

## CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL

### A. Background

**Categorical Exclusion (CX) Number:** DOI-BLM-OR-B050-2015-0019-CX

**Date:** 7/30/2015

**Grazing Permit/Lease Number:** 3602504

**Preparer/Title:** Ronda Purdy/Range Technician

**Allotment Number(s):** 07042, 07035, 07041

**Title of Proposed Action:** Livestock Grazing Permit # 3602504 Transfer

**Description of Proposed Action and Project Design Elements (if applicable):** The BLM would authorize grazing by cattle under grazing permit/lease # 3602504 on: Dole Smith 07042 from 04/01 to 09/30 for 25 active Animal Unit Months (AUMs, Silvies Meadow 07035 from 04/01 to 10/31 for 88 active Animal Unit Months AUMs, and East Silvies 07041 from 06/01 to 09/30 for 594 active Animal Unit Months (AUMs) for a term of 3 years. Since current management is consistent with BLM regulatory guidance and land use plan objectives, and as assessment of the allotments has found that Standards for Rangeland Health have been achieved, there is no need for change from current management.

**Legal Description** (attach location map): Dole Smith, Silvies Meadow, and East Silvies Allotment(s) are located approximately fifteen (15) of air miles from Burns Oregon in the Three Rivers Resource Area. See attached Vicinity Map.

### B. Conformance with Land Use Plan (LUP)

**LUP Name and Date Approved/Amended:** Three Rivers Resource Management Plan (RMP), September 1992

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The Three Rivers RMP identifies Dole Smith, Silvies Meadow, and East Silvies, as available for livestock grazing in Appendix 9, Appendices Page(s) 153, 147, and 152, respectively. The RMP expectation is continued livestock grazing at current levels, unless changes are shown to be warranted through rangeland monitoring as analyzed through Standard for Rangeland Health assessments and other evaluation. As these allotment(s) have been assessed and it has been determined that they are achieving all Standards for Rangeland Health that are present, no change in livestock grazing levels is warranted.

### C. Standards for Rangeland Health Assessment

An Trend/Monitoring Analysis was done for Dole Smith in 2013, Silvies Meadow in 2006, East Silvies in 2011, 2006, & 2004. Standards and Guidelines Assessment(s) were done for Dole Smith in 2002, Silvies Meadow in 2008, East Silvies in 2007. Allotment Evaluation was done for East Silvies in 2007. It has been determined that these allotment(s) are achieving standards and conforming to the guidelines (43 CFR 4180.2, Standards for Rangeland Health and Guidelines for Grazing Management for Public Lands in Oregon and Washington, 1997). The following standards are currently being achieved, or not present.

#### Dole Smith

1. Watershed Function- Uplands
2. Watershed Function- Riparian – Standard Not Present
3. Ecological Processes
4. Water Quality- Standard Not Present
5. Native, Threatened or Endangered (T&E) and Locally Important Species

#### Silvies Meadow

1. Watershed Function- Uplands
2. Watershed Function- Riparian
3. Ecological Processes
4. Water Quality
5. Native, Threatened or Endangered (T&E) and Locally Important Species

#### East Silvies

1. Watershed Function- Uplands
2. Watershed Function- Riparian – Unknown-Mostly private land
3. Ecological Processes
4. Water Quality - Unknown-Mostly private land

5. Native, Threatened or Endangered (T&E) and Locally Important Species

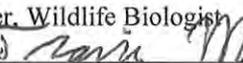
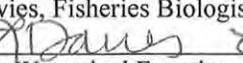
The applicant has a satisfactory record of performance and is in substantial compliance with the terms and conditions of the existing grazing permit.

**D. Compliance with the National Environmental Policy Act (of 1969) (NEPA)**

Section 402 of Federal Lands Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1752) as amended by the *Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015*: Section 402(c) (2) in accordance with Section 401(a) of FLPMA authorizes permits and leases to a qualified applicant for domestic livestock grazing on public lands to be for a term of ten years, subject to terms and conditions consistent with the governing law. Section 402(h)(1) – National Environmental Policy Act of 1969 - of FLPMA states that in general – the issuance of grazing permit or lease by the Secretary concerned may be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement under National Environmental Policy Act of 1969 (42 U.S.C. et seq.) If; 1. The issued permit or lease continues the current grazing management of the allotment; and 2. Land health assessment or evaluations have been completed in accordance with Manual Handbook H-4180-1; and 3. Based on the assessment and evaluation has Authorized Official concludes that the allotment (a) is meeting land health standards; or (b) is not meeting land health standards due to factors other than existing livestock grazing. The grazing permit/lease being renewed under this CX meets these requirements.

This categorical exclusion review was conducted by an interdisciplinary team (ID), which utilized all available allotment information to make a recommendation. As documented below the ID found that the proposed action did not trigger any of the extraordinary circumstances described in 516 DM 2, Appendix 2.

