

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

CX Log #: ~~OR-014-CX-03-~~ 14 Lease or Serial #: Or 59453
Project Name: Federal Aviation Administration road use Right-of-Way
Applicant: Leroy Hurley, Real Estate Contracting Officer Location: Stukel Mountain
Address: 1601 Lind Ave., Renton, WA 98055 County: Klamath County
BLM Office: Lakeview District, Klamath Falls Resource Area Phone #: 541-883-6916

Description of the Proposed Action: F.A.A. has a communication site on Stukel Mountain, and needs access in the winter to repair equipment at their site. F.A.A. lost their lease after the former owners sold their rights to a new owner, Doug Adkins. Mr. Adkins will not allow F.A.A. to utilize his road. F.A.A. has a partial road access with BLM to their site, but now needs access thru the rock quarry off Hill road and continuing thru BLM to the communication site on the top of Stukel Mtn.. Authorizing agent will cancel F.A.A.'s old road use permit which was made under the 44LD authority (pre-1976). Authorizing agent will renew permit with expansion under the FLPMA authorization. Grant will hold general road use and improvement stipulation for summer and winter use.

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 George Date 9/24/03

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under **5.4 E-16, Department Level Categorical Exclusions (516 DM 2.3A (3) and , Appendix 2**

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:

Yes No CX Exception

- () (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, *such as*

significant caves, ACECs, National Monuments, WSAs, RNAs, 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. *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.*

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.	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)

<u>Surveys:</u>	1) are completed	2) will be completed	3) are not needed
SS Plants	_____	_____	JW 9/30/03
SS Animals	_____	_____	SA 10/1/03
Cultural Resources	_____	_____	TC 10/1/03
Other Surveys	_____	_____	_____
SS Animal Consultation	_____	_____	SA 10/1/03
Botanical Consultation	_____	_____	JW 9/30/03
Cultural Consultation	_____	_____	TC 10/1/03

(SS = Special Status)

Remarks:

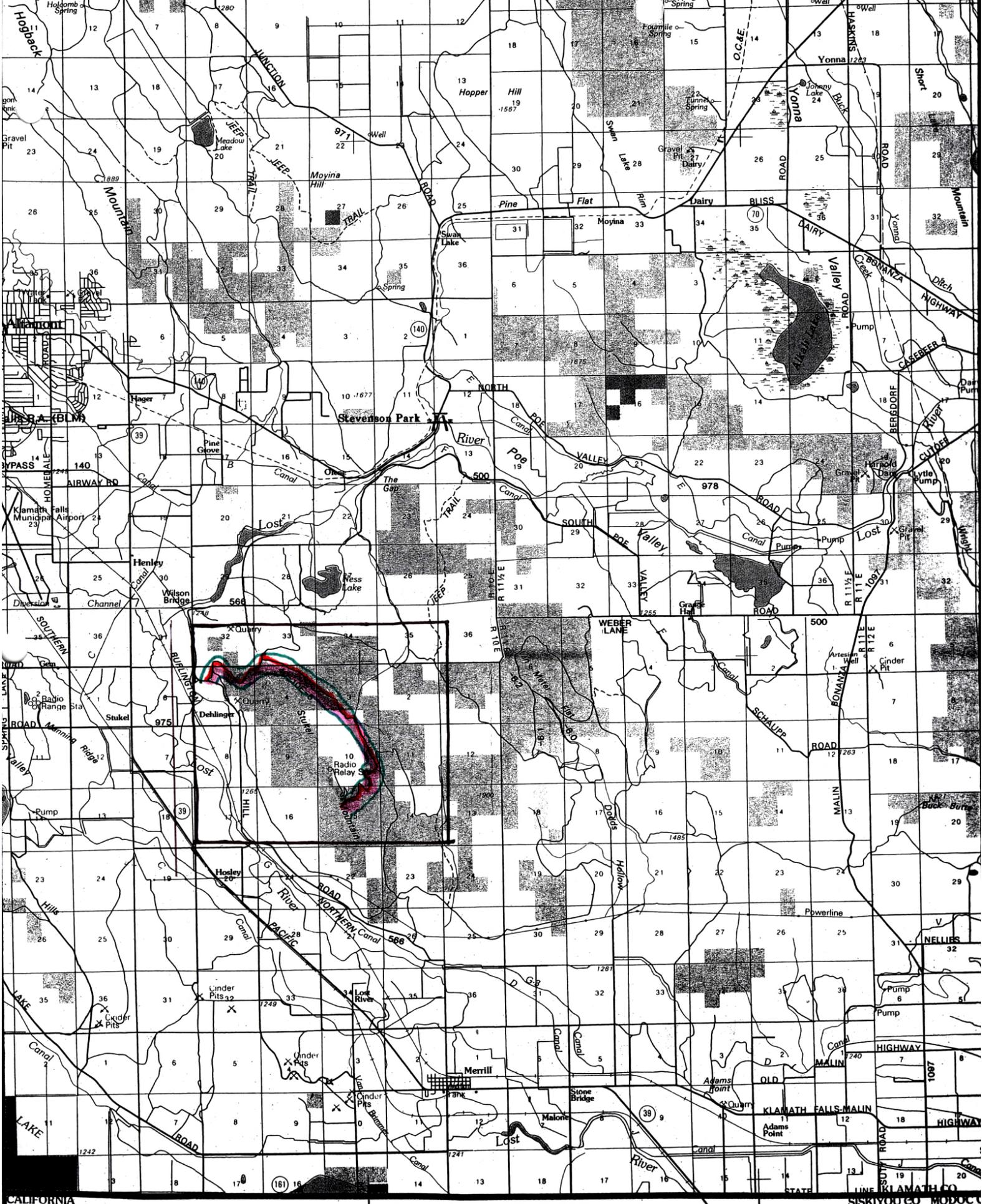
SUMMARY OF FINDINGS and CX DETERMINATION

