

Categorical Exclusion Documentation

A. Background

BLM Office: Prineville Field Office

NEPA Log #: DOI-BLM-OR-P040-2011-0039-CX

Project/Lease/Serial/Case File #: 3605280

Proposed Action Title: Grazing Lease Transfer, Circle Bar S allotment

Location: Approximately one mile west of Service Creek, Oregon (see map).

Description of the Proposed Action: The proposed action is the transfer of an existing lease (2 cattle, April 1 – December 31, 16 AUMs) for the Circle Bar S (#2544) grazing allotment from Jonathan and Sarah Gay Fussner to Circle Bar S, LLC. The existing Terms and Conditions and management practices of the lease would remain unchanged. In addition to the standard terms and conditions, other terms and conditions are:

Following peak spring runoff, livestock will either not be turned out, or will be removed from pastures with livestock access to the riverbanks when the seven day moving average of flow at the Service Creek gaging station falls below 2,000 cubic feet per second (cfs).

Livestock are not authorized to graze public land within a riparian enclosure.

To protect California bighorn sheep, no sheep or goat (domestic or non-native) use will be allowed on public land in this allotment.

The Fish and Wildlife Service and the National Marine Fisheries Service are evaluating species and have found some for listing that are present within the Central Oregon Resource Area boundary. If these listed species, as well as any future listed Threatened and Endangered species are found on federal lands located within this allotment boundary, this lease is subject to future modification to achieve compliance with the listing.

This permit or lease may be cancelled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations.

Lessees are required to submit actual use grazing records within 15 days of completion of the years grazing use.

Salting of livestock within one-quarter mile of water is prohibited. Supplemental feeding of livestock on public lands is prohibited without prior authorization from the BLM.

Lessees are required to maintain all range improvements for which they have maintenance responsibilities.

Lessees/permittees are to provide reasonable access across private and leased lands to the BLM for the orderly management and protection of the public lands as allowed in 43 CFR 4130.3-2(h).

B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan, Record of Decision, Rangeland Program Summary (Two Rivers RMP)

Date approved (ROD): June 1986

The proposed action is in conformance with the above plan because it is specifically provided for in the following land use plan decisions:

Page 10, Goal and Objectives, No. 1: "Maintain forage production and livestock use at 17,778 AUMs."
Page 42, Appendix C: "2544 Circle S Ranch, Acres Public Land 518, Current Active Use 9 AUMs..." (in 1987 a land sale resulted in 80 acres and 7 AUMs being transferred from Zack Keys (#2569) to the Circle S grazing allotment).
Page 46, Appendix D: "2544... Grazing Period Begin-End 4/01 – 12/31..."

Land Use Plan Name: Record of Decision, John Day River Management Plan, Two Rivers, John Day, and Baker Resource Management Plan Amendments (JD River Plan).
Date approved (ROD): February 2001

The proposed action is in conformance with the above plan because it is specifically provided for in the following land use plan decisions:

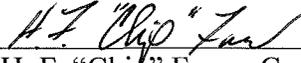
Page 237, Allotment #2544 – Circle S, AUMs within lease: 16...

C. Compliance with NEPA

Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5.D (1), effective August 14, 2007, "Approval of transfers of grazing preference". This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances apply as described in 516 DM 2, Appendix 2, and effective June 21, 2005. See attached CX Extraordinary Circumstances Documentation checklist beginning on page 3.

I considered the above Proposed Action, land use plan, compliance with 516 DM 11.5.D (1), and the lack of extraordinary circumstances potentially having effects that may significantly affect the environment information provided. Based on this review, there is no potential for significant impacts so further NEPA analysis is not needed.

D. Signature

Authorizing official:  Date 12.13.11
H. F. "Chip" Faver, Central Oregon Field Manager

