

# Categorical Exclusion Review

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
Four Rivers Field Office

## Woodland Individual Allotment Grazing Preference Transfer

CE No.: DOI-BLM-ID-B010-2010-0022-CX

Lease/Serial/Case File Number: 1103971

**Purpose and Need for Action:** To address the Grazing Preference Application and Preference Transfer Application filed by Agua Caliente, LLC in accordance with the grazing regulations (43 CFR 4110.2-3 Transfer of grazing preference) and the National Environmental Policy Act (NEPA).

Agua Caliente, LLC (Authorization #1103971) purchased the base property from Rod Woodland (Authorization # 1101271), for grazing use on the Woodland Individual Allotment (#00275). Loss of ownership and control of the base property terminates the previous grazing permit immediately (43 CFR 4110.2-1. (d), (Authorization #1101271). Therefore, the acceptance and approval of the valid Application for Transfer of Grazing Preference (Form 4130-1a) would transfer the grazing preference from Rod Woodland (Authorization # 1101271) to Agua Caliente, LLC, (Authorization #1103971).

**Description of Proposed Action:** Transfer of the active grazing preference within the Woodland Individual Allotment (#00275) from Rod Woodland (Authorization # 1101271) to Agua Caliente, LLC, (Authorization #1103971), due to a base property purchase. The terms and conditions of the new permit (Authorization#1103971) would be exactly the same as the existing permit (Authorization#1101271) that was issued on February 20, 2003, and are identified below. The actual issuance of the grazing permit for the Woodland Individual Allotment is processed through a separate action and issued under the authority of Section 416, Public Law 111-88 and contains the same mandatory terms and conditions as the expired or transferred permit or lease. The transfer of grazing preference would occur as shown below:

**From:**

**Authorization # 1101271**

Allotment Name/Number	Livestock #/Kind	Grazing Begin Date	Grazing End Date	% PL	Type Use	AUMs
Woodland Individual (00275)	80 Cattle	04/01	08/31	32	Active	128

**To: Authorization # 1103971**

Allotment Name/Number	Livestock #/Kind	Grazing Begin Date	Grazing End Date	% PL	Type Use	AUMs
Woodland Individual (00275)	80 Cattle	04/01	08/31	32	Active	128

This permit or lease is issued under the authority of Section 416, Public Law 111-88 and contains the same mandatory terms and conditions as the expired or transferred permit or lease. This permit or lease may be canceled, suspended, or modified, in whole or in part to meet the requirements of applicable laws and regulations.

**Allotment Specific Terms and Conditions:**

- 1) Fee are due on the date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date, shall

include the appropriate late fee assessment. Upon failure to make payment within these 30 days, livestock may be considered in trespass.

- 2) As provided in the Code of Federal Regulations CFR 4130.6-2D, you are hereby required to submit a certified actual use report within 15 days after completion of your annual grazing use. Failure to comply could result in the cancellation of your permit in whole or part.
- 3) You are required to perform normal maintenance on the range improvements to which you have been assigned maintenance responsibility as per your signed cooperative agreements.
- 4) Livestock exclosures located within your grazing allotments are closed to all domestic grazing use. It is your responsibility to keep fences in good repair where maintenance has been assigned to you. Permittees who willingly cause or willingly allow their livestock to graze in exclosures closed to grazing will be chared with trespass.
- 5) Salt and/or mineral blocks shall not be placed on public lands within a ¼ mile of springs, streams, meadows, riparian habitats, or aspen stands.
- 6) All appropriate documentation regarding state and/or private leased lands, private lands offered for exchange-of-use, and livestock control agreements must be approved by the authorized officer prior to allowing livestock to graze on public lands.
- 7) The turn-out date shown above will be subject to range readiness. Range readiness occurs once the soils have firmed after the spring thaw, and the physiological requirements of the plants have been met. A copy of the range readiness guidelines is available upon request.

**Project Location:** The Woodland Individual Allotment (#00275) is located approximately 12 miles east of Weiser, Idaho. Public land is located in T. 11 N., R. 3 W., Sections 17, 18, 19, 20, 24.  
(See Attachment 1-Map of Woodland Individual Allotment)

**Applicant (if any):** Agua Caliente, LLC

**Part I – Plan Conformance Review**

**This proposed Action is subject to the following land use plan:** Cascade Resource Management Plan (CRMP)  
**Date Plan Approved:** July 1, 1988

**Remarks:** The proposed action is in conformance with the LUP, because it is clearly consistent with the Range Program Objectives and Recommendations within the Range Management Section of the Cascade RMP.

**Part II – NEPA Review**

- A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 D (Rangeland Management) for the (1) approval of transfers of grazing preference.
- B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. The following Departmental List of Extraordinary Circumstances applies to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may: (Mark applicable answer for each item. If “yes”, prepare an EA/EIS and append this form to it.)

**List of Exceptions**

1. Have significant impacts on public health or safety.

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Christina Handy</i> 7/27/2010
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**Comments/Explanation:** This administrative transfer would not have any significant impacts on public health or safety. Livestock grazing is a recognized and authorized use, as identified in the CRMP.

