

**RECORD OF PLAN CONFORMANCE AND
CATEGORICAL EXCLUSION (CX) DOCUMENTATION for
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE
Bureau of Land Management (BLM)**

A. BACKGROUND

BLM Office: Lakeview District, Klamath Falls Resource Area Lease or Serial #: OR 66484

Proposed Action Title/Type: Willow Valley Chip Hauling Road Use ROW

CX Log #: DOI-BLM-OR-L040-2010-31

Project Location:

Willamette Meridian 33

T.41S., R.15E., Section 19, NW, NWNE.18, S2SE.17, N2SW, S2SE, NWSE

T.41S., R.14 1/2E., Section 24, LOTS 1,2, AND S2NE., 23, LOTS, 1,2,3,4, Sec 22, LOTS 1,2,3,4., Sec 21, LOTS 1,2,3,4., Sec. 20, LOTS 1,2,3,4., Sec. 19, LOTS 1,2,4,5,6.

T.41S., R.14E., Section 24, NENE., 13, SESE.

Description of Proposed Action:

Lee Smith Logging is requesting a short term right-of-way (ROW) to haul approximately 10,000 tons (approximately 400 loads at 2.5 tons/load) of mixed pine and juniper clean chips on the Willow Valley Road from USFS land in the Rock Creek area to East Langell Valley Road. This is an existing BLM road that provides the primary access through Willow Valley. This ROW would not include authorization for Lee Smith Logging to perform any ground disturbing activities on BLM land. The road maintenance requirement would be waived due to Ruby Pipeline activities. Road use/rock replacement fees would be assessed. The ROW would be 24 feet wide and about 9.04 miles long (approximately 26.3 acres). The authorization would be for an approximate one-year period, through December 31, 2011. Hauling chips will be stopped when road conditions are not suitable for hauling.

Purpose and Need for the Project:

The purpose of the proposed action is to grant a right-of-way to Lee Smith Logging to meet the need to haul biomass out from USFS lands on the Modoc N.F. across a BLM controlled road (Willow Valley).

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: Klamath Falls Resource Area Resource Management Plan

Date Approved/Amended: June 1995

This project had been designed to comply with the land use allocations, management direction, and objectives of the 1995 Klamath Falls Resource Area Resource Management Plan (1995 RMP). Refer to page 66.

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:

- Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991)
- Northwest Area Noxious Weed Control Program FEIS and ROD (1985) and Supplement (1987)
- Integrated Weed Control Plan (IWCP) 1993
- 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 6, Appendix 5.4 E Realty (16) Acquisition of easements for an existing road or issuances of leases, permits, rights of way for the use of existing facilities, improvements, or sites for the same or similar purposes.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. 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: This is an existing road which has been used for Timber hauling in the recent past. No issues to public health or safety will arise from this action.		
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: None of these resources are present or would be affected.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Use of this road to haul chips is not unusual and would not result in highly controversial effects or unresolved conflicts.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: Use of this road to haul chips is not unusual and would not result in highly uncertain, unique or unknown environmental risk.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Allowing this ROW will not set a precedent for future action.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The proposed ROW would not result in significant impacts when considered with other actions.		
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: This is an existing road which has been previously issued a haul road ROW. The prism of the existing road will not change nor will any road upgrades occur. Per 36 CFR 800.3(a) and (a)(1) this issuance is one "that does not have the potential to cause effects on historic Properties."		
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: No Threatened or Endangered species occur or will be affected by the project.		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action will be completed in accordance with all applicable laws and regulations.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: There will not be any different effect on low income or minority population than on other segments of the population.		
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: There are no such sites within the project boundary		
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: Appendix A of this document addresses weed mitigation measures. The proposed action would limit disturbance and therefore the spread of noxious weeds because no large machinery will be used.		

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.

