



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
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In Reply Refer To:  
4000 (LLUTY010)  
4306376

**RETURN RECEIPT REQUESTED**  
**CERTIFIED MAIL NO. 7015 0640 0001 7135 6190**

**NOTICE OF PROPOSED DECISION**  
**AND**  
**DECISION RECORD**  
**Monument Wash Allotment**  
**Environmental Assessment DOI-BLM-UT-Y010-2016-0078-EA**

Butch Jensen and Jennie and Jeff Christensen  
P.O. Box 1736  
Price, UT 84501

Dear Mr. Jensen:

## **INTRODUCTION**

The attached Environmental Assessment (EA) has been prepared by the Bureau of Land Management, Moab Field Office to analyze the environmental impacts of renewing a ten year grazing permit for the Monument Wash Allotment.

## **BACKGROUND**

The Monument Wash Allotment is located approximately 24 miles north of Moab, Utah. Currently the Monument Wash Allotment has an authorization for 861 head of cattle from November 16 through May 15 for a total of 4,713 AUMs. The allotment consists of a total of 79,289 acres, including state, private, and lands managed by BLM as part of the National System of Public Lands. The allotment is divided into two pastures, East and West.

The Moab Field Office completed a review of the Monument Wash Allotment through an intensive interdisciplinary team effort with involvement of local affected interests and interested public. Public comments received prior to finalizing the Environmental Assessment (EA DOI-BLM-UT-Y010-2016-0078-EA) and issuing this decision were incorporated with responses into

the EA. Public comment and internal review resulted in changes to the final EA in Chapters 2, 3, 4, 5, and appendices.

## PROPOSED DECISION

My Proposed Decision is to renew a grazing permit for the Monument Wash Allotment as identified in the Proposed Action of the EA (DOI-BLM-UT-Y010-2016-0078-EA). This renewed grazing permit will incorporate all the proposed terms and conditions identified in the Proposed Action of this EA. The ten year Federal Grazing Permit is renewed and/or modified for the Monument Wash Allotment as follows:

The Proposed Action will serve as the functional equivalent of an Allotment Management Plan as described in 43 CFR 4120.2.

Proposed Action:

### Resource Objectives:

- 1) Protect saline soils. (Moab RMP grazing decision, GRA-19: Grazing in Saline Soils, pg. 71)
- 2) Improve frequency, diversity, density, age classes, and productivity of desired plant species (Indian ricegrass, galleta grass, shadescale, Castlevally saltbush and mat saltbush, which is necessary to ensure reproductive capability and survival of these species in order to continue to meet Utah’s Rangeland Health Standards.

### Grazing Practices to meet resource objectives:

Authorize cattle grazing during the season of use and with the number of AUMs identified in Table 2-1.

**Table 2-1: Grazing use to be authorized under the Proposed Action**

Allotment Name and Number	Livestock			Active Permitted Use (AUMs)	Acres	Land Status
	Number	Kind	Season of Use			
Monument Wash 05392	861	Cattle	11/16 to 5/15	4713	70,462 8,736 91	BLM State Private

### Grazing Management Strategy:

Currently there are no fenced pastures on the Monument Wash Allotment. The goal of the grazing management strategy is to create use areas that would allow a grazing management system which would include spring rest for at least 50 percent of the allotment each year.

Spring rest in at least 50 percent of the allotment would be accomplished by herding. The ranchers would also use temporary panels to close off any waters that they feel would assist in keeping the cattle in the proper use area. Each year the Moab Field Office and the permittee of the Monument Wash Allotment would meet before fall grazing and again before spring grazing to work together and determine which use areas would be closed to spring use, based on past use, available water, and climatic conditions. The grazing rotation would allow at least 50 percent of the allotment to be rested each year in the spring. The goal of this meeting would be optimal

coverage of vascular plants and biological soil crusts. This annual meeting would also include discussion on continuing to meet Rangeland Health Standards, site stability and proper nutrient cycling. A sample grazing rotation is shown below in Table 2-2.

**Table 2-2: Sample of Grazing Rotation for a Four Year Period.**

Spring Grazing (3/7 to 5/15)	East	West	North	South
Year 1	Graze	Rest		
Year 2	Rest	Graze		
Year 3			Graze	Rest
Year 4			Rest	Graze

If after five years herding is not effective in allowing at least 50 percent of the allotment spring rest a fence would be constructed along the Yellowcat road that would create an east and west pasture on the allotment. One pasture would be rested every year in the spring.

Construction of this fence, if needed, would not occur during the antelope fawning season, May 1 through June 15. Design of the fence would follow Appendix D and would include an antelope friendly construction with lay-down fences, underpasses or other passages every 2 to 3 miles where antelope concentrate to cross. The grazing permittees would consult with the Moab Field Office prior to construction.

