

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

Project Name: **Winter Range Gates**

CX Log #: DOI-BLM-OR-L040-2011-33-CX

Project Locations: (See Maps attached)

Malone Dam area:

T.41s, R.14 e, Sect. 21, NW of SE	Willamette Meridian
“ 18, SE of SE	
“ 17, NW of NW	
“ 8, SE of NW	

South Bryant Area:

T. 41s, R.12e, Sect. 19, NE of SE , Willamette Meridian

Lease or Serial #: N/A

BLM Office: Lakeview District, Klamath Falls Resource Area

County: Klamath County, Oregon

A. Background

Description of Proposed Action:

The proposed action is to install four new steel pipe gates at locations where there are currently barbed wire “cowboy” gates; and to remove and re-install one existing steel pipe gate. At the locations where there are currently cowboy gates, the new gates would be installed within 10 feet of the existing gates and the existing cowboy gates would be retained for cattle control. The existing pipe gate would be reinstalled approximately 100 feet (North) from its current location to improve effectiveness. Each gate requires two 12-inch diameter holes and one 6-inch diameter hole. Disturbance would consist of drilling 3 holes into the ground with a power auger at each site in order to set steel pipe gate posts in concrete. Total area of ground disturbance at each gate site would consist of less than five square feet. **All the pipe gates would be installed on roads that are already seasonally closed both legally (through the Federal Register) and physically (by existing gates). No new areas would be seasonally closed by these new gates.**

Purpose and Need for the Project:

The purpose of the proposed action is to allow improved control of vehicle access to the designated winter range seasonal closure in the Malone Dam area and to repair vandalism done to the existing pipe gate at South Bryant, and relocate that South Bryant gate to a location where the steel posts can be placed deeper in the ground than at the current location. Even when locked closed during the closure period, cowboy gates are easily defeated with a pair of pliers or wire cutters; Pipe gates will discourage violation of the closure. New posts need to be set because the existing cowboy gates are hung off of rock jacks or railroad ties set in the ground. Neither rock jacks nor railroad tie posts are sufficiently strong to support the steel pipe gates.

B. Access

BLM has legal access to all of the gate locations either from county roads or BLM road, except for the Malone North gate which will require permission from the private land owner to access the work site.

C. Proposed Implementation

This project is expected to be implemented by November 1, 2011. However, weather conditions, fire restrictions, and logistical issues may prevent meeting that schedule. The project should be completed by November 1, 2012 at the latest.

D. Land Use Plan Conformance

Land Use Plan Name: Klamath Falls Resource Management Plan

Date Approved/Amended: December 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): (Pg. 65, KFRMP, 2008 Record of Decision).

Although project planning and preparation of NEPA documentation for this project began after the effective date of the 2008 Record of Decision and Resource Management Plan, this project was also designed to comply with the land use allocations, management direction, and objectives of the 1995 Klamath Falls Resource Area Resource Management Plan (1995 RMP, pg. 51-52). 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)
- 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)

E. 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 replacement activities.) This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment as documented in the following table. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

CX Extraordinary Circumstances Documentation		
Will the proposed categorical exclusion action:	YES	NO
2.1 Have significant impacts on public health or safety. Rationale: No impacts to public health or safety are expected from gate replacement.		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 or would be affected by the gate replacement.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. Rationale: Gate replacement is not a highly controversial activity and no unresolved conflicts regarding alternative uses of the resources are expected.		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Rationale: Gate replacement would not have uncertain or significant environmental effects. The action would not constitute unique or unknown risks.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X

Rationale: The proposed action is not related to future actions with potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: Gate replacement 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: The project has been reviewed by the local archeologist and known archaeological sites are located near the project area. Protection for sites has been put into place and two locations will be monitored during ground disturbing activities.		
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 endangered or threatened species or their habitat would be impacted by the gate replacement.		
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 project would 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: The proposed project would be expected to have little or no impact on low income and minority.		
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: See response to 2.7 above. Gate replacement would not limit access to or affect the use and integrity of ceremonial 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: Noxious and other non-native weeds exist in the proposed project areas. Appendix A of this document addresses weed mitigation measures to limit disturbance and therefore the spread of noxious.		

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.

