

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

CX Log #: OR-014-CX-05- 14 Lease or Serial #: OR61132
 Project Name: Bear Valley right-of-way
 Location: Main Haul and Willow Valley Rds. T. 41S., R.14E., Sec. 5,10,11, & 12.
T.41S., R.14.2E, Sec. 1,2,3,4,5,6,7. T.40S., R. 15E., Sec. 29,30, & 31. County: Klamath County
 BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916
 Applicant: John and Jeanne Anderson Address: 7624 N. County Rd. #114, Tulelake, CA
96134

Description of the Proposed Action: The Andersons need to obtain legal right-of-way for ingress and egress private property at Bear Valley. The Anderson’s plan to grant an easement to NRCS for rehabilitation of wetlands at Bear Valley. There are no commercial projects planned for this grant. Amerititle wants a clear title to grant this easement. Clear title means they have to have right-of-way access to their property at Bear Valley.

PLAN CONFORMANCE

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans or NEPA analyses:

- A. 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.
- B. Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- C. Integrated Weed Control Plan (IWCP) 1993
- D. 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) 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?

<u>Exception</u>	<u>Yes</u> <u>No</u>
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	() (X)

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.	
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)

The proposed action would not create adverse environmental effects or meet any of the above exceptions. **The Andersons have a grazing allotment within the seasonal closure area. They already have access into seasonal closure area.**

DOCUMENTATION OF RECOMMENDED MITIGATION

Note: although none of the conditions for the above exceptions are met, some of 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

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	_____	_____	JW 3/23/05
SS Animals	_____	_____	SUA 3/17/05
Cultural Resources	_____	_____	TC 3/22/2005
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	SUA 3/17/05
Botanical Consultation	_____	_____	JW 3/23/05
Cultural Consultation	_____	_____	TC 3/22/2005

(SS = Special Status)

Remarks:

SUMMARY OF FINDINGS and CX DETERMINATION

Based on the available information and a review by the interdisciplinary team, it is my determination that the proposed action does not constitute a significant impact affecting the quality of the human environment greater than those addressed in the:

- Final - Klamath Falls Resource Area Resource Management Plan and EIS.
- or
- Final - Upper Klamath Basin and Wood River Wetland Resource Management Plan and EIS.

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: Full Interdisciplinary Team

Approved By: (Signature)	Name: Jon Raby <i>Lauren M. Raby</i>	Title: Resource Area Manager <i>Acting for:</i>	Date: <i>3/19/05</i>
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IMPLEMENTATION DATE

