

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

**INSTALLATION OF TEMPORARY CORRAL WITHIN THE
GILA BOX RIPARIAN NATIONAL CONSERVATION AREA**

DOI-BLM-AZ-G010-2023-009-CX

DECISION MEMORANDUM

January 11, 2023

**Location:
T5S R27E
Sec. 23 SESWSE**

**Applicant:
Menges Ranches LLC**

**Safford Field Office
711, 14th Ave
Safford, AZ 85546
928-348-4400**

BLM



INSTALLATION OF TEMPORARY CORRAL WITHIN THE GILA BOX NATIONAL RIPARIAN CONSERVATION AREA

DOI-BLM-AZ-G010-2023-009-CX

DECISION

Based on a review of the project described in the attached Categorical Exclusion (CX) documentation and Safford Field Office (SFO), Bureau of Land Management (BLM) staff recommendations, I have determined that the project is in conformance with the Safford District Resource Management Plan (RMP), as amended. The CX is based on site-specific resource analysis disclosed within Safford District Resource Management Plan 1992, 1994 (RMP) as approved in 1992 and amended in 1994. This CX specifically addresses installation of a 30-day, temporary corral to remove livestock within Bonita Creek of the Gila Box Riparian National Conservation Area. It is the Decision of the Safford Field Office to approve the application submitted by Menges Ranches LLC.

A BLM Notice to Proceed (NTP) letter will be issued to the applicant with stipulations. The issuance of the NTP is consistent with the SFO RMP as amended. The NTP would be issued separate from this decision to the applicant.

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 taken, your notice of appeal must be filed at the: Safford Field Office, 711 14th Ave, Safford AZ 85546, within 30 days from receipt of this decision.

The appellant has the burden of showing that the decision appealed from is in error. In accordance with 43 CFR 2931.8 (b) this decision remains in effect pending appeal unless a stay is granted. 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 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 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 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.

DR Table: Authorized Officer Signature and Date

Signature	
	1/12/23
Authorized Officer	Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CATEGORICAL EXCLUSION

INSTALLATION OF TEMPORARY CORRAL WITHIN
THE GILA BOX RIPARIAN NATIONAL
CONSERVATION AREA

DOI-BLM-AZ-G010-2023-0009-CX

January 11, 2023

Location:
T5S R27E
Sec. 23 SESWSE

Safford Field Office
711 S 14th Ave
Safford, AZ 85546
928-348-4400
928-348-4450 (fax)



INSTALLATION OF TEMPORARY CORRAL WITHIN THE GILA BOX RIPARIAN NATIONAL CONSERVATION AREA

DOI-BLM-AZ-L0111-2023-0009-CX

INTRODUCTION

Office: Safford Field Office, Bureau of Land Management (BLM)

Lease/Serial/Case File No: Johnny Creek Allotment No. 46150

Applicant: Menges Ranches LLC

Location of Proposed Action: -109.541649, 32.975653

Description of Proposed Action: The project location is approximately 11.1 miles north of San Jose, Arizona within the Gila Box Riparian National Conservation Area (GBRNCA) outside of the Johnny Creek Allotment. The proposed action is to install a temporary panel corral on the bank of Bonita Creek. The portable corral will be positioned on the west side, away from the flowing channel, near the edge of Red Knolls Road for 30 days. This project will reduce hazards to people and livestock while facilitating the permittee in removing livestock from the GBRNCA. The GBRNCA Plan excluded livestock from riparian areas.

The Bonita Creek floodplain channel is a mixed landscape consisting of boggy, rocky, heavily vegetated, and steep terrain. Livestock can easily avoid capture in this terrain by quickly evading and out maneuver people riding horses. Unhandled or spoiled livestock avoid capture by staying the channel and when they feel threatened, can show dangerous aggression towards those trying to relocate or capture them. The temporary corral location on the floodplain is necessary to facilitate capture due to the livestock's aversion to being relocated into the uplands and desire to remain in the channel. Livestock that can be herded will be pushed into the uplands out of the riparian area. By looking at the amount of sign and sightings, only a couple of big unbranded bulls are expected to be in the area.

