

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD**

**LAKE HAVASU FIELD OFFICE**

**Vending in Thompson Bay Area of Influence  
DOI-BLM-AZ-C030-2010-001-EA**

**FONSI**

I have reviewed this environmental assessment including the discussion of environmental impacts. I have determined that the Proposed Action with the mitigation measures described below will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required. I have determined that the proposed project is in conformance with the approved land use plan.

**DECISION**

It is my decision to authorize the Proposed Action as described in Environmental Assessment DOI-BLM-AZ-C030-2010-001-EA. The Proposed Action will be subject to the stipulations attached to this environmental assessment.

T. 13N., R20W., Sections 15, 22 and 23, Gila and Salt River Meridian, Arizona  
T. 4N., R. 25E., Sections 9, 10 and 15, San Bernardino Meridian, California.

Compliance and monitoring will periodically be performed by a member(s) of the Lake Havasu Field Office, Recreation and Visitor Services Program.

**RATIONALE**

My decision to approve the Proposed Action analyzed in EA-AZ-330-2010-001 is based on the following:

The Proposed Action has been analyzed, with no apparent significant impacts anticipated. The environmental assessment adequately covers all affected resource values.

The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation, and is in conformance with the Lake Havasu Field Office Resource Management Plan (RMP), approved in May 2007. The Proposed Action is specifically provided for in the following RMP decisions:

RR-4: Desired Future Conditions for the Lake Havasu Special Recreation Management Area are:

Primary Market Strategy: Destination

Market: Residents of and visitors to the Lake Havasu Region.

SRMA Desired Future Condition: Manage high-volume recreation on the lake and shoreline to sustain natural resource values and recreational opportunities.

RR-11: Desired Future Conditions for the Lake Havasu RMZ 7 – North Lake Havasu will be generally managed for Rural Developed to provide the following:

Niche: Boating for pleasure in close proximity to the services provided by Lake Havasu City. SRPs related to events that impact lake bottom managed by the BLM.

Management Objective: Manage this zone to provide opportunities for visitors to engage in a variety of water and shoreline related activities, providing continuity to management through collaborative partnerships with other entities. Manage this zone to provide environmentally responsible recreation opportunities to include Arizona shoreline fishing docks and enhancement or protection on important fish habitats from impacts to the lake bottom.

RR-60: Within the SRMA (Lake Havasu) BLM will require SRPs for organized events and activities that impact the public lands comprising the lake bottom and shoreline.

The Proposed Action consistent with the RMP as discussed on page 8 (Bureau of Reclamation Project Lands):

“...These lands constitute a corridor along the Lower Colorado River in Arizona and California, and are managed by the BLM for multiple uses. However, they remain Reclamation lands, and their use is dedicated primarily to support various Reclamation projects. To maximize opportunities for multiple-use management, the BLM has the responsibility of managing these lands, in coordination with Reclamation. Reclamation relies on the BLM to take the lead role in non-Reclamation project management of the Reclamation lands along the Lower Colorado River. The BLM may not dispose of any of these lands without written approval of Reclamation.”

## **ALTERNATIVES CONSIDERED**

### **ALTERNATIVE 1**

Alternative 1 addresses applications submitted by businesses for the BLM to consider the issuance of Special Recreation Permits (SRP) for various lake vending operations on Lake Havasu in Thompson Bay. Those vending operations include, but are not limited to, equipment rentals (motorized and non-motorized watercraft), services, and sales of food/convenience items that would support the recreation experience.

See Appendix D for Map 2 - Alternative 1.

SRP vending permits would be issued for stationary and mobile type vending operations under temporary permits within Thompson Bay and along the shoreline where the land owner allows shoreline vendor access to public lands. The typical lake vending season being considered ranges from March 1<sup>st</sup> through October 31<sup>st</sup> of each year.

