



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
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711 South 14th Avenue, Suite A  
Safford, Arizona 85546-3335  
[www.blm.gov/az/](http://www.blm.gov/az/)

August 1, 2014

In Reply Refer To:  
4130/4180 (G010)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED NO. 6532 7469

Mr. and Mrs. Alan Benoit  
1101 E. Mesquite St.  
Gilbert, Arizona 85296

## FINAL DECISION

Dear Mr. and Mrs. Alan Benoit:

### INTRODUCTION

The Bureau of Land Management (BLM) issued revised grazing regulations in 1995, which set forth the process of establishing Standards for Rangeland Health (Title 43 Code of Federal Regulations [CFR] 4180.2). The purpose for setting standards and identifying their indicators was to provide BLM with a rational basis for determining whether current management is meeting the Fundamentals of Rangeland Health as described under 43 CFR 4180.1.

Arizona Standards and Guidelines (S&G) for grazing administration have been developed through a collaborative process involving the Bureau of Land Management State S&G Team and the Arizona Resource Advisory Council. Together, through meetings, conference calls, correspondence, and Open Houses with the public, the BLM State Team and RAC prepared Standards and Guidelines to address the minimum requirements outlined in the grazing regulations. These S&G evaluations were conducted using interdisciplinary teams (IDTs) with various resource specialists, representing the biological and physical science disciplines. The IDTs collected, reviewed and analyzed the available data for the purpose of completing range health evaluations.

This document addresses the issuance or renewal of your grazing permit. A final decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any affected applicant, permittee or lessee who is affected by the proposed actions, terms, conditions, or modifications relating to issuance of a grazing permit/lease.

## BACKGROUND

The current grazing permit for the White Spring Allotment (#46280) expired on 2/28/2005 and is currently authorized under a temporary permit renewed under Public Law 108-108, Section 325. The temporary permit will expire on 02/28/2015. Under Public Law 108-108, Section 325, permit renewals were meant to be temporary pending the completion of the formal permit renewal process, which includes completing rangeland health assessments, evaluating current livestock practices, and determining range health and compliance with the National Environmental Policy Act (NEPA).

A land health evaluation for the White Spring Allotment was completed in 2008 to determine if Code of Federal Regulations (CFR) 4180 and Standards and Guidelines found in the *Fundamentals of Rangeland Health and Standards for Rangeland Health and Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (1997)* and it was determined that, while standards one (upland sites) and three (desired resource conditions) were being met, standard two (riparian wetland sites) was not applicable.

You, the permittee for this allotment, have requested a renewal. An Interdisciplinary team completed a documentation of NEPA adequacy (DOI-BLM-AZ-G010-2012-0037-DNA) and the proposed decision was protested. Upon review of the protest points, it was decided to re-analyze affected elements based on further analysis with a new EA (DOI-BLM-AZ-G010-2013-0026-EA), and prepare a new decision document. The proposed decision was sent out August 29, 2013 and protests were received. These protests have been responded to in the attached table.

## FINAL DECISION

Therefore, it is my final decision to implement the proposed action (now described as the selected action) described in the Environmental Assessment (EA) #: DOI-BLM-AZ-G010-2013-0026-EA and listed in full below.

In accordance with 43 Code of Federal Regulations 4130.2, and based upon the allotment evaluation, consultation with affected permittee, interested publics, and recommendations from the Interdisciplinary Assessment Team, our decision is to offer the grazing permit for the White Spring allotment for a period of 10 years with the terms and conditions identified in the Proposed Action of the EA, and listed below in Table 1, which will become effective upon acceptance of the permit. Your grazing permit shall be for a period of ten years and will reflect the mandatory terms and conditions.

Table 1. Mandatory terms and conditions for the White Spring Allotment.

