



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Tucson Field Office  
3201 East Universal Way  
Tucson, AZ 85756  
520-258-7200  
[www.blm.gov/az/](http://www.blm.gov/az/)



August 7, 2015

In Reply Refer To:  
4160 (AZG020)  
Allotment No. 4508

CERTIFIED MAIL-RETURN RECEIPT REQUESTED-7009 0960 0000 7836 0696

Thermo Dynamics Inc.  
C/o Mr. John Hardesty  
P.O. Box 19207  
Lenexa Ks, 66285

## NOTICE OF PROPOSED DECISION

Dear Mr. Hardesty:

The Bureau of Land Management (BLM) is charged with evaluating public lands on an allotment basis, in accordance with the current regulations, to determine if the rangelands are meeting the Arizona Standards for Rangeland Health. The information collected in the standards and guidelines evaluations will be used as a basis to evaluate the renewal of livestock grazing leases and authorizations of any other uses on the public lands, consistent with the land use plan documents.

On March 13, 2014 the draft Limestone Rangeland Health Allotment Evaluation (Evaluation) was sent to you, along with various interested parties, for a 15 day review and comment period. Through the consultation, coordination and cooperation process, your input as well as input from other affected interests has been considered, and where appropriate, incorporated in the final evaluation (See attached **Public Comment Response, Attachment B**). The Evaluation concluded that the existing resource conditions encountered on the Limestone Allotment meet Arizona's Standards for Rangeland Health, and current management of the livestock is appropriate under Arizona's Guidelines for Grazing Administration. The revised Environmental Assessment and Rangeland Health Evaluation are available electronically: <http://bit.ly/LimestoneLease>

**It is therefore, my proposed decision to offer you a new grazing lease for a period of ten years with the following terms and conditions:**

## Terms

Allotment Number	Allotment Name	Pasture Type	Number of Livestock	Type of Livestock	Year Begin	Year End	% Public Land	Type of Use	AUMs
4508	Limestone	Upland	54	CATTLE	3/1	2/28 (year-long)	92	ACTIVE	596

## Conditions

1. Standard conditions (see Attachment A).
2. If in connection with allotment operations under this authorization, 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. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the lessee/permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The lessee/permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
3. Maximum allowable use levels will be as follows:
  - 40% of the current year's growth on key forage species (Upper Gila-San Simon Grazing Environmental Impact Statement UG-EIS p. 1-9, GM36)

## RATIONALE

The public lands of the Limestone allotment are guided by the *Safford District Resource Management Plan* (RMP). The Record of Decision for the Safford RMP was signed on January 1992, with a partial Record of Decision (ROD). A second partial ROD was signed September 12, 1994. However, all decisions concerning grazing on public lands in this area were addressed in the Upper Gila-San Simon Grazing Environmental Impact Statement (UG-EIS) which was completed in 1978. The UG-EIS analyzed a full range of alternatives for grazing actions in Eastern Arizona as guided by requirements in the National Environmental Policy Act (NEPA). The UG-EIS categorized the public lands in the Limestone Allotment as suitable for Custodial (C) management and established the grazing capacity on the public lands in this allotment at 719 AUM's 596 Animal Unit Months (AUMs) active and 123 AUM's suspended. In 2009, the criteria to determine which allotments should be placed in each management category was updated to ensure land health considerations are the primary basis for prioritizing the processing of grazing permits and leases and for monitoring the effectiveness of grazing management. Based on the new criteria, the management category given to the allotment in 2009 was Maintain (M). The Limestone allotment was changed from the "C" category to the "M" category because public land is the dominant land base in the allotment. By definition, M category allotments do not have serious resource conflicts and range condition and present management is satisfactory.

The Secretary of the Interior approved Arizona's Standards for Rangeland Health (Standards) and Guidelines for Grazing Administration (Guidelines) in April 1997. The Decision Record,

signed by the BLM State Director (April 1997) provides for full implementation of the Standards and Guidelines in Arizona BLM Land Use Plans.

The Limestone allotment Rangeland Health Evaluation was completed in June 2015. In accordance with BLM policy and regulations, all applicable monitoring data was examined and evaluated in order to determine progress in meeting Arizona Standards for Rangeland Health and other land use plan objectives. In addition, the Limestone allotment was reviewed to determine if any new information, issues or concerns have been identified. An interdisciplinary team completed the analysis of the resource data and developed a formal evaluation which was previously sent for your review. The Terms and Conditions for the new 10 year permit reflect recommendations made in the evaluation. These Terms and Conditions will ensure that the allotment continues to meet those standards which were addressed.

