

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
P.O. Box 12000 (1340 Financial Blvd)
Reno, Nevada 89520-0006
<http://www.nv.blm.gov>
January 16, 2008

IN REPLY REFER TO:
4130(NV-930) P

EMS Transmission 1/17/2008
Instruction Memorandum No. NV- 2008-019
Expires: 09/30/2009

To: Field Managers, Nevada

From: Ron Wenker
State Director, Nevada

Subject: Implementation of WO-IM-2008-19 Categorical Exclusion Review Requirement

Program Areas: Planning and Environmental Coordination, and Rangeland Management

Purpose: The purpose of this Instruction Memorandum is to provide guidance on implementation of WO-IM-2008-19 (<http://www.blm.gov/nhp/efoia/wo/fy08/IM2008-019.htm>). This Washington Office IM provides direction for use of the recently approved Categorical Exclusion (CX) for issuing grazing permits/leases (516 DM 6, Appendix 5 - 5.4 D.(11)). Included in this direction is the following:

“Effective immediately through September 30, 2008, each State’s **Deputy State Director for Resources or his/her delegate will review the proposal to ensure consistent and appropriate use of the CX before** the authorized officer signs a CX for issuing a grazing permit/lease.”

The above referenced CX can be used for the issuance of livestock grazing permits/leases where both A) and B) are met:

A) the new grazing permit/lease is essentially the same as the previous permit/lease, specifically;

- 1) the same kind of livestock is grazed**
- 2) active use authorized by the new permit/lease is equal to or less than that authorized by the previous permit/lease, and**
- 3) grazing does not occur more than 14 days earlier or later than as specified on previous permit/lease.**
 - a) the start date may be up to 14 days earlier than the previous start date.
 - b) the end date may be up to 14 days later than the previous end date.
 - c) the length of the grazing season may be adjusted within this 28 day window.

d) if modification of the grazing season changes the length of the grazing season, active use must remain equal to, or less than, that authorized by the previous permit/lease.

B) the grazing allotment(s) has been assessed and evaluated, and the Responsible Official has documented in a Determination that the allotment(s) is:

- 1) meeting all the land health standards, or**
- 2) not meeting standards due to factors that do not include existing livestock grazing.**

Policy/Action: In order for NV-930 to provide the required “consistent and appropriate” review, the following documents must be provided each time a field office plans to use the CX. Provide this information electronically, to the extent possible, to either NVSO Rangeland Management Specialist.

1. Description of proposed permit terms and conditions;
2. Copy of previous permit;
3. Copy of signed Determination document (not for review/second guess purposes);
4. Copy of “Optional Plan Conformance/NEPA Compliance Record” or “Categorical Exclusion Documentation Format;” and
5. Copy of “Categorical Exclusions: Extraordinary Circumstances.”

NV-930 is expected to verify that the proposed terms and conditions meet the criteria given in **A)** above and that the Determination’s findings meet the criteria given in **B)**. Additionally, NV-930 must ensure that the Field Office has addressed the “extraordinary circumstances,” which would preclude the use of the CX.

NV-930 will not be completing an extensive review of the underlying assessment/evaluation documents. NV-930 assumes that each office is completing defensible analysis which conforms to Bureau policy and procedures.

The NV-930 staff will make every effort to complete the necessary review as quickly as possible. The results of the NV-930 review with concurrence statement will be provided to the field office by the Deputy State Director for Resources, Lands, and Planning or Branch Chief for Renewable Resources and Planning.

Contact: If you have any questions and to submit CXs for review, please contact either Duane Wilson, Rangeland Management Specialist at 775-861-6587 or Bill Dragt, Rangeland Management Specialist at 775-861-6475.

Signed By:
Ron Wenker
State Director, Nevada

Authenticated By:
Ellyn Darrah
Administrative Assistant