

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

CX Log #: OR-014-KCER-02-07 Lease or Serial #: N/A
Project Name: Resource Area-wide Hazard Tree Removal
Applicant: N/A Location: Various
Address: _____ County: Klamath

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

Description of the Proposed Action: This project is for the falling of hazard/danger trees within falling distance of open roads or use areas accessible by the public as well as gated roads accessible by BLM employees in the Klamath Falls Resource Area. An area/road will be located for potential hazard/danger trees. Individual hazard/danger trees will be identified and flagged by the Resource Area Hazard Identifiers, Scott Senter and Kathy Kirkham. Once trees are identified as hazardous, surveys will be completed for cultural resources. After appropriate clearances, trees will be felled by qualified personnel. If needed, flaggers will stop traffic on roads where trees are being fallen. Trees, or parts of trees, will be cleared from the roadways and slash scattered or hand piled as appropriate.

A hazard/danger tree as defined by Oregon - Occupational Safety and Health Administration (OR-OSHA) is: *“A standing live or dead tree, including snags, with evidence of deterioration or physical damage to the root system, trunk, or stem. When determining if a tree is dangerous, the degree and direction of lean shall be an important factor.”*

PLAN CONFORMANCE

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans (reference appropriate section/pages of the plan):

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 D-20.

On Page 2-123 of the KFRA RMP/EIS (Management Direction Common to all Alternatives) it is stated: *“Trees could be cut or removed...to provide for the safety of forest users (this includes hazard tree removal in camp and picnic grounds, in administrative sites, and along trails and roads open to the public);...”*

The Oregon - Occupational Safety and Health Administration (OR-OSHA), Oregon Administrative Rule 437, 6F(5) states: *“All danger trees that can fall or slide onto roadways shall be felled a safe distance back from the roadway.”*

Reviewer /s/ Kathy Lindsey Date 7-25-02

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under **516 DM 6, Appendix 5.4, C(2)**, which provides for the “...removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard,...” and **516 DM 2, Appendix 1.7**, which provides for “Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity;...”

REVIEW 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:

<u>Yes</u>	<u>No</u>	<u>CX Exception</u>
()	(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, <i>such as significant caves, ACECs, National Monuments, WSAs, RNAs</i> , 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. <i>This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).</i>
()	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. <i>This includes Native American religious or cultural sites, archaeological sites, or historic properties.</i>
()	(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. <i>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.</i>
()	(X)	9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (<i>water resource development projects only</i>).
()	(X)	10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, <i>where non-Federal requirements are consistent with Federal requirements.</i>

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.

Item No.	<u>Can Be Mitigated</u>	<u>Cannot Be Mitigated</u>	<u>Mitigation Measures</u>
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(None)

SURVEYS AND CONSULTATION

Surveys and/or consultation may be needed for special status plants and animals, for cultural resources, and other resources as necessary: (Initial and Date appropriate fields)

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	<u>L.W. 7/25/02</u>
SS Animals	_____	<u>G.S. 8/5/02</u>	_____
Cultural Resources	_____	<u>T.C. 7/30/02</u>	_____
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	<u>G.S. 8/5/02</u>	_____
Botanical Consultation	_____	_____	_____
Cultural Consultation	_____	_____	<u>T.C. 7/30/02</u>

(SS = Special Status)

Remarks: Under the Northwest Forest Plan, hazard tree falling is classified as routine maintenance. No predisturbance surveys for S&M species are required.

SUMMARY OF FINDINGS and CX DETERMINATION

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 fall under any exception. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) and is therefore, categorically excluded from NEPA documentation.

Prepared By: /s/ Margo Carnahan 7-30-02
Margo Carnahan/Senior Fuels Crew Member Date

Reviewed By: /s/ Kathy Lindsey 7-25-02
Kathy Lindsey/Assistant Planner Date

Approved By: /s/ Teresa A. Raml 8-6-02
Teresa A. Raml/Field Manager Date