The footprint of this project will be approximately 100 feet by 100 feet, and contain several metal panels, gates and two wing extensions off the main corral. This corral is comprised of free standing, portable metal panels and gates. The metal panel wing extensions will attach to the main corral and act as a funnel to guide livestock into the corral entrance gate. The first extension will reach from the west canyon wall to the corral and the second will extend easterly away from the corral, each extension will each span approximately 30 feet. There will not be any posts or ground securement needed to install the corral or wing extensions. The corral entrance gate is manufactured with a locking mechanism which allows livestock to enter and not exit the corral.

Livestock will be baited into the corral with a salt block and a molasses-based protein tub. The salt will be in the form of a portable, 11-inches by 9-inch hard block. The protein tub is portable, plastic tub measuring approximately 24-inches tall and 36-inches in diameter and contains a mostly solid mixture of minerals, vitamins, cooked grain meal protein and molasses. A small

trough will be placed within the corral to provide water to the captured livestock.

The trough shall have a wildlife escape ramp installed. The corral entrance gate will be fashioned in a manner to provide an exit gap for larger wildlife. The 6-foot-tall metal panels have approximately 12-inches of space from the bottom rung to level ground. With the corral being placed on uneven sand, some under panel spaces will be larger than 12-inches further facilitating larger wildlife movement.

Due to the target livestock being influenced or pushed away from the temporary corral area by the presence of people, every second day the permittee will inspect the corral entrance gate, ensure there is water in the trough and for captured livestock. Captured livestock will be removed at the time of inspection. Access to the corral from the Red Knolls Road is possible through the use of an existing two track road. Access is necessary for a tow vehicle and trailer to reach the corral to permit the captured livestock to be loaded on a trailer and to remove the corral. Vehicles will not be authorized to be driven off Red Knolls Road at any other time. See Appendix A for attached maps.

LAND USE PLAN CONFORMANCE

Land Use Plan (LUP) Name: Safford District Resource Management Plan 1992, 1994 (RMP) as amended

Date Approved/Amended: 1992, 1994

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):

GM100- BLM policy requires the use of protective measures during implementation of its rangeland programs to reduce or eliminate adverse environmental impacts and enhance resources.

The following measures apply to developments built in the Environmental Impact Statement area and are common to all alternatives. 1. An interdisciplinary team of resource specialists will review all rangeland development proposals to ensure the greatest multiple use benefits. 2. All proposals will be evaluated in an environmental study of appropriate scope to determine site-specific impacts. The proposed action has been reviewed for conformance with these plans [43 CFR 1610.5, BLM MS 1601.04(C)(2)].

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, Range Management (2) Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.

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 43 CFR Part 46.215 apply.

I considered the staff specialists rationales clearly stated within the Extraordinary Circumstances Review.

CX Table 1. Authorized Officer Signatures and Dates

Signatures	
DUSTY CARPENTER	Digitally signed by DUSTY CARPENTER Date: 2023.01.04 14:07:11 -07'00'
NEPA Coordinator	Date
	1/11/2023
Assistant Field Manager	Date
	1/12/23
Authorized Officer	Date

Contact Person and Project Lead

For additional information concerning this CX review, contact:

Rebecca L. Dees, Rangeland Management Specialist,
BLM Safford Field Office
711 S. 14th Ave, Safford, Arizona 85546,
Phone 928-348-4421

List of Attachments: Appendix A: Four location maps of the Gila Box Riparian National Conservation Area temporary corral project with descriptions.

ATTACHMENT: EXTRAORDINARY CIRCUMSTANCES WORKSHEET

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply.