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 C. Young 10/1/03
 (Name)/(Title) Date

Reviewed By: Kathy Lindsey / Writer-Editor 10-1-03
 (Name)/(Title) Date

Approved By: [Signature] 10/2/03
 Jon Raby, Field Manager Date
 Klamath Falls Resource Area



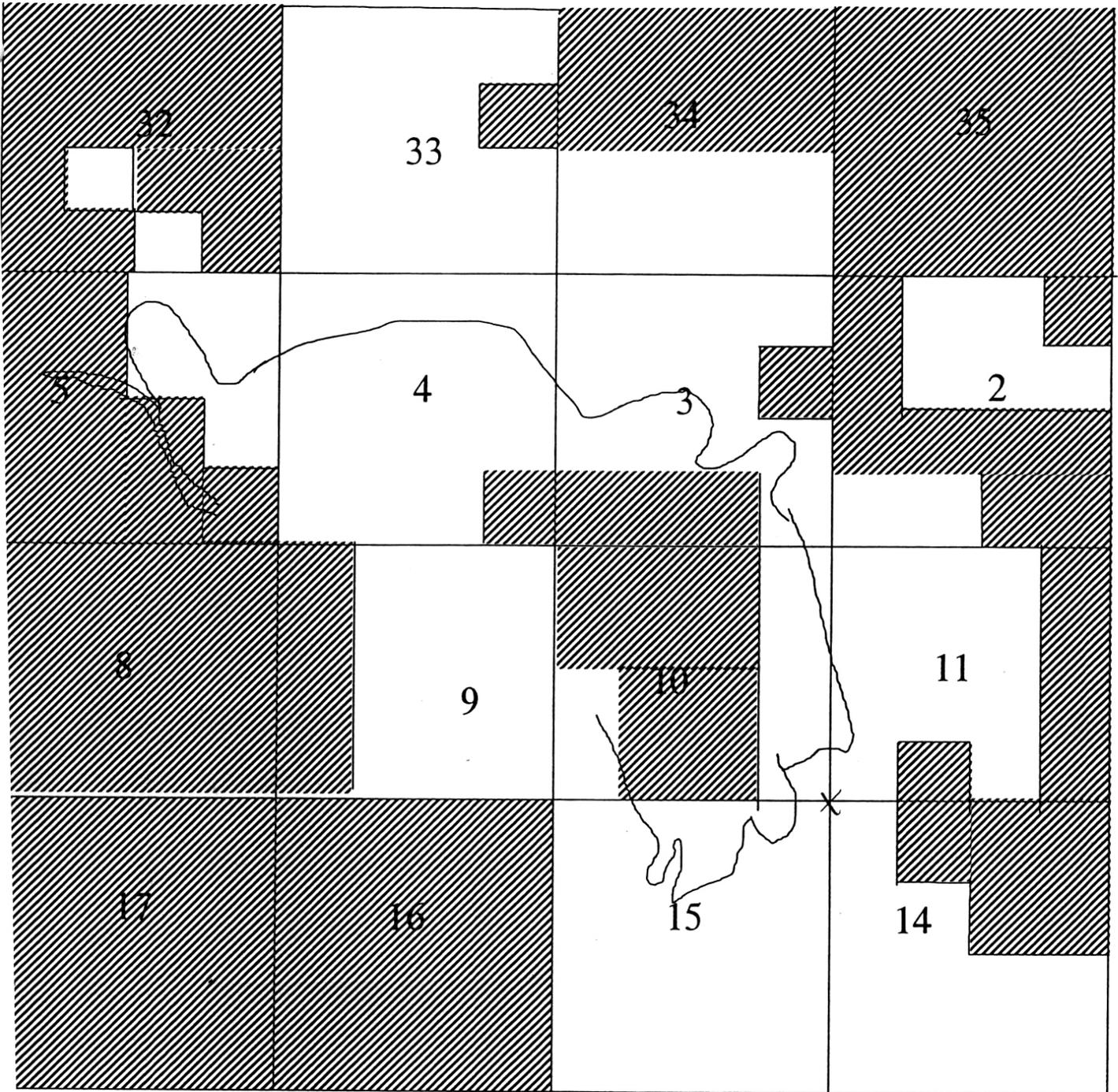
R. 10 E.

