



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
NATIONAL PARK SERVICE
Grand Canyon-Parashant National Monument
345 East Riverside Drive
St. George, Utah 84790
www.az.blm.gov

In Reply Refer To:
LLAZA03000: 4160 (0202106, 0200205)

December 10, 2018

Certified #
RETURN RECEIPT REQUESTED

C & L Farm & Cattle LLC
P.O. Box 184
Enterprise, Utah 84725

NOTICE OF PROPOSED DECISION

*For the Proposed Grazing Permit Renewal for the Mosby-Nay and Mosby Allotments
Environmental Assessment # **DOI-BLM-AZ-A030-2017-0010-EA***

INTRODUCTION

This Notice of Proposed Decision (NOPD) is the final administrative step in the land health evaluation and permit renewal process for the Mosby-Nay (AZ04836) and Mosby (AZ04835) Allotments. In order to fulfill the requirements for “consultation, cooperation and coordination,” copies of the NOPD have been sent to the Arizona State Land Department, Arizona Game and Fish Department, any lien holder of record, and all the interested publics designated on the allotments.

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 these allotments 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 Arizona Standards for Rangeland Health and Guidelines for Grazing Administration.

During the rangeland health assessment process, it was determined that resource conditions on the Mosby-Nay Allotment were meeting or making significant progress toward meeting Standard 1 (Upland Sites) and is meeting Standard 2 (Riparian-Wetland Sites). Approximately 90% of the allotment is meeting or making significant progress towards meeting Standard 3 (Desired Resource Conditions). Approximately, 10% of the allotment is not meeting Standard 3 due to wildfire impacts. The rangeland health assessment for the Mosby Allotment determined that all standards and guidelines were being met.

Formal consultation under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) was initiated between the BLM and the US Fish and Wildlife Service on July 11, 2018. This consultation concerned the possible effects of renewing the grazing permit for the Mosby-Nay Allotment on the Grand Canyon-Parashant National Monument in Mohave County, Arizona on the threatened Mojave desert tortoise (*Gopherus agassizii*), and its designated critical habitat. The biological opinion states that the action, as proposed in Alternative A, is not likely to jeopardize the continued existence of the Mojave desert tortoise, and is not likely to destroy or adversely modify designated critical habitat for Mojave desert tortoise. See Appendix 9 US Fish and Wildlife Service Biological Opinion (02EAAZ00-2018-F-1089) signed 11/21/2018 of the EA. Desert tortoise conservation measures from 2007 RMP Biological Opinion for the Arizona Strip BLM Resource Management Plan (22410-2007-F-0463), are incorporated by reference.

A thirty-day public comment period on this environmental assessment was available from August 4, 2018 to September 6, 2018. To see public comments and responses see Appendix 8 of the EA.

The Environmental Assessment (EA) (DOI-BLM-AZ-A030-2017-0010-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. The EA is considered a public document and is available electronically at <https://go.usa.gov/xUfnj>. A hardcopy is available upon request to Jannice Cutler, Rangeland Management Specialist, (435)-688-3312 or by email at jcutler@blm.gov.

PLAN CONFORMANCE

The Mosby-Nay and Moby Allotments analyzed in the EA are available for grazing under the RMP. Applicable decisions from Table 2.12 in the RMP were reviewed and disclosed in the EA in Section 1.3. It has been determined that Alternative A (Proposed Action) is in conformance and consistent with the Grand Canyon-Parashant National Monument (GCPNM) Resource Management Plan (RMP), approved January 29, 2008.

ALTERNATIVES CONSIDERED

Alternative A – Proposed Action

The livestock grazing management practices proposed under this alternative (i.e., season of use; utilization levels; and ecological condition and desired plant community objectives) were designed to manage the overall rangeland resources present, provide for a diversity of wildlife and plant species, maintain functioning ecosystems, and maintain and/or improve ecological condition. Specifically, under this alternative the BLM would:

Combine the Mosby-Nay Allotment (AZ04836) and Mosby Allotment (AZ04835) into one allotment and issue a new term grazing permit for a period of 10-years. There would be no changes to the kind of livestock and permitted livestock numbers, under new terms and conditions, see the Decision section below. The Mosby Allotment would become a pasture within the new Mosby-Nay Allotment. The name of the new allotment would be Mosby-Nay (AZ04836). The season of use for the new combined Mosby-Nay Allotment would be year round with a deferred rotation through seven pastures. Pastures with desert tortoise habitat would be grazed 10/15 – 3/15 during desert tortoise inactive season. Remove approximately 21 miles of existing un-needed fire rehabilitation fences. Construct five new segments of fence, approximately 2.14 miles of new fences to create the seven pastures. Install two new cattleguards or wire gates. Install approximately 1.6 miles of new water pipeline. For more details about Alternative A, see the Decision Section below.

