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NOTICE OF FINAL DECISION
Dripping Spring Allotment
Proposed Grazing Permit Renewal as described in
Categorical Exclusion # DOI-BLM-AZ-A030-2021-0002-CX

INTRODUCTION

The Notice of Proposed Decision (NOPD) was signed on April 1, 2021 as part of the permit renewal process for the Dripping Spring Allotment (04818), Authorization #0201808. Western Watersheds Project (WWP) receiving a hardcopy of the NOPD on April 5, 2021. The Bureau of Land Management (BLM) received a hardcopy of the timely protest to the NOPD from WWP on April 19, 2021. The protest reasons are addressed below in Table 1, Response to Protest Statements of Reasons. Addressing the protest reasons did not warrant any changes to the Categorical Exclusion (CX).

As stated in the previously issued notice of proposed decision, the Dripping Springs Allotment consists of 10,508 acres of NPS lands and 1,082 acres of BLM managed lands (total allotment acres 11,590). This final decision is to renew the existing term permit for the Dripping Spring Allotment for five years, consistent with the National Park Service permitting process, under Director's Order #53-Section 10.5, and in conformance with BLM regulations, 43 CFR 4130.2(d)(4).

BACKGROUND

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act (FLPMA) of 1976 provide for livestock grazing use of the public lands that have been classified as available for grazing. Grazing use must be consistent with good range management aimed at conservation and protection of the natural and cultural resources.

An assessment of this allotment was conducted in accordance with the Washington Office and Arizona State Office direction for implementation of the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration. The purpose of the Arizona Standards and Guidelines is to ensure the health of public rangelands. These standards help the BLM, rangeland users, and interested members of the public achieve a common understanding of acceptable resource conditions and work together to implement that vision. Arizona's Standards for Rangeland Health and Guidelines for Grazing Administration were developed by the BLM State Standards and Guidelines Team and the Arizona Resource Advisory Council (RAC), a state level council appointed by the Secretary of the Interior. The Secretary of the Interior approved the Standards and Guidelines for Arizona in April 1997, and the BLM Arizona State Director mandated full implementation of the Standards and Guidelines in all Arizona land use plans.

The CX related to this action (DOI-BLM-AZ-A030-2021-0002-CX) constitutes the BLM's environmental review of the proposed action in accordance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations.

