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NOTICE OF PROPOSED DECISION

Imlay and Sullivan Tank Allotments

Proposed Grazing Permit Renewal as described in

Environmental Assessment DOI-BLM-AZ-A030-2021-0006-EA

INTRODUCTION

This Notice of Proposed Decision (NOPD) is the final administrative step in the land health evaluation and permit renewal process for the Imlay (AZ04817) and Sullivan Tank (AZ04816) Allotments. This proposed decision is to renew the existing grazing permit for the Imlay Allotment and Sullivan Tank Allotments for a period of ten years with proposed changes and new terms and conditions, as described in the “Decision” section below.

BACKGROUND

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act 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 directions set forth by the Washington Office and Arizona State Office 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 Bureau of Land Management (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, 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 previous ten-year permit renewal process involved the public by conducting a scoping meeting for the Imlay Allotment on 1/15/2003 and for the Sullivan Tank Allotment on 3/31/2004, followed by a field visit to the Imlay Allotment on 8/7/2004 and the Sullivan Tank Allotment on 6/30/2004. The subsequent evaluation was conducted by an interdisciplinary assessment team of BLM resource specialists assisted by the rangeland resources Team appointed by the Arizona Resource Advisory Council. The BLM completed an evaluation of rangeland health conditions on the Imlay and Sullivan Tank Allotments on 8/15/2005. The Imlay and Sullivan Tank Allotments were combined under one AMP developed in 1988 and revised in 1990. Therefore, the two allotments were assessed together under the same Grazing Allotment Management Plan Assessment conducted in accordance with directions set forth in the Washington Office Instruction Memorandum No. 98-91 and Arizona State Instruction Memorandum No. 99-012 for implementation of Standards for Rangeland Health and Guidelines for Grazing Administration (Standards and Guides). An allotment assessment report for the Imlay/Sullivan Tank AMP was completed on August 15, 2005, where it was concluded that the Imlay/Sullivan Tank Allotment Management Plan (AMP) area is making significant progress toward meeting the applicable standards for rangeland health.

Following the land health assessment, BLM fully processed the permit in 2007. In 2017, prior to the expiration of the 2007-issued permit the BLM renewed the permit under the authority of the 2015 amended Federal Land Policy Management Act (FLPMA-402 (c)(2)). As per policy, no changes were made to the permit to allow time for fully processing the new ten-year permit which involved the change of the season of use, the combining of the allotment boundaries, and account for minor changes to livestock class by adding horses to the permit.

Monitoring data has continued to be collected since the original allotment assessments was completed in 2005 (see Appendix C and D in the EA). The allotments were revisited by an interdisciplinary team of resource specialists and the permittees in 2019 to update the assessment using the methodology described in *Interpreting Indicators of Rangeland Health Version 4* (EA References - BLM 2005b). That information combined with recent monitoring data shows that both allotments continue to make significant progress toward meeting the applicable standards for rangeland health.

The EA (DOI-BLM-AZ-A030-2021-0006-EA) analyzes the potential effects of the proposed grazing permit renewal in accordance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. A preliminary version of the EA was posted on the BLM ePlanning web page on March 24, 2021, for public review and comment, and a notice of public comment period letter was sent to those persons and groups listed on the Arizona Strip District Office interested publics mailing list notifying them of the availability of the EA for a 30-day review and comment period. All comments received during development of the preliminary EA were considered and incorporated in the final EA (EA Appendix G). The final version of the subject EA, decision record, and Finding of No Significant Impact is now posted on the ePlanning website at: <https://eplanning.blm.gov/eplanning-ui/admin/project/2012292/570>

FINDING OF NO SIGNIFICANT IMPACT

After consideration of the environmental effects described in the EA and supporting documentation, I have determined that the selected action is not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No effects identified in the EA meet the definition of significant in context or intensity as described in 40 CFR §1508.27. Therefore, the preparation of an environmental impact statement is not required as per Section 102 (2) of NEPA. This finding and conclusion is based on the consideration of the Council on Environmental Quality's criteria for significance (40 CFR §1508.27), both with regard to the context and the intensity of impacts described in the EA and as described in the attached Finding of No Significant Impact.

