

**United States Department of the Interior
Bureau of Land Management**

DOI-BLM-MT-C020-2016-0099-CX

May 19, 2016

RUGG ALLOTMENT GRAZING TRANSFER

Location:

**Custer County
T 9N, R 55E, Sections 2, 14, and 22**

U.S. Department of the Interior
Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, MT 59301
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UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

A. Background

BLM Office: Miles City Field Office

Authorization Number: 2502624

NEPA Number: DOI-BLM-MT-C020-2016-0099-CX

Proposed Action Title/Type: Rugg Allotment (01122) Permit Transfer

Location of Proposed Action: Custer County (see attached map)
T 9N, R 55E, Sections 2, 14, and 22

Greater Sage-Grouse Habitat Management Area: General Habitat Management Area

The Rugg Allotment (01122) is located in northeastern Custer County. The southern boundary of the allotment is one mile north of Ismay, MT. The Allotment consists of 1,200 acres of Land Use land in three separate pastures. All pastures are fenced separate of private lands except Section 22 which includes 80 acres of private land in the southeastern corner of the pasture. There are 338 Active AUMs permitted in the allotment for cattle to be used from April 1 until December 15. The allotment was assessed for and met Land Health Standards in July 1999 and 2015. The allotment is located within the boundary of the General Habitat Management Area for Greater sage-grouse. The allotment contains minimal sagebrush and is not typical sage-grouse habitat. Section 2 is a mix of native grass and crested wheatgrass with a portion of Pennel creek running through the unit. Section 14 is an old homestead field that consists entirely of crested wheatgrass. Vegetation in Section 22 is typical of a native mixed grass prairie community.

Description of Proposed Action: The applicants provided a lease showing control of the base property for the Rugg Allotment (01122). The proposed action is to ensure the allotment continues to meet Standards for Rangeland Health and transfer the grazing permit to the applicants. The term of the permit would be from May 1, 2016 to February 28, 2026. The grazing permit would be issued with no changes to the terms and conditions from the previous permit and will be issued as follows:

Table 1. Terms and conditions for Authorization #2502624.

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Rugg 01122	39	Cattle	04/01	12/15	100	A	332
	1	Cattle	04/01	12/15	100	C	6

Total Active AUMs: 338

Terms and Conditions:

- Supplemental feed (including salting) will not be placed within one quarter of a mile of stock watering facilities, riparian zones, hardwood draws, or wetlands. Supplemental feed is defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands.
- The authorized officer reserves the right to modify annual grazing authorizations as long as the modification is consistent with the management objectives, standards for rangeland health and remains within the permitted AUMs and designated season of use.
- Any changes in livestock numbers, turnout and removal dates, and livestock movements, other than those on the grazing permit, billing authorization, or grazing application, must be approved in advance by the BLM’s authorized officer.
- Grazing use will be authorized by each pastures carrying capacity. Total livestock use will not exceed the designated carrying capacity.
- Pasture authorizations: Turtle pasture (Section 2) - 49 AUMs, Crested pasture (Section 14) – 153 AUMs, Bird pasture (Section 22) – 136 AUMs.
- Initial livestock turnout will be into the crested pasture. Other pastures will follow utilizing a deferred rotational grazing system.

B. Land Use Plan Conformance

Land Use Plan Name: Miles City Approved Resource Management Plan (ARMP)
Date Approved/Amended: 2015

The proposed action is in conformance with the plan because it is specifically provided for it in the Land Use Plan decision. All of the allotments that potentially would involve renewal or transfers of grazing preference were recognized, designated as being open to livestock grazing, and allocated grazing use.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the following:

Compliance with FLPMA Section 402(h)(1) Criteria for Application of Categorical Exclusion used to Issue a Grazing Permit or Lease:

1. The permit or lease continues the current grazing management of the allotment(s).

2. A land health assessment and evaluation have been completed in accordance with Manual Handbook H-4180-1.
3. The Authorized officer concludes from the findings of the evaluation report that:
 - a. The public land subject to the evaluation is meeting land health standards, or
 - b. The public land subject to the evaluation is not meeting standards due to factors other than current livestock grazing

