

Categorical Exclusion Review

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

Grazing Preference Transfer Cornell (00820) Allotment; Rock and Lower Cornell Pastures

CE No.: ID-110-2009-CE-3628 Lease/Serial/Case File Number: 1100375 (Ditto Crk. Rch.)
1101617 (Cornell, J.R.)

Purpose and Need for Action: To address the Grazing Preference Application and Preference Transfer Application filed by Ditto Creek Ranch, LLC, in accordance with the grazing regulations (43 CFR 4130, Authorizing Grazing Use) and the National Environmental Policy Act.

Description of Proposed Action: Transfer 598 AUMs of active grazing preference within the Cornell (00820) allotment from J. R. Cornell (Authorization: 1101617) to Ditto Creek Ranch, LLC (Authorization: 1100375). The Terms and Conditions, listed below, which pertain to the current authorization (1101617) for the Cornell (00820) allotment would be added to Ditto Creek Ranch, LLC's authorization (1100375).

Allotment	Pastures	Livestock	Season of Use	Percent Public Lands	Preference		
					Active	Suspended	Total
Cornell (00820)	Rock	50 Cattle	04/01 to 04/18	60	18	0	18
	Lower Cornell	400 Cattle	04/01 to 06/15	58	580	0	580

1. Livestock grazing within the Cornell Allotment will be in accordance with the final decision Dated 9-10-04 issued to J.R. Cornell (1101617).
2. 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.
3. 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 o 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 objects.
4. Livestock numbers may vary from year to year in the Cornell allotment as applied and approved on an annual basis within the period of use and AUMs as described above.
5. Your certified actual use report is due 15 days after authorized use has been completed.
6. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
7. 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.
8. Salt and/or supplements shall not be placed within one-quarter (1/4) mile from any springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments.
9. Changes to the scheduled use, requires prior approval.
10. Turnout is subject to Boise District range readiness criteria.
11. The LUP allowable use level for riparian and upland vegetation is 50% of current year's growth. Livestock should be removed from the use area, pasture or allotment when this utilization has been reached.

12. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signature or assignee.
13. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn-out. Lease of lands and/or livestock must be notarized prior to submission and be in compliance with Boise District policy.
14. Permittee will not trail livestock through element occurrences within the management area when soils are saturated.
15. Permittee shall place salt/supplement to minimize trampling of LEPA and slickspots, respectively. Supplements will be placed at least ½ mile, preferably ¾ mile if practicable from occurrences. Supplements that are attractants should be placed so that cattle will not trail through an element occurrence to the supplement or a water source. Attractants should be placed so that cattle are drawn away from the area of the element occurrence.
16. 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.

Ditto Creek Ranch, LLC's permit (1100375) will expire on August 31, 2014, the same date as the expiration date of their current grazing permit.

Project Location: The Cornell (00820) allotment is located approximately 22 miles southeast of Boise, Idaho. Public land is located in T1N & T1S, R4&5E, various sections.

Applicant (if any): Ditto Creek Ranch, LLC, (Authorization: 1100375), Mountain Home, 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 18, 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), (I), 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 applies 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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Specialist Signature/Date: <i>John G. [Signature]</i> 4/10/09
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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.

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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>[Signature]</i> 4/10/09
<i>Comments/Explanation:</i> The federally proposed endangered plant, slickspot peppergrass (<i>Lepidium papilliferum</i>), occurs within the Lower Cornell pasture of the Cornell (00820) allotment. However, this action is not expected to change the effects of livestock grazing on this plant.		
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: <i>[Signature]</i> 4/10/09
<i>Comments/Explanation:</i> The proposed transfer of grazing privileges would result in no changes to current livestock grazing management. The federally proposed endangered plant, slickspot peppergrass (<i>Lepidium papilliferum</i>), occurs within the Lower Cornell pasture of the Cornell (00820) allotment. However, this action is not expected to change the effects of livestock grazing on this plant.		
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: <i>[Signature]</i> 4/10/09
<i>Comments/Explanation:</i> Livestock grazing is an ongoing activity, the continuation of which poses no unique or unknown environmental risks.		
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: <i>[Signature]</i> 4/10/09
<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.		
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: <i>[Signature]</i> 4/10/09
<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. The cumulative effects of livestock grazing on slickspot peppergrass (<i>Lepidium papilliferum</i>) were previously addressed in Section 4.3 (Pg.36) of the <u>Environmental Assessment For Changes To Public Land Grazing Management Resulting From The Candidate Conservation Agreement (CCA) For Slickspot Peppergrass (EA ID095-2004-047)</u> .		
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: <i>Dean C. Shaw</i> 4/10/09
<i>Comments/Explanation:</i> The affected grazing allotment contains no known properties listed, or eligible for listing, on the National Register of Historic Places.		

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: <i>Mark E. Steyer</i> 4/21/09 Specialist Signature/Date for Wildlife: <i>Tull Holder</i> 4/21/09 Specialist Signature/Date for Aquatics: <i>Pat Kane</i> 4/10/09
Plants - Comments/Explanation: The federally proposed endangered plant, slickspont peppergrass (<i>Lepidium papilliferum</i>), occurs within the Lower Cornell pasture of the Cornell (00820) allotment. However, this action is not expected to change the effects of livestock grazing on this plant.		
Wildlife Comments/Explanation: 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.		
Aquatics Comments/Explanation: No known federally listed, candidate, or BLM special status aquatic species occur within the area of the proposed action.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean C. Shaw</i> 4/10/09
Comments/Explanation: 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.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Pat Kane</i> 4/10/09
Comments/Explanation: 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.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Dean C. Shaw</i> 4/10/09
Comments/Explanation: 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.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Pat Kane</i> 4-10-09
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 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 Ditto Creek Ranch, LLC with no changes from the previous permit is a routine administrative procedure.

Authorizing Official:

Rosemary Thomas

Date:

4/23/09

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 Ditto Creek Ranch, LLC and issue said applicant a grazing authorization for use of Cornell (00820) allotment.

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 Ditto Creek Ranch, LLC will have an expiration date of August 31, 2014 and will have the same terms and conditions as the permit being transferred from J. R. Cornell. The J. R. Cornell permit (1101617) will be retained minus that portion of the Cornell allotment transferred to the Ditto Creek Ranch, LLC. Those portions of the Cornell allotment which are being transferred to Ditto Creek Ranch, LLC’s will be added the existing Ditto Creek, LLS authorization (1100375).

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.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472 (b) for procedures to follow if you wish to respond.

Authorizing Official:

Rosemary Thomas

Date:

4/23/09

Name: Rosemary Thomas

Title: Four Rivers Field Manager