



# 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)

**AUG 19 2020**

## **PROPOSED DECISION** Central Muse Supplemental Water

Dear Interested Public:

The Bureau of Land Management (BLM) proposes to approve the Proposed Action from the Environmental Assessment (EA) document, DOI-BLM-AZ-C030-2020-0053-EA. Water would be drawn from the Central Arizona Project (CAP) and transported via a 1-2" surface laid pipeline to the proposed trough location. From the CAP the pipeline would travel for about 3 miles along a vehicle accessible wash to reach the proposed trough location. The storage tank (up to 10,000 gallons capacity) would be located adjacent to the trough (up to 1,000 gallons). Using a portable pump system and power source, water would be pumped from the CAP to the storage tank, which would then gravity feed into the trough automatically by a float valve.

On July 9, 2020, consultation, cooperation, and coordination (CCC) letters were mailed to the interested public concerning the Central Muse Supplemental Water project to provide notice regarding the availability of the EA for review and comment. The July 9<sup>th</sup> letter included a link to the project webpage where additional information, the East Cactus Plain Wilderness Management Plan (ECPWMP), including the EA and appendices were available. During the public comment period, July 10, 2020 to August 9, 2020, the Lake Havasu Field Office (LHFO) received no comments concerning the project.

### **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 EA. Maintenance responsibility will be assigned to the permittee of the Muse Allotment in accordance with the signing of a cooperative agreement. Construction on the ground will not occur until documentation and authorization has been received by the Central Arizona Project to utilize its water system (canal) to draw the needed water.

### **RATIONALE:**

The installation of this range improvement project would improve the distribution of livestock grazing and improve the compatibility of both the existing grazing permit and the objectives of the wilderness plan.

- The placement of a supplemental water in the central portion of the allotment would support the grazing management. Doing so would provide access to areas that can further support the needs of livestock on public lands.

- The distribution of herds within the allotment would reduce grazing impacts to the southern portion of the allotment. A more uniform distribution of grazing pressure would benefit the overall ecological ranges of the allotment to increase overall rangeland health.
- The placement of a supplemental water in such area would also assist with meeting the Terms and Condition of the grazing permit to comply with the ECPWMP by attempting to abate livestock from entering the wilderness area. Although it would not physically prevent livestock from drifting into the wilderness, it is possible that the accessible forage and water source in the new area may have the potential to reduce the number of livestock seasonally trespassing into the wilderness.

In accordance with the ECPWMP, fencing will be a last resort. If compliance monitoring determined livestock trespass continues and wilderness resources continue to be impacted as a result, the LHFO may consider fencing through the appropriate analyses of those impacts at that time.

The installation of a supplemental water is in conformance with the LHFO Office Resource Management Plan, approved 2007, even though the action is not specifically provided for, it is clearly consistent with the following decisions (objectives, terms, and conditions):

Rangeland Management/Grazing:

GM-1: Provide forage on a sustained yield basis for livestock consistent with meeting Land Health Standards and multiple use objectives. Healthy, sustainable rangeland ecosystems will be maintained or improved to meet Land Health Standards (Arizona's Standards for Rangeland Health [1997a]); and produce a wide range of public values such as wildlife habitat, livestock forage, recreation opportunities, clean water, and functional watersheds.

GM-2: Livestock use, and associated management practices will be conducted in a manner consistent with other multiple use needs and objectives to ensure that the health of rangeland resources is preserved or improved so that they are productive for all rangeland values. Where needed, public rangeland ecosystems will be improved to meet objectives.

Wilderness:

WM-1: To provide for the long-term protection and preservation of the designated area's wilderness character under the principle of non-degradation. The area's natural condition, opportunities for solitude, opportunities for primitive and unconfined types of recreation, and any ecological, geological, or other features of scientific, educational, scenic, or historical value present will be managed so that they will remain unimpaired.

East Cactus Plain Wilderness Management Plan, Approved September 1994

The proposed action would also meet objectives outlined in the 1994 ECPWMP, as described below:

Pg. 20, Management Actions (5) – "Livestock Management practices on the Muse allotment must prevent livestock from entering the wilderness. New water developments, supplemental feedings, salt blocks, turn-out and gathering points, or other livestock facilities would only be authorized at a distance sufficient to keep livestock out of the wilderness. Any unauthorized use will be reported to the Havasu Resource Area Range Specialist. Immediate actions will be taken to eliminate unauthorized use.":

**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](mailto:eduarte@blm.gov) or at the Lake Havasu Field Office 1785 Kiowa Ave. Lake Havasu AZ, 86403.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. West", written in a cursive style.

Jason R. West  
Field Manager