

**RECORD OF PLAN CONFORMANCE AND  
CATEGORICAL EXCLUSION (CX) DETERMINATION**

CX Log #: OR-014-CX-05-21 Lease or Serial #: OR61285  
 Project Name: Cinder Removal Permit  
 Location: T. 38 S., R. 13E., Sec. 26 NENE County: Klamath County  
 BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916  
 Applicant: Russ Leavitt Address: 53920 Gerber Rd., Bonanza OR 97623

**Description of the Proposed Action:** To Issue a Permit for removal of cinder material from the Paddock Pit for road use. Mr. Leavitt wants to remove 10 CY of Cinder from Paddock Cinder pit by hauling with a Kabota tractor and small trailer. He may not take out of stockpiles. Klamath County has a permit at this pit for 50% of the materials within the pit. This is for personal use.

**PLAN CONFORMANCE**

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans or NEPA analyses:

- A. Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995. Refer to Page \_59 paragraph 1.
- B. Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- C. Integrated Weed Control Plan (IWCP) 1993
- D. Lakeview District Fire Management Plan - Phase 1 (1998)

**IDENTIFICATION OF EXCLUSION CATEGORY**

The proposed action has been identified as a categorical exclusion under **Bureau of Land Management Categorical Exclusions (516 DM 6, Appendix 5.4 F (10))**.

**COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT**

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM2, Appendix 1, 1.12 if it does not meet any of the following Exceptions (listed in 516 DM 2, Appendix 2; IM No. OR-2002-130).

Will the proposed action meet the following Exceptions?

<u>Exception</u>	<u>Yes</u> <u>No</u>
1. Have significant adverse effects on public health or safety?	( ) (X)
2. Have adverse effects on such unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks. This also includes significant caves, ACECs, National Monuments, WSAs, RNAs.	( ) (X)

3. Have highly controversial environmental effects (40 CFR 1508.14)?	( ) (X)
4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?	( ) (X)
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	( ) (X)
6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects? This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).	( ) (X)
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? This includes Native American religious or cultural sites, archaeological sites, or historic properties.	( ) (X)
8. Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species? This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a “no effect” determination or 2) a “may effect, not likely to adversely effect” determination.	( ) (X)
9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only)?	( ) (X)
10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements?	( ) (X)
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan?	( ) (X)
12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice)?	( ) (X)
13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites)?	( ) (X)
14. Have significant adverse effect on Indian Trust Resources?	( ) (X)
15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species)?	( ) (X)
16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects)?	( ) (X)

The proposed action would not create adverse environmental effects or meet any of the above exceptions.

#### **DOCUMENTATION OF RECOMMENDED MITIGATION**

Note: although none of the conditions for the above exceptions are met, some of the resources discussed are potentially affected. Mitigation measures and Project Design Features below are applied to prevent the adverse conditions discussed in the exceptions:

Exception No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures and/or Project Design Features <sup>a</sup>
1	X		All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.
2	X		Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

**SURVEYS AND CONSULTATION**

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary (appropriate fields are Initialed and Dated by responsible resource specialist):

Surveys:	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	JW 4/1/05
SS Animals	_____	_____	SMA 4/7
Cultural Resources	_____	_____	TC 6/7/2005
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	SMA 4/7
Botanical Consultation	_____	_____	JW 4/2/05
Cultural Consultation	_____	_____	TC 6/7/2005

(SS = Special Status)

**Remarks:**

**SUMMARY OF FINDINGS and CX DETERMINATION**

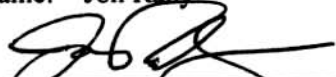
Based on the available information and a review by the interdisciplinary team, it is my determination that the proposed action does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the:

- Final - Klamath Falls Resource Area Resource Management Plan and EIS.

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not meet any Exception. The application of this categorical exclusion is appropriate, as there are no extra ordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

