United States Department of the Interior
Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2015-61-CX

July 2015

Grazing Preference Transfer (Base Property Lease) from Circle Four Farms Yardley Living Trust (c/o Michael D. Yardley)

Location: **Hanson Allotment, Beaver County, Utah**

Applicant/Address: **Yardley Living Trust**
Michael D. Yardley
PO Box 800
Milford, UT 84713

Bureau of Land Management
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Phone: 435-865-3000

BLM

CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE

A. Background

BLM Office: Cedar City Field Office **Lease/Serial/Case File No:** Case File No. 4304357

Proposed Action Title/Type: Grazing Preference transfer (Base Property Lease) from Circle Four Farms to Yardley Living Trust (c/o Michael D. Yardley).

Location of Proposed Action: Hanson Allotment in the Cedar City Field Office, Beaver County, Utah

Description of Proposed Action: The Proposed Action would authorize the grazing preference transfer (Base Property Lease) of the Hanson Allotment from Circle Four Farms to Yardley Living Trust (c/o Michael D. Yardley). The grazing permit would be issued in accordance with Section 3023 in Public Law 113-291 *Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015* amended Section 402 of the FLPMA, which states the following. "CONTINUATION OF TERMS UNDER NEW PERMIT OR LEASE.—The terms and conditions in a grazing permit or lease that has expired, or was terminated due to a grazing preference transfer, shall be continued under a new permit or lease until the date on which the Secretary concerned completes any environmental analysis and documentation for the permit or lease required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws." The Categorical Exclusion review for extraordinary circumstances is document below.

B. Land Use Plan Conformance

Land Use Plan Name: Cedar Beaver Garfield Antimony Resource Management Plan

Date Approved/Amended: 1986

The Proposed Action (Grazing Transfer) is in conformance with the LUP, which states in Range Decision B.2, "Continue current management practices to maintain or improve on resource conditions and to meet the objectives shown for the allotments which have been identified in Range Table 6 as generally conforming to the following characteristics (Maintain Management Allotments).

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 2, Appendix 1, D (1): Approval of transfers of grazing preference. In addition, Section 3023 in Public Law 113-291 allows authorization of grazing Section 3023 in Public Law 113-291 states the following: "CONTINUATION OF TERMS UNDER NEW PERMIT OR LEASE.—The terms and conditions in a grazing permit or lease that has expired, or was terminated due to a grazing preference transfer, shall be continued under a new permit or lease until the date on which the Secretary concerned completes any environmental analysis and documentation for the permit or lease required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws."

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.

D: Signature

Authorizing Official: Dan Fletcher Acting for Date: 8/24/15

Elizabeth R. Burghard
Field Manager

Contact Person

For additional information concerning this CX review, contact Dan Fletcher, Assistant Field Manager (435) 865-3049.

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Dan Fletcher	08/03/2015
Areas of Critical Environmental Concern	No	Dave Jacobson	8-18-2015
Cultural Resources	No	Jamie Palmer	8/4/2015
Environmental Justice	No	Dan Fletcher	08/03/2015
Farm Lands (prime or unique)	No	Dan. Fletcher	08/03/2015
Floodplains	No	Dan Fletcher	08/03/2015
Invasive Species/Noxious Weeds	No	Jessica Bulloch	08/19/15
Migratory Birds	No	Sheri Whitfield	08/10/15
Native American Religious Concerns	No	Jamie Palmer	8/4/2015
Threatened, Endangered, or Candidate Species	No	Sheri Whitfield	08/10/15
Wastes (hazardous or solid)	No	Glenn. Pepper	8/20/2015
Water Quality (drinking or ground)	No	Dan Fletcher	08/03/2015
Wetlands / Riparian Zones	No	Adam Stephens	8/18/15
Wild and Scenic Rivers	No	Dave Jacobson	8-18-2015
Wilderness	No	Dave Jacobson	8-18-2015
Other:			

*Extraordinary Circumstances apply

Environmental Coordinator Maria Genovese Date: 8/24/15

ATTACHMENTS

Project Map

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

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

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	**No** X	**Rationale:** The Proposed Action is a continuation of existing grazing management within the Hanson Allotment. No impacts caused by livestock grazing to public health or safety have been identified; therefore, the action would not result in potentially substantial or adverse impacts to public health and 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; and other ecologically significant or critical areas.		
Yes	**No** X	**Rationale:** There are no unique geographic characteristics, park, recreation, refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, etc… within the project area. Although migratory birds may be present throughout all public lands a grazing management system has been previously identified for the Hanson Allotment and previous analysis and authorizations are considered adequate at this time.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	**No** X	**Rationale:** The impacts of the continuance of the action are well known, not considered highly controversial and have been demonstrated within numerous Grazing Permit Renewal Projects that have fully processed existing grazing permits within the Cedar City Field Office. Grazing permit renewal decisions have been issued within grazing allotments in the vicinity of the project area and no public concern has been expressed. The Hanson Grazing Permit Renewal was completed in 2008 and there was not protest or appeal of the decision.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	**No** X	**Rationale:** The impacts of livestock grazing are well known and documented on public lands. The livestock permittee would continue utilizing the existing grazing management system.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		

Extraordinary Circumstances		
Yes	No X	**Rationale:** The Proposed Action would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Completion of the CX does not establish a precedent for transfer of grazing preference. Any transfer of grazing preference actions would be analyzed on their own merits.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	**Rationale:** Past and present activities in the Hanson Allotment include livestock grazing, hunting, firewood cutting, fire suppression activities, development of water sources and road construction. No significant cumulative impacts have been identified through this action. Past, present, and reasonably foreseeable future actions on-going in the cumulative impact assessment area would not result in cumulatively significant impacts
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	**Rationale:** The action complies with the National Historic Preservation Act. Implementation would have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because the size of the project area relative to the limited number of permitted livestock would ensure that grazing is dispersed. The action would also not cause loss or destruction of significant cultural or historical resources.
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.		
Yes	No X	**Rationale:** No species listed under the ESA of 1973 or BLM Special Status Species are known to occur within the area of analysis; and therefore, the project would not result in impacts to any listed species or their habitat. The action complies with the Endangered Species Act, in that potential effects of this decision on listed species have been analyzed and documented. The action would not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, as amended.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	**Rationale:** The action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

Extraordinary Circumstances		
Yes	**No**	**Rationale:** The action would have no disproportionately high or adverse human health or other environmental effects on minority or low-income segments of the population.
	X	
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**	**Rationale:** The action would not limit access and ceremonial use of Indian sacred sites or adversely affect the integrity of sacred sites within the Hanson Allotment.
	X	
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**	**Rationale:** This action would not contribute to the introduction and/or spread of noxious weeds.
	X	