PROPOSED DECISION

After considering the analysis contained within the above referenced EA, and a review of existing monitoring data and land health related data, it is my proposed decision to renew the existing term grazing permit for Imlay and Sullivan Tank Allotments and issue a new ten-year term permit with proposed changes and new terms and conditions for the allotment. Alternative A (Proposed Action) is selected as the approved action, the specific decision is outlined below.

Grazing Permit

The existing grazing permit for the Imlay Allotment and Sullivan Tank Allotment will be renewed for a period of ten years. Proposed changes will combine the Imlay Allotment and Sullivan Tank Allotment into one allotment called Imlay and Sullivan Tank Allotment with four fenced pastures. Retain the current Imlay Allotment number, AZ04817, for the new combined allotment. There will be no change in the total number of AUMs limited to the current active preference and suspended AUMs (Table 1 below). The AUMs for each allotment will be combined (see Table 1 below and EA Table 2.1). There will not be an increase in total AUMs. The new season of use will be 10/1 – 6/15 (Table 1). The entire allotment will be rested from livestock from 6/16 – 9/30 each year.

The Proposed Action includes allowing up to eight horses to graze during the new season of use. Horses will be rotated through the pastures with the cattle. When horses are grazed, a corresponding reduction in the number of cattle will be made (See Table 1 for distribution of AUMs between livestock). Combining the two allotments into one allotment resulted in a recalculation of the percent public land for the combined allotment. Percent public land is based on AUMs on public land within the new combined allotment. The new combined allotment will have 97% public land (Table 1).

Table 1. Mandatory Terms and Conditions – Imlay and Sullivan Tank Allotment

Allotment Number	Allotment Name	Livestock Kind	Livestock Number	Season of Use	Percent Public Land ¹	Active AUMs	Suspended AUMs
AZ04817	Imlay & Sullivan Tank	Cattle	136	10/1 – 6/15	97%	1119	1164
AZ04817	Imlay & Sullivan Tank	Cattle	1	10/1 – 2/28	97%	5	0
AZ04817	Imlay & Sullivan Tank	Horses	8	10/1 – 6/15	97%	66	0
Total AUMs						1190	1164

¹Percent public land is based on AUMs.

Allotment Management Status Category

The Imlay Allotment is currently categorized as an Improve “I” allotment. The Sullivan Tank Allotment is categorized as a Maintain “M” allotment. Combining the two allotments will put the management status to an Improve “I” for the combined allotment. For more information on management status categories see EA Section 3.4.1.

Grazing System

Within the combined allotment there would be four fenced pastures (EA Figure 1). Pasture movements would be based on reaching utilization levels and based on water availability. Utilization of key forage species would be limited to an average of 50 percent of the current year’s growth as per the 2008 RMP. Livestock would typically start in the fall, in the largest pasture, the Sullivan Tank Pasture. In January, livestock would be moved to the Imlay-Hobble Pasture, and in April, livestock would be moved to Imlay-East Pasture. The Little Joe Pasture is the fourth pasture and is the smallest and is not always used every year. When it is used, it is utilized as a holding pasture for bulls which would continue under this alternative. When 50 percent forage utilization is reached, livestock would be moved to another pasture or off the allotment completely. The order of pasture rotation may change from year to year depending on forage conditions. The entire allotment would be rested from 6/16 – 9/30 every year to provide summer/early fall growing season rest.

In addition to the “Mandatory Terms and Conditions” and standard language on the last page of the grazing permit, the following terms and conditions will be added to the “Other Terms and Conditions” section on the new grazing permit for the Imlay and Sullivan Tank Allotment.

