

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

Lease or CX Log #: KCER-02-13 Serial #: OR 57656
Project Name: Thompson Road Right-of-way, to resolve trespass
Applicant: Joseph G. Thompson Location: Merrill
Address: 19819 Pope Road, Merrill, OR 97633 County: Klamath
BLM Office: Lakeview District, Klamath Falls Field Office Phone #: 541-883-6916
CX Number from Current Department or Bureau List: E-16

Description of the Proposed Action

The proposed right-of-way is to grant Mr. Thompson legal access to his home. The road was put in over 7 years ago and lapped over the edge of BLM boundary. This right-of-way permit will resolve an unintentional unauthorized use.

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 66 paragraph 1.

Reviewer / Linda Younger / Date 9/18/02

DOCUMENTATION OF CX EXCEPTIONS

The proposed action would not create adverse environmental effects on resources or programs listed as Categorical Exceptions, unless noted otherwise. The proposed action will:

Yes No CX Exception

- () (X) 1. Have significant adverse effects on public health or safety.
- () (X) 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.
- () (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 principal 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.*

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:

Yes No

- () (X) a. *Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.*
- () (X) b. *Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).*
- () (X) 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).*
- () (X) 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.

<u>Item No.</u>	<u>Can Be Mitigated</u>	<u>Cannot Be Mitigated</u>	<u>Mitigation Measures</u>
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SUMMARY OF FINDINGS

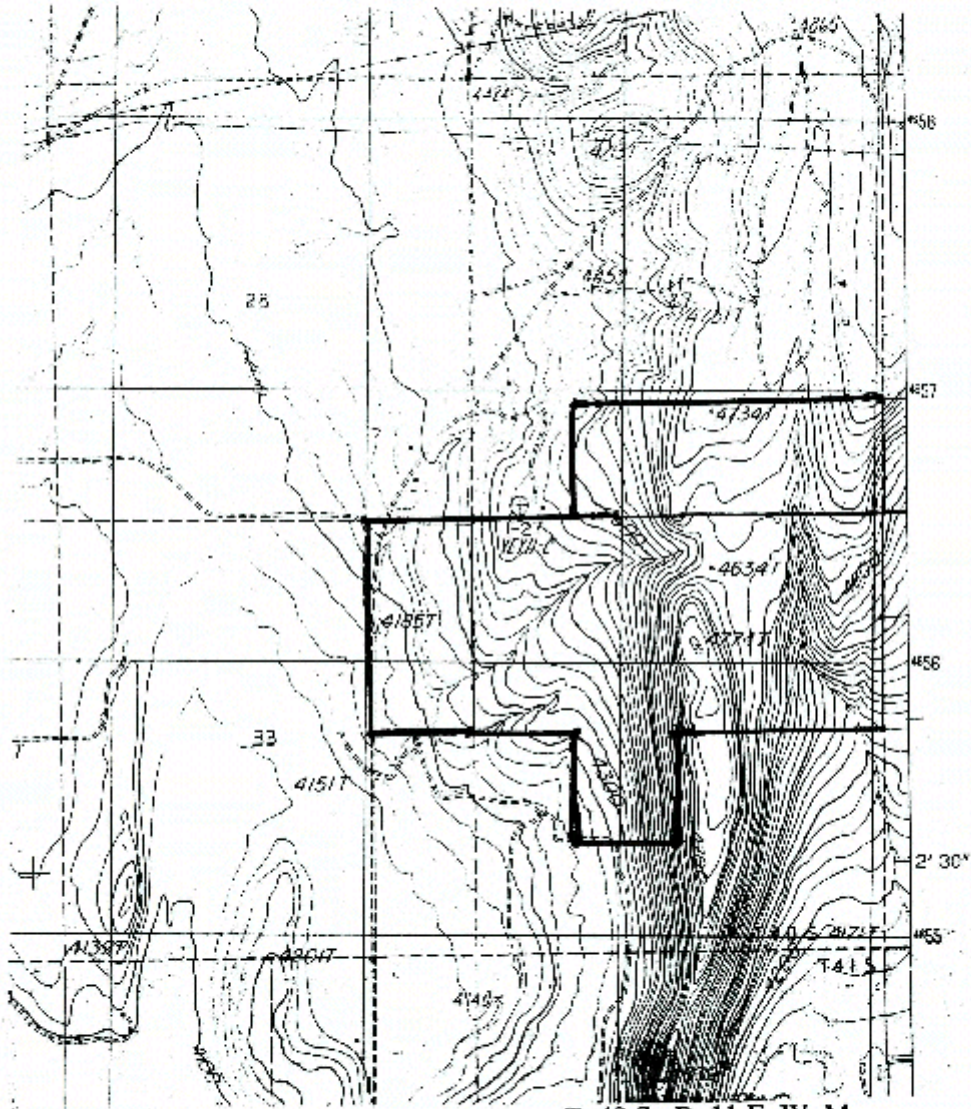
The proposed action has been identified as categorical exclusion E(16) under Bureau of Land Management Categorical Exclusions (516 DM 6, Appendix 5). The proposed action has been reviewed against the criteria for an exception to a categorical exclusion in 516 DM 2, Appendix 2, and reviewed against other topics or issues for potential impacts based on US Department of Interior Policy or rule making, and does not fall under any exception, and is therefore, categorically excluded from NEPA. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS).

CX DETERMINATION

The proposed action and any specified mitigation measure(s) has been determined to meet the criteria for a CX and does not fall under any of the CX exceptions.

Prepared by: *Linda Younger* Name: Linda Younger Title: Realty Specialist Date: 8/14/02
Reviewed by: *DK Stephens* Name: DK Stephens Title: Planner Date: 9/24/02
Reviewed by: Name: Title: Date:
Reviewed by: Name: Title: Date:
Approved by: *Malvin D. Chubbett* Name: Malvin D. Chubbett Title: Acting Field Mgr. Date: 10/7/02

Map 1
 OR 53188
 Competitive Sale of Public Land



Public Land
 Proposed for Direct



*THOMPSON Rd.
 T&E pass*

T. 40 S., R. 11 E. W. M.
 Sec. 27 SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
 Sec. 33 E $\frac{1}{2}$ NB $\frac{1}{4}$
 Sec. 34 N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

