

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

CX Log #: OR-014-CX-03-12 Lease or Serial #: OR59243 PT & FD
Project Name: Nancy Charley Trust, LLC Reciprocal Road Easement and Right-of-Way
Applicant: Hugh Charley Location: T. 38S., R. 5E., Sections 12 & 13
Address: P.O. Box 405, Keno, OR 97627 County: Klamath County
BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916

Description of the Proposed Action:

Exchanging rights to utilize road 38-5E-12. Mr. Charley has no legal access rights into his summer home via road 38-5E-12, and BLM has no legal rights into section 13 to harvest timber. The reciprocal agreement will give both Mr. Charley and the BLM legal access into section 12 and 13. There will be a 40 ft. wide easement granted to both parties for the length of the road. See Exhibit B that is attached for road Right-of-Way stipulations.

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 66.

B. EA # _____, Titled _____

Reviewer Linda C. Younger Date 8/24/03

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under E (16) **Bureau of Land Management Categorical Exclusions (516 DM 6, Appendix 5.4).**

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, and those listed on the National Register of Natural Landmarks.</i> |
| () | (X) | 3. Have highly controversial environmental effects (40 CFR 1508.14). |

- 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
- 5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.
- 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)).*
- 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.*
- 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.*
- 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*).
- 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

- a. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.
- b. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).
- 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).
- d. Have significant adverse effect on Indian Trust Resources.
- 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).
- 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.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures
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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)

Surveys:	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	NO 9/4/03
SS Animals	_____	_____	SA 9/4/03
Cultural Resources	TC 9/2/03	_____	_____
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	SA 9/4/03
Botanical Consultation	_____	_____	JW 9/4/03
Cultural Consultation	_____	_____	TC 9/2/03

(SS = Special Status)

Remarks:

SUMMARY OF FINDINGS and CX DETERMINATION

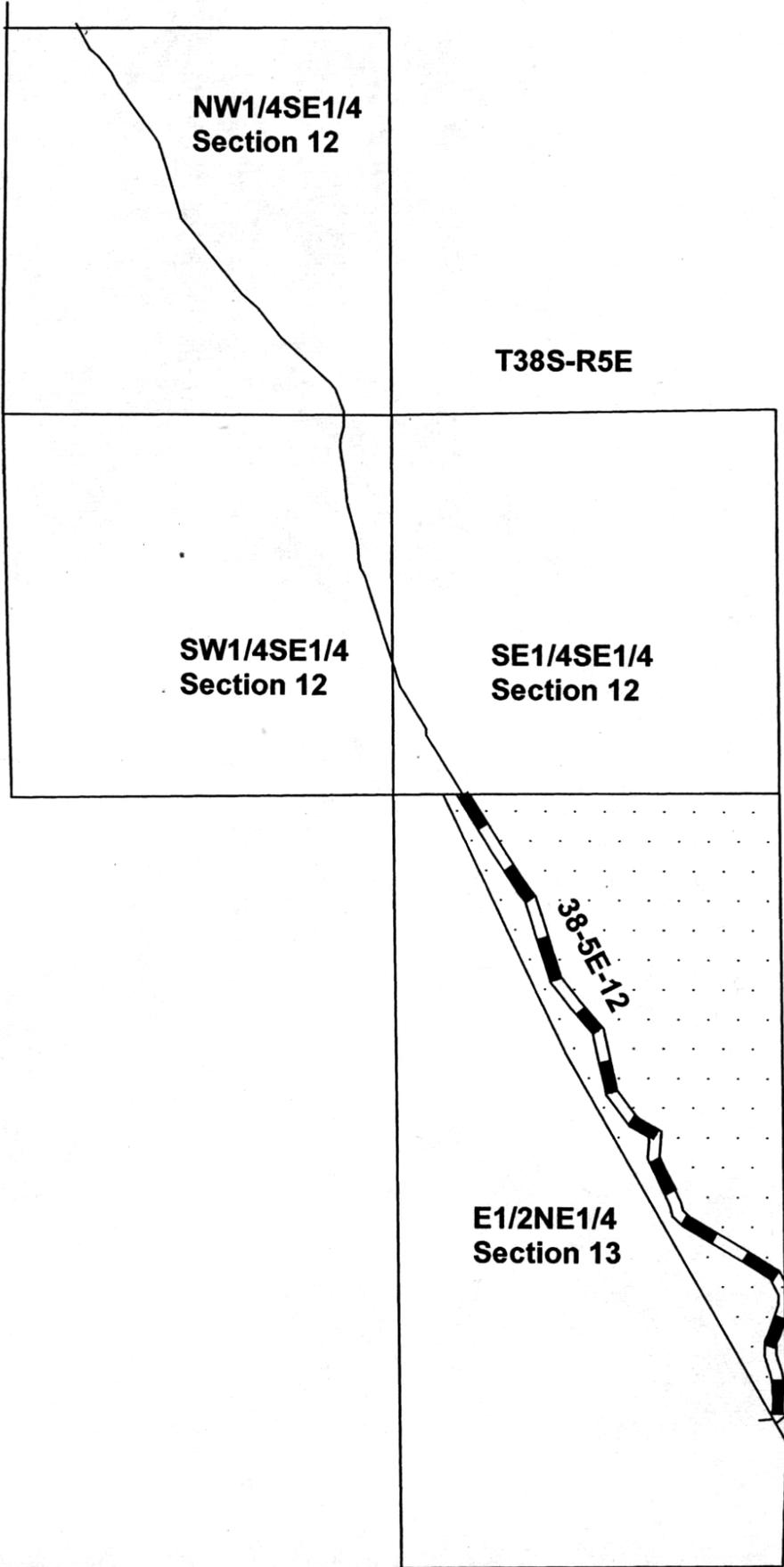
The proposed action has been reviewed against the criteria for an exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not fall under any exception. The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) and is therefore, categorically excluded from NEPA documentation.

