

## Categorical Exclusion Review

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
Four Rivers Field Office

### Grazing Preference Transfer Blacks Creek FFR (00879) & Greeks Field FFR (00880) Allotments

CE No.: ID-110-2009-CE-3667	Lease/Serial/Case File Number: 1102945(7K Livestock) 1101618 (DeMeyer)																										
<p><b>Purpose and Need for Action:</b> To address the Grazing Preference Application and Preference Transfer Application filed by 7K Livestock in accordance with the grazing regulations (43 CFR 4130, Authorizing Grazing Use) and the National Environmental Policy Act.</p>																											
<p><b>Description of Proposed Action:</b> Transfer the existing grazing preference of 63 AUMs on the Blacks Creek FFR (00879) allotment and 16 active AUMs on the Greek Field FFR (00880) allotment from the Margarett DeMeyer Estate to 7K Livestock. 7K Livestock is leasing the base property from the DeMeyer Estate. The Terms and Conditions appearing on the new 7K Livestock authorization (1102945) will be identical to the Terms and Conditions for the most recent previous authorizations for the two allotments (See below):</p>																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Permittee</th> <th rowspan="2">Allotments</th> <th rowspan="2">Livestock</th> <th rowspan="2">Season of Use</th> <th rowspan="2">Percent Public Lands</th> <th colspan="3">Preference</th> </tr> <tr> <th>Active</th> <th>Suspended</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: center;">7K Livestock</td> <td style="text-align: center;">Blacks Creek FFR (00879)</td> <td style="text-align: center;">63 Cattle</td> <td style="text-align: center;">04/15 to 05/14</td> <td style="text-align: center;">100</td> <td style="text-align: center;">62</td> <td style="text-align: center;">0</td> <td style="text-align: center;">62</td> </tr> <tr> <td style="text-align: center;">Greek Field FFR (00880)</td> <td style="text-align: center;">16 Cattle</td> <td style="text-align: center;">04/15 to 05/14</td> <td style="text-align: center;">100</td> <td style="text-align: center;">16</td> <td style="text-align: center;">0</td> <td style="text-align: center;">16</td> </tr> </tbody> </table>		Permittee	Allotments	Livestock	Season of Use	Percent Public Lands	Preference			Active	Suspended	Total	7K Livestock	Blacks Creek FFR (00879)	63 Cattle	04/15 to 05/14	100	62	0	62	Greek Field FFR (00880)	16 Cattle	04/15 to 05/14	100	16	0	16
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<ol style="list-style-type: none"> <li>1. Livestock grazing within the Blacks Creek FFR and Greek Field FFR allotments will be in accordance with the Final Decision dated 9-10-04.</li> <li>2. The Final Decision dated 09-12-90 is incorporated as a term and condition of this permit. Line 1 and 2 are FFR allotments listed as 100% public land for billing purposes.</li> <li>3. The final decision dated 11-21-90 concerning 80 acres land exchange is incorporated as a term and condition of this permit.</li> <li>4. Salt and /or mineral blocks shall not be placed on public lands within one quarter (¼) mile of springs, streams, meadows, riparian habitats or aspen stands.</li> <li>5. Any and all grazing exclosures within your allotment are closed to livestock grazing. Your certified actual use report is due within 15 days of completing your annual grazing use.</li> <li>6. You are required to perform normal maintenance on those range improvements to which you have been assigned maintenance responsibility as per your signed cooperative agreements.</li> <li>7. The LUP allowable utilization level for current year's growth is 50%. Livestock may be required to be removed from the use area or allotment when this level of use has been reached.</li> <li>8. All appropriate documentation regarding state and/or private leased lands, private lands offered for exchange-of-use, and livestock control agreements must be approved by the authorized officer prior to allowing livestock to graze on public lands.</li> <li>9. The turn-out date shown above will be subject to range readiness. Range readiness occurs once the soils have firmed after the spring thaw, and physiological requirements of the plants have been met. A copy of the range readiness guidelines is available upon request.</li> </ol>																											

10. You are required to coordinate trailing activities with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
11. The allotment listed in the grazing permit are subject to the requirements of 43 CFR 4180—Fundamentals of Rangeland Health and Guidelines for Grazing Administration. This permit shall be modified (if necessary) to meet these requirements upon completion of a standard and guidelines assessment and determination as scheduled by the authorized officer.
12. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal land. Pursuant to 43 CR 10.4(C), the permittee must immediately stop any ongoing activities connected with discovery and make a reasonable effort to protect the discovered remains or objects.
13. This permit or lease is issued under the authority of Section 426, Public Law 111-8 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 in part to meet the requirements of applicable laws and regulations.

The 7K Livestock permit will expire on December 31, 2012, same as the expiration date of their base property lease agreement.

**Project Location:** The Blacks Creek FFR (00879) and Greek Field FFR (00880) allotments are located approximately 14 miles southeast of Boise, Idaho. Public land within the Blacks Creek FFR allotment is located in T02N, R03E Sections 25 & 35 and within the Greek Field in T1N, R4E, Section 04.

**Applicant (if any):** 7K Livestock (Authorization: 1102945), Caldwell, Idaho.

**Part I – Plan Conformance Review**

**This proposed Action is subject to the following land use plan:** Kuna Management Framework Plan (MFP)

**Date Plan Approved:** March 21, 1983

**Remarks:** The proposed action is in conformance with the Kuna MFP which provides for livestock grazing through the Record of Decision. Allotment management and livestock grazing is addressed in the Range Management Section of the MFP.

