

DECISION MEMORANDUM

Low Mountain Water Well Permit AZA-34790

CX-AZ-110-2008-049

U.S. Department of the Interior

Bureau of Land Management

Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Arizona Strip Field Office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

1. The permit to drill would be issued for a 50 foot by 50 foot drill site and a 1,320 by 20 foot access road. The term of the permit would be 3 years from the date of issuance and would be renewable.
2. If water is found, the well would be temporarily capped until further environmental analysis of well, pipeline development, and the effects of grazing at new waters occurs.
3. If no water is found, the well would be plugged in accordance to Arizona Department of Environmental Quality laws, regulations and policy. The site would be restored to as close as possible to "prior to drilling" conditions and the permit would be terminated.

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 the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2920.1-2(f), this decision remains in effect pending appeal unless a stay is granted. 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.

Lorraine M. Christian
Field Manager

Date

Attachment: Form 1842-1

NEPA DOCUMENT NUMBER: CX-AZ-110-2008-049

A. Background

BLM Office: Arizona Strip Field Office

Proposed Action Title/Type:

Low Mountain Water Well Exploratory Drilling Permit AZA-34790

Location and Description of Proposed Action:

Allen Jones, permittee on the Mustang Spring Allotment #4859, has applied for a short-term 2920 permit to drill an exploratory well on Low Mountain at: T. 40 N., R. 13 W., sec. 19, SW1/4SW1/4NW1/4, and as shown on the attached map.

The proposed action is to issue a 2920 permit to drill the exploratory well with a rotary drill rig mounted on a truck as authorized by 43 CFR 2920. The permit would be authorized for a term of three years, and would be renewable. The drill rig would travel to the well site from St. George, Utah by taking BLM Road 1009 to BLM Road 1022, then to the Jones water haul road and then back on BLM Road 1022 to a two track road for one quarter mile to the drill site adjacent to the road. No road blading would be required. All roads would be left in their current drive-able condition.

The drill site would be 50 feet by 50 feet (0.057 acre) to accommodate the drill rig and drill cuttings. The one quarter mile two track road would be approximately 1,320 feet long by 20 feet wide (0.606 acre). Total acreage would be approximately 0.663 acre. The rotary drill rig would drill a nine inch diameter hole and insert a five-inch casing with gravel packing around the casing out to the nine inch diameter. The drill hole would be approximately 250-300 feet deep.

If water is found, the well would be capped until water rights from the State of Arizona are approved. Once that is done, an environmental analysis and all related resource clearances would be completed to authorize pumps, pipelines, and other related livestock water developments with a right-of-way grant or under section 4 of the Taylor Grazing Act. If no (or inadequate) water supplies are found, the hole at the well site would be plugged in accordance with Arizona Department of Environmental Quality laws, rules, and policies. The drill site would be put back to its "prior to drilling" ecological condition and the permit would be terminated.

B. Land Use Plan Conformance

The proposed action has been reviewed for conformance with the Arizona Strip Field Office Resource Management Plan approved on January 29, 2008. The proposed action is in conformance with the following decisions:

DFC-GM-01-Healthy sustainable rangeland ecosystems will be maintained or improved to meet Arizona's Standards for Rangeland Health (1997;appendix B) and produce a wide range of public values such as wildlife habitat, livestock forage, recreation opportunities, clean water, and functional watersheds.

MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species’ populations and cultural sites, and along the edges of avoidance areas. In addition, mitigation measures may include underground placement of linear ROWs along existing roads in the House Rock Valley area and special protection measures for archaeological resources (See Special Status Species and Cultural decisions).

C: Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E(19) which provides for the issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply.