**Screening for Exceptions:** The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

<b>CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION</b>	
<b>2.1</b>	Have significant impacts on public health or safety.
Specialist:	John Petty, Safety Officer
Signature and Date:	 7/30/15
Rationale:	No significant impacts on public health or safety.
<b>2.2</b>	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); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist:	Travis Miller, Wildlife Biologist
Signature and Date:	 7/30/15
Rationale:	The proposed action to continue livestock grazing as currently exists by renewing the grazing permit would not alter any of the available landscape; there will be no effect to migratory birds or their habitat. Standard 5 has been achieved, and current avian habitat supports the potential for a high array in species composition across successional stages of vegetative communities from grassland to shrub steppe to juniper woodlands that are present throughout these allotments.
<u>Historic and Cultural Resources</u>	
Specialist:	Scott Thomas, District Archeologist
Signature and Date:	 7-30-15
Rationale:	There will be no additional effects to Cultural or Historic Resources associated with this proposed action.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist:	Caryn Burri, NRS Botany
Signature and Date:	 7/30/15
Rationale:	There are no ACEC/RNAs within the East Silvies, Dole Smith or Silvies Meadows Allotments; therefore there will be no effects from renewing the grazing permit.
<u>Water Resources/Flood Plains</u>	
Specialist:	Lindsay Davies, Fisheries Biologist
Signature and Date:	 8/3/15
Rationale:	Standards for Watershed Function – Riparian and Water Quality are either not present or are being met. Therefore, there would be no significant impacts to Water Resources as a result of the Proposed Action.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist:	Caryn Burri, NRS Botany
Signature and Date:	 7/30/15
Rationale:	There would be no new impacts to soils or biological soil crusts with the renewal of the grazing permit.
<u>Recreation/Visual Resources</u>	
Specialist:	Eric Haakenson, Recreation Specialist

Signature and Date: <i>Tom Haakenson</i> 7-31-15
Rationale: Maintaining the existing livestock grazing program would have no effect to Recreation opportunities in the project area. The project falls within Visual Resource Management (VRM) Class III and IV and there would be no effect to the VRM Classes.
<u>Wilderness/Wild and Scenic River Resources</u>
Specialist: Tom Wilcox, Wilderness Specialist
Signature and Date: <i>Tom Wilcox</i> 7-31-15
Rationale: There is no Wilderness, Wilderness Study Areas, Wild & Scenic Rivers, or Lands with Wilderness Characteristics in the project area. There would be no affects to these resources by continuing the existing livestock grazing program.
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i>
Rationale: There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The permit renewal is for an existing permit within an existing allotment; the Standards for Rangeland Health have been achieved and, there will be no change from current management.
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i>
Rationale: There are no highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The permit renewal is for an existing permit within an existing allotment; the Standards for Rangeland Health have been achieved and, there will be no change from current management.
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i>
Rationale: Implementation would not set precedence for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The permit renewal is for an existing permit within an existing allotment; the Standards for Rangeland Health have been achieved and, there will be no change from current management.
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist: Holly Orr, Planning and Environmental Coordinator
Signature and Date: <i>Holly Orr</i>
Rationale: Implementation does not have any known direct relationship to other actions with individually insignificant but cumulative significant environmental effects. The permit renewal is for an existing permit within an existing allotment; the Standards for Rangeland Health have been achieved and, there will be no change from current management.
2.7 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.
Specialist: Scott Thomas, District Archeologist
Signature and Date: <i>Scott Thomas</i> 7-30-15
Rationale: There will be no additional effects to National Register eligible sites associated with this proposed action.
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
<u>Endangered or Threatened Species-Fauna</u>
Specialist: Travis Miller, Wildlife Biologist
Signature and Date: <i>Travis Miller</i> 7/30/15
Rationale: There are no Threatened or Endangered species in this area, so there would be no effect to these species as a result of the proposed action. Standard 5 has been achieved, and there will be no changes occurring on the ground as a result of livestock grazing to alter the available sagebrush steppe habitat. Therefore there will be no effect to the Greater Sage-grouse populations a candidate species for listing under the ESA and to other sagebrush steppe obligate species. The current threat identified in this area to sage-grouse and other sagebrush obligate species is western juniper woodland encroachment into sagebrush steppe communities, which decreases available sagebrush habitat by outcompeting shrubs, perennial grasses and forbs. There are current management actions taking place in this area to mitigate the encroachment of juniper that will improve or maintain sagebrush steppe habitat that not only benefits wildlife and healthy rangelands, but also the continued management of livestock grazing.
<u>Endangered or Threatened Species-Aquatic</u>
Specialist: Lindsay Davies, Fisheries Biologist
Signature and Date: <i>Lindsay Davies</i> 8/3/15
Rationale: There are no T&E aquatic species or Critical Habitats within the Allotments.
<u>Endangered or Threatened Species-Flora</u>
Specialist: Caryn Burri, NRS Botany
Signature and Date: <i>Caryn Burri</i> 7/30/15
Rationale: There are no documented Threatened or Endangered, nor BLM Special Status, plant species, nor designated critical habitat with the East Silvies, Dole Smith or Silvies Meadows Allotments; therefore, there will be no effects resulting from the