Allotment	Livestock number	Kind	Grazing Period		Type %PL	Active AUMS
			Begin	End		
46280	17	Cattle	03/01	02/28	92	188

The following other terms and conditions will be carried forward on the renewed permit:

As a term and condition of this permit, you are required to do the following:

1. Submit a report of your actual use made on the allotment for the previous grazing period March 1 to February 28. Failure to submit such a report by March 15 of the year may result in suspension or cancellation of your grazing permit or lease.
2. The BLM is in the process of implementing the standards for rangeland health and guidelines for grazing management. This permit is subject to future modification as necessary to achieve compliance with the standards and guidelines (43 CFR 4180).
3. Permittees are required to maintain all range projects for which they have maintenance responsibilities.
4. With the exceptions of salt and or mineral blocks, supplemental feeding is not authorized on public lands unless prior approval is requested and given by the authorized officer.
5. Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of water sources, springs, streams, and riparian habitats.
6. All troughs will be outfitted with wildlife escape structures to provide a means of escape for animals that fall in while attempting to drink or bathe.
7. This permit will be subject to all terms and conditions found on the back side of the permit.
8. 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 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 permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

### **RATIONALE**

The actions in this Final Decision respond to the Purpose and Need explained in DOI-BLM-AZ-G010-2013-0026-EA. Furthermore, the renewal conforms to the applicable land use plan and the NEPA documentation fully analyses the proposed action and alternatives and constitutes BLM's compliance with the requirements of NEPA.

### **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

A finding of no significant impact (FONSI) was signed on August 29, 2013, and concluded that the decision to implement the selected action, is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of that FONSI was sent with the proposed decision. The EA and FONSI are also available on-line at this location:

<http://bit.ly/WhiteSpringEA>

### **AUTHORITY**

The authority for this decision is found in statutory and regulatory authorities contained in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976, as

amended, and Title 43 of the Code of Federal Regulations (CFR), Part 4100 (Grazing Administration-exclusive of Alaska), including but not limited to the following sections: §4100.0-2 The objectives of these regulations are to promote healthy sustainable rangeland ecosystems; to accelerate restoration and improvement of public rangelands to properly functioning conditions; to promote the orderly use, improvement and development of the public lands; to establish efficient and effective administration of grazing of public rangelands; and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands. These objectives shall be realized in a manner that is consistent with land use plans, multiple use, sustained yield, environmental values, economic and other objectives stated in 45 CFR part 1720, subpart 1725; the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a-315r); section 102 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1740).

§ 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 decisions pursuant to 4160.1 of this part, except as provided in paragraph (b) of this section.

§ 4120.3-1 Conditions for range improvements.

(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

(b) Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into a cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.

- (c) The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under §4130.3–2 of this title.
- (d) The authorized officer may require a permittee or lessee to install range improvements on the public lands in an allotment with two or more permittees or lessees and/or to meet the terms and conditions of agreement.
- (e) A range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.
- (f) The authorized officer will review proposed range improvement projects as required by the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis will be issued in accordance with § 4160.1.

§ 4120.3-2 Cooperative range improvement agreements.

- (a) The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).
- (b) Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipelines where authorization is granted after August 21, 1995 shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines will be through cooperative range improvement agreements. The authorized officer will document a permittee's or lessee's interest in contributed funds, labor, and materials to ensure proper credit for the purposes of §§4120.3–5 and 4120.3–6(c).
- (c) The United States will have title to nonstructural range improvements such as seeding, spraying, and chaining.
- (d) Range improvement work performed by a cooperator or permittee on the public lands or lands administered by the Bureau of Land Management does not confer the exclusive right to use the improvement or the land affected by the range improvement work.

§ 4120.3-4 Standards, design and stipulations.

Range improvement permits and cooperative range improvement agreements shall specify the standards, design, construction and maintenance criteria for the range improvements and other additional conditions and stipulations or modifications deemed necessary by the authorized officer.

§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 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...”

§ 4160.3 Final decisions.

