

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

CATEGORICAL EXCLUSION DOCUMENTATION

**Removal of Nuisance Burros from Private Lands
DOI-BLM-CA-N050-2019-0005-CX**

Project Name: Removal of Nuisance Burros from Private Lands

Project No.: DOI-BLM-CA-N050-2019-0005-CX

Project Location: Bull Flat Ranch and Heller and Buffalo Ranches – Twin Peaks Grazing Allotment

Legal Description:

Buffalo Well – Township 32 N., Range 20 E., Section 18
Buffalo Meadows Ranch – Township 33 N., Range 19 E., Section 15
Heller Ranch – Township 32 N., Range 20 E., Section 32
McDonald Field – Township 31 N., Range 20 E., Section 6 and 7
Bull Flat – Township 30 N., Range 17 E., Section 7 and 8

Background

The Bureau of Land Management Eagle Lake Field Office (BLM) has received complaints from the owner of the Heller, Buffalo Meadows, and Bull Flat Ranches regarding nuisance burros on private land. Over the past two years, the BLM has successfully trapped and removed 64 burros from private lands that have been impacted. Recent videos and emails from the private landowner indicate that up to 120 burros are still causing issues on private lands.

The landowner has expressed the following concerns from wild burros on his land. The following is a summary of the written, verbal, and phone communication with the landowner:

- Verbal communication, 2011: Burros have been overusing forage vital to ranching operation on private land. Landowner requested burros be removed from the property.
- Written communication from landowner and BLM flight inventory observations: The landowner observed 100 to 120 burros grazing on his private lands over the fall and winter months of 2012 and 2013. Drought conditions following the Rush Fire intensified burro use on private lands, as documented in the BLM's 2013 wild horse and burro flight inventory counts.
- Written communication, 2013: Burros continue to overgraze private land used for ranching. The landowner expressed frustration the BLM was not able to remove the burros in 2012. The burros damaged fences and consumed hay intended for livestock. The landowner fixed the fence and gates several times, but burros continued to break the structures. The landowner requested the burros be removed from his private land.
- Verbal and written communication, 2014: Burros continued to overuse forage on private land. In addition to the burros, wild horses broke down fences and overused forage intended for livestock. The landowner requested the burros and horses be removed.
- Wild horse and burro flight inventory, 2015: Over 100 burros counted between Heller and Buffalo Meadows Ranches.
- Verbal communication, 2016: Landowner explained due to a good winter, most burros resided on public lands and did not place too much pressure on private lands. However, the landowner did express

concerns of the deteriorating vegetation on public land due to overgrazing by burros.

- Verbal communication, 2016: Landowner complained about burros grazing private lands within the “McDonald Field” south of the main ranch. Twenty or more burros were observed on a daily basis grazing forage on private land intended for livestock.
- Email and verbal communication, 2016: The BLM observed burros near Parker Reservoir off Smoke Creek Road. The BLM sent an email to the landowner inquiring if the burros were on private land and if the same area where issues arose in the past. The landowner replied that it was the same area—the McDonald Field. The landowner also mentioned issues on another private parcel located at Bull Flat.
- Wild horse and burro flight inventory, 2017: Over 150 burros were counted between Buffalo Meadows Ranches and Lower Smoke Creek.
- Personal observation, the BLM and landowner, 2017: Heavy flood year, not many burros concentrated on private lands due to standing water.
- Email communication, 2017: The landowner informed the BLM that nearly 80 burros overgrazed areas north and east of Buffalo Meadows. The landowner included photos of burros within private field and along the lower end of Buffalo Creek.
- Email communication, 2018: Landowner reported seven burros on private field.
- Email communication, 2018: Landowner reported approximately 75 to 80 burros entered the properties at the Buffalo Meadows Ranch and 30 to 50 burros entered the property known as the McDonald Field. Burros caused damage to fences and consumed forage intended for cattle.
- Email communication, 2019: Landowner shared a video of over 100 burros along Sand Pass Road near private lands.

