



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Lake Havasu Field Office
1785 Kiowa Avenue
Lake Havasu City, Arizona 86403-2847
Phone: (928) 505-1200



In Reply Refer To:
4120 (AZC030)

PROPOSED DECISION

Dear Interested Public:

The Bureau of Land Management (BLM) received a request from the Crowder-Weisser (#01933) grazing allotment permittee to construct and install a new well and storage tank adjacent to the Hope Corral range improvement project (#034272). Hope Corral is on public lands adjacent to the town of Hope, AZ. Water at this facility allows for livestock access on the northern half of a pasture located at an eastern area of the Crowder-Weisser grazing allotment. This eastern pasture is more than 29 sections large. There are 640 acres per section. Another range improvement project currently under maintenance provides water on the southern portion of the eastern pasture. Water provided for the Hope Corrals was purchased and drawn from a water tank controlled by Ramblin' Roads RV Resort in Hope AZ (directly adjacent to the corrals) and piped to the troughs located within the corrals. As of March of 2021, the RV Resort no longer sold water to the permittee which supplied to the corrals. The permittee, therefore, would haul water from the Central Arizona Project (CAP). However, a decision from the CAP that took effect January 2023 no longer provides the availability to draw water for local ranchers. This includes the Crowder-Weisser allotment permittee. This has led the permittee to apply to construct a new well and place a storage tank adjacent to the pipeline once used to draw water from the RV Resort. The permittee intends to attach the existing pipeline to the new well and storage tank if approved.

An Environmental Assessment (EA) was prepared to analyze potential impacts of the proposed action, no action, and alternatives. The EA is available to view at the following link: <https://eplanning.blm.gov/eplanning-ui/project/2025787/510>

PROPOSED DECISION:

It is my proposed decision to approve the proposed action of constructing and installing a new well and storage tank adjacent to the existing corral facilities.

RATIONALE:

Continuing to provide a source of water to the existing and in use range improvement facility would continue the operation of running livestock in the area and would continue to provide the water necessary for wildlife. The supply of water would not only continue the support of grazing distribution but support livestock and wildlife with year-round water as water at the Hope Corrals is the only available water supporting the northern area of a pasture located in the eastern most part of the grazing allotment.

AUTHORITY:

All citations are from Part 43, Code of Federal Regulations (CFR), Subpart 4100 (2005).

- § 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(b) –Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.
- § 4120.3-1(e) –A range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.
- § 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(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.
- § 4120.3-7 –The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of this part.
- § 4160.1(a) –Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.
- § 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 within 15 days after receipt of such decision

PROTEST PROVISIONS:

In accordance with 43 C.F.R. § 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 within 15 days after receipt of such decision. In accordance with 43 C.F.R. § 4160.3 (b), upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion of her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

In accordance with 43 C.F.R. § 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. If the proposed decision were to become the final decision it may be appealed in accordance with the following section.

APPEAL PROVISIONS:

In accordance with 43 C.F.R. § 4.470 and § 4160.4, any applicant, permittee, lessee or other person whose interest is adversely affected by the Final Decision may file an appeal of the Decision. An appellant may also file a petition for stay of the Decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the Final Decision, or within 30 days after the date the Proposed Decision becomes final. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any 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, Intermountain Region, 401 West Washington St. Suite 404 Spc44, Phoenix, AZ 85003 (CFR§ 4.471(b)).

The appeal must be in writing and state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error. Other provisions of 43 C.F.R. § 4.470 also apply. The BLM does not accept appeals sent by electronic mail. Appeals transmitted by facsimile will be accepted so long as the BLM receives the original document with original signature within 7 days of the receipt of the facsimile transmittal.

A petition for stay, if filed, shall show sufficient justification based on the following standards (43 C.F.R. § 4.471(c)):

- The relative harm to the parties if the stay is granted or denied;
- The likelihood of the appellant's success on the merits;
- The likelihood of immediate and irreparable harm if the stay is granted; and,
- Whether the public interest favors granting the stay.

43 CFR§4.471(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 Departmental Cases Hearings Division Office of Hearings and Appeals U.S. Department of the Interior 351 South West Temple, Suite 6300 Salt Lake City, Utah 84101, a motion to intervene in the appeal, together with the response, within 10 days of 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§4.471(b)).

At the conclusion of any document that a party must serve, the party or its 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 proposed decision, contact Eric Duarte by telephone at (928) 412-5650, by email at eduarte@blm.gov or at the Lake Havasu Field Office 1785 Kiowa Ave. Lake Havasu AZ, 86403.

Sincerely,

WILLIAM MACK

Digitally signed by WILLIAM
MACK
Date: 2023.08.23 10:58:31 -07'00'

William Mack
Colorado River District Manager

Attachment:

- Mailing List