renewal of the grazing permit
<b>2.9</b> Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist: Holly Orr, Planning and Environmental Coordinator Signature and Date: <u>Holly Orr</u>
Rationale: Implementation would not violate any known law or regulation imposed for the protection of the environment. The permit renewal is for an existing permit within an existing allotment; the Standards for Rangeland Health have been achieved and, there will be no change from current management.
<b>2.10</b> Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist: Holly Orr, Planning and Environmental Coordinator Signature and Date: <u>Holly Orr</u>
Rationale: Implementation would not have a disproportionately high or adverse effect on low income or minority populations as such populations do not exist within the project area.
<b>2.11</b> 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).
Specialist: Scott Thomas, District Archeologist Signature and Date: <u>Scott Thomas 7-30-15</u>
Rationale: There will be no effects to access or integrity of Indian sacred sites associated with this proposed action because no known sacred sites occur at this location.
<b>2.12</b> Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).
Specialist: Lesley Richman, District Weed Coordinator Signature and Date: <u>Lesley Richman 7/30/2015</u>
Rationale: Noxious weeds are known to be present in and in close proximity to these allotments. Treatments are on-going. The weeds are currently not present in sufficient quantity to be considered a significant impact in these allotments.

**D. Signatures**

**Additional review** (As determined by the Authorized Officer):

Specialist: Stacy Fenton, Geographic Information Specialist

Signature: Stacy Fenton Date: 8/3/15

**RMP conformance and CX review confirmation:**

Specialist: Holly Orr, Planning and Environmental Coordinator

Signature: Holly Orr Date: 08/03/15

**Management Determination:** Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer: Richard Roy, Three Rivers Resource Area Field Manger

Signature: Richard Roy Date: 8/3/15

**E. Contact Person**

For additional information concerning this CX review, contact Holly Orr, Planning and Environmental Coordinator, BLM, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, (541) 541-4400.

**Decision:** It is my proposed decision to implement the Proposed Action as described above.

**Protest and Appeal Procedures:**

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under 43 Code of Federal Regulations (CFR) 4160.1 and 4160.2, in person or in writing to Field Manager Richard Roy, Three Rivers Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

A protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted; a protest must be printed or typed on paper and submitted in person or by certified mail.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

United States Department of the Interior  
Office of Hearings and Appeals  
351 South West Temple, Suite 6.300  
Salt Lake City, Utah 84101

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and on any person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this Decision.

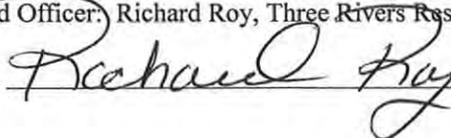
Standards for Obtaining a Stay — except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

- (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.

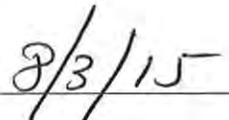
As noted above, the petition for stay must be filed in the office of the authorized officer, must be written or typed on paper, and must be served in person or by certified mail at the same time the notice of appeal is served..

Authorized Officer: Richard Roy, Three Rivers Resource Area Field Manger:

Signature:

 \_\_\_\_\_

Date:

