

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DETERMINATION
Bureau of Land Management (BLM)**

Project Name: Quicksilver Chip Haul Road Use ROW CX Log #: OR-014-CX-06-19
Location: West Gerber - T.38S., R. 14E., Sec.30 to T.39S., 14E., sec. 13
BLM Office: Lakeview District , Klamath Falls Resource Area County: Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (INCLUDING PURPOSE AND NEED)

Quicksilver is chipping slash from a timber sale on land belonging to Timber Resource Services (TRS) in T39S, R14E, Section 12 and will be hauling approximately 70-75 loads of green chips. Quicksilver needs to transport the product to market in Klamath Falls and would need to use BLM roads via Norcross Springs road to the CCC road and traveling to the Klamath County road 1218, north of Gerber Reservoir in T38S, R14E, Section 30. (See general location map in Appendix A.) Road maintenance will be preformed by Quicksilver. (See Appendix B for Road Right-of-way stipulations)

IMPLEMENTATION DATE

This project is expected to be implemented in the summer of FY 2006. Depending on funding and environmental parameters this project could last over a period of two to three months.

PLAN CONFORMANCE

The proposed project has been reviewed and found to be in conformance with one or more 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 (Page 66)
- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- Integrated Weed Control Plan (IWCP) 1993
- Lakeview District Fire Management Plan – Phase 1 (1998)

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 5.4 E-16).

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, there is a need to maintain the roads in good condition. See Appendix B for Road Right-of-way Stipulations.

SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary. (In the following table, appropriate fields are Initialed and Dated by responsible resource specialist.)

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS Animals*			LW 7/6/06
SS Plants*			SH 6/20/06
Cultural Resources	TC 7/6/06		
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			SH 6/20/06
Botanical Consultation			LW 7/6/06
Cultural Consultation			TC 7/6/06
*(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.

Prepared By: Linda Younger, Realty Specialist

Reviewed by: Klamath Falls Interdisciplinary Team

Approved By: (Signature)	Name: (signed by) Heather Bernier	Title: Acting Resource Area Manager	Date: 7/17/06
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CONTACT PERSON

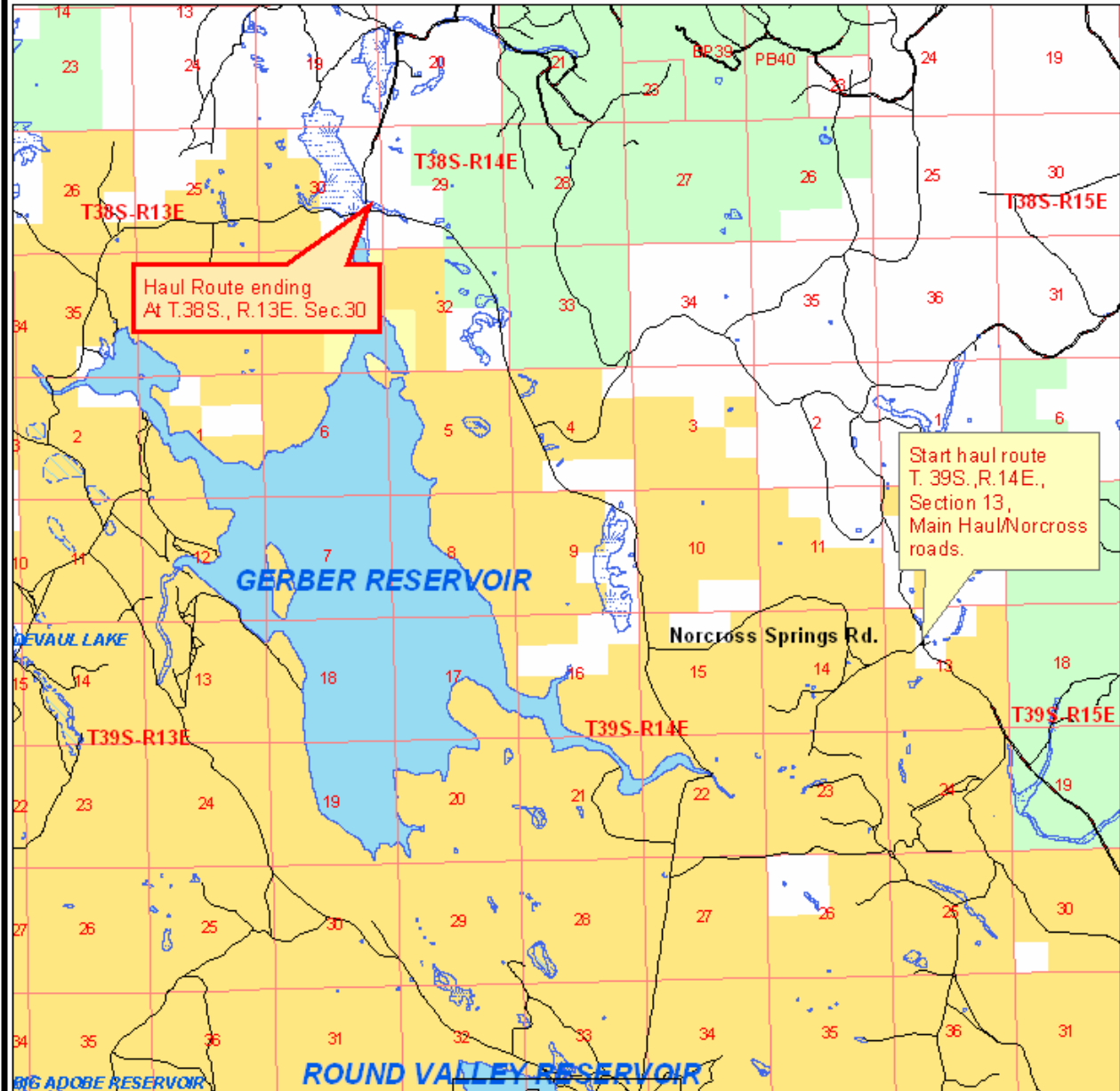
For additional information concerning this project, contact:

Linda Younger, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-884-2907.

Appendix A – General Location Map

Exhibit A
6/20/06

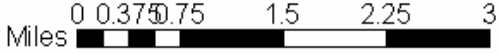
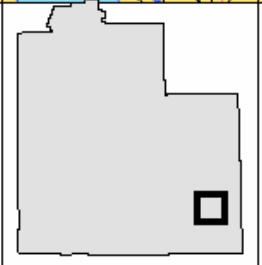
QuickSilver-Gerber Chip Haul



QuickSilver-Gerber Chip Haul

CX-06-19, OR-63689
US DEPARTMENT OF INTERIOR
Bureau of Land Management
Klamath Falls Resource Area
Lakeview District
Oregon

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Appendix B Road Right-of-way Stipulations

Right-of-Way
OR 63529

1. Rent shall be based on the rent schedule, which is \$16.08 per acre per year. Rental fees in the amount of \$57.48 is due in advance, (see section H of right-of-way grant). Monitoring fees will be for less than <8 hrs. @ \$100.00. Total amount due, **\$157.48**
2. Roads included in this right-of-way (shown on Exhibit A) shall be open at all times to full use and enjoyment by the Grantor and its permittees for any and all purposes deemed necessary or desirable in connection with the control, management, and administration of Grantor's lands or the resources thereof, and insofar as compatible therewith, use by the general public. However, such use shall not unreasonably interfere with Holder's use granted herein. **Haul roads will be signed to show "Chip trucks in area" for the forest users and recreationist.**
3. The holder will be required to provide road maintenance along with paying the required fee. This is necessary to keep roads in satisfactory condition for forest products hauling and to protect road from winter weather. **Roads will be left in as good or better condition as before hauling began. Roads will not be used when wet enough to cause rutting.**
4. The holder shall be entitled to recover pro rata maintenance expense from others who use the road for removal of commercial forest products. Grantor shall require other commercial forest products haulers to share maintenance expenses with the holder. Maintenance will be performed under BLM engineering specifications. If not performed as specified, BLM will perform maintenance duties, and the charges will be paid by Quicksilver.
5. All of Holder's controlled equipment or equipment under contract to Holder operating upon such roads shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize accident hazards. All truck drivers shall have a valid Oregon Truck Operators license. Holder shall abide by all regulations posted along the roads by the Grantor.
6. Grantor may suspend the use of such roads during periods when the forests are closed by lawful authority. Grantor may also suspend the use of such roads when, due to weather conditions, unrestricted use would cause excessive damage to the roads.
7. Concurrently with termination of Holder's use of said roads, Holder shall clean up and remove from such road or rights-of-way all debris, refuse, and waste material which may have resulted from Holder's use or operations, and shall repair any damage to the roads resulting directly or indirectly from Holder's use of operations.
8. Prior to exercising any rights granted herein Holder shall be required to obtain comprehensive liability insurance covering all operations, including vehicles of the Holder under this agreement, in amounts of at least or not to exceed the following: \$1,000,000.00 (1) bodily injury, \$100,000.00 for injury or death to any one person: \$300,000.00 for any one occurrence; (b) property damage, \$100,000.00 for any one occurrence.
9. A performance bond in favor of the Grantor conditioned upon faithful performance of this agreement is not applicable for this action.
10. The rights granted hereunder are not assignable without the prior written consent of the Grantor.

11. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this Grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location of or storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1983, deadline for fiscal year 1985 action). If need for emergency use of pesticides is identified, the use must be approved by the Authorized Officer. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this Grant.

12. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.