



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Arizona Strip Field Office
345 East Riverside Drive
St. George, UT 84790
www.blm.gov/az/

IN REPLY REFER TO: 4160
LLAZA01000

FedEx # 7712-6521-2129
RETURN RECEIPT REQUESTED

Danny Button
Button Cattle Co.
525 East 1100 South
Kanab, Utah 84741

NOTICE OF PROPOSED DECISION

**Rock Canyon Tank Allotment Water Catchments & Pipeline Extension
NEPA # DOI-BLM-AZ-A010-2023-0001-DNA**

INTRODUCTION

The Bureau of Land Management (BLM) has conducted an environmental review (DNA No. DOI-BLM-AZ-A010-2023-0001-DNA) to evaluate the proposal to construct and use two water catchments with troughs and extend an existing pipeline on the Rock Canyon Tank Allotment. The BLM, Arizona Strip Field Office, and the grazing permittee are working cooperatively to improve grazing management, watershed conditions, and rangeland health within the Rock Canyon Tank Allotment. The proposed action is essentially similar to, but not specifically a feature of, the proposed action analyzed in an existing environmental assessment (EA) #DOI-BLM-AZ-AZ010-2016-0027-EA. The DNA prepared for the proposed water developments (DOI-BLM-AZ-A010-2023-0001-DNA) was tiered to that EA. This proposed decision is the result of my review and consideration of the Determination of NEPA Adequacy (DNA) and its associated Finding of No Significant Impact (FONSI).

BACKGROUND

The purpose of the proposed action is to encourage and achieve better livestock distribution within the allotment; it is not to increase permitted use or increase animal unit months (AUMs). The uniformity in livestock distribution will enhance rangeland vegetation by accelerating plant succession while increasing plant diversity and vigor. The proposed catchments will benefit rangeland health by providing reliable year-round water sources in this allotment which will aid in

keeping livestock dispersed throughout the allotment as specified in the allotment management plan (AMP), resulting in more uniform utilization of forage (while not exceeding the maximum utilization level of 50%). The proposed action will provide reliable water sources and ensure the permittee is able to implement the grazing system established in the AMP. Water distribution on this allotment is limited because the existing reservoirs are unreliable, lack in water storage capabilities, and leak due to the soil's inability to retain water.

The land health evaluation for this allotment was completed in 2007 and it was determined that the allotment is making significant progress toward meeting the standards for rangeland health. The evaluation identified DPC objectives for the allotment and determined that these objectives are partially met – the reason the DPC objectives were not fully met was due to high shrub composition that is suppressing understory species. The evaluation report also identified lack of water as an issue and recommended additional water(s) to facilitate better livestock distribution. This project will address this issue and be beneficial to land health – reliable water sources will result in more uniform distribution of livestock use and thus more uniform forage utilization.

The proposed catchment and pipeline extension projects will also provide additional (reliable) water sources for wildlife (including mule deer). The *Arizona Strip Interdisciplinary Mule Deer Management Plan 2015-2019* (2015), which was developed jointly by the BLM and AGFD, states that “water distribution should be improved in [Unit 13B] by utilizing both cooperative projects and wildlife catchments”. The proposed catchments and pipeline extension fall within mule deer habitat. Thus, mule deer (along with other wildlife species) will benefit from the proposed catchments by improving water distribution and improving habitat use, which are also objectives contained within the Arizona Strip Field Office Resource Management Plan (RMP).

The purpose of this action is to respond to an external request to construct and use two water catchments (including a water storage tank or lined pond within the fenced area of the catchment), troughs, and a water pipeline extension in the Rock Canyon Tank Allotment. The need for this action is established in 43 CFR 4120.3-1(f) which states that proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4371, et seq), and management objectives established by the Arizona Strip Field Office RMP.

The action is essentially similar to, but not specifically a feature of, the proposed action analyzed in an existing environmental assessment (EA) #DOI-BLM-AZ-AZ010-2016-0027-EA. The DNA prepared for the proposed water developments (DOI-BLM-AZ-A010-2023-0001-DNA) was tiered to that EA and constitutes the BLM's environmental review of the proposed action in accordance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations.

FINDING OF NO SIGNIFICANT IMPACT

After consideration of the environmental effects described in the EA and supporting documentation, I have determined that the 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 FONSI.

