

**Decision Memorandum on Action and for Application of:
Categorical Exclusion 516 DM2, Appendix 1, 1.12 – Hazardous Fuel Reduction
(PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION)
Bureau of Land Management (BLM)**

Project Name: Moore Park Cooperative Fuels Treatment **CX Log #:** OR-014-CX-06-17
Location: Immediately West of Moore Park tennis courts (T38S, R8E, Section 30)
BLM Office: Lakeview District , Klamath Falls Resource Area **County:** Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (INCLUDING PURPOSE AND NEED)

On May 3rd, 2006, the City of Klamath Falls requested cooperative assistance from the BLM - Klamath Falls Resource Area in continuing to implement the Klamath Falls Community Wildfire Protection Plan (CWPP), specifically in the area of Moore Park. BLM's participation in this effort would consist of providing equipment and personnel to conduct fuels treatment activities (mowing with a bobcat) on up to approximately 15 acres of non-federal land as shown on the following map.

The proposed action is comparable to existing fuels treatment activity or project plans prepared and implemented in the Klamath Falls Resource Area, Lakeview District, Bureau of Land Management. The types of fuels treatments proposed have been subject to analysis under the National Environmental Policy Act on Bureau managed lands. In all instances, the Bureau made a Finding of No Significant Impact and concluded no environmental impact statement was required. As per requirements of the National Historic Preservation Act (Section 106) and the Endangered Species Act, the BLM must assess the potential for impact to cultural resources and threatened/endangered species prior to the approval of any expenditure of federal funds on non-federal lands.

IMPLEMENTATION DATE

The City of Klamath Falls would like to accomplish this work during the summer of 2006.

PLAN CONFORMANCE

Although the proposed project does not have to comply with BLM plans it has been reviewed and has been found to be in conformance with the concepts of the following BLM plans, programmatic environmental analyses or policies:

- Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995.
- Lakeview District Fire Management Plan - Phase 1 (1998)
- Wildland and Prescribed Fire Management Policy (1998)
- National Fire Plan (A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy) (2001)

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under Department Manual 516 DM 6, Appendix 5.4 Section C(4) - *Pre-commercial thinning and brush control using small mechanical devices.*

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) 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?

Exception	Yes No
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)
17. Have a significant adverse effect on Migratory Landbirds (Executive Order 13186).	() (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, 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 #7 - A cultural resource survey has been completed by a local archaeologist in Moore Park. The initial two project sites between the walking trail and the paved routes, and an additional area along the southern boundary of the park (a total of almost 79 acres) were surveyed (see attached map). The report was submitted to the Oregon SHPO. Two cultural resources sites were documented and will be avoided during project implementation.

Exception #8 - The bald eagle nest near Moore Park is approximately .41 miles from the edge of the proposed unit. A field visit was completed to assess the visual distance and potential disturbance to the nest. This activity is in compliance with the seasonal restrictions (¼ -mile or ½-mile line-of-sight) in the current programmatic fuels consultation (81450-2006-0104). As long as activities associated with this project do not occur closer to the nest no further consultation is necessary. A “No Effect” determination is made for any other T&E species.

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 in the following table):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS Animals	SH 05/24/06		
SS Plants			SH 05/24/06
Cultural Resources	TC 6/29/2006		
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*	SH 05/24/06		
Botanical Consultation			
Cultural Consultation	TC 6/29/2006		
*(SS = Special Status)			

SUMMARY OF FINDINGS AND CX DETERMINATION

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.

