

# **Sonoran Desert National Monument Livestock Grazing Proposed Resource Management Plan Amendment/Final Environmental Assessment**

**Finding of No Significant Impact**

DOI-BLM-AZ-P040-2020-0001-EA

**July 2020**



## **Background**

The Sonoran Desert National Monument (SDNM) was designated by Presidential Proclamation 7397 on January 17, 2001 (Proclamation), and stated that “[l]aws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument; provided, however, that grazing permits on Federal lands within the monument south of Interstate 8 shall not be renewed at the end of their current term; and provided further, that grazing on Federal lands north of Interstate 8 shall be allowed to continue only to the extent that the Bureau of Land Management determines that grazing is compatible with the paramount purpose of protecting the objects identified in this proclamation.”

In 2016, the U.S. District Court – District of Arizona issued a ruling concluding that the Bureau of Land Management (BLM) did not provide adequate explanations for determining livestock grazing compatibility on the SDNM for the 2012 SDNM, Resource Management Plan/Record of Decision (RMP/ROD) (BLM 2012a). The court found the administrative record did not support the analysis that led to the decisions in the ROD to make grazing available on five allotments north of Interstate-8 (I-8) and ordered the BLM to complete a new Land Health Evaluation and Grazing Compatibility Analysis to be incorporated into the SDNM RMP by September 30, 2020.

The BLM determined that an RMP Amendment/Environmental Assessment (RMPA/EA) is warranted to address the Court remand and evaluate whether any allotments on the SDNM north of I-8 would be “available” or “unavailable” for livestock grazing, and whether any changes are needed to the available Animal Unit Months (AUMs).

## **Determination**

On the basis of the information contained in the *Sonoran Desert National Monument Livestock Grazing Proposed Resource Management Plan Amendment/Final Environmental Assessment* (RMPA/EA) (DOI-BLM-AZ-P040-2020-0001-EA), I have determined that the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement (EIS) would not be required.

This finding is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and *intensity* of the impacts described in the RMPA/EA, which is hereby incorporated by reference.

## **Context**

The Planning Area is the Analysis Area, encompassing the entire SDNM north of I-8, which includes portions of six grazing allotments (Arnold, Beloit, Big Horn, Conley, Hazen, and Lower Vekol allotments) and is south of the City of Goodyear, northeast of Gila Bend, and north of Mobile, Arizona (Figure 1). The Analysis Area is approximately 252,460 acres of public land. Both the North Maricopa Mountain and South Maricopa Mountain wilderness areas are within the Analysis Area. The vegetation communities of the Analysis Area include creosote-bursage scrub, palo verde mixed cactus, and ephemeral washes. The SDNM north of State Route 238 in the Conley and Big Horn allotments includes the Anza National Historic Trail Corridor and Management Area and the Mormon Battalion Trail, and the Butterfield Overland Stage Route.

Under the 1985 Lower Gila South RMP, a historically maximum of 8,703 perennially authorized AUMs were allocated for the six available allotments. Under the 2012 SDNM RMP/ROD, five allotments were allocated as available along with a maximum of 3,318 perennially authorized AUMs. The Conley Allotment was allocated unavailable, and portions of the Big Horn and Lower Vekol allotments were also allocated as unavailable. The Proposed Action represents a reduction of 5,385 AUMs or 39 percent from the historically (1985) authorized AUMs, but an increase of 914 AUMs or 21 percent above the 2012 authorization. Due to litigation on the livestock grazing decisions in the 2012 SDNM/ROD, the maximum of 3,318 perennially authorized AUMs was not implemented.

As of 2015, four of the six grazing allotment permits (Big Horn, Conley, Hazen, and Lower Vekol) within the Analysis Area are expired and have not been renewed due to pending litigation on the livestock grazing decisions in the 2012 SDNM ROD. Livestock last grazed the Conley Allotment portion of the SDNM until the permit expired in 2015. The Arnold and Beloit allotments have current permits which both expire in February 2025. However, livestock grazing has not occurred on the SDNM portions of these allotments since 2015. Ephemeral use of the Arnold has not occurred due to lack of available ephemeral forage in recent years. The Arnold and Beloit allotment permittees have also voluntarily chosen to use other non-SDNM portions of the grazing allotments.

