Allotments
- BLM National Monument
- Surface Management Agency**
- Bureau of Land Management
- National Park Service
- Indian Reservation
- State
- Private
- PLSS Township
- BLM Wilderness Area**
- Wilderness Area
- Federal Land within Wilderness Area



Map Produced by BLM Arizona Strip District
File: Belnap_BigSprings_PasPocket_GPT_2020.mxd
Coordinate System: NAD 1983 UTM Zone 12N
Reference System: U.S. PLSS GSR&M
Scale: 1:162,000 at 8.5x11 page output
Date: 3/27/2020



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Extent of Main Map