

# Sonoran Desert National Monument Livestock Grazing Approved Resource Management Plan Amendment

Decision Record

DOI-BLM-AZ-P040-2020-0001-EA

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## **Introduction**

The Sonoran Desert National Monument (SDNM) was designated by Presidential Proclamation 7397 on January 17, 2001 (Proclamation), and stated that “[l]aws, regulations, and polices followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument; provided, however, that grazing permits on Federal lands within the monument south of Interstate 8 shall not be renewed at the end of their current term; and provided further, that grazing on Federal lands north of Interstate 8 shall be allowed to continue only to the extent that the Bureau of Land Management determines that grazing is compatible with the paramount purpose of protecting the objects identified in this proclamation.”

In 2016, the U.S. District Court – District of Arizona issued a ruling concluding that the Bureau of Land Management (BLM) did not provide adequate explanations for determining livestock grazing compatibility on the SDNM for the 2012 SDNM Approved Resource Management Plan/Record of Decision (RMP/ROD) (BLM 2012a). The court found the administrative record did not support the analysis that led to the decisions in the ROD to make grazing available on five allotments north of Interstate-8 (I-8) and ordered the BLM to complete a new Land Health Evaluation (LHE) and grazing compatibility analysis (GCA) to be incorporated into the SDNM RMP by September 30, 2020.

The BLM determined that an RMP Amendment/Environmental Assessment (RMPA/EA) was warranted to address the Court remand and evaluate whether any allotments on the SDNM north of I-8 would be “available” or “unavailable” for livestock grazing, and whether any changes would be needed to the available Animal Unit Months (AUMs) at the planning-level.

## **Decision**

Based on review of the *Sonoran Desert National Monument Livestock Grazing Proposed Resource Management Plan Amendment and Final Environmental Assessment* (DOI-BLM-AZ-P040-2020-0001-EA), the decision is made to approve the Selected Alternative described below.

## **Selected Alternative**

The Proposed Action (Alternative B) is the Selected Alternative. Under the Selected Alternative, the BLM would amend the 2012 Approved RMP/ROD for the SDNM and change the existing allocation of portions of six grazing allotments. Under the Selected Alternative, all allotments, including formerly unavailable portions of the Big Horn, Conley, and Lower Vekol allotments, would be available for grazing with a level of use ranging from ephemeral use only to a maximum 4,232 perennially authorized AUMs across all six allotments in the SDNM north of I-8. Allotment-specific classification (such as ephemeral, perennial, perennial-ephemeral, etc.) and level of use (AUMs) would be set at the implementation-level subject to separate environmental review. Livestock grazing management must maintain and achieve Standards for Rangeland Health and be compatible with monument objects.

The Selected Alternative conforms with the existing decisions in the 2012 ROD, with the exception of GR-2.1.3 (allocating unavailable acres) and GR-2.1.4 (allocating 3,318 AUMs). The Selected Alternative replaces GR-2.1.3 and GR-2.1.4 with the following:

**GR-2.1.3 A-1.** Allocate the six livestock grazing allotments north of Interstate-8 within the SDNM as available for livestock grazing (see Selected Alternative map).

**GR-2.1.4 A-2.** Allocate available AUMs across six livestock grazing allotments north of Interstate-8 and within the SDNM as a range of ephemeral only to a maximum 4,232 perennially authorized AUMs.

The current management actions, best management practices (BMPs), and mitigation as approved in the 2012 ROD will continue to apply.

### **Finding of No Significant Impact**

Based on the analysis of the Selected Alternative, the BLM determined that the Proposed RMPA/EA would not have significant effects, therefore an environmental impact statement will not be prepared. The Finding of No Significant Impacts (FONSI) for the Proposed RMPA/Final EA was approved on July 9, 2020, and is hereby incorporated by reference.

