



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Hassayampa Field Office  
2020 E. Bell Road  
Phoenix, Arizona 85022  
[www.blm.gov/az/](http://www.blm.gov/az/)

June 20, 2023

In Reply Refer To:  
4160 (AZP010)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED NO. 7022 2410 0000 2172 8639

Deganahl Cattle Co. LLC  
PO Box 98  
Aguila, AZ 85320

## **NOTICE OF PROPOSED DECISION** Aguila Wells Project (AZ03000)

Deganahl Cattle Co., LLC:

### **INTRODUCTION**

Deganahl Cattle Company applied to the Bureau of Land Management (BLM) for the installation of three new supplemental livestock water wells at existing livestock stock tanks located on the Aguila grazing allotment. Two of the proposed improvements would be located on public lands. Additional livestock handling facilities are also proposed at these supplemental waters.

Proposed well sites are located at:

**Desert Tank:** This is an existing dirt tank located in T4N R10W S28 NWSE. The dirt tank is fenced, with a set of corrals existing on site. The proposal includes drilling a new well adjacent to the existing corral and piping water to new troughs located in and adjacent to the existing corrals and inside the existing fence.

**Sunset Tank:** This is an existing dirt tank located in T6N R 10W S7 SWNW . The dirt tank is fenced, with a small corral existing on site. The proposal includes drilling a new well adjacent to the existing small corral, expanding the corral system to increase livestock holding and sorting capacity, and piping water to new troughs located in and adjacent to the proposed new corral setup.

Total area for the project is expected to be less than 10 acres in size, with 5 acres at each proposed well location. The proposed facilities are located in priorly disturbed areas, with the only new disturbance related to installation of wildlife watering facilities.

The EA, Finding of No Significant Impact (FONSI), and Proposed Decisions may be viewed or downloaded from the BLM Land Use Planning and NEPA Register at [eplanning.blm.gov](http://eplanning.blm.gov).

### **PROPOSED DECISION**

After reviewing the analysis presented in the EA and approving a FONSI, it is my proposed decision to implement the Proposed Action described in the EA to authorize livestock water improvements on the Aguila Allotment, as well as supplemental wildlife waters and livestock handling facilities.

### **Land Use Conformance**

The Proposed Action and alternatives would be conformance with the Bradshaw-Harquahala Resource Management Plan and Record of Decision (BLM, 2010). Specifically, the following RMP decisions apply:

GM-6: Build livestock control fences and alternative water sources where needed to meet natural resource objectives. Fence construction and maintenance will follow guidance provided in BLM Handbook on Fencing No. 1741-1.

GM-12: Range improvements needed for proper management of the grazing program will be determined and completed, including repair and/or installation of fences, cattle guards, water developments, and vehicle routes needed to access improvement areas.

TE-12: Evaluate on a case-by-case basis all proposed activities, including the following, for impact to desert tortoise population or habitats:

#### **Range Improvements:**

WF-10: The density and distribution of wildlife waters will be maintained, improved, or increased throughout the planning areas to sustain and enhance wildlife populations across their range.

WF-12: New wildlife waters will be built when needed to maintain, restore, or enhance native wildlife populations or distributions. WF-14: Water developments, including those for purposes other than wildlife, will include design features to ensure safe and continued access to water by wildlife.

### **RATIONALE**

Based on the analysis presented in the Aguila Wells EA and FONSI, installation of additional livestock and wildlife water facilities will provide for benefits to the management of the Aguila allotment, and is expected to facilitate maintenance of wildlife populations in the area during times of extended drought. These actions are in compliance with the grazing regulations found at 43 CFR 4100 and the Bradshaw-Harquahala Resource Management Plan.

### **AUTHORITY**

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, as amended, effective July 11, 2006, which states in pertinent subparts and sections:

**§ 4100.0-8** 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...Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 C.F.R. 1601.0-5(b).

**§4120.3-1(a)** Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

**§4120.3-1(f)** Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

**§4120.3-2(a)** The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).

**§4120.3-2(b)** Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipelines where authorization is granted after August 21, 1995, shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines shall be through cooperative range improvement agreements. A permittees or lessee's interest in contributed funds, labor, and materials will be documented by the Bureau of Land Management to ensure proper credit for the purposes of §§ 4120.3-5 and 4120.3-6(c).

**§4120.3-2(d)** Range improvement work performed by a cooperator or permittee on the public lands or lands administered by the Bureau of Land Management does not confer the exclusive right to use the improvement or the land affected by the range improvement work.

**§4130.2(c)** Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on public lands.

**§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 the 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.

**RIGHT OF PROTEST AND/OR APPEAL**

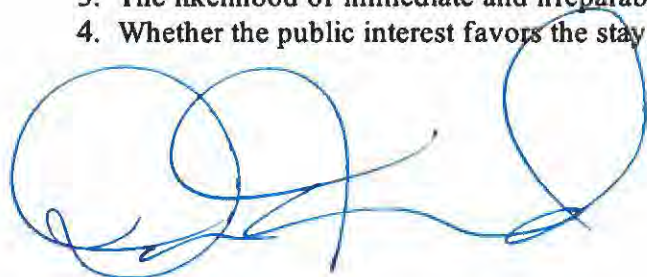
Any applicant, permittee, lessee, or other affected interest may protest this proposed decision under 43 CFR §§ 4160.1 and 4160.2 within 15 calendar days after the first recorded delivery attempt of this proposed decision. Protests may be either in person or in writing to Bureau of Land Management, Hassayampa Field Office ATTN: Irina Ford, Field Manager, 2020 E. 20<sup>th</sup> Street, Phoenix, Arizona 85022.

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 in accordance with 43 CFR § 4160.3, 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 and petition for stay of the final decision pending final determination on appeal under 43 CFR §4160.4, §4.21 and must follow the requirements set forth in §§ 4.470 through 4.480 of this title. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 calendar days following receipt of the final decision, or 30 calendar days after the proposed decision becomes final.

The appeal shall comply with the provisions of 43 CFR 4.470 and state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. When filing a petition for stay, the appellant 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 the stay.



Irina Ford  
Field Manager, Hassayampa Field Office

Date: 6/20/2023

Enclosures: CCC list

**CCC List**

AZ Dept. Transportation ATTN: Bruce Fenske

AZ Game and Fish Dept. Region 4

AZ Game and Fish Dept. Region 6

Center for Biological Diversity

AZ Cattle Growers' Association

US Fish and Wildlife Service,  
Arizona Ecological Services Office

Western Watersheds Project

AZ State Land Department

Desert Tortoise Council

Arizona Antelope Foundation

Organ Pipe Cactus National Monument  
ATTN Superintendent

Cabeza Prieta Wildlife Refuge

Defenders of Wildlife

Jeff Williamson