TABLE 1 RESPONSE TO PROTEST STATEMENT OF REASONS

Comment No.	Statement of Reason	Response
No. 1	<p>Where appropriate, an agency <i>may</i> decide to use a CX for a “category of actions which do not individually or cumulatively have a significant effect on the human environment, and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations.” 40 C.F.R. § 1508.4. Procedures for invoking categorical exclusions must provide for “extraordinary circumstances in which a normally excluded action may have a significant environmental effect.” <i>Id.</i> Renewal of an expired term grazing permit generally requires the preparation of a full NEPA analysis. However, in 2014, Congress narrowly amended FLPMA to provide that grazing permits may be renewed under a CX if: (1) the issued permit “continues the current grazing management of the allotment”; and (2) the Secretary has assessed and evaluated the grazing allotment and has determined, based on that evaluation, that it is meeting land health standards or is not meeting land health standards due to factors other than existing livestock grazing. 43 U.S.C. §1752(h). Even if these two requirements are met, BLM may not rely on a CX if extraordinary circumstances exist.</p> <p>The use of a CX for this grazing authorization is inappropriate because the shortened timeframe for public review of relevant documents impedes public participation in the management of these important lands, the current management of the allotment is changed with this decision, there are extraordinary circumstances that preclude its use, and the BLM has failed to accurately identify or analyze cumulative impacts to preclude the use of a CX.</p>	<p>Please refer to Comment Response No. 4, explaining the proper use of CX. As WWP properly stated Congress amended FLPMA through Section 402(c)(2) of FLMPA to provide that grazing permits may be renewed under a CX if: (1) the issued permit “continues the current grazing management of the allotment”; and (2) the Secretary has assessed and evaluated the grazing allotment and has determined, based on that evaluation, that it is meeting land health standards or is not meeting land health standards due to factors other than existing livestock grazing.</p> <p>The Dripping Spring Allotment meets both of the cited criteria for a permit renewal CX (1) there are no proposed changes in AUMs, number of livestock, or season of use for livestock. (2) Land Health Evaluation (LHE) was conducted for the Dripping Spring Allotment in September 2020 by a diverse interdisciplinary and interagency team including an Ecologist, Physical Scientist (soils), Wildlife Biologist, and Rangeland Management Specialist. This team concluded that the allotment, specifically the BLM managed lands are meeting Arizona Rangeland Health Standards. The NPS has also concluded that the NPS managed lands meet Rangeland Ecosystem Conditions. See Response No. 18 for discussion about NPS Rangeland Ecosystem conditions criteria.</p> <p>The BLM allows the same public review period time frame for protest and appeal as with an EA Decision with a 15-day Protest period, and a 30-day Appeal period. As stated in Comment Response No. 4, an EA was completed for this allotment in 2004, which included analysis of resources that are considered as monument objects on the Grand Canyon-Parashant National Monument (GCPNM). This CX authorizes the same grazing AUMs, season of use, and livestock numbers as fully analyzed at that time.</p>
No. 2	<p>Key documents were not included in the project website for the public to review. These documents include the Rangeland Health Evaluation (RLH) purportedly completed in September 2020, allotment monitoring data purportedly included as Appendix B of the CX but not included in the documents provided to the public. Please note that Appendix A of the CX was included.</p>	<p>The ePlanning website is a resource available to the general public. The BLM encourages the general public, as well as interested parties to view and submit input to improve resource management on Public Lands. Two documents addressing the Dripping Spring Grazing Permit Renewal were available at this site on March 29, 2021. The two documents included CX Dripping Spring GPR_Signed.pdf and NOPD Dripping Spring GPR_Signed.pdf. The contents of the CX document are misrepresented by WWP's comments. This referenced CX includes Appendix B, which outlines the LHE summaries and Monitoring Data for the Dripping Spring Allotment. On 4/14/21 it was explained to WWP representative that Appendix B, including the RLH was located in the CX online. WWP located the document and thanked the BLM.</p>

