



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Arizona Strip District  
Arizona Strip Field Office  
345 East Riverside Drive  
St. George, Utah 84790

In Reply Refer To:  
AZA010: 4160

Heaton Cattle Company  
c/o Kelly Heaton  
P.O. Box 910088  
St. George, Utah 84791-0088

### **NOTICE OF PROPOSED DECISION**

*For the Clayhole Allotment Water Developments – Phase II*

#### **INTRODUCTION**

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA No. DOI-BLM-AZ-A010-2021-0008-EA) to evaluate the proposal to install approximately 92 miles of pipeline, four water storage tanks, 60 livestock watering troughs, and approximately 2.5 miles of fencing within the Clayhole allotment. An allotment management plan (AMP) is in effect for this allotment which identifies the need for additional facilities for improved grazing management. The BLM, Arizona Strip Field Office, the Heaton Cattle Company (the grazing permittee who holds the grazing permit), the Natural Resources Conservation Service (NRCS), and the Mule Deer Foundation are working cooperatively to improve grazing management, watershed conditions, and rangeland health within the Clayhole Allotment. This proposed decision is the result of my review and consideration of the EA and its associated Finding of No Significant Impact (FONSI).

#### **BACKGROUND**

The BLM, Arizona Strip Field Office, along with Heaton Cattle Company, the rancher who holds the grazing permit, have been working cooperatively to improve grazing management, watershed conditions and rangeland health within the Clayhole Allotment. The allotment consists of 115,552 acres and has 13 pastures (see EA Appendix A, Figure 1). There are 9,371 active animal unit months (AUMs) authorized; cattle are grazed year-round (December 1 through November 30) and are rotated through the pastures on a best pasture rotation as specified in the AMP.

Water distribution within the allotment is limited because most of the existing reservoirs are unreliable, dependent on rainfall events to refill, lack in water storage capabilities, and leak due to the inability of soils to retain water. Currently, there are six large reservoirs within the allotment that historically hold water. Other reliable water sources include Yellowstone Spring, Clayhole Well, and Black Point Well. The current locations of the reliable water sources listed above do not provide adequate water distribution throughout the allotment. Therefore, the grazing permittee along with the NRCS proposed to construct approximately

92 miles of pipeline to connect the above-mentioned reservoirs, wells, and Yellowstone Spring, to locations within all thirteen pastures of the Clayhole Allotment. The project is designed to use these reliable water sources to provide water throughout the allotment for both livestock and wildlife. Water from these sources would be piped into storage tanks from which water would gravity flow to troughs throughout the allotment. The current water distribution makes it difficult for the permittee and BLM to best plan and adhere to the grazing system contained within the AMP. The action would result in a more uniform utilization of forage, which would aid in maintaining and improving the desired plant community (DPC) objectives. The uniformity in livestock distribution would enhance rangeland vegetation by accelerating plant succession while increasing plant diversity and vigor.

The land health evaluation report for the allotment was completed in 2008. Based on analysis of allotment monitoring data (including data collected since the land health evaluation was completed) and supporting documentation contained in the land health evaluation report and land health evaluation update, it has been determined that the allotment is making significant progress towards meeting the Arizona Rangeland Health Standards. While these water developments were not specifically identified in the land health evaluation, lack of reliable water for wildlife was identified as an issue. The proposed water developments would address this issue and be beneficial to land health – reliable water sources would result in more uniform distribution of livestock use and thus more uniform forage utilization.

The intention of the water developments is not to increase permitted use (AUMs), but to encourage and achieve better livestock distribution within the Clayhole Allotment.

The project would also provide additional water sources for wildlife (including mule deer and pronghorn). The *Arizona Strip Interdisciplinary Mule Deer Management Plan 2015-2019*, which was developed jointly by the BLM and Arizona Game and Fish Department (AGFD) states that “water distribution should be improved in [Units 12B, 13A, and 13B] by utilizing both cooperative projects and wildlife catchments”. The *Arizona Statewide Pronghorn Management Plan* identifies a number of management objectives, including objectives related to water availability. It should be noted that habitat management for non-listed, non-game species are typically provided in the form of supplemental benefits from actions designed to address other, targeted (i.e., threatened, endangered, candidate, or game species). These most often take the form of water developments or vegetative treatment projects. Thus, other wildlife species (along with mule deer and pronghorn) would benefit from the proposed water projects by improving water distribution and improving habitat use by these species as well, which are also objectives contained within the Arizona Strip Field Office Resource Management Plan (RMP).

