



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District
Lower Sonoran Field Office
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Phoenix, Arizona 85027
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DEC 16 2014

In Reply Refer To:
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James B. Marchant
PO Box 530
Queen Creek, Arizona 85124

NOTICE OF PROPOSED DECISION
for the
GRAZING LEASE of the
WALKER BUTTE ALLOTMENT (#03043)
for
JAMES B. MARCHANT

INTRODUCTION

The *Walker Butte Allotment Land Health Evaluation (LHE)* was conducted on Walker Butte Allotment (#06041) in 2010 through 2014. The purpose of this evaluation was to assess whether the allotment is or is not achieving the *Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (1997)*, along with appropriate Bureau of Land Management (BLM) objectives of the *Lower Sonoran Record of Decision* and *Approved Resource Management Plan and (RMP, Approved 2012)*.

In addition to the Land Health Evaluation (LHE), an Environmental Assessment (*DOI-BLM-AZ-P020-2013-0015-EA*) was conducted to analyze any effects of the Proposed Action and alternatives on resources in the Walker Butte Allotment. Both the EA and the LHE are posted on the BLM's NEPA Register website for you and other members of the interested public to review at:

https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

Click on "Advanced Search" and type "Walker Butte" into the field for Project Name. Click the "Search" button and then click on the project link once the results appear.

BACKGROUND

The Walker Butte Allotment (#06041) is a parcel of rangeland administered by the Bureau of Land Management, Lower Sonoran Field Office, and is located approximately 40 miles southeast of Phoenix, and seven miles northwest of the town of Florence. The allotment encompasses an area of approximately 1,330 acres, of which approximately 994 acres are administered by the BLM, and 312 acres are administered by the Arizona State Land Department. Until recently, most of the private lands in the area have been used for agriculture, pasture, mining, and industry. However, residential and commercial development is expanding into the area. Several new housing developments, shopping centers, and medical facilities now surround the allotment.

The Walker Butte Allotment is an ephemeral allotment, meaning that grazing would be approved pursuant to the Special Ephemeral Rule, which states that when forage becomes available, the lessee must file an application and include the desired number of livestock and period of use. BLM staff would then monitor the rangeland condition and potential for continued soil moisture and forage growth before permitting livestock use. The BLM would be responsible for determining the appropriate levels and management strategies for livestock grazing in this allotment. Livestock grazing would be authorized in a manner that maintains achievement of land health standards, and to achieve resource condition objectives, in conformance with the Lower Sonoran RMP (USDI 2012).

The BLM is proposing to fully process the term grazing lease on the Walker Butte Allotment in accordance with all applicable laws, regulations, and policies. Compliance with all applicable laws and regulations includes consultation, coordination and cooperation with affected individuals, interested publics, States, and Indian Tribes; completion of the applicable level of National Environmental Policy Act (NEPA) review; conference/consultation with the United States Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act; and ensuring that allotments are achieving or making significant progress toward achievement of land health standards. An additional need for the action is to establish a new base property for the allotment in accordance with 43 Code of Federal Regulations (CFR) 4110.2-1, since the current base property is now under commercial development.

Based on the data compiled and analyzed for the LHE, the Walker Butte Allotment is meeting all Standards and Guidelines of the Arizona Standards for Rangeland Health. Across all ecological sites, current vegetative species composition and structure provides cover and forage to support a diverse wildlife community. All Desired Plant Community (DPC) objectives are being achieved at all three key areas. Modifications to the lease's terms and conditions were analyzed in the Proposed Action Alternative to minimize potential impacts of ephemeral livestock grazing on the allotment.

PUBLIC INVOLVEMENT

The BLM, Phoenix District Office sent annual notices to the interested public and stakeholders of grazing allotments, including the Walker Butte Allotment. Scoping, a process to identify the resources that may be affected by the proposal, explores possible alternatives for achieving the purpose and need of a project. The BLM Lower Sonoran Field Office conducted both internal scoping with appropriate BLM staff and external scoping with the public and interested/affected groups and agencies in order to identify issues for this analysis.

On March 8, 2014, BLM issued a LHE to the grazing lease applicant and interested publics for a 30-day comment period. No comments were received. The EA addressed a list of issues identified by the applicant for the grazing lease, the operators of the Queen Creek Quarry, protest points brought up by Western Watersheds Project (WWP) in 2008, Indian tribes, and the BLM interdisciplinary team (EA, Table 1, page 12-13). Technical recommendations from the LHE and issues brought up during internal and external scoping helped develop the alternatives for the EA.