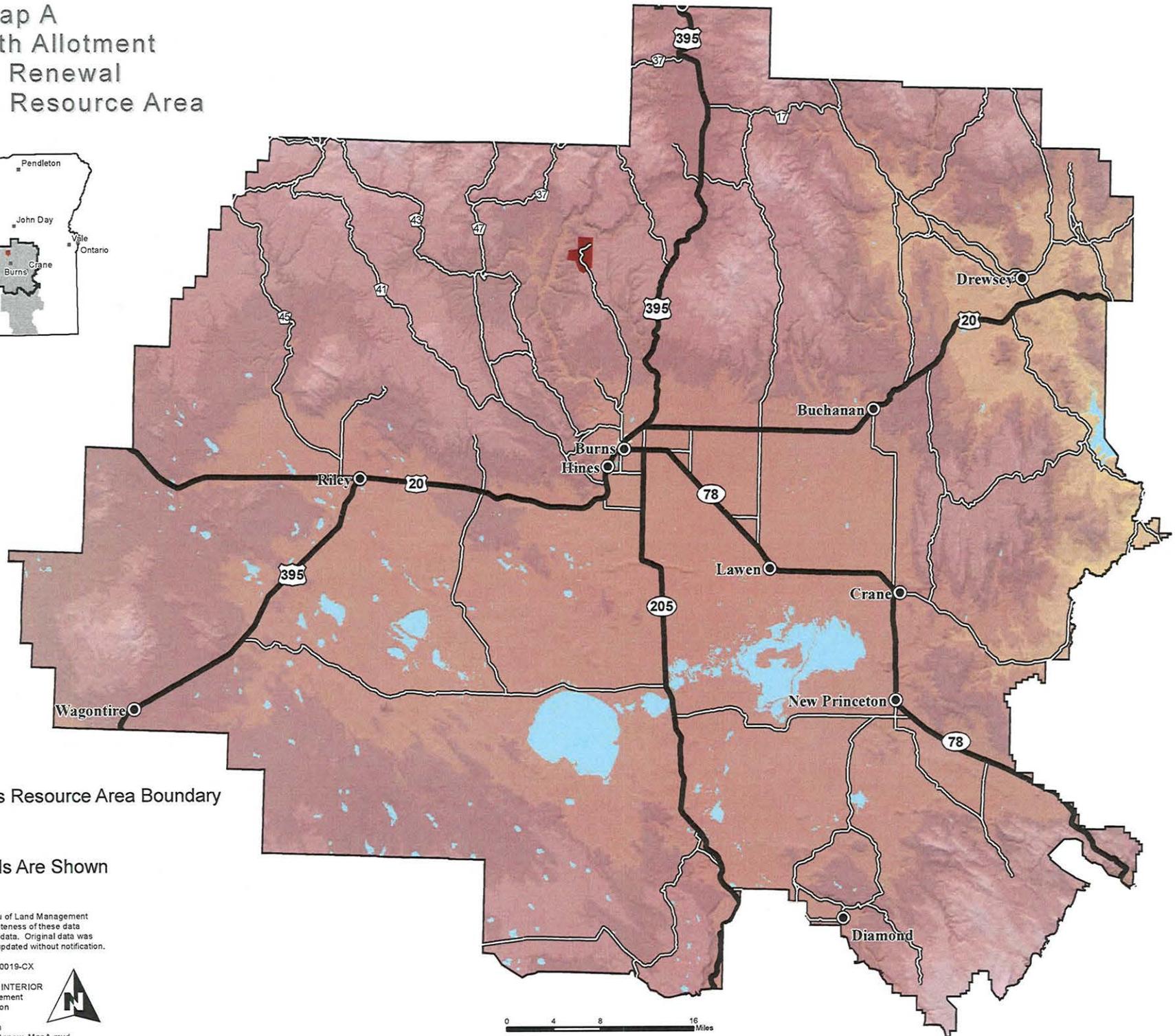
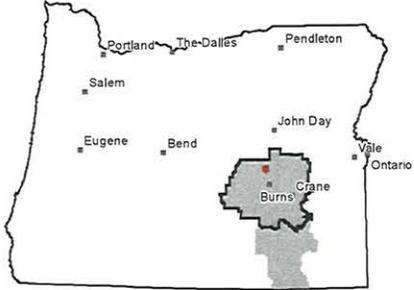
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# Map A

## Dole Smith Allotment

### Permit Renewal

### Three Rivers Resource Area



- Allotment
- Three Rivers Resource Area Boundary
- Highways
- Not All Roads Are Shown

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

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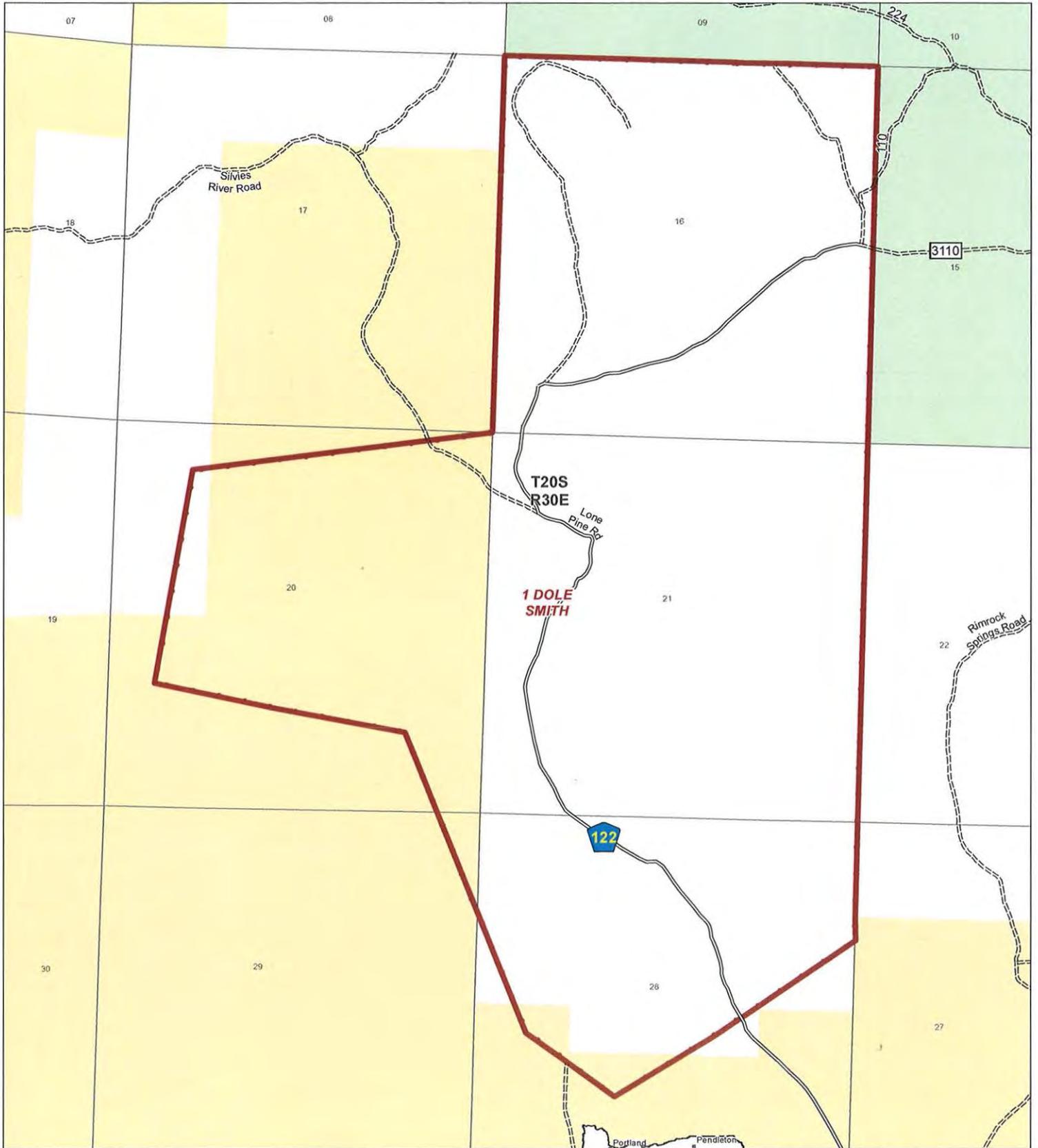
US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District, Oregon