Description of Proposed Action

The proposed action is to remove up to 120 burros from Heller, Buffalo Meadows, and Bull Flat Ranches. The BLM would use wildlife friendly bait or water bait trapping techniques to capture the burros. Following capture, the burros would be transported to the Litchfield Wild Horse and Burro facility. The trap sites would be in use while burros are in the area and would only be active as necessary to capture the identified nuisance burros. Trap sites would be located on private lands using existing livestock facilities, such as water troughs and holding fields. Only one trap site is located on public land located at Buffalo Well. This site would only be used if trapping on private lands is unsuccessful and burros continue to cause nuisance. Trapping would potentially begin the winter of 2019 and continue until up to 120 burros have been removed. Trapping times would most likely take place during the winter months and late summer, as burros tend to pressure private land more during these months.

Land Use Plan Conformance

The proposed action is in conformance with the Eagle Lake Field Office Resource Management Plan (RMP) and Record of Decision (April 2008) and the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) and Record of Decision (2015).

RMP Section 2.11.5 Proposed Management Actions: “Restrict wild horses and burros to herd management areas and maintain numbers at appropriate management levels.”

ARMPA MD WHB 4: “Prioritize gathers and population growth suppression techniques in HMAs in GRSG habitat, unless removals are necessary in other areas to address higher priority environmental issues...”

Removal of nuisance burros from private land is also required upon written request from a private landowner, in accordance with Title 43 of the Code of Federal Regulations (CFR) §4770.3(c).

All necessary steps have been taken by a qualified BLM staff specialist(s) to identify, record, and determine effects on cultural properties. These steps comply with all standards and guidelines of the Protocol Agreement of 2014 between BLM and the California State Historic Preservation Officer. Based on those efforts, no properties deemed eligible for inclusion in the National Register of Historic Places or Traditional Cultural Properties are located within the area of potential effect.

NEPA Compliance

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM Chapter 11.9 (D), Rangeland Management, (4):

“Removal of wild horses or burros from private lands at the request of the landowner.”

The categorical exclusion is appropriate for this action 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, Appendix 2 apply (see attached Review of Extraordinary Circumstances).

The Proposed Action has been scoped by a BLM interdisciplinary team of specialists. There are no issues or unresolved conflicts identified with the proposed action. After review of the above possible exemptions by an interdisciplinary team of specialists, I have determined that the above described project is a categorical exclusion, in conformance with the Eagle Lake RMP, and does not require further NEPA analysis.

Approval

A categorical exclusion is appropriate for this proposed action to remove nuisance burros from private land 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, Appendix 2 apply (see attached Review of Extraordinary Circumstances).

Approved By: _____


Brian Novosak
Eagle Lake Field Manager

FEB - 7 2019

Date

Contact Person: Patrick Farris, Rangeland Management Specialist, at 530-252-5319.

Attachments:

- 1: Review of Extraordinary Circumstances
- 2: Map 1 – Overall Location Map
- 3: Map 2 – Buffalo/Heller Ranches
- 4: Map 3 – Bull Flat Ranch
- 5: Private landowner emails and letters related to burro issues





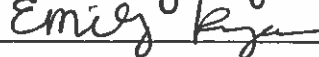
Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
1) Have significant impacts on public health or safety.		X
Rationale: There will be no impacts to public health or safety by associated with removal of wild horses and burros on private lands and/or outside of a herd management area.		
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 principle drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); national monuments; migratory birds; and other ecologically significant or critical areas.		X
Rationale: There will be no impacts to any of the above-mentioned resources.		
3) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: There are no controversial environmental effects or unresolved conflicts associated with removal of wild horses and burros on private lands and/or outside of a herd management area.		
4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: There are no uncertain or potentially significant environmental effects or risks associated with the proposed action.		
5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: No precedent will be set through this action.		
6) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: The project does not create cumulatively significant effects.		
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.		X
Rationale: The proposed project does not impact directly or indirectly any National Register of Historic Places sites.		
8) Have significant impacts on species listed, or proposed to be listed, on the List of Threatened or Endangered Species, or have significant impacts on designated Critical Habitat for these species.		X
Rationale: The action will not have effects on any listed or proposed for listed species habitat.		
9) Violate a Federal, State, or Local law or requirement imposed for the protection of the environment.		X

