

# CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B020-2013-0010-CX

## Transfer of Grazing Preference from Gordon King to Gilbert Gene King

### A. BACKGROUND

**BLM Office:** Bruneau Field Office

**Lease/Serial/Case File No.:** GRN 1101607 & 1104082/1100530

**Proposed Action Title/Type:** Transfer of Grazing Preference from Gordon King Estate through Heart K Ranch Trust to Gilbert Gene King

**Location of Proposed Action:** The Proposed Action involves the East Castle Creek Allotment, located near Grand View, Idaho, 50 miles south of Boise. Townships 5-9 S., Ranges 1-3 E. and 1-2 W., B.M., including various sections of public land. The allotment trends from northeast to southwest and includes elevations ranging from 2,500 feet to 7,000 feet.

**Description of Proposed Action:** The Proposed Action includes: 1) a transfer of Gordon King's 8,220 AUMs of grazing preference (GRN1101607) from the former Gordon King base properties, parts of which are now controlled solely by Rose King, by Gil King, and by Rodger L. Robbins, to the remaining base properties that are under the sole control of the Heart K Ranch Trust. The Proposed Action also includes: 2) a transfer of Gordon King's 278 AUMs of grazing preference (GRN1104082) from only the former Gordon King Castle Creek Ranch base property to the same set of base properties that are now under the sole control of the Heart K Ranch Trust, Gilbert Gene King, Trustee. The Proposed Action finally includes: 3) a transfer of the Heart K Ranch Trust preferences to Gilbert Gene King as an individual based upon a base property lease effective December 29, 2012, and extending until February 28, 2032.

The associated permits are for spring, summer, and winter cattle grazing in permitted pastures and for public lands included in FFR pastures within the East Castle Creek Allotment #0893. They are identical to the permits prescribed for Gordon King and for Owyhee Calcium Products by the February 20, 2009 Final Decisions that were analyzed in Final EA #ID-120-2008-EA-45, with slight clarifications made by the October 30, 2009 'Motion and Stipulation to Dismiss Appeals' and in the 2013 King grazing applications. Once the preference transfers are completed, Gil King will receive this associated permitted use. The permits will be run in common with John Anchustegui during April through June each year and with J-K Cattle Co. during November through January for the remainder of the existing term (until February 28, 2019).

### B. LAND USE PLAN CONFORMANCE

**Land Use Plan Name:** Bruneau MFP

**Date Approved or Amended:** June 1983

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions and objectives:** RM-1, RM-1.1, RM-1.4, RM-1.5, RM-3, RM-3.1, RM-5, RM-5.2, WS-1, WS-1.1, WS-1.2, WL-2, WL-2.1, WL-2.2, WL-2.7, WL-3, WL-3.1, WL-3.2, WL-3.3, WL-4, WL-4.3, WL-4.4, WL-6, WL-6.1, WL(aq)-2,

WL(aq)-2.1, WL(aq)-2.2, WL(aq)-2.3, WL(aq)-2.4, WL(aq)-2.5, WL(aq)-2.6, CRM-1.2, CRM-2.4, VRM-1.1.

**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 D(1).**

**Category Description:** Approval of transfers of grazing preference.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 6 apply.

**The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:**

**1. Have significant impacts on public health or safety.**

Yes  No

*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 Bruneau MFP (1983).

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/13/2013

**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  No  Specialist Signature/Date: /s/ *Bruce C. Schoeberl*, Wildlife Biologist, 6/4/13

*Comments/Explanation:* This allotment is currently undergoing interim management adjustments resulting from 2012 Court Orders (precludes construction of some projects) but with the same objectives identified in the 2009 Decision and subsequent Stipulated Agreement. Consequently, the name change on the permit will not modify management objectives. Therefore, previous assessments specifying no significant impacts or omission of significant impacts are still valid (migratory birds, ecologically significant critical areas).

Yes  No  Specialist Signature/Date: /s/ *Holly Beck*, Botanist, 6/7/13

*Comments/Explanation:* No unique botanical resources would be impacted by the grazing transfer. No management changes are anticipated as a result of the transfer; therefore, no new impacts to botanical resources would occur.

Yes  No  Specialist Signature/Date: /s/ *James D. Mays*, Fisheries Biologist, 6/4/13

*Comments/Explanation:* The Final Decision documents analyzed the potential impacts and mitigation on springs, wetlands and riparian areas/floodplains and also specified monitoring requirements. This transfer will require that all mitigations (exclosure fences, etc.), cattle

management methods, monitoring, and the required terms and conditions from the documents listed above continue to be followed and implemented under the transferred permit.

Yes  No  Specialist Signature/Date: /s/ *Lois Palmgren*, Archaeologist, 6/4/2013  
*Comments/Explanation:* SEE Number 7 below.

Yes  No  Specialist Signature/Date: /s/ *David Draheim*, Outdoor Recreation Planner, 6/4/2013  
*Comments/Explanation:* No management changes would be authorized as a result of the transfer; therefore, no new impacts to visual resources, recreational opportunities, or wilderness would be anticipated to occur. There are no wild & scenic rivers within this proposed transfer area; therefore, no impacts would occur to any outstanding remarkable river values.