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# Dole Smith Allotment Permit Renewal



- Allotments
- Bureau of Land Management
- Non-Paved Improved Road
- Natural/Unknown Road Surface
- Pastures
- U.S. Forest Service
- Private/Unknown

1 Miles



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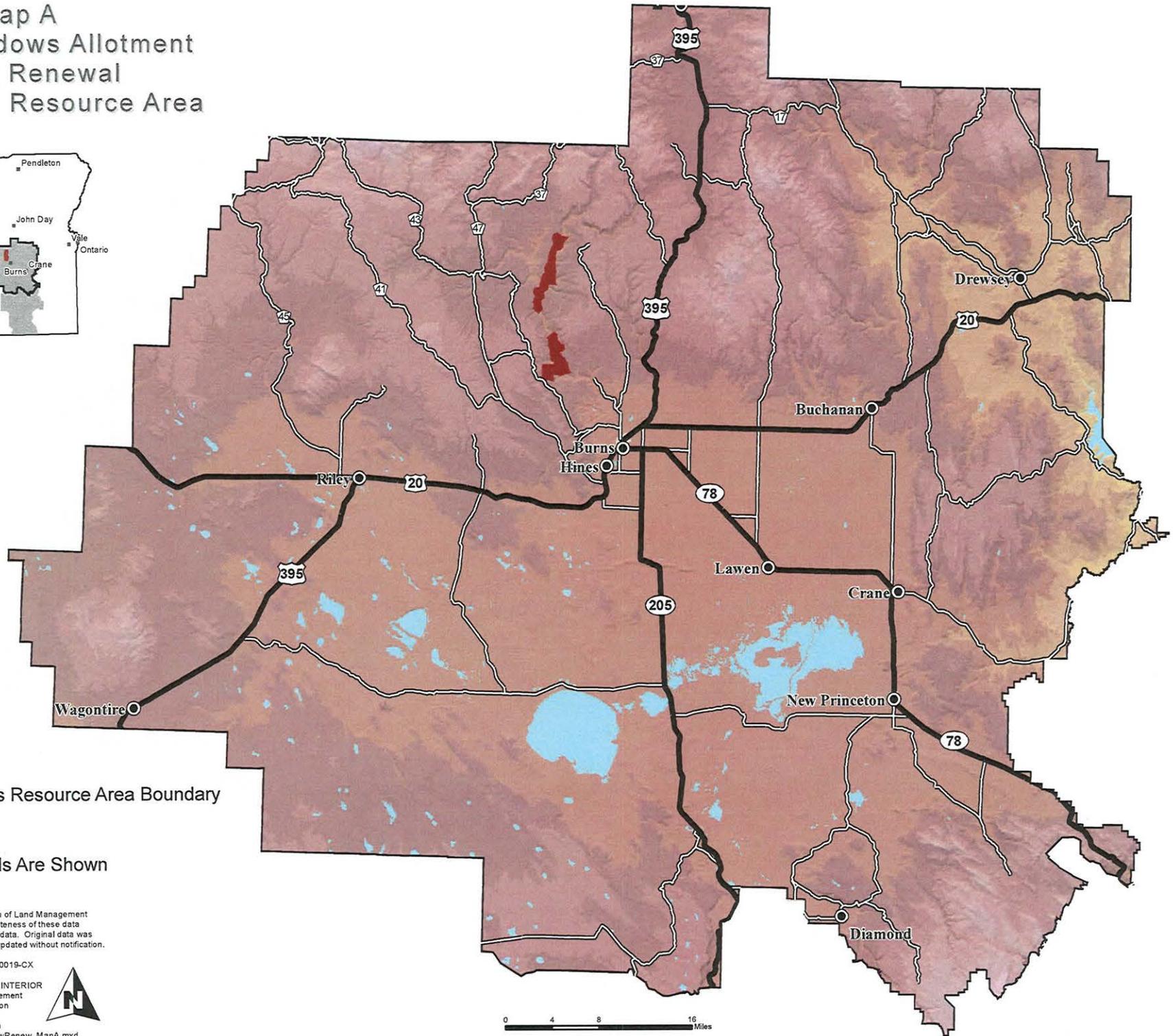
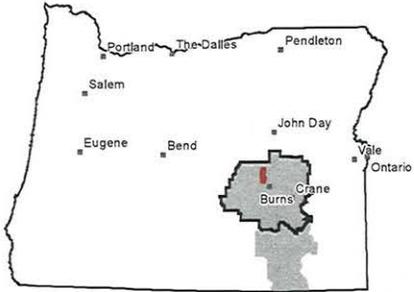


