

PROPOSED DECISION RECORD
KINGMAN FIELD OFFICE
Gray Wash Boundary Fence Environmental Assessment
NEPA# DOI-BLM-AZ-C010-2017-0039-EA

Introduction:

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-AZ-C010-2017-0039-EA, to assess the potential impacts associated with construction of a 0.64 mile long fence in the Gray Wash allotment.

Alternatives Considered:

The following items for the proposed fence construction would apply to the Proposed Action and Alternative 1 as described in Chapter 2 of the EA:

The fence would be built according to BLM's mule deer specifications to prevent potential impacts to mule deer. The fence would consist 4-strand wire fence with a total fence height of 42 inches. Measured from ground up would be 12 ½ gauge smooth wire 16 inches above ground level and 12 ½ gauge barbed wire at 22 inches, 30 inches, and 42 inches above ground level. Fence construction would likely begin in the early fall when weather is favorable and last approximately 2 weeks. Access to the fence line would be by foot, horseback, or UTV. If the fence line were accessed by cross-country travel using a UTV, any two-track trail caused by this travel would be obliterated by raking of the tracks, vertical mulching, and putting rocks into the trail.

A Cooperative Range Improvement Permit would be issued and the grazing permittee would be assigned maintenance responsibility for the entire fence. This permit would also state that the BLM would construct portions of the fence on public lands and the permittee would construct the fencing on private lands. The original damaged fence and any remnant fencing or unused materials within public lands would be removed during fence construction.

Three alternatives were considered in the EA as summarized below:

Proposed Action: The Proposed Action entails constructing a permanent fence of approximately 0.64 miles located in T. 15N, R. 12W, Section 6 starting at (814860E, 3841708N) and ending at (815349E, 3842616N). The proposed fence would prevent livestock on the Gray Wash Allotment from entering onto the Big Sandy River and onto the Groom Peak Allotment.

Alternative 1: Alternative 1 entails constructing a permanent fence of approximately 0.34 miles located in T. 15N, R. 12W, Section 6. The proposed fence would prevent livestock on the Gray Wash Allotment from entering onto the Big Sandy River and onto the Groom Peak Allotment.

No Action Alternative: Under the No Action Alternative, the proposed construction and subsequent maintenance would not occur. No fence would be constructed to close the gap between the locations in which the current fence is down. The existing fence cannot be maintained, therefore it would remain in disrepair and cattle would continue to wander through both allotments.

Mitigation Measures:

These mitigation measures would apply to all fence construction activities as proposed in the Proposed Action and Alternative 1.

1. BLM staff would monitor all construction activities to ensure consistency with the project parameters analyzed in this environmental analysis.
2. All maintenance staff would be briefed on the replacement/avoidance of sensitive plant species prior to construction.
3. Any active nests with eggs or nestlings would be monitored by the BLM. A safe working distance from the nest would be established by the BLM to avoid harassment or harm of the nesting birds.
4. If any cultural or historic resources are encountered during construction activities, all work would stop and a BLM Archaeologist would be contacted.

Decision:

It is my decision to authorize implementation of the Proposed Action as described in Environmental Assessment DOI-BLM-AZ-C010-2017-0039-EA. The EA and FONSI analyzed the selected alternative and found the proposed project to have no significant impacts. This decision will result in the construction and maintenance of a 0.64-mile long fence in the Gray Wash Allotment. Implementation of the Proposed Action will include design features, BLM's mule deer specifications, and incorporation of identified mitigation measures as described in Chapter 2 of the EA and as stated above.

Rationale:

My decision to approve the Proposed Action analyzed in DOI-BLM-AZ-C010-2017-0039-EA is based on the following:

The Proposed Action has been analyzed, with no significant impacts anticipated, as stated in the FONSI signed on September 20, 2017, thus an Environmental Impact Statement is not required. The environmental assessment adequately covers all affected resource values.

Implementation of the proposed action would result in better management practices within the allotments and reduce impacts to potential critical habitat within the Kingman Field Office.

The decision to implement the Proposed Action does not result in any undue or unnecessary environmental degradation, and is in conformance with the *Kingman Resource Management Plan*.

Authority:

The authority for this decision is contained in the Federal Land Policy Management Act (FLPMA) of 1976, the Taylor Grazing Act, the Kingman Field Office Resource Management Plan, the Code of Federal Regulations (CFR) found at 43 CFR §4100, and with current BLM policies, plans, and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, county, state, tribal governments and other federal agencies.

The attached FONSI shows that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of implementing the proposed Gray Wash Boundary Fence project as described above.

Right of Protest and/or Appeal:

Protest: Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR §4160.2. The protest may be submitted in person or writing to Bureau of Land Management, Kingman Field Office, ATTN: Amanda Dodson, Kingman Field Office Manager, 2755 Mission Boulevard, Kingman, Arizona 86401.

The protest, if filed, should specify the reason(s) clearly and concisely as to why the proposed decision is in error. In accordance with 43 CFR §4160.3(b), upon a timely filing of a protest, the authorized officer shall reconsider the 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 to the review of the protest, the authorized officer shall serve a final decision on the protestant and the interested public.

In the absence of a protest, in accordance with 43 CFR §4160.3(a), the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided for in the proposed decision

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal of the decision in accordance with 43 CFR §4160.4 and §4.470. The 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 appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR §4.471 and §4.479, pending final determination on appeal. The appeal and any petition for stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal to the Office of the Solicitor in accordance with 43 CFR §4.413: US Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Courthouse, 401 W. Washington St. SPC 44, Suite 404, Phoenix, AZ 85003-2151.

The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error and must comply with the provisions of 43 CFR §4.470.

The BLM does not accept appeals by facsimile or email.

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

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR §4.472(b) for procedures to follow.

Finally, in accordance with 43 CFR §4.472(b), 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 respond, the person must serve copies on the appellant, the appropriate Office of the Solicitor in accordance with §4.413(a) and (c), and any other person named in the decision.

Approval:

Amanda M. Dodson

Amanda M. Dodson
Field Manager
Kingman Field Office

Nov. 14, 2017

Date