No. 3	<p>BLM’s determination that the permit could be processed using a CX and did not require further NEPA analysis is erroneous because this permit authorization does not “continue current grazing” and extraordinary circumstances precluded use of a CX. 43 U.S.C. § 1752(h); 43 C.F.R. § 46.215. To comply with NEPA, an agency wishing to apply a categorical exclusion must determine first, whether the proposed action falls within a CX, and then whether extraordinary circumstances preclude use of the CX. <i>Ctr. for Biol. Diversity v. Salazar</i>, 706 F.3d 1085, 1097 (9th Cir. 2013). FLPMA provides that grazing permits for BLM lands may be categorically excluded only if the issued permit or lease “continues the current grazing management of the allotment.” 43 U.S.C. § 1752(h). BLM’s NEPA regulations list 12 extraordinary circumstances that would preclude use of a CX. 43 C.F.R. § 46.215. The several extraordinary circumstances the BLM has failed to address include the following: <i>(see No. 4 through No.16 for specific comment and response)</i></p>	<p>For a response to valid use of CX, please refer to Comment Response Nos. 1 and 4.</p> <p>WWP has included 12 bullet statements in comments Nos. 4 through 15. BLM would refer them to either the Dripping Spring CX Extraordinary Circumstance Table, or 43 C.F.R. § 46.215. The Extraordinary Circumstances as stated in the CX and the CFR guidance is specific. The bulleted statements that WWP has represented may be WWP’s general interpretation of these requirements. Regardless to interpretation, BLM has responded to the individual bulleted statements beginning with Comment Response No. 4.</p>
No. 4	<ul style="list-style-type: none"> • Of the 70 allotments in the GCPNM, BLM has renewed 44 without conducting any environmental analysis via the “grazing rider.” The fact that the vast majority of allotments within the Monument have been authorized via Section 402(c)(2) of FLMPA means that no analysis of the impacts of livestock grazing has been completed on nearby allotments (and including this allotment) for, in some cases, decades. 	<p>There are 23 active grazing allotments and 27 authorizations managed by the GCPNM. Of these, 17 authorizations (15 allotments) have received full NEPA analysis through an EA. There are also two Forage Reserves managed by GCPNM. Forage Reserves have no long-term permittee or authorization. As a permit renewal EA is conducted by authorization, the Forage Reserves are not included in the fully processed category. The Dripping Spring Allotment had an Environmental Assessment (EA) completed and signed in 2004. That EA fully analyzed the current level of grazing as well as the current season of use for this allotment. There are no proposed changes in AUMs, or season of use on this allotment.</p> <p>The 2004 EA analyzed the current level and season of grazing use. Since that time, a LHE was conducted in Dripping Spring Allotment in September 2020. The interdisciplinary specialists present for this evaluation concluded that the allotment is meeting Arizona Rangeland Health Standards. Monitoring data for this allotment, indicates an upward trend at both monitoring sites, and data indicates that the vegetation is generally in a mid-late seral state. All of these factors were considered and led to the determination that a CX may be used to renew the existing permit as per applicable agency policy.</p>
No. 5	<ul style="list-style-type: none"> • Historic, ongoing, long-lasting drought in the region is clearly an extraordinary circumstance. 	<p>Responses to drought impacts are addressed administratively through permit terms and conditions under 43 CFR §4130.3 or through implementing changes in active use un 43 CFR §4110.3-3. As a matter of information: since October of 2020, multiple communications (written and verbal) have been made with livestock operators in GCPNM. The permittee on this allotment has responded with livestock reductions to protect resources during this exceptional drought.</p>
No. 6	<ul style="list-style-type: none"> • Climate change impacts to the capacity of these lands to support livestock grazing have not been considered and are an extraordinary circumstance. The use of a CX fails to comply with President Biden’s Executive Order 14008 Tackling the Climate Crisis at Home and Abroad. January 27, 2021. 	<p>Executive Order (EO) 14008 is a framework for addressing climate change on a broad scale. This EO is recent, and to date, neither the Bureau nor the Department has incorporated this language into the Extraordinary Circumstances section of CXs as a matter of policy. This EO directs the Secretary of the Interior, and the agencies within this department to develop</p>

	<p>https://www.whitehouse.gov/briefingroom/presidentialactions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-homeand-abroad/. Accessed April 14, 2021, which states: It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.</p>	<p>specific plans to address climate change. The GCPNM complies with the guidance outlined in EO 14008 and SO 3399. We rely on and incorporate science-based decision making. In regard to range management, this includes trend monitoring data, RLH evaluations, and ecological site descriptions (ESDs) to evaluate the conditions of an allotment. All actions are informed by our Tribal Liaison and working relations with tribal neighbors. The BLM and NPS will continue to comply with guidance including EOs and SOs developed by this administration.</p>
No. 7	<ul style="list-style-type: none"> The Allotment Management Plan (AMP) is extremely outdated – from 1982. 	<p>The age of an AMP may or may not preclude its usefulness. There is no expiration date for an AMP, but they may be revised as per 43 CFR 4120.2. This AMP was revised in 1998 prior to the fully processed 2004 EA. This AMP implemented a two-pasture rotational – deferred grazing system which allows alternating seasonal rest in this allotment. The allotment is exhibiting an upward trend and the vegetation community is in mid-late seral stages. The allotment is meeting Arizona RLH Standards. Consequently, no revision to the AMP is indicated.</p>
No. 8	<ul style="list-style-type: none"> Allowable use of 50% utilization is excessive. 	<p>This level of use is in conformance with decision MA-GM-08, from the 2008 GCPNM Resource Management Plan (GMP/RMP) for grazing allotments with a rotational grazing system (Dripping Spring has a two-pasture rotation-deferred grazing system)</p>
No. 9	<ul style="list-style-type: none"> The use of Adaptive Management is controversial, can result in significant changes to the grazing permit terms, conditions, and timing of on-off dates, and depends on “careful monitoring” for which funding sources are not certain. 	<p>Adaptive management is described in the CX under the description of Proposed Action. Adaptive management, in and of itself is not considered a controversial method of management. Rather, adaptive Management allows the BLM and NPS the ability to respond to unknown conditions which may include extreme drought or wildfire, for example.</p>
No. 10	<ul style="list-style-type: none"> The project location within the Grand Canyon Parashant National Monument elevates the level of protection both BLM and NPS must use when managing these lands. 	<p>The livestock grazing within this allotment is in compliance GCPNM RMP 2008; site specific grazing permit renewal EA 2004; meets Arizona Standards for RLH 2020; long term trend monitoring data exhibits an upward trend in the vegetation community for this allotment (data collected approximately on a five-year basis since 1982). See Comment Response No. 18.</p>
No. 11	<ul style="list-style-type: none"> Paleontological, historic and cultural objects are or may be found within the allotment. 	<p>The GCPNM staff evaluated the proposed action through the Extraordinary Circumstances review (Nos. 1, 2, and 7) with respect to paleontological, historic, and cultural objects. The presence of these objects does not preclude the permit renewal from occurring. Appropriate stipulations to mitigate potential impacts would be incorporated in the terms and conditions of the permit under 43 CFR §4130.3.</p>
No. 12	<ul style="list-style-type: none"> The cumulative impacts of livestock grazing have not been adequately assessed. 	<p>As stated in Comment Response No. 4, an EA was completed in 2004 that fully analyzed the effects of livestock grazing on the Dripping Spring Allotment. That EA fully analyzed the current authorized season of use and AUMs. This CX proposed no changes to the level and season of use analyzed in 2004. The Interdisciplinary Team (IDT) concluded that there are no</p>