Tule Lake 3 Miles

30'

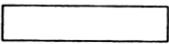
R. 11 E.

T. 39 S.,R. 10 E. Willamette Meridain



T. 40 S.,R. 10 E. Willamette Meridain

Stukel Mountain Access Road —————

Public Land 

Private Land 

Exhibit A

OR ~~56158~~
59453



Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review

Project Name: F.A.A. Road use R-O-W
 Date Initiated: 9/24/03

Resource or Staff Responsible	Review Priority	Preliminary Review Date/Initials	Comments Attached/Incorporated	Final Review Date/Initials
Manager: Jon Raby ✓	Last			JR 10/2/03
Branch Chief: Barbara Ditman	Second to Last			
Branch Chief: Larry Frazier	Second to Last			
Branch Chief: Rod Johnson ✓	Second to Last	RJ 10/2/03	ns	ns 10/2/03
Planner/EC: Don Hoffheins, Kathy Lindsey ✓	Third from Last			KL 10/1/03
Range: Bill Lindsey, Dana Eckard ✓		10/1/03 BL	No	10/1/03 BL
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Joe Foran ✓			NO	JF 10/1/03
Silviculture: Bill Johnson, Gabi Sommerauer				
Timber: Mike Bechdolt				
Botany/ACEC/Noxious Weeds: Lou Whiteaker ✓		9/30/03 JW	None	9/30/03 JW
Soils:				
Cultural: Tim Canaday ✓		TC 10/1/03		TC 10/1/03
Minerals/HazMat: Tom Cottingham ✓			None	TC 9/16-1-03 TC 9/24/03
Lands/Realty: Linda Younger				
Recreation/Visual/Wilderness: Scott Senter ✓		VSS 10/1/03		VSS 10/1/03
Hydrology/Riparian: Mike Turaski, Andy Hamilton		MRT 10/1/03	NONE	10/1/03
Wildlife/T&E: Steve Hayner ✓		SA 10/1/03	None	SA 10/1/03
Fisheries/T&E: Scott Snedaker				
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty ✓		BMC 10/1/03		BMC 10/1/03
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	No TC 10/1/03			
Botanical	No JW 9/30/03			
T&E, BA & or Consultation	No SA 10/1/03			
R-O-W Permits				

project okay as long as they stay on existing road. cultural inspection may be required for any proposed road improvements. TC 10/1/03