

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

Bruneau Cattle Co. grazing preference transfer to Simplot Co./Battle Creek (a.k.a. JR Simplot Co.).

CE No.: DOI-BLM-ID-B020-2010-0027-CX	Lease/Serial/Case File No.: 1101653 and 1104061
Purpose and Need for Action: To address the Grazing Preference Application and Preference Transfer Application (Form 4120-8) filed by JR Simplot Company/Battle Creek in accordance with the grazing regulations (43 CFR 4110.2-3) and the National Environmental Policy Act (NEPA). This action will result in the transfer of Bruneau Cattle Company's grazing preference of 2,126 Active AUMS and 0 suspended AUMS in the Center Allotment and 1,082 Active AUMs and 0 suspended AUMS in the East Canyon View Allotment for a total of 3,208 Active AUMS and 0 suspended AUMS in both Allotments to applicant, JR Simplot Company/Battle Creek.	
Description of Proposed Action: Transfer Bruneau Cattle Company's grazing preference of 2,126 Active AUMS and 0 suspended AUMS in the Center Allotment and 1,082 Active AUMS and 0 suspended AUMS in the East Canyon View Allotment for a total of 3,208 Active AUMS and 0 suspended AUMS to JR Simplot Company/Battle Creek. 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 Corporate Warranty Deed with attached Exhibit "A" submitted by JR Simplot Company/Battle Creek. The Corporate Warranty Deed with attached Exhibit "A" describes the base property for Center allotment 00809 grazing and East Canyon View 00869 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.	
Project Location: T. 5 S. - 10 S., R. 1 W. - 5 E.	
Applicant: JR Simplot Company/Battle Creek	

DOI-BLM-ID-B020-2010-0027-CX

JR Simplot Allotment Grazing Preference Transfer

Part I – Plan Conformance Review: Bruneau –Kuna MFP 1983

This Proposed Action is subject to the following land use plan: Bruneau –Kuna MFP 1983

Remarks: 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 *separate process (italics added)* 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. Although the Kuna MFP is silent regarding preference transfers, it authorizes grazing in the field office and this proposal is consistent with the grazing decisions in the Kuna plan.

In this case, the “*separate process*” will not include a review and possible change to the terms and conditions because “in accordance with Public Law 111-242, *Continuing Appropriations Act, 2011*, 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: This Proposed Action qualifies as a categorical exclusion under 516 DM 11.9: Category D. Rangeland Management (1) Approval of transfers of grazing preference.
- B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): The following Departmental List of Extraordinary Circumstances applies to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may:

List of Exceptions

1. Have significant impacts on public health or safety.

Yes No Specialist Signature/Date: /s/ *Jon Haupt* 10/22/2010

Comments/Explanation: This administrative transfer would not have any significant impacts on public health or safety. Livestock grazing is a recognized and authorized use, as identified in the CRMP.

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: /s/ *Bruce C. Schoebert*, Wildlife Biologist, 10/18/10

Yes No Specialist Signature/Date: /s/ *Kavi Koleini*, Ecologist, 10/22/2010

Yes No Specialist Signature/Date: /s/ *James D. Mays*, Fisheries Biologist, 10/22/10

