

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

Project Name: Yainax Road Maintenance Brushing CX Log #: DOI-BLM-OR-L040-2009-0022-CX
Project Location: Yainax Butte (T.37 S., R. 12 E., Sec. 26) Lease or Serial #: N/A
BLM Office: Lakeview District, Klamath Falls Resource Area County: Klamath County, Oregon

A. Background

Purpose and Need for the Project:

The BLM, Klamath Falls Resource Area, has received a request for authorization to cut overgrown vegetation along the road to the Yainax Butte communication site. The purpose of the proposed action is to reduce the amount of vegetation that hangs over the edges of the road to create more room for vehicles using the road. The proponent also has a grazing agreement with JELD-WEN which allows for this type of maintenance activity on roads through JELD-WEN land.

Description of Affected Area:

The action would take place on a section of BLM-controlled road, but requires access over roads on privately owned land (JELD-WEN). The road is the only access to the Yainax Butte Communication Site. Visual impact should not be an issue. (See attached map.)

Description of Proposed Action:

The proposal is to drive a Caterpillar Excavator 320 up the road with a "Pro Max Cutter Head" brush cutter on an extendable arm to cut brush that has overgrown both sides of the road. There would be no blading or soil disturbance outside of the existing road prism.

Proposed Implementation:

The individual requesting authorization would like to implement this action in October of 2009.

B. Land Use Plan Conformance

On July 16, 2009 the U.S. Department of the Interior, withdrew the Records of Decision (2008 ROD) for the Western Oregon Plan Revision and directed the BLM to implement actions in conformance with the resource management plans for western Oregon that were in place prior to December 30, 2008. The RMP in place at that time was the 1995 Klamath Falls Resource Area Resource Management Plan (1995 RMP).

Project planning and preparation of NEPA documentation for this project began after the effective date of the 2008 ROD, this project was designed to comply with the land use allocations, management direction, and objectives of the 1995 RMP.

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

- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Lakeview District Fire Management Plan – Phase 1 (1998)
- National Fire Plan (A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy) (2001)

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, 1.7 – *Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and*

replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

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.		X
Rationale: Limited public use of the road and minimal amount of disturbance should not result in significant impacts on public health or safety.		
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.		X
Rationale: These resources are either not present or not affected by the proposed action.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: The action is a routine maintenance action that is not controversial.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The action is routinely implemented and does not involve unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Authorization of this routine maintenance activity would not establish a precedent or yield potentially significant effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: No cumulative effects are anticipated.		
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.		X
Rationale: There are no known listed or eligible properties in the affected area. Because this project does not include ground disturbance or work outside the existing road prism, this is a project "that does not have the potential to cause effects on historic Properties" as per 36 CFR 800.3(a) and (a)(1).		
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.		X
Rationale: There are no species listed or proposed for listing, and no Designated Critical Habitat in the affected area.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: No laws would be violated.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: There would be no disproportionate effects on low income or minority populations		
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).		X
Rationale: The proposed action would not limit access to, use of, or physical integrity of Indian Sacred sites		
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).		X
Rationale: Mitigation measures will be undertaken to limit the potential for introduction, growth, or expansion of noxious weeds or non-native invasive species.		

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 10/05/09
SS Plants			MJB 10/05/09
Cultural Resources			BMB 9/29/09
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			SGH 10/05/09
Botanical Consultation			MJB 10/05/09
Cultural Consultation			BMB 9/29/09
*(SS = Special Status)			

E. Mitigation Measures

Weeds

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 high pressure hose.

Soils

Limit mechanical operations to soil moistures below 20 percent at a six inch depth. Even lower soil moisture levels are preferable on fragile soils.

No driving or ground disturbing actions will occur outside of the existing road prism.

F. Contact Person

For additional information concerning this CX review, contact:

Don Hoffheins, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603-7891 or telephone: 541-883-6916.

Decision on the Categorical Exclusion (CX) Determination for the Yainax Road Maintenance Brushing # DOI-BLM-OR-L040-2009-0022-CX

It is my decision to proceed with the Proposed Action for brushing along the Yainax Butte access road as described and shown on the attached map(s).

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate mitigations and Project Design Features, as specified, will be incorporated into the proposal. The proposed action would not create adverse environmental effects, 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.

Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Signature

Authorizing Official: /s/ Donald J. Holmstrom
(Signature)

Date: 10/06/2009

Name: Donald J. Holmstrom

Title: Manager, Klamath Falls Resource Area

Administrative Remedy

Notice of the decision made on the action described in the categorical exclusion will be posted on the District internet website. The action is subject to protest under 43 CFR Section 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.