

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

## **Parker Strip Nuisance Wild Burro Removal**

DOI-BLM-AZ-C030-2014-0022 CX

### **A. Background**

Lake Havasu Field Office has received complaints from private land owners, business owners, the Colorado River Indian Tribe (CRIT), the Chemehuevi Indian Tribe (Chemehuevi), and the local San Bernardino County Sheriff's Department pertaining to numerous wild burros along the Parker Dam Road which are causing safety concerns and damage to private property. Burros break irrigation sprinkler heads, cause extensive damage to vegetation, defecate in private yards and golf courses, and create a nuisance within the private land and private properties along the Parker Strip. In addition, the burros create a public safety hazard to traveling motorists along the Parker Dam Road. There have been numerous vehicle collisions with burros over the past few years and four collisions resulting in burro fatalities in the last 30 days. The collisions injure and/or kill burros as well as create a safety hazard for the public driving on the curvy road. There have been well over 100 burros observed at one time on the private lands and CRIT lands.

**BLM Office:** Lake Havasu Field Office

**Proposed Action Title/Type:** Parker Strip and CRIT Reservation Nuisance Burro Removal

**Location of Proposed Action:** Parker Dam Road, Parker Strip, California and CRIT Reservation, Earp, California

**Description of proposed action:** The Bureau of Land Management (BLM) proposes to conduct nuisance burro removals in the Havasu Herd Management Area on the California side of the lower Colorado River along Parker Dam Road, Parker Strip, and CRIT Reservation in San Bernardino County, California. Pursuant to the 2007 Lake Havasu Field Office RMP, the Havasu HMA (Havasus-CA HMA) will be managed in accordance with the *Northern and Eastern Colorado Desert Coordinated Management Plan*, which combines the Havasus-CA HMA with the Chemehuevi HMA. (See Maps on Pages 3 and 4)

The removal would be conducted in the months of June through August, 2014. Bait trap sites would be located in areas where burros have created nuisance situations. Traps would be located on or near private land or CRIT Reservation land (i.e. on disturbed sites). Burros will be enticed into a corral constructed with a one way gate; the animals will enter but 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 can be reclaimed just by removing the corral panels, and raking up hay and manure.

Individuals and agencies (including those who expressed issues with the burros) will be notified by phone calls, email, or face to face contact prior to any initial bait trapping of the burros. The California Department of Fish and Wildlife will also be notified of the proposed action.

## B. Land Use Plan Conformance

Land Use Plan Name: *Lake Havasu Field Office Resource Management Plan*

Date Approved/Amended: May 10, 2007

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

HB-2 The California side of the Havasu HMA (Havasu-CA HMA) will be managed in accordance with the *Northern and Eastern Colorado Desert Coordinated Management Plan*, which combines the Havasu-CA HMA with the Chemehuevi HMA (Bureau of Land Management 2002b)

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

TM-3. Travel between communities within the planning area will be made safer.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following Standard Operating Procedures on page B-47: All wild burros that are removed are made available for adoption through the Wild Horse and Burro Adoption Program.

Wild burros would be removed as nuisance animals whenever a safety problem becomes apparent (such as burros crossing highways, burro related vehicle accidents, etc.). 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 2), 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