		changes that have occurred since that document that warrant changes to this permit.
No. 13	<ul style="list-style-type: none"> The cumulative impacts of BLM’s proposed vegetation management projects (Uinkaret and Shivwits) have not been included in the analysis of this project and this allotment is within the footprint of the Shivwits vegetation management project. 	There are no proposed vegetation treatments in the Dripping Spring Allotment associated with either of the mentioned projects. The Dripping Spring Allotment is outside of both the Shivwits Plateau Landscape Restoration Project and the Uinkaret Mountains Landscape Restoration Project areas.
No. 14	<ul style="list-style-type: none"> It is unclear if the allotment is meeting NPS Management Policies or whether the BLM’s RLH evaluation has incorporated the NPS Vital Signs initiatives. 	As per pg. 9 of the NPS 2008 Record of Decision : “On NPS lands, when appropriate, the implementation of BLM standards and guides may be modified by incorporating NPS Vital Signs standards and monitoring results.” The BLM and NPS have agreed to use trend monitoring as a means of assessing land health in conformance with the ROD. Information about the status of vegetation and land health can be found in response to Comment Response No. 18.
No. 15	There are unexplained changes in the number of active and suspended AUMs. Per the CX, at page 2, the BLM plans to authorize 24 cattle, or 168 active AUMs and 136 suspended for a total of 304 AUMs. However, that number of cattle and AUMs (active and suspended) doesn’t fit within the grouping the BLM has provided in RAS information. It appears that the BLM has changed the on-off dates for all or a portion of this allotment, which moves this permit outside the scope of the CX.	<p>There are two separate authorizations for the Dripping Spring Allotment (two separate permittees). It may be that WWP has mistakenly viewed data for the other authorization for this allotment (which has different AUMs, but same season of use). The RAS site available to external individuals and groups does show a rounding error for this subject authorization. It states the authorized Active AUMs is 167. The authorized Active AUMs for this authorization are actually 168. We often see this when the number of livestock and on/off dates do not equal the exact Active AUMs, there may be a slight rounding error.</p> <p>Both the CX and the NOPD clearly show in a table form the correct number of current Active and Suspended AUMs, season of use, and number of livestock for the authorization proposed for permit renewal. It is clearly stated in the CX/CE that the proposal being considered would authorize no changes to season of use or AUMs.</p>
No. 16	The total acres for the allotment are 1,082 BLM managed lands and 10,508 acres National Park Service managed lands for a total of 11,590 acres. Clearly, the vast majority of livestock grazing is taking place on NPS managed lands, which make up over 93 percent of the allotment and require a higher level of protective management than BLM managed lands normally require, unless there is a special protective designation, as there is for this allotment, which means the entire allotment requires special care and consideration.	See Responses Nos. 1 and 17.
No. 17	Additionally, the Key Area trend indicates that forage species are declining (<i>Bromus rubens</i> (this is a non-native invasive species which contradicts information in the CX that there are no invasive species on this allotment), <i>Erodium cicutarium</i> (also non-native and invasive) or there is no information provided other than a single data point for many annuals/forbs (<i>Festuca octoflora</i> , <i>Layia glandulosa</i> , <i>Plantago insularis</i> , <i>Poa begelovii</i> , <i>Baileya multiradiata</i> , <i>Sphaeroclea</i> , <i>Encelia</i> , <i>Ephedra</i>).	BLM agrees that there are known non-native invasive species present in the allotment and is acknowledged and addressed under Extraordinary Circumstances Rationale No. 12. WWP may have mistaken that by stating “No” for this Extraordinary Circumstances does not indicate that there are no invasive plants present, it merely states that the BLM is aware and continues to control known non-native invasive plants to the extent possible.

