

DECISION MEMORANDUM
Land Use Permit Renewal for Humane Borders Water Stations
DOI-BLM-AZ-G020-2013-0014 CX
U.S. Department of the Interior
Bureau of Land Management
Ironwood Forest National Monument (IFNM)

Project Description: Humane Borders has requested to renew its land use permit to continue installing three water stations. One water station is located within the IFNM and two are located outside of and adjacent to the IFNM in an area called Little Ranch.. The water stations serve to provide water to undocumented immigrants migrating through the IFNM and public lands. BLM has issued its short term land use permits to Humane Borders since 2002. The water stations at each site consist of two 60 gallon plastic water barrels with a spring loaded faucet placed on a 2' x 3' metal stand and a 30' to 40' narrow aluminum flag pole. The flag attached to the flag pole is blue in color and is 2' x 3' in size. The flag pole is placed nearby the water tanks away from trees and saguaros, and is support with a 2 foot in ground spike. The spike is pounded into the ground; no ground excavation is made with the spike installation. Minimal ground disturbance is incurred with the placement of the water tanks and flag pole.

The permit will be issued for a period from May 1, 2013 to September 30, 2013, and then resumes water service again from May 1, 2014 to September 30, 2013.

The water stations are placed in an area where there is historically high foot traffic occurring by undocumented immigrants and located just off nearby roads. The location sites are previously disturbed or are sparse in native vegetation, and have been cleared by BLM for archaeological and Threatened and Endangered resources. Water delivered to the tanks is by hand, either by water containers or with a water hose. The service vehicles are not permit to go beyond 10 feet from the edge of the road.

The land use permit stipulations contains certain stipulations which requires Humane Borders to service the water stations every 72 hours, no off road travel, and provide liability insurance for \$2 million dollars.

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and IFNM staff recommendations, I have determined that the project is in conformance with the Ironwood Forest Resource Management Plan (approved 2013) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Tucson Field Office at 3201 E. Universal Way, Tucson, AZ 85756, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

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.

/s/ Brian B. Bellew
Brian B. Bellew, Tucson Field Manager

4/8/2013
Date

Attachment: Form 1842-1