

DECISION MEMORANDUM

Abner Well Wildlife Water
DOI-BLM-AZ-G020-2013-0040-CX

U.S. Department of the Interior
Bureau of Land Management
Las Cienegas NCA

Project Description

There were two perennial sources of water in ponds within approximately ¼ mile of the proposed project that have dried for the first time in the past year. These ponds were used in the past by waterfowl and other wildlife. The Arizona Antelope Foundation has identified a need for permanent water for pronghorn in this area, and funds may be obtained for this project through the Arizona Game and Fish Department's Habitat Partnership Committee. Currently, the Rose Tree Ranch pumps water from a very reliable well located on private property east of the Upper Elgin/Canelo Road (near the entrance to Rose Tree Ranch headquarters) to a covered, metal storage tank located on private property just north of the ranch headquarters. This water re-development project will provide permanent water for wildlife by utilizing a solar powered booster pump to push water from this existing storage tank (which receives water from the private well) some 0.37 miles easterly to near the existing Abner Well windmill and a new approximately 10,000 gallon heavy-duty poly storage tank. The existing Abner Well windmill will not be used. The water line will originate at the existing metal storage tank, run above ground across private property and onto BLM lands for approximately 600' where the new storage tank and trough will be installed. The water line will be laid above ground utilizing HDPE pipe, with minimal ground disturbance at the above-ground storage tank and trough sites. Water from the storage tank will be gravity fed using about 50' of above-ground pipe to a wildlife accessible water trough of about 250 gallons. Wildlife escape ramps will be installed in the trough. Water will be available yearlong and routine checks and maintenance will be performed by the Rose Tree Ranch (see cooperative agreement).

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Tucson Field Office staff recommendations, I have determined that the project is in conformance with the Las Cienegas Resource Management Plan (approved July 2003) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations.

1. Any archaeological or historical artifacts or remains, or vertebrate fossils discovered during operations shall be left in intact and undisturbed; all work in the area shall stop immediately; and the Authorized Officer shall be notified immediately. Commencement of operations shall be allowed upon clearance by the Authorized Officer.
2. An additional cultural and paleontological survey may be required in the event the project location is changed or additional surface disturbing operations are added after the initial survey. Any such survey would have to be completed prior to commencement of operations.
3. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (L. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, the lessee 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 lessee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

4. Structures or materials of historical value shall not be removed or damaged.
5. No disturbance to agave or cacti shall occur during project construction or maintenance.
6. The color of the new storage tank and wildlife water trough will be designed with a color and/or finish to blend in with the surroundings to prevent degradation of visual resources. After installation of the storage tank and trough, additional measures to prevent degradation of visual resources (e.g. changing the color or finish) will be completed, if needed.
7. Lessee will be responsible for all future maintenance (see cooperative agreement).
8. In order to prevent possible introduction of weeds, off-road travel will be permitted by ranch vehicle or ranch quad only for one-time use during placement of materials.
9. There shall be no change in the lessee's permitted use as allowed under the current grazing lease.

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 Tucson Field Office, 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/ Viola Hillman
Viola Hillman
Manager, Tucson Field Office

02/27/2014
Date

Attachment: Form 1842-1