## **1. Design Features**

Specific measures that are incorporated into this alternative include the following:

- All buoys, lines, signs, and any other vending related materials shall be temporarily placed on public lands and waters and shall be removed at the end of each day for mobile vendors or at the end of the vending season for stationary vendors.
- No fueling or any form of vessel maintenance/mechanical work shall occur in the water or on public lands. No private fueling allowed on the water. Authorized watercraft are to be fueled at local retail gas stations or the local marinas. Exception to this is that fine tuning and adjustments of vessels in the water is allowed.
- Authorized watercraft used for vending operations are to be launched and retrieved at local boat ramp facilities with concrete ramp aprons. Exception would be to allow low impact PWC dollies with over-sized inflatable tires that would be used for launching from sandy beaches.
- Vendor operations with vessels are required to meet watercraft safety standards and registration requirements as established by the U.S. Coast Guard, as well as, State and County agency regulations and requirements. Vendors with watercraft rentals are required to provide safe operation instructions for the customer.
- Mobile food vendors would be required to obtain the appropriate County food establishment permit for their proposed food vending operation for each county business is conducted.
- Mobile food vendors are required to operate out of an approved commissary. This includes legal disposal of waste from the unit and the vessel must provide a flushing toilet on the vessel (no chemical toilets).
- Mobile vendors would be required to stay a minimum of 200 feet off-shore from private lands or other agency landowners unless proof of legal access or permission is granted to conduct commercial business along the shore.

## **ALTERNATIVE 2 (PROPOSED ACTION)**

BLM would issue SRPs for both stationary and mobile lake vending operations on Lake Havasu outside of the Thompson Bay “no wake zone”. This area includes “Body Beach”, “Black Rock Cove”, “Contact Point” along the Arizona shoreline, and “Grass Island”, and “Ski Cove” areas along the California side of the lake. There are artificial reef habitats in this vicinity to improve fish habitat which will be addressed in Chapters 3

and 4.

Alternative 2 proposes to prohibit mobile vending operations within the “no wake” zone of Thompson Bay. As identified in Section 1, “Project Background”, *it is important to consider the impact of vending on established businesses in nearby gateway communities.* This alternative would prohibit mobile vending operations from conducting business that conflict with established businesses within the “no wake” zone of Thompson Bay which includes the Nautical Beachfront Resort, Lake Havasu Marina, and Sand Bar Grill. The Nautical Beachfront Resort provides restaurant food and drinks, convenience foods, merchandise product sales, and rental services. Lake Havasu Marina provides boat slips, fueling docks, convenience foods, merchandise sales, and vessel repairs. The Sand Bar Grill provides food and drink services.

This restriction of mobile vendor operations would also provide for safe unobstructed navigation by hundreds of vessels through the “no wake” zone of Thompson Bay while entering and exiting the southern end of the London Bridge Channel. Mobile vendors would be allowed to travel through Thompson Bay to enter and exit the London Bridge Channel and Lake Havasu Marina. Emergency services would be allowed to assist vessels in distress.

There is potential for a stationary shoreline watercraft rental operation in Thompson Bay along a small beach in front of the Sand Bar Grill (AZ State Land Department land lease) if the land lease holder allows vendor access to public lands. The beach area covers approximately 330 feet of shoreline. A watercraft rental operation should not occupy more than 10-15% of the shoreline and up to fifty (50) feet out from the shore in order to allow for public access and use of the remaining space shoreline. This allows up to 14 personal watercraft to be beached/moored along the shoreline with the area designated by buoy line markers. Mobile food vending operations at this location would be in conflict with the Sand Bar Grill business and would not be allowed.

See Appendix D for Map 3 - Alternative 2.

The typical lake vending season being considered ranges from March 1<sup>st</sup> through October 31<sup>st</sup> of each year.

#### **1. Design Features**

Specific measures that are incorporated into the Alternative 2 include the following:

- All buoys, lines, signs, and any other vending related materials shall be temporarily placed on public lands and waters and shall be removed at the end of each day for mobile vendors or at the end of the vending season for stationary vendors.
- No fueling or any form of vessel maintenance/mechanical work shall occur in the water or on public lands. No private fueling allowed on the water. Authorized watercraft are to be fueled at local retail gas stations or the local marinas. Exception to this is that fine tuning and

adjustments of vessels in the water is allowed.

- Authorized watercraft used for vending operations are to be launched and retrieved at local boat ramp facilities with concrete ramp aprons. Exception would be to allow low impact PWC dollies with over-sized inflatable tires that would be used for launching from sandy beaches.
- Vendor operations with vessels are required to meet watercraft safety standards and registration requirements as established by the U.S. Coast Guard, as well as, State and County agency regulations and requirements. Vendors with watercraft rentals are required to provide safe operation instructions for the customer.
- Mobile food vendors would be required to obtain the appropriate County food establishment permit for their proposed food vending operation for each county business is conducted.
- Mobile food vendors are required to operate out of an approved commissary. This includes legal disposal of waste from the unit and the vessel must provide a flushing toilet on the vessel (no chemical toilets).
- Mobile vendors would be required to stay a minimum of 200 feet off-shore from private lands or other agency landowners unless proof of legal access or permission is granted to conduct commercial business along the shore.

