

Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review

Project Name: Boulevard Associates, LLC, ROW, Bryant Mtn. CX-06-12
Date Initiated: 03/06/2006 **Project Lead/Contact:** Linda Younger

Resource or Staff Responsible	Review Priority	Preliminary Review Started 4/4/06 Initials / Date	Comments Attached / Incorporated	Final Review Initials / Date
Manager: Jon Raby	Last	Dkh 5/4/06	<u>Acting FM</u>	<u>Dkh 5/4/06</u>
Branch Chief: Heather Bernier				
Branch Chief: Larry Brooks	X	LMB 3/9/06		<u>LB 4/17/06</u>
Planner/EC: Don Hoffheins, Kathy Lindsey	X	Dkh 3/9/06		
Range: Bill Lindsey, Dana Eckard	x	BL 3/13/06	<u>None</u>	<u>BL 3/13/06</u>
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Eric Johnson	x	EJ 4/12/06	<u>None</u>	<u>EJ 4/12/06</u>
Silviculture: Bill Johnson				
Timber: Mike Bechdolt				
Botany/ACEC/Noxious Weeds: Lou Whiteaker	x	LW 4/14/06	<u>Comment in text</u>	<u>LW 4/26/06</u>
Cultural: Tim Canaday, Michelle Durant	x	TC 3/9/06	incorporated	TC 3/9/06
Safety/HazMat: Tom Cottingham				
Lands/Realty/Minerals: Linda Younger				
Recreation/Visual/Wilderness: Scott Senter	x	VSS 4/6/06	<u>Incorporated</u>	<u>VSS 4/6/06</u>
Hydrology/Riparian: Liz Berger		EB 4/19/06	<u>Comments in text</u>	<u>EB 4/20/06</u>
Wildlife/T&E: Steve Hayner	x	SH 03/13/06	<u>Comments Incorporated</u> <u>Added comment to Appendix B</u>	<u>SH 04/21/06</u>
Wildlife/Fuels: Matt Broyles				
Fisheries/T&E: Andy Hamilton				<u>ASH 4/20/06</u>
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty	x	BMC 4/10/06	<u>None</u>	BMC 4/10/06
Soils/Veg/SSS Surveys: Molly Juillerat	x			<u>MOJ 4/19/06</u>
Wood River Wetlands:				
Clearances/Surveys	Needed	Done/Attached	Each review period is proposed for two weeks. Please complete edits in "Track Changes" within two weeks of receiving an e-mail notice. **Some resources are not marked for all projects. Other specialists are welcome to review the document even though they are not identified with an "X" or number.	
Cultural		TC 3/9/06 but see comment below*		
Botanical	No. LW 4/14/06			
T&E, BA & or Consultation	No. SH 04/21/06			
Survey and Manage	No. MOJ 4/19/06			
R-O-W Permits				

*Use of the existing road is okay, but if maintenance/improvements are required beyond the existing road prism, cultural resource clearance will be required.

**Decision Memorandum on Action and for Application of:
Categorical Exclusion 516 DM2, Appendix 1, 1.12 – Hazardous Fuel Reduction
(PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION)
Bureau of Land Management (BLM)**

CX Log #: OR-014-CX-06-12

Lease or Serial #: OR 63306

Project Name: **Boulevard-Bryant Mtn. Right-of-Way**

Project Location: Bryant Mountain T. 41S., R. 13E, Sec. 5,8,17,19, 20 County: Klamath County, OR

BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916

Applicant: **Boulevard Associates, LLC**

DESCRIPTION OF THE ACTION (Including Purpose and Need)

This project includes utilizing the southern portion of Bryant Mountain road. See map, Exhibit A. Boulevard Associates (BA, LLC) is planning to install 4 -50 meter wind monitoring towers on private lands (Al Bruner) adjacent to BLM.