CX Table 2. Extraordinary Circumstances Worksheet

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: No significant impacts on public health or safety due to the scope, scale and type of action being proposed. The permittee is skilled at handling livestock and the type of activity proposed is a regular occurrence on public lands related to safe capture, handling and removal of livestock on rangelands.	AFM Initials AT
(b) Have significant effects on such unique geographic characteristics as prime farmlands; sole or principal drinking water aquifers; wetlands (EO 11990); or floodplains (EO 11988).			
Yes	No X	Rationale: No. The proposed action will occur within the Bonita Creek floodplain; however, it will have insignificant effects on the floodplain and associated wetlands in Bonita Creek. Alternatives to the proposed action were considered and determined to be ineffectual for the purpose. Large, non-native ungulates such as cattle are known to have significant detrimental effects on riparian/wetland ecosystems including, but not limited to, compaction of soils and destabilization of stream banks caused by trampling, loss of vegetation caused by high levels of herbivory of stabilizing herbaceous riparian vegetation and sapling/young woody riparian vegetation, and effects to water quality due to animal wastes. The proposed action, the installation of a temporary panel corral for removal of cattle from the Gila Box Riparian National Conservation Area, is in conformance with E.O. 11990 in that it serves to minimize the destruction, loss and degradation of wetlands caused by the animals, and the removal of the animals supports preservation of the natural and beneficial values of these wetlands. Removing these animals through this action is also in conformance with E.O. 11988 as it will enable the natural systems to restore and preserve the natural and beneficial values served by floodplains. FEMA has identified Bonita Creek in the National Flood Hazard Layer as a Zone A, Special Flood Hazard Area, from its confluence with the Gila River to the end of FEMA's survey area, approximately 1 mile downstream from the project area. It is likely that FEMA will determine that the project area is also in Zone A if the entirety of Bonita Creek is	Hydrologist Initials MS

		surveyed. As such, considerations concerning timing of deployment should be made to account for periods of high run off derived from seasonal precipitation or snowmelt. Because ground disturbance will be minimal and because the temporary project has a short 30-day duration, no effects to surface water flows or increases in erosion are expected. Removing cattle may have subtle replenishment benefits for aquifers due to increases in infiltration as the natural system restores. There are no NRCS identified prime farmlands within the project area.	
(b) Have significant effects on such natural resources and unique geographic characteristics as park, recreation or refuge lands; national natural landmarks; national monuments; wilderness areas; wild or scenic rivers; or other ecologically significant or critical areas.			
Yes	No X	Rationale: The project is located within the Gila Box NCA; however, the scope and scale of the project are not anticipated to have any significant effects on the unique geographic characteristics of these lands. The project is temporary, does not involve additional development or disturbance to the area. The project as proposed removes a potential resource threat to the resource values recognized within the area.	Outdoor Recreation Initials RL
(b) Have significant effects on such unique geographic characteristics as historic or cultural resources. (g) 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. (i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. (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 (EO 13007).			
Yes	No X	Rationale: No. There would be no significant ground disturbance as the structure is free-standing without need to construct footings nor anchor it down. There are no properties listed, or eligible for listing, on the National Register of Historic Places in within the project locations. This action will not violate any Federal, State or Tribal laws or requirements to protect the environment. No known sacred sites are within the project areas. This action would not preclude access by any group to access ceremonial or sacred sites on Federal lands or adversely impact the integrity of such sacred sites.	Cultural Resources Initials GM
(b) Have significant impacts on migratory birds, or other ecologically significant or critical areas. (h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant effects on designated Critical Habitat for these species.			