- (a) In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed 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**

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal of the decision for the purpose of a hearing before an administrative law judge. A period of 45 days from your receipt of the proposed decision is provided for filing an appeal and petition for a stay of the decision pending final determination on appeal, as provided in 43 CFR § 4.470 and 43 CFR § 4160.4. An appellant may also file a petition for stay of the decision pending final determination on appeal. 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 within 30 days after the date the proposed decision becomes final.

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. Any appeal should be submitted in writing to:

Scott C. Cooke  
Field Manager  
711 South 14<sup>th</sup> Ave  
Safford, Arizona 85546-3321

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 (b) (1) must show sufficient justification based on the following:

- (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 additionally to:

- (1) All other parties named in the cc section of this Decision; and
- (2) The appropriate Office of the Solicitor as follows, in accordance with 43CFR § 4.413(a) and (c):

US Department of Interior  
Office of the Field Solicitor  
Sandra Day O'Connor U.S. Courthouse  
401 W. Washington St. SPC 44 Suite 404  
Phoenix, Arizona 85003-2151

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate Office of the Solicitor in accordance with Sec 4.413 (a) and (c), and any other person named in the decision.

Sincerely,

/s/ Scott C. Cooke

Scott C. Cooke  
Field Manager

Attachment:  
Protest Responses



cc:

Western Watersheds Project  
c/o Greta Anderson and Erik Ryberg  
738 North 5<sup>th</sup> Avenue, Suite 200  
Tucson, Arizona 85702

Habitat Specialist  
c/o John Windes  
Arizona Game and Fish Department  
555 North Greasewood Road  
Tucson, Arizona 85745

Arizona State Land Department  
c/o Stephen Williams  
1616 West Adams  
Phoenix, Arizona 85007

Arizona Cattle Growers  
1401 North 24<sup>th</sup> Street, Suite 4  
Phoenix, Arizona 85008

Larry Humphrey  
P. O. Box 894  
Pima, Arizona 85543

# White Spring Permit Renewal Protest Responses

	Document	Comment/Concern	Response
1	EA	Even though a thorough explanation of wildlife resources was presented to include full disclosure of all resources, soils and vegetation were not important enough to present even though soil and vegetation resources are the determining factors as to whether the permit is renewed.	A thorough explanation of wildlife resources is presented in the S&G to ensure full disclosure of all resources that needed analyzed. Furthermore, ecological site and soil descriptions were summarized in the S&G to adequately describe resource conditions. Description length does not correlate to greater emphasis within the analysis.
2	S&G	No key areas have been established, ecological sites were not mapped, condition of each ecological site was not determined. These items are critical if a determination is to be made if livestock grazing is going to continue. One rangeland health assessment was completed on the allotment and no mention is given as to the soil or ecological site. How the biotic condition of the site was determined is a mystery.	<p>The assessment was done at one site that is representative of the allotment condition. Based on the presence of primary species associated with the ecological site, biotic integrity appears to be intact. The ecological sites present at the allotment are listed in Table 5 of the S&amp;G, and maps of these ecological sites are available via the National Resource Conservation Service’s Web Soil Survey reports at the following location:  <a href="http://websoilsurvey.sc.egov.usda.gov">http://websoilsurvey.sc.egov.usda.gov</a></p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards</p>

3	Comment Responses	<p>Response #18 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "Frequency data may indicate changes in affected key plant species." I agree but no frequency data is presented and no key area or data from a key area is presented in the Standards and Guidelines document.</p>	<p>for Rangeland Health were being met.</p> <p>White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978).</p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.</p>
4	Comment Responses	<p>Response #15 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "HCPC was identified as the desired plant community by an interdisciplinary team of Range Management Specialists and biologists." If no measurements were made of vegetation composition, ground cover, bare ground or other standard parameters, how was it determined that the area was in HCPC? The Responses also state, "In cases where the HCPC has transitioned to another state, in some situations return to that state may not be achievable or practical". If no measurements were made, how would BLM or anyone else</p>	<p>During the upland health evaluation, a determination of the relative composition of functional structure groups was determined to be within expectations. This, combined with the species present, provided an estimation that the allotment was within expectations for the site.</p> <p>If the relative composition of functional structure groups appear to be moving away from acceptable ranges for the ecological site, it may be determined that additional information would be needed to determine any potential management actions.</p>

