

**Categorical Exclusion Review**  
 U.S. DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Boise District Office  
 Bruneau Field Office

**N. Sheep Creek and Antelope Field Grazing Preference Transfer**

<b>CE No.:</b> DOI-BLM-ID-B020-2010-0014-CX	<b>Lease/Serial/Case File No.:</b> Redger 1102769 Mary's Creek LLC 110																			
<b>Purpose and Need for Action:</b> To document that the base property lease and application forms submitted by Mary's Creek LLC meets the qualifications described in 43 CFR 4110-Qualifications and Preference.																				
<b>Description of Proposed Action:</b> Transfer the N. Sheep Creek Seeding allotment 00852 and Antelope Field allotment 00858 grazing preference from Shane Redger to Mary's Creek LLC. The preference attached to the base property is described on form 4130-1a Grazing Preference Application and Preference Transfer Application (Base Property Preference Attachment and Assignment) and attached Exhibit "A" submitted by Mary's Creek LLC (Chris Alzola is the authorized representative). John and Chris Alzola are leasing the base property to Mary's Creek LLC. The base property lease submitted by Mary's Creek LLC describes the base property for Shane Redger's preference for these allotments and therefore meets the requirements of 43 CFR 4110.2 Grazing Preference, subparts 4110.2-1, and 4110.2-3 Transfer of Grazing Preference. The preference is also shown in the table below.																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Grazing Preference Attached or Requested to be Attached to Offered Base Property (Under 43 CFR 4110.2-2(c))</th> <th colspan="2" style="text-align: center;">Forage Amount (AUM's) and Use Status</th> </tr> <tr> <th colspan="2" style="text-align: center;">For Grazing Use In:</th> <th rowspan="2" style="text-align: center;">Active</th> <th rowspan="2" style="text-align: center;">Suspended</th> </tr> <tr> <th style="text-align: center;">Allotment Number</th> <th style="text-align: center;">Name</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">00852</td> <td style="text-align: center;">N. Sheep Creek Seeding</td> <td style="text-align: center;">1,029</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">00858</td> <td style="text-align: center;">Antelope Field</td> <td style="text-align: center;">1,112</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>	Grazing Preference Attached or Requested to be Attached to Offered Base Property (Under 43 CFR 4110.2-2(c))		Forage Amount (AUM's) and Use Status		For Grazing Use In:		Active	Suspended	Allotment Number	Name	00852	N. Sheep Creek Seeding	1,029	0	00858	Antelope Field	1,112	0		
Grazing Preference Attached or Requested to be Attached to Offered Base Property (Under 43 CFR 4110.2-2(c))		Forage Amount (AUM's) and Use Status																		
For Grazing Use In:		Active	Suspended																	
Allotment Number	Name																			
00852	N. Sheep Creek Seeding	1,029	0																	
00858	Antelope Field	1,112	0																	
<p>The following is from form 4130-1a "IMPORTANT INFORMATION: Upon BLM approval of this application, BLM will update its records to reflect the change in preference holders and/or attachments of preference to base property. BLM will act upon the application for the grazing permit or lease concurrently through a <i>separate process (italics added)</i> which will include a review and possible change to the terms and conditions of grazing use from that authorized to the previous preference holder. On a regional basis, BLM land use plans identify those public lands that are available for grazing use under a permit or lease. The terms and conditions of such permits and lease periodically changed to response to management needs or circumstances."</p> <p>In this case, the "<i>separate process</i>" will not include a review and possible change to the terms and conditions because "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 part to meet the requirements of applicable laws and regulations."</p>																				
<b>Project Location:</b> T. 13 S., T. 14 S., T. 15 S., R. 5 E. (various sections) and also described as N. Sheep Creek Seeding #00852 and Antelope Field #00858 allotments.																				
<b>Applicant</b> (if any): Mary's Creek LLC																				

**Part I – Plan Conformance Review**

**This proposed Action is subject to the following land use plan:** Not applicable

**Date Plan Approved:** Not applicable

Remarks: This CE only authorizes the transfer of the grazing preference from Shane Redger to Mary’s Creek LLC. The next step in the process, issuance of the grazing permit to Mary’s Creek LLC, is not subject to modification or review because “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 part to meet the requirements of applicable laws and regulations.”

**Part II – NEPA Review**

- A. Categorical Exclusion Review: Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.5,D (1) Category description: 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 apply 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  No  Specialist Signature/Date: /s/ Jon Haupt 3-29-2010

*Comments/Explanation:* The transfer of existing grazing privileges with no additional use(s) authorized is an administrative function with no effects to public health or safety.

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: *Lois Palmgren, Archaeologist March 22, 2010*

Yes  No  Specialist Signature/Date: *David Draheim, Outdoor Recreation Planner, March 24, 2010*

Yes  No  Specialist Signature/Date: *Bruce C. Schoeberl, Wildlife Biologist, March 22, 2010*

*Comments/Explanation:* There will be no changes in management so previous assessments specifying no significant impacts or omission of significant impacts are still valid (migratory birds, ecologically significant critical areas; BCS)

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

Yes  No  Specialist Signature/Date: /s/ Jon Haupt 3-29-2010

*Comments/Explanation:* The proposed transfer of grazing preference is an administrative action and is separate from the actual issuance of the grazing permit (see **Part I Plan Conformance Review – Remarks** above).

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

Yes  No  Specialist Signature/Date: /s/ Jon Haupt 3-29-2010

*Comments/Explanation:* This action is an administrative action and separate from the actual issuance of the grazing permit (see **Part I Plan Conformance Review – Remarks** above).

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/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i> Transfer of grazing preference <b>without changes from the previous permit, is a routine administrative procedure. This action neither</b> 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/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i> 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 type="checkbox"/>	Specialist Signature/Date: <i>Lois Palmgren</i> , Archaeologist, March 22, 2010
<i>Comments/Explanation:</i> A review of cultural resource records indicates that there are eligible properties present in the allotments. The action is administrative only and will not have significant impacts on the eligible properties.		
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: <i>Holly Beck</i> , Botanist, March 22, 2010 Specialist Signature/Date for Wildlife: <i>Bruce C. Schoebel</i> , Wildlife Biologist, March 22, 2010 Specialist Signature/Date for Aquatics: <i>Havi Holm</i> , Ecologist, March 23, 2010
Plants <i>Comments/Explanation:</i> Transfer of this grazing permit will not have any impact on special status plants. No changes in management is expected as part of this action.		
Wildlife <i>Comments/Explanation:</i> There will be no changes in management so previous assessments for Type 1 Special Status wildlife species specifying no significant impacts are still valid.		
Aquatics <i>Comments/Explanation:</i>		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i> 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i> 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i>		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ Jon Haupt 3-29-2010
<i>Comments/Explanation:</i> Transferring grazing preference is an administrative action and separate from the actual issuance of the grazing permit (see <b>Part I Plan Conformance Review – Remarks</b> above).		

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:

Authorizing Official: /s/ Arnold L. Pike

Date: 3-29-2010

Name: Arnold L. Pike

Title: Bruneau Field Manager

**Part III – Decision**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures either identified below or with the stipulation(s) described above.

Mitigation Measures/Other Remarks: None

Remarks: None

Authorizing Official: /s/ Arnold L. Pike

Date: 3-29-2010

Name: Arnold L. Pike

Title: Bruneau Field Manager