



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Safford Field Office
711 South 14th Avenue, Suite A
Safford, Arizona 85546-3335
www.blm.gov/az/

February 3, 2015

In Reply Refer To:
4120 (G010)
Serial/Case File No. 06061

Notice of Proposed Decision
Mesa Parada Pipeline
DOI-BLM-AZ-G010-2015-0002-EA

INTRODUCTION

The Bureau of Land Management (BLM), Safford Field Office has prepared the Mesa Parada Pipeline Environmental Assessment (EA) (DOI-BLM-AZ-G010-2015-0002-EA) to evaluate the potential impacts related to the proposed action to install 0.5 miles of buried pipeline on BLM-managed land in the Mesa Parada Allotment, Apache County, Arizona.

The lessee along with the Arizona State Land Department initiated the project to improve livestock water distribution in the area. Implementing the proposed action would facilitate an improved distribution of perennial livestock water on the allotment. This action would improve watershed function and livestock distribution in the area. The proposed action was developed by the Bureau of Land Management to improve rangelands.

The Bureau of Land Management considered a no action alternative and the proposed action in the (EA). Under the no action alternative, the pipeline would not be installed. The distribution of perennial waters on the allotment would go unchanged, therefore, continuing the heavy use around existing livestock waters.

PUBLIC INVOLVEMENT

Internal scoping was initiated by a BLM interdisciplinary team of specialists beginning on October 1, 2014. The public was invited to review and comment on the EA and unsigned Finding of No Significant Impact (FONSI) from January 5 through January 21, 2015. No comment letters were received.

DECISION

Based upon the information provided in this proposed decision and in the Mesa Parada Pipeline EA, it is my decision to implement the installation of the proposed action.

The following design features are included in the proposed action to minimize impacts:

- The pipeline would only be installed within the preexisting road disturbance.
- The pipeline be buried within the existing road's footprint
- The road will not be widened or otherwise changed from its existing condition. In areas prone to or experiencing erosion, rolling dips/water bars will be installed to prevent the concentration of runoff and erosion.
- If in connection with operations under this authorization, any human remains, funerary objects, sacred objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; Stat. 3048; U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
- All troughs will be outfitted with a wildlife escape structure.
- Any materials and supplies left over would be removed from the site and properly disposed of.
- All plumbing should be checked at least bi-annually to ensure good operating condition.
- Inlet screens and float valves should be checked regularly.

RATIONALE

Currently, perennial waters on the allotment support 2,404 acres. The pipeline will increase the area supported by perennial waters by 2,947 acres to a total of 5,351 acres.

The purpose of this decision is to improve the distribution of perennial livestock waters and grazing, and reduce runoff and soil erosion within the watershed of the Mesa Parada Allotment. The no action alternative maintains existing conditions in the area and does not meet the purpose and need of this project. The proposed decision facilitates the addition of perennial livestock water within the allotment.

The need for action is established by the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA; 43 USC 1701 et seq.) to manage public lands in a manner that protects the quality of ecological, environmental, and water resource values (43 USC 1701.a.8) and to manage on the basis of multiple use and sustained yield (43 USC 1701.a.7). The need for this action is also established by BLM's responsibility under the Public Rangelands Improvement Act of 1978 to "manage, maintain, and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values..." (43 USC 1901.b.2).

AUTHORITY

The authority for this decision is in conformance with the Phoenix Resource Management Plan and Final Environmental Impact Statement (1988); The Biological Opinion for the Gila District Livestock Grazing Program (22410-2006-F-0414); 43 CFR 4120.3-2 ; 43 CFR 4160.1; National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. Seq.); the Taylor Grazing Act of 1934 (P.L. 73-482); is contained in Federal Land Policy and Management Act (FLPMA; 43 USC 1701 et seq.) to manage public lands in a manner that protects the quality of ecological, environmental, and water resource values (43 USC 1701.a.8) and to manage on the basis of multiple use and sustained yield (43 USC 1701.a.7). The need for this action is also established by BLM's responsibility under the Public Rangelands Improvement Act of 1978 to "manage, maintain, and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values..." (43 USC 1901.b.2).

FINDING OF NO SIGNIFICANT IMPACT

A finding of no significant impact (FONSI) has been signed, and concluded that the decision to implement the selected action is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. The finding was based on the context and the intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest this decision in accordance with 43 CFR § 4160.1 and § 4160.2, you are allowed fifteen (15) days from receipt of this notice to file such a protest with:

Bureau of Land Management
Scott C. Cooke
Field Manager
711 14th Ave
Safford, Arizona 85546-3321

A protest may be made in writing or in person and should specify the reasons clearly and concisely as to why you think the proposed decision is in error. Upon the 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 of this review of the protest, the authorized officer shall serve a final decision on the protestant, or his agent, or both, and this interested public in accordance with 43 CFR § 4160.3 (b).

In accordance with 43 CFR 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. Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal of the decision for the purpose of a hearing before an administrative law judge. A period of **45 days** from your receipt of the **proposed decision** is provided for filing an appeal and petition for a stay of the decision pending final determination on appeal, as provided in 43 CFR § 4.470 and 43 CFR § 4160.4. 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.

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. Any appeal should be submitted in writing to:

Bureau of Land Management
Scott C. Cooke
Field Manager
711 14th Ave
Safford, Arizona 85546-3321

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 (b) (1) must show sufficient justification based on the following:

- (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 additionally to:

- (1) All other parties named in the cc section of this Decision; and
- (2) The appropriate Office of the Solicitor as follows, in accordance with 43CFR § 4.413(a) and (c):

United States Department of Interior
Office of the Field Solicitor
Sandra Day O'Connor U.S. Courthouse
401 W. Washington St., SPC 44, Suite 404
Phoenix, Arizona 85003-2151

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 Sec 4.413 (a) and (c), and any other person named in the decision.

Sincerely,

/s/ Scott C. Cooke

Scott C. Cooke
Field Manager

Attachments:

Map 1
FONSI

cc: Hubbell Livestock Company PO Box 99 Quemado, New Mexico 87829	7012 1010 0002 6532 7254
Arizona Cattle Growers 1401 North 24 th Street, Suite 4 Phoenix, Arizona 85008	7012 1010 0002 6532 6981
John Windes, Habitat Specialist Arizona Game and Fish Department 555 North Greasewood Road Tucson, Arizona 85745	7012 1010 0002 6532 6974
Arizona State Land Department c/o Stephen Williams 1616 West Adams Phoenix, Arizona 85007	7012 1010 0002 6532 6967
Western Watersheds Project c/o Greta Anderson and Erik Ryberg 738 North Fifth Avenue, Suite 200 Tucson, Arizona 85705	7012 1010 0002 6532 7476
Larry Humphrey P O Box 894 Pima, Arizona 85543	7012 1010 0002 6532 7452
William K. Brandau P O Box 127 Solomon, Arizona 85551-0127	7012 1010 0002 6532 7414

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