

KINGMAN FIELD OFFICE SCOPING FORM

Proposal: Replace gate with 8 foot cattleguard at Pine Springs and Mineral Park Allotment boundary fence and install new gate for equipment and livestock access. Gate is being left open, allowing each permittees' livestock to access both allotments.

DOI-BLM-AZ-C010-2013-0055-CX

S:/BLMshare: Range/Allotments/Mineral Park/Range Improvements/proposed cattleguard

NEPA Document Number

RMP Implementation No.

Document Location

Land Description:

Applicant: Mike Gross (of Gross Family Partnership), livestock grazing permittee

Authorization:

INVOLVEMENT: Indicate in the left column which disciplines need to provide information.

Needed Input (X)	Discipline	Signature
X	Lands	/s/ Andy Whitefield 09/26/2013
	Minerals	
X	Range	/s/ Celeste Mimnaugh 09/26/2013
X	Wild Horse and Burro	
	General Recreation	
X	Cultural and Paleontological Resources	/s/ Tim Watkins 09/26/2013
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Rebecca L. Peck 09/27/2013
X	Threatened and Endangered Plants and Animals	/s/ Rebecca L. Peck 09/27/2013
X	Migratory Birds	/s/ Rebecca L. Peck 09/27/2013
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: Celeste Mimnaugh /s/ Celeste Mimnaugh

Date: 9/24/2013

Environmental Coordinator: /s/ Ramone B. McCoy

Date: 09/26/2013

Field Manager: /s/ Don McClure

Date: 09/26/2013

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Project Name

NEPA Number DOI-BLM-AZ-C010-2013-0055-CX

Date: September 24, 2013

A. Background

BLM Office: Kingman Field Office Lease/Serial/Case File No.:

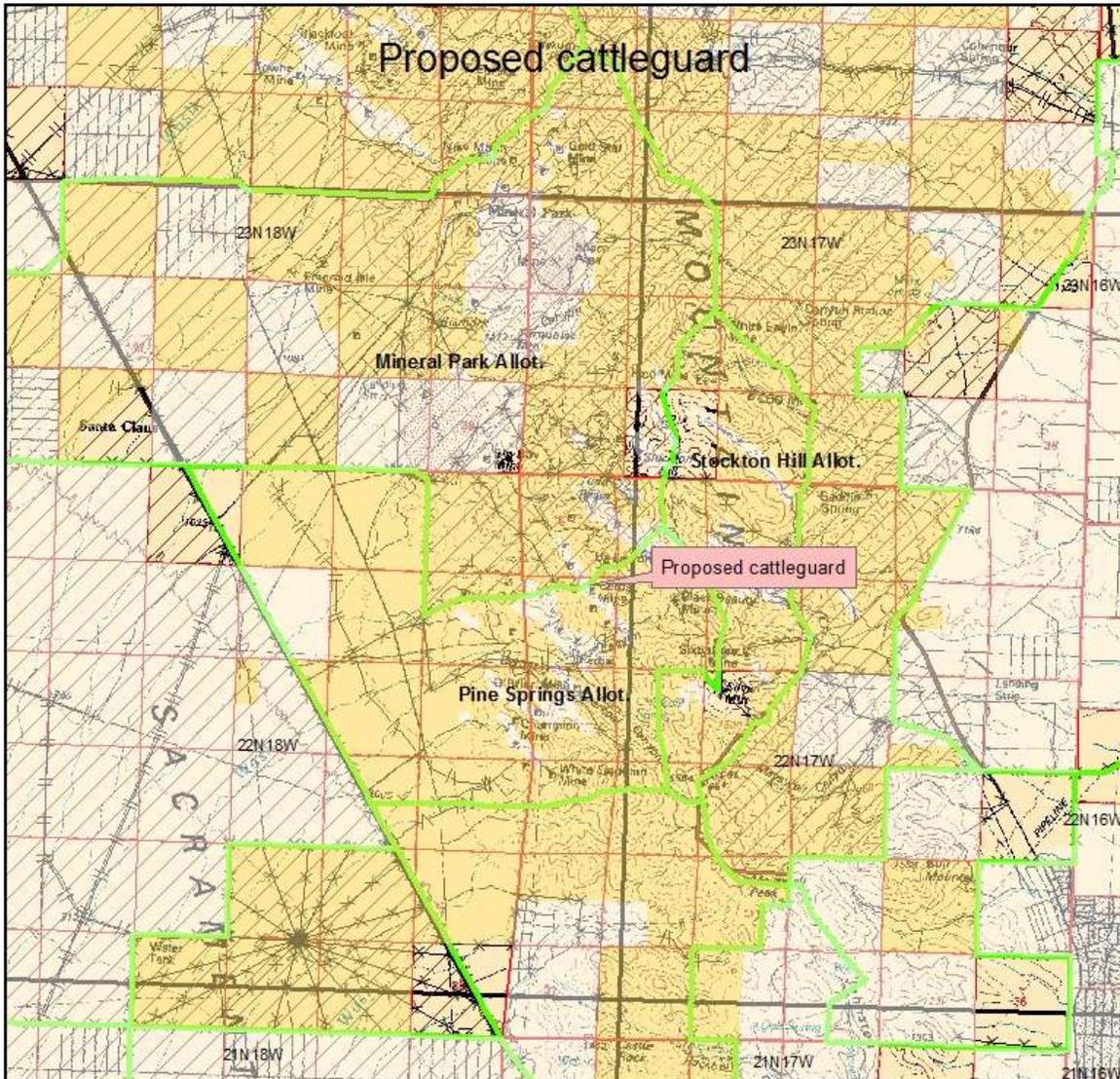
Proposed Action Title/Type: Mineral Park/Pine Springs Allotments boundary cattleguard.