Prepared By: Linda Young, Realty Spec. Date: 8-26-03
 (Name)/(Title)

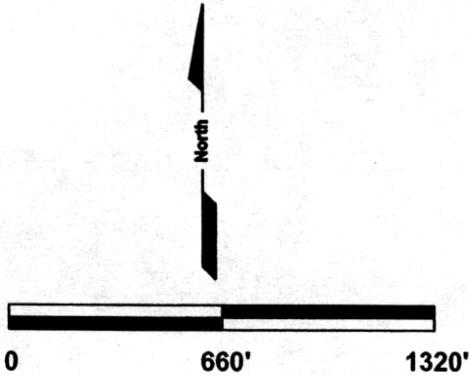
Reviewed By: DK Hoffman / Planner Date: 9/24/03
 (Name)/(Title)

Approved By: [Signature] Date: 9/24/03
 Jon Raby, Field Manager
 Klamath Falls Resource Area

**38-5E-12
Exhibit A
OR59243FD**

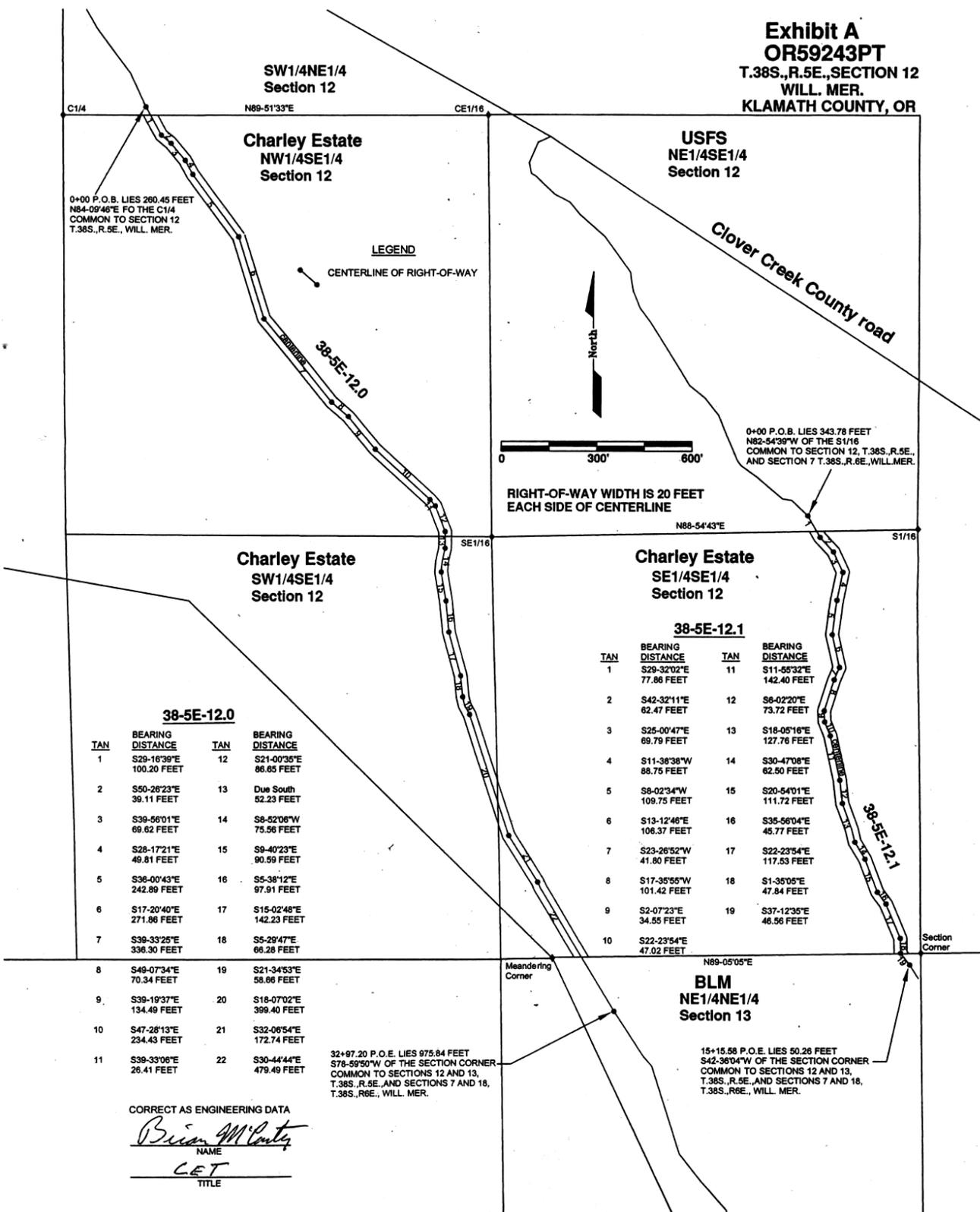


-  **Right-of-way**
-  **Roads**
-  **BLM**



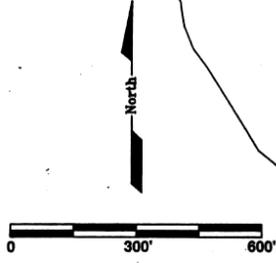
EASEMENT

**Exhibit A
OR59243PT
T.38S.,R.5E.,SECTION 12
WILL. MER.
KLAMATH COUNTY, OR**



0+00 P.O.B. LIES 260.45 FEET
N84-09'46"E FO THE C1/4
COMMON TO SECTION 12
T.38S.,R.5E., WILL. MER.

LEGEND
CENTERLINE OF RIGHT-OF-WAY



0+00 P.O.B. LIES 343.78 FEET
N82-54'39"W OF THE S1/16
COMMON TO SECTION 12, T.38S.,R.5E.,
AND SECTION 7 T.38S.,R.6E.,WILL.MER.