Yes No Specialist Signature/Date: /s/ *Lois Palmgren*, Archaeologist, 10/22/2010

Comments/Explanation: There will be no changes in management associated with this transfer and the Center and East Canyon View allotments fall under the extension of grazing permits granted by the Continuing Appropriations Act (2011). Consequently, grazing management in these allotments will be analyzed during upcoming permit renewals and are not part of the action associated with this CE (migratory birds, ecologically significant critical areas). The administrative action itself of transferring grazing preferences to another party that would use the same mandatory and other terms and conditions for the current authorization would result in no change in any effects on wetlands and floodplains.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date://s/ <i>Jon Haupt</i> 10/22/2010
<i>Comments/Explanation:</i> This administrative action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]. All known conflicts and controversial effects (such as climate change and OHV/livestock grazing) are managed under the CRMP and the grazing permit's terms and conditions.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Kavi Koleini</i> , Ecologist, 10/22/2010
<i>Comments/Explanation:</i> This administrative action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Environmental effects such as climate change, and potential listing of candidate species, would be addressed in future documents as scientific literature and studies indicate, and would be implemented specific to the actions being proposed. An administrative action to continue an existing, managed action under identical terms and conditions would not change or increase existing effects or risks identified in the existing Bruneau MFP.		
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/ <i>Jon Haupt</i> 10/22/2010
<i>Comments/Explanation:</i> This administrative 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 would allow for the continued use as identified in the CRMP, and the existing permit's terms and conditions. The transfer would be implemented as authorized by currently existing Federal Regulations, for livestock grazing/management. Future actions would not be affected or set by this action, as it is already in place and no changes to current actions are being proposed or implemented.		
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/ <i>Jon Haupt</i> 10/22/2010
<i>Comments/Explanation:</i> This administrative action does not have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects. The impacts of livestock grazing in conjunction or cumulatively with other on-the-ground activities are already occurring, and would continue at the current rate and intensity as the existing permitted actions.		
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 checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Lois Palmgren</i> , Archaeologist 10/22/2010
<i>Comments/Explanation:</i> Grazing management in these allotments will be analyzed during upcoming permit renewals and are not part of the action associated with this CE. This administrative action will not have an impact on any cultural properties listed or eligible for listing on the National Register of Historic Places.		
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: /s/ <i>Holly H. Beck</i> , Botanist, 10/18/10 Specialist Signature/Date for Wildlife: /s/ <i>Bruce C. Schoeberl</i> , Wildlife Biologist, 10/18/10 Specialist Signature/Date for Aquatics: /s/ <i>James D. Mays</i> , Fisheries Biologist, 10/22/10
<i>Plants Comments/Explanation:</i> Special status plant species within these allotments would not be adversely impacted by this action. The impacts of livestock grazing management to special status plant species will be analyzed in the permit renewal EAs for Center and East Canyon View Allotments.		

Wildlife *Comments/Explanation:* Although the status of greater sage-grouse recently changed from Type 2 to Type 1 (Candidate for Federal Listing; 2010), no other changes have occurred to Special Status wildlife species found in the two allotments included in this action. Additionally, there will be no changes in management (name change only) and the Center and East Canyon View allotments fall under the extension of grazing permits granted by the Continuing Appropriations Act (2011) and will be analyzed during future permit renewals.

Aquatics *Comments/Explanation:* There would be no affect on federally listed fish species or their critical habitat, or on any fish species proposed for listing or their proposed critical habitat because: Cattle do not have access to the Bruneau River (critical habitat for bull trout) from the Center Allotment and, according to Range Management personnel, cattle do not access the Bruneau River riparian zone from East Canyon View Allotment due to the nearly vertical canyon wall on the west side of the river. Only one historical trail provides access to the river in this allotment but it is not known to be used by cattle.

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

Yes No Specialist Signature/Date: *Jon Haupt 10/22/2010*

Comments/Explanation: This administrative action does not violate any Federal, State, local or tribal laws or requirements imposed for the protection of the environment.

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

Yes No Specialist Signature/Date: */s/ Jon Haupt 10/22/2010*

Comments/Explanation: This administrative action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). There are no low income or minority populations living in the allotment. Low income or minority visitors to the area would not be affected any differently by the proposed activity than any other visitor.

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 Specialist Signature/Date: */s/ Arnold L Pike*

Comments/Explanation: This administrative action does 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).

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 Specialist Signature/Date: */s/ Kavi Koleini, Ecologist, 10/22/2010*

Comments/Explanation: Transferring grazing privileges, for the continuation of current authorized grazing, would not cause additional influences to existing noxious weeds or non-native invasive species.

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: The transfer of grazing privileges would allow for continued management of existing allotments, with no changes to the previous grazing authorization, terms and conditions, preference, or to on-the-ground management. Issuance of a grazing permit to JR Simplot Company/Battle Creek, would be compliant with 43 CFR 4130.1-1(2).

Authorizing Official: *Arnold L Pike* Date: *10/28/10*

Name: Arnold L. Pike
Title: Bruneau Field Office Manager

Part III – Decision

I have reviewed this categorical exclusion (NEPA) review and have determined that this action is in conformance with the Bruneau –Kuna MFP 1983 MFP, and categorical exclusions (CXs) pursuant to 516 DM 11.9, Appendix 4 (D)(1). This CE transfers a total of 3,208 AUMs of Bruneau Cattle Company's grazing preference in the Center 00809 and East Canyon View 00869 Allotments to JR Simplot Company/Battle Creek.

It is my decision to approve the transfer of 3,208 AUMs of Bruneau Cattle Company's grazing preference in Center 00809 and East Canyon View 00869 allotments to JR Simplot Company/Battle Creek.

Mitigation Measures/Other Remarks: None

Remarks: None

Authorizing Official: 

Date: 10/25/10

Name: Arnold L. Pike

Title: Bruneau Field Office Manager