Alternative B – No Action

The permittee has submitted an application to renew the grazing permit for the Mosby-Nay Allotment (AZ04836) for a period of 10-years with no changes.

Under Alternative B, a new grazing permit for the Mosby-Nay Allotment would be issued for a period of 10-years with no proposed changes to season-of-use, kind and permitted livestock numbers. There are no proposed changes in number of Active AUMs as identified in Table 2.1, Section 2.3 of the EA, under the current terms and conditions discussed below. No new range improvements are proposed. Any new range improvements proposed in the future would be considered through a separate NEPA process. Only maintenance of current range improvements fences, pipelines, water facilities, and corrals, would be allowed under this alternative. Regular maintenance of existing range improvements by the grazing permittee would continue. Livestock would continue to be moved to use areas within the allotment by a combination of herding and water availability. This alternative only applies to the Mosby-Nay Allotment. The Mosby-Nay Allotment and the Mosby Allotment would continue as separate grazing permit authorizations. Currently the grazing preference for both allotments is held by the same permittee. The Mosby Allotment grazing permit was fully processed and a new 10-year permit was issued in 2016.

In addition to the “Mandatory Terms and Conditions” and standard language on the last page of the grazing permit, the following terms and conditions are currently under the “Other Terms and Conditions” section on the current grazing permit for the Mosby-Nay Allotment and would remain unchanged on the new permit.

Other Terms and Conditions:

- As provided by 43 CFR 4130.3-1(B), this permit shall be subject to cancelation, suspension, or modification for any violation of the regulations of 43 CFR Part 4100 or of any term or condition of this permit.
- The permittee will use the advanced billing system.
- An actual grazing use report (Form 4130-5) must be submitted within 15 days after completing your annual grazing use.
- Range improvements assigned in cooperative agreements and range improvement permits must be maintained in useable condition each year. This also includes wildlife escape ramps for both permanent and temporary water troughs.
- Any hay or other feed used in administering the livestock operation will be certified weed-free and must be approved by the authorized representative prior to use.
- Use of nutritional livestock supplements is allowed, including protein, minerals and salt. However, any supplement used must be dispersed at a minimum of ¼ mile from any known water sources, riparian areas, populations of special status plant species, winterfat dominated sites, cultural or any other sensitive sites.
- A deferred seasonal rotation grazing system between Mosby-Nay and Pakoon Springs pastures will be implemented pending completion of a new Allotment Management Plan (AMP).
- Average utilization levels of key forage species should not exceed the 45% allowable use on desert tortoise habitat, and 50% elsewhere.

Alternative C – No Grazing

In the event of this alternative being chosen, it would necessitate an amendment to the GCPNM RMP before this alternative could be implemented. Both allotments are currently listed in the RMP as available to grazing. Alternative C would make the Mosby-Nay Allotment unavailable to livestock grazing and no new permit would be issued. The current permit for Mosby-Nay Allotment would be canceled. The two allotments, Mosby-Nay and Mosby, would remain separate. This alternative would have no effect on the Mosby Allotment as it would remain available for grazing under its current permit, which expires 2/28/2026. Livestock grazing permit renewal was recently analyzed for the Mosby Allotment under DOI-BLM-AZ-A030-2012-0004-EA where a no grazing alternative was analyzed

One additional alternative was considered but eliminated from future analysis. This alternative would have issued a new 10-year term grazing permit with a reduction in the active preference of the Mosby-Nay Allotment. This alternative would have only affected the Mosby-Nay Allotment. The Mosby Allotment grazing permit would have been unchanged. This alternative was not carried forward for analysis based on monitoring data and rangeland health evaluations that indicate that range conditions are within acceptable limits. The Mosby-Nay Allotment was determined to be meeting or making significant progress toward meeting the standards for rangeland health on 90% of the allotment. The rest of the allotment was not meeting standards due to wildfires that occurred in 2005 and 2006. Livestock grazing was not cited as a substantial factor for the burned areas where Standards were not being met on 10% of the allotment.

DECISION

After considering the analysis contained within the above referenced EA, it is my proposed decision to cancel the existing C & L Farm & Cattle LLC term grazing permits and issue a new 10-year term permit with new Mandatory Terms and Conditions with the combined Mosby-Nay and Mosby Allotments. Alternative A is selected as the approved alternative to be enacted through this proposed decision, as described in the referenced EA.