	<p><i>Calochortus flexuosus</i> and <i>Coleogyne ramosissima</i> are declining. It appears that native vegetation is not doing well, though the information provided gives nothing for the public to compare. It is not clear how BLM determined that this allotment was meeting the standards for rangeland health.</p>	<p>The data and attainment of Rangeland Health Standards are specific to the BLM managed lands within the allotment. The NPS has concluded that the permanent long term frequency trends, are a good indicator of the Rangeland Ecosystem Conditions (REC) (in another comment (DS-A14), WWP has referred to these in the broad sense as “Vital Signs”). BLM does not concur with WWP’s conclusion “native vegetation is not doing well”. Frequency trends are conducted along the same general transect approximately every 5 year. This means that there may be some natural sampling variation from year to year. These variables cause GCPNM staff to observe the general trend rather than one specific year’s data. Although the <i>Calochortus flexuosus</i> has declined at one site, it has increased at the another frequency trend site. The general trend over the decade, this species in particular was not present at either site, and now is increasing at one of the sites, with what may be natural fluctuation or sampling discrepancies at the other. <i>Salvia mohavensis</i>, another native forb also was not present up until the past decade, now it is increasing at Key Area #2. <i>Ephedra</i> sp., another native, considered palatable for livestock browse has increased at both key area sites.</p>
<p>No. 18</p>	<p>This decision is a violation of the Federal Lands Policy and Management Act (FLPMA), National Conservation Lands (NCL) direction, the Bureau of Land Management Instruction Memorandum 2009-215, and the Omnibus Public Land Management Act of 2009 (OPLMA) Instruction Memorandum (IM) 2009-2151 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, wildlife, paleontological, archaeological, and cultural resources are specifically mentioned in the GCPNM Proclamation as objects for protection but livestock grazing is not.</p>	<p>The GCPNM determined that grazing was appropriate under the 2008 GCPNM GMP/RMP. The Presidential Proclamation establishing the Monument (# 7265), states:</p> <p><i>The Bureau of Land Management shall continue to issue and administer grazing leases within the portion of the monument within the Lake Mead National Recreation Area, consistent with the Lake Mead National Recreation Area authorizing legislation. Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing leases on all lands under its jurisdiction shall continue to apply to the remaining portion of the monument.</i></p> <p>Note that the area referenced in the Proclamation as the Lake Mead National Recreation Area included 200,000 acres of NPS legislative boundaries of what is now managed by NPS- GCPNM.</p> <p>See also, Comment Response No. 4 for a discussion regarding the FLPMA and NEPA compliant analysis of impacts in the 2004 Permit Renewal EA.</p>
<p>No. 19</p>	<p>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 GCPNM Proclamation establishes the values for which the Monument lands were designated and is applicable law with which BLM must</p>	<p>See Comment Response No. 18.</p>