F. 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 8/24/11
SS Plants			DLE 9/14/11
Cultural Resources	BMB 9/14/11		
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*			MDB 8/24/11
Botanical Consultation			DLE 9/14/11
Cultural Consultation		BMB 9/14/11	
*(SS = Special Status)			

G. Contact Person

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

Appendix A – Mitigation Measures

Weeds

All vehicles and equipment will be confined to the existing roadway – no off-road travel.

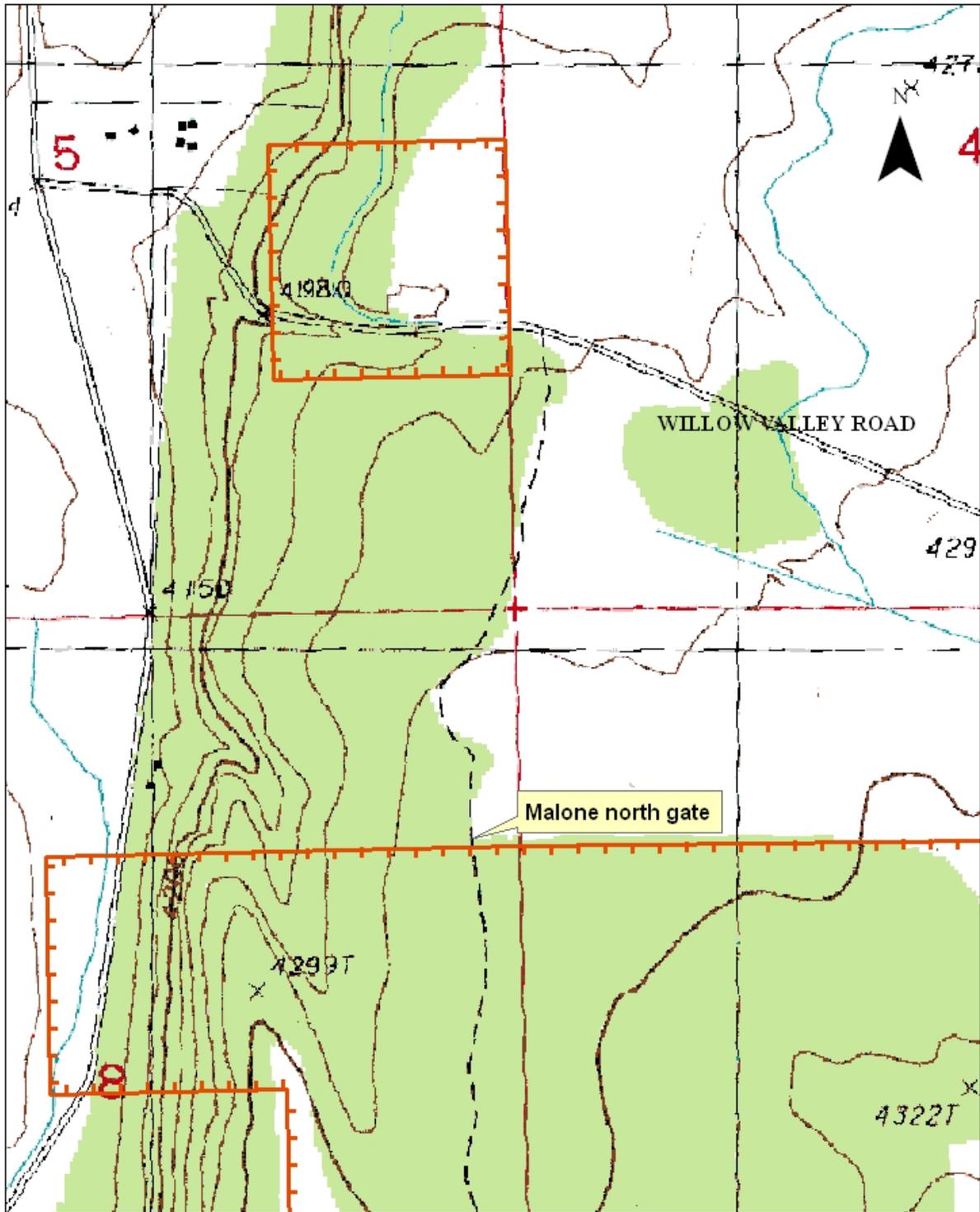
Fire

All seasonally applicable fire restrictions on cutting and welding will be followed.