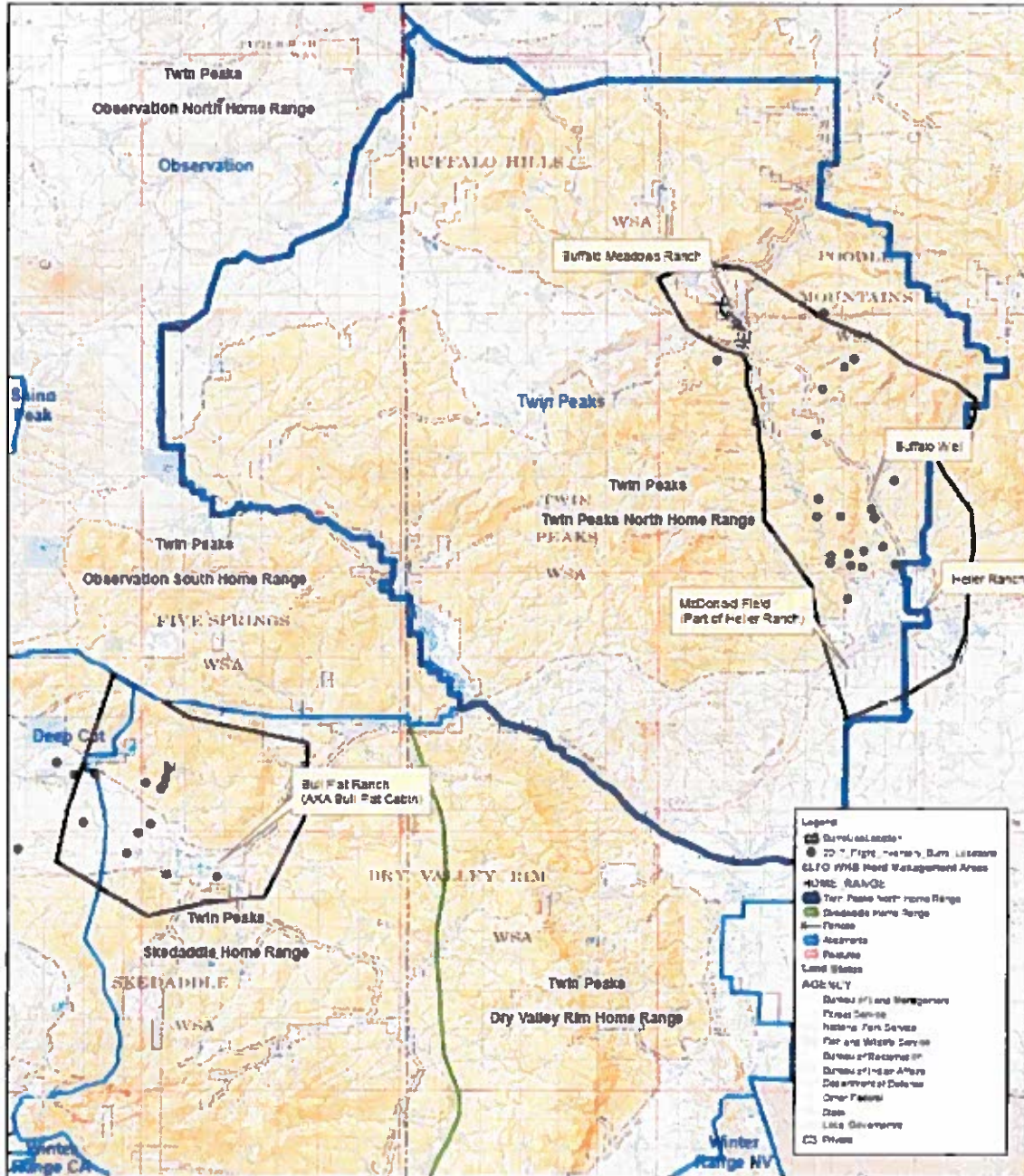
Rationale: The project does not violate any environmental laws.		
10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The project will not impact minorities.		
11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
Rationale: There is no access limited with this project.		
2.12 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).		X
Rationale: This action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area.		