Under the Proposed Action, six allotments within the SDNM north of I-8 covering approximately 252,460 acres of BLM-administered land would be available for livestock grazing. Areas changed from unavailable to available under the Proposed Action would include portions of the Big Horn and Lower Vekol allotments, and the entire Conley Allotment (Figure 2). Livestock grazing use would range from ephemeral use only to a maximum of 4,232 perennially authorized AUMs across the Analysis Area.

### **Intensity**

#### *1) Impacts that may be both beneficial and adverse.*

The Proposed RMPA/EA (Chapters 3 and 4) considered both beneficial and adverse impacts associated with the Proposed Action, which would allocate all allotments within the SDNM north of I-8 as available for livestock grazing.

The presence and movement of livestock between areas can result in the disturbance or displacement of individual wildlife species, consumption and/or removal of vegetation, disturbance of soils, and the disturbance of cultural sites. Impacts to wildlife, vegetation, and soils would be adverse, negligible to minor and long-term. The degree of impacts to these resources would depend on grazing management determined at the implementation-level and would be adverse, negligible to minor and long-term.

Under the Proposed Action, livestock grazing would be available on all allotments within the SDNM north of I-8 and economic contributions from livestock grazing would be the highest. This would result in beneficial, negligible to moderate and long-term impacts to livestock grazing and socioeconomics.

There would be adverse, negligible and long-term impacts to visual resources, recreation, wilderness, and air resources. Localized impacts to visual resources, recreation, wilderness, and

air resources would largely be in or adjacent to high concentration use areas (i.e. livestock water infrastructure and fencing).

Adverse impacts of the Proposed Action will be avoided or reduced at the implementation-level using mitigation measures depending on the specific grazing classification and the site-specific conditions. These mitigation measures could take the form of adjustments to livestock grazing management and range improvements, which could be implemented in order to maintain or achieve the Arizona Standards for Rangeland Health (Standards) and be compatible with monument objects.

These mitigation adjustments could include the following:

- Exclusion of sensitive areas and/or areas failing to achieve Standards in proximity to livestock waters by restricting livestock access to waters (fencing) and/or redistributing livestock around additional (new) livestock water sources in less sensitive areas;
- Adjustments in number of authorized AUMs; and/or
- Adjustments in season of use.

Adjustments reducing the number of authorized AUMs, adjustments in season of use, and adjustments to ephemeral use only or seasonal use would benefit all monument objects and resources by reducing grazing intensity in terms of number and duration of livestock grazing. The exclusion of sensitive areas and areas not achieving Standards from grazing can be achieved through the mitigation measures of fencing (excluding) water developments and/or adding water infrastructure to redistribute livestock to less sensitive areas. Application of these mitigation measures at the allotment-specific level would result in the overall compatibility of grazing with monument objects and prevent future livestock impacts in areas not achieving Standards.

The installation of new fencing around livestock waters to restrict livestock use could cause short-term localized adverse, negligible to minor impacts to soils and vegetation. At the implementation-level, mitigation measures could be applied to reduce these effects to non-significance. New fencing would be constructed in a wildlife-friendly manner to avoid adverse impacts to wildlife. The addition of new livestock water infrastructure would redistribute livestock to less sensitive areas and reduce adverse impacts to vegetation, wildlife, and soils. The degree of impacts from these implementation-level actions would depend on the extent of the developments and would be evaluated under separate environmental review.

The BLM will monitor the resources in the Analysis Area in accordance with approved monitoring methods and techniques, outlined in BLM policies such as Rangeland Monitoring: Planning for Monitoring BLM Handbook (H-4400-1), Rangeland Health Standards (H-4180-1), and Implementation of Land Health Reporting Data Standard: A New Standardized System for Reporting and Mapping Achievements in Land Health (Instruction Memorandum WO 2012-124) to document the effects of grazing activities and ensure compatibility with monument objects. Mitigation measures to eliminate adverse impacts of grazing will be deployed at the implementation-level depending on the information from ongoing monitoring and the site-specific situations.

*2) The degree to which the proposed action affects public health or safety.*

The Proposed Action would allocate BLM-administered lands in the SDNM north of I-8 as available for livestock grazing. The Proposed Action would have no effect on public health or safety.

*3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The SDNM was designated by Proclamation 7397 stating "...that grazing on Federal lands north of Interstate 8 shall be allowed to continue only to the extent that the Bureau of Land Management determines that grazing is compatible with the paramount purpose of protecting the objects identified in this proclamation."