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 Bureau of Land Management  
 Burns District, Oregon



# Map A

## Silvies Meadows Allotment Permit Renewal Three Rivers Resource Area

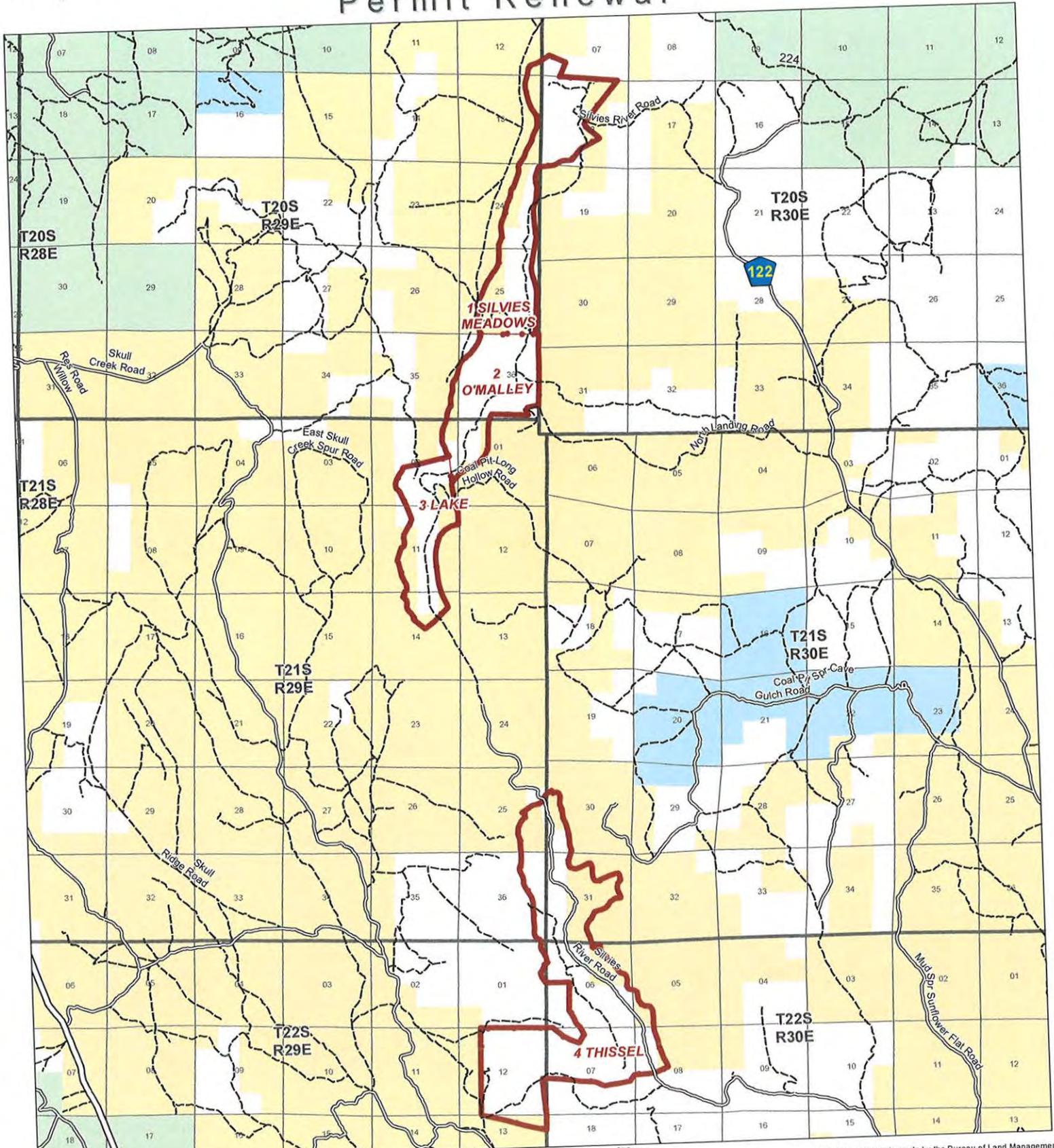


- Allotment
- Three Rivers Resource Area Boundary
- Highways
- Not All Roads Are Shown