Other Terms and Conditions:

- Allowable use on key forage species is 50% on allotments with rotational grazing systems. When 50% forage utilization is reached, livestock will be moved to another pasture or off the allotment completely.
- Use of nutritional livestock supplements is allowed, including protein, minerals, and salt. However, any supplements used must be dispersed a minimum of ¼ mile from any known water sources, riparian areas, populations of special status plant species, winterfat dominated sites, and cultural or any other sensitive sites.
- The permittee would be allowed to use an actual use billing system. This privilege may be revoked, and the permittee placed on advanced billing if payment of bills and/or actual use reports are late or for other compliance-based related reasons. An actual use grazing report (Form 4130-5) must be submitted within 15 days after completing annual grazing use.

Monitoring and Adaptive Management

This decision includes adaptive management, which provides options for management that may be needed to adjust decisions and actions to meet desired conditions as determined through monitoring. BLM resource specialists will periodically monitor the allotment over the ten-year term of the grazing permit to ensure that the fundamentals or conditions of rangeland health are being met or making progress towards being met, in accordance with 43 CFR § 4180. If monitoring indicates that desired conditions are not being achieved and current livestock grazing practices are causing non-

attainment of resource objectives, livestock management of the allotment will be modified in cooperation with the permittee(s).

Adaptive management allows the BLM to adjust the timing, intensity, frequency, and duration of grazing; the grazing management system; and livestock numbers temporarily or on a more long-term basis, as deemed necessary. An example of a situation that could call for adaptive management adjustments is drought conditions. If a permittee disagrees with the BLM's assessment of the resource conditions or the necessary modifications, the BLM may nevertheless issue a Full Force and Effect Grazing Decision to protect resources.

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 Resource Management Plan (RMP). Alternative A (Proposed Action) was chosen in its entirety. The NEPA analysis, documented in the EA, indicates that the action is in conformance with the RMP. Impacts from the action are either minimal or mitigated through design features incorporated into the action.

The EA constitutes the BLM's compliance with the requirements of NEPA, and procedural requirements as provided in the Council on Environmental Quality regulations. The EA went through an interdisciplinary review process. As documented in the EA analysis of the allotment's updated monitoring data and supporting documentation in the land health evaluation report, resource conditions on the allotments are making progress toward meeting all applicable standards for rangeland health. Based upon the above information and analysis, I have determined that implementing the proposed action will allow the allotments to continue making progress toward meeting all applicable standards for rangeland health.

Alternatives B and C would not provide the same livestock grazing opportunities as the proposed action. Alternative B – No Action, Permit Renewal with No Changes was not chosen. This alternative would renew the existing ten-year term grazing permit with no changes with the current terms and conditions. This alternative would not allow the flexibility to graze eight horses in place of eight cattle or combine the two allotments and allow an extended season of use without adding total AUMs.

Alternative C – No Grazing was not chosen. Alternative C would reissue a ten-year term grazing permit on the Imlay and Sullivan Tank Allotments with zero authorized AUMs for active preference – all AUMs would be suspended (i.e., livestock grazing would be deferred for the ten-year permit period). In ten years, the allotments would be re-evaluated. No new range improvement projects would be constructed, and no modifications would be made to existing projects.

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.

43 CFR §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).”

43 CFR §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.”

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 “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.”

43 CFR §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.”

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

43 CFR §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,”

43 CFR §4160.1(a): Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision in accordance with 43 CFR §4160.2 in person or in writing to the authorized officer, Mark Wimmer, at 345 East Riverside Drive, St. George, Utah, 84790 within 15 days after receipt of such decision. If protest is sent by facsimile or email, the date filed is not official until the BLM receives the original by mail. Electronic dates of submissions are not acceptable. The protest should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, this proposed decision shall constitute my final decision without further notice, in accordance with 43 CFR §4160.3(a). Should a timely protest be filed, I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR §4160.3(b). Electronic pleading and appeals are not acceptable methods for filing.

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 or 30 days after the date the proposed decision becomes final. 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 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 as noted above.

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. 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: U.S. Courthouse, Suite 404, 401 West Washington Street, SPC-44, Phoenix, Arizona 85003-2151 in accordance with 43 CFR §4.470(a) and §4.471(b).

Digitally signed by Mark Wimmer
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Mark Wimmer
Monument Manager

Enclosures:
List of all Persons or Groups Receiving this NOPD

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