UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE

CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

A. Background

Subject Function Code: 4130
Categorical Exclusion (CX) Number: DOI-BLM-ORWA-B060-2016-0004-CX
Date: December 14, 2015
Grazing Permit Number: 3600261
Preparer/Title: Autumn Toelle, Rangeland Management Specialist
Title of Proposed Action: Livestock Grazing Permit #3600261 Renewal
Legal Description: Scharff Fenced Federal Range (FFR) is located approximately 11 air miles from Frenchglen in the Andrews Resource Area (RA). See attached vicinity map (A) and location map (B).

Description of Proposed Action: The Bureau of Land Management (BLM) would authorize grazing by livestock on the Scharff FFR by issuing grazing permit #3600261. This would permit livestock to graze on the allotment at the level shown in the table below for a term not to exceed 10 years.

Allotment Name	Allotment Number	Livestock Type	Livestock Number	Season of Use	%Public Land Forage (%PL)	Active Animal Unit Months (AUM)
Scharff FFR	06130	Sheep	1500	6/20–10/1	2	21

The proposed action is a continuation of the current grazing management of the allotment. Current management is consistent with BLM regulatory guidance and land use plan (LUP) objectives and is conforming to guidelines for livestock grazing management (further referred to as Guidelines) and assessment of the allotment has found that Oregon and Washington standards for rangeland health (further referred to as Standards; Standards and Guidelines together are referred to as S&Gs; 43 CFR 4180.2, 1997) have been achieved.

B. Standards for Rangeland Health Assessment

The authorized officer has made the determination that the allotment is achieving all S&Gs. The determination was based on indicators of rangeland health, photo monitoring, actual use, and professional observation and was completed in 2015 by the interdisciplinary team (IDT).

Achieved Standards

1. Watershed Function - Uplands
2. Watershed Function - Riparian
3. Ecological Processes
4. Water Quality
5. Native, Threatened or Endangered (T&E) and Locally Important Species

C. Conformance with LUP

LUP Name and Date Approved/Amended: Andrews Management Unit (AMU) and Steens Mountain Cooperative Management and Protection Area (CMPA) Resource Management Plan (RMP)/Record of Decision (ROD), August 2005, as amended by the Oregon Greater Sage-Grouse Approved RMP Amendment (ARMPA) and the ROD for the Great Basin region including the Greater Sage-Grouse sub-regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah, approved September 2015.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The AMU/Steens Mountain CMPA RMP identifies Scharff FFR as available for livestock grazing in Appendix J, page J-74. The RMP expectation is continued livestock grazing at current levels, unless changes are shown to be warranted through rangeland monitoring and evaluation as analyzed in a S&G determination. This allotment was assessed and determined to be achieving all Standards and conforming with Guidelines; therefore, no change in livestock grazing levels is warranted.

D. Compliance with the National Environmental Policy Act (NEPA) of 1969, and Federal Land Policy and Management Act (FLPMA) of 1976, as Amended

Section 402 of FLPMA of 1976 (43 U.S.C. 1752), as amended by the *Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015*: Section 402(c)(2), in accordance with Section 401(a) of FLPMA, authorizes permits and leases to a qualified applicant for domestic livestock grazing on public lands to be for a term of 10 years, subject to terms and conditions consistent with the governing law. Section 402(h)(1) - of FLPMA states that in general - the issuance of grazing permit or lease by the Secretary concerned may be categorically excluded from the requirement to prepare an environmental assessment (EA) or an environmental impact statement (EIS) under NEPA (1969) (42 U.S.C. et seq.) if; 1.The issued permit or lease continues the current grazing management of the allotment; and 2. Land health assessment or evaluations have been completed in accordance with Manual Handbook H-4180-1; and 3. Based on the assessment and evaluation, the authorized officer concludes that the allotment (a) is meeting land health standards; or (b) is not meeting land health standards due to factors other than existing livestock grazing. The grazing permit/lease being renewed under this CX meets these requirements.

This CX review was conducted by an IDT, which utilized all available allotment information to make a recommendation. As documented below, the IDT found that the proposed action did not trigger any of the extraordinary circumstances described in 516 Department Manual (DM) 2, Appendix 2.

