

CATEGORICAL EXCLUSION DOCUMENTATION

NUISANCE WILD BURRO REMOVAL PRIVATE LAND OUTSIDE CIBOLA TRIGO HMA, AZ DOI-BLM-AZ-C020-2022-0020-CX

A. Proposed Action

BLM Office: Yuma Field Office

Lease/Serial/Case File No.: N/A

Proposed Action Title: Nuisance Wild Burro Removal outside the Cibola Trigo Herd Management Area (HMA), AZ

Applicant: Bureau of Land Management, Yuma Field Office

Location of Proposed Action:

Gila and Salt River Meridian, La Paz County, Arizona
T1N R23W
Sec. 21 NWSW, SWSW, SESW, SWSE
Sec. 28 NWNW, NENW, NWNE, SWNW, SENW, SWNE, NWSW, NESW, SWSW
Sec. 33 NWNW, SWNW, NWSW

Description of Proposed Action: The Bureau of Land Management (BLM), proposes the use of bait traps to capture 85 nuisance wild burros and approximately 15 nuisance wild horses on private property, Arizona (refer to attached map). Trap sites identified on State Trust Land; any permit requirement(s) would be obtained prior to utilizing location. A temporary holding facility would be located on private property.

A series of bait traps used to catch nuisance burros would be placed on private property, and possibly State Trust Land. Each trap location is within previously disturbed areas. The need for this trapping is a result of complaints of natural resource loss and destruction, damage to private property and concerns about human health and safety by private property owners. It is the responsibility of the BLM to manage wild burros on public and adjacent lands under The Wild Free-Roaming Horses and Burros Act of 1971.

Mitigation Measures/Design Features:

Stipulations that would apply to the proposed action are attachments 3 and 4.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Yuma Field Office Record of Decision and Approved Resource Management Plan

Date Approved/Amended: January 2010

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

Decision(s) and Page Number(s):

Page 2-94; HB-003: The Appropriate Management Level (AML2) for the Cibola-Trigo HMA will be 165 burros and 150 horses. Monitoring data, including climate, population, and vegetative data, will be collected and used to support removals and/or the revision of AML2 for either wild horses, burros, or both.

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 (*BLM CXs*) or 43 CFR 46.210 (*DOI CXs*).

BLM Categorical Exclusions D. Rangeland Management 4. “Removal of wild horses and burros from private land at the request of the landowner.”

D. Extraordinary Circumstances Review

In accordance with 43 CFR 46.215, if any of the following circumstances are present, then further NEPA analysis is required unless mitigating measures or other actions can be incorporated into the proposed action to avoid significant effects.

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would: | | | |
| (a) Have significant impacts on public health or safety. | | | |
| Yes | No X | Rationale: The proposed gather activities using bait traps is of low risk to public health and safety. It is proposed to occur on previously disturbed lands located outside of the Cibola-Trigo HMA. | Preparer’s Initials CB |
| (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: None of these resources or areas with unique geographic characteristics are present in the proposed gather areas. The bait traps would be located in previously disturbed areas to the extent possible. Any new areas would have a biological and cultural survey conducted prior to placing traps to ensure avoidance of sensitive resources. | Preparer’s Initials CB ADR |
| (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 proposal would have negligible impacts. No conflicts between alternative resource uses are anticipated. Similar projects implemented in the past have not resulted in resource conflicts or controversial impacts. This action is required by 43 CPR 4720.2-1 | Preparer’s Initials CB |