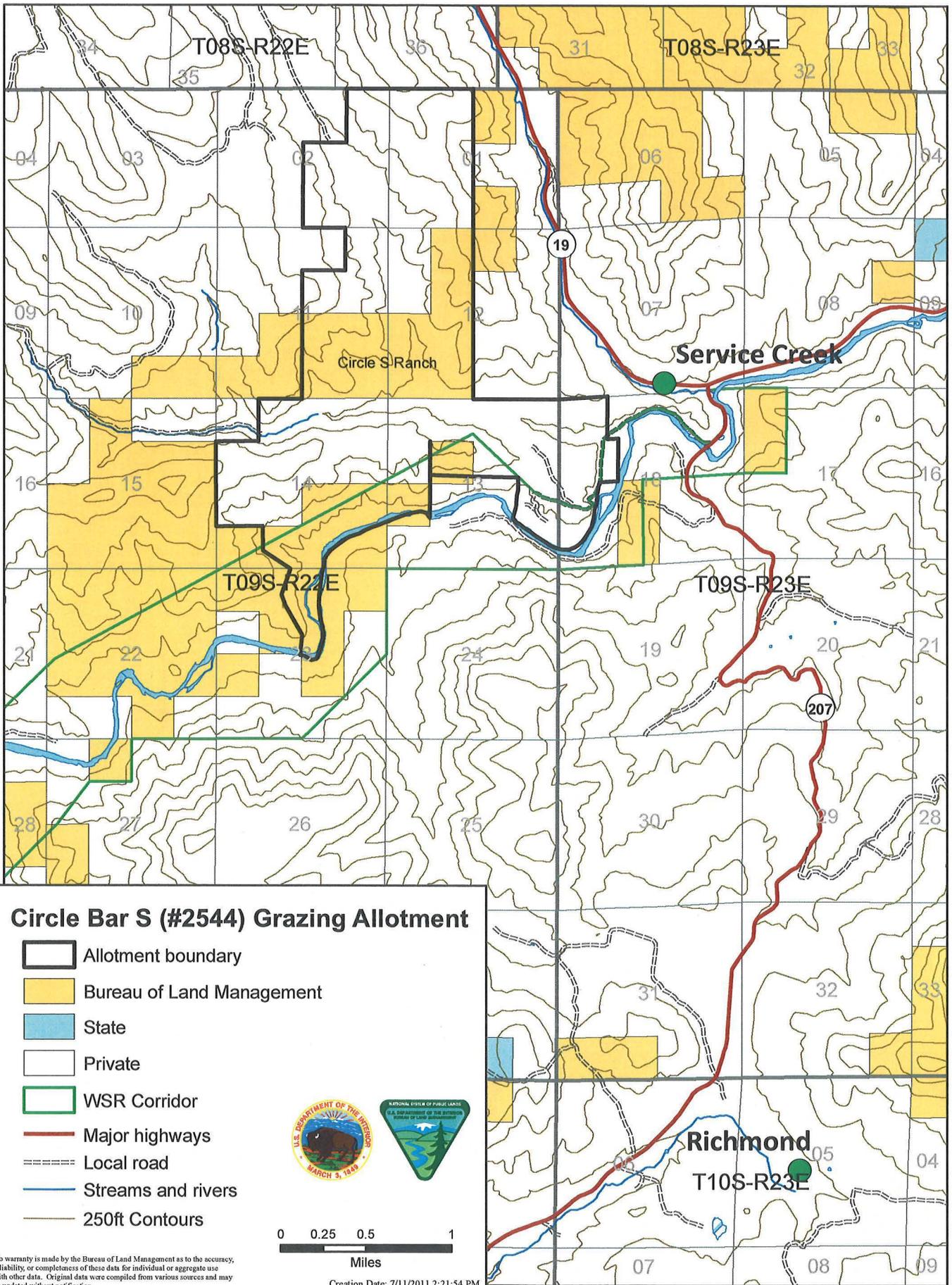
Contact Person

For additional information concerning this review, contact Craig Obermiller, Rangeland Management Specialist at the Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754, 541-416-6761, craig_obermiller@or.blm.gov.

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION		YES	NO
The proposed categorical exclusion action will:			
2.1	Have significant impacts on public health or safety.		X
Rationale: The administrative action of transferring a grazing lease has not been associated with having significant impacts on public health or safety, as of yet. In addition, the end result of a grazing lease transfer is the continuation of a land use which is in conformance with the Two Rivers RMP.			
2.2	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; and other ecologically significant or critical areas.		X
Rationale: The proposed action does not have significant impacts on the items listed. The public lands contained within this allotment have been evaluated for wilderness characteristics. The evaluation found that the public land parcels do not have wilderness character because they lack sufficient size and do not meet any of the exceptions to the size criteria. It has been determined that general and continued grazing activities would have minimal effects on any known or undiscovered prehistoric or historic resources in this allotment. The Two Rivers RMP provided management guidance for livestock grazing concerning recreation. The JD River Plan provided management guidance for livestock grazing concerning Wild and Scenic Rivers.			
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: The proposed action is in conformance with the Two Rivers RMP which did not identify any highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. Grazing is provided for in the Livestock Grazing Directions, page 14: "The availability of forage will remain at 17,778 AUMs in the short term."			

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The administrative action of transferring a grazing lease from one person to another does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks beyond what was disclosed in the Two Rivers RMP.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Throughout the United States, thousands of grazing permit/lease transfers have occurred every year since 1935, so the proposed action would not be regarded as precedent setting with potentially significant environmental effects. Due to the management constraints imposed by the Two Rivers RMP, the proposed action is within the limits of acceptable environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Similar past actions, to the proposed action, did not result in significant direct, indirect or cumulative environmental effects.		
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.		X
Rationale: The Two Rivers RMP determined grazing, as described in the Plan, would have a low impact on historic places (see Table 1, page iii).		
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.		X
Rationale: Analysis of grazing impacts was determined to ‘may effect, not likely to adversely affect’ steelhead habitat on the Circle S grazing allotment. Consultation with National Marine Fisheries Service has produced a Biological Opinion that includes ‘reasonable and prudent measures’ and ‘Terms and Conditions’ that will ensure grazing is not likely to jeopardize the continued existence of listed species or adversely modify critical habitat.		

2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action conforms to the direction given for the management of public lands in the Two Rivers RMP, which complies with all applicable laws, such as the Clean Water Act and Endangered Species Act.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: The transfer of an active grazing permit/lease would have no measurable effect on low income or minority populations; however, it would provide public grazing land for a ranch operation which may employ low income or minority persons.		
2.11 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).		X
Rationale: There is no documentation of limited access or use of sacred Indian ceremonial sites regarding the proposed action. In addition, there is no documentation that the physical integrity of such sites, if they exist, has been significantly adversely affected. Should an adverse situation arise, action would be taken to alleviate the problem.		
2.12 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).		X
Rationale: The proposed action would not measurably change the rate of introduction, continued existence or spread of noxious weeds or invasive species. Livestock entering public lands have the potential to transport some viable undesirable seed via hide or gut; however, the possibility of introducing undesirable plants, not already in the area, is remote.		



Circle Bar S (#2544) Grazing Allotment

-  Allotment boundary
-  Bureau of Land Management
-  State
-  Private
-  WSR Corridor
-  Major highways
-  Local road
-  Streams and rivers
-  250ft Contours



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