		know whether or not goals were being achieved?	
5	Comment Responses	Response #24 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "Ecological sites were provided in the Standards and Guidelines evaluation and incorporated by reference into the analysis". No maps of ecological sites were provided in the analysis. No acreage of each ecological site was provided. Simply saying the allotment contains a number of ecological sites, with no data provided does not meet standards for a Standards and Guidelines determination.	<p>The Standard and Guideline evaluation does not require mapping and analysis of each ecological site, particularly when the evaluation indicates that all standards are being met.</p> <p>The assessment was done at one site that is representative of the allotment condition. Based on the presence of primary species associated with the ecological site, biotic integrity appears to be intact. The ecological sites present at the allotment are listed in Table 5 of the S&amp;G, and maps of these ecological sites are available via the National Resource Conservation Service’s Web Soil Survey reports at the following location:  <a href="http://websoilsurvey.sc.egov.usda.gov">http://websoilsurvey.sc.egov.usda.gov</a></p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.</p>
6	S&G	In conclusion, the Standards and Guidelines evaluation of White Spring permit renewal is inadequate for analysis as	White Spring is a custodial allotment. Allotments designated as custodial are managed differently than

		<p>to whether or not livestock grazing should be continued on the allotment and therefore, the Environmental Analysis is similarly flawed. The Proposed Decision should be vacated and another Standards and Guidelines Evaluation using sound scientific principles should be issued.</p>	<p>standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978).</p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.</p>
7	S&G	<p>No frequency data, key area, or data from a key area is presented in the Standards and Guidelines document.</p>	<p>White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978).</p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by</p>

			<p>helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.</p>
8	S&G	<p>If no measurements were made of vegetation composition, ground cover, bare ground or other parameters, how was it determined that the area was in HCPC.</p>	<p>During the upland health evaluation, a determination of the relative composition of functional structure groups was determined to be within expectations. This, combined with the species present, provided an estimation that the allotment was within expectations for the site.</p>
9	S&G	<p>Data must be provided to support the conclusion that that Standards and Guidelines are being met.</p>	<p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.</p>
10	EA	<p>The proposed decision fails to take a hard look at the impacts to a federally-designated floodplain. The most recent iteration of the EA identified impacts to ephemeral washes and floodplains as a key issue. The current EA deletes reference to this as an issue based on the rationale that further review by a AZ State Office hydrologist and the cursory statement in the EA “The proposed action would not alter the floodplain in the project area to limit</p>	<p>A hard look at potential impacts to floodplains was taken by three separate BLM hydrologists. Although initial scoping identified a potential issue related to permitted activities within the floodplain, the scope of the floodplain policy was better defined through hydrologist understanding to relate only to constructed infrastructure, which none of the alternatives consider. The final determination was that: “The proposed action would not alter the floodplain in the</p>

