



U.S. Department of the Interior

Bureau of Land Management, Arizona
 Colorado River District
 Yuma Field Office
 2555 East Gila Ridge Road
 Yuma, Arizona 85365
 (928) 317-3200
 www.blm.gov/az



Interdisciplinary Technical Review for Categorical Exclusion Categorical Exclusion DOI-BLM-AZ-C020-2015-33-CX Nuisance Wild Burro Removal in Bard, California

(X)	Program	Reviewer	Signature	Date
	Air Quality			
	Areas of Critical Environmental Concern			
	Botanical, including Special Status Species			
	Climate Change			
	Communications/Dispatch			
X	Cultural Resources	T. Jones		
	Energy Policy			
	Environmental Justice			
	Farm Lands, Prime or Unique			
	Fire Management			
	Floodplains			
	Hazardous Material			
	Human Health & Public Safety			
X	Lands & Realty Management	V. Briceño		
	Land Law Examiner			
	Law Enforcement			
	Migratory Birds			
	Mineral Resource Management			
	Native American Religious Concerns			
	Non-Native Invasive Species			
	Operations			
	Paleontological Resources			
	Recreation Management			
	Soil Resources			
	Socioeconomics			
	Standards for Rangeland Health			
	Surface Protection			
	Travel Management			
	Visual Resource Management			
	Water Rights			
	Water Quality, Drinking or Ground			
	Wetlands and Riparian Zones			
	Wild & Scenic Rivers			
	Wilderness			
X	Wild Horses and Burros	J. Hall		
X	Wildlife, including Special Status Species	E. Stewart		
(X)	Program	Reviewer	Signature	Date
X	Interdisciplinary Team Leader	J. Hall		
X	Planning & Environmental Coordination	T. Jones		
X	Assistant Field Manager	T. Jones		



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A. Background

Lease/Serial/Case File Number: DOI-BLM-AZ-C020-2015-33-CX

Proposed Action: Yuma Field Office proposes the use of bait traps to capture 25 nuisance burros outside the Cibola-Trigo Herd Management Area (HMA) near Bard, California.

Location of Proposed Action:

The bait trapping would affect the following lands:

San Bernardino Meridian, Imperial County, California,
T. 15 S. R. 23 E.,
Sec. 27, Lot 2
&
T. 15 S. R. 23 E.,
Sec. 27, NW ¼, NE ¼
(See Appendix 1)

Description of Proposed Action:

A series of bait traps would be used to catch nuisance burros near Bard, CA. The trapped animals will then be shipped to a Wild Horse and Burro adoption preparation facility. The trapping area is located within tribal land managed by the Quechan Tribe. Each trap location is within previously disturbed areas. The need for this trapping is a result of complaints of loss of property and property damage from Imperial Irrigation District, Lee Farms, and Top Flavor Farms. It is the responsibility of the BLM to manage wild burros on public and adjacent lands under The Wild Free-Roaming Horses and Burros Act of 1971.

B. Land Use Plan Conformance

Land Use Plan Name: Final Yuma Field Office Record of Decision (ROD) Approved Resource Management Plan.

Date Approved: 2010

Land Use Plan Conformance: The action is in conformance with federal regulations and BLM policies. The proposal is in conformance with the Yuma Field Office Resource Management Plan (RMP), January 2010, which provides the framework for managing public lands affected by this proposal. The BLM RMP ROD states under HB-003,

The Appropriate Management Level (AML₂) for the Cibola-Trigo HMA will be 165 burros and 150 horses. Monitoring data including climate, population, and vegetative data, will be collected and used to support removals and/ or the revision of AML₂, for either wild horses, burros, or both.

C. Compliance with the National Environmental Policy Act of 1969

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act in accordance with Part 516, Chapter 11.9 of the U.S. Department of the Interior's Departmental Manual (516 DM 11.9):

D) Rangeland Management; 4) "Removal of wild horses and burros from private land at the request of the landowner" (See Appendix 2)

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The trap sites in question are on lands owned by the Fort Yuma-Quechan Tribe. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (Appendix 3).

I considered the potential impacts to cultural resources, recreational opportunities, travel management, and wildlife habitat prior to authorizing the Proposed Action, and I have determined that no significant impacts to these public land resources would occur. The entire project area is previously and continually disturbed due to the recreation nature of the area. Therefore, the likelihood of impacting cultural resources and wildlife habitat is significantly reduced.

D. Signature

Authorizing Official: _____ Date: _____
Thomas Jones
Acting Yuma Field Manager

For additional information concerning this Categorical Exclusion review, contact John Hall, Wild Horse and Burro Specialist, BLM Yuma Field Office, 2555 East Gila Ridge Road, Yuma, Arizona 85365, 928-317-3202, Jahall@blm.gov.

DECISION MEMORANDUM
Nuisance Wild Burro Removal in Bard, California
DOI-BLM-AZ-C020-2015-013-CX
U.S. Department of the Interior
Bureau of Land Management
Yuma Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Yuma Field Office (YFO) staff recommendations, I have determined that the project is in conformance with the YFO Resource Management Plan (approved January 2010) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following mitigation measures in place.