CX Review and Screening for Extraordinary Circumstances:

The following extraordinary circumstances (43 CFR 46.215) may apply to individual actions within the CXs. The indicated specialist recommends the proposed action does *not*:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION*

(a) Have significant impacts on public health or safety.

Rationale: Continued livestock grazing would not result in new impacts on public health or safety.

Specialist: John Petty, Safety Officer

Signature and Date: 12/14/15

(b) 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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Recreation/Visual Resources

Rationale: No new impacts will result with the renewal of the grazing permit.

Specialist: Mandy DeCroo, Recreation Specialist

Signature and Date: Mandy DeCroo 12/14/15

Wilderness/Wild and Scenic River (WSR) Resources

Rationale: No new impacts will result with the renewal of the grazing permit.

Specialist: Tom Wilcox, Wilderness Specialist

Signature and Date: 12/14/2015

Water Resources/Flood Plains

Rationale: The proposed action to continue livestock grazing as it currently exists within the Scharff FFR would not negatively effect flood plain or any of the available water resources on BLM administered land.

Specialist: Jarod Lemos, Natural Resource Specialist (NRS) Riparian

Signature and Date: JLemos 12/14/15

Migratory Birds

Rationale: The proposed action to continue livestock grazing as it currently exists would not alter any of the available landscape; there would be no effect to migratory birds or their habitat.

Specialist: Andy Daniels, Wildlife Specialist

Signature and Date: Andrew J Daniels 12-14-15

Areas of Critical Environmental Concern (ACEC)/Research Natural Areas (RNA)

Rationale: There are no ACECs/RNAs within the Scharff FFR; therefore, there will be no effects with the renewal of the grazing permit.

Specialist: Caryn Burri, NRS Botany

Signature and Date: 12.14.15

Soils, Biological Soil Crust (BSC), Prime Farmlands

Rationale: No new impacts to soils and BSCs would result with the renewal of the grazing permit. There are no Prime Farmlands within the Scharf FFR.

Specialist: Caryn Burri, NRS Botany

Signature and Date: 12.14.15

Historic and Cultural Resources

Rationale: There would be no additional effects to cultural or historic resources associated with this proposed action.

Specialist: Scott Thomas, District Archeologist

Signature and Date: Scott P. Thomas 12-14-15

(c) 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.

Endangered or Threatened Species – Fauna

Rationale: There are no threatened or endangered species in this FFR, so there would be no effect to these species as a result of the proposed action. There will be no changes occurring on the ground to alter the available habitat that is currently there.

Specialist: Andy Daniels, Wildlife Specialist

Signature and Date: Andrew J Daniels 12-14-15

Endangered or Threatened Species – Aquatic

Rationale: There are no documented aquatic Federal Threatened or Endangered (T&E), or BLM Special Status Species (SSS) located within the Scharff FFR. Therefore, the renewal of the grazing permit will have no effect to these resources.

Specialist: Jarod Lemos, NRS Riparian

Signature and Date: J Lemos 12/14/15

Endangered or Threatened Species – Flora

Rationale: There are no documented Federal T&E plant species, nor designated critical habitat, located within the Scharff FFR. One BLM Special Status Plant, *Agstache cusickii* (AGCU; Cusick's giant hyssop), has been documented within the Scharff FFR. This SSS plant is on List 3/4 of the Oregon Biodiversity Information Center (ORBIC). This means that more information is needed before the actual status can be determined. The status may be T&E in Oregon or throughout its range; or the status may be that this species is not currently T&E, just rare and currently secure or declining but still too common to be proposed as T&E. Because this species has not trended towards listing under the currently grazing plan, renewing the grazing permit under the current plan would have no effect on AGCU in the future.

Specialist: Caryn Burri, NRS Botany

Signature and Date: 12-14-15

(d) 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.

Rationale: There will be no additional effects to National Register eligible sites associated with this proposed action.

Specialist: Scott Thomas, District Archeologist

Signature and Date: 12-14-15

(e) 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).

