



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona Strip Field Office
345 East Riverside Drive
St. George, Utah 84790
www.az.blm.gov

In Reply Refer To:
AZ-110: 4160

May 1, 2014

Certified #
RETURN RECEIPT REQUESTED

FINDING OF NO SIGNIFICANT IMPACT
and
NOTICE OF PROPOSED DECISION

INTRODUCTION

This Proposed Decision is the final administrative step in the condition assessment and permit renewal process that began on the Kanab Gulch Allotment in August of 2003. In order to fulfill the requirements for "consultation, cooperation and coordination", copies of this decision have been sent to the permittee, US Fish and Wildlife Service, Arizona Game and Fish Department, any lien holder of record, and all of the interested publics designated on this allotment.

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 which 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 in the Washington Office Instruction Memorandum No. 98-91 and Arizona State Instruction Memorandum No. 99-012 for implementation of the Standards for Rangeland Health and Guidelines for Grazing Administration (Standards and Guides).

The purpose of Standards and Guides 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 and Guides were developed by the BLM State Standards and Guides 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 Guides for Arizona in April 1997. The Decision Record, signed by the BLM State Director (April 1997) provides for full implementation of the Standards and Guides in all Arizona Land Use Plans.

On August 27, 2003, the public was notified about the Kanab Gulch Allotment evaluation and was invited to participate in the process. Different individuals, groups, organizations and agencies were contacted from the general Arizona Strip District mailing lists to determine specific interest in the Kanab Gulch Allotment and to solicit interest in the decision making process for term grazing permit renewal and Standards and Guides evaluation.

The permittees, RAC, Interdisciplinary Assessment Team, Rangeland Resource Team, and the interested public were invited to an issue scoping meeting for Kanab Gulch on October 22, 2003. The Kanab Gulch assessment was completed on January 19, 2007. This fulfilled the purpose of the assessments to determine if the existing soil, water, and vegetative resources on public lands within the Kanab Gulch Allotment, meet, are making significant progress toward meeting, or are not meeting the standards. A thirty-day comment period on the report was afforded to the permittees, Arizona Game and Fish Department, Arizona State Land Department, Interdisciplinary Assessment Team, Arizona Resource Advisory Council, Rangeland Resource Team and the designated interested public, which served as scoping for the permit renewal process. An environmental assessment (EA) for the renewal of the grazing permit for the Kanab Gulch Allotment was completed in April 2014. A Notice of Proposed Decision was issued on October 3, 2008, and a Notice of Final Decision was issued on May 22, 2009. That Notice of Final Decision was appealed to the Interior Board of Land Appeals (IBLA). On May 19, 2010, Administrative Law Judge Harvey C. Sweitzer granted the appellant's motion for summary judgment and set aside the Kanab Gulch Allotment permit renewal final decision. The matter was remanded back to the BLM for additional NEPA analysis. This EA (DOI-BLM-AZ-A010-2013-0001-EA) reflects the re-analysis of the proposed grazing permit renewal; the EA is considered a public document and is available at _____ or upon request from the Arizona Strip Field Office (please contact Kevin at 435-688-3220).

FONSI DETERMINATION

Based on the analysis of DOI-BLM-AZ-A010-2013-0001-EA, I have determined that the renewal of the Kanab Gulch livestock grazing permit will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.

PLAN CONFORMANCE

The decision is in conformance with Arizona Strip Field Office Resource Management Plan (RMP) approved on January 29, 2008. Applicable decisions from the plan are:

DFC-GM-01

DFC-GM-02
 LA-GM-01
 MA-GM-02
 MA-GM-03
 MA-GM-04
 MA-GM-05
 MA-GM-07
 MA-GM-08

PROPOSED DECISION

In accordance with 43 Code of Federal Regulations 4130.2, and based upon the allotment evaluation, consultation with the affected permittee, interested public, and recommendations from the Interdisciplinary Assessment Team, my proposed decision is to offer the grazing permit for the Kanab Gulch Grazing Allotment for a period of 10 years with the terms and conditions identified in the proposed action of the EA, and listed below, which become effective upon acceptance of the permit. In addition, this allotment will be managed in accordance with the objectives described in the proposed action and listed below.

The specific decision is outlined as follows:

- Issue a new grazing permit for the Kanab Gulch Allotment for a period of ten years. There are no proposed changes in the number of livestock or season of use for this allotment. Livestock grazing will occur during the season of use, and with the number of Animal Unit Months (AUMs) limited to the current active preference as shown in Table 1.