### **ALTERNATIVE 3 (NO ACTION)**

Under the No Action Alternative, no commercial vending permits would be issued on Lake Havasu in the “no wake” zone of Thompson Bay.

### **PUBLIC INVOLVEMENT**

A 30-day public comment period was offered from March 2, 2010 through April 2, 2010 since the local community had been interested in lake vending issues along the Lake Havasu shoreline and in the Thompson Bay area. The lake vending subject has been controversial over the past few years with public support both for and against lake vending in Thompson Bay. The Proposed Action is an alternative that addresses lake vending in the vicinity of Thompson Bay. The final decision takes into consideration the public comments that were submitted and that were substantive to the environmental assessment. The decision will not be based on a “voting” process.

A public meeting was held on March 9, 2010 to inform the public about the Special Recreation Permit process and about this environmental assessment analyzing the potential impacts of vending on Lake Havasu in the vicinity of Thompson Bay. Twenty-seven (27) individuals participated in this public meeting with questions answered by specialists in “break-out” groups at information stations.

BLM received a total of 971 email messages, letters, comment sheets, facsimile messages, and petitions. Of those submissions, 622 had comments that addressed specific concerns and support for “no vending on Rotary Beach” and support for “vending on Rotary Beach”, which are issues that were outside the scope of the EA. An additional 261 submissions had comments that addressed allowing or supporting a specific vendor to conduct business on the lake which is an issue outside the scope of the EA.

The remaining 88 submissions had similar issues and concerns so the comments are grouped into common themes. Visual Resource Management (VRM) was not identified by BLM as a resource of concern to be evaluated, however, several public comments were submitted that addressed visual impacts created by vendors. Responses to those representative comments are addressed below.

**Public Concern 1:**

No vending should be allowed at all. (13 comments)

**Comment:** I am against any form of vending along the shoreline or on the water of Lake Havasu. It detracts from the pristine nature of the area and there is the possibility of fuel spills when the PWC vendors refuel at their beach front locations. I have been boating on the lake since 1975 and have found no value in their presence. (Submission #5)

**Comment:** Please do not allow vendors allowed back on the lake! (Submission #20)

**Comment:** I am diametrically opposed to having vendors allowed back on the lake! (Submission #33)

**Response:** Vending is a commercial activity that is temporary, short-term, non-exclusive, revocable authorization to sell goods or services on BLM-administered public lands in conjunction with a recreation activity. The vending operation should directly support or enhance the recreation experience and be appropriate for the area. The authorized officer shall place stipulations on the vending activity to provide for the health and safety of visitors and protection of natural resources.

Prohibiting vending entirely on the lake would impact those established businesses currently along the shoreline in Thompson Bay, as well as, other areas outside of Thompson Bay. This prohibition would also affect any future plans of the Arizona State Land lease holder for stationary vending operations near the City’s London Bridge Beach on property under leased management.

**Public Concern 2:**

Allow vending everywhere and allow vending everywhere with limitations (66 comments)

**Comment:** I am a resident of Lake Havasu City, AZ and personally do not see any harm with lakeside vendors. (Submission #12)

Comment: My wife (lived here her whole life) and I believe that there should be vendors on the lake. (Submission #18)

Comment: I am not opposed to vending as long as vendors don't take up beachfront nor pose a danger to swimmers and boaters. They must also have all the proper business license, health certificates, insurance and whatever else is required in the county and city. Plus pay all applicable taxes. (Submission #47)

Comment: I believe that the Vendors who utilized the shoreline to sell their services should be restricted by time and amount of space they take up. (Submission #71)

Comment: Vendors should be allowed on the lake. (Submission #104)

Response: This environmental assessment is analyzing various alternatives and any potential impacts to public health and safety, and the natural resources associated with vending actions on Lake Havasu in the area of Thompson Bay. In authorizing vending activities on the lake, various requirements, regulations, stipulations, and procedures would be required of a vendor to comply with under their authorization.

Also refer to the first response.