**3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**

Yes  No

*Comments/Explanation:* 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 climate change and OHV/livestock grazing) are managed under the Bruneau MFP and the grazing permit terms and conditions.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/13/2013

**4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

Yes  No

*Comments/Explanation:* This administrative action would not have highly uncertain or potentially significant environmental effects, nor would it involve unique or unknown environmental risks. The environmental effects of any livestock grazing associated with the subject base properties and grazing permits have already been documented in Final EA #ID-120-2008-EA45. Environmental conditions of the affected environment are similar to those documented in the EA, so the analysis is still valid.

Specialist Signature/Date: /s/ *Kavi Kalcini*, Ecologist, 5/17/13

**5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.**

Yes  No

*Comments/Explanation:* This administrative action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The proposed action would allow for continued use as identified in the Bruneau MFP, and in the existing permit terms and conditions. The transfer would be implemented as authorized by currently existing Federal Regulations (43 CFR 4100) for livestock grazing/management. Future actions would not be affected or set by this action, as it is already in place and no changes to current actions are being proposed or implemented through this administrative action.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 5/13/2013

**6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.**

Yes  No

*Comments/Explanation:* 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 existing permitted actions that were analyzed under the February 20, 2009 Final EA.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 6/7/2013

**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  No  Specialist Signature/Date: /s/ *Lois Palmgren*, Archaeologist, 6/4/2013

*Comments/Explanation:* This grazing permit is addressed in BLM Cultural reports 09-B-42 & 09-B-38. **Mitigation or Special Stipulations Needed to Protect Cultural Resource Values as reflected in the February 20, 2009 decision.** When range improvements are proposed in the future, impacts to cultural resources will be considered prior to project construction as required by Section 106 of the National Historic Preservation Act. **Per the decision of the Boise District Management Team the following stipulation would transfer with the permit:** Pursuant to 43 CFR 10.4(b), the permittee must notify the BLM Field Manager, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43CFR10.2) on federal land. Pursuant to 43 CFR 10.4 (c), the permittee must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.

**Additionally:** Construction, reconstruction, maintenance or other ground disturbing activities (including range improvement project maintenance) that could affect previously undisturbed ground or involve heavy machinery require advance approval from the authorized officer.

**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  No

Plants Specialist Signature/Date: /s/ *Holly Beck*, Botanist, 6/7/13

*Comments/Explanation:* No special status plants or habitat would be impacted by this transfer. No changes in management would occur; therefore, no new impacts would occur to special status plants.

Wildlife Specialist Signature/Date: /s/ *Bruce C. Schoeberl*, Wildlife Biologist, 6/4/13

*Comments/Explanation:* The status of greater sage-grouse changed during 2010 from Type 2 to Type 1 (Candidate for Federal Listing), and no other changes have occurred to Special Status wildlife species found in this allotment. Even the interim management adjustments resulting from the 2012 Court Orders did not change the management objectives for East Castle Creek identified in the 2009 Decision and subsequent Stipulated Agreement. Grazing management in the East Castle Creek Allotment will be analyzed again during an upcoming permit renewal approximately 3 years following the completion of the Idaho and Southwestern Montana Sub-

Regional Greater Sage-Grouse Planning Strategy EIS (in accordance with the 9/26/2012 Court Order). However, this management analysis and resulting decision are not part of the action associated with this CE. The administrative action itself of transferring grazing preferences to another party or removing a portion of an existing party would translate into the same mandatory and other terms and conditions for the current authorization and would result in no change in any effects on threatened, endangered, proposed, or candidate species under ESA, as well as other Special Status wildlife species analyzed in the 2009 Decision and subsequent Stipulated Agreement that included an assessment of impacts to greater sage-grouse.

Aquatics Specialist Signature/Date: /s/ *James D. Mays*, Fisheries Biologist, 6/4/13

*Comments/Explanation:* No fish species designated as threatened, endangered, or proposed or listing or their critical habitat are found on the allotment.

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

Yes  No

*Comments/Explanation:* This administrative action does not violate any Federal, State, local or tribal laws or requirements imposed for the protection of the environment.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 6/7/2013

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

Yes  No

*Comments/Explanation:* This administrative action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). Low income or minority visitors to the area would not be affected any differently by the proposed activity than any other visitor.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 6/7/2013

**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

*Comments/Explanation:* This administrative action does not 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) because grazing and associated activities do not restrict access to public land.

Specialist Signature/Date: /s/ *Michael Boltz*, Rangeland Management Specialist, 6/7/2013

**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

*Comments/Explanation:*

Transferring grazing preference, for the continuation of current authorized grazing, would not cause additional influences to existing noxious weeds or non-native invasive species.

Specialist Signature/Date: */s/ Lonnie Auter*, Noxious Weed Specialist *6/4/2013*

**D: SIGNATURE**

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.

Authorizing Official: */s/ Aimee D K Betts* Date: *6/10/2013*

Aimee D K Betts  
Acting Field Manager  
Bruneau Field Office

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