Each year the Moab Field Office and the permittee of the Monument Wash Allotment would meet before fall grazing and again before spring grazing to work together and determine how cattle would rotate through the use areas on the allotment based on past use, available water, and climatic conditions. The grazing rotation would allow at least 50 percent of the allotment to be rested each year in the spring. A sample grazing rotation is shown below in Table 2-3.

**Table 2-3: Sample of Grazing Rotation for a Four Year Period.**

Spring Grazing (3/7 to 5/15)	East	West
Year 1	Graze	Rest
Year 2	Rest	Graze
Year 3	Graze	Rest
Year 4	Rest	Graze

**Monitoring Plan:**

Monitoring in the Moab Field Office is conducted following the Draft Utah Monitoring Manual for Upland Rangelands. The Monument Wash Allotment key areas for monitoring were converted to nested frequency and line point intercept for long term trend in 2010. In 2013 an enclosure was constructed at one existing key area and a new key area was established with an enclosure.

This monitoring along with soil stability monitoring will be used to determine if grazing management needs to be adjusted during the term of the permit.

**2.2.1 Terms and Conditions**

The following items would be included in the terms and conditions of the functional equivalent of the AMP and the ten year permit. The terms and conditions of the grazing permit may be

modified if additional information indicates that a revision is necessary to conform to the grazing regulations in 43 CFR Part 4100.

1. When forage conditions are determined by the BLM to be sufficient to allow grazing by cattle without causing damage, the permittee has the flexibility of starting 45 days early or remaining 15 days late only. Grazing would not be extended during the spring in drought years (less than 70 percent rainfall) and grazing would not exceed the permitted AUMs of 4,713.
2. An actual use grazing report must be submitted to the BLM within 15 days after the end of the grazing use period. Failure to file an actual use report may result in future grazing authorizations being withheld. Billing will be based on actual use.
3. Feeding protein supplements, salt-grain mixtures, hay, and/or other roughage on public lands is prohibited without prior authorization of the authorized officer. Protein blocks and salt would be placed in outlying areas as necessary to help distribute livestock. These must be at least ¼ mile from water sources.
4. Range improvements assigned in cooperative agreements and range improvement permits must be maintained in a usable condition prior to livestock use each year. Construction of new range improvements on BLM lands is prohibited without approval from the authorized officer. Maintenance would be in accordance with cooperative agreements and/or range improvement permits. Failure to maintain assigned projects in a satisfactory condition may result in withholding authorization to graze livestock until maintenance is completed.
5. As specified in the 2008 Moab RMP, moderate utilization levels (40 to 60 percent) would be used to indicate if general management objectives can be met. Utilization levels above those identified as appropriate would be used to adjust livestock use on a yearly basis and possible early removal from the allotment as needed. The majority of the allotment would meet utilization standards. Exceptions may be granted in concentration areas such as water developments and salting areas.
6. Grazing would be in conformance with 43 CFR Part 4180: Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
7. Livestock operations would be conducted in accordance with the functional equivalent of the Monument Wash AMP analyzed in the Proposed Action, including the resource objectives and the grazing practices to meet those resource objectives.
8. Each year the Moab Field Office and the permittee of the Monument Wash Allotment would meet before fall grazing and again before spring grazing to work together and determine which use areas would be closed to spring use, based on past use, available water, and climatic conditions.
9. In drought years (below 70 percent annual rainfall) to protect highly wind erodible soils (46 percent of the allotment), at the annual meeting stocking rate would be reduced by a minimum of 25 percent and/or the spring season would be reduced.

## **RATIONALE**

The decision to renew a grazing permit for the Monument Wash Allotment, as described in the Proposed Action, has been made after the consideration of the affected resources.

The Moab Field Office Resource Management Plan (Moab RMP) approved in October 2008 affirmed that the Monument Wash allotment will be open to grazing (it was included in the areas open to grazing and not specifically closed) and the allotment falls within the authority of the

1934 Taylor Grazing Act (as amended), the 1976 Federal Land Policy and Management Act (as amended), and Federal regulations found at 43 CFR 4100 (exclusive of Alaska). Additional terms and conditions identified in the Proposed Action are also included in this decision to provide consistency with grazing decisions and guidelines from the 2008 Moab RMP.

The Proposed Action is in conformance with the Moab RMP (2008). The RMP Management Decisions for livestock grazing on page 68-72 includes decisions recognizing present grazing preference, season of use, appropriate utilization levels, and specifying the types and timing of monitoring to be conducted. This decision is consistent with the goal of meeting Standards for Rangeland Health and other desired resource conditions by maintaining appropriate utilization levels through management prescriptions and administrative adjustments of grazing permits and the goal of achieving healthy sustainable rangeland ecosystems that support the livestock industry while providing for other resource values.

