

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

CX Log #: OR-014-CX-03-13 Lease or Serial #: OR-59253
Project Name: Randall Turner Land Use Permit (Pope Road)
Applicant: Randall Turner Location: R. 40S., R. 11E., NESW of Sec.34
Address: 18625 Drazil Rd., Malin, OR 97632 County: Klamath County
BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916

Description of the Proposed Action: Mr. Turner has an unintentional trespass on BLM managed lands located in above township. A portion of his Alfalfa field has encroached 4.14 acres of BLM lands. This portion of land is located within the original 560 acres proposed to sell at a Modified Competitive Sale. BLM wants to permit this 4.14 acre portion to Mr. Turner and to free the legal deed of illegal encumbrances, and so that it may be auctioned to the highest bidder. Permit will be short term and will be terminated if Mr. Turner wins the bid, if not, he will pay his rent to the new owner and highest bidder.

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 # OR-014-97-04, Titled Land Sale for OR53188

Reviewer *Jada C. Younger* Date 8-28-03

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under **E-20 Department Level Categorical Exclusions (516 DM 2, Appendix 1), or 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> |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |

- 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 |
|----------|------------------|---------------------|---------------------|
|----------|------------------|---------------------|---------------------|

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 | _____ | _____ | JW 9/15/03 |
| SS Animals | _____ | _____ | SH 9/15/03 |
| Cultural Resources | TC 9/2/03 | _____ | _____ |
| Other Surveys | _____ | _____ | _____ |
| SS Animal Consultation | _____ | _____ | SH 9/15/03 |
| Botanical Consultation | _____ | _____ | JW 9/15/03 |
| Cultural Consultation | _____ | _____ | _____ |

(SS = Special Status)

Remarks:

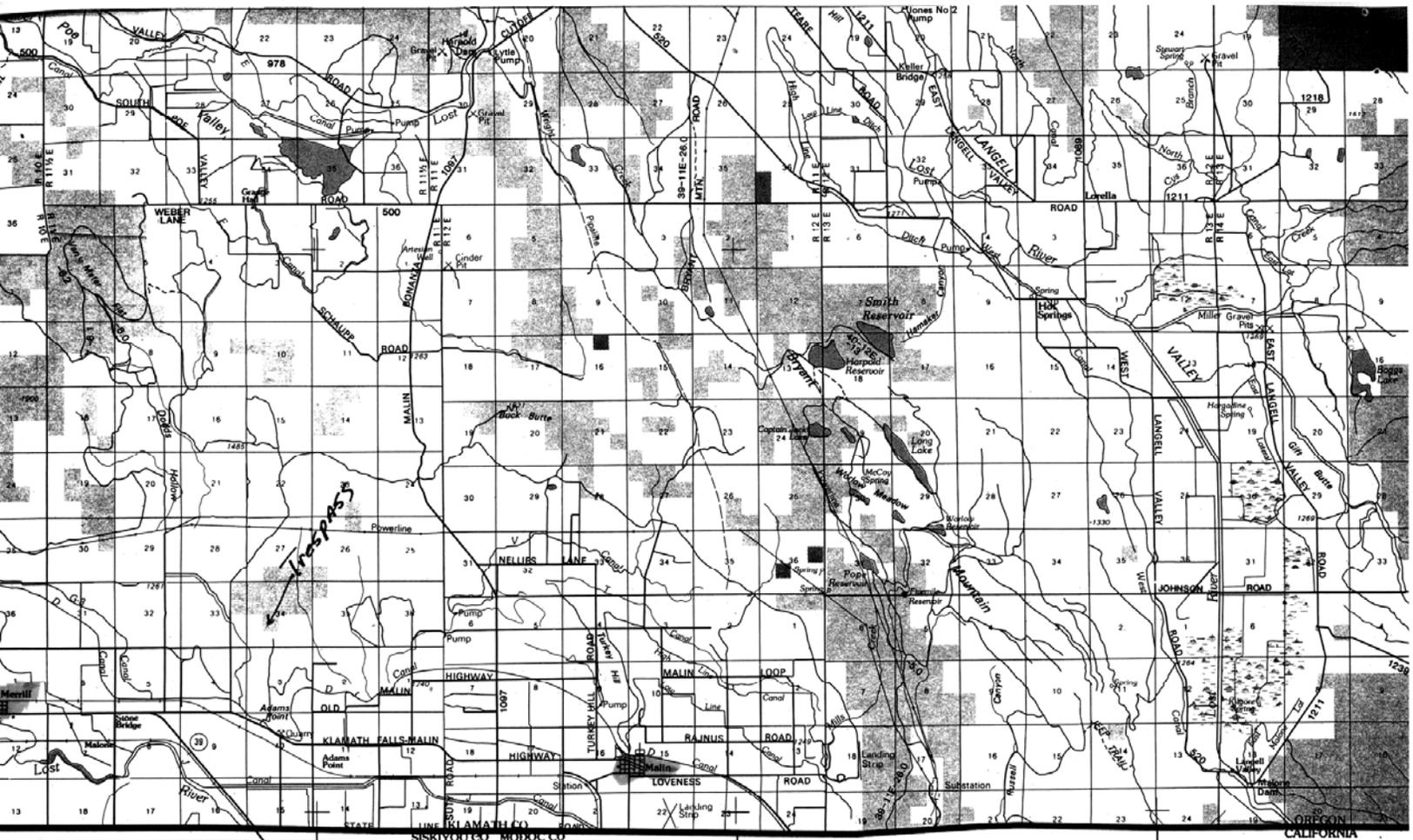
SUMMARY OF FINDINGS and CX DETERMINATION