Table 1. Grazing Preference and Current Use

Allotment Name	Livestock			Active AUMs	Public Land (PL) (acres)	% Federal Range
	No.	Kind	Season of Use			
Kanab Gulch	26	Horses	11/16 - 04/30	143 (67 suspended)	4,260	100

- Manage the allotment for no more than 45% utilization of current year’s growth, by weight, on key forage species. The BLM will assess resource conditions through field inspections and determine, in consultation with the permittee, whether management changes (e.g. changes in livestock numbers, adjustment of move dates, or other changes or use within the parameters identified under the proposed action) may be implemented prior to reaching maximum utilization. Move dates may be adjusted as needed when monitoring indicates maximum utilization has been reached, or due to unusual climatic conditions, fire, flood, or other acts of nature. If maximum utilization is reached on key species/area in the allotment before a scheduled move, the use of salt, herding, or other management options may be used to distribute livestock away from an area. Where maximum

utilization has been reached, livestock may be removed from the use area or allotment (after consultation with the permittee), as deemed necessary by the BLM.

- Manage this allotment to achieve objectives, as described in the *Arizona Standards for Rangeland Health*:
 - 1) Upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to soil type, climate, and land form (ecological site).
 - 2) Riparian and wetland areas are in properly functioning condition.
 - 3) Productive and diverse upland, riparian-wetland plant communities of native species exist and are maintained.
- Manage this allotment to achieve the following Desired Plant Community (DPC) objectives:

Key Area #1 (Breaks 10"-14" p.z.)

- Maintain the perennial grass composition between 15-40%.
- Maintain the shrub/browse composition between 25-45%.
- Maintain the forb composition between 1-10%.

Key Area #2 (Breaks 10"-14" p.z.)

- Maintain the perennial grass composition between 2-10%.
- Maintain the shrub/browse composition between 25-45%.
- Maintain the forb composition between 1-10%.

Specific Terms and Conditions of the Grazing Permit

1. Grazing fee billing will be based on the advanced billing report which is due on or before November 15 each year for Kanab Gulch Allotment. Resultant fees are payable on the due date specified in the grazing bill.
2. The new Desired Plant Community (DPC) objectives as listed in DOI-BLM-AZ-A010-2013-0001-EA will be monitored to determine trends.
3. Average forage utilization on key plant species may not exceed 45 percent. When use levels approach 45 percent, the permittee will be required to move off upon notification. Livestock may be moved into or out of the allotment 5 days before or after scheduled move dates.
4. Use of roughage for supplemental feeding will not be authorized. However feeding 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, riparian areas, populations of special status plant species, and cultural or any other sensitive sites.

5. As provided by 43 CFR 4130.6-1(b), this permit is subject to cancellation, suspension, or modification for any violation of the regulations of 43 CFR Part 4100 or of any term or condition of this permit.
6. If any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-106; 104 Stat. 3048; 25 U.S.C. 3001) are discovered in connection with allotment operations under the grazing permit, the permittee will be required to protect the immediate area of the discovery and immediately notify the BLM authorized officer or her authorized representative.

RATIONALE

The decision to issue a new term (10-year) grazing permit for this allotment has been made in consideration of the environmental impacts of the proposed action. This decision has been made after considering impacts to the resources, while continuing to provide management for livestock grazing that meets multiple use resource objectives. Specifically, impacts to vegetation; wildlife (including sensitive species and migratory birds); threatened, endangered, and candidate species; and livestock grazing were analyzed in detail in the EA.

I have determined that adjustments to active use and management practices are currently not necessary to continue meeting the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration and other land use plan multiple use objectives. As documented in the EA analysis of the allotment's monitoring data and supporting documentation in the Standards and Guidelines Assessment Report, resource conditions on the allotment meet all applicable standards for rangeland health.

AUTHORITY

The authority for this proposed decision is contained in Title 43 of the Code of Federal Regulations (CFR), which states in pertinent parts:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principles of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plan also sets forth program constraints and general management practices needed to achieve management objectives. 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 grazing permits or leases 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 provisions of subpart 4180 of this part.”

4130.2(a): “Grazing permits or leases shall be issued to qualified applicants to authorize use on public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2.”

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 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.”

4130.3-2: “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...”

4130.2(f): “The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees/lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease.”

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other affected interests may protest this proposed decision in accordance with 43 CFR 4160.2 in person or in writing to the authorized officer, Lorraine M. Christian, at 345 East Riverside Drive, St. George, Utah, 84790 within 15 days after receipt of such decision. 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, the proposed decision shall constitute my final decision without further notice, in accordance with 43 CFR 4160.3(a).

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on 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 and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, in accordance with 43 CFR Section 4.21(b)(1), 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 the stay.

The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted. The petition for stay must be filed in the office of the authorized officer, as well as on the Appeals Board, as described in 43 CFR. 4.21(b)(3).

Sincerely,

Lorraine M. Christian,
Field Manager
Arizona Strip Field Office