

**Decision Record**  
**For**  
**Gerber Ditch Road Right-of-way EA #OR-014-05-01**

**INTRODUCTION**

The Gerber Ranch filed a road construction and right-of-way proposal to construct, operate and maintain a road on Bureau of Land Management (BLM) administered public lands. The road would be constructed along a short section of existing irrigation ditch that crosses BLM land and would provide year round access to a portion of private land that is currently not readily accessible.

The Klamath Falls Resource Area (KFRA) interdisciplinary team prepared the Gerber Ditch Road Right-of-way EA #OR-014-05-01 (EA) based on current resource conditions in the project area to meet the objectives and direction of the KFRA Resource Management Plan, 1995 (RMP).

**DECISION**

Based on site-specific analysis in the EA, the supporting project record, and management direction contained in the KFRA RMP, I have decided to grant a right-of-way to Gerber Ranch for construction, use, and maintenance of a new segment of road as described in the proposed action (Alternative 2), including recommended mitigating measures.

Specifically, this decision will result in construction of 780 linear feet of new road along an existing irrigation ditch, installation of two access gates in the existing fence on either end of the road segment, and installation of two culverts to span the ditch for road construction. The location of the treatments is shown on the attached map. Fill dirt for road construction will be obtained from piles of topsoil created during the construction of a small stock pond approximately one quarter of a mile away from the proposed road construction.

**Mitigations**

The following mitigations described in the EA shall be implemented:

Weeds – To reduce the potential for introduction of noxious weeds, all equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that could carry noxious weed seeds can be accomplished with a pressure hose. Fill dirt for construction will be obtained from the source of stockpiled soil described in the EA.

Fisheries – Construction will occur during the dry season from July 1 through October 15. Stop blocks will not obstruct the culvert between January 1 and June 1, or during times of natural runoff. The culverts will not be perched during the lifespan of the right-of-way so that the culvert will always be at the canal bed elevation to allow for fish passage.

**DECISION RATIONALE**

Implementation of Alternative 2, as proposed and mitigated, meets the purpose and need identified in the EA and would be consistent with objectives and potential impacts analyzed in the EA and the KFRA RMP.

## **Surveys**

Required surveys for cultural resources are completed. No cultural resources were located within the proposed road right-of-way. All required surveys for wildlife and botanical resources have been completed. There were no Special Status Species, plant or animal, located in the proposed project area. The project area and the area of stockpiled soil to be used in construction were surveyed for noxious weeds and no populations were found.

Alternative 1, the No Action Alternative, is rejected because it does not meet the purpose and need for action identified in the EA.

## **Consultation And Coordination**

Resource specialists from the BLM have consulted with the applicant regarding the design and construction of the road. Gerber Ranch is also the authorized permittee for the grazing allotment in which the road construction would take place, so no additional consultation was necessary to coordinate potential effects on livestock grazing operations.

The lead fisheries biologist determined that proposed project will have “No Effect” on listed suckers which could occupy downstream habitat and periodically use the irrigation ditch for passage.

The Klamath Tribes have been notified of this project and have raised no objections to the BLM’s finding that it would not adversely impact sites of cultural or historic significance.

## **Finding of No Significant Impact**

No significant impacts were identified. No impacts beyond those anticipated in the KFRA RMP Environmental Impact Statement (EIS) would occur. Refer to the accompanying Finding of No Significant Impact.

## **CONCLUSION**

Based on the information in the EA and project record, I conclude that this Decision Record is consistent with the Klamath Falls Resource Area Record of Decision and Resource Management Plan (June 1995).

This decision is consistent with the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations. It is also consistent with Executive Order 12898 on Environmental Justice and will not have any adverse impacts to energy development, production, supply and/or distribution per Executive Order 13212.

## **ADMINISTRATIVE REMEDIES**

Any party adversely affected by this decision may appeal within 30 days after receipt of the decision in accordance with the provisions of 43 CFR Parts 4.4. The notice of appeal must include a statement of reasons or file a separate statement of reasons within 30 days of filing the notice of appeal. The notice of appeal must state if a stay of the decision is being requested and must be filed with:

Manager, Klamath Falls Resource Area  
Bureau of Land Management  
2795 Anderson Ave, Building 25  
Klamath Falls, OR 97603

A copy of the notice of appeal, statement of reasons, and other documents should be sent to the:

Regional Solicitor, Pacific Northwest Region  
U.S. Department of the Interior  
Lloyd 500 Builder, Suite 607  
500 N.E. Multnomah Street  
Portland, OR 97232

If the statement of reasons is filed separately is must be sent to the:

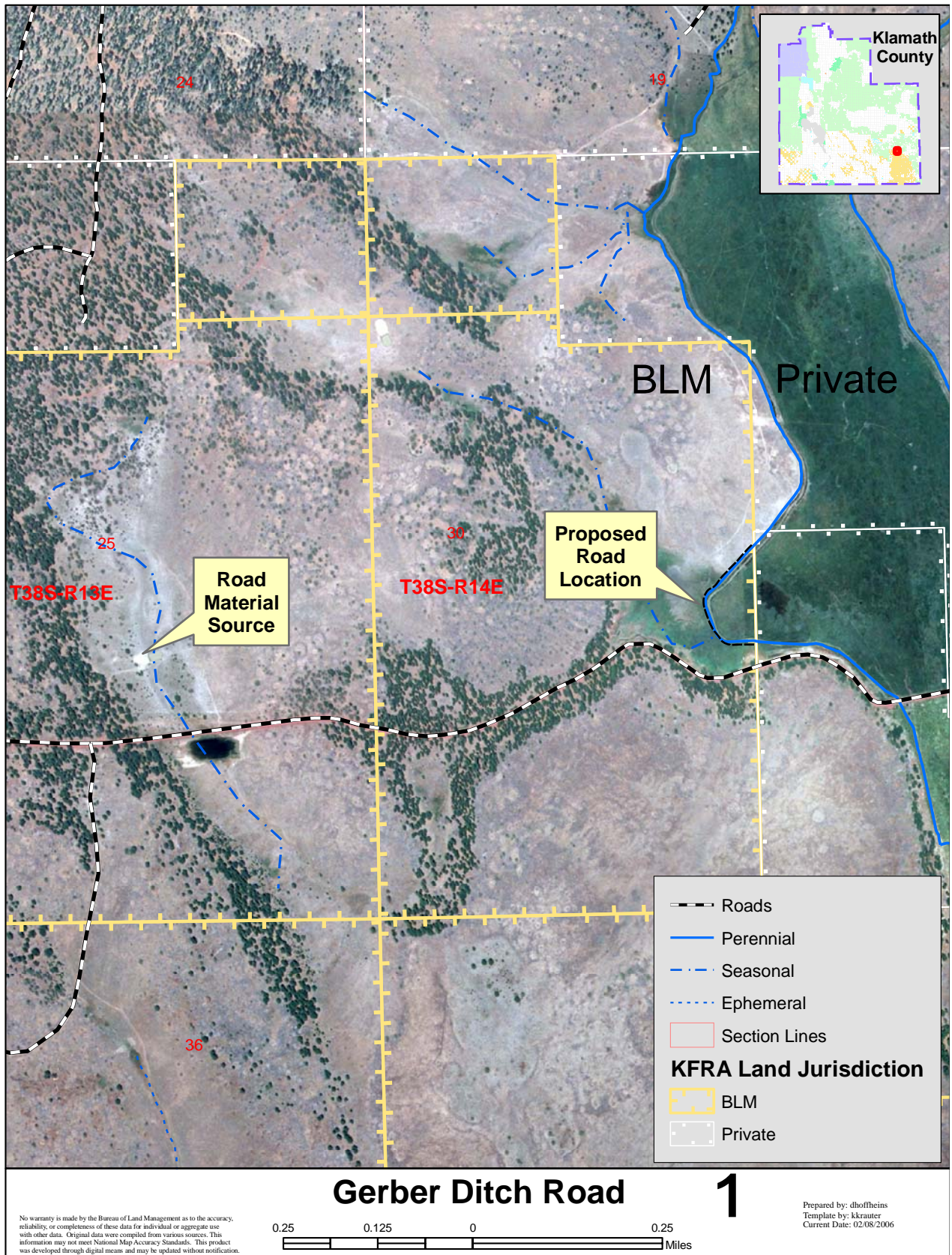
Board of Land Appeals, Office of Hearing and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

It is suggested that any notice of appeal be sent certified mail, return receipt requested.

Before deciding to file an appeal, I encourage you to contact me to determine if your concerns might be met in some other way, or to assist you in the appeal process if it is appropriate. Thank you for your continued interest in the multiple use management of your public lands. This notice constitutes the decision notification for purpose of protests under 43 CFS subpart 5003 B Administrative Remedies.

  
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Jon Raby, Manager  
Klamath Falls Resource Area

2/9/06  
\_\_\_\_\_  
Date

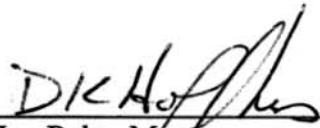


**OR 60856 Gerber Ditch Road Construction Right-of-Way**

**Finding of No Significant Impact:**

I have reviewed this environmental assessment (OR-014-05-01), including the explanation and resolution of any significant impacts, and have determined that the proposed action will not have any significant impact on the human environment and that an EIS is not required. In my review, I also determined that the proposed project is in conformance with the approved land use plan.

**Mitigation Measures/Remarks:** None

*Acting for*  
  
\_\_\_\_\_  
Jon Raby, Manager  
Klamath Falls Resource Area

10/18/05  
Date