The Code of Federal Regulations (43 CFR 4130.2(a)) require that, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the 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." The authorized officer has determined that renewing this 10-year grazing lease is in conformance with the *Safford District RMP*, which incorporated by reference all grazing decision from the *Upper Gila-San Simon Grazing Environmental Impact Statement*. A subsequent review of the UG-EIS has determined that the requirements of NEPA have been adequately addressed in existing NEPA documentation.

#### **AUTHORITY**

The authority for this decision is contained in Title 43 of the Code of Federal Regulations including, but not limited to the following pertinent parts:

**§ 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.

**§4110.3-2(b)** When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable

methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

**§4110.3-3(a)** After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §§4110.3-2 shall be issued as proposed decisions pursuant to 4160.1 of this part, except as provided in paragraph (b) of this section.

**§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, ... .”

**§4130.3-3** Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or

management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

**§4160.2** “Any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.”

**§4180.2(c)** The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform to the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to 4110, 4120, 4130, and 4160 that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with guidelines.

#### **RIGHT OF PROTEST AND/OR APPEAL**

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days from receipt of the proposed decision to send your reasons in writing (e-mails through the Internet will not be accepted) to the Tucson Field Manager at 3201 East Universal Way, Tucson, AZ 85756. Subsequent to the protest period, a final decision will be issued.

In the absence of a protest, the proposed decision will become a final decision of the authorized officer without further notice. Electronic pleading and appeals are not acceptable methods for filing.

Any applicant, lessee, or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the final decision pending final determination on appeal under 43 CFR 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 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, 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.

As noted above, the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please contact Darrell Tersey, Natural Resource Specialist, at (520) 258-7218.

Sincerely,

/s/  
Karen Simms  
Acting Field Manager

Enclosures  
cc (by certified mail):

## Proposed Decision Attachment A

1. Any changes in grazing use must be applied for prior to the grazing period.
2. Each year billing notices are issued which specify, for the current year, the allotment(s), number and kind of livestock, period(s) of use, animal unit months of use, and the grazing fees due. These billing notices, when paid, become a part of this grazing permit/lease.
3. Grazing fees are due upon issuance of a billing notice and must be paid in full prior to making any grazing use under this grazing permit/lease, unless otherwise provided for in the terms and conditions of this grazing permit/lease.
4. This grazing permit/lease is subject to the terms and conditions of an allotment management plan if such plan has been prepared. If an allotment management plan has not been prepared, it must be incorporated in this permit/lease when completed.
5. No grazing use can be authorized under this grazing permit/lease during any period of delinquency in the payment of amounts due in settlement for unauthorized grazing use.
6. Grazing use authorized under this grazing permit/lessee may be suspended, in whole or in part, for violation by the permittee/lessee of any of the provisions of the rules or regulations now or hereafter approved by the Secretary of the Interior.
7. This grazing permit/lease is subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations now or hereafter approved by the Secretary of the Interior.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described herein.
  - e. Repeated willful unauthorized grazing use.
8. This grazing permit/lease is subject to the provisions of executive Order No. 11246 of September 24, 1965, as amended, which sets forth nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.
9. The permittee/lessee must own or control and be responsible for the management of the livestock authorized to graze under this grazing permit/lease.
10. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze under this grazing permit/lease.
11. The permittees/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
12. Actual Use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing lease and/or grazing billings in accordance with 43 CFR 4130.3-2(d).
13. In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements will not be placed within a 1/4 mile of any riparian area, wet

meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).

14. In Accordance with 43 CFR 4130.8-1(F): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(b) (1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 And 4160.1-2.
15. Grazing in this allotment shall strictly adhere to the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, the Safford Upland Livestock Utilization and Drought Policies.