RIGHT-OF-WAY WIDTH IS 20 FEET
EACH SIDE OF CENTERLINE

38-5E-12.0

TAN	BEARING	DISTANCE	TAN	BEARING	DISTANCE
1	S29-16'39"E	100.20 FEET	12	S21-00'35"E	86.65 FEET
2	S50-26'23"E	39.11 FEET	13	Due South	52.23 FEET
3	S39-56'01"E	69.62 FEET	14	S8-52'06"W	75.56 FEET
4	S28-17'21"E	49.81 FEET	15	S9-40'23"E	90.59 FEET
5	S38-00'43"E	242.89 FEET	16	S5-38'12"E	97.91 FEET
6	S17-20'40"E	271.86 FEET	17	S15-02'48"E	142.23 FEET
7	S39-33'25"E	338.30 FEET	18	S5-29'47"E	66.28 FEET
8	S49-07'34"E	70.34 FEET	19	S21-34'53"E	58.66 FEET
9	S39-19'37"E	134.49 FEET	20	S18-07'02"E	389.40 FEET
10	S47-26'13"E	234.43 FEET	21	S32-06'54"E	172.74 FEET
11	S39-33'06"E	26.41 FEET	22	S30-44'44"E	479.49 FEET

38-5E-12.1

TAN	BEARING	DISTANCE	TAN	BEARING	DISTANCE
1	S29-32'02"E	77.86 FEET	11	S11-55'32"E	142.40 FEET
2	S42-32'11"E	62.47 FEET	12	S8-02'20"E	73.72 FEET
3	S25-00'47"E	69.79 FEET	13	S18-05'16"E	127.76 FEET
4	S11-38'38"W	88.75 FEET	14	S30-47'08"E	62.50 FEET
5	S8-02'34"W	109.75 FEET	15	S20-54'01"E	111.72 FEET
6	S13-12'46"E	108.37 FEET	16	S35-56'04"E	45.77 FEET
7	S23-26'52"W	41.80 FEET	17	S22-23'54"E	117.53 FEET
8	S17-35'55"W	101.42 FEET	18	S1-35'05"E	47.84 FEET
9	S2-07'23"E	34.85 FEET	19	S37-12'35"E	46.56 FEET
10	S22-23'54"E	47.02 FEET			

32+97.20 P.O.E. LIES 975.84 FEET
S78-59'50"W OF THE SECTION CORNER
COMMON TO SECTIONS 12 AND 13,
T.38S.,R.5E., AND SECTIONS 7 AND 18,
T.38S.,R.6E., WILL. MER.

15+15.58 P.O.E. LIES 50.26 FEET
S42-36'04"W OF THE SECTION CORNER
COMMON TO SECTIONS 12 AND 13,
T.38S.,R.5E., AND SECTIONS 7 AND 18,
T.38S.,R.6E., WILL. MER.

CORRECT AS ENGINEERING DATA
Brian M. Penty
NAME
CET
TITLE

OR 59243 PT - Exhibit B
Road Maintenance Standards and Specifications for Rd. No. 38-5E-12

- (A) Maintenance shall be conducted in a timely manner to keep erosion to the minimum practicable level.
- (B) The Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- (C) Except in emergency situations, the Holder shall obtain advance approval from the Authorized Officer prior to commencing any maintenance work on BLM roads. If emergency repairs are necessary, Holder shall notify the Authorized Officer of such repairs on the next working day following commencement of said emergency repair operation.
- (D) The Holder shall apply aggregate surfacing to roads as necessary during wet weather use by the Holder.
- (E) Perform blading and shaping of the road to conserve existing surface material and to retain the original crowned or outsloped self-draining cross section. Remove road surface ruts and other irregularities (except those designed to direct water off of the road) that retard normal surface runoff.
- (F) Avoid wasting loose ditch or surface material over the shoulder where it can cause stream sedimentation or weaken slump prone areas. Avoid undercutting backslopes. Grading operations are to be conducted to prevent sedimentation and to dispose of surface water without ponding or concentrating water flow in unprotected channels. Schedule grading operations during time periods of the least erosion hazard (generally during the dry season, May 15 to October 15).
- (G) Keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and after winter snowfall and spring runoff. Hold routine machine cleaning of ditches to a minimum during wet weather.
- (H) Retain vegetation on cut slopes and ditches unless it poses a safety hazard or restricts maintenance activities. Cut roadside vegetation rather than pulling it out and disturbing the soil. Inspect areas subject to road or watershed damage during periods of high runoff.
- (I) If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 2 inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation or damage the road surface or drainage structures. Remove or place snow berms to prevent water concentration on the roadway or on erodible sideslopes or soils.