### **Public Involvement**

Public scoping for this RMPA/EA was initiated with the publication of a Notice of Intent in the *Federal Register* on March 26, 2020 (Vol. 89, No. 59, 17095). The BLM notified approximately 57 individuals, organizations and agencies by email and postcard of the scoping period on March 25, 2020. The BLM published an updated LHE and draft GCA for public input. The 30-day public scoping period ended on April 27, 2020. Approximately 55 comment emails opposed to livestock grazing within the SDNM were received. There were also requests that the BLM complete an environmental impact statement and suggestions that the review period for the Draft RMPA/EA should be 90-days in length. The BLM received approximately 62 comment letters and emails to consider (Appendix 2 of the Proposed RMPA/Final EA).

The Draft RMPA/EA was made available to the public for review and comment for 30-days on May 8, 2020. The BLM notified approximately 57 individuals, organizations and agencies by email and postcard of the comment period on May 8, 2020. The BLM also issued a news release and published a notice in the *Arizona Business Gazette* on May 14, 2020. The comment period closed on June 7, 2020. Comments received were reviewed and categorized by issue or topic (Appendix 4, Volumes I-III of the Proposed RMPA/Final EA). The BLM received approximately 137 comment emails and letters from individuals, seven comment letters from organizations, and approximately 8,945 form letters with substantially similar content from individuals, to consider (Appendix 5 of the Proposed RMPA/Final EA).

### **Revisions and Additional Information**

In response to public comments, the BLM clarified and provided additional information in the Final LHE, Final GCA and/or Proposed RMPA/Final EA. A detailed discussion of the revisions and additional information was included in Appendix 5 of the Proposed RMPA/Final EA. In summary, those changes included the following:

1. In the Final LHE the BLM described how the maximum 4,232 perennially authorized AUMs was calculated in Section 9.0 and Table 7.

2. In the Final GCA the BLM clarified in Section 2.3 how the saguaro forest determinations were made in conjunction with the saguaro forest study.
3. In the Final GCA, the BLM replaced Table 5 in Section 5 (Results of the Class I and III Inventories) with an updated table reflecting new information from a pending report on cultural resources in the Analysis Area. Table 5 in the Draft GCA also did not accurately reflect which sites had impacts from livestock grazing versus other activities in the Analysis Area. Overtime, soil compaction and loss of vegetation can appear to be attributed to both livestock grazing and/or recreation related impacts. Table 5 in the Final GCA was clarified to describe whether impacts were associated with livestock grazing.
4. In the Proposed RMPA/Final EA the BLM added Table 1 to Section 1.3 to clarify how the elements of the Presidential Proclamation relate to the monument objects. These elements were categorized by monument object in the GCA, but a need was identified to also include them in the Proposed RMPA/EA. A footnote was also included to explain why the listed monument objects were considered or not considered (i.e. in or outside the Analysis Area).
5. In the Proposed RMPA/Final EA the BLM included the Arizona Wilderness Act of 1990 and the Wilderness Act of 1964 in Section 1.8.
6. In the Proposed RMPA/Final EA the BLM modified language in Section 2.1.3 to clarify ephemeral grazing impacts to annual forage in Sonoran desert tortoise habitats.
7. In the Proposed RMPA/Final EA the BLM provided additional and expanded information on potential impacts to Air Resources (Sections 3.5.7/3.5.8/4.5.3), Wilderness (Sections 3.6.1/3.6.2/4.5.4), Visual Resources Management (3.5.9/3.5.10/4.5.3), and Recreation Management (3.3.3/3.3.4/4.5.1). The BLM had previously provided a cursory review of potential impacts to these resources or resource uses in Appendix 3 and based on public comments the BLM provided additional context and expanded impacts analysis of these resources and uses.
8. The Draft RMPA/EA included Table 6 in Section 3.5.5 (Cultural and Heritage Resources). The table did not reflect new information from a pending report on cultural sites in the Analysis Area. Table 6 was replaced with text summarizing key information on cultural sites. Section 3.5.5 of the Proposed RMPA/Final EA provided the most up to date information and describes the 74 sites known in the Analysis Area and the evaluation of their eligibility. The updated Section 3.5.5 described that nine cultural sites showed impacts from livestock grazing. For the remaining 65 cultural sites, there is no documentation of livestock grazing related impacts (BLM-200-12-369).
9. The BLM updated the FONSI and provided information on the extent and results of consultation with tribes. Consultation efforts with tribes did not result in changes to any alternatives.