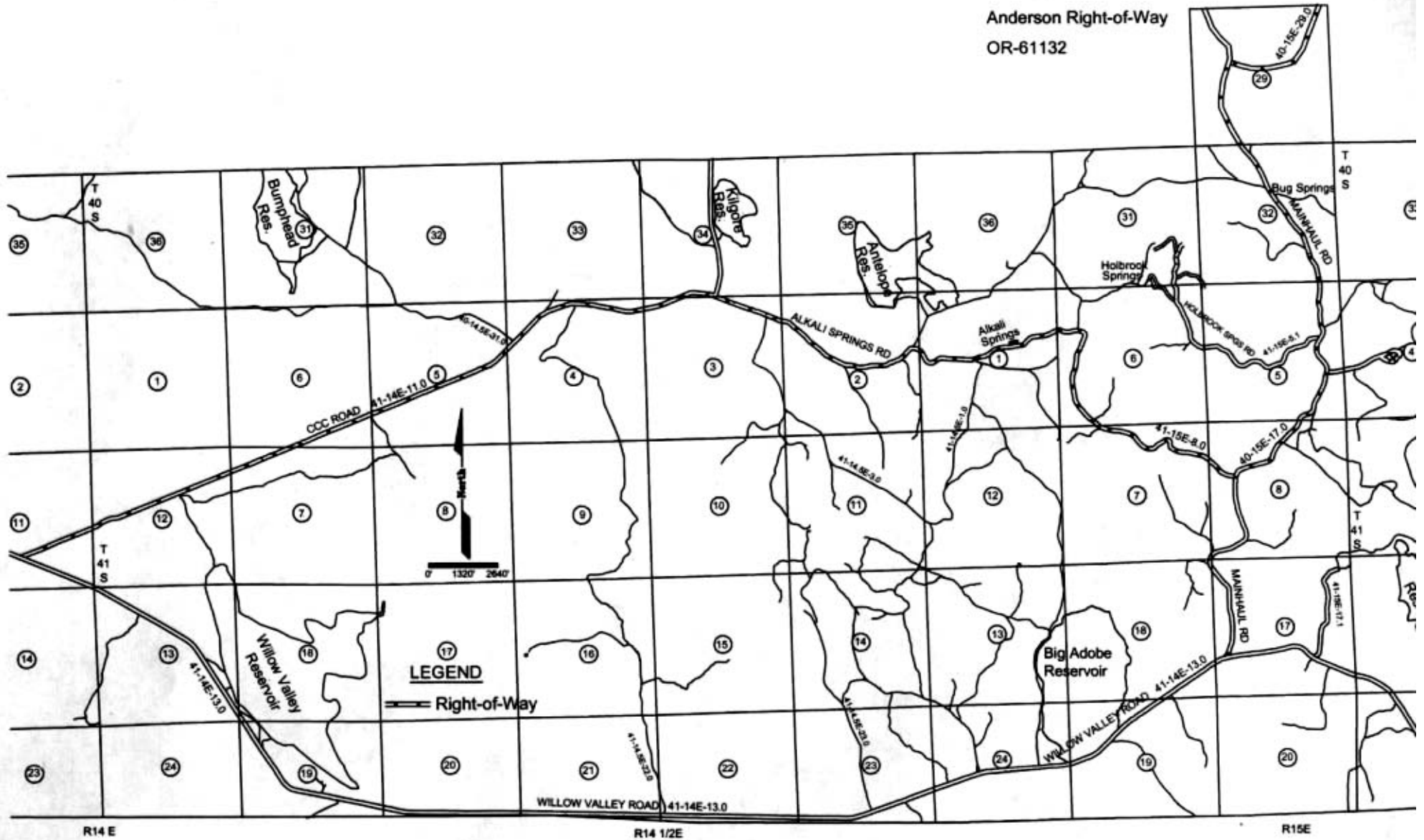
This project is expected to be implemented in March 2005. Granting of this right of way will clear up cloud on Mr. and Mrs. Anderson's title so that they can grant an easement to NRCS for Bear Valley rehabilitation of wetlands.

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: 541-883-6916.

Anderson Right-of-Way
OR-61132



Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review

Project Name: Anderson west of way
 Date Initiated: 3/4/05 Project Lead/Contact: Linda Younger

Resource or Staff Responsible	Review Priority	Preliminary Review Initials/ Date	Comments Attached / Incorporated	Final Review Initials/ Date
Manager: Jon Raby ✓	Last			JS 3/17/05
Branch Chief: Natural Resources	Second to Last			
Branch Chief: Larry Brooks ✓	Second to Last	LB 3/19/05		3/19/05
Planner/EC: Don Hoffheins, Kathy Lindsey ✓	Third from Last			KL 3/17/05
Range: Bill Lindsey, Dana Eckard ✓		BZE 3/7/05	none	
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran ✓				
Silviculture: Bill Johnson				
Timber: Mike Bechdolt ✓		MB 3/13/05	Is this part of AD Adope Timber Sale?	
Botany/ACEC/Noxious Weeds: Lou Whiteaker ✓		LW 3/10/05	none	LW 3/10/05
Cultural: Tim Canaday ✓		TC 3/11/2005	see note	TC 3/16/2005
Minerals/HazMat: Tom Cottingham ✓				
Lands/Realty: Linda Younger ✓				LJ 3/21/05
Recreation/Visual/Wilderness: Scott Senter				
Hydrology/Riparian: Liz Berger ✓		LB 3/14/05		LB 3/16/05
Wildlife/T&E: Steve Hayner ✓		SH 3/7/05	See survey notes	SH 3/17/05
Wildlife/Fuels: Matt Broyles ✓		MB 3/14/05		MB 3/14/05
Fisheries/T&E: Scott Snedaker ✓				
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty ✓		BMC 3/14/05	none	BMC 3/14/05
Soils/Veg Surveys: Molly Juillerat Amber Knoll ✓		MOS	none	MOS 3/15/05
Wood River Wetlands: Wedge Watkins				
Clearances/Surveys	Needed	Done/Attached	*This document will not sit on your desk for more than 8 hours. Please check on calendar to make sure that the next person will be available to review the document. **Some resource areas may not apply for all projects. If so, just mark "N/A" in "Review Priority" column.	
Cultural		TC 3/16/2005		
Botanical	No 3/17 LW			
T&E, BA & or Consultation	No 3/17 SH			
R-O-W Permits				