(J) All equipment owned by or under contract to Holder operating upon BLM-administered roads shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize traffic accidents. All truck drivers shall have a valid Oregon Truck Operators license. Holder shall abide by all traffic control devices and regulations posted along the roads.

(K) Replacement of culverts which pose a substantial risk to riparian conditions must be designed for a theoretical 100-year flood and one that meets fish passage requirements.

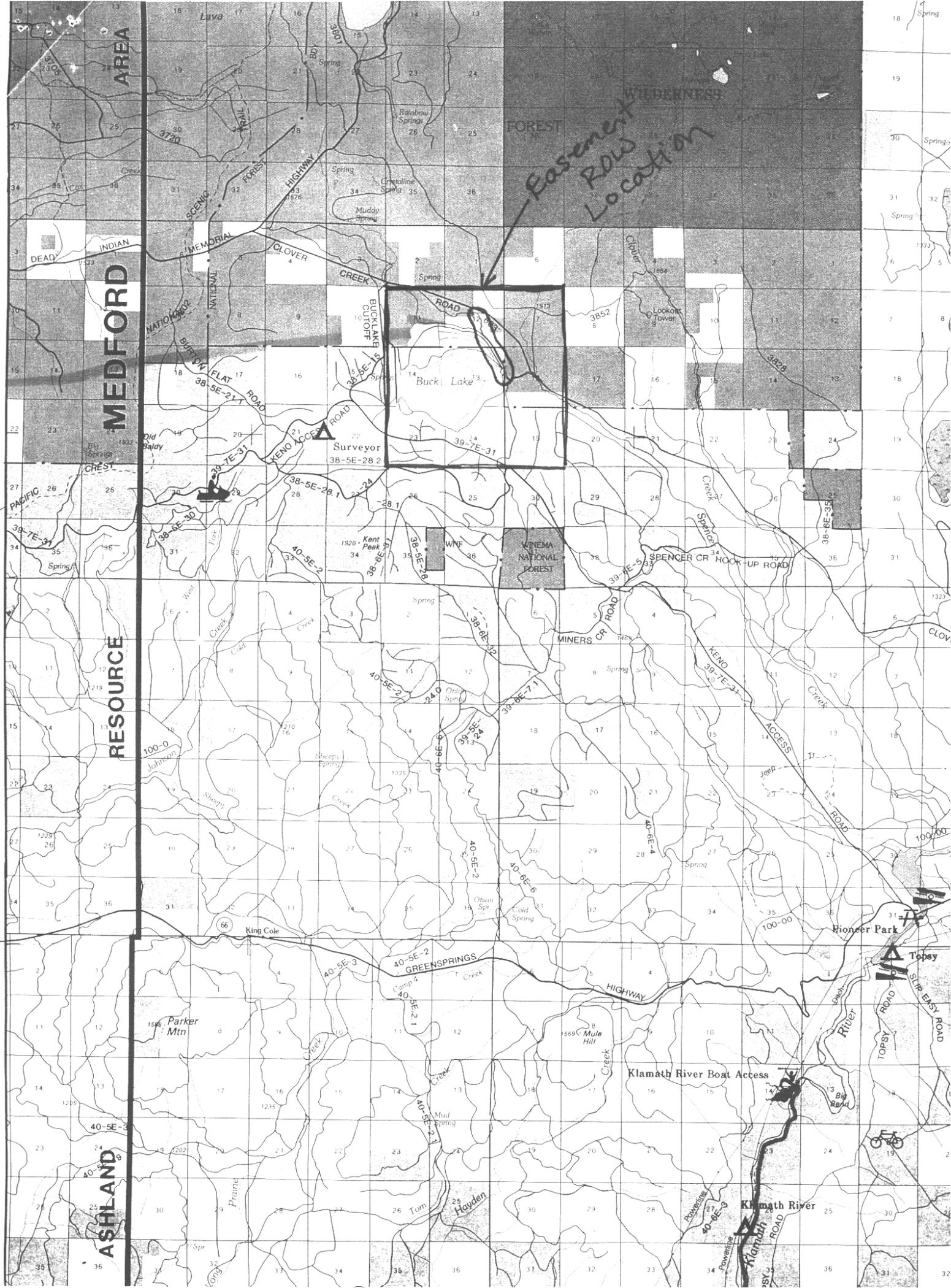
T. 37 S.
T. 38 S. 15'
T. 39 S.
T. 40 S.

