



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California State Office
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September 6, 2000



In Reply Refer To:
1610/4000(P)
CA930

EMS TRANSMISSION: 09/06/2000
Instruction Memorandum: **No. CA-2000-093**
Expires: 09/30/01

To: ACO's
From: State Director
Subject: Guidance for Grazing Permits/Lease Renewals and NEPA Compliance

This policy supplements and clarifies IM No. CA-99-01 (Attachment 1) and IM No. CA-99-039 (Attachment 2), Priority for Completing Rangeland Health Assessments for Livestock Grazing Permit or Lease Renewals, Including Minimum NEPA Documentation.

The purpose of this IM is to provide a strategy for completion of grazing permit/lease issuance by September 30, 2001. A WO IM No. 2000-153 provided clarification to states and provided direction for issuing grazing permits and leases during FY00 and for developing a schedule to alleviate the permit renewal backlog. In addition, states were to assure that NEPA review and/or Section 7 ESA consultation is scheduled to be completed no later than the end of FY01 on all permit/leases authorized during FY00 under Section 123 of PL 106-113.

Prioritizing Strategy for Completion of NEPA Sufficient Allotment Analysis

Now that the Secretary has approved Standards and Guidelines for Central, Northwest, and Northeast California, these standards and guidelines will replace fallback standards in future NEPA analysis. California will continue to give first priority to those allotments that do not meet rangeland health standards.

Meeting NEPA Requirements

The recent Technical Program Review of California's grazing permit renewal efforts identified a number of weaknesses in California NEPA documents. To address those weaknesses, specific NEPA requirements for California will include the following:

1. Short form EA will no longer be used for permit renewals. All NEPA documents must conform to the standards of BLM's NEPA Handbook, H-1790-1.

Any existing permits issued with a short form EA must have a standard NEPA document prepared for the next permit cycle, or within five years (5), whichever is sooner.

2. In addition to Critical Elements of the Human Environment (listed in BLM H-1790 Appendix 5), those critical elements described in Appendix 5, Invasive Non-Native Species and Environmental Justice established under Executive Orders must be analyzed. These elements need to be adequately analyzed in sufficient detail by the appropriate interdisciplinary member responsible for the element.
3. In accordance with WO IM No. 2000-022, Change 1, the EA must consider a reasonable range of alternatives. At a minimum, the following alternatives must be addressed: (1) issuing a new permit based on the application (the proposed action), (2) issuing a new permit with the same terms and conditions as the expiring permit ("no action" alternative), and a "no grazing" alternative. If the application for a permit is the same as the expiring permit, then the proposed action and no action alternatives are the same.
4. Cumulative impacts must be analyzed for each alternative and can result from individually minor but collectively significant actions taking place over a period of time. Cumulative impacts are effects which result from incremental impacts of the action when added to other past, present, and reasonably foreseeable, future actions regardless of what agency or person undertakes such other actions.
5. A NEPA template will be developed by the State Office through an Information Bulletin for grazing permits/lease for those sections of the environmental document that can be standardized. This will be made available before the State-wide Rangeland Health Workshop is held in November. This template will also include suggested wording for documenting plan conformance. The State Office recommends that this template be accessible for Field Office interdisciplinary team members use through a public directory to aid in streamlining and improving efficiency of the NEPA process.
6. The State Office will continue to provide NEPA training for Field Offices in FY 2001. Rangeland health interdisciplinary team members are strongly encouraged to attend.
7. Field Office NEPA schedules for grazing permits/leases will be provided to the State Office. Field Offices should conduct quality reviews of NEPA documents. For controversial allotments, the State Office will assist the Field Office to conduct and coordinate quality NEPA review. If State Office review time is needed, Field Offices should schedule this review into their NEPA schedules.
8. Rangeland health assessments, determinations, and allotment evaluations will be incorporated into the environmental analysis.
9. Separate NEPA and grazing decisions will not be made to support a grazing permit. One decision document shall include the proposed grazing decision and will clearly identify the terms and conditions of the grazing permit.