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would: | | | |
| | | Removal of Strayed Animals from Private Lands, which requires removal as soon as practicable following receipt of written request by the landowner. | |
| (d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | | |
| Yes | No X | Rationale: The environmental impacts would be negligible. No unique unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects. | Preparer's Initials CB |
| (e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | | | |
| Yes | No X | Rationale: The proposed action is in response to a private landowner's request to remove nuisance wild burros. The placement of temporary traps on private land is not precedent setting and is consistent with policy regarding wild horses or burros that have strayed on to private land (43 CPR 4700.20) outside of the HMA. This action would not prompt future actions or represent a decision in principle about future actions with potentially significant effects. | Preparer's Initials CB |
| (f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | | |
| Yes | No X | Rationale: The impacts of the proposed bait trapping would not contribute to potentially cumulative significant effects now or in the reasonably foreseeable future. | Preparer's Initials CB ADR |
| (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 X | Rationale: The proposed burro gathering would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places because historic properties would be avoided. | Preparer's Initials CB |
| (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 X | Rationale: There would be no effect to federally listed endangered, threatened, candidate or proposed species from this project. Species do not occur within the project area. | Preparer's Initials CB |
| (i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | | |
| Yes | No X | Rationale: This project would not violate any Federal, State, local or tribal laws or requirements imposed for the protection of the environment. | Preparer's Initials CB ADR |
| (j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | | | |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would: | | | |
| Yes | No X | Rationale: The proposed gather activities would not have any disproportionately high or adverse effects on low income or minority populations. | Preparer's Initials CB |
| (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: The proposed action would not limit access to any sacred sites or those for ceremonial use, nor affect the integrity of any sites. The proposed gather activities would be temporary in nature. | Preparer's Initials CB |
| (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: Trap sites would be located in previously disturbed areas to the extent possible. Any new sites would be placed in areas not infested with noxious weeds. Best management practices for these types or actions would further limit the potential spread of noxious and invasive species. | Preparer's Initials CB |

| Preparers and Reviewers | | |
|--------------------------------|----------------------------------------|------------------------|
| Name: | Resource Program: | Signature/Date: |
| Chad Benson | Wild Horse and Burro Specialist | |
| Angelica Rose | Planning and Environmental Coordinator | |

E. Compliance Review Conclusion

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.

Approving official:

Title: Field Manager, Yuma Field Office

Contact Person:

For additional information concerning this CX review, contact Chad Benson, Wild Horse & Burro Specialist, Kingman Field Office, 2755 Mission Blvd, Kingman, AZ 86401, and (928) 718-3750

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 will be prepared in accordance with program specific guidance.

List of Attachments:

- 1 – Nuisance Removal Request Letter
- 2 – Project Maps
- 3 – Stipulations
- 4– Guidelines for Handling Desert Tortoise Encountered on Roads and Vehicle

Attachment 1

Michael Mullion <mmullion@gmail.com>

Tue 5/31/2022 9:48 AM

To:

• Benson, Chad M

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello-

We are being overrun by feral donkeys in our valley, numbers fluctuate between 50-150 daily. It has impacted farmers in valley as no produce contracts can be made due to food safety issues. The desert is extremely dry to the east, we continue to maintain our perimeter fence however with limited feed in the desert mass herds are pushing fences over. We are in desperate need for help, our farms are being destroyed by the constant pressure. We are having to move baled hay in a matter of hours due to herds tearing stacks down, not to mention the quantity of alfalfa being consumed. I understand your funds are limited but it's a serious situation, we need assistance urgently. Please respond with some guidance.

Michael Mullion

Cibola Valley Irrigation District



Michael Mullion <mmullion@gmail.com>

To:

Benson, Chad M

Mon 7/18/2022 4:09 PM

Colorado River District BLM Office-

This is a follow-up letter to address my concerns in an email sent on May 31, 2022. I am concerned that my plea for assistance has gone unnoticed. We are located in the Cibola Valley in Cibola Arizona and have over the past 2 years become overrun with a feral burro population. As stated in my prior email, we desperately need immediate assistance. The burros currently have destroyed many thousands of dollars worth of property and agricultural products. (graveled roadways have become permanent trails, waterways are being impacted and crops are being consumed). We are dealing with herds of 50-150 on a nightly basis. Our perimeter fence has been destroyed in places; as we work to maintain these areas herds find other points of access and the cycle continues. I am asking for some immediate help. Farming is tough currently; considering the continued drought and increased cost of production, this damage is absolutely consuming any hope for return.

