

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DETERMINATION
Bureau of Land Management (BLM)**

Project Name: Burlington-Northern Communication Site Building CX Log #: CX-08-25
Project Location: Hamaker Mountain T40S, R7E Sec. 23 SW¹/₄SW¹/₄ Lease or Serial #: ORE 15790
BLM Office: Lakeview District, Klamath Falls Resource Area County: Klamath County, Oregon

A. Background

Description of Proposed Action:

Burlington-Northern Railway wants to replace the existing building on the communication site with a new prefabricated concrete structure. The new construction will be within the footprint of the Burlington Right-of-way grant – ORE 15790. See attached map and pictures.

Purpose and Need for the Project:

Burlington-Northern found leaks in the building that houses the radio equipment for Burlington-Northern Railway. Due to the age and structure of the existing building, it is not feasible to repair. Burlington-Northern wishes to replace it with a new prefab, concrete structure that will tolerate the severe winter snow storms that occur on Hamaker Mountain.

Proposed Implementation:

July/August 2008

B. Land Use Plan Conformance

Land Use Plan Name, Date Approved:

- Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Page 67

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans, programmatic environmental analyses or policies:

- Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- Lakeview District Fire Management Plan – Phase 1 (1998)

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, CX or 516 DM 11.5 E-13.

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) provided none of the Extraordinary Circumstances listed in 516 Departmental Manual 2, Appendix 2 (5/27/04) are met. The proposed action will:

CX Extraordinary Circumstances Documentation		
The proposed categorical exclusion action will:	YES	NO
2.1 Have significant impacts on public health or safety. Rationale: There should be no significant impacts on public health or safety.		X
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. Rationale: None of these resources are present.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. Rationale: No highly controversial effects or unresolved conflicts would occur.		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Rationale: There are no unique or unknown environmental risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. Rationale: No precedent would be established.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Rationale: There would be no cumulatively significant environmental effects.		X
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. Rationale: No such properties would be affected.		X
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. Rationale: There should be no impact on species listed or proposed for listing, or their habitat.		X
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. Rationale: No laws would be violated.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). Rationale: No disproportionate adverse effects would be expected.		X
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). Rationale: There would be no effect on Indian sacred sites.		X
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). Rationale: This project will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species due to implementation of standard preventative measures.		X

The proposed action would not meet any of the above extraordinary circumstances, or fail to comply with Executive Order 13212 (Actions to Expedite Energy-Related Projects) – to avoid direct or indirect adverse impact on energy development, production, supply, and/or distribution.

D. 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):

Surveys	Are Completed	Will Be Completed	Are Not Needed
SS Animals			SGH 07/11/08
SS Plants			MJB 07/09/08
Cultural Resources			BMB 6/30/08
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			SGH 07/11/08
Botanical Consultation			MJB 07/09/08
Cultural Consultation			BMB 6/30/08
*(SS = Special Status)			

Remarks:

1. During construction of the new building, any archeological findings will be reported immediately and all construction will stop until site can be properly examined by BLM archeologist.
2. All trucks and equipment used during construction will be washed before entering construction areas, and will comply with BLM weed prevention standards.
3. Operator shall comply with Oregon Department of Forestry Fire Restrictions. No welding equipment will be used without waiver from ODF Fire. BNSF must have proper fire fighting equipment on site during construction.

E. Decision

I considered design features and standard operating procedures (above and in Appendix A). The proposed action is consistent with the specific requirements of the published CX and in conformance with the Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary.

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 extraordinary circumstances (listed above) as identified in 516 DM 2, Appendix 2. The application of this categorical exclusion is appropriate, as there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

It is my decision to proceed with the Proposed Action.

F. Signature

Authorizing Official: Donald J. Holmstrom Date: 7/15/08
(Signature)

Name: Donald J. Holmstrom
Title: Manager, Klamath Falls Resource Area

G. Contact Person

For additional information concerning this CX review, contact: Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916.