In the event that a desert tortoise is encountered during operations, it should not be disturbed in any way if at all possible. If it is directly in harm's way, and person holds required State and Federal permits, it should be carefully moved, handled only as long as it takes to move it out of danger, and released unharmed.

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 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.

The holder shall immediately bring to the attention of the 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.

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 made, your notice of appeal must be filed at the Yuma Field Office, 2555 E. Gila Ridge Rd., Yuma, AZ, 85365, within 30 days from receipt of this decision. The appellant has the burden of showing how the appellant is harmed and how 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 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.

APPROVING OFFICIAL: _____ DATE: _____

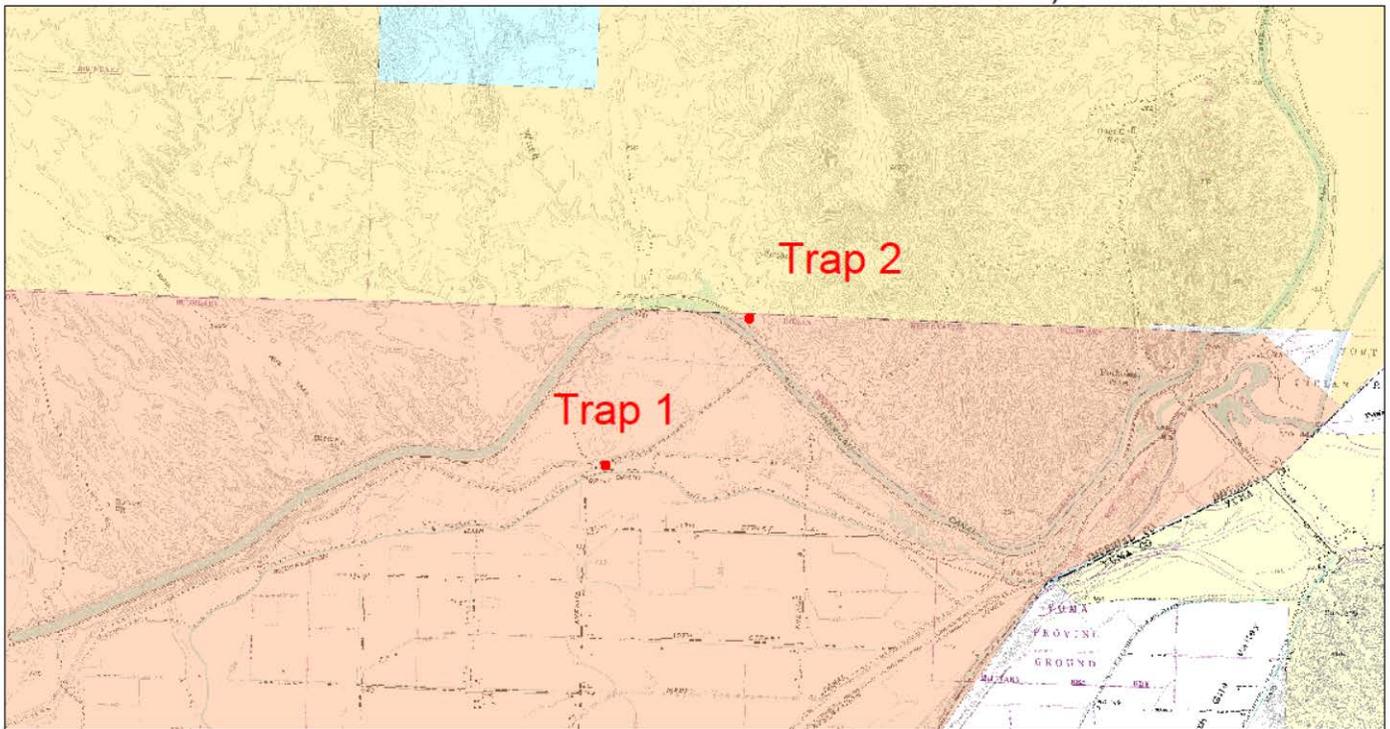
TITLE: _____

Categorical Exclusion Categorical Exclusion DOI-BLM-AZ-C020-2015-33-CX

Nuisance Wild Burro Removal in Bard, California

Appendix 1: Map of Trapping Area

Nuisance Wild Burro Removal Near Bard, Ca.



SCALE 1:25,055
 0 0.25 0.5 0.75 1 Miles

- | | | | |
|---------------------------|-----------------------------------------|--------------------------------|------------------------------------------|
| Private Lands | Bureau of Land Management (BLM) | BLM Wilderness Area | BLM National Monument |
| State Lands | National Forest Lands (USFS) | Forest Service Wilderness Area | National Conservation Area |
| State Wildlife Area | National Park Service (NPS) | NPS Wilderness Area | Military Reservations/Corps of Engineers |
| City, State, County Parks | USFS Service, National Wildlife Refuges | USFS Service Wilderness Area | Bureau of Reclamation (BOR) |
| County Lands | Indian Lands or Reservations | | |

United States Department of the Interior
 Bureau of Land Management
 Arizona State Office
 Land Status updated as of November 2012
 Map Produced: 5/8/2015

The Bureau of Land Management (BLM) makes no representation or warranty regarding the accuracy or completeness of this map. This map shows the address associated with the location of trapping sites and does not constitute a guarantee of location. The map is intended only to be used as a reference only. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document.

