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Route To: (2300), (2400), (2500), (2600)

Subject: Range Allotment Categorical Exclusion

To: Regional Foresters

Congress passed Section 339 of the FY 2005 Consolidated Appropriations Act (P.L. 108-447). This legislation provides that certain decisions to authorize allotment grazing shall be categorical excluded (CE) from documentation in environmental assessment and environmental impact statements under the National Environmental Policy Act (NEPA). The full text follows:

SEC. 339. For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.

We have established a special code for use in the Planning, Appeals, and Litigations System (PALS) database when reporting NEPA decisions using this new authority. Please use the code "Sec. 339 2004 Consolidated Appropriations Act" option for both the special authority and decision memos. Beginning in June, the decision date will be automatically displayed in Rangelands Infra once the decision is recorded in PALS. Regions should provide sufficient oversight to insure compliance with the 3 requirements of the legislation.

At this time, we do not anticipate the need for new direction. Existing policy regarding National Environmental Policy Act (NEPA) analysis, monitoring, extraordinary circumstances, etc., is sufficient for implementation. We have attached a question-and-answer set to clarify any questions. We hope you find them useful.

A cap of 900 allotments is provided for the combined three-year period of FY 2005-2007. The following tentative allocations of all 900 allotments for FY 2005 are based on a prorated share of allotments remaining on the 1996 schedule:

Region 1	181	Region 5	109
Region 2	181	Region 6	109
Region 3	109	Region 8	2
Region 4	190	Region 9	19



These allocations will be reassessed in FY 2006 and FY 2007 based on accomplishment in 2005, or sooner if necessary. Regional office rangeland management staffs will assist in reassessing the cap.

Decisions issued under the authority of Section 339 of the FY 2005 Consolidated Appropriations Act are not appealable under 36 CFR 215. Permittees may appeal this decision under 36 CFR 251.

Implementation of this direction will be reviewed periodically, generally during the monthly conference call between rangeland management directors and program managers.

Refer any questions you may have to Dick Lindenmuth of the Rangelands Management staff. Dick can be reached by phone at 202-205-1458 or by e-mail at rlindenmuth@fs.fed.us.

/s/ Fred Norbury (for)
TOM L. THOMPSON
Deputy Chief for National Forest System

Enclosure

cc: pdl wo nfs f&rge rge Regional Rangeland Directors, pdl wo nfs f&rge rge regional program managers, pdl wo nfs f&rge rge staff, David E Sire, Joseph Carbone, Sharon Friedman, Kathryn.Guillou Kathryn.Guillou@usda.gov