'Objects' identified in the Proclamation were the following:

- Functioning desert ecosystems;
- Diversity of plant and animal species;
- Saguaro cactus forest;
- Scientific analysis of plant species and climates in past eras;
- Vegetation communities;
- Wildlife; and
- Archeological and historic sites.

The Analysis Area does not include park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (such as Areas of Critical Environmental Concern). Portions of the Analysis Area include Sonoran desert tortoise habitats Categories I, II, and III (Figure 7). The Analysis Area is within the SDNM, a unit of the National Conservation Lands and includes two wilderness areas. Within the Analysis Area is the Juan Bautista de Anza National Historic Trail Corridor and Management Area (Figure 8), and the Sonoran Desert Trails Special Cultural Resource Management Area. Cultural sites, both pre-historic and historic, occur within the Analysis Area.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The Proposed Action is not highly controversial.<sup>1</sup> The Proposed RMPA/EA analyzed the size, nature, and types of effects from the allocation of BLM-administered lands in the SDNM north of I-8 as available for livestock grazing. The BLM received approximately 62 public scoping comment emails and letters to consider (Appendix 2). The BLM received approximately 137 comment emails and letters from individuals, seven comment letters from organizations, and approximately 8,945 form letters with substantially similar content from individuals, to consider on the Draft RMPA/EA (Appendix 4, Volumes I-III). While commenters expressed their opposition to livestock grazing, none of the commenters indicated any substantial dispute in the scientific community over the nature of the effects from the Proposed Action.

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<sup>1</sup> The term "highly controversial" refers to a "substantial dispute as to the size, nature or effect of a major federal action rather than to the existence of opposition to a use." *see* BLM NEPA Handbook H-1790-1, Section 7.3.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no highly uncertain or unknown risks associated with the Proposed Action, which would allocate livestock grazing allotments in the SDNM north of I-8 as available. Known risks to the human environment would be minimized or reduced through implementation-level decisions applying the mitigation measures addressed here and in the RMPA/EA.

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Proposed Action would not establish a precedent for any reasonably foreseeable future actions with significant effects or represent a decision in principle about a future consideration. Implementation-level livestock grazing authorizations will comply with the National Environmental Policy Act, National Historic Preservation Act, FLPMA, the Taylor Grazing Act, and other applicable laws.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The Cumulative Effects Study Area (CESA) is approximately 733,973 acres of BLM-administered, Arizona State Land Department, and privately-owned lands (Figures 9 and 10). BLM-administered lands make up approximately 56 percent of this CESA. The CESA consists of six livestock grazing allotments (Arnold, Beloit, Big Horn, Conley, Hazen, and Lower Vekol) within and outside the SDNM, plus the Kirian, Palo Verde Mountains, and Powers Butte allotments outside the SDNM.

Reasonably foreseeable future actions on non-BLM administered lands within the CESA, population growth, housing and commercial development, agricultural use, and additional energy and transportation infrastructure especially along the urban fringe adjacent to BLM-administered lands is anticipated to continue into the foreseeable future. Areas of growth within the CESA include Rainbow Valley in the northeast, and Gila Bend in the southwest. Livestock grazing and maintenance of range improvements would be on-going.

Reasonably foreseeable future actions on BLM-administered lands outside the SDNM and north of I-8, renewal of existing authorizations for utility rights-of-ways, livestock grazing (including maintenance of range improvements), exploration on unpatented mining claims, dispersed recreational activities, and construction of the Sonoran Valley Parkway.

The Proposed Action is not related to other actions which have individually insignificantly but cumulatively significant impacts.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss of destruction of significant scientific, cultural, or historical resources.*

As stated in the Proclamation, the SDNM “contains many significant archaeological and historic sites, including rock art sites, lithic quarries, and scattered artifacts.” Cultural sites, both pre-historic and historic, occur within the Analysis Area. Sites include artifact scatters, petroglyphs, and lithic quarries. North of State Route 238 within the Conley and Big Horn allotments is the

Anza National Historic Trail Corridor and Management Area (Figure 8), the Mormon Battalion Trail, and the Butterfield Overland Stage Route.