Compliance with IM-2015-121:

1. Existing grazing is consistent with land use plan and any applicable allotment management plan objectives and decisions. Most recent Evaluation Report and Land Health Determination and any subsequently collected monitoring data documents that the allotment(s) included in the permit meet land health standards or that factors other than existing livestock grazing are the cause for allotment(s) failing to meet the standards.
2. The 12 extraordinary circumstances (below) in 43 CFR 46.215 were reviewed and one or more extraordinary circumstances does not exist:

Extraordinary Circumstances		
The project would:		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: There would be no significant impacts to public health or safety. <i>KD 5/19/2016</i>
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: The proposed action will not impact natural resources or unique geographic characteristics listed above. An interdisciplinary team has reviewed the resources of the human environment and other resources. No new resources or impacts were identified. <i>KD 5/19/2016</i> There are ongoing efforts to develop managements strategies for the Greater Sage Grouse, currently listed only as a BLM sensitive species. In addition, it is anticipated that the Greater Sage Grouse has been thoroughly discussed and analyzed in the Miles City ARMP. <i>FAP 5/25/2016</i>
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: There would be no controversial or unresolved conflicts. Livestock grazing is well established and a highly analyzed use of public land. <i>KD 5/19/2016</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: There would be no significant environmental effects or risks. Livestock grazing is well established and a highly analyzed use of public land. Based on the interdisciplinary review, new circumstances were not identified and the consequences of the proposal remain certain. <i>KD 5/19/2016</i>
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The action is not connected to another action that would require additional environmental analysis. <i>KD 5/19/2016</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: There would be no cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1999. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS. <i>KD 5/19/2016</i>
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 X	Rationale: A review of Montana SHPO and BLM Cultural and Paleontological Databases shows that no cultural sites and one paleontological locality have recorded on public lands in the allotment. Transferring the grazing permit would not impact the locality (See BLM Cultural Resources Report MT-020-16-111). The proposed action meets the inventory exemption criteria found in BLM's Montana/Dakotas Cultural Resources Handbook H-8110-1, Appendix One, Range 1. Issuance of a grazing permit is an action that generally does not involve any direct surface disturbance and as a non-surface disturbing type of activity, has little or no potential or ability to significantly affect cultural properties. As a result, no cultural resource inventory is necessary prior to approving and authorizing this undertaking to proceed. No cultural resource values considered eligible for the National

		Register of Historic Places would be impacted by this undertaking. <i>DM 05/25/2016</i>
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: There are no known threatened or endangered species in the project area. Habitat does not exist for threatened or endangered species in the project area. <i>FAP 05/25/2016</i>
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: No laws would be violated. <i>KD 5/19/2016</i>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: The proposed action considered in the course of this analysis has not resulted in any identifiable effects or issues specific to any minority or low income population or community as defined in Executive Order 12898. <i>KD 5/19/2016</i>
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 X	Rationale: Transferring the grazing permit would not affect use or access to public lands by tribes with historic ties to the area. The Ethnographic Overview of Southeast Montana does not identify any areas of concern on public lands in the allotment. <i>DM 05/25/2016</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	No X	Rationale: No noxious weeds or non-native invasive species would be introduced by this action. This action would not promote the introduction, growth, or expansion of such species. <i>KD 5/19/2016</i>

3. Other legal and regulatory requirements, such as tribal and Endangered Species Act consultation, are complete.
4. Consultation and coordination has occurred with affected permittees or lessees, the state agency having lands or responsibility for managing resources within the area, and the interested public.

/s/ Kathy Bockness
Environmental Coordinator

6/1/2016
Date

I considered the proposed action and the renewal of this grazing permit does not cause any potential for significant impacts. Use of this CX is appropriate.