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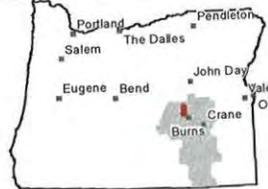


# Map B Silvies Meadows Allotment Permit Renewal



- Allotments
- Pastures
- Bureau of Land Management
- U.S. Forest Service
- State
- Private/Unknown
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface

3 Miles

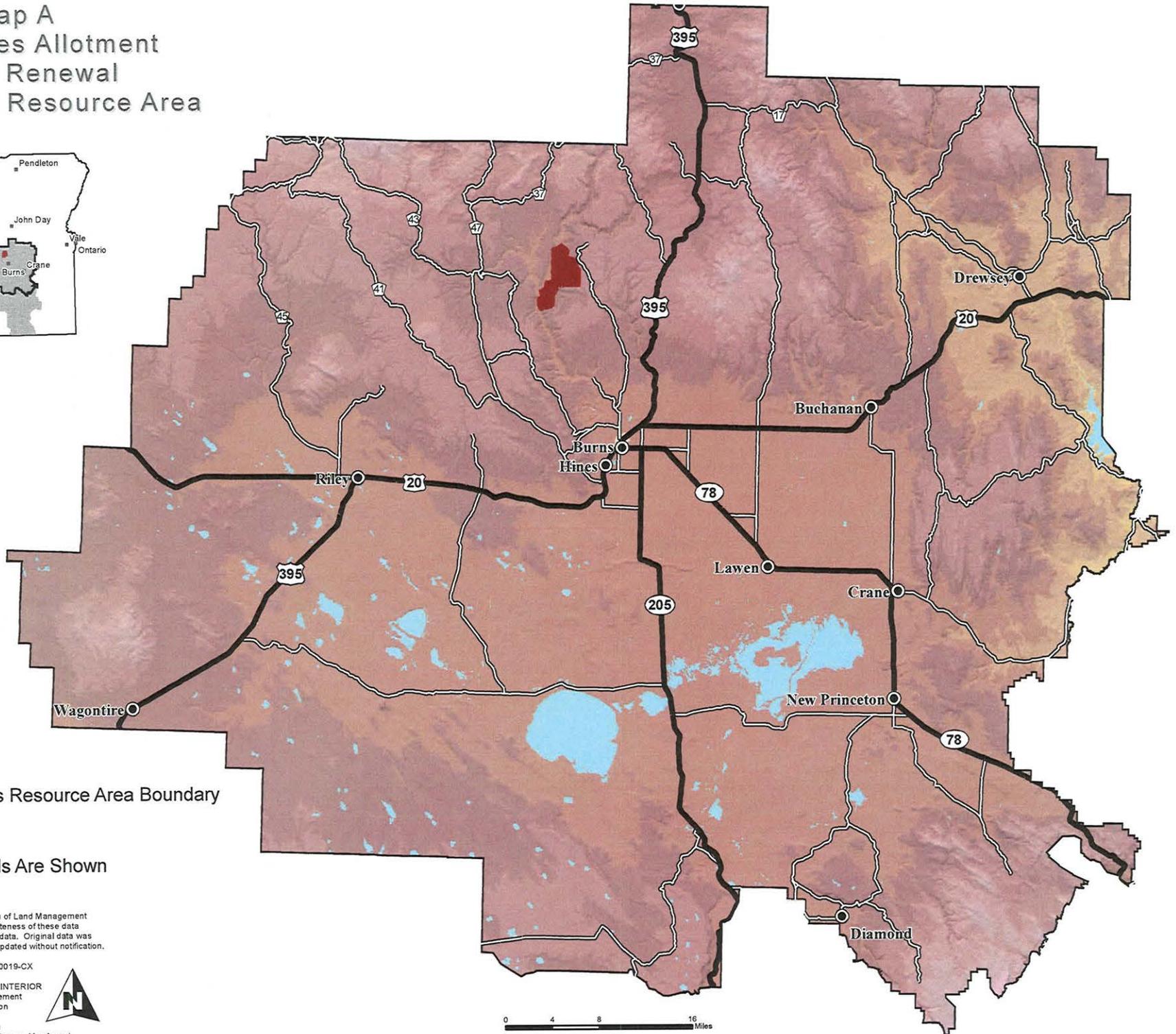
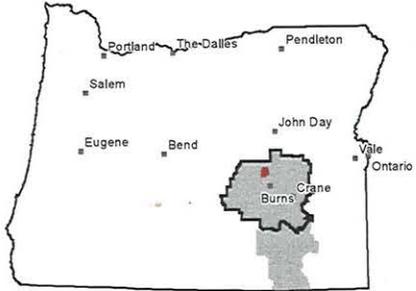