MEDFORD AREA
MEDFORD RESOURCE
ASHLAND

Easement
Road
Location

5
EAST

Asland 28 Miles



Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review *OK-59243*

Project Name: Nancy Charley Trust, LLC, Reciprocal Road EASEMENT + ROW
 Date Initiated: 8-24-03

Resource or Staff Responsible	Review Priority	Preliminary Review Date/Initials	Comments Attached/Incorporated	Final Review Date/Initials
Manager: Jon Raby	Last			<i>JR 9/24/03</i>
Branch Chief: Barbara Ditman	Second to Last			
Branch Chief: Larry Frazier	Second to Last			
Branch Chief: Rod Johnson	Second to Last			
Planner/EC: <u>Don Hoffheins</u> , Kathy Lindsey	Third from Last	<i>9/23/03 DKH</i>	<i>previously addressed</i>	<i>9/24/03 DKH</i>
Range: Bill Lindsey, Dana Eckard	<i>(11)</i>	<i>DZE 9/4/03</i>	<i>none</i>	<i>DZE 9/23/03</i>
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran	<i>(10)</i>	<i>JWF 9/9/03</i>	<i>none</i>	<i>JWF 9/9/03</i>
Silviculture: Bill Johnson, Gabi Sommerauer				
Timber: Mike Bechdolt	<i>(9)</i>	<i>MB 9/15/03</i>	<i>NONE</i>	<i>MB 9/4/03</i>
Botany/ACEC/Noxious Weeds: Lou Whiteaker	<i>(8)</i>	<i>LW 9/4/03</i>	<i>none</i>	<i>LW 9/4/03</i>
Soils:				
Cultural: Tim Canaday	<i>(7)</i>	<i>TC 9/2/03</i>	<i>All CR surveys with subs-13 not complete - no sites</i>	<i>TC 9/2/03</i>
Minerals/HazMat: Tom Cottingham	<i>(6)</i>	<i>TCMC 9/2/03</i>	<i>attached</i>	
Lands/Realty: Linda Younger		<i>Road Stipulations General within Permit Steps</i>		
Recreation/Visual/Wilderness: Scott Senter	<i>(5)</i>	<i>SS 8/28/03</i>		
Hydrology/Riparian: Mike Turaski, Andy Hamilton	<i>(4)</i>	<i>MRT 8/26</i>	<i>ATTACHED</i>	<i>MRT 9/23</i>
Wildlife/T&E: Steve Hayner	<i>(3)</i>	<i>SH 8/26</i>		<i>SH 9/4/03</i>
Fisheries/T&E: Scott Snedaker	<i>(2)</i>	<i>SS 8/26</i>		<i>SS 9/23/03</i>
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty	<i>(1) BM 8/26</i>		<i>none</i>	<i>BM 9/10/03</i>
Survey/Manage: Molly Juillerat				
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				
Botanical	<i>No JES 9/4/03</i>			
T&E, BA & or Consultation	<i>No SH 8/26/03</i>			
R-O-W Permits				

T.38.S, R.5E, Sec. 12+13