No pre-project road maintenance is planned on this stage of the project. This right of way will be given for 4 years, to test monitoring towers. This use is considered casual use, but will allow the permittee within the gated area during closure season (Nov. 1 thru April 15) to monitor and repair test towers as needed. A new application, analysis and decision before issuing a 30 year permit will be required if monitoring towers prove the area to be a good source of wind energy. Road use and maintenance are addressed in Appendix B.

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. Refer to 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. Realty (16) Acquisition of easements for an existing road or issuances of leases, permits, or rights-of-way for use of existing facilities, improvements, or sites for the same or similar purposes.**

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) in accordance with 516 DM2, Appendix 1, 1.12 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 meet any of the above exceptions.

DOCUMENTATION OF RECOMMENDED MITIGATION

Note: although none of the conditions for the above exceptions are met, the resources discussed are potentially affected. Mitigation measures and Project Design Features below are applied to prevent the adverse conditions discussed in the exceptions:

Exception No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures and/or Project Design Features
15	Yes	-----	See Appendix A Weed Project Design Features

SURVEYS AND CONSULTATION

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

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	LW 4/26/06
SS Animals	_____	_____	SH 04/21/06
Cultural Resources	_____	_____	TC 4/27/2006
S&M Surveys	_____	_____	MOJ 4/19/06
<u>Consultation:</u>	1) is completed	2) will be completed	3) is not needed
SS Animal Consultation	_____	_____	SH 04/21/06
Botanical Consultation	_____	_____	LW 4/26/06
Cultural Consultation	TC 4/27/2006	_____	_____
(SS = Special Status)			

Remarks: None

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

Reviewed by: Klamath Falls Interdisciplinary Team

Approved By: (Signature)	Name: Jon Raby 	Title: Resource Area Manager Acting Manager	Date: 5/4/06
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IMPLEMENTATION DATE

This project is expected to be implemented in early 2006.

CONTACT PERSON

For additional information concerning this project, contact:

Linda Younger, Klamath Falls Resource Area - BLM, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603 or telephone: 541-883-6916.