D. Signature

Authorizing Official: Wendy M. Warren, Acting Field Manager

/s/ Wendy M. Warren
Acting Field Manager

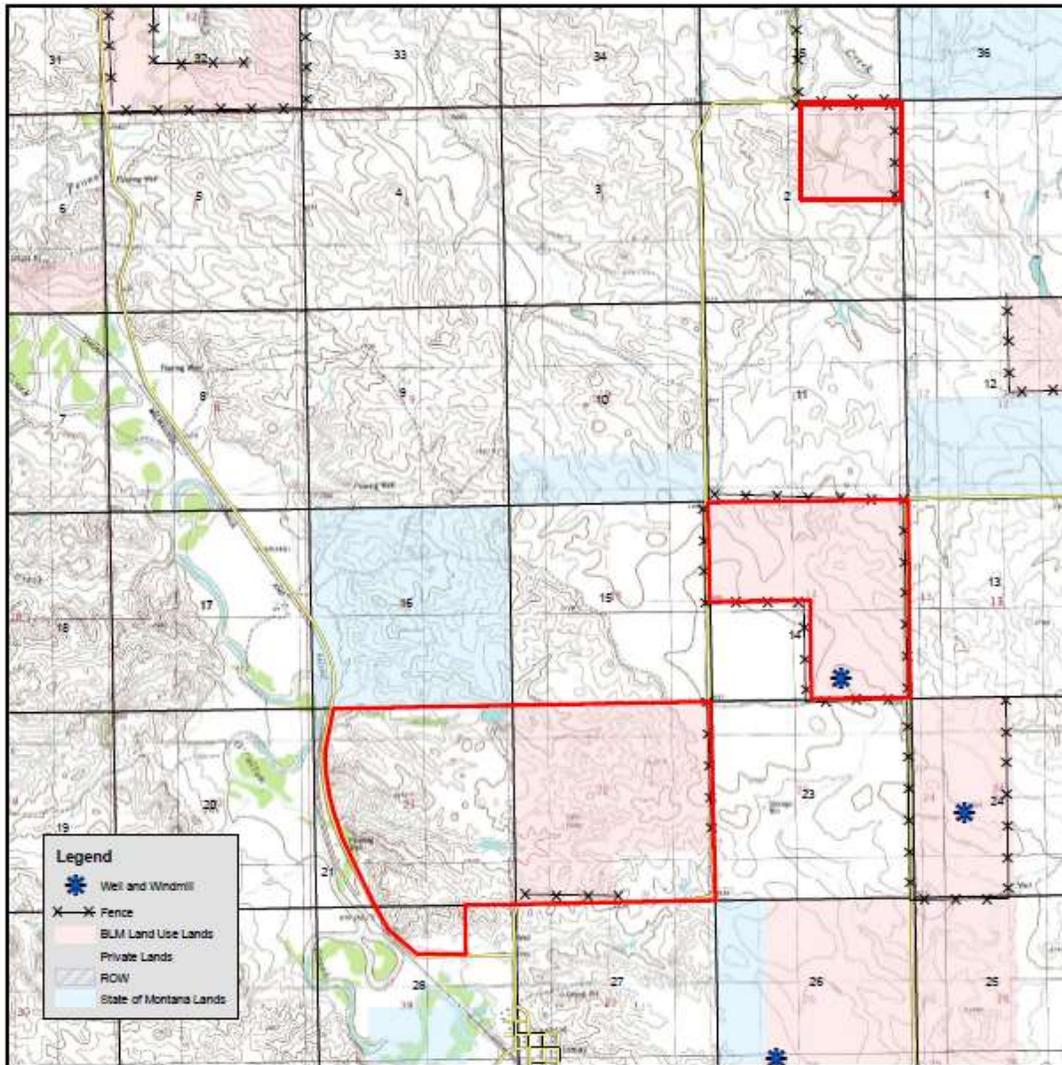
6/1/2016
Date

Contact Person

For additional information concerning this CX review and decision, contact:

Reyer Rens, Supervisory Rangeland Management Specialist
Miles City Field Office
111 Garryowen Road
Miles City, MT 59301
(406) 233-2866

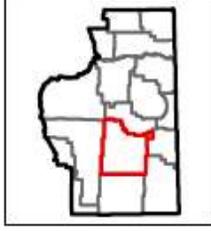
Rugg - 01122



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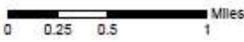
T 9N, R 55E
Sections 2, 14, & 22



CAUTION:
Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



1:48,000



Miles

Date: 5/18/2016