

## **DECISION RECORD**

### **Yuma Field Office Calhoun Allotment Range Improvement Project DOI-BLM-AZ-C020-2017-0012-EA**

#### **BACKGROUND**

The Bureau of Land Management (BLM) Yuma Field Office (YFO) manages livestock grazing in both the YFO planning area and the Lake Havasu Field Office (LHFO) planning area. The grazing permittee on the Calhoun allotment has requested the construction of a groundwater well and corral within the allotment.

Under the Proposed Action, the grazing permittee would construct a groundwater well, corral, and fence within the Calhoun allotment. Currently, cattle grazing on the Calhoun allotment are limited to the west side because the only water sources are located on that side. The proposed improvement would provide a water source on the east side of the allotment, allowing for an even distribution of cattle for grazing. The even distribution will improve the public's land by providing an opportunity for growth and reproduction of plant species needed to reach desired plant community objectives, meeting the Arizona Guidelines for Grazing Administration's Land Health Standard 3.

The form for Rangeland Improvement Project Notification and Assistance Request for 8100 Program Funding was received by the YFO in February 2016. The well and corral would be adjacent to a road on a previously disturbed Expired Mineral Materials gravel pit associated with Case File number AZA 35586.

The purpose of the action is to provide the permittee with a cooperative agreement allowing the permittee to construct a new groundwater well and corral within the allotment.

The need for the action is established by the BLM, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315c), as amended, which allows for cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works, or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the public lands and of the cooperator(s).

#### **PROPOSED DECISION**

It is my proposed decision to authorize the proposed action described in the EA #: DOI-BLM-AZ-C020-2017-0012-EA, as summarized below.

#### **Proposed Action**

The well installation would be contracted using an Arizona Department of Water Resources (ADWR) Certified Well Driller. The permittee will need to purchase and apply for any permits pertaining to the well through the State of Arizona. Copies of permits will be provided to the BLM prior to allowing the construction of the rangeland improvement. The well would be approximately 400 feet deep and cased with plastic casing. There would be a submersible pump run by a generator with plastic pipe.

The grazing permittee would install the corral and fencing himself which would meet BLM standards. The corral would be a rectangle 100 feet long by 110 feet wide. The loading chute and alley would be built using 2-by-12 lumber and railroad ties. Livestock pens would be woven wire with pipe posts.

Two segments of type "A" fencing 100 feet long would extend perpendicularly from the south corners of the corral. A type "A" fence is a 42-inch high, four wire strand, wildlife passable fence. Wire heights from the ground up would be 16-22-30-42 inches. As recommended by AGFD and BLM wildlife specifications, the bottom strand would consist of twisted barbless wire to facilitate pronghorn passage. The other three strands would be barbed wire. The fence would have 16 ½ -foot spacing between steel posts with 2 metal stays between posts. Wooden braces would be installed at each end of the fence.

### **RATIONALE**

My decision to approve the Proposed Action analyzed in DOI-BLM-AZ-C020-2017-0012-EA is based on the following:

The Proposed Action has been analyzed, with no apparent significant impacts anticipated. The environmental assessment adequately covers all affected resource values.

The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation, and is in conformance with the LHFO RMP, approved May 2007 and the YFO RMP, approved January 2010.

The proposed action is in conformance with the YFO RMP because it is specifically provided for in the following RMP decision(s):

GM-011: Authorize and maintain range improvement projects in accordance with grazing regulations and policies.

The proposed action is in conformance with the LHFO RMP because it is specifically provided for in the following RMP decision(s):

GM-2: Livestock use and associated management practices will be conducted in a manner consistent with other multiple use needs and objectives to ensure that the health of rangeland resources is preserved or improved so that they are productive for all rangeland values. Where needed, public rangeland ecosystems will be improved to meet objectives.

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

#### **Protest**

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the Proposed Decision under 4160.1 of this title, in person or in writing to the authorized officer, John MacDonald, Field Manager, Yuma Field Office, 7341 E 30<sup>th</sup> St, Suite A, Yuma, AZ 85365 within fifteen (15) days after receipt of such decision. At this time, the Bureau of Land Management will not accept protests or appeals sent by electronic mail. The protest, if

filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the 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 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

### **Appeal**

In accordance with 43 CFR 4.470, 4160.3 (c) and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, John MacDonald, Field Manager, Yuma Field Office, 7341 E 30<sup>th</sup> St, Suite A, Yuma, AZ 85365 within 15 days after receipt of such decision. At this time, the Bureau of Land Management will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor; Department of the Interior; Office of the Field Solicitor; Sandra Day O'Connor U.S. Court House #404; 401 W. Washington Street SPC44; Phoenix, AZ 85003-2151

Pursuant to 43 CFR 4.471(c), petition for stay, if filed, 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 granting the stay.

43 CFR 4.4 71 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or it's representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

If you have any questions about this decision, contact Erica Stewart at 928-317-3295 or at 7341 E 30<sup>th</sup> St, Suite A, Yuma, AZ 85365. If you wish to contact her by email she may be contacted at [estewart@blm.gov](mailto:estewart@blm.gov).

  
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John MacDonald, Field Manager  
Yuma Field Office  
Authorized Officer

2.21.18  
Date