10. In the FONSI the BLM described that consultation with the State Historic Preservation Office had been completed and that the Proposed RMPA/Final EA would have “no adverse effect” to cultural sites in the Analysis Area.
11. The BLM clarified in the FONSI that there is no proposed or designated critical habitat, or known occurrences of, threatened or endangered species in the Analysis Area, therefore no consultation with the U.S. Fish and Wildlife Service occurred.

The BLM provides additional information in this Decision Record on several topics that were identified in the protest comments, but are not addressed in the Protest Resolution Report:

1. On August 3, 2020, an Agreement between the U.S. Fish and Wildlife Service (USFWS) and Wild Earth Guardians, et al., was entered into in the U.S. District Court for Arizona. The USFWS agreed to return the Sonoran desert tortoise (*Gopherus morafkai*) to the candidate list for Endangered Species Act (ESA) protection. Within 18-months the USFWS will publish in the *Federal Register* a new 12-month finding for the Sonoran desert tortoise, in accordance with the ESA. At the time of the publication of the Proposed RMPA/EA, the Agreement to return the species to the candidate list had not been approved by the Court.

The 1998 USFWS *Endangered Species Consultation Handbook* on page xi defines a "candidate species" as "...a plant and animal taxa considered for possible addition to the List of Endangered and Threatened Species." Page 3-7 of the Handbook states, "While candidate species have no legal protection, Service biologists should notify agencies of candidate species in the action area and may recommend ways to reduce adverse effects and/or request studies as appropriate."

The BLM Special Status Species Management Manual 6840, on page .IF12f at j, states, "It is not necessary to consult or confer on candidate or Bureau sensitive species." The Manual further states on page Glossary 1, "Candidate species and their habitats are managed as Bureau sensitive species." As described in Sections 3.5.1/3.5.2 of the Proposed RMPA/EA, the BLM considered the potential impacts from the RMPA/EA on the Sonoran desert tortoise as a BLM sensitive species.

2. The BLM adds the following information to Section 4.3 to provide more context on Reasonably Foreseeable Future Actions (RFFAs) in the Cumulative Effects Study Area (CESA) (Figures 9 and 10). In December 2011, the BLM approved the Record of Decision for the Sonoran Solar Energy Project. Located outside and north of the SDNM and east of State Route 85 this project involves a right-of-way for approximately 3,620 acres (or 0.5 percent) of the CESA. As of September 2020, work on this project has not been started. The Maricopa Solar Park would be located outside and east of the SDNM and south of State Route 238 and involves a right-of-way for approximately 1,654 acres (or 0.2 percent) of the CESA. As of 2014, the project was put on hold by the applicant. The addition of this information to Section 4.3 does not change the cumulative impacts analysis for the alternatives. If these solar projects are constructed, the BLM would reassess the affected

allotments (Arnold and/or Lower Vekol) and may make adjustments to potential perennial AUMs.

3. The BLM adds the following information to Section 4.5.3 under Vegetation, Noxious and Invasive Weed Species to provide context on the occurrence of wildfire in the CESA (Figures 9 and 10). The BLM has reviewed the available wildfire GIS data. Since 2000 there have been 26 wildfires in the CESA, affecting approximately 10,883 acres (or 1.4 percent) of the CESA. The addition of this information to Section 4.5.3 does not change the cumulative impacts analysis for the alternatives.
4. During public scoping the BLM received 36 references from several organizations. The references ranged in topic from: climate change, cultural resources, ferruginous pygmy-owl, fire, invasive species, rangeland management, saguaro cactus, soil/hydrology, Sonoran desert tortoise, to general wildlife. While the BLM considered the references, they did not provide substantial and new information that would have informed the BLM in the development of the analysis or inform the choices between the alternatives in the Draft RMPA/EA.
5. On September 8, 2020, the BLM published on the project website an Errata Sheet documenting non-substantive editorial corrections to the Final GCA and Proposed RMPA/Final EA.

