



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 (0201022)

November 2, 2018

Certified #
RETURN RECEIPT REQUESTED

Bridlebit Three Cattle Company
544 South 100 East
St. George, Utah 84770

NOTICE OF PROPOSED DECISION

*For the Proposed Grazing Permit Renewal for the Wildcat Allotment
Environmental Assessment # **DOI-BLM-AZ-A030-2018-0013-EA***

INTRODUCTION

This Notice of Proposed Decision (NOPD) is the final administrative step in the land health evaluation and permit renewal process for the Wildcat Allotment (AZ04854). 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 allotment.

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 this allotment 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.

The purpose of the Arizona Standards and Guidelines is to ensure the health of public rangelands. These standards help the Bureau of Land Management (BLM), rangeland users, and interested members of the public achieve a common understanding of acceptable resource conditions, and work together to implement that vision.

Arizona's Standards for Rangeland Health and Guidelines for Grazing Administration were developed by the BLM State Standards and Guidelines Team and the Arizona Resource Advisory Council (RAC), a state level council appointed by the Secretary of the Interior. The Secretary of the Interior approved the Standards and Guidelines for Arizona in April 1997. The Decision Record, signed by the BLM State Director (April 1997) provides for full implementation of the Standards and Guidelines in all Arizona land use plans.

The permittee at the time, RAC, Interdisciplinary Assessment Team (IAT), Rangeland Resources Team, and the interested public were invited to an issue/ scoping meeting for Wildcat Allotment on October 27, 2004 and a field visit on July 6, 2005. The rangeland health assessment for the Wildcat Allotment was completed in 2013. The IAT, during the rangeland health assessment process, determined that resource conditions on the Wildcat Allotment is meeting standards for upland sites and making progress in meeting standards for desired resource conditions. The desired resource conditions deviated from what is expected due to pinyon-juniper encroachment in to historic shrubland and grassland. The Rangeland Health Standard evaluation IDT recommended vegetation treatments to address increasing density of pinyon-juniper.

Various meetings and field visits have occurred with the grazing permittee, IDT, and cooperating agencies over the years. These include office meetings with the permittee in December 2016 and January of 2017 to review the permittees proposal for vegetation treatments and range improvements. This also included field visits to the allotment with the permittee and cooperating agencies on May 11, 2017 to discuss specific vegetation treatments and locations.

A thirty-day public comment period on this environmental assessment was available from September 10, 2018 to October 11, 2018. No substantial comments were received during this period.

This Environmental Assessment (EA) (DOI-BLM-AZ-A030-2018-0013-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 included electronically with this NOPD (<https://go.usa.gov/xUzAv>). The EA is also available in hardcopy form upon request to Michael Cutler, Rangeland Management Specialist, (435)-688-3377 or by email at mcutler@blm.gov.

PLAN CONFORMANCE

The Wildcat Allotment is available for grazing under the RMP, with no seasonal restrictions. 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 B (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 – No 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:

Renew the existing grazing permit for the Wildcat Allotment for a period of ten years as per the transfer application (see Section 2.2 of the EA). There would be no proposed changes in number of livestock or season of use for the allotment. Livestock grazing would occur with the number of Animal Unit Months (AUMs)¹ limited to the current active preference (see Table 2.1 in the EA).

- Allowable use on key forage species on the allotment (which implement a rotational grazing system) would be no more than 50% utilization of current year's production, removed through grazing or other loss. (Key species for the allotment are listed in Section 3.4.2. of the EA) The BLM will 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 this alternative) may be implemented prior to reaching maximum utilization. Move dates (i.e., removal of livestock from a pasture) may be adjusted if 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 date, the use of salt, herding, or other management options may be used to distribute livestock away from an area where maximum utilization has been reached, or livestock may be removed from the pasture (after consultation with the permittee), as deemed necessary by the BLM.
- Manage the allotment to achieve the DPC objectives listed in Appendix 3 of the EA.

Alternative B – Proposed Action

Under this alternative, the existing grazing permit for the Wildcat Allotment would be issued for a ten-year term. Grazing Preference and Season of Use would be the same as shown in the table below. Vegetation treatments of encroaching sagebrush and pinyon-juniper trees are proposed in an effort to continue to meet Arizona Rangeland Health Standards. Further details of Alternative B are in the Decision section below.

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. The allotment is currently listed in the RMP as available to grazing. Alternative C would make the Wildcat Allotment unavailable to livestock grazing and no new permit would be issued. The current permit for Wildcat Allotment would be canceled.

¹ An AUM, or Animal Unit Month, is a unit of measurement indicating how much forage is eaten by a cow/calf pair in one month.

DECISION

After considering the analysis contained with the above referenced EA, it is my proposed decision to cancel the existing Bridlebit Three Cattle Company term grazing permits and issue a new ten-year term permit with new Mandatory Terms and Conditions within the Wildcat Allotment. Alternative B 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:

A new grazing permit will be issued for a period of 10-years in the Wildcat Allotment (AZ04854). In addition, vegetation treatments of encroaching sagebrush and pinyon-juniper trees will be implemented as proposed in an effort to continue to meet Arizona Rangeland Health Standards in this allotment. There will be no changes to the kind of livestock and permitted livestock numbers, under the terms and conditions discussed below as illustrated:

Grazing Proposed Under Alternatives A and B.

