

**U.S. Department of the Interior
Bureau of Land Management**

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)**

PART I. – PROPOSED ACTION

BLM Office: Hassayampa Field Office

NEPA No.: DOI-BLM-AZ-P010-2015-0021-CX

Case File No.: N/A

Proposed Action Title/Type: Bait Trapping of nuisance wild burros outside of the Lake Pleasant Herd Management Area (HMA) for public health and safety

Applicant:

Location of Proposed Action: Trap Sites: Multiple locations between Loop 303, Highway 60, SR 74 and I-17 (see attached map).

Description of Proposed Action: Erect temporary traps to bait trap and remove up to 50 nuisance wild burros that regularly access lands managed by the State of Arizona, Arizona Game and Fish Department and private lands west of I-17 south to Loop 303 northeast of Highway 60 west past Lake Pleasant Road, north to State Route 74 north to Circle Mountain Road and East to I-17. Traps would be placed and used for up to 30 days per location. These nuisance burros are outside the Lake Pleasant Herd Management Area (HMA) and have been creating a public health and safety issue along Loop 303, Lake Pleasant Road and SR 74 as well as between New River Road and Interstate 17 (see attached map). The nuisance removal request is from the Arizona Game and Fish Department and private land owners. The nuisance burros are consuming decorative vegetation and are damaging irrigation lines and consuming the private land owners' hay and forage on state land grazing leases. Nuisance burros have historically and are currently accessing areas along the Loop 303, Lake Pleasant Road and SR 74 creating public health and safety concerns and are creating a nuisance for the Arizona Department of Public Safety (DPS), Arizona Department of Transportation (ADOT), Peoria Police Department (PPD), Phoenix Police Department (PHPD) and motorists. During Fiscal Year 2015 there have been a total of 32 instances where a burro was struck and killed or injured by motor vehicles along the roads mentioned above. During this same timeframe, the Phoenix District Wild Horse and Burro Specialist was called for nuisance animals a total of 74 times.

The temporary bait traps will be placed on lands managed by the State of Arizona, Arizona Game and Fish and on private lands, in areas that are not well-traveled and, aside from those participating in the trapping effort, should receive negligible human contact. Trap locations will be placed on previously disturbed sites as to not impact cultural resources. Captured burros will be removed from the trap area and humanely transported to a Wild Horse and Burro Facility in Axtell, Utah. While at the holding area, awaiting transport to the Wild Horse and Burro Facility,

burros will be fed alfalfa and supplied clean drinking water. Animals will be fed twice a day and water will be available at all times. Captured burros will be prepped and made available for adoption through the Wild Horse and Burro Adoption Program.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): Bradshaw Harquahala Record of Decision and Approved Resource Management Plan (April 2010)

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

Wild Burro Management, Page 56

Management Action HB-4: “Burros will be removed...if burros are determined to be nuisance animals as defined by the Wild Free Roaming Horse and Burro Act of 1971.”

- The proposed action is in conformance with the land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decision(s):

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9

D2. Placement and use of temporary (not to exceed one month on location) portable corrals and water troughs, providing no new road construction is needed.

D4. Removal of wild horses or burros from lands at the request of the landowner(s).

Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:	INITIALS:	DATE:
Steve Bird		7/15/2015

Codey Carter <i>for Paul Sitzmann</i>	<i>[Signature]</i>	8/10/15
Bryan Lausten	<i>[Signature]</i>	8/4/15

[Signature]
 PLANNING & ENVIRONMENTAL SPECIALIST DATE 7/15/15

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(I)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No X	Rationale: The proposed action is designed to reduce mortality of wild burros and impacts to motorists the State of Arizona, Private, and Bureau of Reclamation (managed by Maricopa County) property and remove nuisance/public health and safety burros located near and around Loop 303, SR 74, Lake Pleasant Road, Highway 60, New River Road and Interstate 17. Regarding public health and safety: wild burros are habitually moving across these three roads at dawn and dusk during low visibility hours, which has created vehicle/burro accidents. The intent of the removal of nuisance burros is to reduce, and hopefully eliminate, the presence of these burros on or near the roadways, thus eliminating a potential risk of vehicle strikes or other traffic accidents and reducing damages caused by the nuisance burros to surrounding vegetation and infrastructure on private and state owned lands. The temporary bait traps will be placed on lands managed by the State of Arizona, and Arizona Game and Fish Department and private land in areas that are not well-travelled and, aside from those participating in the bait trapping effort, should receive negligible human contact.	Preparer's Initials <i>[Signature]</i>
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(b) 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.

Yes	No X	Rationale: It is estimated that there are currently 100-150 nuisance burros located in the area south and north of the Loop 303, north east of Highway 60, south of SR 74, west of Lake Pleasant Road, and between New River Road and Interstate 17. Bait traps will be located in previously disturbed areas to avoid conflicts with cultural resources. The act of bait trapping wild burros would not impact the above mentioned items.	Preparer's Initials <i>[Signature]</i>
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(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

Yes	No X	Rationale: The proposed action of placing a temporary trap to bait trap and relocate nuisance wild burros does not involve any highly controversial environmental effects or unresolved environmental issues.	Preparer's Initials <i>[Signature]</i>
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The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No <input checked="" type="checkbox"/>	Rationale: Proposed portable traps do not involve any unknown environmental risks. Traps are made of portable ready-made steel panels that do not require any permanent digging or foundations. Gates are left open except when active bait trapping is occurring in order to prevent trapping of wildlife or owned livestock.	Preparer's Initials <u>SB</u>
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(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Yes	No <input checked="" type="checkbox"/>	Rationale: Placement of temporary traps for the removal of nuisance wild burros does not set a precedent or represent a decision in principle for a future action.	Preparer's Initials <u>SB</u>
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(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not cause any significant cumulative environmental effects.	Preparer's Initials <u>SB</u>
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(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No <input checked="" type="checkbox"/>	Rationale: The bait trap sites are located on previously disturbed areas and will not have a significant impact on historic properties. Bait trap sites will be located in areas that are previously disturbed to avoid conflicts with cultural resources.	Preparer's Initials <u>SB</u>
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(h) 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.