D: Signature

Authorizing Official: _____ Date: _____

Name: Lorraine M. Christian

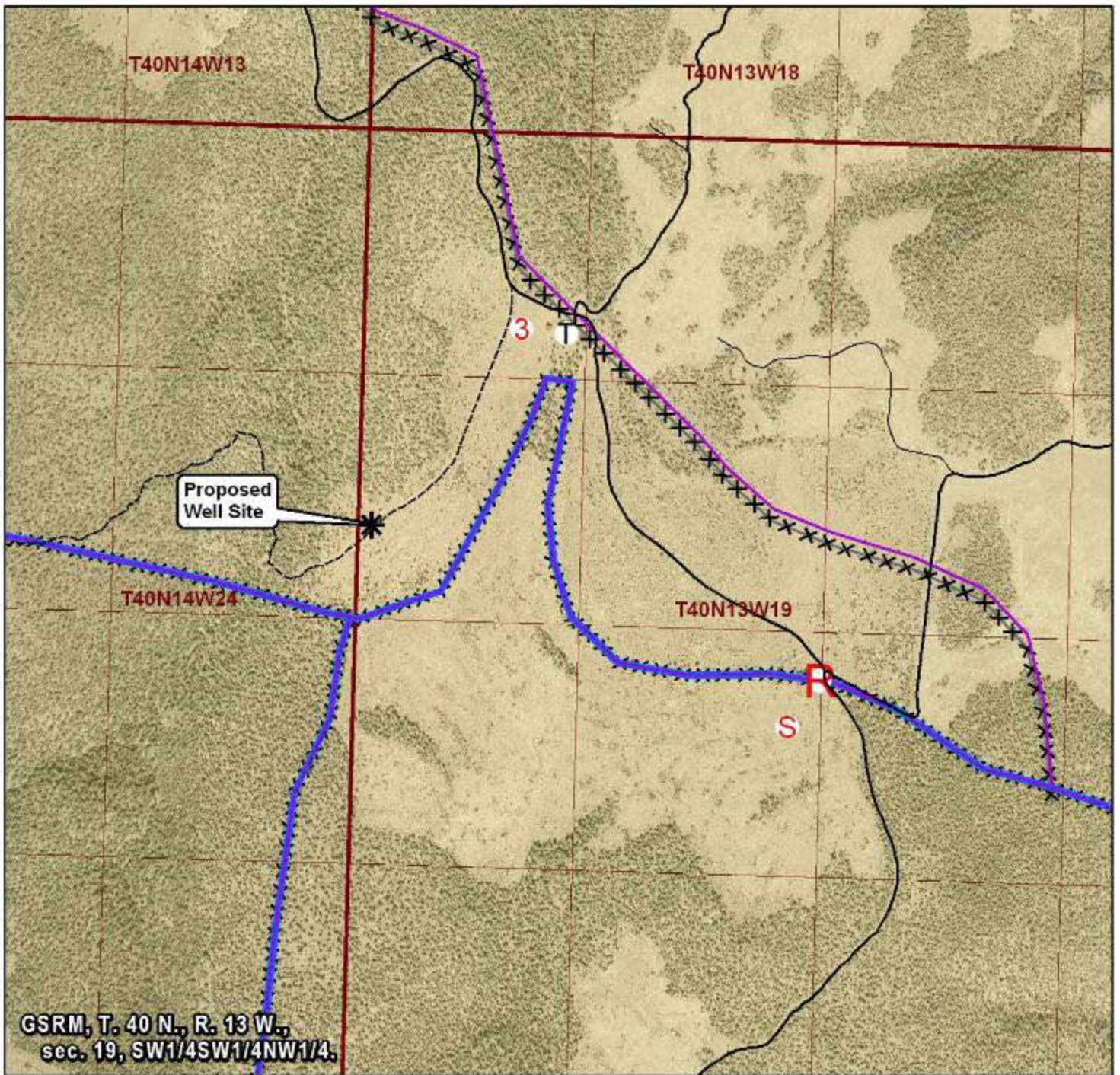
Title: Arizona Strip Field Manager

Contact Person

For additional information concerning this CX review, contact Lee E Hughes, Ecologist, Arizona Strip Field Office; 435 688 3229, lee_hughes@blm.gov

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	no	Wadsworth
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?	no	Hawks, Jensen; Smith
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	no	Spotts
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	no	Spotts
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	no	Spotts
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	no	Spotts
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	Herron
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	Jensen/ Hughes
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	no	Benson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	no	Benson
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	Benson
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	Walker



GSRM, T. 40 N., R. 13 W.,
sec. 19, SW1/4SW1/4NW1/4.

Allen Jones - Low Mountain Water Well Permit AZA-34790



United States Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Map created on October 9, 2000

- Legend*
- Secondary Unpaved Roads
 - Tertiary Unpaved Roads
 - Single Track Unpaved Roads
 - ▭ allot_feis polygon
 - ▭ Pastures
 - T Fenced Reservoir
 - R Cattleguard
 - 3 Corral
 - S Key Area
 - ✕ Fence
 - Bureau of Land Management

CAUTION: Land ownership data is derived from less accurate data than the 1:24000 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 vector data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.