Yes	No X	<p>Rationale: No. Ground disturbance is not likely to be significant during the short 30-day duration of the project and therefore, no significant impacts to migratory birds, or other ecologically significant or critical areas. In the Gila Box Riparian National Conservation Area (GBRNCA), which is where the project is located, a large complex enclosure was installed to help prevent livestock from entering the riparian areas of the GBRNCA. According to the SFO Biological Opinion (BO) for the Gila District Grazing Program (22410-2006-F-0414), BLM created a conservation measure to remove unauthorized livestock from areas excluded or closed to grazing. The proposed action would help alleviate grazing compliance issues by removing livestock from the GBRNCA riparian habitat area. The concern associated with the trough in the corrals has been mitigated by installing an escape ramp in the temporary trough. The impacts associated with livestock in confined areas for long durations has been mitigated by the permittee checking the corral every two days and removing any livestock at that time. Per review of the most current SFO GIS data, there is Critical Habitat for the yellow-billed cuckoo (<i>Coccyzus americanus</i>) in the project footprint. With the proposed action occurring on the floodplain along with minimal ground disturbance and no vegetation removal, with the exception of grasses, forbs and small shrubs that may be consumed or trampled by the captured livestock, there will be no negative impact on this species critical habitat or populations. Therefore, there would be “no effect” to Threatened or Endangered Species or Critical Habitat from the Proposed Action.</p>	Wildlife Biologist Initials KF
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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)].

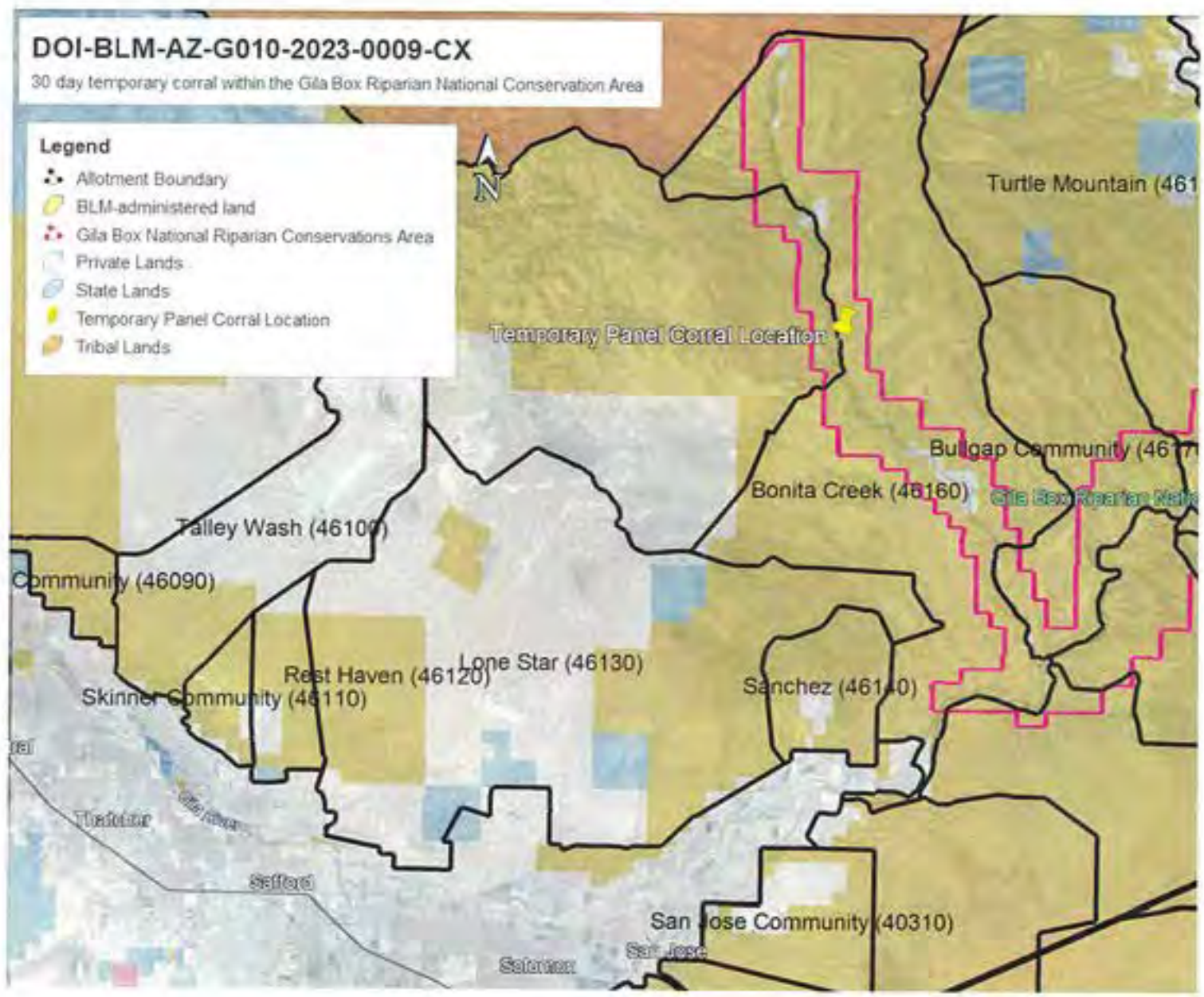
Yes	No X	<p>Rationale: No, the proposed action as proposed does not involve unresolved conflicts concerning alternative uses of available resources. The action is authorized and acknowledged as a use of public lands through the Federal grazing regulations and the Council on Environmental Quality (CEQ) has determined the scope and scale of the project type to be excluded from additional NEPA analysis. The permittee is skilled at handling livestock and the type of activity proposed is a regular occurrence on public lands related to safe capture, handling and removal of livestock on rangelands that stray between natural and manmade boundaries.</p>	AFM Initials AT
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(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No X	Rationale: No. The proposed action or its activities would not cause any conflicts or highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of resources, because the project is temporary, does not involve additional development or disturbance to the area. The project as proposed removes a potential resource threat to the resource values recognized within the area.	Project Lead Initials RD
