

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE**

DECISION MEMORANDUM

In accordance with 43 United States Code 1701 *et seq.*, it is my decision to approve the Needles, California and Chemehuevi Indian Reservation, California Nuisance Wild Burro Removal as reviewed in DOI-BLM-CA-D090-2015-0021-CX. I find that this action falls within one of the categories of actions which the Bureau of Land Management has determined do not have a significant effect on the quality of the human environment and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required (40 Code of Federal Regulations 1508.4). A categorical exclusion review has been conducted in accordance with 516 Departmental Manual Chapters 1 through 6 and no exceptions to the categorical exclusions apply. I further find that this action is in conformance with the California Desert Conservation Area Plan of 1980, as amended and the Lake Havasu Field Offices Resource Management Plan (LHFO-RMP, 2007) and that it will not cause unnecessary or undue degradation. The attached Conditions of Approval are incorporated by reference as the decision of the Bureau of Land Management regarding this action.

This decision is issued Effective Immediately, in accordance with Title 43 Code of Federal Regulations 4770.3(c). Pursuant to Title 43 Code of Federal Regulations 4720.2-1, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable. This action will reduce the risk of burro vehicle collisions, address other public safety issues and reduce property damage within and the surrounding areas of Needles, California, Park Moabi and the Chemehuevi Indian Reservation.

Appeals

This decision is issued Effective Immediately in accordance with Title 43 Code of Federal Regulations 4770.3(c). This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in Title 43 Code of Federal Regulations (CFR) Part 4 and the enclosed Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the Needles Field Office, Bureau of Land Management, U.S. Department of the Interior, 1303 South U.S. Highway 95, Needles, California 92363, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Pursuant to 43 Code of Federal Regulations 4770.3(b) this decision shall remain effective pending appeal unless the Secretary of the Interior rules otherwise. If the appellant wishes to file a petition pursuant to regulation Title 43 Code of Federal Regulation 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the

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 this office. If a stay is requested, the appellant has 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:

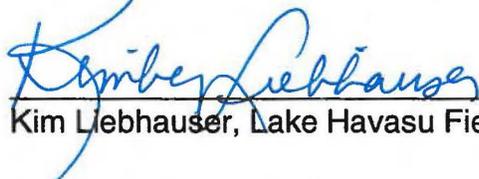
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

APPROVED:



Mike Ahrens, Needles Field Office Manager

8-5-15
Date



Kim Liebhauser, Lake Havasu Field Office Manager

8/6/15
Date

Conditions of Approval

Desert Tortoise Conservation Measures

Activities associated with the proposed action will comply with the following provisions.

- Only biologists authorized by the U.S. Fish and Wildlife Service (USFWS) and the BLM will handle desert tortoises, and only when necessary.
- Upon locating a dead or injured tortoise, the contractor or BLM personnel will notify the BLM Needles Field Office. The BLM will then notify the USFWS by telephone within three days of the finding. Written notification will be made within five days of the finding, both to the appropriate USFWS field office and to the USFWS Division of Law Enforcement in Torrance. The information provided will include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death, if known, and other pertinent information.
- Except on county-maintained roads, vehicle speeds will not exceed 15 miles per hour. Off-road travel is limited to the immediate project area.
- Workers will inspect for tortoises under a vehicle prior to moving it. If a tortoise is present, the worker will wait for the tortoise to move out from under the vehicle and out of harm's way before moving the vehicle.
- No dogs or other pets will be allowed at gather sites.
- All trash and food items will be promptly contained within closed, raven-proof containers. These will be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.
- Vegetation will be avoided, especially shrubs, yucca, cacti and succulent species.