## **Authority**

Implementation of the Selected Alternative is under the authority of the Taylor Grazing Act of 1934, Public Rangelands Improvement Act of 1978, Presidential Proclamation 7397, and the Federal Land Policy and Management Act of 1976.

## **Rationale**

### *Proposed Action (Selected Alternative)*

Analysis in the Final LHE and GCA, required in response to the court order, reassessed livestock impacts on the monument objects in the SDNM. This analysis suggests that livestock grazing, as described in the Selected Alternative, is compatible with the protection of monument objects. The No Grazing Alternative meets the purpose and need and protects monument objects, however, it would not allow for grazing use. The Selected Alternative meets the purpose and need of the RMPA/EA and when compared to the other alternatives, allows for the most flexibility in grazing management to be defined at the implementation level after site-specific environmental analysis in compliance with the National Environmental Policy Act (NEPA). The availability of grazing over large areas expands adaptive management options given localized variations in resources across the monument as a whole. Adaptive management options allow for use while protecting important resources. The No Action and Reduced Grazing alternatives would allow for grazing, but would provide less management flexibility than the Selected Alternative. Because of large areas that are unavailable for grazing under those alternatives, the ability to adapt to changing conditions would be reduced.

The range of use under the Selected Alternative, from ephemeral use only to a maximum of 4,232 AUMs, allows for allotment specific management and the ability to adapt to changing conditions

to meet resource objectives on the SDNM. At the implementation-level, a decision would be made on an allotment by allotment basis, whether an allotment would be classified for ephemeral or perennial-ephemeral grazing based on the Special Ephemeral Rule.

If authorized at the implementation-level, ephemeral grazing would be managed under the requirements of the Special Ephemeral Rule, BMPs, and standard operating procedures in the SDNM ROD. These ephemeral management requirements provide additional resource protections by limiting the timing and amount of use that may occur and are in compliance with the Sonoran Desert Tortoise Candidate Conservation Agreement. Perennial grazing up to a maximum of 4,232 AUMs monument-wide could also be available based on site-specific NEPA analysis and as managed by BMPs and standard operating procedures in the SDNM ROD for perennial grazing.

### **Governor's Consistency Review**

The Arizona Governor's office was afforded a 60-day consistency review period in accordance with 43 CFR 1610.3-2(e) beginning July 9, 2020. The BLM received a reply of no inconsistencies with state and local plans, policies, and programs, on July 27, 2020.

### **Protest Resolution**

Publication of the Proposed RMPA/Final EA and approved FONSI on July 9, 2020, initiated the 30-day protest period. The protest period ended on August 7, 2020. Pursuant to the BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the RMPA/EA planning process and had an interest that may be adversely affected by the BLM's planning decisions was allowed to protest the proposed planning decisions within 30 days of when the Proposed RMPA/EA and approved FONSI were published on ePlanning.

The BLM received 15 emails and letters during the 30-day protest period provided for the Proposed RMPA/EA. In accordance with 43 CFR 1610.5-2, thirteen of these emails and letters were dismissed for one or more of the following reasons: the commenter did not have standing; the letter did not contain valid protests; and/or the letter was improperly submitted to the BLM. The remaining two protest letters from Western Watersheds Project and Wild Earth Guardians were valid and contained protest issues that required a response from the BLM. The BLM Director's decisions on the protests are summarized in the Director's Summary Protest Resolution Report, Sonoran Desert National Monument Livestock Grazing Project, which is available on the BLM website: <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports> and at <https://go.usa.gov/xwNNS>.

The Director concluded that the BLM Arizona State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed RMPA/Final EA. Each protesting party was notified in writing of the Director's findings and the disposition of their protests. The BLM Director resolved the protests without making changes to the Proposed RMPA/Final EA. The decision of the BLM Director is the final agency action of the Department of the Interior for issues raised in the protest letters.