## Proposed Decision Attachment B

Comment Number	Commenter	Comment	Response
1	Western Watershed Project (WWP)	BLM used the wrong EIS in the EA and S&G	The Upper Gila San-Simon Grazing EIS has been incorporated and is now appropriately referenced throughout the EA and RHE.
2	WWP	There are no specific objectives listed for this allotment in the above plans,” would be inaccurate. The UGEIS lists resource objectives for wildlife populations, plant density, forage availability, and watershed objectives for the Limestone allotment	The specific objectives for the Limestone allotment are now included in both the Limestone RHE and referenced in chapter 2 of the EA.
3	WWP	The S&G obviously doesn’t address how well the allotment is meeting these goals, and the EA would need to be revised in light of this major difference	The RHE and EA now address these specific objectives and explain why these objectives are no longer applicable to the allotment. The RHE sets new objectives as part of Standard 3.
4	WWP	We note that the Upper Gila-San Simon Grazing EIS was finalized in 1978, nearly forty years ago. The analysis of livestock grazing in that document is woefully outdated, and to the extent that the BLM is relying on tiering to it to justify the scant analysis in the EA, that reliance would be highly problematic and in contravention of the law	Decisions in UG-SSEIS were reviewed and incorporated into Safford RMP, also reviewed and Safford RMP amended with implementations of Land Health Standards.  The EA steps down from the Upper Gila San-Simon with an analysis of continued livestock grazing on the Limestone allotment.
5	WWP	The Biological Opinion states that this allotment was covered in Consultation #02-21-00-F- 0029, or the Biological Opinion for Livestock Grazing on 18 Allotments along the Middle Gila River Ecosystem, a.k.a. “18 Allotments BO.” FWS 2012 at 2,193, 215. However, the 18 Allotment BO does not include the Limestone Allotment.	The BO for the Gila District Livestock Grazing Program states that the Limestone allotment was previously covered by Amendment No 1 Phoenix District AZ Grazing EIS Upper Gila San Simon (2-21-96-F-422 and 423)
6	WWP	Please explain the consultation history of this allotment in the revised EA.	Biological consultations that apply to the Limestone allotment are consultations that were done on multiple allotments.  The Limestone allotment was included in the initial consultation for the Safford and Tucson Field Office’s Livestock Grazing Program including the five amendments: <i>Programmatic Biological Opinion for the Safford/Tucson Field Offices’ Livestock Grazing Program, Southeastern Arizona</i> (#02-21-96-F-0160) with reinitiations (1997 BO);  The Limestone allotment was also included in the consultation on the UG-EIS which was done in 1996: <i>Biological Opinions for the Phoenix District Portion of the Eastern Arizona Grazing EIS and the Upper Gila-San Simon Grazing EIS</i> (#02-21-96-F-0422 and #02-21-96-F-

			<p>0423) with amendment (Phoenix District BOs)</p> <p>Finally, the Limestone allotment was also included in the consultation on the Gila District Livestock Grazing Program that was done in 2012:</p> <p><i>Biological Opinion on the Gila District Livestock Grazing Program</i>  #’s 02-21-92-F-0070  02-21-96-F-0160  02-21-96-F-0422  02-21-96-F-0423  02-21-00-F-0029  02-21-03-F-0462  02-21-04-F-0022  02-21-04-F-0454  02-21-05-F-0086  22410-2006-F-0414  22410-2007-F-0119  22410-2007-F-0225  22410-2007-F-0233  22410-2008-F-0103</p>
7	WWP	The Limestone allotment EA includes a Biological Evaluation (BE) that addresses the Sonoran desert tortoise, grey wolf, and ocelot. EA at 29. The EA also contains a list of “Wildlife Resources.” EA at 31. Neither document addresses southwestern willow flycatcher	SWFL added to both documents
8	WWP	The Limestone allotment is certainly within five miles of critical habitat for this species and the failure to even mention the bird in the EA violates NEPA and the Endangered Species Act.	SWFL added to both documents. SWFL covered in Gila District Grazing BO
9	WWP	The EA contains very little information regarding range developments, much less any analysis of cowbird concentration	Sections on cowbird concentrations have been added to the EA, RHE, and BE
10	WWP	This does not indicate whether the spring developments are on public or private land	This has been clarified in the EA and maps have been added to the EA to further clarify where these springs are located.
11	WWP	what the impacts of these diverted springs are on the hydrology of the public lands	Addressed in EA.
12	WWP	or how these provide for livestock concentration areas that could be facilitating cowbird infestation	Cowbird discussion added to the EA.
13	WWP	The map included with the EA does not show water infrastructure either.	New map added
14	WWP	“Tub Spring, Seep Spring, and San Bernardo mine water are known to be present on the allotment.” EA at 13. Are these the four spring developments referenced later in the EA,	Corrected in EA.
15	WWP	are there multiple troughs at each spring,	No. This has been clarified in the EA.
16	WWP	what are the San Bernardo mine waters	Added Mine and Seep waters to the EA and RHE.