**Prepared By:** Linda Younger, Realty Specialist

**Reviewed By:** Full Interdisciplinary Team

<b>Approved By:</b> (Signature)	Name: Jon Raby 	Title: Resource Area Manager	Date: 6/8/05
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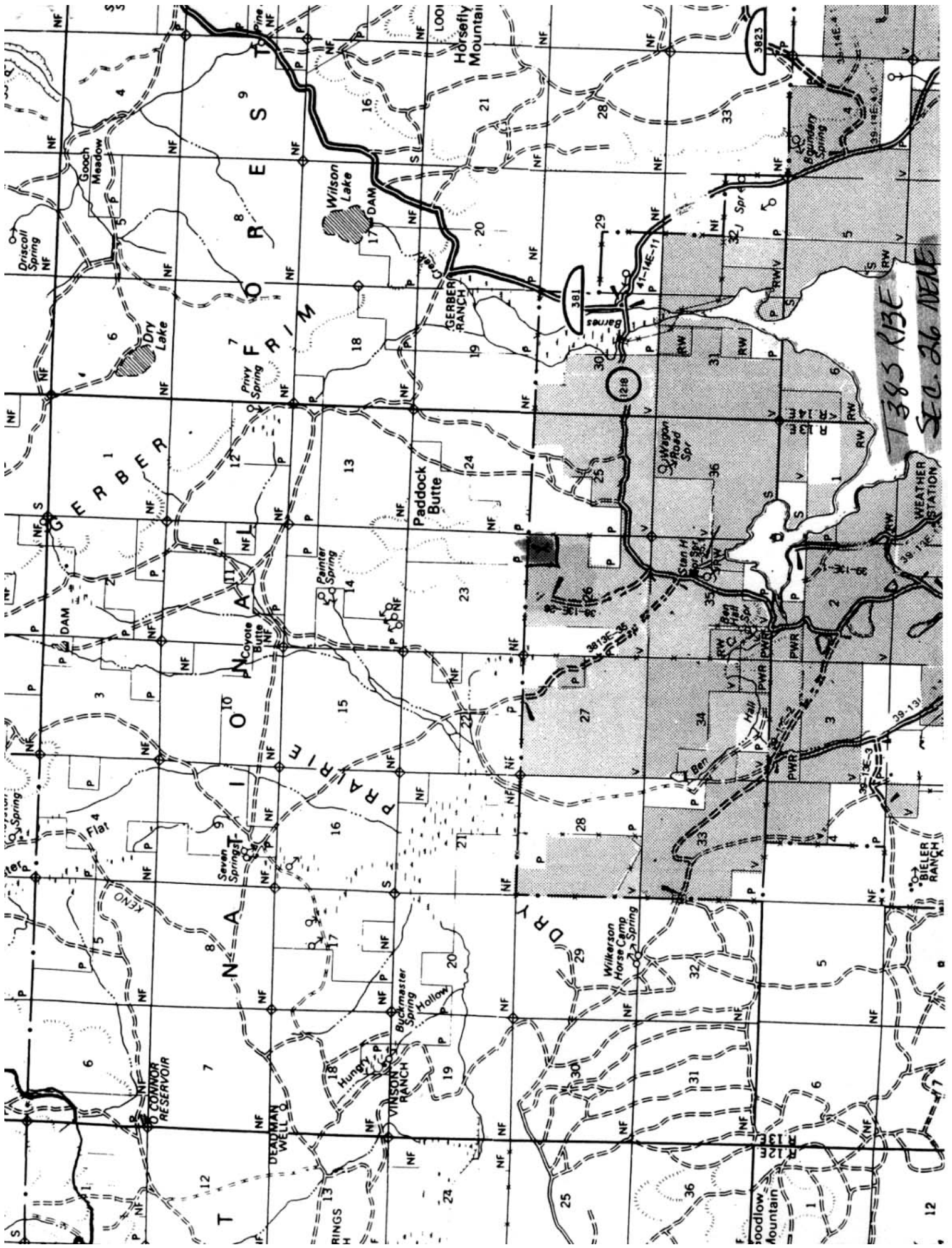
**IMPLEMENTATION DATE**