PROPOSED DECISION

Based on my review and consideration of the DNA and FONSI, it is my decision to approve the Rock Canyon Tank water catchments, water storage tanks and pipeline extension as described in the DNA. Please refer to the Project Map attached to this Proposed Decision. The water catchments, pipeline extension, and troughs will be located in the following described area:

Gila and Salt River Meridian, Coconino County, Arizona

T. 40 N., R. 02 W.,
secs. 13, 23-27, and 31-35.

T. 40 N., R. 01 W.,
secs.19, and 29 -32.

T. 39 N., R 02W.,
secs. 2-9, and 17-20

T. 39 N., R 03W.,
secs. 1-3, 10-15, and 22-24

This range improvement project will be designed, constructed, and maintained according to the description in the DNA, including the best management practices.

The proposed action includes future maintenance activities for the life of the project, which is expected to be at least 20-50 years. The exact maintenance requirements are not known but are expected to include annual inspections using all-terrain vehicles or pick-up trucks along the pipeline route for minor repairs, as well as digging to find and repair leaks or clogs in the pipe.

The proposed water developments will be monitored on a yearly basis by the grazing permittee to ensure the water catchments, pipelines, troughs, and storage tanks (or ponds) are functioning properly. In addition, rangeland monitoring (to evaluate compliance, utilization, composition, and long-term trend) will continue in the allotment and will also include inspections of the cross-country pipeline route to determine if public use is occurring such that the route is becoming a new "road" and therefore if additional mitigation (beyond concealment of the route using natural materials as barriers) is necessary.

RATIONALE FOR DECISION

The Rock Canyon tank Allotment consists of 21,990 acres of federal land. and 1,080 acres of state land. This allotment is used seasonally in the winter and spring. Water is limited because the existing reservoir is unreliable, dependent on rainfall events to refill, lacks in water storage capabilities, and leaks due to the soil's inability to retain water. The project will benefit rangeland

health by providing reliable year-round water sources and aid in keeping livestock dispersed throughout the allotment, resulting in more uniform utilization of forage (while not exceeding the maximum utilization level of 50%).

This proposed decision has been made after considering impacts to resources, such as vegetation, wildlife, cultural resources, and soils, while also meeting the purpose and need for agency action as described above and in the DNA. The proposed decision also best addresses the goals and objectives of the Arizona Strip Field Office RMP, the *Arizona Strip Interdisciplinary Mule Deer Management Plan 2015-2019* and all applicable statutes, regulations, and policies. The water developments approved by this proposed decision will support responsible livestock grazing on public land and will allow the vegetation in the pastures to maintain at or better progress toward its natural potential by increasing plant diversity and vigor. Thus, ecological status of the allotment will be maintained and/or improved due to flexibility for grazing use to allow for periodic rest of each pasture. In addition, the water developments will increase the availability of water for wildlife, including being available year-long.

The project DNA indicates that the proposed action is in conformance with the Arizona Strip Field Office RMP, approved on January 29, 2008.

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 list not meant to be exhaustive.

- 43 CFR §4120.3-1 – Conditions for range improvements.
- 43 CFR §4120.3-2 – Cooperative range improvement agreements.
- 43 CFR §4120.3-3 – Range improvement permits.
- 43 CFR §4120.3-4 – Standards, design, and stipulations.
- 43 CFR §4120.3-5 – Assignment of range improvements.
- 43 CFR §4160.1 – Proposed decisions.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest the proposed decision in accordance with 43 CFR 4160.2 in person or in writing within 15 days after receipt of such decision to:

Lorraine M. Christian
Field Manager
345 East Riverside Dr.
St. George, UT 84790

If 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, the proposed decision will become my final decision without further notice, in accordance with 43 CFR 4160.3(a). Should a timely protest be filed, I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

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 (see attached List of all Persons or Groups Receiving this Notice of Proposed Decision (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
US 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.

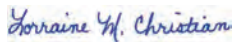
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

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.

 Digitally signed by
LORRAINE
CHRISTIAN
Date: 2023.02.10
10:56:21 -07'00'

Lorraine M. Christian
Field Manager
Arizona Strip Field Office

Attachments

List of all Persons or Groups Receiving this NOPD
FONSI

List of all Persons or Groups Receiving this NOPD

Danny Button
Button Cattle Co.
525 East 1100 South
Kanab, UT 84741

Lee Esplin
D&R Ranch Inc.
1694 Desert Dawn Circle
Santa Clara, UT 84765

Cyndi Tuell
Western Watersheds Projects
738 North 5th Ave Suite #206
Tucson, AZ 85705

Sandy Bahr
Sierra Club
514 West Roosevelt St.
Phoenix, AZ 85003

Roger Smith
Silver Arrow Stone Co.
HC 64 Box 152
Fredonia, AZ 86022