

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

Kingman Wild Horse and Burro Corral Removal

DOI-BLM-AZ-CO10-2013-0032-CX

A. Background

BLM Office: Kingman Field Office Lease/Serial/Case File No.: AZA 32819

Proposed Action Title/Type: Removal of existing corrals.

Location of Proposed Action: T. 20 N., R. 17 W., Sec. 6

Proposed Action: Dismantle all existing corrals by removing all posts and panels except for two 100' by 100' pens. Water lines will be removed or capped where needed. The existing concrete pad in the loading area will remain in place. Well and associated electric service will remain in place. All concrete or unusable materials will be removed from site and disposed of in a sanitary landfill. The panels and posts will be used at a WHB facility being erected in Florence, Arizona per the agreement between BLM and the Department of Corrections (ADOC).

This partnership with ADOC not only saves government funds, it also increases the adoptability of the animals. The prisoners will work with the animals to gentle, saddle train, and halter train the horses. The burros will be trained to pack and pull wagons.

Public Involvement: Certain members of the public (Mohave Livestock Association, Mohave County Board of Supervisors, Arizona Game and Fish Department, Arizona Cattle Growers Association, and others) have expressed concerns about the removal of the corrals. The main question being asked is "Why are the corrals being taken down when the burro population in the Kingman area is high and the corrals could be used to support expected gathers"? The corrals were originally proposed and analyzed in EA AZ-310-2001-006 to be a regional facility capable of holding and preparing up to 500 animals. Since that time the role of the corrals has changed to a staging corral i.e., hold animals for a very short time, no preparation and ship to the facility in Ridgecrest, CA. BLM remains committed to managing the wild burro population and associated issues that occur in the Kingman area and throughout the state through an assistance agreement with ADOC to develop a training and holding facility at the prison in Florence, Arizona. The facility can hold a maximum of 750 animals.

B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

This proposed action is subject to the following land use plan: Kingman Resource Management Plan. Date Approved: March 1995. This proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1617.3) and is in conformance with the objectives of the RMP.

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,J. Other 10. Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.**

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 proposal to remove the corrals. The stipulations that are identified in the document will eliminate any potential for significant impacts to the environment.

D: Signature

Authorizing Official: / s / Ruben A. Sánchez Date: 5/17/2013
Ruben Sanchez
Field Manager, Kingman Field Office

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. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The removal of the corrals would improve public health and safety by eliminating an attractive nuisance.
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.	No. The area for the corral was analyzed in EA-AZ-030-2001-006 which included a clearance for cultural resources. The clearance noted no effect and no consultation required. The clearance noted that standard stipulations (attached) would apply.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. The environmental effects from clearing the vegetation and erecting the corrals took place and there are no controversial environmental effects associated with removing the corral. There is some question from the public about where the corral materials should be used, Kingman or Florence, but there is no controversy about the need for a holding and preparation facility to support gathers.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. A safety session would be conducted with personnel prior to the project to prevent environmental damage on public lands.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. Removal of the unused corrals would not set a precedent.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. internal scoping did not identify any other actions with similar effects. The direct environmental effects from removing the corrals are negligible, since the environmental effects such as soil disturbance, vegetation removal, etc. took place when the corral was constructed. .
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. There are no properties listed nor eligible for listing within the project area.
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. There are no listings, proposed to be listed, nor designated critical habitat within the project area.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. Internal scoping did not identify any violations of law. Public comment on the removal did not note any violation of law. .
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The removal of the corrals would have no effect.

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. The cultural clearance associated with EA-AZ-030-2001-006 associated with the proposal to construct the corral did not identify any sacred sites.
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. Vehicle travel would be restricted to roads and cleared areas within the site. There are no noxious or invasive weeds on the site.

Approval and Decision Attachment 2

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: /s / Chad Benson **Date:** 5/17/2013

Chad Benson
**Colorado River District, Wild Horse and
Burro Specialist**
Project Lead

Reviewed by: /s / David Daniels **Date:** 5/17/2013

David Daniels
NEPA Coordinator

Reviewed by: /s / Roxie Trost **Date:** 5/17/2013

Roxie Trost
**District Manager, Colorado River
District**

Project Description: *(cut/paste description of the project here.)*

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By: /s / Ruben A. Sánchez **Date:** 5/17/2013

Ruben Sanchez
Field Manager, Kingman Field Office

Exhibits:

1) **Stipulations:**

- If an area of interest (a potential archaeological site) is discovered that may need further investigation, please note the location and give it to BLM archaeologist.
- Although not expected it is REQUIRED: That in the event human remains are encountered during any activities associated with this clean-up that a BLM archaeologist be contacted immediately. Any additional questions can be directed to: Tim Watkins BLM/KFO Archaeologist at; 928-718-3757. It may be necessary to contact Field Manager or acting prior to contacting archaeologist.
- Hand out tortoise handling guidelines (attached) to all workers the day of the project and advise on handling procedures.
- In the event hazardous materials are encountered during any activities associated with this clean-up, all activity would cease with the hazardous material and a BLM Law Enforcement Ranger would be contacted immediately.

APPENDIX 1

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.



DECISION MEMORANDUM

Kingman Wild Horse and Burro Corral Removal (DOI-BLM-AZ-C010-2013-0032-CX)

U.S. Department of the Interior
Bureau of Land Management
Kingman Field Office
2755 Mission Blvd
Kingman, AZ 86401

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Kingman Field office staff recommendations, I have determined that the project is in conformance with the Kingman Resource Management Plan (approved March 1995) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations/mitigation measures

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 Kingman Field Office 2755 Mission Blvd Kingman, AZ 86401, within 30 days from receipt of this decision. The appellant has the burden of showing how they are 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.

/ s /
Ruben Sanchez
Kingman field Office Manager

5-17-2013

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

BUREAU OF LAND MANAGEMENT, KINGMAN FIELD OFFICE, 2755 MISSION BLVD., KINGMAN, AZ 86401

WITH COPY TO SOLICITOR...

FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE, SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

3. STATEMENT OF REASONS-

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE, SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 (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.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.