

DECISION MEMORANDUM
Tombstone Stream Gage Cableway Upgrade
NEPA Document #DOI-BLM-2014-0007-CX

U.S. Department of the Interior
Bureau of Land Management
San Pedro Riparian National Conservation Area
Tucson Field Office

Project Description

The proposed action is to amend the existing Right-Of-Way (ROW) for the Tombstone Gage (gage #09471550) to allow for the upgrade of the Tombstone Stream Gage. The upgrade will include clearing brush from around the cableway and then retro-fitting the cableway with a radio controlled gaging system.

The high flood flow stream gaging cableway at the USGS stream gage #09471550 on the San Pedro River near, Tombstone, AZ needs to be upgraded to provide safe continued use. The Tucson Field office of the Arizona Water Science Center, U.S. Geological Survey is requesting permission to clear brush from an area around the Tombstone cableway. Funding and equipment has been obtained to retrofit the existing cableway with an unmanned discharge measuring system. So that a safe work environment can be established, brush from an area near and around the cableway needs to be cleared. A plan view of the cableway is provided that outlines the areas to be cleared in red. Most of the vegetation that needs to be cleared consists of brush from 1 to 15 ft. high. The brush would be cut and trimmed by two or three staff using a small chain saw and hand loppers. Vegetation shorter than about 1 ft. does not need to be disturbed. Cut limbs and vegetation can be gathered in piles on the downstream side of the cableway.

The areas that need to be cleared of brush include:

- 1) On the left bank side of the cableway from the backstays of the left bank A-Frame to the left bank edge of the open channel and about 15 feet up and down stream of the cableway. The distance from the cableway A-Frame to the open channel is about 150 ft so the area is about 4,500 square ft.
- 2) On the right bank side of the cableway from the backstays of the right bank A-Frame to the right bank edge of the open channel and about 15 feet up and downstream of the cableway. The distance from the cableway A-Frame to the open channel is about 150 ft so the area is about 4,500 square ft.
- 3) An area of about 15 ft by 20 ft just off the abandoned railroad grade and near the left bank side of the cableway A-Frame. The area is about 300 sq ft and will be used to park field a vehicle when visiting the cableway for maintenance and during high flow discharge measurements.
- 4) An path about 100 ft by 3 ft from the parking area to the left bank A-Frame to provide a clear walk so that maintenance and measuring equipment can be transported more safely from vehicles to the cableway.

Brush at the cableway is not overly thick; an estimate of the time spent clearing brush by a field crew of three would be one or two 8 hour work days. After the cableway and parking area has been cleared a field

crew will retro-fit the cableway with a radio controlled (unmanned) gaging system. After the retrofit the cableway will be accessed during high flow ore when the cableway is scheduled for maintenance.

Contacts for the operation and maintenance of the Tombstone cableway are:

Emmet McGuire – U.S. Geological Survey, Arizona Water Science Center, Tucson Field Office (520) 670-6671 ext. 284

Best Management Practices

- 1) To eliminate noise disturbance to breeding/nesting Yellow-billed Cuckoo: Work/clearing of vegetation done BEFORE June 15th a chainsaw may be utilized. Work/clearing of vegetation done AFTER June 15th, will be done with hand tools only.
- 2) In accordance with the Bird Migratory Treaty Act- To eliminate disturbance of any nesting bird within the footprint of the project: BLM Natural Resource Specialist (Heather L. Swanson 520-439-6429 hswanson@blm.gov) will be informed 5 business days prior to the beginning of project so that a nest survey of the area can be done. If nest/nests are found BLM will be on sight during the project to insure that no harm/disturbance to the nest occurs.

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Safford District Resource Management Plan - Environmental Statement; 2) San Pedro Riparian Management Plan and Environmental Impact Statement; 1) page 32; 2) page 26; [approved August 1991; 2) 6-16-1988], and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the stipulation of Natural Resource Specialist on-site supervision.

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, Tucson Field Office Manager

5/8/2014
Date

Attachment: Form 1842-1