Rationale: Their will be no effects to access or integrity of Indian sacred sites associated with this proposed action because there are no known specific sacred sites in the project area. However, Steens Mountain is considered a spiritual place by the Burns Paiute Tribe, although specific locations of tribal spiritual use are known by BLM.

Specialist: Scott Thomas, District Archeologist

Signature and Date: 12-14-15

(f) Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).

Rationale: Noxious weeds are known to be present in and in close proximity to these areas. Treatments are on-going. The weeds are currently not present in sufficient quantity to be considered a significant impact in these allotments.

for *Specialist:* Lesley Richman, District Weed Coordinator

Signature and Date: 12/14/2015

(g) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)).

Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The permit renewal is for an existing permit within an existing allotment; the standards for rangeland health have been achieved, and there will be no change from current management.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

(h) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Rationale: There are no highly uncertain and potentially significant environmental effects, nor are unique or unknown environmental risks involved. The permit renewal is for an existing permit within an existing allotment; the standards for rangeland health have been achieved, and there will be no change from current management.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

(i) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The permit renewal is for an existing permit within an existing allotment; the standards for rangeland health have been achieved, and there will be no change from current management.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

(j) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The permit renewal is for an existing permit within an existing allotment; the standards for rangeland health have been achieved, and there will be no change from current management.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

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

Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The permit renewal is for an existing permit within an existing allotment; the standards for rangeland health have been achieved, and there will be no change from current management.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

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

Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature and Date: 12/14/2015

*Numbering is not based on numbering from Extraordinary Circumstances checklist from 43 CFR 46.215.

E. Signatures

Specialist: Stacy Fenton, Geographic Information Specialist

Signature: Stacy Fenton Date: 12/14/15

RMP conformance and CX review confirmation:

Specialist: Emily Erwin, Planning and Environmental Coordinator

Signature: Date: 12/14/2015

Management Determination: Based upon review of this proposal, I have determined the proposed action is in conformance with the LUP, qualifies as a CX, and does not require further NEPA analysis.

Authorized Officer: Rhonda Karges, Andrews/Steens Resource Area Field Manager

Signature: Rhonda Karges Date: 12/16/15

F. Contact Person

For additional information concerning this CX review, contact Autumn Toelle, Rangeland Management Specialist, BLM, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573-4400.

Decision:

It is my proposed decision to implement the proposed action as described above (section "A" of the CX) to issue a fully processed grazing permit for the Scharff FFR.

Rationale:

The decision to implement the proposed action to graze livestock is made under the following authorities; Taylor Grazing Act of 1934, as amended, and FLPMA (of 1976) as promulgated through Title 43 CFR, Subpart 4100 - Grazing Administration.

The grazing permit being issued under the above CX conforms to the applicable LUP, and meets the requirements in accordance with Section 402 of FLPMA (of 1976) as amended by the *Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015*. See sections "C" and "D" of the CX.

Pursuant to 43 CFR 4110.1(b), a grazing permit may not be issued if the permittee does not have a satisfactory record of performance in respect to previous grazing permit(s). I have reviewed BLM's applicable records and determined that the applicant has a satisfactory record of performance.

Protest and Appeal Procedures:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under 43 CFR 4160.1 and 4160.2, in person or in writing to Rhonda Karges, Field Manager, Andrews/Steens Resource Area, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

A protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted; a protest must be printed or typed on paper and submitted in person or by mail.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

United States Department of the Interior
Office of Hearings and Appeals
351 South West Temple, Suite 6.300
Salt Lake City, Utah 84101

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and on any person(s) named (43 CFR 4.421 (h)) in this decision.

