

OR 56942

Categorical Exclusion No. KCER-01-29

The proposed action to Free Use application is designated a categorical exclusion in 516 DM 6 Appendix 5.4 F(1). The proposal has been screened and does not meet the criteria for exception under 516 DM 2.3A(3): 1. Health and Safety; 2. Unique Resources; 3. Controversial; 4. Risks; 5. Precedent; 6. Cumulative; 7. Cultural and Historical; 8. Threatened or Endangered Species; 9. Floodplain Management, Protection of Wetlands, Fish and Wildlife; 10. Violate Law. Therefore, no further environmental analysis is required.

/ Teresa A. Raml /
Teresa A. Raml
Field Manager

9/28/01
Date

**Klamath Falls Resource Area
Optional Plan Conformance Review/NEPA Compliance Record
and/or Categorical Exclusion Review**

Klamath Falls Resource Area Project File Number - OR 53816

Proposed Action Title/Type: Free Use application/Mineral Material

Location of Proposed Action: T. 37 S., R. 14 E. Section 9 SE1/4

Description of Proposed Action: Klamath County Public Works would remove 30,000 yds of aggregate from existing ROW, OR-52560, okayed by State /dot Project Manager John Stuckey.

Applicant (if any): Klamath County Public Works 3735 Shasta Way Klamath Falls, OR 97603

PART 1: PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan:

Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary, June 1995.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).

Signature of Reviewers: / Linda Younger / Realty Specialist

PART 2: NEPA REVIEW

A. Categorical exclusion review. This proposed action qualifies as a categorical exclusion under 512 DM 2, Appendix 1. (E(12)) or 516 DM 6, Appendix 5.4 (E(12)). It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

Signature of Reviewers: / Linda Younger / Realty Specialist

B. Existing EA/EIS review. This proposed action is addressed in the following existing BLM EA/EIS:

Name of Document: **Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS)**

Date Approved: **June 1995**

This EA/EIS has been reviewed against the following criteria to determine if it covers the proposed action:

- C The proposed action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
- C A reasonable range of alternatives was analyzed in the existing document.
- C There has been no significant change in circumstances or significant new information germane to the proposed action.
- C The methodology/analytical approach previously used is appropriate for the proposed action.
- C The direct and indirect impacts of the proposed action are not significantly different from those identified in the existing document.
- C The proposed action would not change the previous analysis of cumulative impacts.
- C Public involvement in the previous analysis is appropriate coverage for the proposed action.

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|--------------------|-------------|----------------|
| SSS Animal Surveys | <u>G.S.</u> | <u>9/26/01</u> |
| Botanical Surveys | <u>L.W.</u> | <u>9/26/01</u> |
| Cultural Review | <u>M.D.</u> | <u>9/20/01</u> |
| Other Reviews | _____ | _____ |

Signature of Reviewer: / Linda Younger /
Realty Specialist

Remarks: References to the proposed action are found on the following pages of the KFRA ROD/RMP/RPS:

Part 3. Recommendation/Rationale

Recommendation: I recommend that a permit, for a Free Use application/Mineral Material be granted to Klamath County Public

Works for a period of 10 years, with an option to renew, across T. 37 S., R. 14 E. Section 9 SE1/4. The grant should be made under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2801 and rental payments as determined by 43 CFR 2803.1-2. The permit should also be subject to the mitigations set forth in the application.

Rationale for Recommendation: The proposed action meets the criteria for categorical exclusion in 516 DM 6, Appendix 5.4 (E(12)), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further, the action is in conformance with the Klamath Falls Resource Area Resource Management Plan, Approved June 1995.

Realty Specialist Date

PART 4. DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks:

Authorized Official: / Teresa A. Raml /
Teresa A. Raml
Field Manager

Date: 9/28/01