Appendix A
Weed Project Design Features

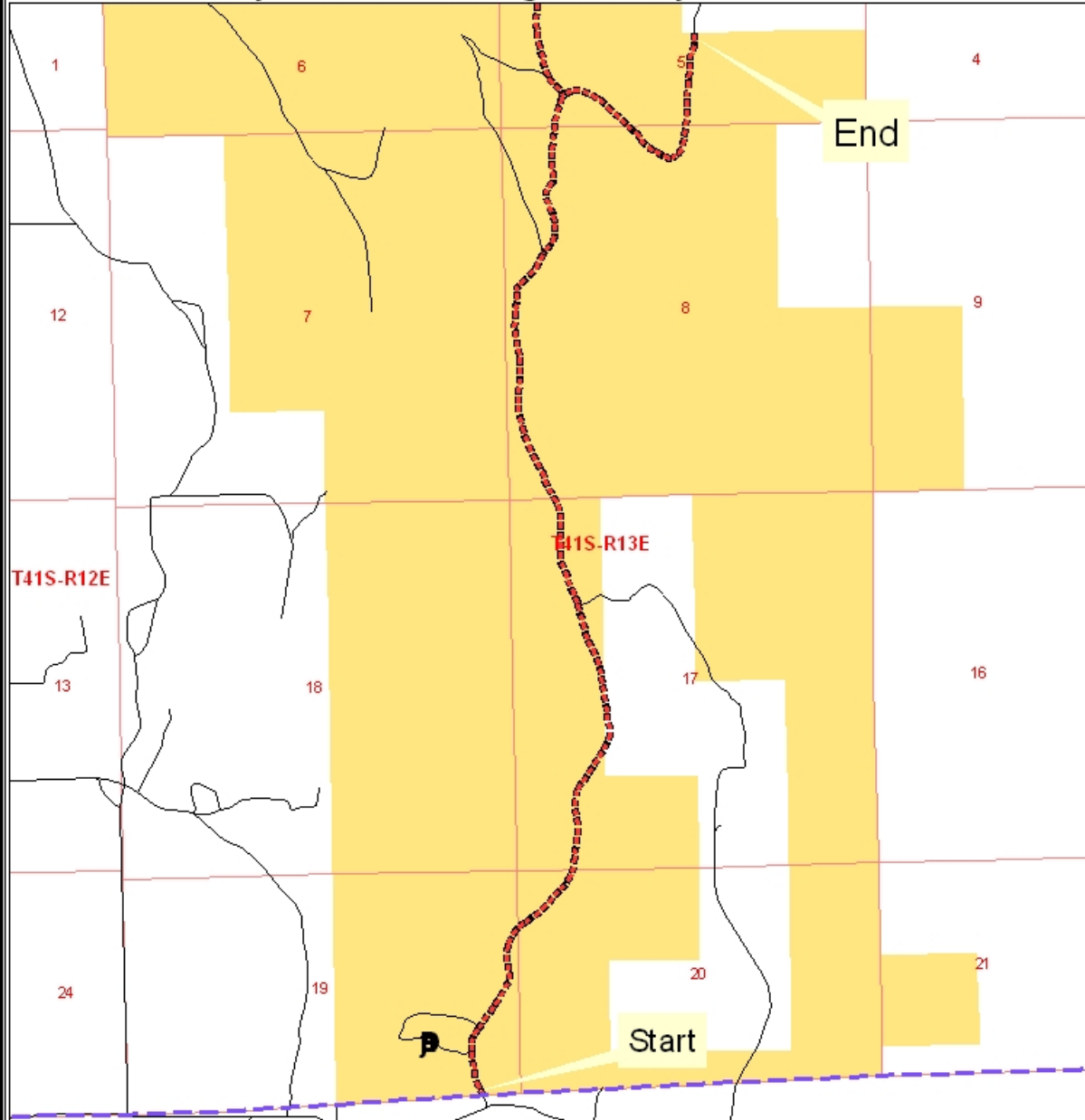
All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

Appendix B
Road Maintenance for Right-of-Way OR63306 Mitigation Measures

1. Rent shall be based on the rent schedule, which is \$16.08 per acre per year. The rent is \$205.00 and is based upon a right-of-way 3.5 miles in length, 30 feet in width, comprising 12.72 acres for a 4 year term. Rent may be paid for full term of 4 years or \$820.00.
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.
3. During the closure period (winter and spring), user will only use the road when it is frozen or dry and will not use the road wet conditions. If the road is damaged by holder, holder will be required to pay for road maintenance with relinquishment of a \$1,200.00 bond, along with paying the required fee. This is necessary to keep roads in satisfactory condition and to protect the road from winter and spring road use damage.
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.
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.

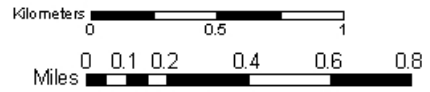
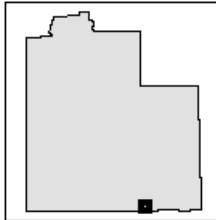
8. Prior to exercising any rights granted herein Holder shall be required to obtain comprehensive liability insurance covering all operations, including vehicles of the Holder under this agreement, in amounts of at least or not to exceed the following: \$1,000,000.00 (1) bodily injury, \$100,000.00 for 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. Holder shall post a **performance bond** in the amount of **\$ 1,200.00** in favor of the Grantor conditioned upon faithful performance of this agreement. Before exercising any of the rights granted herein Holder shall deliver said bond to Grantor.
10. The rights granted hereunder are not assignable without the prior written consent of the Grantor.
11. All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose. 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.

Boulevard Associates, LLC Bryant Mountain Right-of-Way



Bryant Mtn. Right-of-Way
<CX-06-12 OR63306 EXHIBIT A
US DEPARTMENT OF INTERIOR
Bureau of Land Management
Klamath Falls Resource Area
Lakeview District
Oregon

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