Reviewers

Resource Specialist	Signature	Date
Botany/Weeds		2/7/19
Cultural Resources		
Wildlife	Melissa Nelson	2/7/19
Range/WH&B		2/7/19
Recreation/Wilderness		2/7/19
Soil/Water/Air		2/7/19

Map 1:

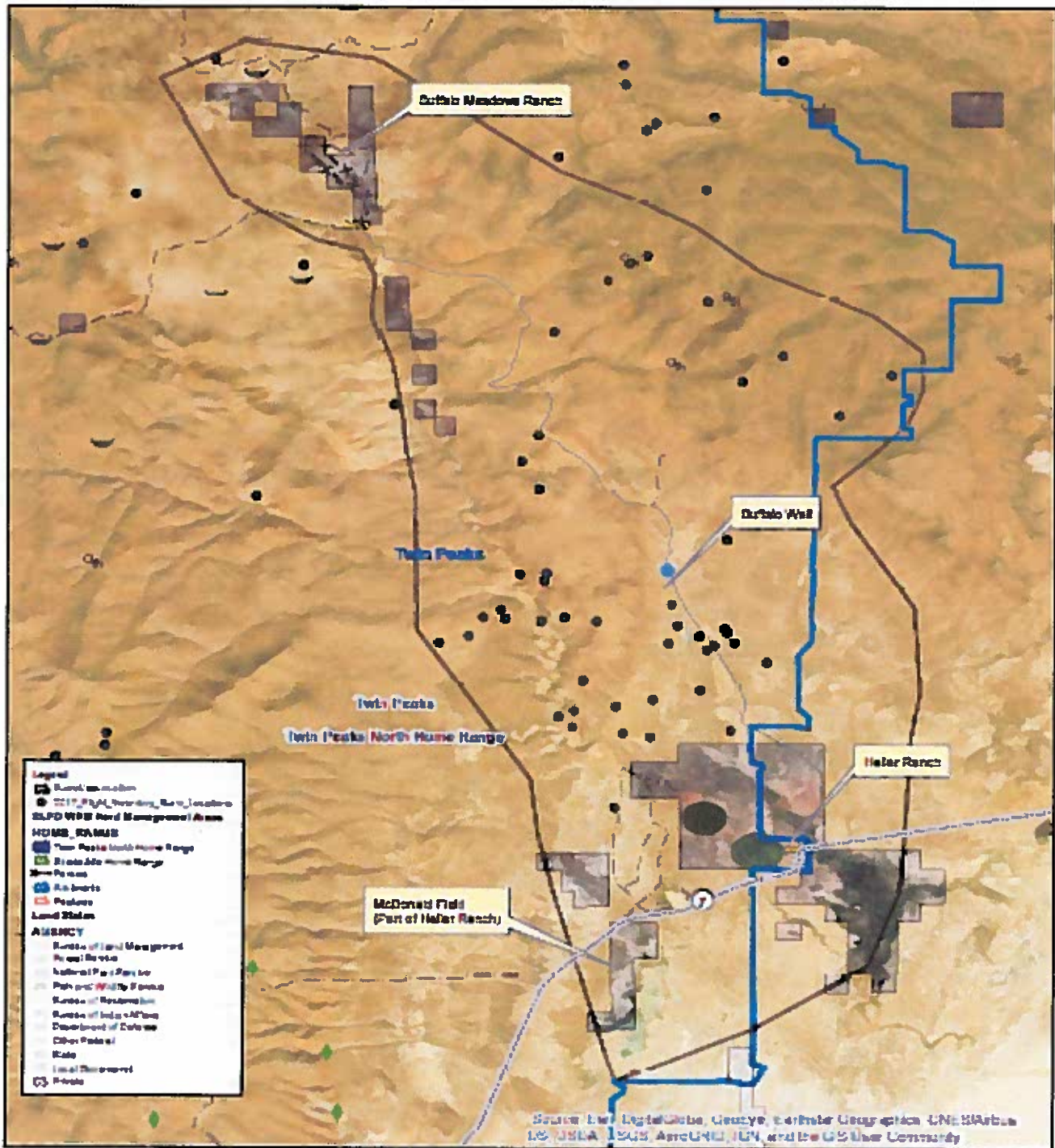
2019 Nuisance Burro Removal Locations