The purpose of this action is to respond to an external request to place and use a water pipeline, water storage tanks and livestock water troughs in the Clayhole Allotment. The need for this action is established in 43 CFR 4120.3-1(f) which states that proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4371, et seq), and management objectives established by the Arizona Strip Field Office RMP.

The EA prepared for the proposed water developments (DOI-BLM-AZ-A010-2021-0008-EA) constitutes the BLM’s environmental review of the proposed action in accordance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations.

In February 2022 a decision was issued to approve the construction and maintenance of the “Phase I” water developments, in the Bundy Pond, Larimore, and South pastures. Phase I consisted of:

- Three water storage tanks – Black Point, Hat Knoll, and Larimore
- Twenty-nine livestock water troughs
- Twenty 10,000-gallon water storage tanks, installed next to corresponding water troughs

- Thirty-two miles of new pipeline
- Approximately 2.25 miles of fence

## **FINDING OF NO SIGNIFICANT IMPACT**

After consideration of the environmental effects described in the EA and supporting documentation, I have determined that the action is not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No effects identified in the EA meet the definition of significant in context or intensity as described in 40 CFR 1508.27. Therefore, the preparation of an environmental impact statement is not required as per Section 102 (2) of NEPA. This finding and conclusion is based on the consideration of the Council on Environmental Quality’s criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA and as described in the attached FONSI.

## **PROPOSED DECISION**

Based on my review and consideration of the EA and FONSI, it is my decision to select Alternative A (proposed action) in part. More specifically, my decision is to approve the construction and maintenance of the water developments identified on the attached map as “Phase II” projects, with the exception of the proposed water developments that are now within Baaj Nwaavjo I’tah Kukveni National Monument (designated in August 2023). This current proposed decision approves projects in the Childers Well, Big Warren, RCA, Little Warren 5B, Bundy Pond, Larimore and Little Clayhole pastures, as identified below and shown on the attached map.

### Water Troughs

27 new livestock water troughs (of 60 analyzed in the EA).

### Ten Thousand Gallon Water Tanks

Four new 10,000-gallon water storage tanks, installed next to corresponding water troughs.

### Pipeline

Fifty-two miles of new pipeline (of 92 miles analyzed in the EA) – this new pipeline will be connected to the pipeline described in Phase I and will be constructed throughout the Childers Well, Big Warren, RCA, Little Warren 5B, Bundy Pond, Larimore and Little Clayhole pastures.

Range improvements will be designed, constructed, and maintained according to the description in Section 2.2 of the EA, including the best management practices outlined in Section 2.2.1.

## **RATIONALE FOR DECISION**

This proposed decision has been made after considering impacts to resources, such as vegetation, wildlife, cultural resources, and soils, while also meeting the purpose and need for agency action as described in Section 1.2 of the EA. The proposed decision also best addresses the goals and objectives of the Arizona Strip Field Office RMP, the *Arizona Strip Interdisciplinary Mule Deer Management Plan 2015-2019* and the *Arizona Statewide Pronghorn Management Plan*, and all applicable statutes, regulations, and policies. The water developments approved by this proposed decision will support responsible livestock grazing on public land and will allow the vegetation in the pastures to maintain at or better progress toward its natural potential by increasing plant diversity and vigor. Thus, ecological status of the allotment will be maintained and/or improved due to flexibility for grazing use to allow for periodic rest of each pasture. In addition, the water developments will increase the availability of water for wildlife, including being available year-long.

As stated above, this proposed decision is for the remainder of Alternative A – Proposed Action, located within the Arizona Strip Field Office, that was not previously approved in the Phase I decision, with the exception of the proposed water developments that are now within Baaj Nwaavjo I'tah Kukveni National Monument. A separate decision for the proposed water developments that are within Baaj Nwaavjo I'tah Kukveni National Monument may be considered and issued at a later date.

Alternative B (No Action) was not selected as it would not support the purpose and need for action, as described in Section 1.2 of the EA.

The NEPA analysis, documented in the project EA, indicates that the action is in conformance with the Arizona Strip Field Office RMP. Impacts from the action are either minimal or mitigated through design features incorporated into the action. The EA constitutes the BLM's compliance with the requirements of NEPA, and procedural requirements as provided in the Council on Environmental Quality regulations.

## **AUTHORITY**

The authority for this decision is found in a number of statutory and regulatory authorities contained in the Taylor Grazing Act, as amended; the Federal Land Policy and Management Act of 1976, as amended; and throughout Title 43 of the Code of Federal Regulations (CFR), Part 4100 (Grazing Administration-exclusive of Alaska). The following sections of Part 4100 are noted below, although other subparts of Part 4100 are used to authorize grazing activities, with this list not meant to be exhaustive.