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: India Younger, Realty Spec. 8-28-03
 (Name)/(Title) Date

Reviewed By: Kathy Lindsey, Asst. Planner 9-16-03
 (Name)/(Title) Date

Approved By: [Signature] 9/16/03
 Jon Raby, Field Manager Date
 Klamath Falls Resource Area



Tule Lake 3 Miles 30'

R. 11 E.

R. 12 E.

R. 13 E.

15'

R. 14 E.

405

41-11-34

B

34

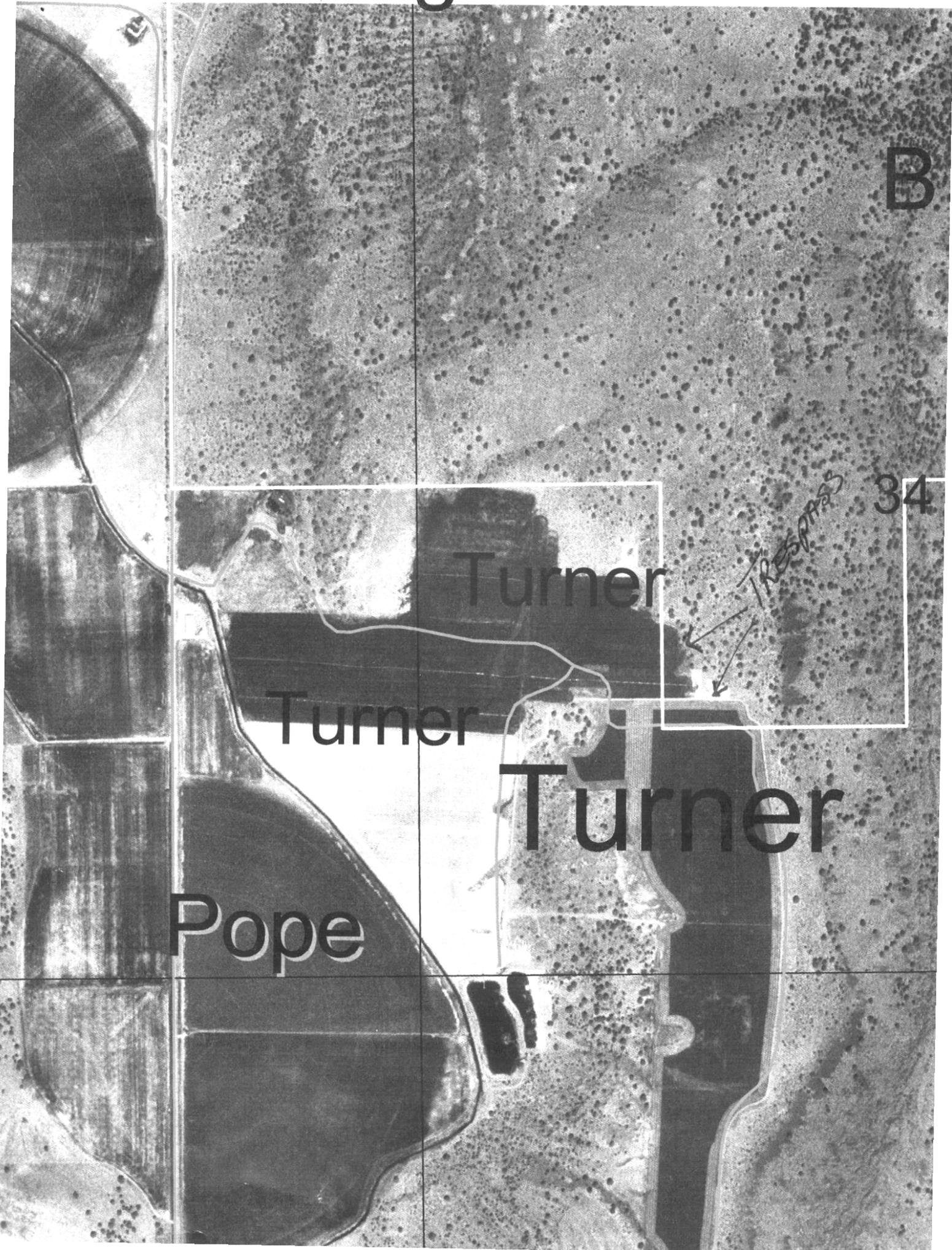
TRESMAS

Turner

Turner

Turner

Pope



APPROXIMATE
CW 1/16 OF
SEC 34



EXTERIOR OF TRESPASS
IN THE NE 1/4 OF THE SW 1/4 OF SEC 34,
T 40 S, R 11 E, WM

S0°03'39"E
734.04'

APPROXIMATE NS CENTERLINE
OF THE SW 1/4 OF SEC 34

S71°50'06"E
124.62'

S10°57'22"E
228.23'

S67°54'29"E
92.72'

S48°41'10"E
108.95'

S79°45'01"E
137.97'

S42°09'32"E
190.87'

APPROXIMATE
EW CENTERLINE
OF THE SW 1/4
OF SEC 34

N0°03'40"W
593.37'

4.14 ACRES

APPROXIMATE
SW 1/16 OF
SEC 34

N89°54'41"W
587.65'

S6°43'27"W
43.81'

S0°00'00"E
15.00'