**Part II – NEPA Review**

- A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9, D (Rangeland Management), (1), Approval of transfers of grazing preference.
- B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents MUST BE PREPARED for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)

**List of Exceptions**

**1. Have significant impacts on public health or safety.**

Yes  No  Specialist Signature/Date: *[Signature]* 4/15/09

**Comments/Explanation:** The transfer of existing grazing privileges with no additional use(s) authorized is an administrative function with no effects to public health or safety.

<b>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.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 2/2/09
<i>Comments/Explanation:</i> The allotment contains no unique natural or cultural features that would be affected by this transfer, and no ecologically significant or critical areas occur in the general area of the allotment.		
<b>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 4/2/09
<i>Comments/Explanation:</i> The proposed transfer of grazing privileges would result in no changes to current livestock grazing management. To date, there have been no concerns brought forward regarding livestock grazing in this area.		
<b>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 2/8/09
<i>Comments/Explanation:</i> Livestock grazing is an ongoing activity, the continuation of which poses no unique or unknown environmental risks.		
<b>5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 4/8/09
<i>Comments/Explanation:</i> Transfer of grazing preference, and the issuance of a permit to the applicant without changes from the previous permit, is a routine administrative procedure. This action neither establishes a precedent for future actions nor represents a decision in principle about future actions with potentially significant environmental effects.		
<b>6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 4/8/09
<i>Comments/Explanation:</i> Transferring existing grazing preference and issuing a grazing permit with no changes from the current authorization is neither individually nor cumulatively significant.		
<b>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.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean C. Sher</i> 4/8/09
<i>Comments/Explanation:</i> The affected grazing allotment contains no known properties listed, or eligible for listing, on the National Register of Historic Places.		

<b>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.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date for Plants: <i>Mark G. Steiger</i> 4/8/09 Specialist Signature/Date for Wildlife: <i>Bill Hoke</i> 4/8/09 Specialist Signature/Date for Aquatics: <i>Bob Brown</i> 4/8/09
<b>Plants Comments/Explanation:</b> No federally listed, candidate, or BLM special status plant species are known to occur within the boundaries of either grazing allotment. The 160 acres of public land located in the southeast corner of 02N03E35 within the Blacks Creek FFR (00879) allotment has been identified as potential habitat for slickspot peppergrass ( <i>Lepidium papilliferum</i> ). However, the proposed transfer of grazing privilege is not expected to result in adverse affect on the identified habitat.		
<b>Wildlife Comments/Explanation:</b> No known federally listed or candidate wildlife species are known to be present. BLM special status wildlife species may occur within the affected area; however, the proposed transfer would not be expected to result in adverse impact.		
<b>Aquatics Comments/Explanation:</b> No known federally listed, candidate, or BLM special status aquatic species occur within the area of the proposed action.		
<b>9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean C. Sher</i> 4/8/09
<b>Comments/Explanation:</b> This routine administrative procedure is consistent and compatible with all known Federal, State, local and Tribal laws or requirements imposed for protection of the environment.		
<b>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Bob Brown</i> 4/8/09
<b>Comments/Explanation:</b> There are no known low income or minority populations in the area of the proposed action. However, if low income or minority populations do exist, the transfer of existing grazing privileges would not be expected to have a disproportionately high or adverse effect on these populations.		
<b>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).</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean C. Sher</i> 4/8/09
<b>Comments/Explanation:</b> There are no known ceremonial and/or sacred sites on public land in this allotment. However if sites were to be discovered in the future, the continuation of an ongoing activity would not limit access for ceremonial use of Indian sacred sites by Indian religious practitioners; nor would there be adverse affects to the physical integrity of sacred sites.		
<b>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).</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Pat Kane</i> 4-8-09
<b>Comments/Explanation:</b> 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 will allow for continued management of an existing allotment, with no changes to the previous grazing authorization or to on-the-ground management. Issuance of a grazing permit to 7K Livestock with no changes from the previous permit is a routine administrative procedure.

**Authorizing Official:**

*Rosemary Thomas*

**Date:**

*4/8/09*

**Name:** Rosemary Thomas

**Title:** Four Rivers Field Manager

### **Part III – Decision**

I have reviewed this plan conformance and NEPA compliance record statements above and have determined the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to approve the Grazing Preference Application and Preference Transfer Application submitted by 7K Livestock and issue said applicant a grazing authorization for use of Blacks Creek FFR (00879) and the Greek Field FFR (00880) allotments.

The 2008 continuing Resolution of the 2004 Omnibus Appropriations Bill (Public Law 108-108) Section 325 through September 30, 2009 states in part “terms and conditions contained in the transferred permit shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior completes processing such permit in compliance with all applicable laws and regulations. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part.”

**Mitigation Measures/Other Remarks:** This permit or lease is issued under the authority of Section 426, Public Law 111-8 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 in part to meet the requirements of applicable laws and regulations.

**Remarks:** The grazing authorization being issued to 7K Livestock will have an expiration date of December 31, 2012 and will have the same terms and conditions as the permit being transferred from Margarete DeMeyer Estate permit number 1101618. 7K Livestock’s new permit authorization number is 1102945.

### **Appeal**

Please be advised that 43 CFR Part 4 has been amended as of January 9, 2004.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470, and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, *Rosemary Thomas, 3948 Development Avenue, Boise, Idaho 83705*. The person/party must also serve a copy of the appeal on the *Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706* and person(s) named [43 CFR 4.421(h)] in the **Copies sent to:** section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (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 and serviced in accordance with 43 CFR 4.471.

Authorizing Official:

*Rosemary Thomas* Date: *4/8/09*

Name: Rosemary Thomas

Title: Four Rivers Field Manager