

8/2/2011

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
LITTLE WARREN FENCE, PIPELINE AND CATTLEGUARDS
(DOI-BLM-AZ-A010-2011-0011-EA)**

FONSI: Based on the analysis of potential environmental impacts contained in the above referenced environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Decision: It is my decision to approve the Little Warren fence, pipeline and cattleguards within the Arizona Strip Field Office, Mohave County, Arizona, as described in the proposed action of *DOI-BLM-AZ-A010-2011-0011-EA* to install 4 ¼ miles of pasture fence, two miles of pipeline, and three cattleguards on BLM lands known as Little Warren pasture of the Clayhole Allotment. The proposed action was selected instead of the no action alternative because there is a need to divide and separate one very large pasture into three segments, thus providing better livestock control and better implement the deferred rotational grazing system.

The fence specification to be used is 4 strands, 42-inches high with a smooth bottom wire spaced 16 inches off the ground in response to wildlife habitat objectives mandated in the Clayhole Habitat Management Plan (HMP) and to ensure that pronghorn are able to cross the fence when necessary and have adequate freedom of movement. Also includes mitigation measures to prevent any unnecessary excavation or construction other than installing the fenceline, pipeline and cattleguards. No construction debris will be left on site, and wildlife escape ramps will be installed on all new drinkers.

The following best management practices will be implemented as part of this project.

- Construction activities will be limited to periods when the soil and ground surface are not wet in order to avoid soil compaction issues.
- Construction will be limited to daylight hours to minimize impacts to wildlife.
- Construction activities will be conducted in a manner that will minimize disturbance to existing vegetation and restricting construction activities to a 15 foot wide path.
- Soil disturbance associated with construction activities will be limited to 15 foot wide fence and pipeline route.
- During construction, vehicular traffic will be restricted to existing routes.
- Construction debris will be removed to an appropriate landfill location.
- At no time would vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills would be reported to the authorized officer and be cleaned up immediately, using best available disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities would be promptly reported to the appropriate state agency and the authorized officer.
- Vehicles and equipment would be power washed off-site before construction activities begin to minimize the risk of spreading noxious weeds. This would include cleaning all equipment before entering the Arizona Strip. The project area would be monitored for noxious weeds for two years following completion of the project.
- Any cultural (historic/prehistoric site or object) or paleontological resource (fossil remains of plants or animals) discovered at the project construction sites will immediately be reported to the authorized officer or her designee. All operations in the immediate area of the discovery shall be suspended until written authorization to proceed is issued. An evaluation of the discovery shall

be made by a qualified archaeologist or paleontologist to determine appropriate actions to prevent the loss of significant cultural or scientifically important paleontological values.

- If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, operations in the immediate area of the discovery shall stop, the remains and objects shall be protected, and the authorized officer or her designee will be immediately notified. The immediate area of the discovery will be protected until notified by the Arizona Strip Field Office Manager that operations may resume.
- Those involved with fence, pipeline and cattleguard construction activities must notify the BLM wildlife team lead if California condors visit the worksite while permitted activities are underway. Project activities will be modified or delayed where adverse effects to condors may result.
- If an active bird nest is located along the fenceline/pipeline route or at the water lot sites, the Arizona Strip Field Office Manager (or her designee) would be immediately notified in order to develop appropriate measures to avoid disturbance to the nesting birds.
- The project site will be cleaned up at the end of each day the work is being conducted (e.g., trash removed, scrap materials picked up) to minimize the likelihood of condors visiting the site. BLM staff may conduct site visits to the area to ensure adequate clean-up measures are taken.
- No hazing or harassment of wildlife is permitted.

Plan Conformance:

The action is in conformance with the *Arizona Strip Field Office Resource Management Plan (RMP)*, approved on January 29, 2008. The action is consistent with the decisions contained within this RMP (Section 1.3 of the EA). It has also been determined that the action will not conflict with other decisions throughout this RMP.

Alternatives Considered:

The EA considered two alternatives: the No Action Alternative and the Proposed Action. The No Action Alternative was not selected because a disproportionately large share of livestock grazing is occurring on a small portion of the Little Warren pasture, while the rest of the pasture is receiving little or no use. Also no reliable or yearlong waters are available without this project. Thus, this alternative would affect wildlife in the long-term due to unreliable waters and from future water hauling and maintenance activities.

Alternative considered but eliminated from detailed study:

One other alternative was considered but eliminated from detailed study in the EA. This alternative was:

1. Construct pasture fence diagonally across Section 10 from Northwest to Southwest

Under this alternative a portion of the fence would extend across the south edge of section 4 and diagonally across T.38 N. R. 6 W. Section 10 from northwest to southwest instead of building the fence along the proposed pipeline route which is the north edge of section 16 and 15 to the corner of sections 10, 11, 14, and 15. This alternative would lengthen the amount of fence needed by approximately a half mile. It would also increase the expenses, labor and materials used because of the increased number of drainages to cross due to the rough, incised nature of the land in section 10. Thus the difficulty of constructing the fence and the impacts to vegetation and soils would be increased. Also an additional two and a half miles of fence would be built away from the pipeline route. This alternative would make the pasture segments of more uniform size, but the environmental impacts to the soils and vegetation would be much

greater over a larger area due to the additional acres of disturbance along the fenceline, separate from the pipeline.

This alternative was not selected because it does not meet the purpose and need of the project as described in Section 1.2 of the EA. Therefore, it was not carried forward for further analysis.

Rationale for the Decision:

The pipeline to provide four new reliable waters will help improve livestock distribution and utilization, while providing yearlong dependable waters for wildlife. Reliable year round water sources are important because the Arizona Strip has limited rainfall and few permanent water sources for mule deer, pronghorn and other area wildlife. Permanent water sources are thought to expand wildlife distribution across the landscape, reduce mortality, and increase productivity.

The action was selected instead of the no action alternative because there is a need to divide and separate one very large pasture into three segments, thus providing better livestock control and continue to better implement the deferred rotational grazing system. Livestock within the Little Warren pasture, tend to drift to the southwest portion of the pasture causing distribution in the pasture to not be uniform.

The decision to authorize 4 ¼ miles of pasture fence, two miles of pipeline, and three cattleguards on BLM lands known as Little Warren pasture of the Clayhole Allotment has been made in consideration of the environmental impacts of the action. This decision has been made after considering impacts to the resources described and analyzed in the EA. I have determined that the action does not result in any undue or unnecessary environmental degradation and is in conformance with the Arizona Strip Field Office RMP.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attach Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt 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 (request) pursuant to regulations 43 CFR 4.21(b) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

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.

Lorraine M. Christian
Lorraine M. Christian
Arizona Strip Field Office Manager

August 2, 2011
Date