

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SURPRISE FIELD OFFICE**

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Project Name: Upper Lake Allotment Livestock Grazing Authorization

NEPA Number: CA-370-08-15

Project Description: The Bureau of Land Management (BLM) is proposing to re-issue the existing grazing permit on the Upper Lake Allotment for a period of up to 10 years.

Project Location: The Upper Lake Allotment is located at T45N, R16E in northeast California, as shown on attached map. The permittee currently holds active preference on the Upper Lake Allotment, for 168 AUMs annually, from May 1 to September 30. The Upper Lake Allotment consists of 759 acres of public land and 295 acres of private land and is categorized as “C” (custodial) due to the small size of the allotment, and because no resource issues or conflicts were identified during the Land Use Planning process or during the grazing permit renewal process. Allotments categorized as “C” are non-intensively managed by the BLM. The current permit was issued under the Appropriations Act, therefore requires renewal prior to 2009.

A scoping letter was sent to 14 interested publics on September 11, 2008. BLM did not receive any comments during the scoping process.

Project Purpose and Need:

The purpose of the action is to authorize livestock grazing use on the Upper Lake Allotment. The need for the action is to ensure that issuance of a grazing authorization is in conformance with National Environmental Policy Act (NEPA), the Surprise Field Office Resource Management Plan and Record of Decision of April 2008 (RMP), and the Northeastern California and Northwestern Nevada, Standards for Rangeland Health and Guidelines for Livestock Grazing Management 2000.

The Surprise Field Office RMP applicable goals and objectives of livestock grazing, as noted on page 2-34 and 2-35 include the following: 1) Sustainable, ecologically sound, and economically viable livestock grazing opportunities would be provided, where suitable, in the Surprise Field Office management area, 2) Adequate forage would be produced to support sustainable levels of livestock grazing where compatible with objectives for other resources and resource users, 3) Continue to modify and adjust grazing management within individual grazing allotments to ensure that a vigorous plant community is sustained in combination with livestock grazing.

Washington Office Instruction Memorandum No. 2003-071, calls for all grazing permits to be fully processed by the end of FY 2009, using the information from the land health standards evaluations as needed to complete environmental impact analysis and documentation. In accordance with that policy, the Surprise Field Office has fully processed and proposes to issue a livestock grazing permit to a qualified applicant for the Upper Lake Allotment. All grazing permits are issued in accordance with 43 CFR 4100. Grazing permits must be consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act.

A copy of the land health standards assessment and determinations for the Upper Lake Allotment can be found in the allotment files in the Surprise Field Office. In addition, this information will be posted on the Surprise Field Office homepage at http://www.blm.gov/ca/st/en/fo/surprise/grazing_permit_renewals.html. The determination concludes that all of the applicable land health standards are being met.

The grazing permit or authorization (including crossing or trailing permits) will include the type and level of use authorized, including the kind and number of livestock, the period of use, and the amount of active use in animal unit months (AUMs), and terms and conditions for grazing use.

Attachment 1 provides this information including terms and conditions common to all the permits to be issued, as well as terms and conditions specific to the Upper Lake Allotment. The Surprise Field Office is not proposing any changes to the existing grazing permit for the Upper Lake Allotment.

The term permit and any future crossing/trailing permits would be implemented through Proposed and Final Grazing Decisions, with provisions for protest, appeal, and petition for stay, accordance with 43 CFR 4100, and would be sent to the permittee(s) and interested publics of record.

Plan Conformance

- ❑ The proposed action is in conformance with the Proposed Surprise Field Office Resource Management Plan and final environmental impact statement issued in May 2007 as adopted by the Record of Decision approved in April 2008.
- ❑ The proposed action is in conformance with the Northeast California Northwest Nevada Rangeland Health Standards and Guidelines for Livestock Grazing of 2000.

The action described above meets the specific criteria for the use of a Categorical Exclusion, as referenced in 516 DM 11.9(D) 11. This reference states the following as a Categorical Exclusion (CX):

Livestock grazing permits/leases where:

- a. *The new grazing permit/lease is consistent with the use specified on the previous permit/lease, such that*
 - 1. *the same kind of livestock is grazed.*
 - 2. *the active use previously authorized is not exceeded, and*
 - 3. *grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease, and*
- 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 land health standards, or*
 - 2. *not meeting land health standards due to factors that do not include existing livestock grazing.*

Screening for Extraordinary Circumstances: The following exceptions (extraordinary circumstances) apply to individual actions within the CX, as listed in 516 DM 2, Appendix 2. The action has been reviewed to determine if any of the below listed exceptions to categorical exclusion documentation apply.

<i>Exceptions</i>	Yes	No	Specialist Initials
1. Have significant impacts on public health or safety.		X	K.D.
Rationale: This allotment has no significant impacts on public health or safety. It is not near public areas, and create no circumstances in which public health or safety would be impacted or jeopardized.			
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	P.B./A.U.