10. The use of existing NEPA documents (e.g. grazing EISs) is discouraged. If the DNA worksheet (WO IM No. 99-149) is used, provide additional analysis or explanation to ensure that cumulative effects were adequately addressed. In addition, summarize information cited and make reference to specific sections (incorporation by reference).

If you have any questions please contact Dianna Brink at 916-978-4645 or Jack Mills at 916-978-4636.

Signed
Karen Barnette
Acting State Director

Authenticated
Liza Raymundo
Records Management

2 Attachments

1-IM No. CA-99-001 - Priority for Completing Rangeland Health Assessments for Livestock Grazing Perm Minimum NEPA Documentation(3 pp.)

2-IM No. CA-99-039 - Further Guidance for Grazing Permit and Lease Renewals (2pp)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California State Office

2135 Butano Drive

Sacramento, California 95825

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October 5, 1998

1790, 1020(P)

CA-930

EMS TRANSMISSION: 10/5/98

Instruction Memorandum No. CA-99-01

Expires: 09/30/00

To: AFO's
From: State Director
Subject: Priority for Completing Rangeland Health Assessments for
Livestock Grazing Permit or Lease Renewals, Including
Minimum NEPA Documentation

STATEWIDE PRIORITY

A requirement of the 1995 grazing regulations is an analysis of rangeland health conditions within each allotment. First priority in California will be to address those allotments where we already know or suspect one or more of the rangeland health standards is not being.

However, some field offices may not be able to complete all rangeland health assessments prior to the expiration of existing permits or leases. We are currently working with the Washington Office to establish an alternative approach for those lower priority allotments where the status of one or more standards is not known and for which rangeland health assessments cannot be completed prior to permit expiration. We expect to have further direction available to California field offices within the next month to be incorporated into permit or lease renewals for the 1999 grazing season.

NEPA DOCUMENTATION

Based on the recent Comb Wash ruling (140 IBLA 85), a site specific NEPA analysis must be completed for all grazing permit or lease renewals. However, the extent of documentation needed to complete the NEPA process will vary by allotment. For example, if the allotment meets all rangeland health standards, a brief EA may be adequate for NEPA compliance. Minimum elements of an EA for permit or lease renewal include a summary of the proposed management action, a plan conformance determination, and a statement that the existing NEPA analysis substantially covers the proposed action. A decision record and FONSI should be incorporated in the EA. More detailed EAs would be necessary if any significant change in stocking levels, season of use, or other livestock grazing practice is needed to comply with the standards, or if new information is available, such as a Threatened or Endangered species listing. Individual allotments may be grouped together for NEPA purposes if appropriate.

Attached is an example of the minimum NEPA documentation for permit or lease renewals. We estimate that preparation of this minimum level EA will take less than one hour to complete.

Questions concerning this memorandum should be directed to Jack Mills at (916) 978-4630.

Signed
Ed Hastey
State Director

Authenticated
AJ Ajitsingh
Records Management Team

1 Attachment
EA Grazing Permit (2 pp)

EXAMPLE: SHORT EA FOR GRAZING PERMIT/LEASE RENEWAL
NOTE: USE ONLY IN CONJUNCTION WITH IM NO. CA-98-

INTRODUCTION - OPTIONAL

SECTION I - DESCRIPTION OF PROPOSED ACTION:

Proposed Action Title/Type: Grazing Permit Renewal

Description of Proposed Action: Reissue Grazing Permit to Hapgood Ranch on the Upper Lake Allotment #1020

The proposed action is to authorize grazing for 10 years as follows:

Allotment Name: Upper Lake

Operator	Number	Kind	Season of Use	% Public Land	Amount of Use
042626	50	cattle	5/01-7/30	100%	150 AUMs
	9	cattle	8/1-9/30	100%	8 AUMs

Applicant (if any): Hapgood Ranch

Category: C

SECTION 2 - PLAN CONFORMANCE REVIEW

A. LAND USE PLAN

The Proposed Action is subject to the:

- | | Tuledad/Home Camp Management Framework Plan
- | | Cowhead/Massacre Management Framework Plan.
- |X| Alturas Resource Management Plan (Management Area 11 East Warners)

B. RANGELAND HEALTH STANDARDS

The allotment:

meets all standards

does not meet standards

allotment assessment not completed

Date allotment assessment completed or scheduled: 9/498

Remarks: No significant changes from the existing situation would occur. Livestock grazing would continue to be managed as prescribed in the Alturas RMP EIS/Record of Decision.