### Public Concern 3:

Do not allow vending in Thompson Bay and allow vending outside of Thompson Bay (26 comments)

Comment: I believe there is a place for vendors on Lake Havasu but I do not believe they belong anywhere in Thompson Bay or on its shoreline. They should be allowed down at Body Beach or on the BLM land outside the bay. The area is too crowded as it is and doesn't need them to add to the congestion. (Submission #32)

Comment: As a frequent visitor to Lake Havasu City, and a patron to many businesses there, I am writing to voice my support of Alternative 3. (Submission #60)

Comment: I believe they should have the option to be able to anchor outside of Thompson Bay, ON the Lake if they would like. (Submission #72)

Comment: My preference would be not to have any vendors of any kind to be in the "no wake" zone of Thompson Bay. (Submission #91)

Response: This environmental assessment is analyzing various alternatives and any potential impacts to public health and safety, and the natural resources associated with vending actions on Lake Havasu in the area of Thompson Bay. In authorizing vending activities on the lake, various requirements, regulations, stipulations, and

procedures would be required of a vendor to comply with under their authorization.

Not to allow “any vending” in Thompson Bay (Alternative 3) would impact those established businesses currently along the shoreline and would affect any future plans of the Arizona State Land lease holder for stationary vending operations near the City’s London Bridge Beach.

Also refer to the first response.

**Public Concern 4:**

Allow vending in Thompson Bay. (11 comments)

**Comment:** Thompson Bay vending

I am disappointed in any plans to stop the on the water venders from continued operation in Thompson Bay. Lake Havasu has a long standing history of the venders being on the water to support the boating community with its needs for food, ice, drinks and such. I have been making trips to Lake Havasu since 1997 and have never had any problems associated with the on the water venders. Please allow those businesses currently operating in Thompson Bay to continue to do so. (Submission #69)

**Comment:** Please allow on the water vending in Thompson Bay. Lake Havasu needs this service, the visitors to the lake need this service and without this service tourism will fall. (Submission #86)

**Response:** This environmental assessment is analyzing various alternatives and any potential impacts to public health and safety, and the natural resources associated with vending actions on Lake Havasu in the area of Thompson Bay. In authorizing vending activities on the lake, various requirements, regulations, stipulations, and procedures would be required of a vendor to comply with under their authorization.

It is also important to consider the impact on established business in nearby gateway communities or the local businesses in the immediate area.

Also refer to the first response.

**Public Concern 5:**

Ability to enforce restrictions and regulate vendors. (24 comments)

**Comment:** The laws that were there to protect the public were hardly enforced as there wasn’t enough funding to do the job. (Submission #1)

Comment: Floating vendors must be regulated. (Submission #31)

Comment: As long as the proper license and health codes are followed there should be no problem. (Submission # 37)

Response: Under a vending permit authorization, a vendor will be required to comply with regulations, stipulations, and procedures in order to meet their obligations of selling goods or services to the public. Permit compliance and inspections are accomplished by BLM recreation specialists, lake park rangers, and law enforcement rangers. Any food vending type of operations are required to obtain a local county food services permit and are inspected by the county health department.

Public Comment 6:

There is an economic impact to the local community without vendors, and the vendors impact local businesses. (43 comments)

Comment: It is nice to be able to boat up to the vendors who are offering food, ice, and other sundries and get what you want.....The pwc rental businesses are nice to have for those who wish to rent a boat for a couple of hours. (Submission #30)

Comment: I think that you should let the vendors back on the lake we as a city are hurting the economy doesn't help lets not give people a reason not to visit here. (Submission #50)

Comment: To allow them back on our beaches or on the water would be unfair competition to businesses legally operating in the city. (Submission #55)

Comment: Allowing vendors in Thompson Bay or near Rotary Park would give them an unfair advantage over vendors with operations/businesses located elsewhere, such as in town. (Submission #90)

Response: The vending operation should directly support or enhance the recreation experience and be appropriate for the area. This EA also considered the impact of vending on established businesses in the nearby area. These different types of vending operations and established shoreline business operations were taken under consideration and analyzed under the Socio-economics sections of the EA.

Public Comment 7:

Visual impacts created by vendors. (28 comments)

Comment: From my perspective Thompson Bay has never looked better without it jammed with vendors. (Submission #13)

Comment: Now that there are no vendors the view is much better. (Submission #43)

Comment: The anchoring of vendors really distract from the beauty of the lake and make the place look messy, unorganized and unkept. (Submission #74)

Comment: They weren't an eyesore they were what Havasu is FUN! (Submission #175)

Response: The EA did not address visual resources. Due to the comments received during the public period, BLM addressed visual resource values. The analysis is presented below.