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use. Original data and complete metadata should be used. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notice.

0 3.75 7.5 15 Miles

2019 Nuisance Burro Removal Locations

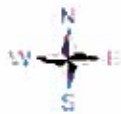
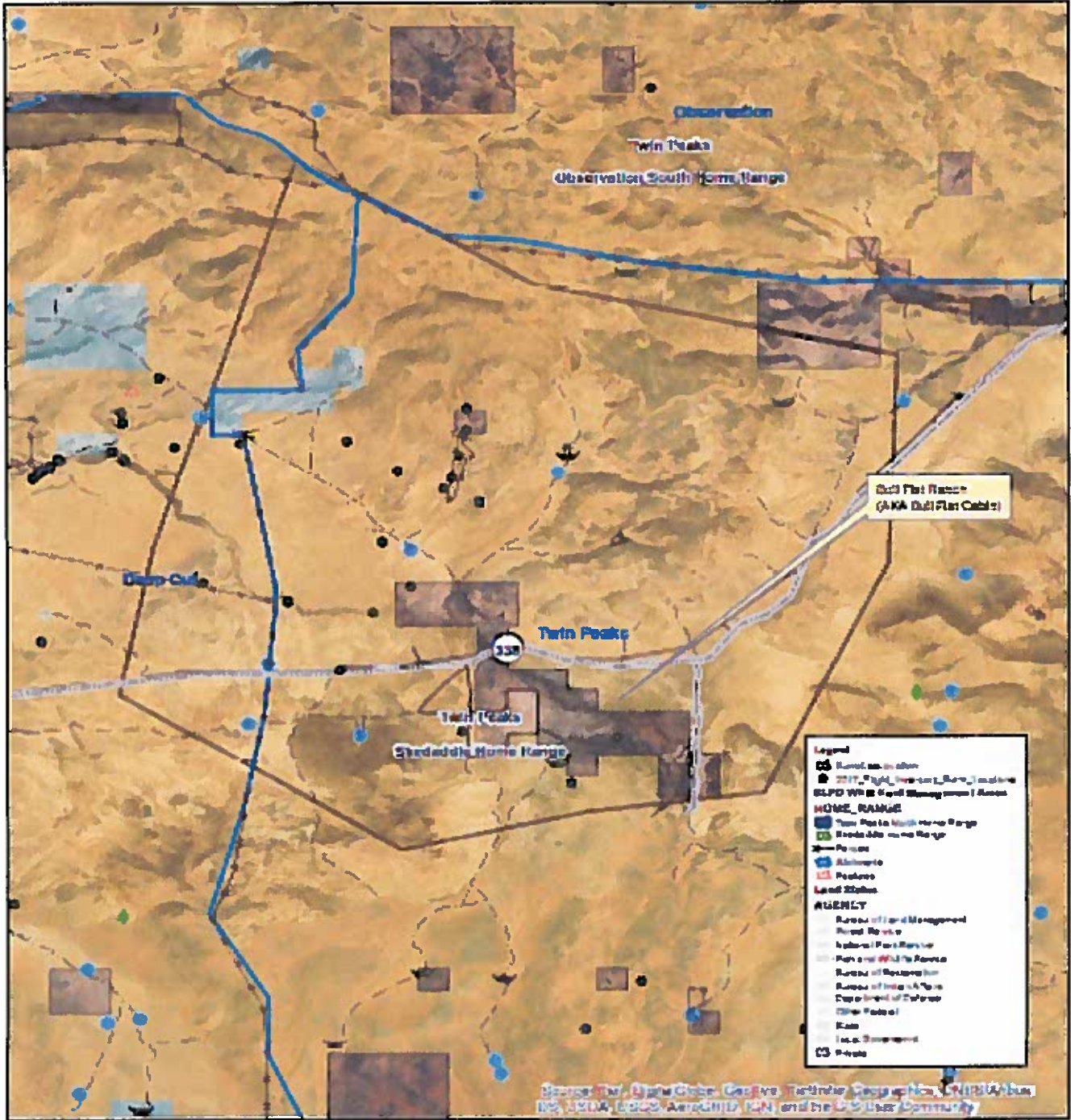