Allotment Name	Livestock			Active AUMs	Total Active AUMs by Allotment	Suspended AUMs	Public Land (acres)	% Federal Range
	No.	Kind	Season of Use					
Wildcat	447	Cattle	12/1 - 2/28	1,204	4,969	2,090	91,203	91
Wildcat	447	Cattle	3/1 - 11/30	3,678				
Wildcat	8	Horse	12/1 - 2/28	22				
Wildcat	8	Horse	3/1 - 11/30	66				

There will be no increase or decrease in AUMs and percent public land is based on AUMs (Animal Unit Month).

The treatments proposed in the pinyon-juniper dominated areas would follow guidelines developed by the Arizona Strip interdisciplinary vegetation team. These guidelines were developed to incorporate multiple use features for proposed vegetation treatments (Sink 2003, BLM 2007a, Bender 2012). Schematic of proposed treatment may be viewed in Figure 1 and 2 in the EA. This graphic representation is to relay the concept of canopy densities across the treatment area. If additional resource protection is required due to ongoing inventories, untreated areas may expand to accomplish resource protection goals. These guidelines attempt to incorporate varying levels of canopy closure to meet the needs of wildlife, livestock, reduce erosion through understory restoration, and retain and improve vegetative diversity. The treatment levels are:

1. 0 – 15% remaining canopy cover: Openings of up to 100 yards in size to include complete juniper removal, leaving existing pinyon >6 inch diameter breast height (DBH). These openings would be broken by project boundaries, pinyon-juniper stringers or corridors. Approximately 25 percent of the proposed treatment area would consist of this level of thinning by mastication or lop and scatter. This treatment would include sagebrush reduction as well.
2. 15- 30% remaining canopy cover: Juniper retention trees >19 inch root crown diameter (RCD). Retention of pinyon pines >6 inch dbh. Approximately 50 percent of the proposed treatment area would consist of this level of thinning by mastication or lop and scatter. This treatment would include sagebrush reduction as well.

3. Untreated areas: This category includes retention islands, thermal clumps, pinyon-juniper corridors, areas of >30% slopes, and soils with severe water erosion potential etc. This includes islands and corridors of pinyon-juniper left for cultural and/or wildlife habitat. Approximately 25 percent of the proposed treatment area would remain untreated.

Proposed vegetation treatments would include the following design features and guidelines to reduce invasive species introduction and spread; ensure retention of old growth pinyon and juniper as well as maintaining a diverse, mosaic habitat for both plants and wildlife; and ensure preservation of known and discovered cultural objects:

1. Existing snags, minimum of one to two per acre would be retained within the project area. Criteria for retention should be the larger juniper or pinyon snags, particularly any with cavities suitable for nesting (NRCS 2013).
2. Hand maintenance of vegetation treatments would be allowed utilizing loppers or similar for removal of young pinyon-juniper encroachment. This practice would be administered through a cooperative agreement with the livestock grazing permittee.
3. Monitoring results may indicate the need for invasive species treatment (e.g. cheatgrass). In areas where cheatgrass begins to invade, chemical treatment would be applied with follow-up monitoring to ensure cheatgrass control.
4. Treatments would be deferred during migratory bird nesting season (April 15-August 15).
5. Class III cultural inventories would be completed for all proposed vegetation treatments prior to ground disturbing activities. All known and discovered cultural sites would be protected through avoidance or exclusion from treatments.
6. If in connection with vegetation treatment operations any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in NAGPRA (P.L. 101-601, 104 Stat. 3048, 25 U.S.C. 3001) are discovered, operations shall immediately stop in the area of the discovery and the remains and objects (see 43 CFR 10.4(b) and (c)) shall be protected. The Authorized Officer shall be immediately notified (see 43 CFR 10.4(g)) and the immediate area of the discovery shall continue to be protected until notified by the Authorized Officer that operations may resume.

Common to Action Alternatives:

Grazing System

The Wildcat Allotment is permitted for year round grazing (December 1 to November 30). An eight-pasture deferred rotation system, which includes winter, transition, and summer pastures, is currently used on the allotment.

Terms and Conditions of Grazing Permit

- Permittees must submit the actual use report within 15 days after their billing year ends. Livestock may be moved to other pastures within the allotment 15 days before or after scheduled move dates.
- Use of nutritional livestock supplements is allowed, including protein, minerals and salt. However, any supplements used must be dispersed at a minimum of ¼ mile from any known

water sources, and cultural or sensitive sites. Any hay or other feed used in administering the livestock operation must be certified weed-free and subject to approval prior to use.

- If any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (Public Law 101-601; 104 Stat. 3048; 25 U.S. Code 3001) are discovered in connection with allotment operations under the grazing permit, the permittee would be required to protect the immediate area of the discovery and immediately notify the BLM authorized officer or authorized representative.
- The Wildcat AMP, approved in 1997, will be followed.

Range Improvements

Existing range improvements would be maintained as currently required. Any new range improvements to assist in grazing practices and promote rangeland health would be considered through a separate NEPA process.

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 an area where maximum utilization has been reached, or livestock may be removed from the use 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 4.8 on monitoring for more information on which studies are read). 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 EA Section 3.2.3 Land Health Evaluation and Appendix 4 for monitoring data.

RATIONALE FOR DECISION

This decision has been made after considering impacts to resources, such as vegetation, 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 B will allow the Wildcat Allotment to continue to make progress toward meeting the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration and 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: 2018.11.02 11:15:19 -06'00'

Mark Wimmer, Manager
Grand Canyon-Parashant National Monument

Enclosure:
Finding of No Significant Impact for Environmental Assessment