

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
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October 25, 2007

In Reply Refer To:
4130 (220) P

EMS TRANSMISSION 10/31/2007
Instruction Memorandum No 2008-019
Expires: 09/30/2009

To: All Field Office Officials (except Alaska)
From: Assistant Director, Renewable Resources and Planning
Subject: Guidance on the Use of a New Categorical Exclusion for Grazing Permits/Leases

Program Areas: Planning and Environmental Coordination, and Rangeland Management

Purpose: The purpose of this Instruction Memorandum (IM) is to provide information and guidance on the use of a new categorical exclusion (CX) for issuing grazing permits/leases that meet specific criteria.

Policy/Action: The following guidance shall be considered when using this CX. Attachment 1: The "Grazing Permit/Lease Renewal CX" provides the minimum criteria to qualify to use the CX for issuing livestock grazing permits. Attachment 2: is the list of extraordinary circumstances identified in the Departmental Manual. For general guidance on the use of a categorical exclusion please refer to the BLM's National Environmental Policy Act (NEPA) Handbook (H-1790-1) and IM 2007 - 208.

- The use of CXs does not reduce or eliminate any Land Use Plan (LUP) or Allotment Management Plan (AMP) requirements and must be consistent with LUP or AMP resource objectives.
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- Use of CXs does not reduce or eliminate any other existing requirements to complete necessary clearances such as those for cultural resources and threatened and endangered species.
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- The use of this CX does not reduce or eliminate the requirement in the grazing regulations at 43 CFR 4130.2(b): "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the state having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits or leases."
- With the exception of the Interim Management Policy for Lands under Wilderness Review (H8550-1) identified later in this IM, the use of this CX does not reduce or eliminate regulatory requirements or other program-specific policies including the obligation to issue a decision that would provide opportunities for interested parties or the public to protest and/or appeal the decision.
- There are specific criteria for the use of this CX; however, there is no requirement that this CX must be used to comply with NEPA just because a grazing permit/lease being considered meets these criteria. If an authorized officer finds that a more detailed NEPA document such as an Environmental Assessment

(EA) would be useful for informing the permit/lease issuance decision or addressing public concerns, he or she may choose not to use the CX.

- If there is an existing EA or EIS that adequately discloses the potential impacts associated with the grazing permit/lease in question, the authorized officer has the option of using a DNA (Determination of NEPA Adequacy) rather than use the CX.
- The use on the new grazing permit/lease must be consistent with the use on the previous grazing permit/lease.
- Only grazing permits/leases with the same or a minor change in the season of use from the previous permit/lease qualify for use of this CX. In many cases, a minor change in the season of use that is within 14 days before and/or after the season of use on the previous permit/lease would not change the kind or level of impacts. In those cases, the CX can be used. If, however, a proposed change in the season that is within 14 days of the previous season of use involves specific circumstances that may cause a change in the kind or level of impacts expected, an EA or EIS should be prepared to analyze the potential for new or increased levels of impacts.
- The CX will not be used for non-renewable grazing permits/leases.
- A further requirement is that a land health standards evaluation must be completed and the involved allotment(s) must either be meeting the standards, or, if the land health standards are not being met, the use of this CX requires that existing livestock grazing is not a factor in not meeting those standards. Please note that this language is slightly different from the language in the grazing regulations that requires changes in grazing unless existing grazing is not a “significant factor”. In order to use this CX, existing grazing cannot contribute in any way to the conditions that resulted in not meeting one or more of the land health standards. Do not use the CX where a standard is not being met, but significant progress is being made toward meeting the standard. In this situation, the authorized officer would consider whether an adequate NEPA document already exists and a DNA can be used. If an adequate NEPA document does not exist, the authorized officer should initiate preparation of an EA or EIS as appropriate.
- The grazing permit CX is just as appropriate for a new permittee who is receiving a permit/lease as the result of a transfer as it is for a permittee whose permit/lease has expired and a new permit/lease is being issued to that same permittee.
- When a proposed action meets the CX criteria, the Department of the Interior’s Departmental Manual list of “extraordinary circumstances” must be reviewed. The new CX would not apply where there are extraordinary circumstances as defined in 516 DM 2.3A(3) and Appendix 2 (see attachment 2).
- It could be appropriate to use this CX to issue a grazing permit/lease within a National Landscape Conservation System (NLCS) unit, including a Wilderness Study Area, if the existing grazing permit/lease is compatible with the management goals and objectives for that NLCS unit. The CX form will document this compliance with the NLCS unit’s goals and objectives. This IM amends the Interim Management Policy for Lands under Wilderness Review (H8550-1) accordingly. This IM applies to the CX for grazing permits only.
- 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.

- Documentation is a critical component of the CX process. The use of the new CX should be documented using an approved form that commonly is either the Optional Plan Conformance/NEPA Compliance Record contained in the BLM NEPA Handbook (H-1790-1, Chapter II.C and Chapter III, Illustration 1) or the Categorical Exclusion Documentation Format to be published in the updated BLM NEPA Handbook later this fiscal year. In some cases, state office staff have modified these forms to fit their specific situation, and those would be acceptable as well.

Timeframe: The use of this CX was effective on August 14, 2007.

Budget Impact: It is anticipated that implementation of this CX will save the BLM money and time in completing NEPA analysis for low-priority allotments and allotments that meet management goals and objectives.

Background: New CXs were proposed as part of the effort to revise the BLM's "National Environmental Policy Act Revised Implementing Procedures" for 516 DM Chapter 11, published in the *Federal Register* on Jan. 25, 2006, (71 FR 4159-4167). The final implementing procedures were published in the *Federal Register* on August 14, 2007 (on pages 45504 through pages 45542). The Federal Register Notice can be found at: <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-15746.pdf>

Manual/Handbook Sections Affected: The guidance results from the revision of the Department of the Interior's NEPA manual, 516 DM 11, revising BLM's NEPA procedures and establishing new CXs. The BLM's NEPA Handbook (H-1790-1) provides operational guidance on how to implement BLM policy regarding CXs. There are several other program-specific handbooks that make reference to NEPA documentation. This IM amends the Interim Management Policy for Lands under Wilderness Review (H8550-1).

Coordination: This proposal was closely coordinated between the Division of Planning and Science Policy (WO-210), the Division of Rangeland Resources (WO-220), and the NLCS Division (WO-170).

Contact: If you have questions or need additional information, please contact Doug Powell, Rangeland Management Specialist at (202) 785-6573.

Signed by:
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Authenticated by:
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2 Attachments

[1 – Grazing Permit/Lease Renewal CX \(1 p\)](#)

[2 – Categorical Exclusions Extraordinary Circumstances \(1 p\)](#)