



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 (AZC0300)

February 7, 2019

PROPOSED DECISION

Camp Well Project

Dear Interested Public:

The Bureau of Land Management (BLM) proposes to approve the construction of a new water well, storage tank, and enclosing fence north of the Town of Salome. The Camp Well Project is intended to ensure there is a continued source of water for both livestock and wildlife. The current water source supplies the existing trough by a 1 mile pipeline from private agricultural land. The current owners of the agricultural land has continued to allow the permittees to use the water for their livestock use on public lands. In the event that access and use of that water is revoked, they would not be able to support livestock in that area of the allotment. The Permittee is requesting a more permanent source of water that they can draw from without having to rely on a lease with the agricultural land owners.

On October 2, 2018 a consultation cooperation and coordination (CCC) letter was mailed to the interested public to provide information of the proposed action by the Bureau Land Management. The comment period was for 14 days starting October 2, 2018. At the conclusion of the comment period all comments received had no specific concerns except to further provide more detail of the project for further review and comments.

On December 20, 2018 a letter was mailed to the interested public mailing list for this project to provide notice regarding the availability of the Environmental Assessment (EA) for review and comment. This letter included a link to the project webpage where additional information, including the EA and appendices were available, and information on how to submit comments on the proposal and document were provided. During the public comment period, December 19, 2018 to January 19 2019, BLM received comments concerning the project. A response to those comments has been included as Appendix D of the EA and denotes where changes were made in the EA to provide additional clarification or information in response to those comments received. This proposed decision notice will serve as the final decision if there is no formal submitted protest within 15 days from the above date. This proposed decision notice, along with a Finding Of No Significant Impact (FONSI) and the Final EA are posted on the project webpage at the following link <https://go.usa.gov/xEchY>.

PROPOSED DECISION:

It is my proposed decision to approve the Proposed Action as described in section 2.1 with the incorporation of the stipulations and mitigation measures provided in the Environmental Assessment DOI-BLM-AZ-C030-2018-0065-EA. The maintenance will be kept by the permittee of the K Lazy B Allotment in accordance with the

signing of a cooperative agreement. The location of the project can be found in: T4N, R12W, Section 15, SWNW¼, E269319.9, N3730797.7

RATIONALE:

Continuing to provide a source of water to the existing range improvement project (water trough and corral) 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 continue to support grazing distribution as having available waters throughout the allotment reduces grazing pressure in concentrated locations and further allows plant species to grow and reproduce in available, adequate soil conditions. This allows for a higher potential of land health in the allotment which is interrelated with providing available habitat for wildlife. Because of low precipitation that is received in this type of desert ecosystem, it is important to think through the impacts caused by poor distribution. Both drought and grazing management (e.g. livestock distribution) are a few drivers that have influence on rangeland vegetation.

Poor water distribution is the cause for poor livestock distribution. In the range, where available water is infrequent, large sacrifice areas around watering points can often happen. Proper grazing distribution requires scattering livestock within a range unit (allotment) to obtain uniform use of range forages. Watering locations will often improve both livestock's distribution and vegetation reproduction (Holechek, Pieper, & Herbel, 2011)

The proposed action of constructing a well is necessary with continuing and serving range land health.

The Camp Well Project is in conformance with the Yuma Field Office Resource Management Plan, approved 2010, because it is specifically provided for in the decisions via the following Sections and text:

Livestock Grazing Management pages 2-87 through 2-93

GM-003 (3-4) – Intensity, season and frequency of use, and distribution of grazing use should provide for growth and reproduction of those plant species needed to reach desired plant community objectives.

GM-007: Make 428,300 acres available for livestock grazing in the YFO planning area.

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

GM-013: Continue to use the allotment management categorization process to define the level of management needed to properly administer livestock grazing according to management needs, resource conflicts, potential for improvement, and BLM funding/staffing constraints. The allotment categories are:

- Custodial (C), custodial management to protect resource conditions and values,
- Maintain (M), management to maintain current satisfactory resource conditions and active management to ensure that the conditions of resource values do not decline, and
- Improve (I), active management to improve unsatisfactory resource conditions.

GM-018: Locate new livestock waters at least two miles from Category I and II Sonoran desert tortoise habitat.

GM-019: Exclude range improvement projects within Category I and II Sonoran desert tortoise habitat, including water developments, which will create conflicts with Sonoran desert tortoise populations.

TM-021: During the construction of rangeland developments, vehicles will use designated routes wherever possible for access to sites. Where no routes exist, vehicles will be authorized on a case-by-case basis to travel cross-country to avoid the need for road building. Where new roads must be built, roadbeds will be no wider

than needed for reliable access. As a general practice, new roads will not be bladed for use in fence construction. Vehicles will travel cross-country or fences will be built without motorized access.

Citations:

Holechek, L. J., Pieper, D. R., Herbel, H. C., (2011). Range Management: *Principles and Practices*. Upper Saddle River, NJ: Pearson Education, Inc.

U. S. Department of the Interior, Bureau of Land Management (2010). Yuma Field Office Record of Decision Approved Resource Management Plan. *Livestock Grazing Management* (pp. 2-87 to 2-93). Washington, DC: U.S. Government Printing Office.

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) 505-1230, by email at eduarte@blm.gov or at the Lake Havasu Field Office 1785 Kiowa Ave. Lake Havasu AZ, 86403.

Sincerely,

s/Adam Cochran for Jason West Authenticated by Eric Duarte

Jason R. West
Field Manager
Lake Havasu Field Office