United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Green River District
Vernal Field Office
170 South 500 East
Vernal, UT 84078
http://www.blm.gov/ut/st/en/fo/vernal.html

IN REPLY REFER TO:
4160 (UTG010)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED 70140510000136644509

Sportsmen for Habitat Inc
c/o Jon Larson
626 Cottonwood Drive
South Weber, UT 84405

NOTICE OF PROPOSED DECISION
Reissuance and Modification of the:
Ten - Year Livestock Grazing Permit for the Wild Horse Bench Allotment

Dear Mr. Larson:

INTRODUCTION

The current grazing permit, Authorization Number 4304483 was issued on November 15, 2013 under the Authority of Section 426, Public Law 111-8. This permit contained the same mandatory terms and conditions as the prior permit until the Bureau of Land Management (BLM) could complete the required NEPA analysis. The Environmental Assessment (EA) DOI-BLM-UT-G010-2014-0236-EA has been completed and this Decision is being issued to provide you a 10 year grazing permit for the use of the Wild Horse Bench Allotment

BACKGROUND

A grazing application for permit renewal was received from Sportsman for Habitat (SFH) on December 17, 2013 for your proposed use of the Wild Horse Bench Allotment; specifically, converting the domestic sheep grazing to cattle grazing. The BLM conducted an assessment of rangeland health and found that those applicable standards for rangeland health were being met. The proposed project was posted to the E-Planning Register on August 25, 2014. No comments have been received by the BLM regarding this project.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A FONSI has been prepared and is enclosed with this Environmental Assessment; finding that no Environmental Impact Statement is needed for this action.

PROPOSED DECISION

Based on my understanding of the information contained in the Ten-Year Grazing Permit Renewal EA for livestock use on the Wild Horse Bench Allotment, and the subsequent FONSI; it is my decision to renew the grazing permit for Authorization # 4304483. This decision authorizes livestock use of the Wild Horse Bench Allotment as set out in the Proposed Action (Alternative A) of the DOI-BLM-G010-2014-0236-EA.

The Alternative analyzed the conversion of domestic sheep AUMs to cattle AUMs and the renewal of the grazing permit on the Wild Horse Bench Allotment for a period of 10 years. The Proposed Action also included the following items for analysis within this document:

- Adjustment of allocated AUMS to reflect the 42.65% of active use during the prior "use" years by domestic sheep grazing.
- Prior to utilizing the area for cattle a fence will be constructed to BLM and DWR specifications; ~11 miles along the boundary of the Ute Tribal lands and BLM lands on the Eastern portion of the Allotment and installing necessary gates and cattle-guards; this proposed fence line will also include a gap fence at the top of the Alger's Pass switchback. (*Prior to construction of the fence, the alignment must be surveyed for cultural resources according to protocol and consultation conducted with the Utah State Historic Preservation Office.)*
- The cattle-guards will be fitted according to Wild Horse and Burro best management practices with 1 inch rebar installed between the sections of the grates to alleviate impacts to tribal owned and/or BLM wild horses that travel throughout the area between Hill Creek and the Green River.
- The fence will be built with specifications suggested by Big Game wildlife specialists.
- The fence will serve a dual purpose as a grazing delineation fence and an administrative boundary between Ute Tribal owned lands and BLM administered lands.
- Reconstructing the prior Allotment boundary fence between the previous Lower Showalter and Wild Horse Allotment that existed until the 2009 EA that previously renewed the grazing permit; incorporating wildlife stipulations and WHB BMPs for cattle-guard installation. If the fence is not reconstructed, a full time herder will be required to keep cattle in designated "pasture" areas.

The following terms and conditions will be incorporated into the authorization to graze and will appear on the term grazing permit:

Authorization No. and Permittee	Allotment Name and Number	Number & Kind Livestock	Season of Use	Percent Public Land	Active AUMs
4304483, Sportsmen for Habitat Inc	Wild Horse Bench, #08808	280 Cattle	10/01 to 5/01	100%	1970

Modified terms and conditions (*as per the analysis within the EA document*):

- Grazing privileges are subject to the proposed grazing management schedule outlined in the Environmental Assessment; BLM-G010-2014-0236-EA.

- Prior to cattle use, a fence will be constructed as per the description in the EA and this Proposed Decision. A full time herder/rider may be utilized during construction with approval from the VFO.
- Changes to the proposed grazing schedule for climatic or other management issues would be required to be approved in writing by the VFO range program Authorized Officer.
- Move dates would be subject to consideration based on recommendations at permittee and BLM range staff meetings.
- Advanced billing will continue for the Allotment.
- No livestock attractants or supplements (i.e. salt, mineral, molasses, new reservoirs, tanks, fences or camps) would be allowed within 660 feet of *Sclerocactus glaucus* populations (*the map of avoidance areas is attached*).
- After a minimum of five consecutive years of full permitted cattle use, AUMs may be gradually increased if: 1) Monitoring indicates that the conversion of domestic sheep to cattle on the Allotment has had a positive effect on native forage species and 2) Rangeland Health Standards are met.