Figure 1 – Location Map

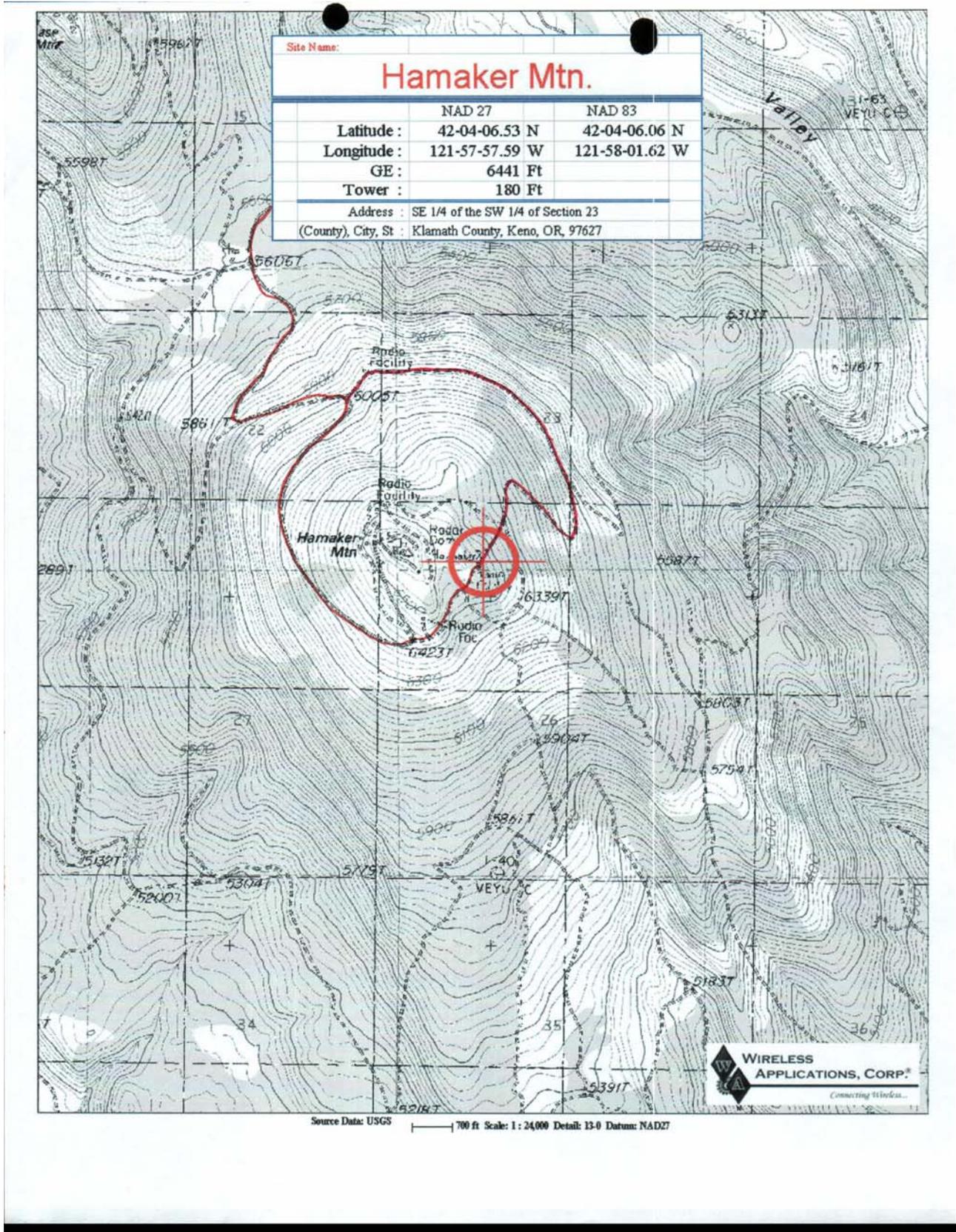


Figure 2 – Existing Building



Figure 3 – Example of Prefabricated Replacement Building



Appendix A – Weed Mitigation Measures

All vehicles and equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities.

All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.