Standards for obtaining a stay—except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

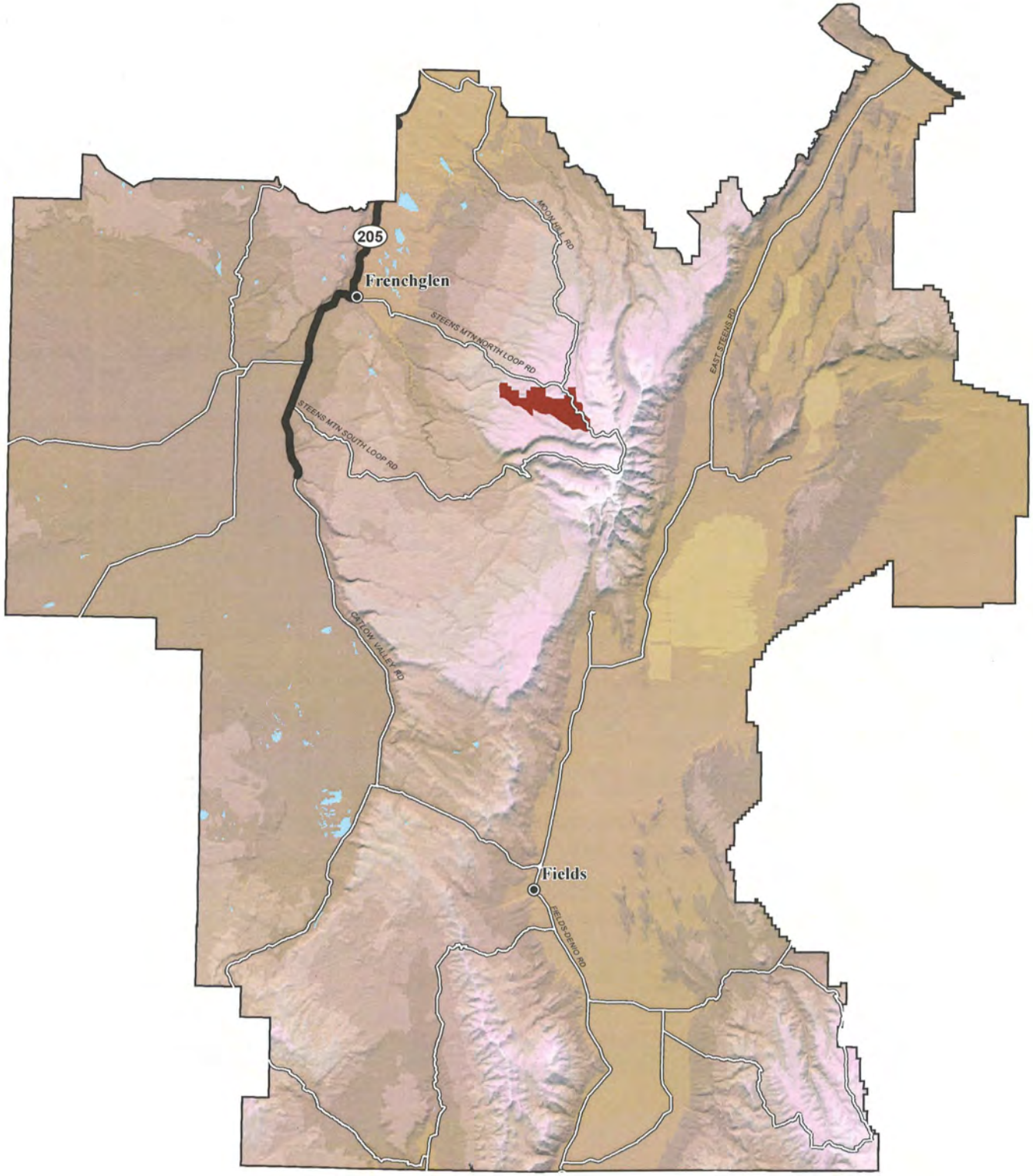
(1) The relative harm to the parties if the stay is granted or denied,
(2) The likelihood of the appellant's success on the merits,
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer, must be written or typed on paper, and must be served in person or by mail at the same time the notice of appeal is served..