Standard terms and conditions:

- Livestock use would not exceed the available AUMs.
- Without prior written approval, any livestock remaining in the pasture or allotment after the off date or prior to the begin date will be considered in trespass.
- If future monitoring indicates non-conformance with Utah BLM standards for rangeland health and the fundamentals of rangeland health, the permit may be modified and reissued with terms and conditions that will result in conformance.
- A Class III Cultural Resources survey would be required over the Area of Potential Effect prior to the construction of any new permanent range improvement project.
- Supplemental feeding requires approval from the BLM Authorized Officer; feeding of hay, straw, pellets etc. shall be certified weed-seed free and marked with appropriate label/tags.
- Supplements such as salt/mineral blocks, molasses tubs, etc. shall be placed no less than 100 feet off roads, fence lines and trails, and at least 300 feet from streams, ponds and troughs.
- Movement of supplements may be required where proper utilization has been reached to facilitate uniform distribution of livestock.
- The permittee may be required to haul water, providing a water truck and troughs, to areas lacking water in order to improve livestock distribution.
- Maintenance of range projects is the responsibility of the permittee. All range projects must be maintained prior to the movement of livestock onto the allotment/pasture.
- Move dates outside of the permit season of use may be adjusted through consultation with the permittee when maximum utilization levels are met due to climatic conditions, fire, flood, or other acts of nature.
- Dead livestock shall be moved by the permittee at least 300 feet from streams, springs, ponds, guzzlers and troughs, and 100 feet off roads, fence lines and trails.
- If a permittee desires to run livestock other than their own, they must contact the Vernal BLM range staff for prior approval through a pasturing agreement.
- The permittee shall provide administrative access across private and leased lands to the Vernal Field Office BLM for the orderly management and protection of public lands.

- Failure to pay grazing bills within 15 days of the due date will result in a late fee of $25.00 or 10% of the bill, whichever is greater. Failure to make payment within 30 days after the due date may result in trespass. A service fee may be charged for any replacement bill issued for changes in grazing use.
- A BLM trailing permit is required before trailing livestock across public lands. A trailing permit does not authorize trailing across private lands, tribal, or state owned lands.

RATIONALE AND AUTHORITY

SFH is considered a good public land steward and has been compliant with their existing grazing authorization and with the rules and regulations set forth 43 CFR 4110.1 (b). The permittee conforms to the conditions of the grazing permit defined under 43 CFR 4130. SFH has not engaged in unauthorized acts such as those set forth in 43 CFR 4150.1.

My decision to authorize implementation of the Proposed Action Alternative will not result in any undue or unnecessary environmental degradation to wilderness characteristics, threatened and endangered or sensitive species, cultural resources, or matters pertaining to Native American religious freedoms or their customs. Realization of the Proposed Action is in in conformance with the existing Vernal Field Office Resource Management Plan (2008) and is consistent with the Uintah County Land Use Plan. The Proposed Action Alternative incorporates deferred rest through a three pasture area grazing system. The Proposed Action also modifies terms and conditions of the existing permit to reflect current resource issues within the Allotment; specifically, those terms and conditions which provide for enhanced management protection measures of big game and threatened/endangered or sensitive species habitat.

The Proposed Action and Alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plan and associated decision(s): The Vernal Field Office Record of Decision and Approved Resource Management Plan (2008), which identifies the allotment as being open for livestock grazing and falling within the authority of the 1934 Taylor Grazing Act, the 1976 Federal Land Policy and Management Act, and the Grazing Administration Regulations under 43 CFR Part 4100, subparts 4110, 4120, 4130, 4160, and 4180.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, cooperator, or other interested public may protest this Proposed Decision within 15 days following its receipt in accordance with 43 CFR § 4160.2. The protest may be submitted in person or in writing, to the:

Vernal Field Office, Bureau of Land Management
Attention: Field Manager
170 South 500 East,
Vernal, Utah 84078

In the absence of a protest, this proposed decision shall constitute my final decision without further notice unless otherwise provided for in the proposed decision, in accordance with 43 CFR § 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR § 4160.3(b).

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error.

A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period, pursuant to 43 CFR § 4.471. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Vernal Field Office as noted above. The BLM does not accept appeals submitted by facsimile or via email or other electronic means.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), 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 granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at *(enter address for the SOL office which represents your state)* in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

1/20/16

Michelle Brown (Date)
Assistant Field Manager, Vernal Field Office

Enclosure:
Map of avoidance areas

cc:
Case File
NEPA File – Wild Horse Bench Permit Renewal EA
Western Watershed Project c/o Jonathan Ratner
Lionel Trepanier
Wild Horse Rangers; Return to Freedom
Wild Horse Defenders
Utah Division of Wildlife NE Region; c/o Miles Hanberg