The specific decision is outlined as follows:

The Mosby-Nay Allotment (AZ04836) and Mosby Allotment (AZ04835) will be combined into one allotment and a new grazing permit will be issued for a period of 10-years. There will be no changes to the kind of livestock and permitted livestock numbers, under the terms and conditions discussed below. The Mosby Allotment will become a pasture within the new Mosby-Nay Allotment. The name of the new allotment will be Mosby-Nay (AZ04836). The season of use for the new combined Mosby-Nay Allotment will be year round with a deferred rotation through seven pastures which is discussed in detail in section 2.3.1 Grazing System of the EA.

Other pastures would be available for use without seasonal restrictions but subject to a rotation. The current AUMs from both allotments, see Table 2.1 and Table 2.2 of the EA, would be combined and the percent public land would be recalculated to reflect the combined allotment, see Table 1.1 below. There would be no increase or decrease in total AUMs. The combined Mosby-Nay Allotment would be categorized as an “I” or improve allotment. Approximately 2.14 miles of new fence would be constructed (see section 2.3.2 and Table 2.6 in the EA), in conjunction with existing fences to allow for better livestock management and pasture rotation (Figure 2.1 in the EA).

In addition to the “Mandatory Terms and Conditions” and standard language on the last page of the grazing permit, the following terms and conditions would be added to the “Other Terms and Conditions” section on the new grazing permit for the Mosby-Nay Allotment.

Other Terms and Conditions:

- The permittee will use the advanced billing system.
- Use of nutritional livestock supplements is allowed, including protein, minerals and salt. However, any supplement must be dispersed at a minimum of ¼ mile from any know water sources, riparian areas, populations of special status plant species, winterfat dominated sites, cultural or any sensitive sites.
- Allowable use on key forage species in the Mosby-Nay Allotment is 45%.
- Season of use for the Cockscomb, Mosby-Nay, Bench, Cottonwood Ridge, and Big Hole Pastures would be 10/15 – 3/15.
- Season of use for the Mosby and Hungry Valley Pastures would be 3/1 – 2/28. The Mosby and Hungry Valley Pastures would not be used continuously but with rest periods each year. Use would generally be from March 15 – October 15.

Table 1.1. Grazing Proposed Under Alternative A: Combined Grazing Preference and Season of Use for the New Mosby-Nay Allotment.

New Allotment Name	Livestock		Grazing Period		% PL (Public Land) ¹	AUMs		
	Number	Kind	Begin	End		Active	Susp.	Total
Mosby-Nay (AZ04836)	116	Cattle	3/1	2/28	87%	1211	554	1765
Mosby-Nay (AZ04836)	1	Cattle	10/15	2/13	87%	3	0	3
Mosby-Nay (AZ04836)	2	Horse	3/1	2/28	87%	21	0	21
Total AUMs								1789

¹Percent public land is based on AUMs (Animal Unit Month).
There would be no increase or decrease in AUMs.

Manage the allotment for no more than 45% utilization of current year’s growth on key forage species by weight during the grazing season (see Section 3.3.4 Land Health Evaluations for a list of key species for this allotment in the EA). According to the GCPNM RMP: “On allotments in desert tortoise habitat or being less intensively managed, utilization is set at 45%.” (BLM 2008a).

Grazing System

The new Mosby-Nay Allotment would use a seven pasture deferred rotation system (Table 1.2 below and Figure 2.1 of the EA). Five of the seven pastures (Cockscomb, Mosby-Nay, Bench, Cottonwood Ridge, and Big Hole) contain 100 percent desert tortoise critical habitat. The season of use for these five pastures would be 10/15 – 3/15. This would allow pastures managed for desert tortoise critical habitat to be rested during the tortoise active season March 16 – October 14. Pastures managed without tortoise timing restrictions are Mosby and Hungry Valley. The Mosby Pasture has less than 5 % and the Hungry Valley Pasture has about 11% desert tortoise critical habitat. These pastures could be used at any time of the year but would generally be used from March 15 – October 15. The Mosby and Hungry Valley Pastures would not be used continuously but with rest periods each year, typically during mid-October through early March. The Hungry Valley Pasture would be divided into two sections, which could be used at the same or separate times. There is an existing fence and gate between the two sections. The southern portion of the Hungry Valley Pasture is mainly State land. Livestock would be moved from one pasture to another based on reaching the 45% utilization level. None of the pastures would be used continuously year round.