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			MDB 9/23/10
SS Plants			JS 9/27/10
Cultural Resources			Hab 9/21/10
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			MDB 9/23/10
Botanical Consultation			JS 9/27/10
Cultural Consultation			Hab 9/21/10
*(SS = Special Status)			

E. SIGNATURE

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

Date: 9/28/10

Name: Donald J. Holmstrom

Title: Manager, Klamath Falls Resource Area

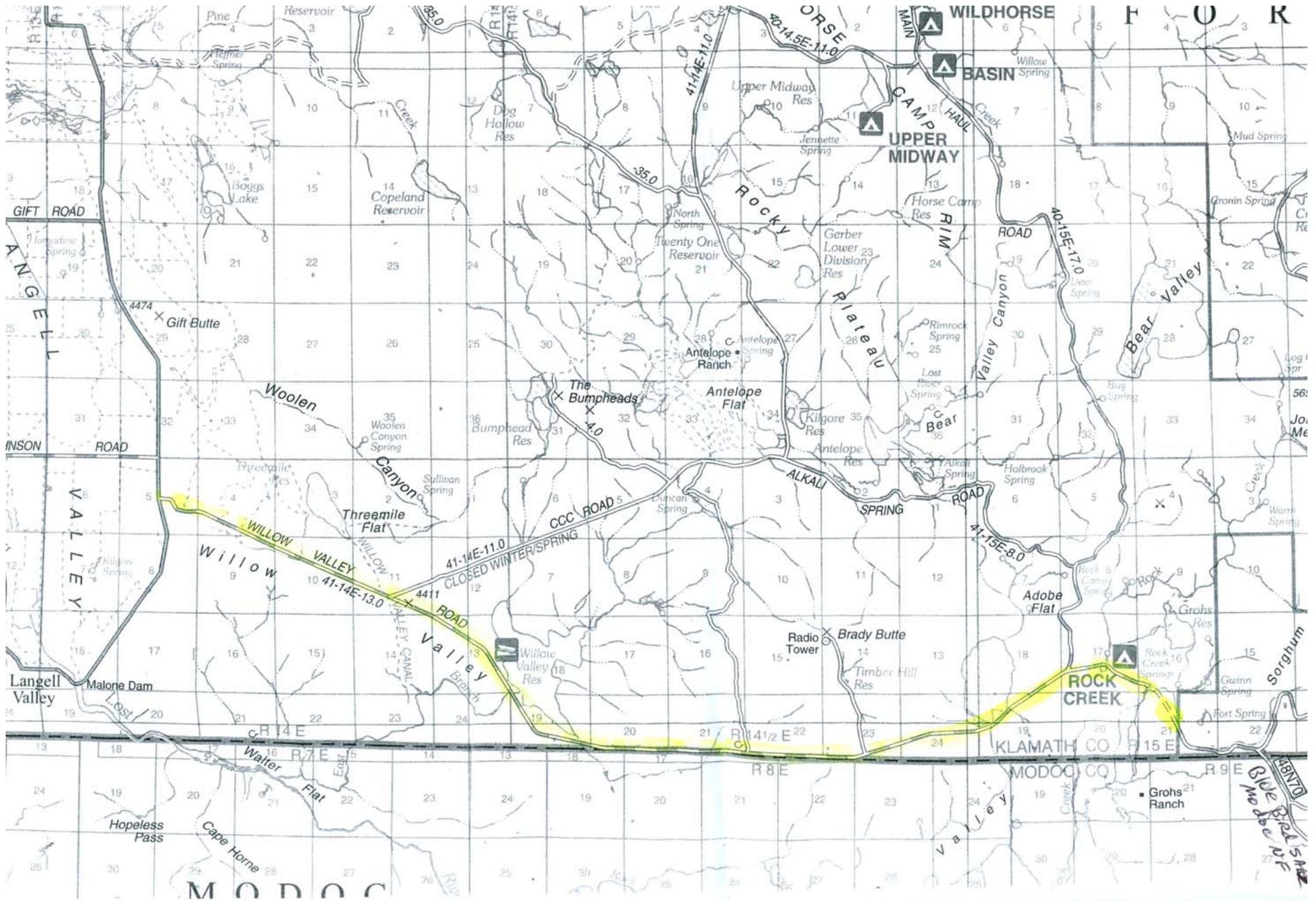
Contact Person

For additional information concerning this CX review, contact:

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

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.



Determination for Willow Valley Chip Hauling Road Use ROW
DOI-BLM-OR-L040-2010-31-CX

I have determined that it is appropriate to proceed with this right-of-way(#OR 66484) for chip hauling as described in the Categorical Exclusion (CX), including implementation of stipulations as Exhibit A in the right-of-way grant, and shown on the attached map(s).

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate 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: 9/28/10

Name: Donald J. Holmstrom

Title: Manager, Klamath Falls Resource Area