Location of Proposed Action: Township 22 North, Range 17 West, Section 07 NE 1/4

Description of Proposed Action: BLM would replace an existing gate with a cattle guard in the allotment boundary fence that separates Pine Springs and Mineral Park Allotments. Individuals recreating on public land often leave the gate open, allowing each grazing permittee's livestock to move from one allotment to the other.

The cattleguard would be 8-12 feet wide. Its location would be on the edge of the Cerbat Herd Area (HA) and would, therefore, be designed as "horse proof" with rebar or similar material to prevent horse hooves from falling in between cattleguard rails (See photo below for an example cattleguard with rebar inserted between the rails.). It would also be installed in a way to allow escape of small wildlife that may fall through the rails. The Mineral Park Allotment grazing permittee would maintain the cattleguard. The majority of disturbance would occur in the existing roadway and minimal disturbance outside the roadway would be necessary (i.e. some vegetation would be crushed by the tires of a backhoe).





Legend

BLM
 Allotment Boundary
 Private Range Improvements (line)
 <all other values>

- ✕—✕ ALLOTMENT FENCES
- ✕—✕ FENCE
- OTHER FENCES
- ✕—✕ PASTURE FENCES
- ||— PIPELINE



UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 KINGMAN FIELD OFFICE
 Map produced by the BLM, Kingman Field Office
 Land Status updated as of May 1, 2008
 No warranty is made by the Bureau of Land Management
 for the use of the data for purposes not intended by the BLM.

CAUTION:
 Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. Safety may be slightly increased since travelers would no longer be opening or closing a wire gate. A cattleguard would also eliminate the possibility of a traveler not seeing the gate and running into it.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. The proposed cattleguard location vegetative community is classified as Sonoran desert scrub and does not contain any of the listed resources with the exception of migratory birds. No impacts to migratory birds are anticipated as the majority of disturbance would be located within existing roads.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. Cattleguards have been utilized for decades. The potential effects and risks to the environment are known and considered to be relatively benign.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. This is a routine action used for more effective management of livestock.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. There are no other actions in the area that are believed to have a significant cumulative effect when combined with the effects of installation of the cattleguard.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. The proposed location of the cattleguard was surveyed on September 26, 2013 and nothing of cultural significance was identified.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. There would be no effects to threatened or endangered species or critical habitat as none are found in the project area. The project area is within the experimental range (10 J) of the California condor. There would be no effects to the condor as cattleguards are not known to trap condors. There are no known records or roosting habitat of condors within the project area and the closest known condor use area is