Table 1.2. Alternative A: Proposed Season of Use by Pasture for the Combined Mosby-Nay Allotment.

Pasture Name	Season of Use
Cockscomb	10/15 – 3/15
Mosby-Nay	
Bench	
Cottonwood Ridge	
Big Hole	
Mosby	3/1 – 2/28 The Mosby and Hungry Valley Pastures maybe used at any time of the year. They would not be used continuously but would have rest periods. Use would generally be from 3/15 – 10/15.
Hungry Valley	

Range Improvements

Due to wildfires that occurred in 2005 and 2006 on the original Mosby-Nay Allotment (Figure A2.1 of the EA), a number of temporary fire rehabilitation fences were built in 2006 and 2007 (Figure A2.2 of the EA). Some of the fences protected areas that were seeded in 2006 and 2007. Some were built to promote recovery of vegetation post-fire in areas that were not seeded. Many of the fire fences are in need of repairs. Parts of the fire fences have been washed out, cut, or are beyond repair. The current fire fence configuration does not function as useful pasture fencing (Figure A2.2 of the EA), large sections of fire fencing would be removed, while retaining some sections to be used as part of the new pasture rotation, see the discussion below for the details.

The original Mosby-Nay Allotment has five pastures. To create a seven pasture rotation, the BLM will remove some of the existing fire fencing (approximately 21 miles), and build approximately 2.14 miles of new fencing. Five new fence segments will be built to connect existing fences to create several functional pastures (Table 2.6 and Figure A2.3 of the EA). Under a cooperative agreement, the new fence segments will be built by the grazing permittee and the BLM will supply the fence materials. Construction of the new fences may be done over a two-year period with work being done during the tortoise inactive season October 15 through March 15. Obsolete parts of the fire fences will be removed by the grazing permittee, BLM fire crew or youth crew. This work may take a period of years to complete. Removal of the fencing will be done during the tortoise inactive season October 15 through March 15. The existing allotment boundary fences will be kept in their current locations. Some of the existing fire rehabilitation fences will be kept to help form the new pastures. Portions of the existing fire fences that will be kept will require repairs, which will be done by the grazing permittee. Some of the pasture boundaries will be made up of natural terrain breaks to restrict livestock movement.

The planning of the new pasture configuration was accomplished through meetings with the grazing permittee on 4/26/2016 and 4/20/2017. New fences will allow access to existing waters on both sides of the pasture fences. Segment 1 of the proposed fence will tie in with the existing corral and water facility at Cove Spring Trough 1. Livestock could access water from either side of the fence. Segment 4 of the fence will be built mainly on State land. The removal of the existing fence and construction of the new fence segment will allow access to the LaVon Jones Trough and Jacobs Ranch Spring on the State land in section 16. Without the fence realignment there would only be water on the Mosby-Nay Pasture side. The new fence realignment will tie into the existing corral and water box so that water could be accessed from either the Mosby-Nay or Cockscomb Pastures. Proposed range improvements on or crossing State lands would be subject to approval from the Arizona State Land Department (ASLD). The State of Arizona requires permittees to apply to work on their lands with coordination with the BLM.

The BLM will install two cattleguards or wire gates, depending on funding, on the BLM 1634 road where segments 2 and 5 of the proposed fence would be built (Table 2.7 and Figure A2.4 of the EA). If cattleguards are installed, the BLM will install and maintain them. If wire gates are installed, they will be constructed and maintained by the permittee and materials would be funded by the BLM through a cooperative agreement.

All proposed fences, gates, and pipeline will be built to BLM specifications Appendix 4 of the EA. The new pasture fences will be four strand wire fences. The top three strands will be barbed wire and the bottom wire will be smooth to allow for wildlife movement. The fence posts and braces will be steel posts, steel pipe, treated wood, or juniper. The grazing permittee currently maintains existing range improvements through cooperative agreements. New improvements will also be maintained by the permittee under a cooperative agreement.

Clearing of the site or construction of proposed range improvements would not begin until after the environmental assessment and required surveys, clearances, and consultations are completed. When construction is completed, any extra materials and trash would be removed from the allotment and disposed of properly.

The following methods would be allowed for clearing brush and trees from along the fence line during construction and maintenance of the proposed fence.