SECTION 3 - ENVIRONMENTAL ANALYSIS

A. Existing EA/EIS Review. This proposed action is addressed in the following existing BLM EA/EIS: Alturas Resource Management Plan and EIS
Date: 1983

B. Determination: The Alturas RMP/EIS has been reviewed. The analysis fully covers the proposed action. No further analysis is necessary for purposes of this permit renewal.

SECTION 4 - DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT

It is my decision to issue a grazing permit to Hapgood Ranch for use in the Upper Lake Allotment. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed grazing permit is in conformance with the land use. I have also determined that the issuance of the permit has been adequately assessed in the referenced NEPA document and that an environmental impact statement is not required.

Environmental Coordinator: _____ Date: _____

: _____

Authorized Official: _____ Date: _____

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California State Office
2135 Butano Drive
Sacramento, California 95825
www.ca.blm.gov
December 22, 1998

1790/1020(P)
CA-930

EMS TRANSMISSION: 12/22/98
Instruction Memorandum No. CA-99-039
Expires: 09/30/00

To: AFO's
From: State Director
Subject: Further Guidance for Grazing Permit and Lease Renewals

All California offices have received Instruction Memorandum No. 99-01, Permit or Lease Renewal Process and Promoting Land Health. That instruction memorandum addresses many of the questions field offices have raised during the past several months regarding grazing permit and lease renewals. Nonetheless, much work remains to be completed to ensure permits and leases renewals fully reflect the Director's priorities and policies as outlined in IM No. 99-023.

Many of our grazing permits and leases were to expire on 2/28/99. The recent Omnibus Appropriation Bill (PL No. 105-277, section 124 (112 Stat. No. 2681, October 21, 1998) grants a one-time extension of those permits and leases until the end of fiscal year 1999 as provided below:

Notwithstanding any other provision of law, grazing permits which expire during fiscal year 1999 shall be renewed for the balance of fiscal year 1999 on the same terms and conditions as contained in the expiring permits, or until the Bureau of Land Management completes processing these permits in compliance with all applicable laws, whichever comes first.

The first priority for California field offices continues to be the completion of rangeland health assessments on those allotments we know or suspect do not meet one or more of the Rangeland Health Standards. That work should be undertaken as first priority even for allotments where the existing permit or lease is valid for another year or more. Considering using existing C, M, and I categories to help prioritize remaining allotments. Work with permittee and other affected interests to determine appropriate management changes. The management changes necessary to comply with the standards must be described and analyzed in a site-specific EA. If the EA can be tiered from a previous EA or EIS, the EA should not need to be more than three to five pages.

Normally, a permit or lease is renewed for a period of ten years. However, where health assessments have not been completed or significant grazing issues remain to be resolved, a ten year permit or lease is not appropriate. In such cases, we will consider issuing a permit for up to three years to provide time for the health assessment, NEPA compliance, and other requirements to be completed. In those permits or leases of 1-3 years, grazing must be maintained with the same terms and

conditions as in the expiring permit or lease, and must be based on existing or new NEPA analysis. Use the EA format provided in Instruction Memorandum No. CA-99-01 (attached) to document NEPA compliance.

For ten year permit or lease renewals, the extent of documentation needed to complete the NEPA process will vary by allotment, depending on whether changes in management are needed and whether any significant new information is available, such as a Threatened or Endangered Species listing or cultural resources findings.

If two or more allotments are grouped together in a single EA, the EA must identify the proposed management decisions for each allotment and the analysis must be at a site specific level.

Questions concerning this memorandum should be directed to John Willoughby at (916) 978-4638 or Jack Mills at (916) 978-4630.

Signed	Authenticated
Ed Hastey	AJ Ajitsingh
State Director	Records Management Team

1 Attachment

CA IM -99-01 Priority for Completing Rangeland Health Assessments for Livestock Grazing Permit or Lease Renewals, Including Minimum NEPA Documentation (4 pp)