I look forward to a response,

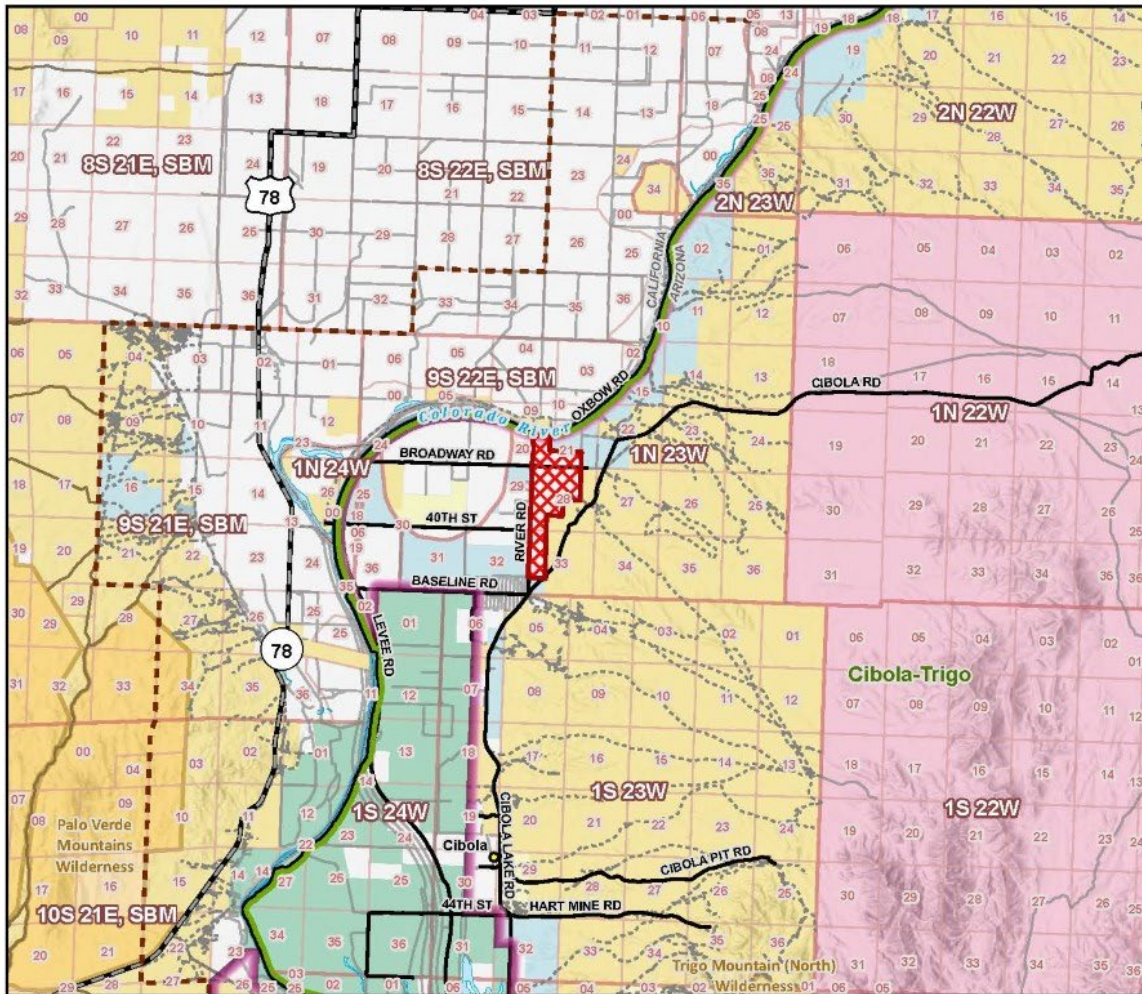
Michael Mullion

Farmer

Board Member

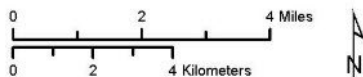
Cibola Valley Irrigation District

Attachment 2



Cibola Trigo Nuisance Wild Horse and Burro Removal Area Colorado River District - Yuma Field Office