	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.	
No. 20	The CX provides essentially no information regarding natural resources on the Monument, including the status of wildlife, vegetation, soil health, and other ecosystem functions. 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)).	The extraordinary circumstances review addresses a number of resources on the Monument that are Monument objects. In the Description of the Proposed Action, monitoring data is summarized. In Appendix B, this data is further described as both sites have exhibited an upward trend and are in mid-late seral stages. The Rangeland Health section, states that the allotment is “meeting all applicable standards for rangeland health.” The RLH data is described in further detail in Appendix B.
No. 21	The Record of Decision for the GCPNM Resource Management Plan (2008 RMP at 14-15) makes clear that the BLM anticipated future NEPA processes for site-level decision-making, including for livestock grazing: Measures to avoid or minimize environmental harm were built into the Approved Plan where practicable and appropriate. Many of the standard management provisions will minimize impacts when applied to activities proposed in the Monument. The Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (BLM 1996) will be used as the base standards to assess the health of BLM-administered lands in the Monument. Best management practices will be used where applicable for a number of uses including livestock grazing, recreation management, and realty actions. Additional measures to mitigate environmental impacts may also be developed during subsequent NEPA analysis at the activity-level planning and project stages, or through legally-mandated consultations covering those same proposed actions. The “subsequent NEPA analysis at the activity-level planning and project stages” anticipated in the NEPA process for the Monument RMP has not materialized for livestock grazing. The result is that the most widespread and destructive use of Monument lands has largely escaped environmental review and analysis. This is both an extraordinary circumstance and an independent NEPA and FLPMA violation.	See Comment Response No. 4, which addresses concerns that the majority of authorizations and allotment on GCPNM have been fully processed through completion of an EA. The response also addresses RLH in this allotment.
No. 22	For the reasons stated above, the BLM’s proposed decision is arbitrary and unsupported by the facts. As such, WWP protests the Proposed Decision, which must be withdrawn and a full, objective NEPA analysis of a full range of alternatives must be prepared before this project is approved.	In 2004, the BLM completed an EA that fully analyzed the current season and AUMs proposed in this CX for the Dripping Spring Grazing Permit Renewal. The BLM and NPS have long term frequency trend monitoring that supports that the vegetation community within this allotment exhibits an upward trend and is in a mid-late seral stage. The BLM completed a RLH evaluation 2020 with an IDT and has documented that the portion of the allotment managed by the BLM is meeting Arizona Standards for Rangeland Health. The NPS does not require RLH evaluation, however they have relied on the exiting long term frequency trend monitoring located on NPS land (summarized in CX and detailed in Appendix B) to determine that based on this monitoring, the allotment is meeting NPS Rangeland Ecosystem Conditions (see also Comment Response Nos. 14 to 17).

FINAL DECISION

After considering the environmental review contained within the referenced CX, it is my final decision to authorize the action as described in the CX and summarized below. This decision is to cancel the existing term grazing permit for the Dripping Spring Allotment and issue a new five-year term permit. The specific decision is outlined below.

Grazing Permit

A new grazing permit will be issued for a period of five years for the Dripping Spring Allotment. There will be no changes in the number of livestock or season of use for the allotments; there will be no change in animal unit months (AUMs). The new grazing permit will include the mandatory terms and conditions shown below in Table 1.

Table 1 - Mandatory Terms and Conditions

Allotment Name	Livestock Number and Kind	Grazing Period	Percent Public Land	Active AUMs	Suspended AUMs	Total AUMs
Dripping Spring	24 Cattle	11/01 – 02/28 03/01 – 05/31	100%	168	136	304

Other Terms and Conditions

The permit issued would include the Standard Terms and Conditions under 43 CFR 4130.3. In addition, the other terms and conditions of the permit are:

- The GCPNM would manage the allotment to ensure that livestock grazing would comply with Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800.3). No known impacts to sites eligible for or listed on the National Register of Historic Places (NRHP) or historic properties resulting from grazing have been identified. If historic properties (standing walled historic or prehistoric structures, rock art, or other sites potentially eligible to the NRHP) are found to be impacted by cattle, preventative and mitigation measures would be implemented including but not limited to fencing, recordation, data collection, and monitoring as is standard operating procedure under the NHPA.
- If any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (Public Law 101-601; 104 Stat. 3048; 25 U.S. Code 3001) are discovered in connection with allotment operations under the grazing permit, the permittee would be required to protect the immediate area of the discovery and immediately notify the BLM authorized officer or authorized representative.
- The permittee will use the actual use billing system.
- Use of nutritional livestock supplements is allowed, including protein, minerals, and salt. However, any supplements used must be dispersed at a minimum of ¼ mile from any known water sources, and cultural or sensitive sites. Any hay or other feed used in administering the livestock operation must be certified weed-free and subject to approval prior to use.
- With prior approval, more livestock may be grazed for a shorter period, within the authorized dates, so long as the active AUMs are not exceeded.

RATIONALE FOR DECISION

This decision has been made after considering impacts to resources, such as vegetation, wildlife, cultural resources, and soils, while providing opportunities for livestock grazing that meets management objectives, including the Arizona Standards for Rangeland Health and Guidelines for Livestock Grazing Management and the Grand Canyon-Parashant National Monument GMP/RMP.

The environmental review, documented in the above referenced CX, indicates that the action is in conformance with the RMP. The CX constitutes the BLM and NPS compliance with the requirements of NEPA, and procedural requirements as provided in the Council on Environmental Quality regulations. Based upon the above information and analysis, I have determined that the action will allow the Dripping Spring Allotment to continue to meet the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration and land use plan objectives. Section C of the referenced CX documents BLM's policy compliance in accordance with Section 402 (h)(1) of the FLPMA. Section 3023 of Public Law 113-291, National Defense Authorization Act of 2015, which amended FLPMA and permits the BLM to use a categorical exclusion when:

1. The permit continues the current grazing management of the allotment, and,
2. A LHE Report (land health assessment and evaluation) has been completed in accordance with BLM Manual Handbook H-4180-1 Rangeland Health Standards, and
3. The Authorized Official concludes from the findings of the LHE report that the public land subject to the evaluation is meeting land health standards, and
4. The BLM conducts an Extraordinary Circumstances Review in accordance with 43 CFR 46.215. Where, 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.

The current season of use, AUMs, and livestock numbers were previously analyzed through an EA in 2004. A Rangeland Health (RLH) evaluation was completed in September 2020 by an interagency interdisciplinary team for the BLM lands using the methodology described in *Interpreting Indicators of Rangeland Health Version 4* (CX References - Pellant et al. 2005). Based on evaluation of available trend monitoring data, utilization reports, including data collected during the LHE (Appendix B of the CX), it is determined that the allotment is meeting the Arizona Rangeland Health Standards. During the preparation of the CX, no extraordinary circumstances were found to apply.

AUTHORITY

The authority for this decision is found in a number of statutory and regulatory authorities contained in: The Taylor Grazing Act, as amended; the Federal Land Policy and Management Act of 1976, as amended; and throughout Title 43 of the Code of Federal Regulations (CFR), Part 4100 (Grazing Administration-exclusive of Alaska). The following sections of Part 4100 are noted below, although other subparts of Part 4100 are used to authorize grazing activities, with this listing not meant to be exhaustive.

§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 grazing 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.”

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

§4130.3 “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

§4130.3-1(a) “The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

§4130.3-1(c) “Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.”

§4130.3-2 “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to: ... (d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made; ... (f) Provisions for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants ... of for the protection of other rangeland resources and values consistent with objectives of applicable land use plans,”

§ 4160.3(b): Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

RIGHT OF APPEAL

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM 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 the final decision. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. Pursuant to 43 CFR 4.471 and 4160.3(c), a petition for a stay of the decision pending final determination of the appeal by the 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 the Grand Canyon-Parashant National Monument address, as noted above. Electronic pleading and appeals are not acceptable methods for filing.

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

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 attachment of this Decision, (2) The appropriate Office of the Solicitor as follows, in accordance with 43CFR § 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 CFR § 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 a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 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.

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Wimmer
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2021.001.20155

Mark Wimmer, Monument Manager
Grand Canyon-Parashant National Monument

Enclosure:

Appendix A - List of all Persons or Groups Receiving this Notice of Final Decision.

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