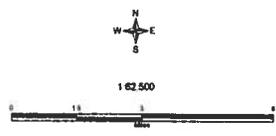
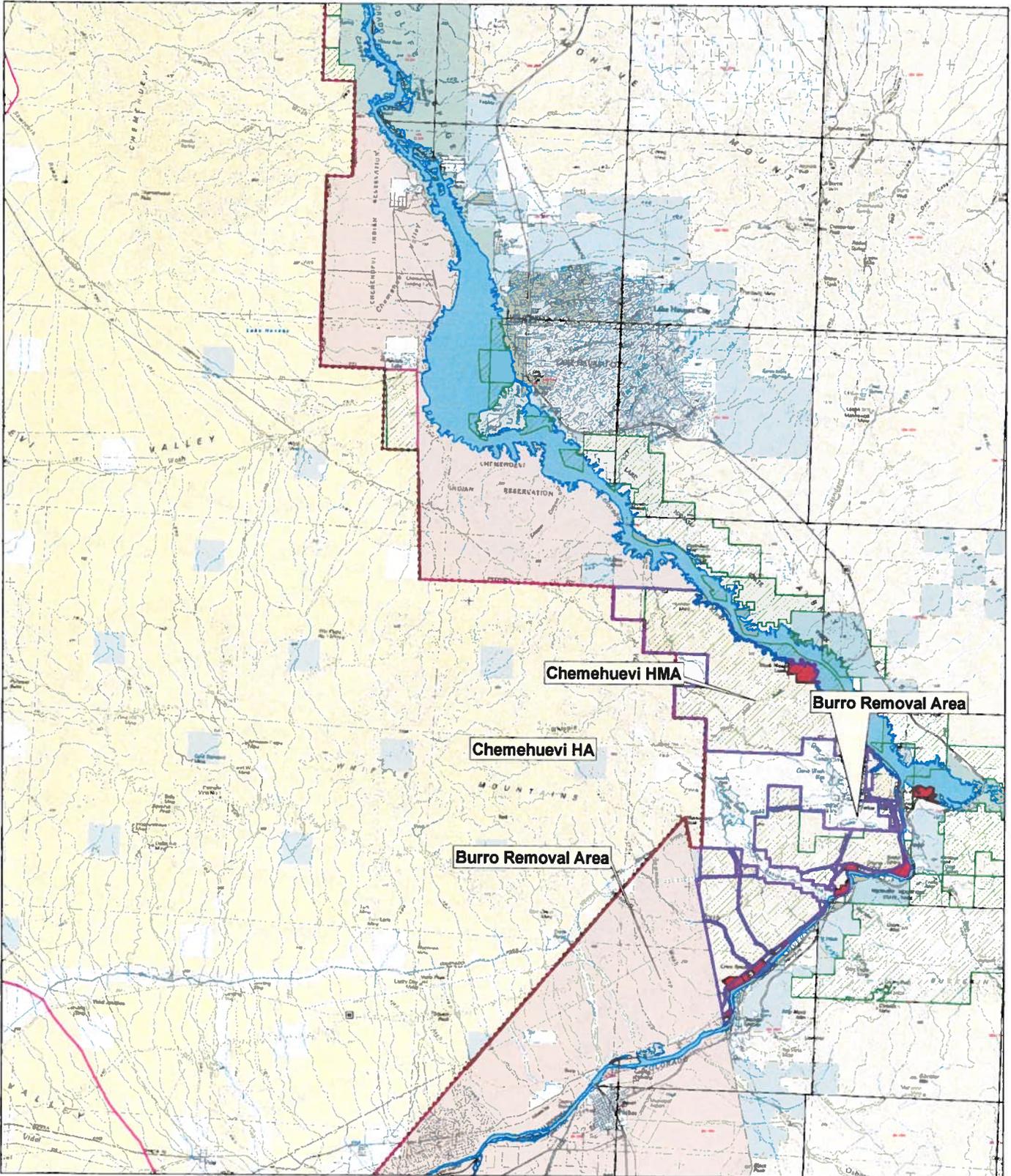
Authorizing Official:   
Kimber Liebhauser  
Field Manager, Lake Havasu Field Office

Date: 4/25/14

**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 1.

# Chemehuevi Herd Management Area



### LEGEND

- Bureau of Reclamation (BOR) Withdrawal
- Chemehuevi Herd Management Area (CHMA)
- Chemehuevi Herd (CHAs)
- Concession Lease
- Field Office Boundary
- Bureau of Land Management (BLM)
- Indian Lands or Reservations
- USFWS
- Private Lands
- State Lands
- Lease or State Parks
- Bureau of Reclamation (BOR)

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 LAKE HAVASU FIELD OFFICE

Land Status updated on 11/10/2011  
 Map Produced 10/10/2011

The Bureau of Land Management (BLM) is responsible for managing public lands and resources. This map shows the current status of public lands and resources. The map is provided 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.





## Approval and Decision

**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:**



**Date:**

4/18/14

**Chad Benson  
Kingman/Lake Havasu, Wild Horse and  
Burro Specialist - Project Lead**

**Reviewed by:**



**Date:**

4-21-14

**Dave Daniels  
NEPA Coordinator**

**Reviewed by:**



**Date:**

4/25/14

**Kim Liebhauser  
Field Office Manager, Lake  
Havasu Field Office**

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

**Parker Strip Wild Burro Removal**  
**(DOI-BLM-AZ-C030-2014-0022-CX)**

U.S. Department of the Interior  
Bureau of Land Management  
Lake Havasu Field Office  
2610 Sweetwater Ave  
Lake Havasu, AZ 86406

**Approval and Decision**

Based on a review of the project described in the attached Categorical Exclusion documentation and Lake Havasu Field Office staff recommendations, I have determined that the project is in conformance with the Lake Havasu Field Office Resource Management Plan (approved May 2007) 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**

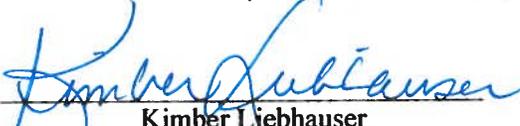
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is made, your notice of appeal must be filed at the Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406, 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.

  
\_\_\_\_\_  
Kimber Liebhauser  
Lake Havasu Field Office Manager

  
\_\_\_\_\_  
Date

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, LAKE HAVASU FIELD OFFICE, 2610 SWEETWATER AVE, LAKE HAVASU, AZ 86406

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.

(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 (Yes or No with supporting Rationale)
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. 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.
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.
- In the event of 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.
- Participants would not touch or disturb any desert tortoises. If a tortoise is found on site, participants will notify a BLM employee and the activity will stop until the tortoise moves off the route on its own or is moved by an authorized biologist.
- Participants would inspect for tortoises under a vehicle prior to moving. If a tortoise is present, the participant would carefully move the vehicle only when necessary and when the tortoise would not be injured by moving the vehicle or would wait for the tortoise to move out from under the vehicle on its own.
- Only a biologist authorized by the USFWS may handle desert tortoise.