A thorough review of project records and cultural resources site information has been performed for this action and revealed that a total of 92 cultural inventory projects were performed and had been documented within the Analysis Area. These 92 inventory projects covered a total of 10,597 acres. A review of available cultural resource site records has revealed that 74 cultural resource sites have been documented within the Analysis Area. Of the 74 cultural sites, 10 sites were determined as eligible for the National Register of Historic Places in a 2018 consultation with the State Historic Preservation Officer (SHPO) and remain valid. A total of 27 sites are recommended as eligible, 20 are recommended as not eligible, and 17 are currently unevaluated.

On March 17, 2020 the BLM initiated consultation with the SHPO under Section 106 of the National Historic Preservation Act. A meeting with the SHPO was held on April 1, 2020 and a conference call occurred on June 5, 2020. On June 12, 2020 the BLM initiated consultation with the SHPO for concurrence with the adequacy of efforts to identify cultural resources, and the determinations of eligibility and finding of effect. On June 29, 2020 the BLM received concurrence from the SHPO that the RMPA/EA would have “no adverse<sup>2</sup> effects” to cultural sites (BLM-200-12-369).

Implementation-level authorizations may include modifications to livestock infrastructure. New fencing and/or water developments would be subject to Class III cultural resources surveys and would include mitigation measures. The most common mitigation in order to ensure no adverse effects to cultural resources is avoidance through final site location, after a survey has been completed.

On March 21, 2020 the BLM initiated government-to-government consultation with the following tribes: Ak-Chin Indian Community, Tohono O’odham Nation, Pascua Yaqui Tribe, Salt River Pima-Maricopa Indian Community, Hopi Tribe, and the Gila River Indian Community. Additional information was provided to the tribes on April 21, 2020; May 5, 2020; and May 8, 2020.

On June 4, 2020 the BLM held a conference call with government representatives of the Ak-Chin Indian Community, Pascua Yaqui Tribe, and Gila River Indian Community tribes. On June 10, 2020 the BLM held a conference call with a government representative of the Tohono O’odham Nation. Tribal concerns on the RMPA/EA included the potential impacts on cultural sites from livestock grazing by soil compaction and erosion, and potential direct impacts to sites. The Tohono O’odham Nation considers the SDNM a traditional cultural property. On June 19, 2020 the BLM received a response from the Gila River Indian Community with concerns about the potential occurrence of the Komatke Trail and the need for additional cultural surveys. On June 19, 2020 the BLM received a response from the Tohono O’odham Nation expressing opposition to livestock grazing in the SDNM due to the potential damage to “fragile-pattern archeological sites.” The

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<sup>2</sup> In this Section the term “adverse” is used consistent with 36 CFR 800.5(a)(1) defined as “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.”

SDNM is also a portion of the traditional-use area by the tribe and contains evidence of use by Tohono O’odham Nation ancestors.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The BLM’s NEPA Handbook (H-1790-1) in Section 6.4.1 states the following: “There is no need to make negative declarations regarding resources described in supplemental authorities that are not relevant to your proposal at hand.” and Section 6.4.2 states: “You need not analyze issues associated with the proposed action that do not meet the criteria described in section 6.4.1...”

We are providing the following context regarding the question of threatened or endangered species:

- There is no proposed or designated critical habitat for proposed or listed endangered or threatened species in the Analysis Area;
- There are no known populations of the Acuña cactus (*Sclerocactus eretocentrus var. acunensis*) in the Analysis Area (BLM 2020). Within the SDNM but outside the Analysis Area, the Acuña cactus is known to occur in the Sand Tank Mountains, south of I-8, and critical habitat has been established in that area (Unit 4) (USFWS 2016). If the Acuña cactus is encountered in the Analysis Area, the BLM would take measures to ensure ESA compliance;
- The Sonoran desert tortoise (*Gopherus morafkai*) is not listed on the Endangered Species Act in Arizona, but it is on the BLM sensitive species list;
- The Sonoran pronghorn (*Antilocapra americana sonoriensis*) is not known to occur in the Analysis Area and is designated as “10j” (a non-essential, experimental population); and
- The lesser long-nosed bat (*Leptonycteris yerbabuena*) may occur in the Analysis Area, was delisted in 2018, and is on the BLM sensitive species list.

10) *Whether the action threatens a violation of federal, State, or local law or requirements imposed for the protection of the environment.*

The Proposed Action would not threaten to violate any federal, State, or local law or requirements imposed for the protection of the environment.



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Date