UNITED STATES DEPARTMENT OF THE INTERIOR
GRAND CANYON-PARASHANT NATIONAL MONUMENT
345 East Riverside Drive
St. George, Utah 84790
Phone: (435) 688-3345 Fax: (435) 688-3388

In Reply Refer To:
(4110) (010)

March 7, 2007

Certified #
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED DECISION

Dear Interested Public:

A Formal Allotment Evaluation was completed to address the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration for the Duncan Tank Grazing Allotment #4820. On April 28, 1997, Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (S&Gs) were approved by Secretary of the Interior and adopted into all Land Use Plans (LUPs) in Arizona as indicated by the Decision Record for the Statewide Amendment. The Duncan Tank Allotment Evaluation was conducted in accordance with the direction set forth in the Washington Office Instruction Memorandum No. 98-91 for implementation of Standards Rangeland Health and guidelines for grazing administration. The evaluation revealed that issuing a grazing permit, for a period of ten years, conformed to the applicable land use plans and amendments and the existing NEPA documentation adequately addresses the proposed action.

In accordance with 43 Code of Federal Regulations 4130.2, and based upon the allotment evaluation, consultation with affected permittee, interested publics, rangeland resource team and recommendations from the interdisciplinary assessment team, my proposed decision is to offer the grazing permit/lease, for the Duncan Tank Allotment for a period of ten years with the following terms and conditions. The following terms and conditions become effective upon acceptance of the permit/lease.

1. The new Desired Plant Community (DPC) and vegetation cover objectives as listed in the Environmental Assessment (EA) EA-AZ-130-2005-0020 will be monitored to determine trends.

2. The season of use for the Duncan Tank Allotment will be from March 1 through July 31 and from October 1 to February 28.

3. Livestock grazing will be in accordance with the Proposed Action as outlined in EA-AZ-130-2005-0020. The following terms will apply.

    - Billing for grazing use will be based on the Actual Use Report which is due on or before March 15 each year.
    - Livestock may be moved into or out of a pasture 15 days before or after scheduled move dates.
    - Associated maintenance of facilities and improvements relevant to the grazing operation will be required and authorized.

Authorized Permitted use is as follows:

Allotment	Active AUMs	Suspended AUMs	Permitted Use
04820 Duncan Tank	428	0	428

Kind and number of Livestock, period(s) of use and the amount of use, in animal unit months (AUMs):

Duncan Tank Allotment Grazing Preference								
Allotment Name	**Permittee**	**Permit Number**	**Livestock**			**Active AUMs**	**Public Land (acres)**	**% Public Land**
			No.	**Kind**	**Season of Use**			
Duncan Tank	NA	4820	53	Cattle	03/01-07/31	208	6,250	78%
			53	Cattle	10/01-02/28	205		78%
			4	Horses	12/01-05/15	7		78%
			4	Horses	10/01-02/28	8		78%

RATIONALE:

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976 provides for livestock grazing use of the public lands which have been classified as proper for grazing. Grazing use must be consistent with proper rangeland management aimed at conservation and protection of the natural resources.

Arizona Standards and Guidelines (S&G) for grazing administration were 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. The Standards and Guidelines, criterion for meeting Standards, and indicators are

an integrated document that conforms to the fundamentals of rangeland health and the requirements of the regulations when taken as a whole.

The BLM has also reviewed the legal concerns and has concluded that the Standards and Guidelines evaluation and term permit renewal is supported by the National Environmental Policy Act and Council of Environmental Quality (CEQ) regulations. The proposed action of renewing leases/permitted use conforms to the Arizona Strip Resource Management Plan (Land Use Plan) dated January 31, 1992, as amended. The NEPA documentation covers the proposed action and alternatives which constitute BLM's compliance with the requirements of NEPA, and procedural requirements as provided in the CEQ regulations. This is demonstrated by the following background information:

In December of 1996 a ("draft") Statewide Plan Amendment of Land Use Plans in Arizona for implementation of Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, and preliminary Finding of No Significant Impact, and supporting Environmental Assessment was sent out to 900 interested publics.

On April 28, 1997, Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (S&Gs) were approved by Secretary of the Interior and adopted into all LUPs in Arizona as indicated by the Decision Record for the Statewide Amendment.

The BLM has followed the mandate of Federal Land Policy and Management Act, which requires the Secretary of the Interior to: develop, maintain, and revise land use plans. The Resource Management Plan/Environmental Impact Statement guides the BLM's management of public lands and all resources.

The BLM has complied with the grazing regulations, Washington Office and Arizona BLM policies for permit/lease renewals and fundamentals of Rangeland Health as specified in 43 CFR 4180.

The Bureau of Land Management's grazing regulations contains many provisions for public participation in the decision making process. Consultation, cooperation and coordination (CCC) are the core of the public participation process and provides the BLM decision-maker the opportunity to consider the most complete information before making decisions.

Prior to scoping, the public was notified that the Duncan Tank Grazing Allotment would be evaluated during that year to determine if the resource conditions were meeting the Arizona standards for Rangeland Health and Guidelines for Grazing Administration. This initial notification was provided to allow for public participation in CCC process. Different individuals, groups, organizations and agencies, were contacted from the general Resource Management Plan mailing lists to determine specific interest in the Duncan Tank Allotment and to solicit interest in the decision making process for grazing term permit renewal and Standard and Guideline evaluation.

Issue scoping took place on January 14, 2003, and a Draft Duncan Tank S&G evaluation was sent out for public review and comment to 61 Individuals, Groups and Agencies. No response from the public was received. The Final Duncan Tank S&G evaluation report was completed and signed October 30, 2006.