- | | | | | |
|----------------------|---------------------------|--------------------|-------------------------------------|------------------------------|
| Nuisance Gather Area | Town or Place of Interest | U.S. Highway | Waterbody | Bureau of Land Management |
| Herd Area | Field Office Boundary | State Highway | River | Bureau of Reclamation |
| Herd Management Area | County or Major Routes | Minor Routes | Township / Range | Military |
| | State Boundary | Route Not Assessed | Section | Private |
| | | BLM CA Route | Wilderness Area Boundary | State |
| | | | Federal Land within Wilderness Area | US Fish and Wildlife Service |



Map Location within the Yuma Field Office



DISCLAIMER: No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Decisions in this document only apply to BLM lands. Routes depicted on non-BLM lands are displayed for information purposes only and do not grant access to non-BLM lands.

Map Produced by BLM Yuma Field Office Staff
File: 2022_KFO_CibolaTrigoNuisance
Date: 6/1/2022
Map Scale: 1:150,000
Coordinate System: NAD 1983 UTM Zone 12N
AZ Reference System: U.S. PLSS GSR
CA Reference System: U.S. PLSS SBM



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Attachment 3

Stipulations

1. Actions which result in impacts to archaeological or historical resources shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended (ARPA) and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. No person may excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands without authorization. Damaging cultural resources more than 100 years of age is a punishable act under ARPA. Criminal and/or civil penalties may result if damage to archaeological resources is documented, as provided under ARPA and its implementing regulations at 43 CFR 7.
2. The holder shall immediately bring to the attention of the Yuma Field Office (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation. All permitted operations within 30 meters (100 feet) of the cultural resources shall cease until written authorization to proceed is received from the Authorized Officer.
3. Contractors shall receive a copy of the tortoise handling guidelines (attached) and distribute to all workers the day of the project and advise on handling procedures.
4. In the event hazardous materials are encountered during any activities associated with this, all activity would cease with the hazardous material and a BLM Law Enforcement Ranger would be contacted immediately.



Attachment 4 United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Yuma Field Office
7341 E. 30th St.
Yuma, AZ
www.blm.gov/arizona



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

Outside Cibola-Trigo HMA: Outside Cibola Trigo HMA Nuisance Wild Burro Gather DOI-BLM-AZ-C020-2022-0020-CX

U.S. Department of the Interior
Bureau of Land Management
Yuma Field Office
7431 E. 30th Street
Yuma, AZ 85365

Introduction

The Yuma Field Office proposes the use of bait traps to capture 85 nuisance wild burros and 15 wild horses outside the Cibola-Trigo Herd Management Area. A series of bait traps would be used to catch nuisance wild burros. The gathered animals would then be transported to a Wild Horse and Burro facility, where they would enter the Wild Horse and Burro adoption program. The gather area would be located within private property north of the Cibola Wildlife Refuge, Arizona.

The need for this gather is a result of complaints of property damage, public health and safety, and the public traveling on roads in the area.

Approval and Decision

Based on the analysis of the *Outside Cibola-Trigo HMA: Outside Cibola Trigo HMA Nuisance Wild Burro Gather* Project, described in Categorical Exclusion (CX) # DOI-BLM-AZ-C020-2022-0020-CX, and field office staff recommendations, I have determined that the project is in conformance with the Yuma Field Office Record of Decision Approved Resource Management Plan (2010) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with incorporation of the stipulations and mitigation measures attached to the CX document.

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

Rem Hawes
Field Manager

Attachment:
Form 1842-1