



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona Strip District

Grand Canyon-Parashant National Monument

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0201966

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ZD Cattle Company  
P.O. Box 280  
Cedar Fort, UT 84013

## **NOTICE OF PROPOSED DECISION**

*Link Spring and Last Chance Allotments Grazing Permit Renewal  
Environmental Assessment DOI-BLM-AZ-A030-2022-0009-EA*

### **INTRODUCTION**

This Notice of Proposed Decision (NOPD) is the final administrative step in the land health evaluation and permit renewal process for the Link Spring (AZ04819) and Last Chance (AZ04815) Allotments. This proposed decision is to cancel the existing grazing permit and issue a new term grazing permit for the Last Chance Allotment for a period of ten years with updated 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.

Because the grazing permit for the Last Chance Allotment expired on 3/31/2015, the BLM renewed the permit for a ten-year period in the interim with the same terms and conditions pursuant to Section 402(c)(2) of the FLPMA as amended by Public Law No. 113-291, pending compliance with applicable laws and regulations. These actions resulted in new permits being issued while this EA is prepared to assess the permits.

The Rangeland Resources Team, Interdisciplinary Assessment Team, permittee, and other interested parties were invited to attend an issue scoping meeting for the Last Chance Allotment on March 31, 2004, and a field visit on April 28, 2004. At the conclusion of the field visit the group determined that the Last Chance Allotment was making significant progress toward meeting the applicable standards for rangeland health and that grazing was not a causal factor for not fully meeting standards. An allotment assessment report for the Last Chance Allotment was completed on January 4, 2010 (EA References - BLM 2010). The assessment 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 Standards for Rangeland Health and Guidelines for Grazing Administration (Standards and Guides) (EA Appendix B, BLM 1997).

Monitoring data has continued to be collected since the original allotment assessment was completed in 2010 (see Appendix E in the EA). In 2021, an interdisciplinary team re-evaluated the allotment utilizing *Interpreting Indicators of Rangeland Health, Version 4* (EA References - BLM 2005), utilization, and trend monitoring data. It was determined that the allotment is continuing to make significant progress toward meeting the Arizona BLM Standards for Rangeland Health (Standards for Rangeland Health, EA Appendix B), and that grazing was not a causal factor for not meeting the standards. A detailed discussion on rangeland health for this allotment can be found in EA Chapter 3, Section 3.2.3. Livestock grazing was not the reason for not meeting all standards; rather multiple wildfires, years of drought, and woody vegetation encroachment have slowed recovery and achievement of objectives.

The Environmental Assessment (EA) (DOI-BLM-AZ-A030-2022-0009-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. An EA was posted on the BLM ePlanning web page on June 3, 2022, for public review; 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. Due to technical difficulties the comment period was extended to July 8, 2022. All comments received during development of the EA are summarized in EA Appendix H along with a response to substantive comments. 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/project/2019967/510>

## 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 cancel the existing term grazing permit for the Last Chance Allotment and issue new ten-year term permit with updated terms and conditions. Alternative A (Proposed Action) is selected as the approved action, the specific decision is outlined below. The analysis of the proposed action in this environmental assessment will serve to replace the Last Chance Allotment Management Plan (AMP), dated December 20, 1983.

### *Grazing Permit*

- Cancel the existing grazing permit and issue a new term grazing permit for the Last Chance Allotment for a period of ten years with updated terms and conditions. There are no proposed changes in number or kind of livestock, or season of use for this allotment. Livestock grazing would occur during the established season of use, and with the number of Animal Unit Months (AUMs)<sup>1</sup> limited to the current active preference shown in Table 1 below, EA Table 2.2. The current active and suspended AUMs would not change.

No new structural range improvements are proposed for the allotment under any of the alternatives. Any range improvements proposed in the future will be considered through a separate NEPA process. Only maintenance of current range improvements will be allowed through an existing cooperative agreement.

**Table 1. Mandatory Terms and Conditions - Last Chance Allotment**

Allotment Number	Allotment Name	Livestock Kind	Livestock Number	Season of Use	Percent Public Land <sup>1</sup>	Active AUMs <sup>2</sup>	Suspended AUMs
AZ04815	Last Chance	Cattle	57	12/1 – 11/30	89	609	346
Total						609	346

<sup>1</sup> Percent public land is based on AUMs. <sup>2</sup> An AUM, or Animal Unit Month, is a unit of measurement indicating how much forage is eaten by a cow/calf pair in one month.

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*Grazing System*

The permittee will rotate livestock through the two pastures of the Last Chance Allotment. If available, the permittee will also rotate cattle between the Last Chance Allotment and the Link Spring Allotment; pending renewal of the Link Spring Allotment grazing permit. The Last Chance Allotment has a year-round season of use so there is the flexibility to use some pastures in the summer, particularly the higher elevation pasture in the Last Chance Allotment. Most years the allotment is rested during the summer. Flexibility in pasture rotation or season of use will not authorize use in excess of the permittee’s active grazing preference (AUMs) or utilization above 50 percent.