**Categorical Exclusion Categorical Exclusion DOI-BLM-AZ-C020-2015-33-CX
Nuisance Wild Burro Removal in Bard, California
Appendix 2: Letter(s) of Nuisance Request**

John MacDonald
YFO Field Office Manager
Bureau of Land Management
2555 East Gila Ridge Road
Yuma AZ 85365

RECEIVED YUMA AZ
BLM YUMA FIELD OFFICE
2014 AUG 28 AM 7 30

Mr. MacDonald,

Please be informed of the many feral donkeys that have become a problem at the Imperial Dam housing area. With the departure of our winter visitors who feed the donkeys, they have become accustomed to handouts from campers over the winter. These donkeys are now seeking the same treatment in our village.

Each morning there are approximately 21 donkeys in our housing area. They have caused damage to our yards, park, gardens and landscaping. There is a real possibility that they may cause injury to a curious child living at the housing facilities.

These donkeys are crossing many roads to get to the housing area. They could be struck by a passing vehicle, causing serious injury to the donkey and passengers in a vehicle.

I understand that you may be able to relocate these animals to a safer location.

Any help that you can provide us would be greatly appreciated.

Thank you,

Greg Derma

Greg Derma
Planner Scheduler
Imperial Irrigation District
River Division
(760) 339-9828



RECEIVED LAKE
HAVASU FIELD OFFICE

2015 APR 14 A 9 44

LAKE HAVASU CITY, AZ

April 7, 2015

To Whom It May Concern:

Over the summer, we have had an increasing number of burros migrate out of the desert to the North and settle among the farm fields in the Bard area. Last year we were assisted by John Hall with the removal of a few of the burrows. In the last month we have witnessed a return of the burros.

In the past when we had the need to relocate burros we would contact your office and John Hall would take care of it. As the burros have become an issue in September and currently, we have been told the agency does not have the funds to round up.

Because of the crops that are grown in the region, these burros pose a significant food safety risk to our nation's food supply as well as potential economic loss of millions of dollars. Not to mention the danger the burros pose to motorists on the busy S-24 and other surrounding roads.

Because of CA Fish and Game Statute 4600, it is not legal for TopFlavor Farms to protect our fields from these animals. They destroy our crops and expose our fields to inevitable food safety risk as well as great economic loss. There have been studies that show the feces of these animals can carry salmonella and E.coli and contaminate the crops that are being grown causing significant risks to consumers.

The Wild Free-Roaming Horses and Burro ACT of 1971 has given the authority of management of these animals to the Bureau of Land Management. Due to this Act, going through your office is the only course of action we have to protect our farms, investment, and the integrity of our food safety program.

Assist in this matter would be greatly appreciated and necessary.

Thank you for your time,

TopFlavor Farms

P.O. Box 2784
Yuma, AZ. 85366
928-341-0873



6126A W County 11th Street
Yuma, AZ 85364
Phone 928 344-1584
Fax 928 344-9056

August 27, 2014

To whom it may concern:

We have been having issues with numerous burros entering our fields in the Bard area, roughly 8-12 at different times. The picture attached was taken around 10:00 AM, but they have been seen at different times throughout the day. The burros around, near and especially entering our fields is a high risk food safety concern and will jeopardize our harvest. We hope that someone in the BLM office can help us with our burro issue so that 1) the burros don't get injured via running in front of our vehicles and 2) our fields are able to proceed with harvest.

Thank you in advance for your help!

Sincerely,

A handwritten signature in blue ink that reads "Shannon L. Kerekes".

Shannon Lee Kerekes

Food Safety Coordinator

6126 West County 11th Street

Yuma, AZ 85364

T 928. 344. 1584 / F 928. 344. 9056

C 928 .920 . 8865

skerekes@leefarmsproduce.com

RECEIVED YUMA AZ
BLM YUMA FIELD OFFICE
2014 SEP 2 AM 7 31

Categorical Exclusion Categorical Exclusion DOI-BLM-AZ-C020-2015-33-CX
Nuisance Wild Burro Removal in Bard, California
Appendix 3: Extraordinary Circumstances

Before any non-Energy Act Categorical Exclusion is used, a sufficient review must be conducted to determine if any of the following extraordinary circumstances listed in Part 516, Chapter 2, Appendix 2 of the U.S. Department of the Interior's Departmental Manual (516 DM 2, Appendix 2) apply. If any of these extraordinary circumstances are applicable to the Proposed Action, an Environmental Assessment or an Environmental Impact Statement must be prepared in accordance with the National Environmental Policy Act of 1969. 516 DM 2, Appendix 2 states that extraordinary circumstances exist for individual actions within Categorical Exclusions which may:

- 2.1 Have significant impacts on public health or safety.
- 2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness 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; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).