RECORD OF PLAN CONFORMANCE AND  
CATEGORICAL EXCLUSION (CX) DETERMINATION

CX Log #: OR-014-KCER-02-09        Lease or Serial #: N/A
Project Name: Fox Lake Guzzler Maintenance
Applicant: N/A                  Location: T41S, R6E, Sec. 5, NE NE (see attached map)
Address: N/A                     County: Klamath
BLM Office: Lakeview District, Klamath Falls Field Office Phone #: 541-883-6916

Description of the Proposed Action: The proposed project is to replace the existing wildlife 
water guzzler with a new one. The existing three water storage tanks have rusted out and do not 
currently hold water. The new tank will have similar capacity to the current three tanks. In 
addition there will be a new water catchment system that will be added. This new catchment 
system is a large rubberized mat that lies directly on the ground. Rainwater and snowmelt are 
collected in the catchment and the water is drained into the collection tank. New plumbing will 
replace the current system.

No implementation on the ground will occur until surveys and clearances are completed.

PLAN CONFORMANCE

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

A. Klamath Falls Resource Area Record of Decision and Resource Management Plan and 
Rangeland Program Summary, June 1995 (KFRA ROD/RMP/RPS), approved June 1995. Refer 
to Page 32.

Reviewer/Date Steve Hayner / 08/05/02          Title: Wildlife Biologist

IDENTIFICATION OF EXCLUSION CATEGORY

The maintenance of the Fox Lake Guzzler, has been reviewed and qualifies as a categorical 
exclusion based on 516 DM 6, Appendix 5.4, A (2), which provides for minor modifications of 
water developments to improve or facilitate wildlife use.

REVIEW OF CX EXCEPTIONS

The proposal has also been screened to determine if any special circumstances exist that would 
warrant NEPA analysis and documentation. This project does not meet the criteria for exception 
under 516 DM 2, Appendix 2 as summarized below:
<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>CX Exception</th>
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<tbody>
<tr>
<td>( )</td>
<td>X</td>
<td>1. Have significant adverse effects on public health or safety.</td>
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<td>X</td>
<td>2. Have significant, adverse effects on 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; or prime farmlands. This also includes ecologically significant or critical areas, such as significant caves, ACECs, National Monuments, WSAs, RNAs, and those listed on the National Register of Natural Landmarks.</td>
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<td>X</td>
<td>3. Have highly controversial environmental effects (40 CFR 1508.14).</td>
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<td>4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.</td>
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<td>X</td>
<td>5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</td>
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<td>X</td>
<td>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)).</td>
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<td>X</td>
<td>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.</td>
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<td>X</td>
<td>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.</td>
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<td>( )</td>
<td>X</td>
<td>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).</td>
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<td>( )</td>
<td>X</td>
<td>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.</td>
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In addition, other topics or issues need to be assessed for potential impacts based on US Department of Interior Policy or rule making: This project would:

<table>
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e. 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).

f. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects).

DOCUMENTATION OF RECOMMENDED MITIGATION

For any item checked "Yes" identify the mitigating measures proposed. If no mitigating measures are identified that can prevent the potential adverse impacts, the conditions for a categorical exclusion cannot be met.

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<tr>
<th>Item No.</th>
<th>Can Be Mitigated</th>
<th>Cannot Be Mitigated</th>
<th>Mitigation Measures</th>
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SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary: (Initial and Date appropriate fields)

Surveys: 1) are completed 2) will be completed 3) are not needed

SS Plants L.W. ________________ ________________ ________________
SS Animals ________________ ________________ ________________
Cultural Resources ________________ ________________ ________________
Other Surveys ________________ ________________ ________________

Remarks: A review of the proposed action was completed by resource specialists and their concerns have been incorporated into project design. Potential impacts can be further mitigated by the following measures:

1.) Any machinery used will be washed off prior to coming on site to prevent the potential spread of noxious weeds.
2.) If cultural material is encountered during project construction, all ground disturbing activity shall cease and the KFRA Lead Archaeologist shall be notified. Work shall commence again after all archaeological field work is complete and mitigation report is filed with SHPO.
SUMMARY OF FINDINGS and CX DETERMINATION

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 fall under any exception. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) and is therefore, categorically excluded from NEPA documentation.

Prepared By:  
(Name)/(Title)  
Date

Reviewed By:  
(Name)/(Title)  
Date

Approved By:  
(Name)/(Title)  
Date