Rationale: Approximately 300 acres of public land in the Upper Lake Allotment were inventoried for cultural resources. Ten prehistoric archaeological sites were found as a result of the inventory. All of the sites are in good condition with the exception of one (which has been impacted by wood cutting activities) and are not receiving impacts from cattle grazing. Forty percent of the allotment has been inventoried at an intensive level for cultural resources. None of the ten known and recorded sites are being impacted by cattle grazing. Based upon the current findings, it is expected that any additional archaeological sites that may be discovered on this allotment would also be in excellent to good condition. The Upper Lake Allotment has no prime farmlands and no drinking water aquifer is associated with the allotment. The only floodplains are associated with a couple of ephemeral drainages and they have not been impacted by the grazing use on the allotment. The proposed would have no effect on migratory birds, special designated areas or habitat. The only identified migratory birds on the allotment were the American robin and Northern Flicker. Both species are common birds throughout Warner Mountains with American robin common in Surprise Valley as well therefore no significant impacts would occur to these species. Pygmy rabbit are not thought to use the allotment. While dozens of sites were checked on BLM lands around Surprise Valley, no signs of pygmy rabbit were found. The closest active burrow was found more than 23 miles away.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		X	K.D.
Continuing grazing as it has been on this allotment will not have any highly controversial environmental effects. There are no known conflicting interests on this allotment.			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X	K.D.
Rationale: Grazing this allotment in the same manner as previously permitted will have no uncertain or potentially significant environmental effects.			
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		X	K.D.
Rationale: The proposed grazing authorization is based on review of site specific monitoring information and guidance from the applicable Land Use Plans. Decisions regarding livestock use on this allotment are not related to site specific decisions regarding uses in other allotments; therefore there is no possibility for the proposed action to be considered as a precedent or to influence future actions in other areas.			
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X	K.D.

Rationale: The allotment has a relatively small active preference amount with individually and cumulatively insignificant impacts. The lack of any other action occurring in this vicinity makes the risk of cumulative effects negligible.			
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	P.B.
Rationale: The ten (10) known prehistoric sites on the Upper Lake Allotment have not been evaluated for their eligibility to the National Register of Historic Places (NRHP). However, until these sites are evaluated the Surprise Field Office assumes that all ten sites are eligible to the NRHP. As stated above under Exception 1, all sites are in excellent to good condition, with the exception of one which has been impacted by wood cutting activities. This allotment is scheduled for a Cultural Resource Assessment in 2011 as per the Supplemental Procedures for Livestock Grazing Permit/Lease Renewals, A Cultural Resources Amendment to the State Protocol Agreement Between the California BLM and the California State Historic Preservation Officer.			
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	E.F.J.
Rationale: There are no known federally threatened or endangered species or habitats, including designated critical habitat, that occur within the Upper Lake Allotment.			
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X	P.B.
Rationale: There would be no limited access to any public lands resulting from this project. Native American consultation has taken place for this permit renewal. There were no concerns expressed by the tribes regarding the permit renewal			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898, 'Environmental Justice').		X	K.D.
Rationale: This project would not negatively effect low income or minority 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).		X	P.B.
Rationale: There would be no limited access to any public lands resulting from this project. Native American consultation has taken place for this permit renewal. There were no concerns expressed by the tribes regarding the permit renewal.			

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	A.U.
Rationale: Cheatgrass, Medusahead and Japanese brome occur on the allotment, but are mostly restricted to clayey soil types that make-up less 1% of the allotment. This project would have a low probability to 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. Inventory for noxious weeds was completed for the Upper Lake Allotment and no noxious weeds are known to exist on the allotment.			

Land Use Plan conformance and Categorical Exclusion review confirmation:

Lead Preparer: Richard Troy Date: 10-3-08

NEPA/ Environmental Coordinator: Stan Linn Date: 10-3-08

Approval and Decision

Based on a review of the project described above and field office staff recommendations, and comments received from the public during scoping, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable):

Field Office Manager: Shane DeForest Date: 10-03-08

Upper Lake Allotment

Permitted Use Summary

Allotment	Active AUMs	Suspended AUMs	Total Permitted Use
Upper Lake	168	0	168

Existing Grazing Permit Schedule

Allotment	Case File Number	Livestock number	Kind	Season	% Public Land	Public AUMs
Upper Lake	0402626	50	Cattle	5/01 – 7/30	100%	150
	0402626	9	Cattle	8/01 – 9/30	100%	18

The following Terms and Conditions are included on all permits.

1. Grazing use offered or authorized by BLM is subject to all provisions of the grazing regulations (43 CFR Parts 4100) and other applicable law and regulation. Grazing use will be in accordance with the Northeastern California and Northwestern Nevada, Standards for Rangeland Health and Guidelines for Livestock Grazing Management Final EIS approved by the Secretary of the Interior on July 13, 2000. Rangeland Health Standards and Guidelines for California and Northwestern Nevada Final EIS approved by the Secretary of the Interior on July 13, 2000. Grazing use authorization may be modified in accordance with regulation to attain progress towards achieving rangeland health standards (subpart 4180.1 and 4180.2 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration).
2. Salt and/or mineral supplements will be placed no closer than ¼ mile from any public water source, aspen stand, or meadow.
3. Grazing flexibility can be requested by the livestock operators to run increased numbers for a shorter season. Any changes in grazing use cannot exceed Active AUMs, and must be approved in advance by a BLM authorized officer.
4. All range improvements must be maintained to standards prior to livestock turnout. All assigned fence maintenance must be completed annually, even if your permit is not activated. Failure to complete assigned fence maintenance may result in suspension of your grazing authorization.

Upper Lake Allotment