Visual resource values are managed in accordance with Visual Resource Management (VRM) class of objectives. VRM classes are allocated for all areas of BLM-administered land, based on an inventory of visual resources and management considerations for other land uses. The area surrounding the vicinity of Thompson Bay is classified as VRM Class IV. The objective is to provide for management activities that require major modification of the existing character of the landscape. This means that the level of change to the characteristic landscape can be high. Within this area, management activities may dominate the view and be the major focus of viewer attention. However, BLM will make every attempt to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of the landscape.

Alternative 1 would contribute to the visual impact of allowing various stationary and floating vendors to conduct business operations within and outside the "no wake" zone of Thompson Bay. The physical appearance of any business operation would be managed for the esthetics of the area, however, the number of business operations allowed in this area would detract from the scenery and setting of the area.

Alternative 2 would restrict and minimize the visual impact to this area by prohibiting floating vendors from conducting business operations within Thompson Bay and relocating floating vendor operations outside of the "no wake" zone of Thompson Bay. This would minimize viewing any floating vendors from inside Thompson Bay. Potentially, a stationary vendor operation could occur within Thompson Bay along the Arizona State Lands lease near London Bridge Beach. The vendor would be located at the opposite end of the shoreline (away from the City beach) and restricted to a small area. This would result in minimal visual impacts.

Alternative 3 (No Action) would prohibit vending operations anywhere within the "no wake" zone of Thompson Bay. Removing floating and stationary vendors from this area would allow for a more natural view of the lake and surrounding scenery. This alternative would impact the Arizona State Land lease holder that has future plans for rental vendor operations along the shoreline.

Public Comment 8:

Recreation opportunity and access to the shore is impacted by the vendors. (23 comments)

Comment: They not only blocking just this view, but also not allowing public boating access to the shore for families to enjoy. (Submission #27)

Comment: The swimming areas are clean again. It is a pleasure to be there again. (Submission #33)

Comment: It is a shame and a sore site, for example, to see a couple dozen unused jet skis floating nearby a hideous pontoon boat/office with oil and gas lingering throughout the surrounding waters where children, families, and visitors used to be able to swim, shore their own boats, and just enjoy the lake. (Submission # 49)

Response: The vending operation should directly support or enhance the recreation experience and be appropriate for the area. Any conflicts between vending operations and recreational use/access to the shores and waters of the lake would be minimized or alleviated in order to allow for the enjoyment and experience of the recreation activity.

Public Comment 9:

Water quality issues with vendors on the lake. (8 comments)

Comment: Then there is the subject of sanitation. I saw a vender on the beach last May in the lake washing his watercraft using liquid detergent which was being rinsed off into the lake. I think that would come under polluting the lake. (Submission # 52)

Comment: The PWC (personal Watercraft) vendors are notorious in allowing the PWC to leak gas and oil into our lake, Refueling would also be a concern as I know of only one boat refueling dock in the area and during the tourist season, it is overwhelmed with boaters waiting for refueling. (Submission # 55)

Comment: In addition to deciding which ones and how many will be permitted, my concern is threefold. Lake pollution, aesthetic, and sanitation. (Submission #95)

Response: Water quality on Lake Havasu is a concern for both the public recreation activity and for municipal water sources. Any vending permit authorizations will have requirements and stipulations that a vending operation must comply with in order to conduct business on Lake Havasu. Fueling of watercraft on the water will be prohibited, and will only be allowed at local gas stations or marinas. Washing watercraft with soaps and detergents in the water will be prohibited, however, wiping-down watercraft would be allowed.

Public Comment 10:

Public health and safety issues with floating and shoreline vendors. (17 comments)

Comment: Never have I seen the vendors do anything disrespectful of the beach or the Lake. The very first thing they do is have a safety meeting with all participants. No wake within the buoys. No trash on the beach. Boats have the right away. They caution all to be very careful and make sure they have a clear area of safety around themselves. (Submission #38)

Comment: Where do they go to the restroom when they are sitting out on the lake all day. If a vender is sitting out on the lake selling food, is he under the jurisdiction of the health department. Is their handling of food in a sanitary way. What are the sanitary conditions on the pontoon boat that is selling food. (Submission #52)

Comment: The most congested area of the Lake is Thompson Bay, fed by an equally congested Channel. When you add a substantial Marina and the Nautical Resort with its vendors in this area, adding more traffic, both stationery and mobile, will only increase the density in this area. (Submission # 88)

Response: Safe navigation in the waters of Lake Havasu is a primary concern. This issue has been addressed in the Public Health and Safety section of the EA. Floating vendors will be required to avoid the main traffic channel of the lake when conducting business to minimize any potential for vessel collisions.