(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: No, as stated above the proposed action type is both a regular and long-standing use of public lands clearly acknowledged within the BLM grazing regulations as well as standard practice among livestock owners. The use of temporary facilities of this scope and scale on public lands has also been determined by CEQ to be applicable for the exclusion of additional NEPA analysis. Therefore, as proposed, the project is not anticipated to set a future precedent or represent a decision regarding future actions with potentially significant environmental effects.	AFM Initials AT
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.			
Yes	No X	Rationale: No. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The direct relationship to other actions this project has with individually insignificant effects do not rise to cumulatively significant because of the limited size and scope of the previous, potential future actions, and this proposed action. When looked at together, these projects would not impact any resources to a level where additional review would be required. Some past and reasonably foreseeable future actions connected to this proposal all share the same general area but are analyzing different action impacts. The effects of this project type can be generally predicted based on generally known effects of similar project types completed in the area.	Project Lead Initials RD
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			
Yes	No X	Rationale: No. The proposed action does not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). The project is proposed as temporary (less than 30 days), and the proposed action will ensure the project as applied for is in conformance with federal regulation and policy. Several communities within the project area fall within consideration to be environmental justice communities, however, no additional project development or disturbance is proposed for this project.	P&ES Initials DC

(1) 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: No. There are no known noxious weeds at this site and the applicant is required to prevent any introduction of seed associated with the proposed action. The applicant will not be creating any significant ground disturbance through the temporary installation of the portable corral. The applicant will follow BLM handbook "H-1740-2 Integrated Vegetation Management Handbook" Best Management Practices, including cleaning all equipment (thorough removal of soil and plant parts) before entering public land. The applicant will not be transporting any vegetative materials or wood products. The BLM will conduct follow-up monitoring for noxious and non-native weeds after the corral has been disassembled, as there is potential for cattle to introduce and disperse non-native vegetative material and cause infestations.	NR Initials MM




APPENDIX A - PROJECT AREA MAPS



DOI-BLM-AZ-G010-2023-0009-CX

30 day temporary corral within the Gila Box Riparian National Conservation Area

Legend

-  Gila Box Riparian National Conservaton Area
-  Temporary Panel Corral Location
-  Allotment Boundary