- 43 CFR §4120.3-1 – Conditions for range improvements.
- 43 CFR §4120.3-2 – Cooperative range improvement agreements.
- 43 CFR §4120.3-3 – Range improvement permits.
- 43 CFR §4120.3-4 – Standards, design, and stipulations.
- 43 CFR §4120.3-5 – Assignment of range improvements.
- 43 CFR §4160.1 – Proposed decisions.

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

Any applicant, permittee, lessee, or other interested public may protest the proposed decision in accordance with 43 CFR 4160.2 in person or in writing within 15 days after receipt of such decision to:

Lorraine M. Christian  
Field Manager  
345 East Riverside Dr.  
St. George, UT 84790

If protest is sent by facsimile or email, the date filed is not official until BLM receives the original by mail. Electronic dates of submissions are not acceptable. The protest should clearly and concisely state the reason(s) as to why 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 my final decision without further notice, in accordance with 43 CFR 4160.3(a). Should a timely protest be filed, I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file a notice of appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, and 4.470. The notice of appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final.

The notice of appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The notice of appeal and petition for a stay must be filed in the office of the authorized officer, as noted above.

The BLM cannot accept electronic filing of appeal documents by any other means, including compact disc, thumb drive, or similar media due to Federal Information Systems Security Awareness policies. As defined in 43 CFR 4.22(a), "A document is filed in the office where the filing is required only when the document is received in that office during its regular business hours and by a person authorized to receive it. A document received after the office's regular business hours is considered filed on the next business day."

Within 15 days of filing the appeal, the appellant must provide the BLM with proof of service to the other persons named in this decision (Appendix A - List of all Persons or Groups Receiving this NOPD) in accordance with 43 CFR 4.470(a). A copy of the appeal must also be served on the Office of the Solicitor located at the address below in accordance with 43 CFR 4.413(a).

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

In accordance with 43 CFR 4.413(b), failure to serve a notice of appeal will subject the appeal to summary dismissal as provided in 43 CFR 4.402. Appellants are responsible for determining whether the Office of the Solicitor or other persons named in the decision will accept service of a notice of appeal and/or petition for stay electronically via email.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, is directed to 43 CFR 4.472(b) for procedures to follow if you wish to respond.

*Lorraine M. Christian* Digitally signed by  
Lorraine M  
Christian  
Date: 2024.02.14  
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Lorraine M. Christian  
Field Manager  
Arizona Strip Field Office

Attachments:

List of all Persons or Groups Receiving this NOPD  
Clayhole Allotment Pipeline Installation & Water Developments Project Phase II Map

Enclosure:

Finding of No Significant Impact for Environmental Assessment

List of All Persons or Groups Receiving this NOPD

Kelly Heaton  
Heaton Cattle Co.  
1825 East 2450 South  
St. George, UT 84790

Cyndi Tuell  
Western Watershed Watersheds Project  
738 North 5<sup>th</sup> Avenue, Suite #206  
Tucson, AZ 85705