Yes	No <input checked="" type="checkbox"/>	Rationale: None present.	Preparer's Initials <u>SB</u>
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(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not violate any applicable laws or requirements.	Preparer's Initials <u>SB</u>
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(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No <input checked="" type="checkbox"/>	Rationale: None present.	Preparer's Initials <u>SB</u>
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The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:		
(k) 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).		
Yes	No X	Rationale: Not applicable. Preparer's Initials <u>JB</u>
(l) 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).		
Yes	No X	Rationale: Feed, alfalfa, that will be used for the trapping will be weed free and will not contribute to the spread of noxious weeds. Preparer's Initials <u>JB</u>

PART V. –COMPLIANCE REVIEW CONCLUSION

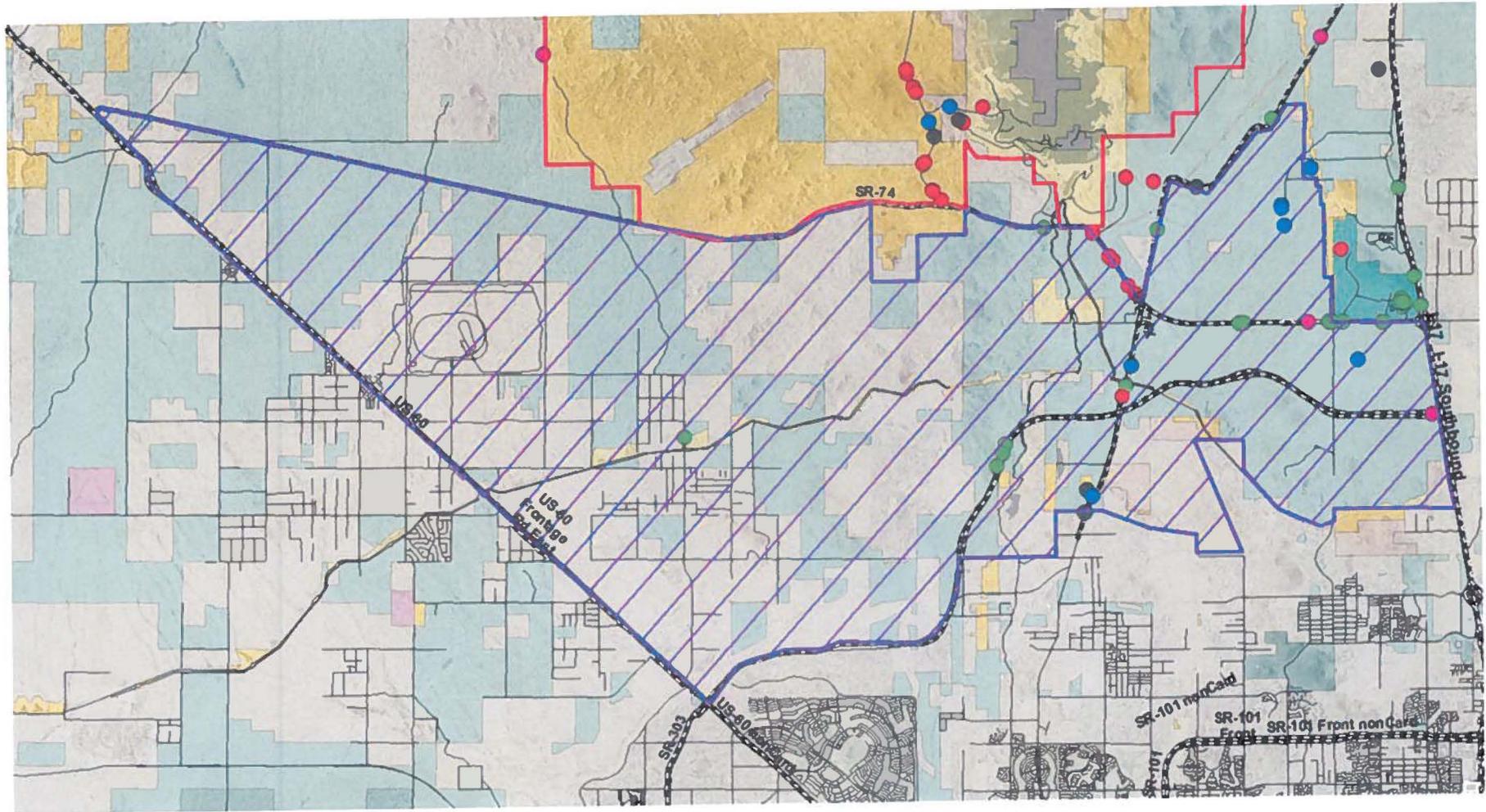
This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: The nuisance burros are causing a public health and safety hazard and their removal will reduce the chance of additional mortality due to motor vehicle accidents in the area. Additionally, I considered the potential impacts to cultural resources, recreational opportunities, travel management, and wildlife habitat and I have determined that no significant impacts to these public land resources would occur.

AUTHORIZING OFFICIAL: Amanda James DATE: 8/10/15
 NAME: Amanda James
 TITLE: Acting Field Manager

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.



South of HMA Gather 2015 (50 head)