

**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:

<u>Yes</u>	<u>No</u>	<u>CX Exception</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Have significant adverse effects on public health or safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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, <i>such as significant caves, ACECs, National Monuments, WSAs, RNAs</i> , and those listed on the National Register of Natural Landmarks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Have highly controversial environmental effects (40 CFR 1508.14).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects. <i>This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. <i>This includes Native American religious or cultural sites, archaeological sites, or historic properties.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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. <i>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.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (<i>water resource development projects only</i>).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, <i>where non-Federal requirements are consistent with Federal requirements.</i>

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:

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. 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).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Have significant adverse effect on Indian Trust Resources.

- () (X) 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).
- () (X) 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.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures
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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	_____	_____	S.H.
Cultural Resources	_____	_____	_____
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	S.H.
Botanical Consultation	_____	_____	_____
Cultural Consultation	_____	_____	_____

(SS = Special Status)

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.

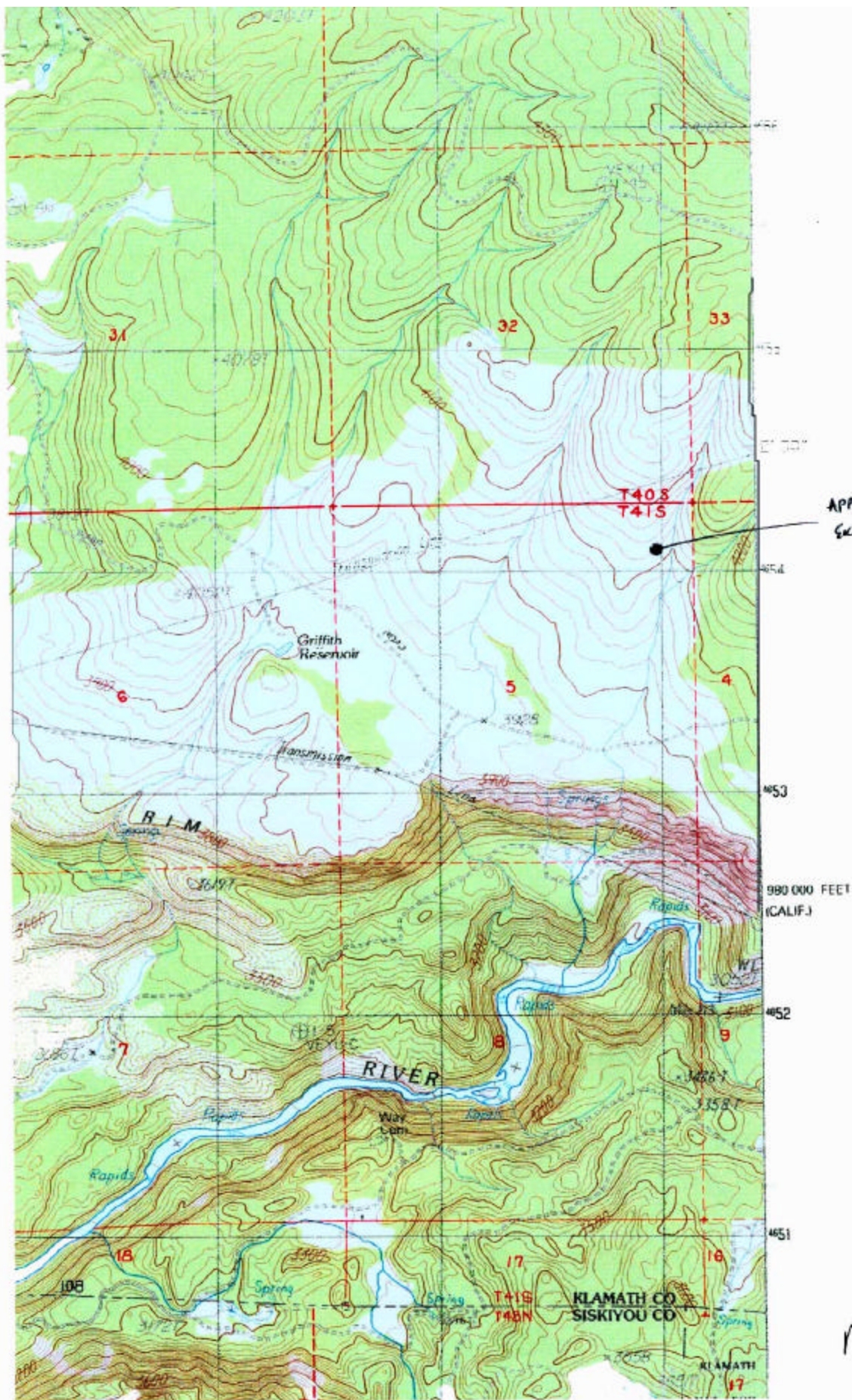
SUMMARY OF FINDINGS and CX DETERMINATION

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: Steve Hayden Wildlife Biologist 08/08/02
(Name)/(Title) Date

Reviewed By: DK Hoffkins Planner 8/7/02
(Name)/(Title) Date

Approved By: DK Hoffkins 08/13/02
Teresa A. Raml/Field Manager Date
Acting
Sec



APPROX LOCATION of EXISTING GULLER

Mule Hill, OR
7.5'