Based on the detailed analysis in the enclosed EA, this proposed decision will continue to provide management for livestock grazing that will meet multiple uses, resource objectives and maintain or improve the conditions of the upland and riparian areas. Spring rest will allow grazed plants the opportunity for vegetative regrowth, and to store enough carbohydrates to meet the physiological requirements of desired plants to facilitate reproduction and maintenance of desired plants to the extent natural conditions allow without grazing pressure.

Implementing utilization levels identified in the Proposed Action will improve overall soil stability, and soil health. Light to moderate grazing can have a positive effect on plant physiology including increased photosynthesis, increased tillering, reduced shading and reduced transpiration losses. Future monitoring and utilization will be used to identify any additional adjustments to stocking rates and management changes needed make any needed future changes. The implementation of the functional equivalent of an Allotment Management Plan for Monument Wash will improve rangeland health, vegetation conditions, and reduce impacts to sensitive soils.

The Proposed Action was selected over Alternative B (Change the Season of Use to Exclude Spring Grazing), and Alternative C (No Action).

The Proposed Action has the benefit of sustainability and provides a balance between resources allowing the allotment to continue to meet Rangeland Health Standards. The Proposed Action includes spring rest and utilization standards, while allowing for the continuation of grazing during the spring. The rest and utilization standards are favorable to forage resources as well as maintaining and/or improving plant communities. In addition spring rest will decrease competition between livestock and wildlife for forage and space.

### **AUTHORITY**

The Resource Management Plan identifies this allotment as open for livestock grazing (stated on page 68, GRA-3 under management Decisions “Continue to authorize grazing at the current preference levels (as per ten-year grazing permits) and adjust, if necessary to meet Standards for Rangeland Health”) and falls 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 4100.

The authority for this decision is contained within the following sections of Title 43 of the Code of Federal Regulations (CFR):

- As required by Title 43 CFR 1610.5, the proposed action and grazing alternatives addressed in the EA have been determined to be in conformance with the goals and objectives of the Resource Management Plan (RMP) for the Moab Field Office, approved October 2008.
- Title 43 CFR 4100.0-8 states in part that: “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.”
- Title 43 CFR 4110.3(a) states in part that: “The authorized officer shall periodically review the preference specified in a grazing permit or lease and make changes in the grazing preference as needed to: manage, maintain or improve rangeland productivity; conform with land use plans or activity plans;...”
- Title 43 CFR 4120.2 states in part that: “Allotment management plans or other activity plans intended to as the functional equivalent of allotment management plans may be developed by permittees or lessees, other agencies, interested citizens, and the Bureau of Land Management.”
- Title 43 CFR 4120.2(a) states in part that: “An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or leases, landowners involved, the resource advisory council, any State having sources within the area to be covered by such a plan and the interested public. The plan shall become effective upon approval by the authorized officer. The plans shall (1) Include terms and conditions....; (2) prescribe the livestock grazing practices necessary to meet specific resource objectives; (3) specify the limits of flexibility,..... (4) Provide for monitoring to evaluate the effectiveness of management actions in achieving the specific resource objectives of the plan....”
- Title 43 CFR 4130.2(a) which states, in part, “Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing.”
- Title 43 CFR 4130.2(d): “The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years....”
- Title 43 CFR 4130.3(a): “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management.....”

- Title 43 CFR 4130.3-3(a): “Following consultation, cooperation, and coordination with the affected lessees or permittees, the interested public and 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....”
- Title 43 CFR 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.”
- Title 43 CFR 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.”
- Title 43 CFR 4160.1(a): “Proposed decision 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.....”
- Title 43 CFR 4160.1(b): “Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provision of applicable regulations.”

**RIGHT OF PROTEST AND/OR APPEAL PROVISION**  
**RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee, 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 Moab Field Office Manager, Bureau of Land Management, Moab Field Office, 82 East Dogwood, Moab, Utah 84532.

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, 4.21, 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. 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 *Moab* Field Office as noted above. The BLM does not accept appeals by facsimile or email.

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 125 South State, Suite 6201, Salt Lake City, UT.

Should you need any further assistance please contact Lisa Bryant at our office 435-259-2100.

Sincerely,



Christina Price  
Acting Field Office Manager  
Moab Field Office

Enclosures:

cc: Western Watersheds Project (Certified Mail no. 7015 0640 0001 7135 6206)  
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Lionel Trepanier (Certified Mail no. 7015 0640 0001 7135 6213)  
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School Institutional Trust Lands Administration (Certified Mail no. 7015 0640 0001 7135 6176)  
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