

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

## Freeport-McMoRan Bagdad Inc. Nuisance Wild Burro Removal

DOI-BLM-AZ-CO10-2013-0040-CX

### A. Background

The Kingman Field Office has received complaints from the Freeport-McMoRan Bagdad Inc. (FMBI) in reference to burros entering the mine area and creating a nuisance and safety hazard. Over the last few years FMBI has experienced an increase in interactions with the wild burros. The burros are outside the Herd Management Area and are entering into the mines operational areas. Some of the issues have included impoundment liner damage, damage to scientific monitoring equipment, burros entrapped in tailings storage facilities, and interactions between burros and vehicles/heavy equipment. There have also been several instances where burros have entered high traffic areas and active mining areas, creating a safety hazard for employees and contractors working on site. As many as 60 burros in the Centipede Mesa area are observed regularly.

**BLM Office:** Kingman Field Office

**Proposed Action Title/Type:** Bagdad Mine, Nuisance Wild Burro removal

**Location of Proposed Action:** T.14 N., R. 9 W., Sec. 4, 5, and 6

**Description of proposed action:** The removal of up to 60 nuisance wild burros would be conducted from August, 2013 through December, 2013. (See Figure 1 on Page 3.)

A bait trap(s) would be placed on the FMBI mine in an area where burros have created a nuisance situation. Burros are enticed into a corral constructed with a one way gate; the animals enter, but are not able to exit the corral. Since wild burros generally have not acquired a taste for alfalfa hay, it takes time to get them used to hay and panels before initiating a bait trapping operation. Once burros begin to utilize the hay offered, a temporary corral would be constructed around the bait site. The bait trap would be temporary and the area can be reclaimed just by removing the corral panels and raking up the hay and manure.

### B. Land Use Plan Conformance

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

Date Approved/Amended: March 1995





**Attachment 1**  
**DECISION MEMORANDUM**

**Bagdad Nuisance Wild Burro Removal**  
**(DOI-BLM-AZ-C010-2013-0040-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 A. Sánchez  
Ruben Sanchez  
Kingman field Office Manager

\_\_\_\_\_  
07/08/2013  
6-27-2013

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..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,  
SOLICITOR 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..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,  
SOLICITOR 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.

(Continued on page 2)

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.

## Attachment 2: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment ( <b>Yes or No with supporting Rationale</b> )
1. Have significant effects on public health or safety.	No. Public safety will improve when burros are removed
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. Trap sites will be placed on private property in areas approved by the land owner. The attached standard stipulations will apply (Attachment 3).
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No.
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.
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 would be no affect to T&E species or critical habitat as there are no species or critical habitat in the project area. (See attachment 4)
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No.
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.
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.

### **Attachment 3:**

#### 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.
- 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.



# 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.



**KINGMAN FIELD OFFICE SCOPING FORM**

**Proposal:**      **Bagdad Mine Nuisance Burro Gather**

NEPA Document Number DOI-BLM-AZ-C010-2013-00-CX

Document Location S:/BLMshare: S:\Blmshare\WHBstuff\Herdmanagementareas\BigSandyHMA\Nepa\2013 CX bagdad mine Nuisance gather 2013.docx

**Land Description:** Private land inside the Bagdad Mine approximately, outside the Big Sandy Herd Management Area, Yavapai County, Bagdad, Arizona.

**INVOLVEMENT:** Indicate in the left column which disciplines need to provide information into the CX.

Needed Input (X)	Discipline	Signature
	Lands	
x	Minerals	/ s / Walter H. Todd, III 06/26/2013
x	Range	/ s / Michael M. Blanton 06/26/2013
x	Wild Horse and Burro	/ s / Chad Benson 06/24/2013
	General Recreation	
x	Cultural and Paleontological Resources	/ s / Tim Watkins 06/27/2013
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
x	Wildlife	/ s / Ammon Wilhelm 06/24/2013
x	Threatened and Endangered Plants and Animals	/ s / Ammon Wilhelm 06/24/2013
x	Migratory Birds	/ s / Ammon Wilhelm 06/24/2013
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer:  / s / Chad Benson

Date: 06/24/2013

Environmental Coordinator:  / s / Don McClure

Date: 07/01/2013

Field Manager:  / s / Ruben A. Sánchez

Date: 07/08/2013