

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALMON FIELD OFFICE

Categorical Exclusion

Transfer of grazing privileges – Donald R. Hatch to Lynn A. Herbst; Kenney Creek  
Allotment (06227)

DOI- BLM-ID-I040-2014-0003-CX

**Applicant:** Lynn A. Herbst

**Project/Serial No.:**

**Project Lead:** M. Bonner

**Proposed Action:** Transfer of grazing privileges – Donald R. Hatch to Lynn A. Herbst; Kenney  
Creek Allotment (06227); T. 20N., R. 23E. Sec. 21, 22, 27, 28.

**Consultation and Coordination:** Lynn A. Herbst

**Land Use Plan Conformance Statement:**

Land Use Plan Name: Lemhi Resource Management Plan Date Approved/Amended: April  
1987, as amended in 2001

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 decision(s) (objectives, terms, and  
conditions): Grazing preference transfers are provided for under Code of Federal Regulations  
(CFR) Part 4100.

**Finding or Recommendation:**

The proposed action is categorically excluded as outlined in 516 DM 11.9 D (1), which states  
approval of transfer of grazing preference, CFR 4110.2-3 and none of the extraordinary  
circumstances described in 516 DM 2, Appendix 2 apply.

Preparer /s/ Mark Bonner

Date 3/8/2014

NEPA Reviewer /s/ Kyra L. Povirk

Date 3/12/2014

**Decision and Rationale for the Decision:**

Grazing preference transfer is provided for under federal code (CFR) and is a routine administrative procedure. My decision is to transfer the grazing preference described below based upon application.

**Mandatory Terms and Conditions**

06227 Kenney Creek                      50 Cattle                      05/20 to 08/14 100% Active 143 AUMs

**Allotment Summary (AUMs)**

Kenney Creek #06227                      144 Active                      216 Suspended                      360 Total Aums

**Other Terms and Conditions**

BLM management of the Kenney Creek allotment will continue to emphasize maintenance or improvement of riparian communities.

As provided in 43 Code of Federal Regulations (CFR) 4130.3-2(d), 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.

Field Manager /s/ Linda R. Price

Date 4/1/2014

**Protest/Appeals Information:**

Please refer to 43 Code of Federal Regulation (CFR); Part 4100; Subpart 4160--Administrative Remedies

**Extraordinary Circumstances Requiring  
the Preparation of an EA or EIS**

The action described in categorical exclusion DOI-BLM-I040-2014-0003-CE has been reviewed to determine if any of the following extraordinary circumstances listed below apply, as listed in the Departmental NEPA regulations (43 CFR 46.215).

<b>DM #</b>	<b>Extraordinary Circumstance</b>
2.1	Have significant impacts on public health or safety
2.2	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; and other ecologically significant or critical areas.

<b>DM #</b>	<b>Extraordinary Circumstance</b>
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)].
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
2.7	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.
2.8	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.
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
2.11	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).
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).

**Consideration of Extraordinary Circumstances:**

This CER Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have significant impacts on public health or safety. *Livestock grazing has been authorized on this allotment in the past with no public health and safety issues.*

*Transfer of grazing privilege to continue livestock use on this allotment would not affect public health or safety.*

2. The proposed action would not 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. *The existing environmental analysis for permit renewal (ID-040-9068) documented no major effects on unique geographic features of the area, cultural or historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. *The existing environmental analysis for permit renewal (ID-040-9068) documented no significant environmental impact or conflict with alternative use of resources.*

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. *The existing environmental analysis for permit renewal did not identify any effects on the human environment which are highly uncertain or involve unique or unknown risks. Grazing has occurred in this area prior to the Taylor Grazing Act, 1934 and is a compatible land use.*

5. The proposed 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 does not set precedent or represent a decision in principle about a future management consideration.*

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. *The environmental analysis for permit renewal documents the connected and cumulative impacts with the scope of the analysis area. The cumulative effects of past, present, and reasonably foreseeable actions are considered and disclosed in the impacts section of the analysis. The cumulative effects are not significant.*

7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau. *The proposed action has been considered to not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. The proposed action is also not considered to cause loss or destruction of significant scientific, cultural, or historic resources.*

8. The proposed action would not 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. *There are anadromous Endangered Species Act listed species (bull trout, steelhead, chinook) within Kenney Creek. The reach in which livestock have access has been fenced to exclude grazing use. There would not be an effect on any listed species. Section 7 Endangered Species Act consultation is not required.*

9. The proposed action would not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. *Transfer of grazing privilege is provided for in 43 CFR part 4100 and does not violate any statute or environmental requirement.*

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). *Authorized livestock grazing and transfer or privilege does not adversely affect low income or minority populations due to continuation of the current situation and existing documented environmental analysis in EA ID-040-9068.*

11. The proposed action would 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). *Transfer of grazing privilege would not limit access to or affect the physical integrity of Indian sacred sites. Existing environmental analysis found no affect to native American cultural resources.*

12. The proposed action would not 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). *Transfer of grazing privilege would continue the existing livestock grazing allocation on the allotment. Noxious or non-native invasive species have been identified as an issue on the allotment and has been incorporated into the local integrated weed management plan for Lemhi County with recognized treatment needs.*

**Participating Staff**

Name of Participant	Position Title or Resource Expertise	Comments Provided (Initial One)		Date
		None /	Attached	
Vince Guyer	Wildlife Biologist	VG		1/16/2014
Tricia Miller	Fisheries Biologist	TM		1/16/2014
Steven E. Wright	Cultural Resources	SW		1/16/2014
Christopher Tambe	Noxious/Non-Native Invasives	CBT		1/16/2014
Kyra Povirk	Vegetation	KP		1/16/2014