Approved By: (Signature)	Name: (signed by) <i>Heather Bernier</i>	Title: Acting Resource Area Manager	Date: 7/14/06
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CONTACT PERSON

For additional information concerning this project, contact:

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Figure 1 – Location Map

Moore Park Fuel Treatments

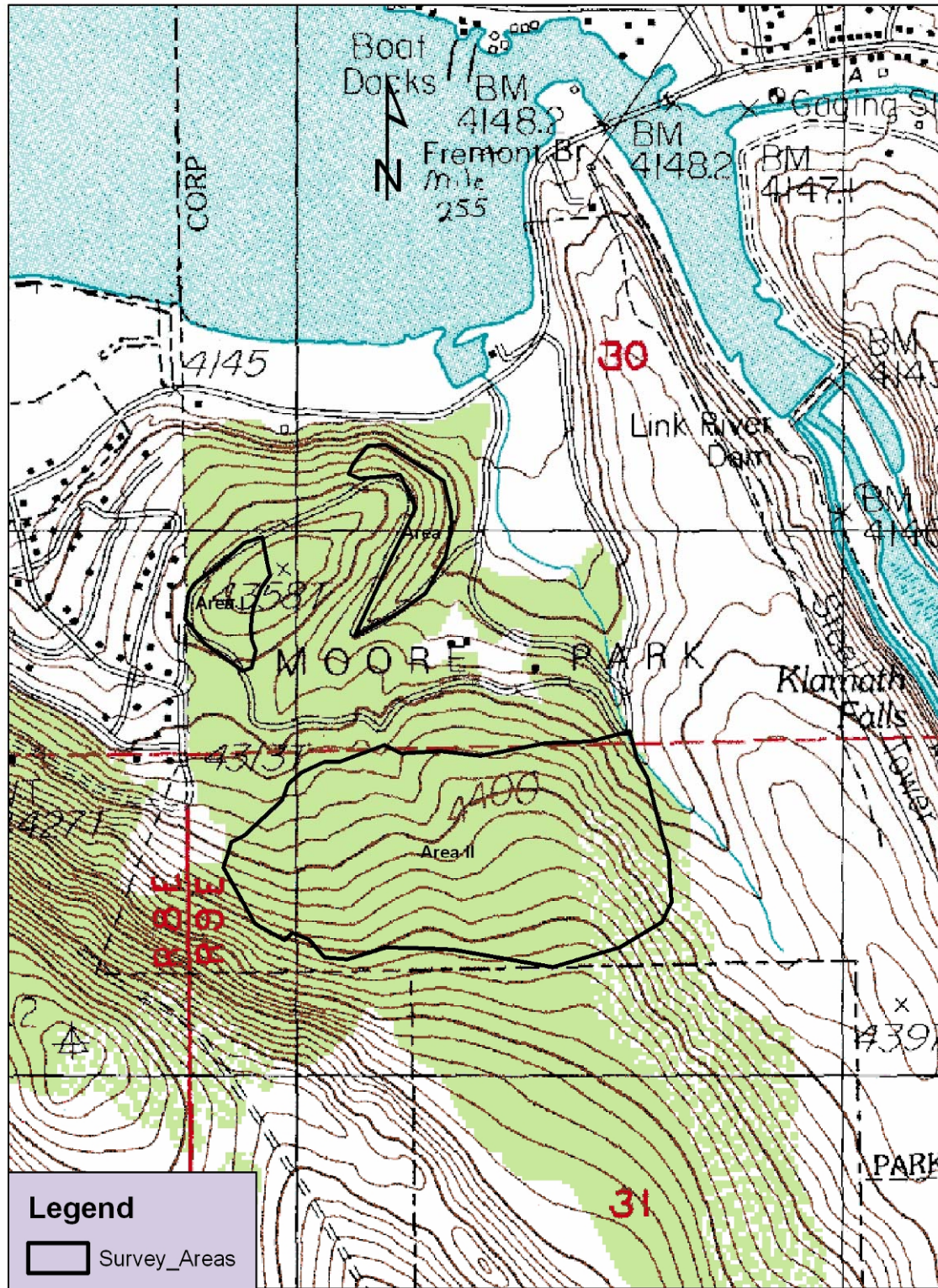


- Moore Park
- Moore proposed treatments
- Moore_04treatment



Figure 2 – Cultural Resources Survey Map

Moore Park Cultural Survey



June, 2006