Although the BLM denied the protest letter from the Center for Biological Diversity because it was improperly filed, the BLM provides the following responses to their substantive statements (not previously addressed in this Decision Record or the Protest Resolution Report):

1. *Comment excerpt:* The BLM published an unsigned FONSI prior to completing consultation with tribes and made no changes to the approved FONSI.  
*BLM response:* As stated in Appendix 5 to the Proposed RMPA/Final EA, comment response #46, the publication of the unsigned FONSI was consistent with the BLM's Land Use Planning Handbook (H-1610 1-1) on page 28. On March 17, 2020, formal government to government consultation with tribes had been initiated but not concluded. The approved FONSI described additional outreach to tribes that had occurred and summarized their responses. No changes were made to the alternatives nor their impacts in the Proposed RMPA/Final EA as a result of the tribal consultations.
2. *Comment excerpt:* The BLM did not adequately assess the cumulative impacts from invasive weeds, increased use on the Sonoran desert tortoise, wildfire risk, climate change and grazing infrastructure.  
*BLM response:* The Final LHE included monitoring for invasive species, assessment of Sonoran desert tortoise habitat, climate summary, and an analysis of livestock distribution related to grazing infrastructure (range improvements). Risks for wildfire in the Analysis Area was discussed in Section 3.5 of the Proposed RMPA/Final EA. Additional information on wildfire occurrence was included in this Decision Record.
3. *Comment excerpt:* The methods used to complete the LHE were not scientifically based.  
*BLM response:* The methods used to complete the Final LHE are based on the best available data and BLM approved methods to assess the Standards for Rangeland Health. The new monitoring method, as described in the Final LHE and its appendices, was used to establish repeatable monitoring sites, develop local desired plant community objectives, and provide a more accurate representation of current rangeland resource conditions, when compared to previous studies.
4. *Comment excerpt:* The BLM did not adequately describe the baseline conditions in the Analysis Area.  
*BLM response:* The Final LHE describes the current condition of the rangeland resources in the Analysis Area. The described conditions are considered the baseline conditions. The Proposed RMPA/Final EA also provided information on the affected environment in Chapter 3.
5. *Comment excerpt:* The BLM did not adequately describe how the proposed livestock grazing use levels would be compatible with monument objects.  
*BLM response:* The recommendations in the Final LHE and the Selected Alternative in the Proposed RMPA/Final EA describe the range of use that is appropriate for this area given the current condition of the rangeland resources and the potential impacts livestock grazing may have. Future environmental analysis, in compliance with NEPA, will be used to determine the appropriate level of grazing, by allotment, that is compatible with monument objects.



**Decision**

It is my Decision to approve the Proposed Action as the Selected Alternative and as described in the Proposed RMPA/Final EA. The Selected Alternative makes two changes to the 2012 Approved RMP/ROD. I have considered the issues, public comments and potential impacts to the human environment in making this Decision.

Recommended by:

**EDWARD  
KENDER**

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EDWARD KENDER  
Date: 2020.09.28 08:18:48  
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Edward J. Kender  
Field Manager  
Lower Sonoran Office

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Date

District Manager Concurrence:

**LEON  
THOMAS**

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Date: 2020.09.28  
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Leon Thomas  
District Manager  
Phoenix District Office

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Date

Approved by:

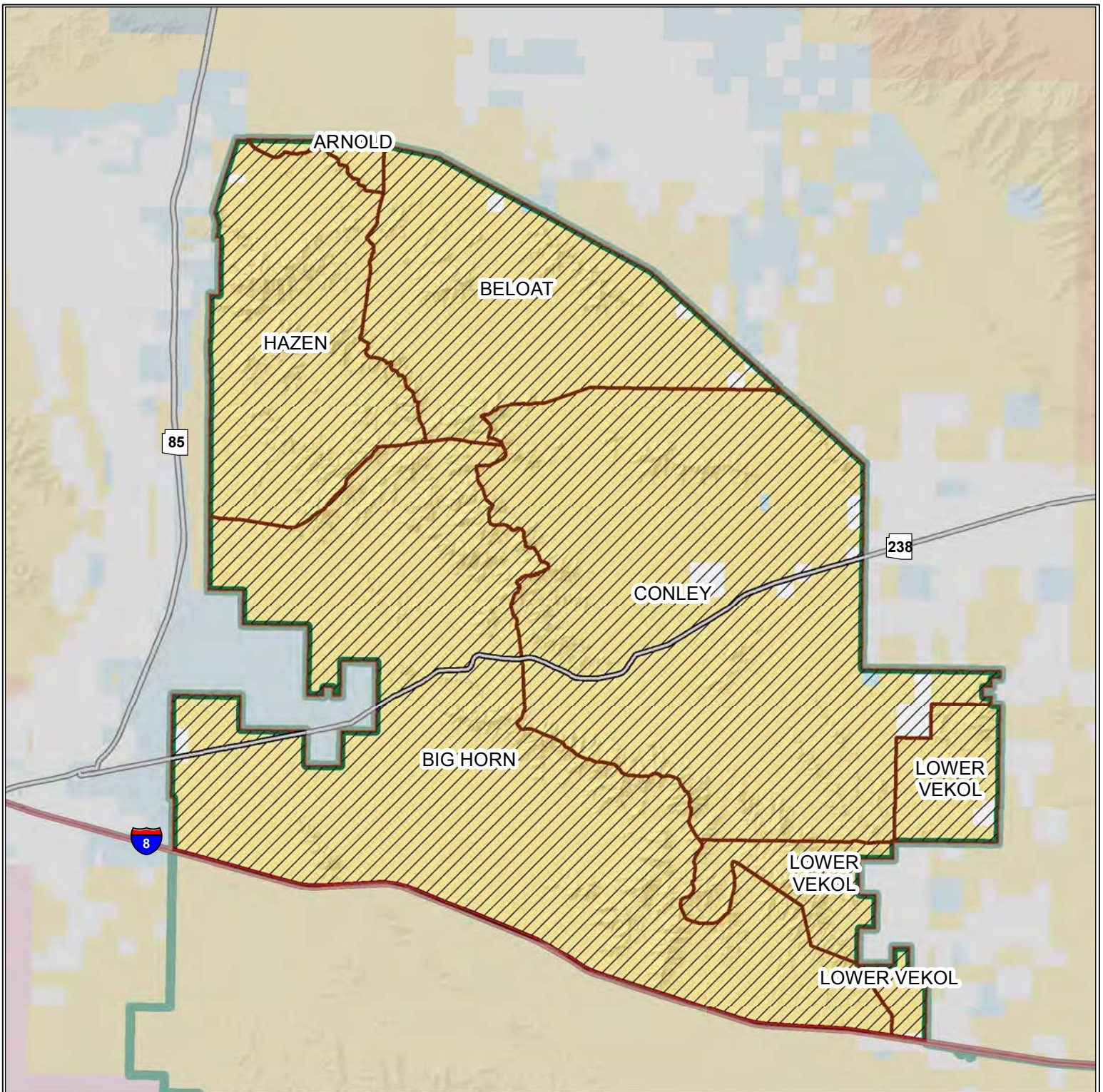
**RAYMOND SUAZO**

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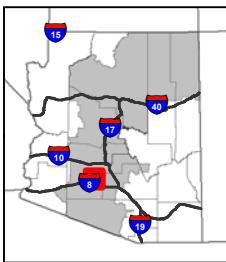
Raymond Suazo  
State Director  
Arizona State Office


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Date



Arizona



 Map Location

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## SDNM Livestock Grazing RMP Amendment/ Environmental Assessment Selected Alternative

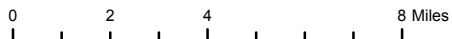
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Lower Sonoran Field Office













Date: 9/9/2020



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|---|---|
|  Available for Grazing |  Bureau of Land Management |
|  State Highway         |  Indian Lands              |
|  Interstate Highway    |  Local or State Parks      |
|  National Monument     |  Military                  |
|   |  Private                   |
|   |  State                     |