The assessment fulfilled its purpose of determining if the existing permitted livestock use, and other activity plans, which identify terms and conditions for management on public lands within the Duncan Tank Allotment, meet, or are making significant progress toward meeting the standards or other LUP objectives and are in conformance with Arizona's Standards for Rangeland Health and Guidelines for Grazing Administration. A thirty-day comment period on the draft report was afforded to the Permittees, Arizona Game and Fish Department, Arizona State Land Department, Natural Resources Conservation Service, and interested public and other agencies.

The S&G assessment was conducted by an interdisciplinary assessment team (IAT) of resource specialists from the Bureau of Land Management (BLM) and the Natural Resource Conservation Service (NRCS). The IAT was assisted by the Rangeland Resource Team (RRT). The RRTs were established under the charter of the Resource Advisory Council (RAC) and are involved during the S&G assessment process for permit/lease renewals. Recommendations were considered from the (RRTs), which represented a variety of commodity, environmental and recreational interests, to assist in the interdisciplinary assessment of Standards for Rangeland Health.

In accordance with Bureau Policy and regulations, all applicable monitoring data were examined and evaluated in order to determine progress in meeting Arizona Standards for Rangeland Health and other land use plan objectives. Analysis of data indicated that the Land Use Planning (LUP) Objectives are being met. LUP Objectives pertaining to DPC's are being met and they assure rangeland health, state water quality standards, and habitat for: endangered, threatened, and sensitive species, as well as other wildlife is being maintained and improved. All key area DPC objectives for the allotment are being met. Issues were analyzed and it was determined that current management is not a factor in preventing attainment of Standards. A review of the resource data revealed that the allotment meets Standards 1 and 3. Standard 2 is not applicable (there are no riparian areas in the Allotment).

The IAT completed the rangeland health assessment to determine if renewal of the term grazing permits/leases would preclude the attainment of Arizona's S&Gs and determine if the proposed action (permit/lease renewal) was in conformance with the documented Land Use Plan and adequately covered under the National Environmental Policy Act (NEPA).

The EA/FONSI, EA-AZ-130-2005-0020, which analyzed the livestock grazing permit renewal action, based on the S&G evaluation, was completed March 6, 2007. This referenced EA/FONSI is considered a public document and is available upon request.

The Environmental Assessment proposed no modifications to livestock numbers or current season of use for Duncan Tank, reaffirmed the present grazing management, and determined that the present grazing management program would continue to allow improvement to the health of public land resources, such as soil, water, vegetation, wildlife habitat, and wildlife and other resource values. Further, the Authorized Officer made a determination that issuing a grazing permit for a period of ten years, conformed to the applicable land use plans and amendments, and the existing NEPA documentation adequately addresses the proposed action.

The Code of Federal Regulations (43 CFR 4130.2(a) require that, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through . . ." the Arizona Strip Field Office Resource Management Plan, which adopted the Shivwits Resource Area Grazing Environmental Impact Statement.

The Duncan Tank allotment is within the designated Grand Canyon Parashant National Monument. Designation of the monument does not, in and of itself, require modification of the current grazing practices. The presidential proclamation states that "Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing leases on all lands under its jurisdiction shall continue to apply...". Therefore, the renewal of grazing permits within the Grand Canyon Parashant National is consistent with the Monument Proclamation. Under the Antiquities Act, BLM must protect objects identified in the presidential proclamations that establish national monuments. If BLM determines, through the current planning process or otherwise, that any monument objects are harmed by current management, then management (including permit conditions) will be modified accordingly.

Also, the renewal of grazing permits are allowed: As provided for in 43 CFRs 4100 where the objectives of 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, . . . ; to establish efficient and effective administration of grazing of public rangelands; . . .", and as provided for in the Land Use Plans in accordance with multiple-use objectives, requirements and provisions of established laws, regulations and BLM policies incorporating DPC Objectives using the Ecological Site Index approach.

Renewal of the grazing permit would comply with Section 401 of the Federal Clean Water Act and ARS§ 49-202 of the State Environmental Quality Act Certification. The management practices of the allotment are in conformance with Arizona Standards for Rangeland Health and Guidelines for Grazing Administration, and are designed to assist management in meeting these Standards for Rangeland Health through guideline consistency on the Duncan Tank Grazing Allotment.

As required by Bureau Instruction Memorandum No. 2002-052 renewal of these grazing permits would not result in an adverse effect on energy development, production or distribution.

Authority: The authority for this proposed decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8 "The authorized officer shall manage livestock grazing on public lands under the principles of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. 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 grazing permits or leases 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 provisions of subpart 4180 of this part."

4130.2(a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2."

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 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."

4130.3-2 "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..."

4130.2(f) "The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees/lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease."

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 modification 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 interest publics."

4160.2 "Any applicant, permittee, lessee or other affected interests may protest the proposed decision under Sec. 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 next grazing year upon a determination that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve standards and conform with the guidelines that are made effective under this section..."

Protests:

Any applicant, permittee, lessee or other affected interests may protest the proposed decision under 43 CFR 4160.1 in person or in writing to the authorized officer, Dennis Curtis, at 345 East Riverside Dr., St. George, Utah 84790, within 15 days after receipt of such decision. The protest, if filed, 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 will become the final decision of the authorized officer without further notice.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4160.4, 4.21 and 4.470. 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 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall 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.

As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely,

Dennis Curtis, Manager
Grand Canyon-Parashant National Monument