Floating food vendors will be required to meet all the requirements and health standards of the local county health department. Inspections of these facilities are conducted by the county.

Watercraft rental operations will be required to meet all Federal, state and county requirements for safely equipped vessels with current registration. Instructions on safe vessel operations will be required of each vendor to provide that service for each customer.

Public Comment 11:

Concern that vendors create additional air pollution. (1 comment)

Comment: I have seen them revving up the motors causing so much smoke in the area that they are in to be worse than in the channel. (Submission #16)

Response: Overall, exhaust emissions that originate from vendor watercraft or PWC rentals inside or outside of Thompson Bay would be localized and normally dispersed by any breeze or prevailing winds in the area. Air quality standards for this containment area would not be exceeded.

Public Comment 12:

Concern for protecting the resources and environment. (1 comment)

Comment: Stay true to your Bureau's own mission to manage, protect, and be environmentally responsible for our lands.

Response: The Bureau of Land Management is directed to manage the public lands, related waters, and their various resource values for multiple-use and sustained yield to ensure they are utilized in a manner that will best meet the present and future needs of the public. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

### STIPULATIONS

1. The archaeological survey reported no historic or prehistoric properties in the proposed area. Because of the potential for subsurface ground disturbance, any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on their behalf, on public or Federal land should be immediately reported to the BLM-Lake Havasu Field Office Archeologist (928-505-1200). Holder should suspend all operations in the immediate area of such discovery until written authorization to proceed is issued.
2. Vending activities would take place during the breeding season for the razorback sucker and bonytail chub. No effects to constituent elements of critical habitat are anticipated during the breeding season. Signs and interpretive materials will be posted by each vendor at their location to inform the public about endangered species and their presence.
3. Information on the spread of the quagga mussels will be provided to each vendor and for distribution to customers. Vendors and recreationists bringing watercraft to the Colorado River from other locales could unknowingly transport quagga mussels back to their home waters, so the public will be provided information on proper decontamination practices for their watercraft.
4. No fueling, washing-down, or any form of watercraft maintenance/mechanical work shall occur in the water or on public lands (at or below the 450 foot lake elevation). No private fueling allowed on the water. Watercraft are allowed to be fueled on land at local retail gas stations or at the local marinas. Exception to this is that wiping-down watercraft (vinegar/water solution) and fine tuning and adjustments of watercraft in the water is allowed.
5. Authorized watercraft used for vending operations are to be launched and retrieved at local boat ramp facilities with concrete ramp aprons. Exception would be to allow low impact PWC dollies with over-sized inflatable tires that would be used for launching PWCs from

sandy beaches with the temporary placement of wire-mesh fabric placed at the shoreline.

6. Vendor operations with watercraft are required to meet watercraft safety standards and registration requirements as established by the U.S. Coast Guard, as well as, State and County agency regulations and requirements. Vendors with watercraft rentals are required to provide safe operation instructions for the customer.
7. Mobile food vendors are required to obtain the appropriate County food establishment permit for their proposed food vending operation for each county business is conducted.
8. Mobile food vendors are required to operate out of an approved commissary. This includes legal disposal of waste from the unit and the vessel must provide a flushing toilet on the vessel (no chemical toilets).
9. Mobile vendors would be required to stay a minimum of 200 feet off-shore from private lands or other agency landowners unless proof of legal access or permission is granted to conduct commercial business along the shore.
10. Mobile vendors are prohibited from dropping anchor and beaching in coves with artificial reef habitats, specifically in Black Rock Cove and the Ski Coves. Surface floating in these areas would be allowed.

## **APPEALS**

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. If an appeal is taken, your notice of appeal must be filed in the Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406 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 (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 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 appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the Lake Havasu Field Office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

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:

- (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.

**APPROVED**

---

Ramone B. McCoy, Field Manager  
Lake Havasu Field Office  
Authorized Officer

Date