- No new access roads would be constructed along fence lines or to the jobsite.
- No cross-country travel with motorized vehicles would take place when the ground is muddy and visible ruts can be created four inches deep or greater.
- Hand clearing methods including chainsaws would be allowed. Brush mowers would be allowed as long as no ground disturbance is created.
- The fence line may be cleared of brush, trees, rocks, or debris four feet on each side of the fence centerline with a total maximum clearing width of eight feet.
- No blading, dozing, or scraping of the ground along the fence line on any Bureau of Land Management administered land is permitted.
- When brush or trees are cleared from the fence line, they would be moved far enough away from the fence line to prevent it from blowing back onto the fence. Debris would be lopped, scattered, and not left in a pile. Juniper trees cut during the clearing of the fence line may be used for fence posts on this project.

- Construction of new fences, cattleguards, and pipelines, and removal of old fences would be done between 10/15 – 3/15 during desert tortoise inactive season.

Pipeline Extension

The permittee has proposed a new water pipeline extension that would run from the water facilities at Jacob Ranch to Cove Spring Trough 1 (Figure A2.5 of the EA). The water source is Middle Spring, which is already piped to the Jacob Ranch on State land. Middle Spring and Cove Spring Trough 1 are both on BLM administered lands (Figure A2.5 in the EA). The pipeline would be placed underground in the existing road that runs to Cove Spring Trough 1 corral and water facilities, giving it a more reliable source of water. The proposed pipeline would be approximately 1.6 miles of new pipeline but would be placed in or right beside an existing dirt road, BLM 1634, BLM 101, BLM 1633, BLM 1633A, (Figure A2.5 in the EA). Burying the new pipeline extension in the road or road right of way would result in minimal new disturbance. The pipeline would be 1¼ – 1½-inch poly pipeline that would be buried. The trench would be excavated by a backhoe, ditch witch, or similar equipment. Poly pipe would be placed in the trench and excavated material would be used to backfill. The majority of the proposed pipeline would be on State land. Proposed range improvements on or crossing State lands would be subject to approval from the ASLD. The State of Arizona requires permittees to apply to work on their lands with coordination with the BLM. If approved by the State of Arizona, the permittee would provide the materials and complete the installation. All work would be done during the tortoise inactive season October 15 through March 15. Maintenance of the pipeline extension would be the responsibility of the permittee by cooperative agreement.

The BLM would 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 date, or other changes or use within the parameters identified under these alternatives) 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/areas in the allotment before a scheduled move, the use of salt, herding, control of water, or other management options may be used to distribute livestock away from the area of use, or livestock may be removed from the area or allotment as deemed necessary by the BLM.

This decision includes adaptive management, which provides options for management decisions and actions to meet desired conditions as determined through monitoring. BLM resource specialists would periodically monitor the allotment over the 10-year term of the grazing permit. The University of Arizona reads trend and composition studies at key areas within the allotments at five-year intervals (see Section 4.7 on monitoring for more information on which studies are read, in the EA). If monitoring indicates that desired conditions are not being achieved and current livestock grazing practices are causing non-attainment of resource objectives, livestock grazing management on the allotment would 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 long-term basis. For summaries of trend and composition data for each key area, see Section 3.3.4 Land Health Evaluation and Appendix 5 of the EA for monitoring data.

RATIONALE FOR DECISION

This decision has been made after considering impacts to resources, such as vegetation, threatened Mojave desert tortoise and its designated critical habitat, wildlife, special status species, 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 RMP.

The NEPA analysis, documented in the above referenced EA, indicates that the proposed action is in conformance with the RMP. Impacts from the proposed action are either minimal or mitigated through adaptive management and/or design features of the proposed 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. Based upon the above information and analysis, I have determined that Alternative A will allow the Mosby-Nay and Mosby Allotments to continue to make progress toward meeting the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration and fulfill land use plan objectives.

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.

Sec. 43 CFR §4110.3: The authorized officer shall periodically review the permitted use specified in a grazing permit or 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.

Sec. 43 CFR § 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.

Sec. 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.

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, Mark Wimmer, 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).

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for stay of the final BLM grazing decision pending final determination on appeal by filing a petition for stay along with the appeal. To do so the appeal and petition for stay must be filed in the office of the authorized officers, as noted above, within 30 days after the receipt of the decision as provided in 43 CFR 4160.3(a). In compliance with 43 CFR 4.470, the appeal must state clearly and concisely the reasons why the appellant thinks the BLM grazing decision is wrong.

Pursuant to 43 CFR 4.471(c), a petition for a stay, if filed, 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 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.

Mark Wimmer Digitally signed by Mark Wimmer
Date: 2018.12.10 09:41:10 -07'00'

Mark Wimmer, Manager
Grand Canyon-Parashant National Monument

Enclosures:
Finding of No Significant Impact for Environmental Assessment