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0 1.5 3 6 Miles

Map 3:

2019 Nuisance Burro Removal Locations



This map was developed by the Bureau of Land Management as a courtesy to the public. It is not intended to be used as a legal document. Data was obtained from the Bureau of Land Management and the U.S. Geological Survey. This product was developed through a grant from the U.S. Department of the Interior.



Communications regarding Nuisance Burros:

Buffalo Meadows, Heller, and Bull Flat Ranches

2009 – Had several conversations with Brent Espil about the number of burros between Buffalo Meadows and Heller Ranches, including the amount of burro use around Buffalo Well.

Received letter from Brent Espil requesting something be done about the burros in the Salt Marsh Field as burros were grazing on private ground and over utilizing feed meant for private livestock.

BLM removed approx. 50 burros from private land in response to nuisance and private land removal request.

2010 – BLM conducted WH&B flight inventory pre gather and counted 172 burros within the North Twin Peaks Home Range. BLM gathered 161 burros from north twin peaks. Post gather inventory resulted in 55 burros within home range.

2011 – Began receiving more calls from the Espils regarding heavy burro use. BLM visited site several times and counted 70 – 150 burros per visit near Buffalo Well. Discussions began about how many burro's we may have missed during our flight inventory and what can be done to decrease the amount of heavy burro use within the area.

2012 – Brent Espil informed BLM of 100-120 burros grazing within the Crooked Canyon area in early spring and Buffalo Well area in fall and winter.

Flight inventory post Rush Fire – 131 burros counted within North Twin Peaks Home Range, majority counted around Buffalo Creek.

Email discussing burro complaints from Smoke Creek Ranch and from Espils. Burro use increased onto private land post Rush Fire. I requested the removal of 150 burros from North Twin Peaks, but approval was never given.

2013 – Email to BLM staff regarding burro removal requests and updates. Conversations are about the removal of burros from Buffalo area per request of land owner due to the over grazing by burros in livestock wintering ground – BLM and Private.

Report from BLM range tech (via email) showing burro numbers of 185 from Lower Smoke Creek to Buffalo Meadow Ranch.

Flight Inventory in April resulted in 112 burros counted within North Twin Peaks Home Range. (we know we missed burros, as they are difficult to see from the air)

Received a letter from Brent Espil regarding burro usage at Buffalo Meadows Ranch explaining how burros damaged fencing and were eating hay with his cattle.

2014 – Created an escalating issues report for the state office requesting the removal of nuisance burros from private land at the request of the land owners.

Espils continue to notify BLM range staff of burro use and the damage to winter grounds.

