

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

Pole Creek Allotment Grazing Preference Transfer

CE No.: DOI-BLM-ID-B030-2010-0002-CX	Lease/Serial/Case File No.:								
Purpose and Need for Action: To address the Grazing Preference Application and Preference Transfer Application filed by Tommy E. and Barbara M. Moore in accordance with the grazing regulations (43 CFR 4110.2-3) and the National Environmental Policy Act.									
Description of Proposed Action: Transfer the grazing preference from Roy and Bea Hall to Tommy E. and Barbara M. Moore for the following:									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 25%;"></th> <th style="width: 25%;"></th> <th style="width: 25%;"></th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td>Pole Creek</td> <td style="text-align: center;">00635</td> <td style="text-align: center;">1,468</td> <td style="text-align: center;">1,131 23,395</td> </tr> </tbody> </table>						Pole Creek	00635	1,468	1,131 23,395
Pole Creek	00635	1,468	1,131 23,395						
<p>The base property of Roy and Bea Hall has been purchased by Tommy E. and Barbara M. Moore. Until a final decision renewing the grazing permit associated with this allotment is issued, annual livestock grazing on this allotment would continue to be authorized in accordance with Chief Judge B. Lynn Winmill's Memorandum Decision and Order dated February 29, 2000 and Stipulated Settlement Agreement dated May 15, 2008.</p> <p>Therefore, in accordance with 43 CFR 4110.2-3, the Proposed Action is to approve the transfer of grazing preference from Roy and Bea Hall to Tommy E. and Barbara M. Moore as applied. No changes to current livestock grazing management and terms and conditions were made by the applicant. All terms and conditions would be exactly as identified on the previous grazing permit. The current grazing permit is under an appeal and stay, therefore the BLM would continue to authorize livestock grazing in accordance with Chief Judge B. Lynn Winmill's Memorandum Decision and Order and the Stipulated Settlement Agreement stated above.</p>									
Project Location: The Pole Creek Allotment is located in southwestern Owyhee County, Idaho, approximately 30 miles south of Jordan Valley, Oregon. The allotment lies in the Owyhee Mountains, including the western slopes of Juniper Mountain, and encompasses approximately 23,395 acres of public land, 643 acres of State land, and 441 acres of private land.									
Applicant (if any): Tommy E. and Barbara M. Moore									

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Owyhee Resource Management Plan (ORMP)
Date Plan Approved: December 30, 1999

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): LVST 1 – Provide for a sustained level of use compatible with meeting other resource objectives.

Remarks: The Proposed Action has been reviewed for conformance with the plan (43 CFR 1610.5, BLM MS 1617.3)

Part II – NEPA Review

- A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9(D)1. Category description: “Approval of transfers of grazing preference.” See Part I – Plan Conformance Review – Remarks.
- 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 <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
-----	--	---

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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Ryan Homan</i> 12/10/2009
-----	--	---

Comments/Explanation: 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.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
-----	--	---

Comments/Explanation: The proposed transfer of grazing privileges is a routine administrative procedure that would not change the grazing management on the allotment.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
-----	--	---

Comments/Explanation: 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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
<i>Comments/Explanation:</i> Transfer of grazing preference is a routine administrative procedure that would not change the grazing management on the allotment. This action neither establishes a precedent for future actions nor represents a decision in principle about future actions with potentially significant environmental effects. The Pole Creek Allotment grazing permit has not been fully processed and the interim terms and conditions would be in accordance with Chief Judge B. Lynn Winmill's Memorandum Decision and Order dated February 29, 2000 and Stipulated Settlement Agreement dated May 15, 2008.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
<i>Comments/Explanation:</i> Transferring existing grazing preference would be neither individually nor cumulatively significant.		
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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Brian P. McCabe</i> 12/10/2009
<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: /s/ <i>Beth Corbin</i> 12/8/2009 Specialist Signature/Date for Wildlife: /s/ <i>Michael McGee</i> 12/14/2009 Specialist Signature/Date for Aquatics: /s/ <i>Rich Jackson</i> 12/9/2009
Plants <i>Comments/Explanation:</i> No federally listed, candidate, or BLM special status plant species would be significantly impacted by the Proposed Action .		
Wildlife <i>Comments/Explanation:</i> No federally listed, candidate, or BLM special status wildlife species are significantly impacted by the Proposed Action.		
Aquatics <i>Comments/Explanation:</i> No federally listed, candidate, or BLM special status aquatic species are significantly impacted by the Proposed Action.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
<i>Comments/Explanation:</i> 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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Chris Robbins</i> 12/8/2009
<i>Comments/Explanation:</i> 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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Brian P. McCabe</i> 12/10/2009
<i>Comments/Explanation:</i> 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	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Beth Corbin</i> 12/8/2009
-----	--	---

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: None

Authorizing Official: /s/ *Buddy W Green*

Date: 1/20/2010

Name: Buddy W. Green

Title: Owyhee Field Manager

Part III – Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that this transfer of grazing preference in the Pole Creek Allotment is in conformance with the approved land use plan and 43 CFR 4110.2-3 and that no further environmental analysis is required. It is my decision to approve the transfer of grazing preference from Roy and Bea Hall to Tommy E. and Barbara Moore as described above, with the mitigation measures that livestock grazing in the Pole Creek Allotment would be in accordance with Chief Judge B. Lynn Winmill's Memorandum Decision and Order and the Stipulated Settlement Agreement of May 15, 2008.

Authorizing Official: /s/ *Buddy W Green*

Date: 1/20/2010

Name: Buddy W. Green

Title: Owyhee Field Manager