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 principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive

Order 11988); national monuments; migratory birds; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: Water Quality & Wetlands/Floodplains: <i>J. Allen Tarter</i> 07/28/2010
<i>Comments/Explanation:</i> The allotment contains no unique natural or cultural features that would be affected by this transfer, and no ecologically significant or critical areas occur in the general area of the allotment. No perennial flow regime streams or wetlands exist on this allotment. Water Quality & Wetlands/Floodplains: One .7-mile-long intermittent stream has a healthy population of arroyo willows. No H2O qual. issues exist.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Christina Handy</i> 7/27/2010
<i>Comments/Explanation:</i> This administrative action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]. All known conflicts and controversial effects (such as OHV/livestock grazing) are managed under the CRMP and the grazing permit's terms and conditions.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Christina Handy</i> 7/27/2010
<i>Comments/Explanation:</i> Livestock grazing is an ongoing activity, the continuation of which poses no unique or unknown environmental risks.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Christina Handy</i> 7/27/2010
<i>Comments/Explanation:</i> Transfer of grazing preference without changes from the previous permit, is a routine administrative procedure. This action neither establishes a precedent for future actions nor represents a decision in principle about future actions with potentially significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Christina Handy</i> 7/27/2010
<i>Comments/Explanation:</i> This administrative action does not have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects. The impacts of livestock grazing in conjunction or cumulatively with other on-the-ground activities are already occurring, and would continue at the current rate and intensity as the existing permitted actions. Transferring existing grazing preference with no changes from the current authorization is neither individually nor cumulatively significant.		
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.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Dean C. Shaw</i> 8/2/2010
<i>Comments/Explanation:</i> The affected grazing allotment contains no known properties listed, or eligible for listing, on the National Register of Historic Places.		
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date for Plants: /s/ <i>Mark E. Steiger</i> 8/2/10 Specialist Signature/Date for Wildlife: /s/ <i>Jill Holderman</i> 8/2/2010 Specialist Signature/Date for Fisheries/Aquatics: <i>J. Allen Tarter</i> 07/28/2010
<i>Plants Comments/Explanation:</i> No known federally listed, candidate, or BLM special status plant species occur on public lands within the area of the proposed action.		

*Wildlife Comments/Explanation:* Potential habitat occurs for greater sage-grouse and Southern Idaho ground squirrels, both are candidate wildlife species. The allotment is within Type 2 habitat (annual dominated grassland) and is within three miles of an active lek. Other BLM special status wildlife species may occur within the affected area as well; however, the proposed transfer would not be expected to result in adverse impact because the proposed transfer of grazing privileges would result in no changes to current livestock grazing management.

*Aquatics Comments/Explanation:* No fisheries present as no perennial flow regime streams exist on this allotment.

9. Violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

Yes  No  Specialist Signature/Date: /s/ *Dean C. Shaw* 8/2/2010

*Comments/Explanation:* This routine administrative procedure is consistent and compatible with all known Federal, State, local and Tribal laws or requirements imposed for protection of the environment.

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes  No  Specialist Signature/Date: /s/ *Christina Handy* 7/27/2010

*Comments/Explanation:* There are no known low income or minority populations in the area of the proposed action. However, if low income or minority populations do exist, the transfer of existing grazing privileges would not be expected to have a disproportionately high or adverse effect on these populations.

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).

Yes  No  Specialist Signature/Date /s/ *Dean C. Shaw* 8/2/2010

*Comments/Explanation:* There are no known ceremonial and/or sacred sites on public land in this allotment. However if sites were to be discovered in the future, the continuation of an ongoing activity would not limit access for ceremonial use of Indian sacred sites by Indian religious practitioners; nor would there be adverse affects to the physical integrity of sacred sites.

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).

Yes  No  Specialist Signature/Date: /s/ *Lonnie Huter* 8/2/2010

*Comments/Explanation:* Transferring grazing privileges, for the continuation of current authorized grazing, would not cause additional influences to existing noxious weeds or non-native invasive species.

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

**Remarks:** The transfer of grazing preference would allow for continued management of livestock grazing on an existing allotment, is consistent with the previous grazing authorization, terms and conditions, and on-the-ground management. Transfer of grazing preference to Agua Caliente, LLC, (Authorization #1103971) would be compliant with CFR 4110.2-3.

**Authorizing Official:** /s/ *Terry A. Humphrey*

**Date:** August 5, 2010

**Name:** Terry A. Humphrey

**Title:** Four Rivers Field Manager

### Part III – Decision

I have reviewed this plan conformance and NEPA compliance record statements above and have determined the Proposed Action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to approve the Grazing Preference Application and Preference Transfer Applications submitted by Agua Caliente, LLC, (Authorization # 1103971).

The actual issuance of the grazing permit for the Woodland Individual Allotment is processed through a separate action and issued under the authority of Section 416, Public Law 111-88 and contains the same mandatory terms and conditions as the expired or transferred permit or lease

DOI-BLM-ID-B010-2010-0022-CX

Woodland Individual Allotment

Grazing Preference Transfer (Agua Caliente, LLC)

**Mitigation Measures/Other Remarks:** None

**Remarks:** None

**Authorizing Official:** /s/ *Terry A. Humphrey*

**Date:** August 5, 2010

**Name:** Terry A. Humphrey

**Title:** Four Rivers Field Manager

