

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Planet Ranch (AZGF) Nuisance Wild Burro Removal

DOI-BLM-AZ-C000-2017-0001-CX

A. Background

The Lake Havasu Field Office received complaints from a private land owner pertaining to approximately 200 to 250 wild burros that are creating a nuisance on private land tearing up water systems, tearing down fencing and damaging Alfalfa fields. These burros also utilize public land. 43 CFR 4720.2-1, Removal of strayed animals from private lands. Upon written request from the private land owner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses or burros from private land as soon as practicable.

BLM Office: Lake Havasu Field Office

Proposed Action Title/Type: Planet Ranch, Nuisance Burro Removal

Location of Proposed Action: Planet Ranch, Arizona

Description of proposed action: The BLM proposes to remove 100-150 nuisance burros on the Planet Ranch on private land inside the Lake Havasu Herd Management Area (HMA), Mohave / La Paz County, Arizona. See Figure 1 on Page 3.

The removal would be conducted in the months of August 2017 through September 2018. Bait trap sites would be located on private land in areas where burros have created nuisance situations. Traps would be located in disturbed areas. Burros would be enticed into a corral constructed with a one way gate; the animals would enter, and not be able to exit the corral. Since wild burros generally have not acquired a taste for alfalfa hay, it may take time to get them accustomed to hay and panels before initiating a bait trapping operation. Once burros begin to utilize the hay offered, a temporary corral is constructed around the bait site. The bait traps will be temporary and the area would be reclaimed by removing the corral panels, and raking up hay and manure. Trapping operations will begin as soon as possible in August. Individuals and agencies (including those who expressed interest in the burros) will be notified by the interested party letter.

B. Land Use Plan Conformance

Land Use Plan Name: *Lake Havasu Field Office Resource Management Plan*
Date approved: May 10, 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the decision(s) via the following Sections and text:

HB-1. Viable, color-diverse burro populations will be maintained within the HMA, while maintaining a thriving natural ecological balance with other resources and consistent with other management agencies' objectives (including wildlife, riparian and upland vegetation, recreation, and others).

HB-2. In accordance with the Wild Free-Roaming Horses and Burros Act, non-BLM administered lands including the Alamo Wildlife Area, will be excluded from HMAs. These lands will be excluded from determinations of Appropriate Management Level (AML) for burros within the HMA. Wild burros that use non-BLM lands as part of their habitat remain protected under the Wild Horse and Burro Act; therefore, any removal actions remain the responsibility of the BLM.

HB-9. Safety issues will continue to be handled as emergency/nuisance removals, receiving top priority to correct public safety concerns.

Also, Standard Operating Procedures for wild burro removals on page B-47 state:

- All wild burros that are removed are made available for adoption through the Wild Horse and Burro Adoption Program.
- Removal of nuisance burros from private land is required when request in writing from the landowner. Excess wild burros would be removed from HMAs when the population exceeds the Appropriate Management Level (AML) as set by the Herd Management Area Plans.

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, D. Rangeland Management, (4) Removal of wild horses or burros from private lands at the request of the landowner.

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 (See Attachment 1), and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered the plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan, and none of the exceptions described in 516 DM 2 apply, and no further environmental analysis is required.

D: Signature

Authorizing Official:  _____
Jason West
Field Manager, Lake Havasu Field Office

Date: 8/9/2017

Contact Person

For additional information concerning this CX review, contact Chad Benson, Wild Horse and Burro Specialist, Kingman Field Office, 2755 Mission Blvd, Kingman, AZ 86401, and 928-718-3750.

Note: A separate decision document must be prepared for the action covered by the CX.