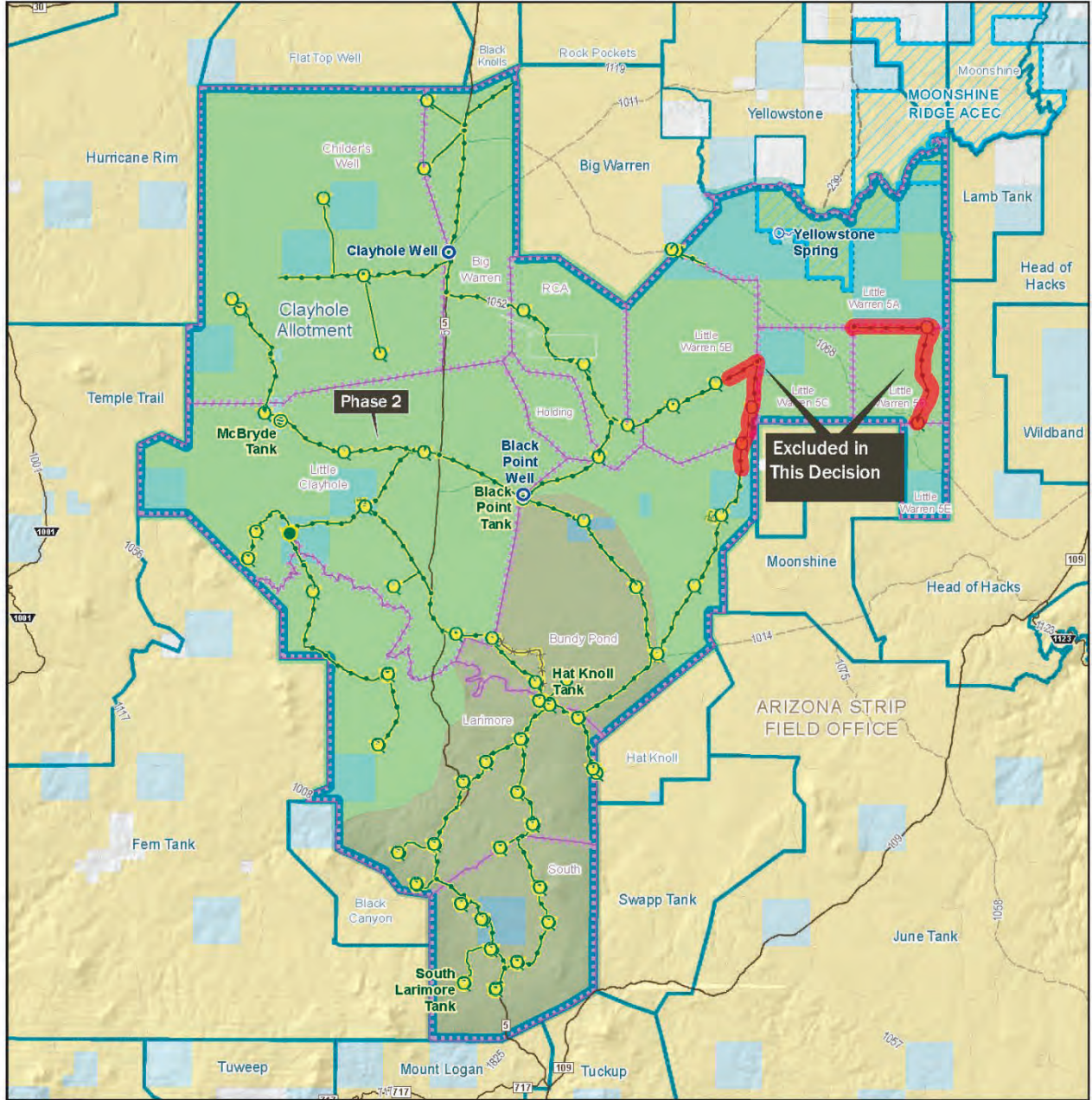
Jeff Burgess  
7650 South McClintock Drive Suite 103-248  
Tempe, AZ 85284

Arlin Hughes  
Arlin & Denice Hughes  
175 W 400 N  
Veyo, UT 84782

Stacy Swanson  
Mohave County  
700 West Beale St.  
Kingman, AZ 86401



**Clayhole Allotment Pipeline Installation & Water Developments Project Phase 2 Map**  
**NEPA Project DOI-BLM-AZ-A010-2021-0008-EA**  
 Bureau of Land Management - Arizona Strip District - Arizona Strip Field Office



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|--------------------------------------|---|--|
| <b>Phases</b>                        | <b>Proposed Range Developments</b>            | <b>Grazing Allotment</b>               |
| Phase 1                              | Developed Spring (new connection to existing) | Grazing Pasture                        |
| Phase 2                              | Well (new connection to existing)             | <b>Surface Management Agency</b>       |
|                                      | Trough  | Bureau of Land Management              |
|                                      | Storage Tank                                  | State                                  |
|                                      | Pumping Station                               | Private                                |
|                                      |   | Area of Critical Environmental Concern |
| <b>Proposed Pipelines and Fences</b> |   | <b>Arizona Strip Routes</b>            |
| Pipeline - Primary                   |   | Primary Road Unpaved                   |
| Pipeline - Spur                      |   | Secondary Road Unpaved                 |
| Fence - Enclosure                    |   | Tertiary Road Unpaved                  |
| Fence - Division                     |   |  |



Map Produced by BLM Arizona Strip District  
 File: Clayhole\_Pipeline\_Overview\_Proposed\_Phase2\_2021.mxd  
 Coordinate System: NAD 1983 UTM Zone 12N  
 Reference System: U.S. PLS 83SRBLM  
 Scale: 1:188,133 at 8.5x11 page output  
 Date: 8/11/2023

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