



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)

APR 12 2021

PROPOSED DECISION MADICO WELL AND FACILITY

Dear Interested Public:

The Bureau of Land Management (BLM) proposes to approve the construction of a new water well and expansion of a range facility, corral, east of the Town of Wenden, AZ. Due to agricultural use in the area and a drop in the water table, the Madico range improvement well (RIP# 072002) is no longer able to supply a reliable amount of water to the Madico facility (RIP# 072003). At 640 ft. in depth, the Madico Well is nonfunctional during parts of the year. Water table depth around the well is estimated to be near 600 ft. and data on wells in the surrounding area indicate they extend to depths of 800 ft. or more. Under maintenance responsibility of the Madico Well, the Permittee has attempted to deepen the well, however, the deterioration of the plastic casing has prevented a successful outcome. As a result, the Permittee is requesting to replace the existing range improvement well.

On March 23, 2021, 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 March 23rd and closing April 7th. No comments were received from the public.

PROPOSED DECISION:

It is my proposed decision to approve the replacement of the Madico Well and expansion of the present corrals with incorporation of the stipulations and mitigation measures provided in the Environmental Assessment DOI-BLM-AZ-C030-2021-0019-EA. The maintenance will be kept by the permittee of the Orosco Allotment in accordance with the signing of a cooperative agreement.

RATIONALE:

Continuing to provide a source of water to the existing 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 to support grazing distribution but support livestock and wildlife with year-round water as the new well would be the only available well in the Orosco allotment. Furthermore, 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.

The decision is consistent with the Lake Havasu Field Office Resource Management Plan, approved 2007.

Fish and Wildlife Habitat Management, page 20

- WF-25: Water developments for purposes other than wildlife will include design features that ensure safe and continued access to water by wildlife on year-round basis. If it is not feasible to provide water on a year-round basis, a determination will be made whether to design the feature for wildlife access.

Rangeland Management/Grazing, page(s) 45-46

- 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.

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,

A handwritten signature in blue ink, appearing to read "J.R. West", with a long horizontal flourish extending to the right.

Jason R. West
Field Manager
Lake Havasu Field Office