PROPOSED DECISION

After reviewing the analysis presented in the Walker Butte Allotment Grazing Renewal EA, making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is my decision to approve the Proposed Action Alternative as described in detail in Section 2.2 of the EA, including the following primary components:

1. *Issuance of a 10-year grazing lease to James B. Marchant for 2015-2025.* The lease will be issued consistent with the authorized use, grazing schedule, and terms and conditions specified in the lease, as follows:

Standard Terms and Conditions for the Grazing Lease Renewal of the Walker Butte Allotment, 2015-2025.

| Allotment | Percent Public Land Billed | Number and Kind of Livestock | Season of Use | Total AUMs |
|-----------------------|----------------------------|------------------------------|---------------|------------|
| Walker Butte (#06041) | 100% | 0 Cattle* | Ephemeral | 0* |

* Pursuant to the special ephemeral rule, when forage becomes available, the lessee must file an application and include the desired number of livestock and period of use. BLM staff will monitor the rangeland condition and potential for continued soil moisture and forage growth before permitting livestock use.

2. *In addition to the standard terms and conditions above, the following terms and conditions shall be added to the grazing lease, pursuant to 43 CFR 4130.3-2:*
 - a) The Walker Butte Allotment was designated for ephemeral grazing use by agreement dated December 1968. As such, this allotment will be grazed on an ephemeral basis only. Therefore, when forage becomes available, you must file an application and include the desired number of livestock and period of use. After BLM staff has monitored the allotment for adequate moisture and forage potential, and when applicable fees are paid, your billing notice becomes your authorization to make a specific amount of grazing use.
 - b) In accordance with the Special Ephemeral Rule, you must make water available and repair and/or maintain all existing allotment boundary and pasture fences before livestock are turned out onto the allotment.
 - c) In order to improve livestock distribution on the public lands, all salt blocks and/or mineral supplements shall be placed a minimum of 1/8 mile upslope from drainages/dry washes, and minimum of 1/4 mile away from watering facilities if water sources (either

permanent or temporary) are developed within the allotment in the future. Supplements shall be removed when livestock are removed from the public lands.

3. *Establish the property shown in Figure 3 of the EA as the new base property for the allotment.*
4. *Under new cooperative agreements, construct and maintain the "pasture" fence, two cattle guards, and six gates shown in Figure 3 and further described in Section 2.2 of the EA.*

RATIONALE

The purpose of this Proposed Decision is to maintain Arizona Rangeland Health Standards and Guidelines and other resource objectives for this grazing allotment over the next 10 years (2015-2025). The *Walker Butte Allotment Land Health Evaluation* and the *Walker Butte Allotment Grazing Renewal Environmental Assessment* present the data analysis for the assessment area. The EA has shown that the Proposed Action Alternative would best address the issues brought up during internal and external scoping by decreasing the risk to natural and cultural resources with the installation and maintenance of boundary and pasture fences.

AUTHORITY

The BLM's objectives for rangeland management are to carry out the intent of the Taylor Grazing Act of 1934, as amended and supplemented, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

Title 43 Code of Federal Regulations (CFR) Part 4100 govern grazing administration for public rangelands. Among other things, the regulations require the implementation of standards and guidelines to achieve the fundamentals of rangeland health. Specifically, 43 CFR 4130.3-2 (c) provides for the placement of supplemental salt and/or mineral supplements, and 43 CFR 4130.3-2 (d) allows for Actual Use information to be submitted to the BLM for administrative purposes. The *Special Ephemeral Rule*, published in the *Federal Register*, Vol. 33, No. 238 December 7, 1968, allows for the designation and management of ephemeral rangeland.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Edward J. Kender, BLM/ LSFO, 21605 North 7th Avenue, Phoenix, Arizona 85027-2929, 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 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.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21,

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 shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

In accordance with 43 CFR 4.21(b)(1), a petition for 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 granting the stay.

Sincerely,



Edward J. Kender
Field Manager

Enclosure

cc: Arizona Cattlemen's Association
Arizona Game and Fish Department, Region 6
Arizona Game and Fish Department, Region 4
Arizona State Land Department
Center for Biological Diversity
Southwest Rock Product LLC
U.S. Fish and Wildlife Service
Vulcan Materials Company
Western Watersheds Project