	<p>infiltration or water energy produced during flow events. Vegetation along stream banks and in the floodplain would provide stability appropriate to the system, given the topography, climate, hydrology, and soil characteristics inherent in the system.” Final EA at 13.1 The question remains, How would BLM even know if this were true or not? The BLM admits in the earlier RHE that it did not take a hard look at the rangeland health conditions of Goodwin Wash because it didn’t satisfy criteria for “Riparian Wetland Sites” as defined under the Arizona Standards and Guidelines. White Spring RHE at 16. However, the affected environment section of the EA should have included a discussion of livestock use and impacts in this major floodplain. It is not clear that the BLM has evaluated the land health of this ecosite, as none of the NRCS ecological sites include washes or bottoms. White Spring S&amp;G at 17. As indicated in the draft White Springs EA, Executive Order 11988 requires that BLM avoid short- and longterm impacts to floodplains where practicable alternatives exist. EO 11988, Draft White Spring EA at 14. Goodwin Wash within the allotment is a FEMA designated floodplain, and the “No Grazing” alternative would increase or enhance floodplain function. White Spring Draft EA at 15. In contrast, the proposed action entails “grazing, trampling, trailing, and loafing of livestock in Goodwin Wash [which] would reduce vegetation within the floodplain.” White Spring Draft EA at 15. Merely deleting the relevant sentences in the EA doesn’t explain how the previously analyzed impacts suddenly disappear. Clearly, if the BLM considered but dismissed an additional alternative to eliminate livestock grazing in the Goodwin Wash between the two latest versions of the EA, there is still some discussion about the effects of grazing in the Wash. The reason for dismissing this alternative is not because livestock have not impact or</p>	<p>project area to limit water infiltration or water energy produced during flood flow events. Vegetation along stream banks and in the floodplain would provide stability appropriate to the system, given the topography, climate, hydrology, and soil characteristics inherent in the system.</p> <p>Livestock trailing in and around Goodwin Canyon Creek and Goodwin Wash could lead to localized areas of soil compaction along establish trails and near watering opportunities. However, coarse texture soil materials in and around the system would maintain a high floodplain infiltration rate and allow water to percolate through the soil.</p> <p>The proposed action would not alter the floodplain classification, nor would it change the risks associated with storm or flood flow events.”</p> <p>Hydrologist Bill Wells was with the BLM Safford Field Office for approximately 6 months. Protests of the proposed decision for the White Spring permit renewal were received after Bill Wells left the BLM. In his absence, the BLM State Hydrologist provided input on the issues of floodplains and springs on the White Spring allotment. A brief explanation of the No Impact rationale was provided within the EA, while a more lengthy explanation was provided in the previous comment and response document.</p>
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		because it would not affect the floodplain; the BLM should have analyzed and discussed this alternative in detail to facilitate and understanding of compliance with the EO. Nothing about the removal of Goodwin Wash from the analysis suggests that BLM is being forthright in its analysis of potential livestock impacts to this federally-listed FEMA floodplain.	
11	EA	Hydrologist Bill Wells is listed as having been consulted on the earlier draft as well. Did he change his mind about the potential impacts of the proposed action on Goodwin Wash? Why? What new information was presented to him that changed the determination to “No Impact”? That information should have been included in the Final EA rather than simply deleting mention of this important resource. WWP protests this violation of NEPA.	Hydrologist Bill Wells was with the BLM Safford Field Office for approximately 6 months. Protests of the proposed decision for the White Spring permit renewal were received after Bill Wells’ left the BLM. In his absence, the BLM State Hydrologist provided input on the issues of floodplains and springs on the White Spring allotment. A brief explanation of the No Impact rationale was provided within the EA, while a more lengthy explanation was provided in the previous comment and response document.
12	EA	The BLM is relying on the Safford District Resource Management Plan (1991) that adopted the grazing analysis of the Upper Gila-San Simon Grazing EIS of 1978. Thus, the BLM is tiering the White Spring proposed decision to an environmental impact statement both three decades out of date and at odds with the management proposed here. We protest this violation of NEPA.	The proposed action was identified as in conformance with the existing land use plan, which adopted the Upper Gila River EIS. Though the land use plan was completed in the dates referenced, the decisions are still applicable and further analysis necessary for site-specific analysis was completed in the EA.
13	EA	The Upper Gila-San Simon Grazing EIS estimates 156 AUM as the grazing carrying capacity on the White Spring allotment. EIS at A-21. The proposed decision authorizes 188 AUM. NOPD at 2. This exceeds the stocking rate established in the EIS and subsequent RMP without providing any evidence that a new analysis has been completed to support this increased level of use. The carrying capacity of the allotments in the Safford area were determined through ocular estimates between 1963 and 1976, or estimated based on range similarity for the 1978 EIS. EIS at 1-5. The failure to take a hard look now, in 2012, is	Standards and Guidelines Evaluation, section 3.1 Grazing History, page 4, outlines the changes in permitted numbers over time for the allotment and states: “On November 22, 1985, a proposed decision was sent out indicating that the adjustments to livestock numbers to that point in time were all that was necessary to bring grazing use in line with forage production. This set the livestock numbers at 17 cattle for a total of 188 AUM’s.” This proposed decision was not protested and became the final decision.



