



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District

Hassayampa Field Office

21605 North 7th Avenue

Phoenix, Arizona 85027

www.blm.gov/az/

In Reply Refer To:

4700 (AZP010)

DOI-BLM-AZ-P010-2015-0001-CX

DECISION

Relocation of Wild Burros for Public Health and Safety on State and Private Lands, Outside of the HMA near State Route 74

DOI-BLM-AZ-P010-2015-0001-CX

The Bureau of Land Management, Hassayampa Field Office has prepared a Categorical Exclusion for the *Relocation of Wild Burros for Public Health and Safety on State and Private Lands, Outside of the HMA near State Route 74* (DOI-BLM-AZ-P010-2015-0001-CX). The proposal is to relocate nuisance wild burros that regularly access lands managed by the State of Arizona, and private lands south of State Route 74 (SR 74), and west of 211th Ave back in the the Lake Pleasant Herd Management Area. The corrals and trap set are existing and are on properties managed by the State Land grazing lease holder. These nuisance burros are outside of the Lake Pleasant Herd Management Area (HMA) and have been creating a public health and safety issue along SR 74.

DECISION

Based on a review of the project described in the attached Categorical Exclusion documentation and staff recommendations, I have determined that the project is in conformance with Bradshaw-Harquahala Resource Management Plan (approved 4/22/2010) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

RATIONALE

The proposed action is designed to reduce mortality of wild burros and impacts to motorists, the State of Arizona and private property and to relocate nuisance/public health and safety burros located near and around SR 74 and 211th Ave and place them back in to the HMA. Regarding public health and safety: wild burros are habitually moving across SR 74 at dawn and dusk during low visibility hours which has created vehicle/burro accidents. The intent of the removal of these burros is to reduce, and hopefully eliminate, the presence of these burros on or near the roadways creating a potential risk of vehicle strikes or other traffic accidents and reduce damages caused by the nuisance burros to surrounding vegetation and infrastructure. Regarding vegetation and infrastructure the wild burros have been entering into the lessees water trap and have been stopping livestock from entering into the area to get water. The burros have knocked down fences along SR 74 which has let cattle out of the fenced area and onto SR74. Temporary

traps will not be constructed as the lessee has a water trap, corral and alley way that has been made available for this operation. The area in which the trap is located is in an area that is not well traveled and, aside from those participating in the trapping effort, should receive negligible human contact. Captured burros will be humanely transported back into the HMA and set free. Captured burros will not be prepped for adoption but returned to their home range within the HMA.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.); Land and Water Conservation Fund Act of 1965 (P.L. 88-578) as amended; the General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA) and the Wild Free Roaming Horse and Burro Act of 1971.

APPEAL OF THE DECISION

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition pursuant to regulation at 43 CFR 3256.11 or 43 CFR 3200.5 for a stay of the effectiveness 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 IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in 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 regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to 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.
4. Whether the public interest favors granting the stay.



Rem Hawes
Field Manager
Hassayampa Field Office

11/20/2014

11/20/2014
Date