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# Map A East Silvies Allotment Permit Renewal Three Rivers Resource Area

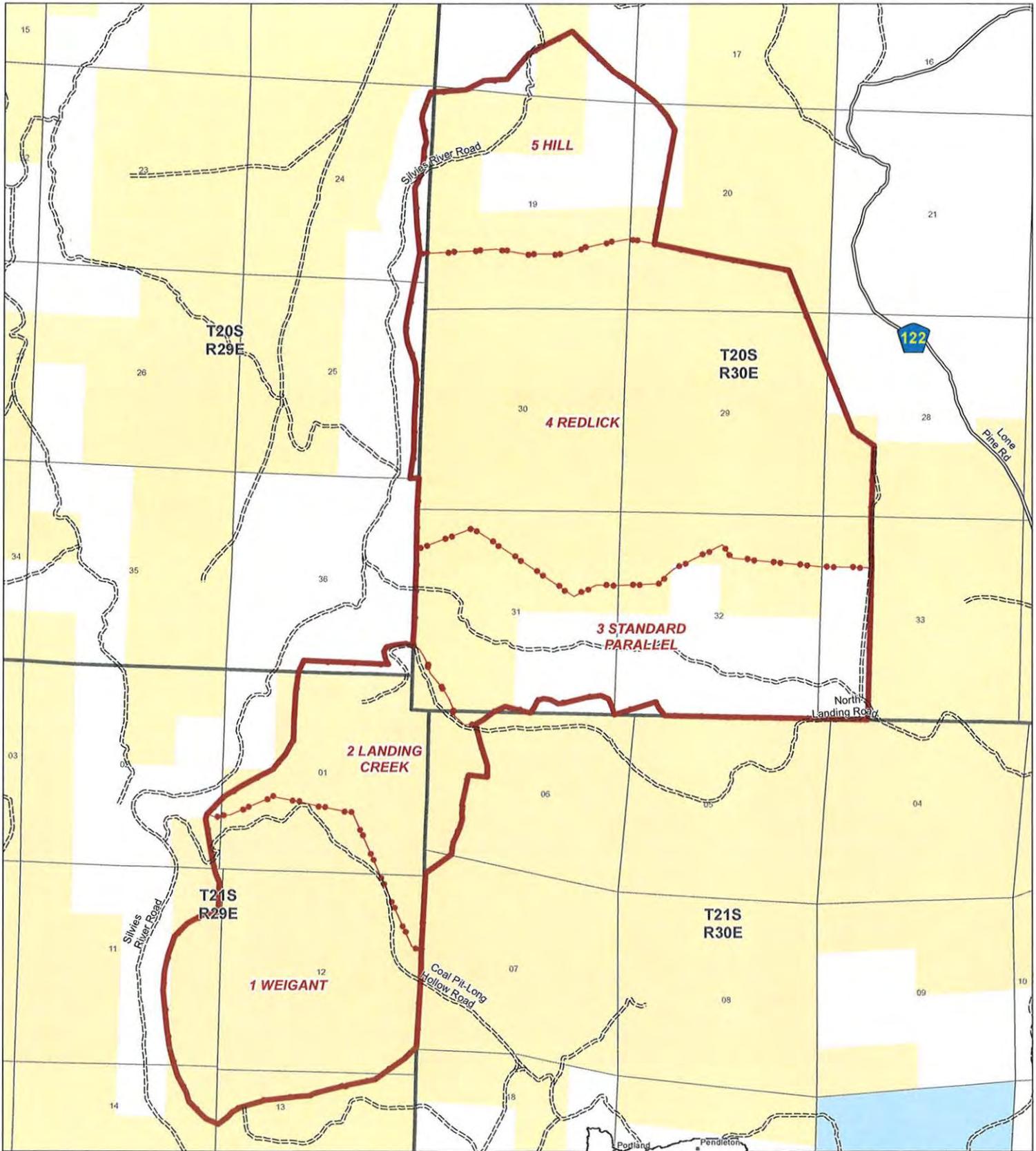


- Allotment
- Three Rivers Resource Area Boundary
- Highways
- Not All Roads Are Shown

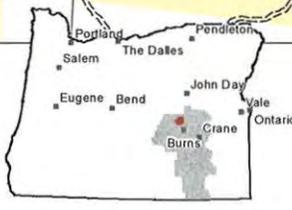
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# East Silvies Allotment Permit Renewal



- Allotments
- Bureau of Land Management
- Non-Paved Improved Road
- Pastures
- State
- Natural/Unknown Road Surface
- Private/Unknown



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