Authorized Officer: Rhonda Karges, Andrews/Steens Resource Area Field Manager

Signature: Rhonda Karges Date: 12/16/15

Map A
Scharff FFR Permit Renewal
Andrews Resource Area



Allotment Boundary

Andrews Resource Area Boundary

Highways

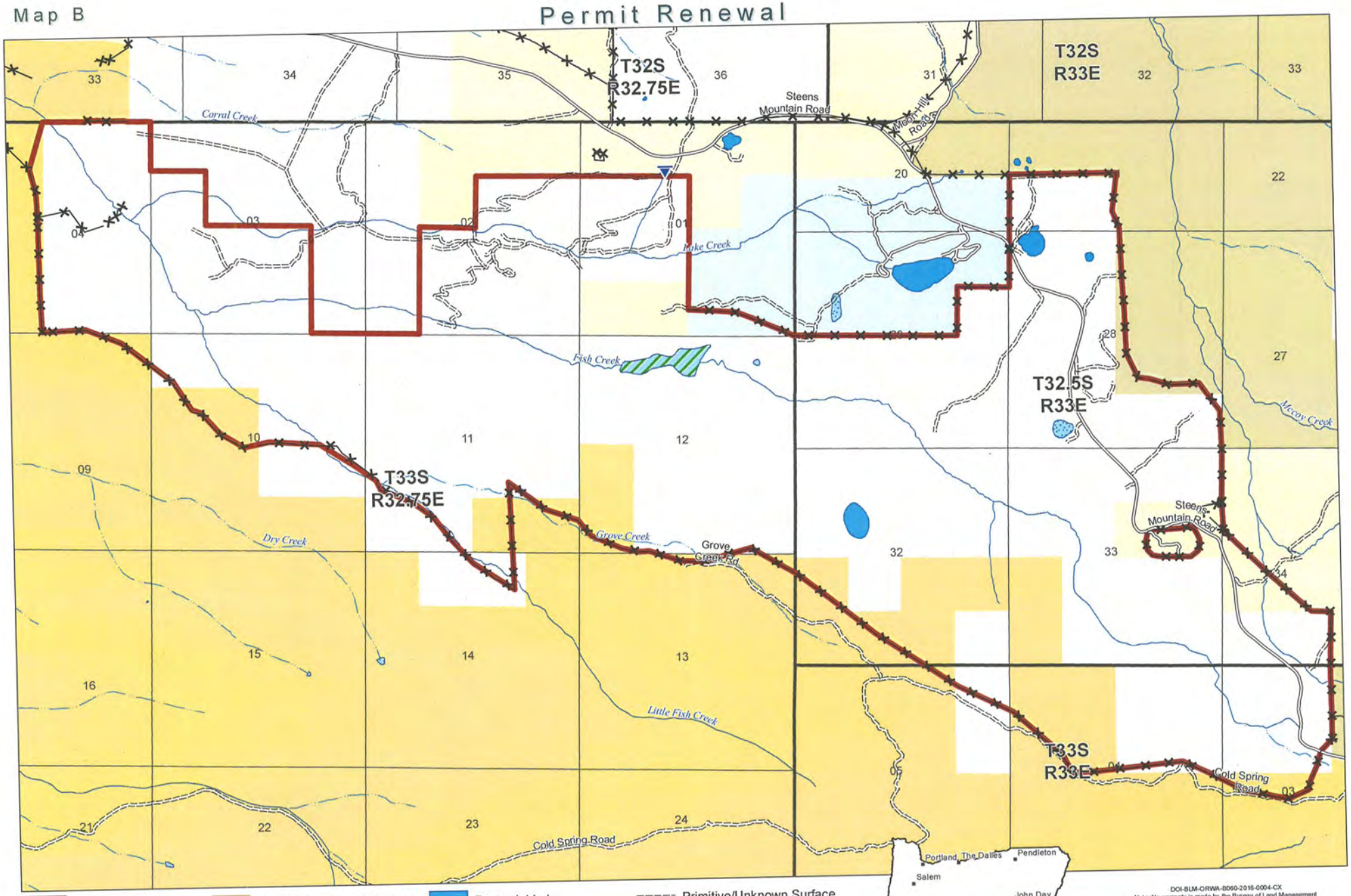
Not All Roads Are Shown

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

DOI-BLM-ORWA-B060-2016-0004-CX
US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

12/9/2015 atoelle
W:\Scharff FFR\CX_Map_A.mxd

0 3.25 6.5 13 Miles

Map B

Scharff FFR Permit Renewal