Pasture movements will be based on reaching utilization levels and based on water availability. Livestock movements within the pastures are controlled by turning on and off water sources. The order of pasture use is switched from year to year. Utilization of key forage species will be limited to an average of 50 percent of the current year’s growth. When 50 percent forage utilization is reached, livestock will be moved to another pasture or off the allotment completely.

*Last Chance Allotment Management*

The Last Chance Allotment will have a year-round authorization. The Last Chance Allotment is made up of two pastures, the Upper Pasture, and the Lower Pasture (see EA Appendix A – Figure 1). When the Last Chance Allotment is utilized, livestock usually enter the allotment in November or December, and usually start in the Lower Pasture, which is lower in elevation (Table 2 below, EA Table 2.4). The Upper Pasture is used in the spring or summer if there is water. The Upper Pasture is higher in elevation and is more suited to spring or summer use depending on water availability. Most years livestock are removed from the allotment in May and do not return until November or sometimes December depending on water availability, providing rest from grazing from June through October.

**Table 2. Last Chance Allotment Two Pasture Deferred Rotation Schedule.**

Pasture Name	March	April	May	June	July	August	September	October	November	December	January	February
Upper	X	X	X									
Lower	X								X	X	X	X

Grazed	X
Rested	

*Terms and Conditions of Grazing Permit*

In addition to the “Mandatory Terms and Conditions” and standard language (EA Appendix C) 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 authorization #0201966 Last Chance Allotment. Changes to the terms and conditions address revisions to regulations and administrative changes.

## Last Chance Allotment

### Other Terms and Conditions:

- As provided by 43 CFR 4130.3-1(b), this permit is subject to cancellation, suspension, or modification for any violation of regulation of 43 CFR Part 4100 or any term or condition of this permit.
- 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 will 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. An actual use grazing report (Form 4130-5) must be submitted within 15 days after completing annual grazing use.
- Authorized grazing use will be in accordance with the Last Chance Allotment Management Plan (AMP), dated December 20, 1983, as modified by this decision, and is made part of this permit.

### *Monitoring and Adaptive Management*

This decision includes adaptive management, which provides options 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, 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, management of the allotment will be modified in cooperation with the permittee. 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. For example, drought conditions, fire, or flood events could require adaptive management adjustments to be made. 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 including invasive non-native plants, wildlife, cultural resources, and soils, while providing opportunities for livestock grazing, as appropriate, 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 allotment 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 allotment to continue making progress toward meeting all applicable standards for rangeland health.

Alternative B – No Grazing was not chosen, this Alternative would disallow livestock grazing on the Last Chance Allotment for a period of ten-years. It would cancel the current grazing permit and issue a new ten-year term grazing permit on the Last Chance Allotment 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). The permittee would be required to remove their livestock from the allotment and no grazing would occur. In ten years, the allotment would be re-evaluated. No new range improvement projects would be constructed, and no modifications would be made to existing projects. Based on the 2021 re-evaluation of the allotment, it was determined that the allotment continues to make significant progress toward meeting rangeland health and that livestock grazing was not a causal factor for not meeting the standards. Therefore, the No Grazing Alternative was not supported.

## **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 NOPD in accordance with 43 CFR 4160.1 and 4160.2, in person or in writing within 15 days after receipt of such decision to:

Brandon E. Boshell  
Monument Manager  
345 East Riverside Dr.  
St. George, UT 84790

If a protest is sent by facsimile or email, the date filed is not official until 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 accordance with 43 CFR 4160.3(a), in the absence of a protest, this proposed decision shall constitute my final decision without further notice. 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).

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file a notice of appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, and 4.470. The notice of appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The notice of appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The notice of appeal and petition for a stay must be filed in the office of the authorized officer, as noted above.

The BLM cannot accept electronic filing of appeal documents by any other means, including compact disc, thumb drive, or similar media due to Federal Information Systems Security Awareness policies. As defined in 43 CFR 4.22(a), “A document is filed in the office where the filing is required only when the document is received in that office during its regular business hours and by a person authorized to receive it. A document received after the office’s regular business hours is considered filed on the next business day.”

Within 15 days of filing the appeal, the appellant must provide the BLM with proof of service to the other persons named in this decision (Attachment 1 – List of all Persons or Groups Receiving this NOPD) in accordance with 43 CFR 4.470(a). A copy of the appeal must also be served on the Office of the Solicitor located at the address below in accordance with 43 CFR 4.413(a).

Sandra Day O’Connor  
U.S. Courthouse, Suite 404  
401 West Washington Street, SPC-44  
Phoenix, Arizona 85003-2151

In accordance with 43 CFR 4.413(b), failure to serve a notice of appeal will subject the appeal to summary dismissal as provided in 43 CFR 4.402. Appellants are responsible for determining whether the Office of the Solicitor or other persons named in the decision will accept service of a notice of appeal and/or petition for stay electronically via email.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, is directed to 43 CFR 4.472(b) for procedures to follow if you wish to respond.

**BRANDON  
BOSHELL**

Digitally signed by BRANDON  
BOSHELL  
Date: 2023.08.04 21:35:21 -06'00'

Brandon E. Boshell

Monument Manager

Grand Canyon – Parashant National Monument

Enclosures:

List of all Persons or Groups Receiving this NOPD

## Persons or Groups Receiving this NOPD

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