

**DECISION MEMORANDUM**  
**Cochise County Temporary Use Permit (Moson Road)**  
**DOI-BLM-AZ-G020-2016-0003-CX**

U.S. Department of the Interior  
Bureau of Land Management  
Tucson Field Office

**Project Description**

The BLM will issue Cochise County a Right-of-Way Temporary Use Permit (TUP) for access across a 10' X 350' road and a work area of 100' X 200'. The TUP would be for 3 years with an expiration date of November 2018. The need for the project is to replace and repair a gabion drop structure to avoid further erosion and head-cutting into this portion of Moson Road. Cochise County will follow established Best Management Practices (BMPs) as required by ADEQ's Storm Water Pollution Plans. Upon completion of work the disturbed area would be cleaned, back dragged, and racked.

**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 Phoenix Resource Management Plan (approved 1989) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the attached stipulations.

**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 via mail, fax, or by hand 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/Karen Simms for

11/5/2015

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Melissa Warren, Field Manager

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Date

Attachment: Form 1842-1