

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

Log# OR-014-CX-05-27 Lease or Serial # OR62047  
 Project Name: Happy Hollow Land Use Permit  
 Location: R. 38S., R.11E., SWSESE of Sec.17 County: Klamath County  
 BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916  
 Applicant: Don Bieber/ Robert Graham Address: 5800 Happy Hollow Lane, Bonanza, OR

**Description of the Proposed Action:** Mr. Bieber and Mr. Graham have an unintentional trespass on BLM managed lands located in above township. A portion of their Grain field has encroached 1.35 acres of BLM lands. This portion of land is located south of Hwy. 140 and West of Bly Mountain and is within the 80 acres proposed to sell at a Modified Competitive Sale. BLM wants to permit this 1.35 acre portion via a 2920 rental lease, to Mr. Bieber and Graham and to free the cloud on the title, from this trespass. It will then be auctioned to the highest bidder by modified competitive land sale. Permit will be short term (3 years) and will be terminated if Mr. Bieber and Graham wins the bid, if not, they will pay their rent to the new owner and highest bidder.

### 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:

Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995. **Page 66**

### 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) E-20.**

### 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

Exception No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures and/or Project Design Features

**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):

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	JW 10/12/05	_____	_____
SS Animals	SAH 10/17/05	_____	_____
Cultural Resources	TC 10/11/2005	_____	_____
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	SAH 10/17/05
Botanical Consultation	_____	_____	JW 10/12/05
Cultural Consultation	TC 10/11/2005	_____	_____

(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

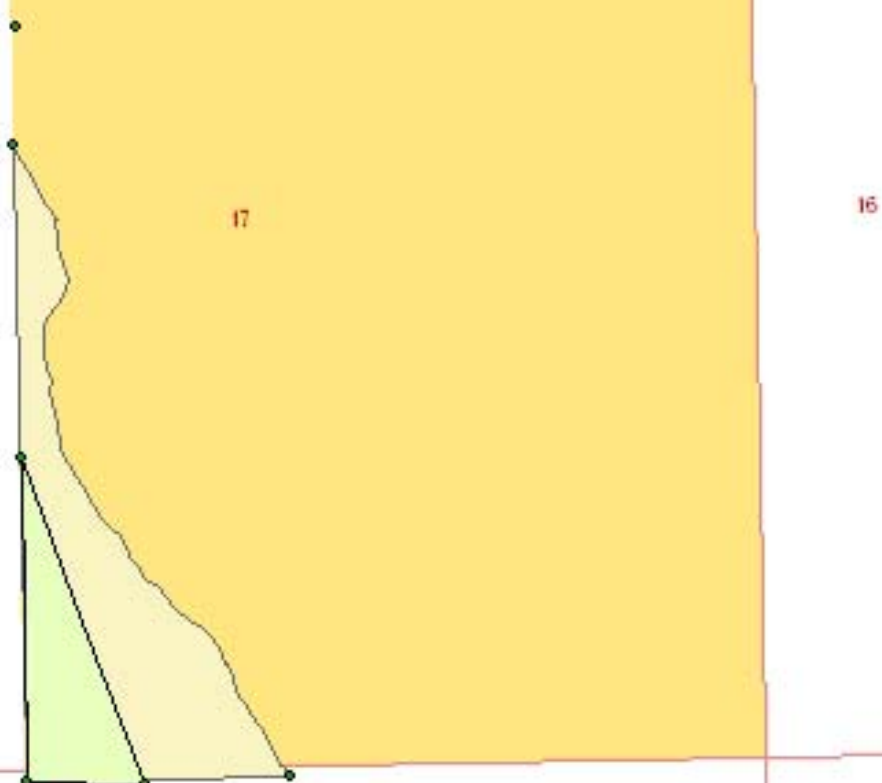
Reviewed By: Full Interdisciplinary Team (see routing sheet)

Approved By: (Signature)	Name: Jon Raby 	Title: Resource Area Manager	Date: 10/17/05
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**IMPLEMENTATION DATE**

This project is expected to be implemented in late FY2005

# Happy Hollow Land Sale T38S R11E Sec.11 W.M.



## Legend

- Corner
  - Ag\_ground 1.35 Ac.
  - Ag\_ground 4.31 Ac.
  - KFRA Section Lines
- KFRA Land Jurisdiction  
JURISCODE
- BLM
  - Put.

This map was prepared by the Bureau of Land Management under a contract with the State of Montana. It is not a warranty of any kind. The user assumes all responsibility for any use of this map. This map is not a warranty of any kind. The user assumes all responsibility for any use of this map.

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Project: 000000  
Date: 11/11/2008 10:00:00 AM





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

**Project Name:** Happy Hollow Land Use Permit  
**Date Initiated:** 7-21-05 **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 10/13
Branch Chief: Natural Resources	Second to Last			
Branch Chief: Larry Brooks ✓	Second to Last	RM 10/13	No	RM 10/13
Planner/EC: Don Hoffheins, Kathy Lindsey ✓	Third from Last	KL 10/12	NO	KL 10/12
Range: Bill Lindsey, Dana Eckard ✓		BL 7/27	NO	BL 7/27
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran ✓				
Silviculture: Bill Johnson				
Timber: Mike Bechdolt				
Botany/ACEC/Noxious Weeds: Lou Whiteaker ✓		JW 7/25/05	Muck thistle at base of slope parallel to the road. Survey scheduled	JW 7/25/05
Cultural: Tim Canaday ✓		TC 7/27/2005		TC 7/27/2005
Minerals/HazMat: Tom Cottingham ✓				Tom C 2/5/05
Lands/Realty: Linda Younger				
Recreation/Visual/Wilderness: Scott Senter				
Hydrology/Riparian: Liz Berger				
Wildlife/T&E: Steve Hayner ✓		SH 7/25/05	SH 7/25/05	SH 7/25/05
Wildlife/Fuels: Matt Broyles				
Fisheries/T&E: Scott Snedaker				
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty				
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 7/27/2005			
Botanical ✓		JW 7/25/05		
T&E, BA & or Consultation ✓	NY 7/21/05			
R-O-W Permits				

→ The Happy Hollow Land Sale cultural survey is scheduled for later this summer. The trespass area will be inspected at that time. Tm