

# Dos Cabezas Exclosure

## Decision Memorandum

DOI-BLM-AZ-P040-2018-0001-CX

November 2017



**Introduction**

The Bureau of Land Management’s (BLM) Sonoran Desert National Monument (SDNM) has prepared a categorical exclusion for the construction of an enclosure around the Dos Cabezas Reservoir (Project #031276) within the Bighorn Allotment (#03009).

**Land Use Conformance**

This Proposed Action is subject to the following land use plan: Sonoran Desert National Monument Record of Decision and Approved Resource Management Plan (RMP) (September 2012).

The Proposed Action is in conformance with the RMP, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decision(s): The Allotment is currently not permitted for grazing. This project would help reduce unauthorized livestock grazing on the Allotment within the Sonoran Desert National Monument.

**Authority**

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976.

**Rationale**

Without the enclosure livestock would continue to graze areas within the Allotment which were determined in the RMP to be incompatible with livestock grazing.

**Mitigation Measures**

- No cacti or ocotillo (*Fouquieria splendens*) shall be removed;
- The fence shall be constructed with wildlife friendly spacing and a smooth bottom wire to BLM specifications as stated in TR-1741-1; and
- Work shall only occur during daylight hours between October and April.

**Decision**

Based on a review of the project description in the attached categorical exclusion documentation and staff recommendations, I have determined that the Proposed Action is categorically excluded from further environmental analysis.



Edward J. Kender  
Field Manager  
Lower Sonoran Field Office

12/1/17  
Date

## **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Edward J. Kender  
Field Manager  
BLM, Lower Sonoran Field Office  
21605 North 7<sup>th</sup> Avenue  
Phoenix, Arizona 85027

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

Office of the Field Solicitor  
Sandra Day O'Connor US Courthouse, Suite 404  
401 West Washington Street, SPC-44  
Phoenix, Arizona 85003-2151

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.