	100 miles away.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. No low income or minority populations were identified during the scoping process.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. The archaeologist has determined that the proposed action will in no way limit Native Americans from accessing sacred sites or other traditional cultural places of importance.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. The soil in which the cattleguard would be installed is within an existing roadway and therefore, disturbed. New soil disturbance would not be required and would be avoided. The tires of the backhoe may crush vegetation or scarify soil beside the roadway while putting the cattleguard in place. This amount of disturbance is considered to be very insignificant in its effect on undesirable plant species.





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE

CULTURAL RESOURCE COMPLIANCE DOCUMENTATION RECORD

Project No: BLM-AZ-310-14-01 **Project Name:** Class III Survey for a proposed Range Improvement (cattleguard) along Pasture Fence between Mineral Park and Pine Springs Allotments.

EA, Job or Case File No.:

Institution: BLM

Cultural Resource Use Permit No: N/A

Inventory Method: Existing Data Review Class II Class III

Eligibility Recommendation (for sites located):

Not-eligible sites (list site numbers): 0

Eligible sites (list site numbers):0

Effect Recommendation (only on eligible sites from above):

No Historic Properties Affected Adverse Effect

No Adverse Effect

Treatment Recommendations: (check and attach full description and map(s) as needed):

Avoidance (by project redesign/cancellation, etc.)

Physical or administrative protection measures

Standard stipulations

Special stipulations

Data recovery (collection, excavation, detailed recording, etc.)

Consultation:

Covered under PA, no further consultation required with SHPO or ACHP

Consultation required: SHPO Advisory Council Native Americans

Comments: Standard Stipulations apply

Proposed undertaking: BLM would install a cattleguard within an existing road along the allotment boundary (Pine Springs and Mineral Park grazing allotments).

Project location: Township 22 N, Range 17 W, Section 7 (NW ¼ , NE ¼), Gila and Salt River Meridian, Cerbat 7.5 topographic quadrangle map.

Inventory: Survey consisted of a Class III examination of a 10 m. sq. area (including undisturbed portion of land along either side of the existing road).

Tribal Consultation: No consultation with local tribes is necessary for the proposed action. Range improvements in previously disturbed areas void of cultural resources are exempt under Appendix A (CRD Undertakings Excluded From Tribal Consultation), No. 15 of the CRD-Hualapai Tribe MOU.

Standard Stipulations: Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Bureau of Land Management authorized representative. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized representative to determine appropriate action to prevent the loss of significant cultural or scientific values.

Findings: Pursuant to Section 106 of the National Historic Preservation Act and the regulations set forth in 36 CFR 800, BLM has determined that this undertaking would have no effect on historic properties, as defined in 36 CFR 88.16(1)(1).

Attachments: none

Signed (by archaeologist): /s/ Tim Watkins

Date: 09/26/ 2013



United States Department of the Interior



BUREAU OF LAND MANAGEMENT Kingman Field Office
2755 Mission Boulevard Kingman, Arizona 86401 | www.az.blm.gov

October 21, 2013

In Reply Refer To:
4120 (LLAZC01000)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7012 1010 0003 1940 2203

Gross Family Partnership c/o
Mike Gross
PO Box 768
Kingman, AZ 86402

Notice of Proposed Decision

Dear Mr. Gross:

The Bureau of Land Management (BLM), in coordination with you, the grazing permittee, has proposed the installation of a cattleguard within an existing road and along the allotment boundary fence that divides your grazing allotment (Mineral Park Allotment) and the permittee to the south (Pine Springs Allotment). In the recent past, the subject road was traveled infrequently. Due to the recent closure of a main access road on Mineral Park Allotment, the road is used more frequently now and travelers often leave the gate opened. Your livestock are then given the opportunity to drift through the open gate to Pine Springs Allotment and vice versa. The cattleguard will help to alleviate the problem.

This Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5 (G) (2), "*Installation of routine signs, markers, culverts, ditches, water-bars, gates or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan*".

PROPOSED DECISION

In accordance with 43 Code of Federal Regulations (CFR) 4120.3-2 and based upon the need to maintain allotment boundary integrity for the management of livestock, my proposed decision is to install the cattleguard as described in the categorical exclusion DOI- BLM-AZ-CO10-2013-0055-CX (attached).

In accordance with 43 CFR 4120.3-1 and 4120.3-2, the proposed cattleguard will be authorized

under a Cooperative Range Improvement Agreement as a permanent range improvement for management of livestock on the Mineral Park and Pine Springs Allotments. The Mineral Park Allotment grazing permittee will have maintenance responsibility.

Rationale: The proposed cattleguard will help improve livestock control within the boundary of both allotments. The effectiveness of the fence in keeping livestock in their respective allotments will no longer be dependent upon travelers' willingness to close the gate.

The cattleguard will allow members of the public to access the area with greater ease and safety. It will reduce the risk of injury to them since they will no longer need to exit their vehicles to open and close a gate. It will also eliminate the possibility of running into the gate because they did not see it or saw it too late.

During installation, all or most of the disturbance will occur in the existing roadway. The tires of the backhoe may crush or scarify soil beside the roadway but this is unlikely to occur and will be avoided.

No impacts to threatened or endangered species, migratory birds or cultural resources are anticipated as the majority of disturbance will occur within the existing road. The proposed installation site was surveyed for cultural resources on September 26, 2013 and it was determined that no cultural resources would be affected by the installation of the cattleguard.

Authority: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR), Part 4100 in effect on July 11, 2006, which states in pertinent subparts and sections:

§4120.3-2 Cooperative range improvement agreements.

(a) The Bureau of Land Management may enter into a cooperative range improvement agreement with any person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvement or rangeland development to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the cost or labor, or both, shall be divided between the United States and cooperator (s).

(b) Subject to valid existing rights, title to permanent range improvements such as fences, wells, and pipeline where authorization is granted after August 21, 1995 shall be in the name of the United States. The authorization for all new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines shall be through cooperative range improvement agreements. A permittee's or lessee's interest in contributed funds, labor, and materials will be documented by the Bureau of Land Management to ensure proper credit for the purposes of 4120.3-5 and 4120.3-6(c).

§4160.1 Proposed Decisions.

(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 modification 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 Protests.

Any applicant, permittee, lessee or other interested public may protest the proposed decision under Sec. 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

Protests/Appeals: Any applicant, permittee, lessee or other interested public whose interest may be adversely affected may protest the proposed decision under Sec. 4160.1 in person or in writing to the authorized officer at 2755 Mission Boulevard, Kingman, AZ 86401, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error. In the absence of a protest, the proposed decision will become a final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with §4160.4, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on the appeal before an Administrative Law Judge. See §§ 4.21 and 4.470 of this title for general provisions of the appeal and stay processes. 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 30 days after the date the proposed decision becomes final. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. All grounds of error not stated shall be considered as waived, and such waived ground may not be presented at the hearing unless otherwise ordered by the Administrative Law Judge.

Should you wish to file a motion for stay, the petition must be filed with the timely notice of appeal and the appellant must show sufficient justification based on the following standards:

- (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.

If you have any questions, please contact Celeste Mimnaugh, Rangeland Management Specialist at (928) 718-3715

/s/ Ruben Sánchez

Ruben Sánchez
Field Manager

cc: Clay Overson, Mohave Livestock Association
Arizona Game and Fish Department WildEarth
Guardians
Center for Biological Diversity
Western Watersheds Project
International Society for the Protection of Wild Mustangs & Burros
Mohave County Cooperative Extension, Kingman
Rob Taghon John
Anderson Bill
Hamilton Sue
Baughman Don
Martin