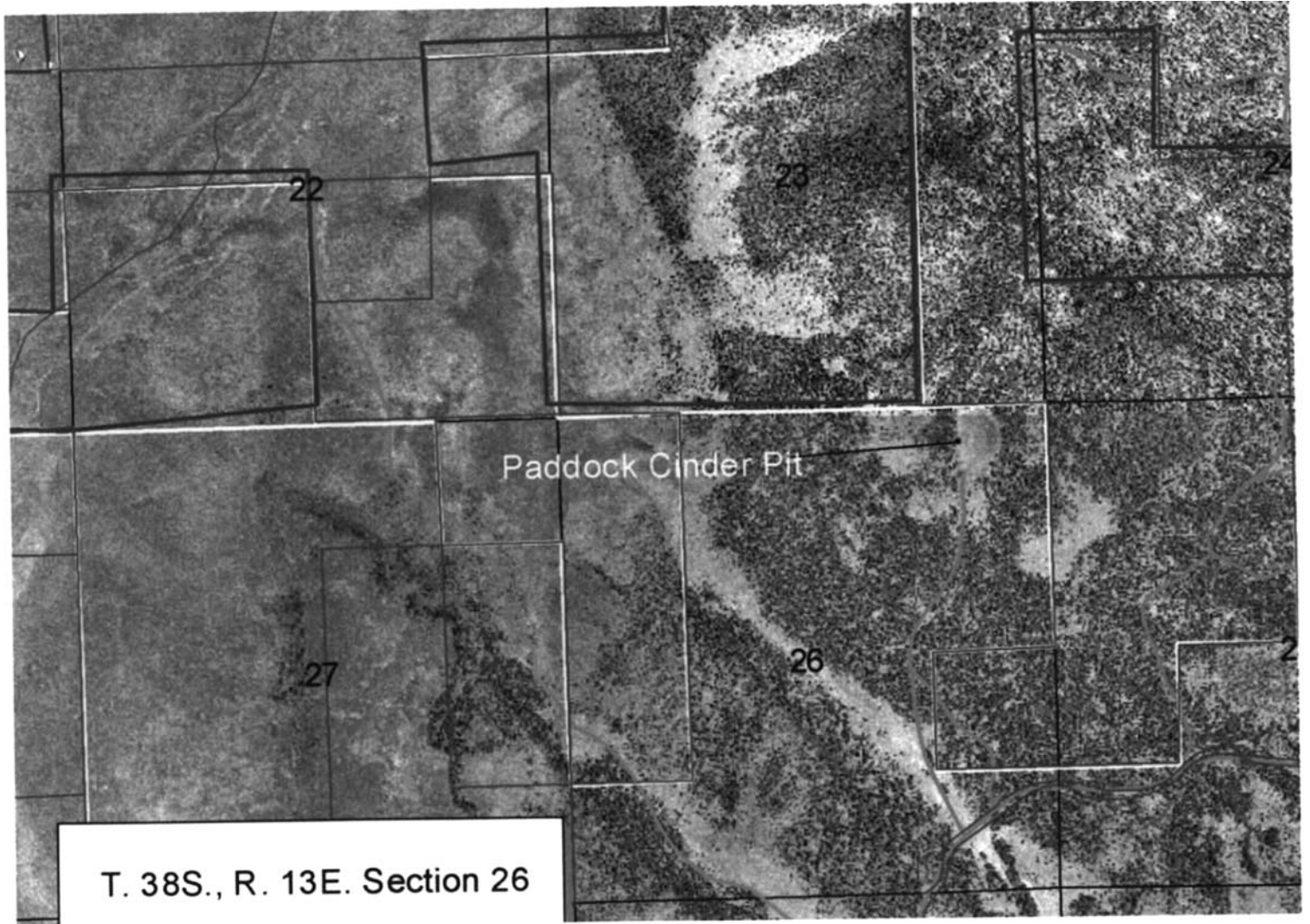
This project is expected to be implemented in early May 2005.

**CONTACT PERSON**

For additional information concerning this project, contact:

Linda Younger, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916.





T. 38S., R. 13E. Section 26

CX-05-21

OR-61285

**Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review**

**Project Name:** Paddock Cinder Removal Permit (Russ Leavitt)  
**Date Initiated:** 5/2/05 **Project Lead/Contact:** Linda Younger

Resource or Staff Responsible	Review Priority	Preliminary Review Initials / Date	Comments Attached / Incorporated	Final Review Initials / Date
Manager: Jon Raby	Last			JR 6/8/05
Branch Chief: Natural Resources	Second to Last			
Branch Chief: Larry Brooks	Second to Last			(LB) 6/10/05
Planner/EC: Don Hoffheins, Kathy Lindsey	Third from Last	5/11/05 DKH	Revise w/ Edits DKH 5/29/05	DKH 6/6/05
Range: Bill Lindsey, Dana Eckard				
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran		JF 5/11/05		JF 5/25/05
Silviculture: Bill Johnson				
Timber: Mike Bechdolt		MB 5/10/05	MB 5/10/05	MB 5/10/05
Botany/ACEC/Noxious Weeds: Lou Whiteaker		LW 5/10/05	Several noxious weed species in cinder pit	LW 5/12/05 <small>see email</small>
Cultural: Tim Canaday		TC 5/10/05	Attach 7.5' Aerial map with project location	TC 5/25/2005
Minerals/HazMat: Tom Cottingham				TC 6/2/05
Lands/Realty: Linda Younger				
Recreation/Visual/Wilderness: Scott Senter				
Hydrology/Riparian: Liz Berger		LB 5/11/05	LB 5/17/05	
Wildlife/T&E: Steve Hayner		SH 5/9/05	Shiny note	SH 5/12/05
Wildlife/Fuels: Matt Broyles				
Fisheries/T&E: Scott Suedaker		AS 5-15-05	none	AS 5-15-05
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty		Bm 5/11/05	none	Bm 5/11/05
Soils/Veg Surveys: Molly Juillerat Amber Knoll				
Wood River Wetlands: Wedge Watkins				
<b>Clearances/Surveys</b>	<b>Needed</b>	<b>Done/Attached</b>	<p><b>*This document will not sit on your desk for more than 8 hours. Please check on calendar to make sure that the next person will be available to review the document.</b></p> <p><b>**Some resource areas may not apply for all projects. If so, just mark "N/A" in "Review Priority" column.</b></p>	
Cultural	TC 5/10/2005			
Botanical		LW 5/9/05		
T&E, BA & or Consultation	SH NOT 5/15/05			
R-O-W Permits				

Surveys for the pit or surrounding the pit have not been done! I will need to inspect.