October – request to state office and DC of burro removal

November – received email from Espil about burro use at Buffalo Meadows and horse use at Skedaddle Creek Ranch.

Verbal and written communication, Sept. - Nov. 2014: The burros continue to utilize too much forage on private land. In addition to the burros, horses have broken down fences and are utilizing private land over utilizing forage intended for livestock. The land owner requests the burros and horses be removed. This problem has been escalating the past few years and now is totally out of control.

WH&B Flight Inventory, 2015: Over 100 burros counted between Heller and Buffalo Meadows Ranches.

Verbal communication, spring 2016: Landowner explains due to a good winter, most burros resided on public lands and did place too much pressure on private lands. However, the landowner did express concerns of the deteriorating vegetation on public land due to the over grazing by burros.

Verbal communication, summer 2016: Landowner complaint about burros beginning to graze private lands within the "McDonald Field" south of the main ranch. 20 or more burros had been observed on a daily basis grazing forage meant for private landowner's livestock.

April 2017 – WH&B Flight Inventory; Over 150 burros counted between Buffalo Meadows Ranches and Lower Smoke Creek

2017 – Heavy flood year, not many burros concentrated on private lands due heavy flooding.

2017 – October, email chain stating nearly 80 burros have over grazed areas north and east of Buffalo Meadows – photo sent of burros within private field and along lower end of Buffalo Creek

EMAIL - Burros at Buffalo Meadows



Brent Espil <bespil@gmail.com>

Mon, Oct 23, 2017,
10:27 AM

to me

This was Saturday when I got to Buffalo. About 80 head. They've hammered the feed North and East of the ranch.



Burros and Private Property



Brent Espil <bespil@gmail.com>

Wed, Oct 25, 2017,
4:04 AM

to me, sheepco, mike

Pat,

A note to inform you of some problems we are having with wild burros on our private property.

Approximately 75 to 80 burros have been entering our properties at the Buffalo Meadows Ranch, T. 33N, R.19E, Sec. 10 and Sec. 15. The burros have broken the fences and have grazed the forage on our property very heavy, if not to the severe level.

Also 20 to 30 burros have been entering our property known as the McDonald Field, T.32N, R20E, Sec. 6 and 7. The same problems are happening there as Buffalo Meadows, fences being destroyed and water and forage being used by the burros.

If you did not receive the photos and video I sent, please let me know and I'll try again.

Any help in this matter would be greatly appreciated.

Thank you,

Brent Espil



Brent Espil <bespil@gmail.com>

Dec 18, 2018,
4:49 AM

Subject: Burros and Private Property

To: Farris, Patrick <pfarris@blm.gov>

Cc: <sheepco@pyramid.net>, mike BARDSLEY <bardsley.michael.r@gmail.com>

Pat,

A note to inform you of some problems we are having with wild burros and horses on our private property.

Approximately 75 to 80 burros have been entering our properties at the Buffalo Meadows Ranch, T. 33N, R.19E, Sec. 10 and Sec. 15. The burros have broken the fences and have grazed the forage on our property very heavy, if not to the severe level.

Also 30 to 50 burros have been entering our property known as the McDonald Field, T.32N, R20E, Sec. 6 and 7. The same problems are happening there as Buffalo Meadows, fences being destroyed and water and forage being used by the burros.

Probably a dozen horses are entering the Skedaddle Ranch property, T.29N, R.17E, Sec. 2 and 3.

Eight to twelve burros have entered the field at Bull Flat, T.30N, R17E, Sec. 7 and 8.

I would appreciate any help possible from BLM to alleviate this problem

Thank you,

Brent Espil

Burros removed:

2017 Fall/Winer – 2018 Late Summer/Fall: BLM successfully bait traps 64 nuisance burros, off private lands.

2019 – January

Approximately 120 burros have been observed within and adjacent to private lands.

BLM has received additional photos and videos of burros within these same areas.