		<p>compounded by the ~40 years that have elapsed since the agency last did so. We protest this violation of NEPA.</p> <p>The narrative explanation for the difference in the RMP-authorized numbers and the current proposed action based on the historical use/non-use of AUM is provided on page 5 of the RHE. However, the most recent Final Decision set the number at 142 AUM (in 1981) and the only subsequent change was a “proposed decision.” The RHE does not discuss whether this proposed decision ever became final.</p>	
14	S&G	<p>The 1985 decision to permit 188 AUMS’s is more than two decades out of date and the BLM does not have the utilization data to show that the carrying capacity estimates is still accurate.</p>	<p>The proposed action was identified as in conformance with the existing land use plan, which adopted the Upper Gila-San Simon Grazing EIS (1978). Though the land use plan was completed in the dates referenced, the decisions are still applicable and further analysis necessary for site-specific analysis was completed in the EA.</p> <p>White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978).</p> <p>The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently</p>

			exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
15	EA	The permittee has taken non-use for the last twenty years. There is no demonstrable need for grazing livestock or retaining the permitted numbers on this allotment.	Under the Taylor Grazing Act, the Secretary of Interior in 1936 designated public lands in the Safford Grazing District for forage production and livestock use. This designation still applies, even if the permittee relinquishes their permit or the Bureau cancels it. If there are unresolvable conflicts with resources or other public land uses, the Bureau can under the Federal Lands Policy and Management Act, with a land use plan decision, change the designated primary use. Thus, absent the identification of unresolvable conflicts with resources and any consequent land use planning process, the existing need identified within the Taylor Grazing Act still applies.
16	EA	BLM’s analysis of the “No Action” alternative is actually more aligned with the “No Grazing” alternative based on the last two decades, and the NEPA analysis is misleading, at best, for suggesting otherwise. We protest on this basis.	The EA analyzed the impacts of grazing, which has not occurred in the last 20 years, if the permit was renewed and grazing resumed on the allotment versus the impacts of no grazing on the allotment.
17	Proposed Decision	The proposed decision violates the Federal Lands Policy and Management Act (FLPMA). FLPMA declares that “public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.” 43 U.S.C. §1701(a)(8). FLPMA mandates that BLM “shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.” 43 U.S.C. §1732(b). BLM’s duty to prevent unnecessary or undue	The proposed re-authorization of 188 AUMs on the White Spring allotment was evaluated and authorized in 1985. There is no evidence that the continuation of that decision would cause undue degradation, and the allotment is currently meeting land health standards.

		<p>degradation under FLPMA is mandatory, and BLM must, at a minimum, demonstrate compliance with the degradation standard. See, e.g., <i>Sierra Club v. Hodel</i>, 848 F.2d 1068, 1075 (10th Cir. 1988). Here, by authorizing livestock grazing in excess of the estimated carrying capacity of the allotment and without having demonstrated that the lands are in either a static or upward trending condition, the BLM is failing to prevent unnecessary or undue degradation.</p>	
<p>18</p>	<p>S&amp;G</p>	<p>The agency has failed to keep an inventory of range developments and disclose the locations and conditions of those developments to support the proposed decision. This defies NEPA and FLPMA requirements, and we protest on those grounds.</p>	<p>Map 1 in the EA depicts the allotment boundary fence. The only other range infrastructure on the allotment is a livestock water associated with the well at the northwest end of the allotment.</p>