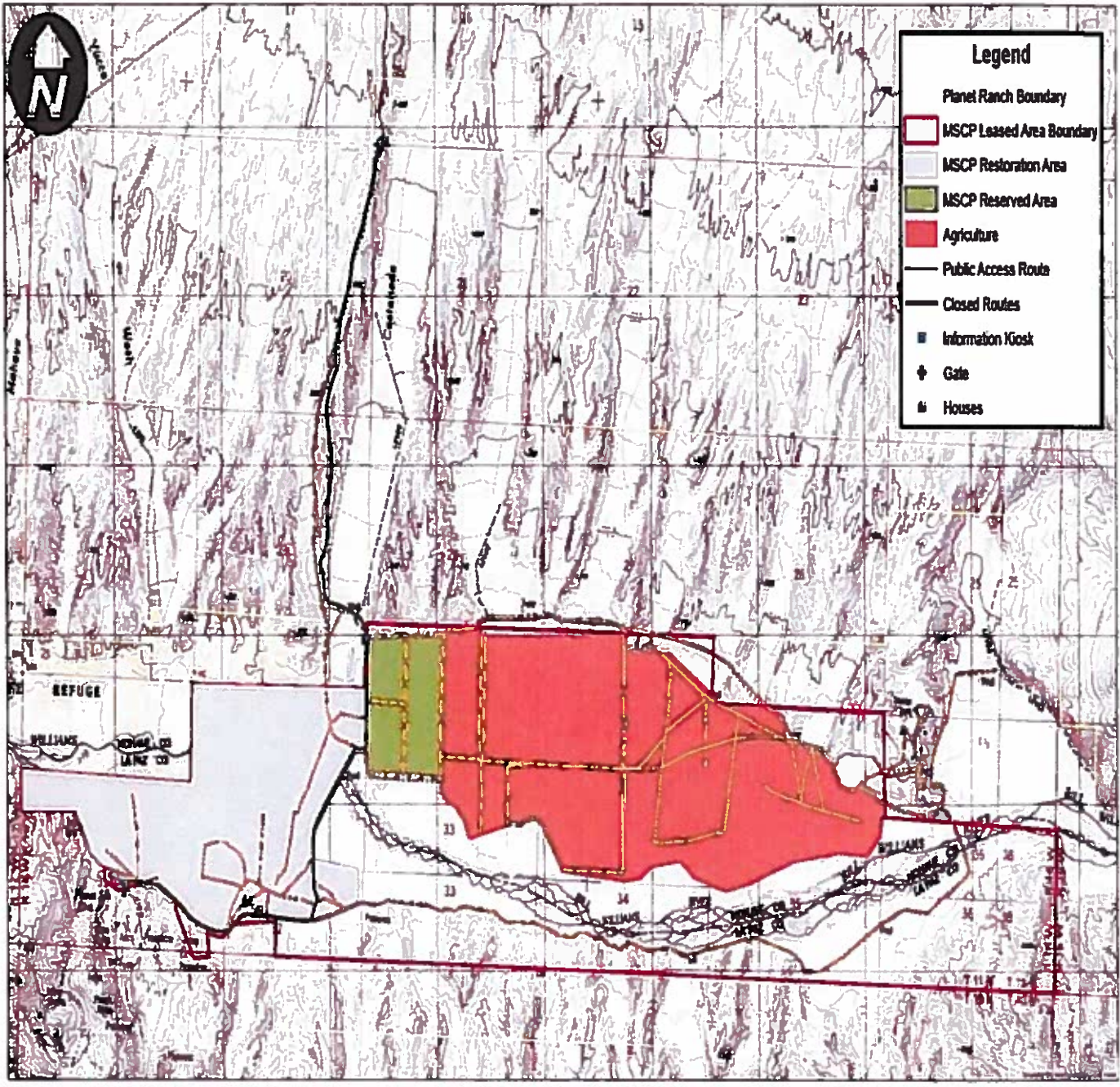



Figure 1

Burro removal will only be private land sections (colored sections within red boxed area) of map above.

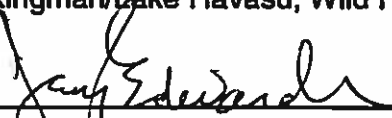
Compliance and assignment of responsibility: Chad Benson

Monitoring and assignment of responsibility: Chad Benson

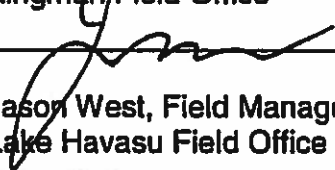
Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: 
Chad Benson, Project Lead
Kingman/Lake Havasu, Wild Horse and Burro Specialist

Date: 8-9-2017

Reviewed by: 
Daryl Edwards, NEPA Environmental Coordinator
Kingman/Field Office

Date: 8-9-2017

Reviewed by: 
Jason West, Field Manager
Lake Havasu Field Office

Date: 8/9/2017

Attachment 1 – Screening for Extraordinary Circumstances

Each of the following questions must be answered with “No,” by all resource specialists participating on the interdisciplinary team before this CX may be approved (516DM).

