

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-B020-2011-0002-CX	Lease/Serial/Case File No.: 1101613 1101664
Purpose and Need for Action: The purpose is to address the grazing reference transfer application filed by JR Simplot Company/Battle Creek to transfer Bruneau Cattle Company's (BCC) 7,021 AUMs of grazing preference and Mattie Black's, Charlotte Meyer's and Paula Hank's 782 AUMS of grazing preference in the Battle Creek Allotment (122,610 acres of public land) to JR Simplot Company/Battle Creek. The need is to comply with the grazing regulations (43 CFR 4110.2-3) and the National Environmental Policy Act (NEPA).	
Description of Proposed Action: This action will result in the transfer of BCC's 7,803 AUMs (7,021 AUMs + 782 AUMs) of grazing preference to applicant JR Simplot Co./Battle Creek. The 7,021 AUMs, with 0 AUMs suspended, are attached to private land that JR Simplot Company purchased from BCC. The 782 AUMs, with 0 AUMs suspended, are attached to base property owned by Mattie Black, Charlotte Meyers and Paula Hanks (formerly Paul and Mattie Black Estate) that was previously leased by BCC and is now leased by JR Simplot/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 the Battle Creek Allotment 00802, Center Allotment 00809 grazing and East Canyon View Allotment 00869 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 grazing preference for Center Allotment 00809 and East Canyon View Allotment 00869 has already been transferred and the grazing permit has been issued to JR Simplot Company/ Battle Creek (1104061).	
The base property lease agreement between JR Simplot Company/Battle Creek and Mattie Black, Charlotte Meyers and Paula Hanks describes the base property for the 782 AUMs for the Battle Creek Allotment 00802 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. 7 S. - 10 S., R. 1 W., 1 E - 4 E., various sections	
Applicant: JR Simplot Company/Battle Creek	

DOI-BLM-ID-B020-2011-002-CX

Page 1

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 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) (Determination of NEPA Adequacy –DNA)* 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 (LUP) identify those public lands that are available for grazing use under a permit or lease. Although the applicable LUP (Bruneau MFP) (1983) does not address grazing preference transfers, it authorizes grazing in the field office and this proposal is consistent with the grazing decisions in the Bruneau MFP.

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 1/11/2011*

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 RMP.

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. Schoeberl*, Wildlife Biologist, 1/18/11

Yes No Specialist Signature/Date: /s/ *Kavi Koleini* Ecologist, 1/20/11

Yes No Specialist Signature/Date: /s/ *James D. Mays*, Fisheries Biologist, 1/19/11

Yes No Specialist Signature/Date: /s/ *Lola Palmgren*, Archaeologist, 1/21/2011

Comments/Explanation: There will be no changes in management associated with this transfer. Grazing management in this allotment was analyzed in the Battle Creek Allotment Grazing Permit Renewal EA (2007) and would remain the same. 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 any of the resources analyzed in the 2007 EA.

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 1/11/2011*

Comments/Explanation: 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, 1/20/11
<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> 1/11/2011
<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
<i>Comments/Explanation:</i> Grazing management in the Battle Creek Allotment has been analyzed in EA ID-120-2007-3353 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 St Beck</i> , Botanist, 1/19/11 Specialist Signature/Date for Wildlife: /s/ <i>Bruce C Schoeberl</i> , Wildlife Biologist, 1/18/11 Specialist Signature/Date for Aquatics: /s/ <i>James D. Mays</i> , Fisheries Biologist, 1/19/11
<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 have been analyzed in permit renewal EA ID-120-2007-3353.		
<i>Wildlife Comments/Explanation:</i> Although the status of greater sage-grouse changed from Type 2 to Type 1 (Candidate for Federal Listing; 2010) since the Battle Creek Allotment Grazing Permit Renewal was signed in 2007, no other changes have occurred to Special Status wildlife species found in the allotment included in this action. As stated in the comments for #2 above, this CE covers only the transfer of grazing preference but management will not include more grazing impacts than analyzed in the Battle Creek Allotment Permit Renewal EA (2007) and could remain the same.		
<i>Aquatics Comments/Explanation:</i> Range management in this allotment will be analyzed during the NEPA process		

when the current term permit expires and is not part of this administrative action to transfer the use to another entity. The receiving entity will be subject to the same terms and conditions approved during the original permit authorization. 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 cause no change in any effects on special status fish species (Threatened, Endangered, or BLM Sensitive Species) within this allotment.

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 1/11/2011*

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 1/11/2011*

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) because grazing does not restrict access to public land.

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 Kolehini, Ecologist, 1/20/11*

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.

Authorizing Official: *Arnold L. Pike* Date: *2/11/11*

Name: Arnold L. Pike

Title: Bruneau Field Office Manager

Part III – Decision

I have reviewed this categorical exclusion (CE) 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 Bruneau Cattle Company's total grazing preference of 7,803 AUMs to JR Simplot Company/Battle Creek. Of the 7,803 AUMs, 7,021 AUMs are attached to base property owned by JR Simplot Company/Battle Creek and 782 AUMs are attached to base property leased by JR Simplot Company/Battle Creek.

It is my decision to approve the transfer of 7,803 AUMs of Bruneau Cattle Company's grazing preference in the Battle Creek Allotment to JR Simplot Company/Battle Creek.

Mitigation Measures/Other Remarks: None

Remarks: None

Authorizing Official:



Date:

2/11/11

Name: Arnold L. Pike

Title: Bruneau Field Office Manager