17	WWP	The BLM has also not taken a hard look at these resources or evaluated a range of alternatives for livestock grazing in context of what could happen to these seeps and springs if they were restored for wildlife use	See analysis of Issue 2. The EA provides analysis of impacts to wildlife habitat including the impacts of a no grazing alternative.
18	WWP	While the EA states that the proposed action is to renew the grazing lease for a term of ten years for a preference of 557 AUMs (no suspended AUMs) on page 6, the table immediately following (Table 1) shows a fully active AUM level of 596. EA at 6	Corrected to 596.
19	WWP	The No Action/current management alternative describes 596 AUM with an additional 123 AUM suspended. EA at 9	Corrected in EA and RHE.
20	WWP	Elsewhere it says that the permit was reduced to 557 AUM and then raised again to 596 AUM. EA at 4	Corrected in EA.
21	WWP	In the Affected Environmental section of the EA, grazing use is described as 596 AUM. EA at 20	AUM numbers corrected throughout the EA.
22	WWP	The Environmental Impacts of the proposed action state that it would be permitted at 596 AUM. EA at 21	AUM numbers corrected throughout the EA.
23	WWP	There are no actual use data included in the EA.	Section added about actual use
24	WWP	It is also not clear that the BLM has ever based the stocking rate on a reevaluated carrying capacity of the allotment following the 1986 land transfer, since the EIS predated it	Clarified in the introduction.
25	WWP	In addition to lacking actual use data, the EA and the RHE lack any quantitative data.	Quantitative monitoring data is now included in both the EA and RHE.
26	WWP	The inclusion of Alternative 3, an alternative to "Limit Period of Use" to change the period of use to winter only is interesting, but entirely unexplored in the EA	The EA now fully analyzes this alternative.
27	WWP	There is no discussion of whether there would be sufficient vegetation resources to support this change, what the real impacts of concentrated livestock use would be on the plants and animals that inhabit the allotment, or how it could/would work.	The EA now fully analyzes this alternative.
28	WWP	There is not enough information to consider whether this is a reasonable alternative at all, and its inclusion feels more like an exercise in superficial fulfillment of NEPA's mandates to analyze a range of alternatives, but not really to do so.	The EA now fully analyzes this alternative.
29	WWP	Moreover, the description of this alternative is inconsistent. On page 9, BLM describes the alternative as changing the full number of AUM to	The alternative is now consistent throughout the EA.

		winter only. On page 13, it says, "Limiting period of use may allow a decrease in livestock utilization and a subsequent change in vegetative cover, structure, and/or species. The current utilization levels would likely be even lower with a reduction in the stocking rate."	
30	WWP	It isn't clear why BLM believes that the same number of AUM in a shorter time period is a reduced stocking rate, or why the same number of livestock would eat even less in the winter, but as noted above, Alternative B isn't fully or fairly considered. In light of the conflict with desert tortoise later in the spring and summer, this alternative should have been given more attention.	This is alternative is fully described and it is explained how many livestock would be on the allotment at a time.
31	WWP	It is unclear whether livestock are authorized on the Desert Grasslands ACEC or not. The EA states that the management prescription for the exclusion of livestock from the ACEC affect only lands not currently accessible to livestock, including the parcel on the Limestone allotment.	The EA describes how the water placement and terrain prevent livestock from accessing the Desert Grasslands ACEC.
32	WWP	The map does not show the ACEC and the EA does not describe why it is inaccessible	Map of the grasslands ACEC is now included as figure 5 in the EA.
33	WWP	The Safford RMP contains very little information about the site-specific management of the Desert Grasslands ACEC on the Limestone allotment, and the present EA doesn't make up for this deficiency.	EA contains best available information.
34	WWP	Is the ACEC fenced? What is the condition of the fence? Do livestock ever access this relict grassland?	Information about the Desert Grasslands ACEC has been edited and clarified.
35	WWP	When was the last time BLM evaluated the ACEC? Are there key areas in the ACEC?	Addressed in RHE and EA.
36	WWP	The analysis of impacts of the proposed action to wildlife states, "Despite common misperceptions, evidence suggests that wildlife-livestock competition does not lead to competitive exclusion and may have a smaller impact on wildlife and livestock populations than factors external to the wildlife-livestock interaction." EA at 13. The EA then cites to a study from the Serengeti that considers wildebeest and land cover. Please provide more information supporting this idea in the final EA using the best available science	Analysis of Issue 2 addresses the resource impacts from continued to livestock grazing and includes appropriate references from the desert southwest.
37	WWP	BLM relies on "inherent partitioning	Removed could not find original