Resource Concerns		Yes	No
1. Will this project have significant adverse effects on public health or safety?			X
2. Will this project adversely affect such unique geographic characteristics as: (a) historic or cultural resources; (b) park, recreation or refuge lands, wilderness areas, wild or scenic rivers; (c) sole or principal drinking water aquifers; (d) prime farmlands, wetlands, flood plains, or (e) ecologically significant or critical areas, including those listed on the Department of the Interior's National Register of Natural Landmarks?			(a) X (b) X (c) X (d) X (e) X
3. Will this project have highly controversial environmental effects?			X
4. Will this project have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			X
5. Will this project establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			X
6. Will this project be related to other actions with individually insignificant but cumulatively significant environmental effects?			X
7. Will this project have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?			X
8. Will this project have adverse effects on species listed or proposed for listing on the Threatened or Endangered Species List, or have adverse effects on designated Critical Habitat for these species?			X
9. Will this project require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?			X
10. Will this project threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?			X
11. Will this project 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— Sacred Sites)			X
12. Will this project contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?			X
Reviewers and Comments			
Resource	Specialist Name	Comment	Surname
Air/Hydrology/Soils			
Archaeology/Cultural		Trap sites will be placed on private property in areas approved by the land owner. The attached standard stipulations will apply (Attachment 2).	JM
Biologist Fishes and/or Wildlife		No affect is expected to occur for T&E species or critical habitat as no known species or critical in the project area. (See attachment 3)	SR
Public Safety/Env. Justice			
Grazing/RangeMgmt			
Lands/Realty			
Minerals/Oil/Gas			
Recreation/Visual			
Water/Sub & surface			
Weeds/Invasive/non-Native			
Wild Horse and Burro		Individuals and agencies (including those who have expressed issues with the burros) would be notified prior to any initial bait trapping.	

Attachment 2

Stipulations

1. Actions which result in impacts to archaeological or historical resources shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended (ARPA) and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. No person may excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands without authorization. Damaging cultural resources more than 100 years of age is a punishable act under ARPA. Criminal and/or civil penalties may result if damage to archaeological resources is documented, as provided under ARPA and its implementing regulations at 43 CFR 7.
2. The holder shall immediately bring to the attention of the Lake Havasu Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation. All permitted operations within 30 meters (100 feet) of the cultural resources shall cease until written authorization to proceed is received from the Authorized Officer.
3. Contractors shall receive a copy of the tortoise handling guidelines (attached) and distribute to all workers the day of the project and advise on handling procedures.
4. In the event hazardous materials are encountered during any activities associated with this, all activity would cease with the hazardous material and a BLM Law Enforcement Ranger would be contacted immediately.
5. Care shall be taken not to disturb or destroy desert tortoises or their burrows. Pursuing, shooting, hunting, trapping, killing, capturing, snaring or netting desert tortoises are prohibited by Arizona State Statute. Any sightings of desert tortoise shall be immediately reported to the LHFO, Wildlife Biologist at (928) 505-1200. If a desert tortoise is endangered by any activity that activity shall cease until the desert tortoise moves out of harm's way on its own accord or is moved following the attached guidelines "Guidelines for Handling Sonoran Desert Tortoises Encountered on Roads and Vehicle Ways" (Attachment 3).
6. If any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended, are encountered during maintenance activities, work will stop immediately. Immediate notification of the discovery shall be made to the BLM Wildlife Biologist at (928) 505-1200. The activity may resume only after U.S. Fish and Wildlife Service has authorized a continuance.
7. During burro roundup activities, vehicles shall not exceed posted speed limits within project site. The area near and under all vehicles and trailers shall be inspected for desert tortoise before being moved.
8. All personnel will report any sightings of desert tortoise, bighorn sheep, and other BLM sensitive wildlife species and federally listed migratory birds (such as peregrine falcon, bald eagle, brown pelican, etc.) to the Lake Havasu Field Office, Wildlife Biologist at (928) 505-1200.
9. All wildlife and migratory birds shall be observed from a distance and not be pursued. Any injured wildlife shall be reported to Arizona Game & Fish Department at (928) 342-0091.

10. Milkweed plant (*Asclepias spp.*) removal is prohibited to conserve monarch butterflies. If milkweed removal is required, the LHFO wildlife biologist must be notified prior to removal of milkweeds.
11. Actions which result in impacts to archaeological or historical resources shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended (ARPA) and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. No person may excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands without authorization. Damaging cultural resources more than 100 years of age is a punishable act under the ARPA. Criminal and/or civil penalties may result if damage to archaeological resources is documented, as provided under ARPA and its implementing regulations at 43 CFR 7.
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Attachment 3
United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



**GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED
ON ROADS AND VEHICLE WAYS**

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do not turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