		of habitat between Sonoran desert tortoise and livestock” and references but does not provide citations to the “several instances in the literature” that discuss it. EA at 15.	documentation to back it up.
38	WWP	The FWS 12-month finding described observations of habitat overlap on 12 of 17 long-term monitoring plots in Arizona. 75 FR 78118. The FWS also cites to a study from the Florence Military Reservation (not far from the Limestone allotment) that finds that tortoises most strongly selected for canopy cover, followed by an absence of cattle activity. Id. BLM’s faith in habitat partitioning as a management tool may actually be end result of competitive exclusion instead. WWP urges the agency to take another look at the recent, published, peer-reviewed science.	done Butt and Turner Pastoralism: Research, Policy and Practice 2012, 2:9
39	WWP	The 12-month finding relied on the active management of land management agencies to mitigate the harms of grazing effects to tortoises. 75 FR 78120. That active management would presumably include site-specific, quantitative monitoring and a hard look at the potential effects when renewing grazing permits.	Quantitative pace frequency transect data & utilization data were both collected and incorporated into the analysis in the RHE and EA.
40	WWP	The lack of actual use data makes the information about rangeland health conditions hard to qualify. When the range personnel visited the allotment in 2013, had there been recent grazing?	No recent grazing for at least the past 5 years.
41	WWP	The line pertaining to actual use in the table in the S&G is blank, but the BLM admits that it measured utilization where there was no sign of cattle. It is unclear how this is supposed to provide a measure of livestock use. But BLM conducted utilization monitoring and reported that to was very low. Were there cows on the allotment in the previous year?	Edited in the RHE.
42	WWP	The S&G states that key species selected for utilization monitoring were those listed as preferential forage for livestock in the ecological site description, and that the three species were chosen because others either were not present or had no utilization. There is no discussion as to why some preferred plant species weren’t present, but it is notable that none of the key species were perennial grasses.	The reason is under the conclusion for standard one
43	WWP	The analysis of Alternative 2, the No	RHEs do not look at state or private lands,

		Grazing Alternative, reports that eliminating livestock use on the Limestone allotment could lead to increased utilization and decreased cover on the state and private land of the allotment. EA at 18. There is no information about the current conditions on those lands now, and as far as anyone knows, it's already overgrazed and barren.	but it is logical to conclude if cattle are moved off of BLM to state and private, then there would be effects
44	WWP	The state and private land of the allotment total 1160 acres, and comprise only 8 percent of the allotment. Improving conditions on the 92 percent by eliminating livestock grazing may be worth it for the habitats of imperiled species, but BLM's analysis doesn't genuinely contemplate the net benefit of this action.	Revised no grazing alternative to provide an analysis of what would be expected to occur under the no grazing alternative.
45	WWP	BLM reports that there are two large pastures within the allotment that are "intertwined with land status owners." EA at 20. The BLM claims that the public lands could not be managed separately from the other lands without a large amount of new fencing construction. Id. The maps included with the EA (at 38 and 39) show solid boundaries between the state and private outside of the Dripping Springs wash corridor with the exception of one section of State Land. It appears that it would take just over 7 miles of fencing. Based on the lack of information and description in the EA, it doesn't appear that BLM has truly taken a hard look at this option.	EA has been edited.
46	WWP	It is not clear why BLM believes it has to facilitate grazing through public lands livestock permits in order to adhere to the Arizona State Constitution. EA at 21	EA has been edited.
47	WWP	This is the first instance where WWP has heard this rationale for why it must authorize public lands grazing. In order to support this hypothesis, WWP requests that BLM please provide a full economic analysis of the contribution of those 910 acres by comparing the price per AUM on the STL with the loss to federal taxpayers of administering the grazing permit for the federal lands. In this way, the reader could understand the true deprivation the No Grazing alternative might incur. Please also provide a legal analysis supporting this idea of necessity, since WWP is unfamiliar with the federal decision-making hinging on state law affecting adjacent parcels.	See above comments.

		WWP would sincerely appreciate some background on this new-to-us approach.	
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