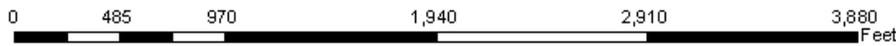
Archeology

1. All post holes will be confined to the area of existing disturbance associated with the existing road, either in the road bed, in the roadside ditch, in the berm, or in the previously scraped/graded area associated with these road features.
2. All post hole digging will be stopped immediately at a gate site if suspected historic/cultural materials are unearthed, and the KFRA archaeologist will be notified as soon as possible.

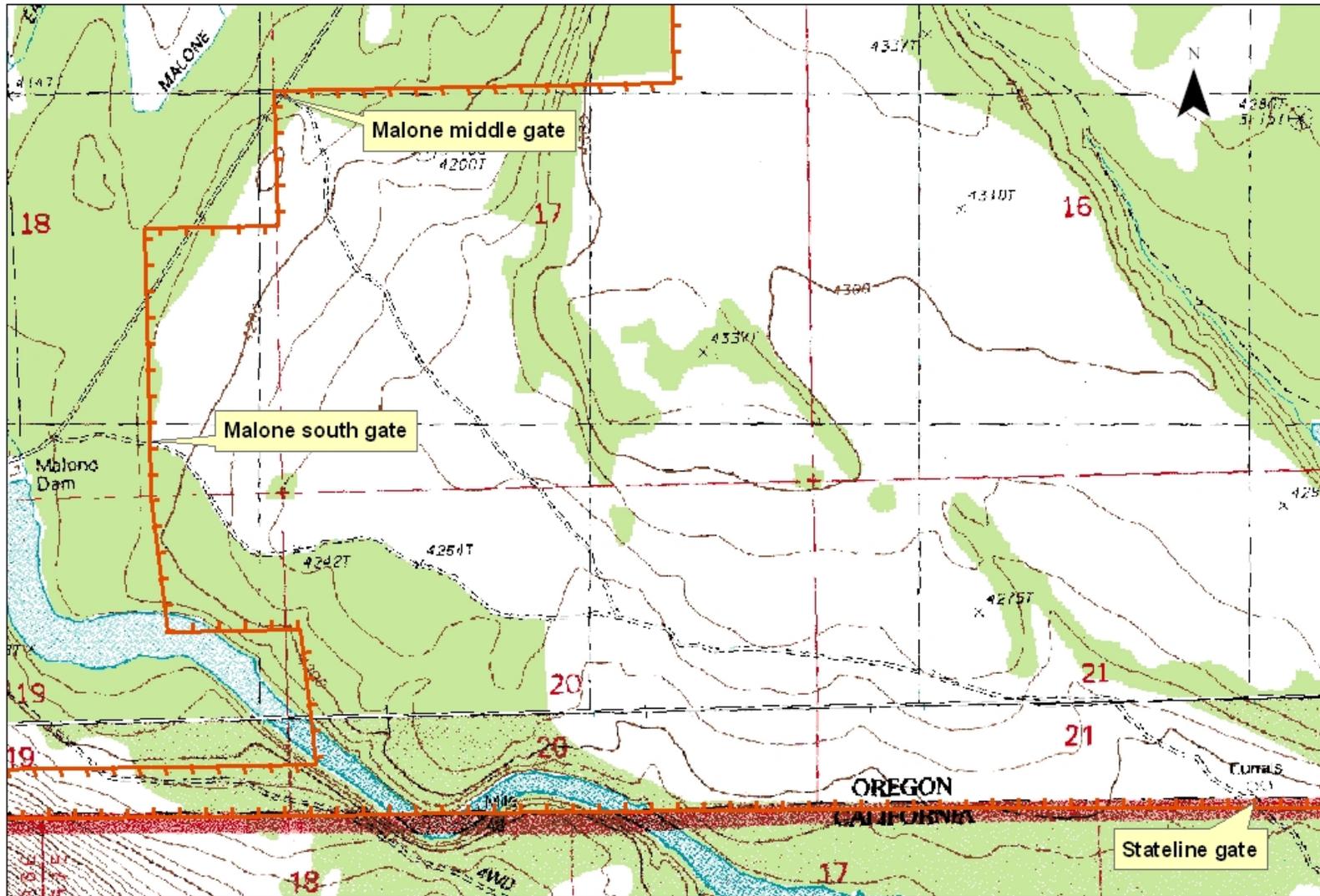
Map 1



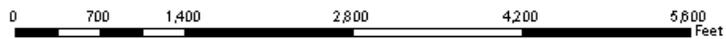
MALONE NORTH GATE



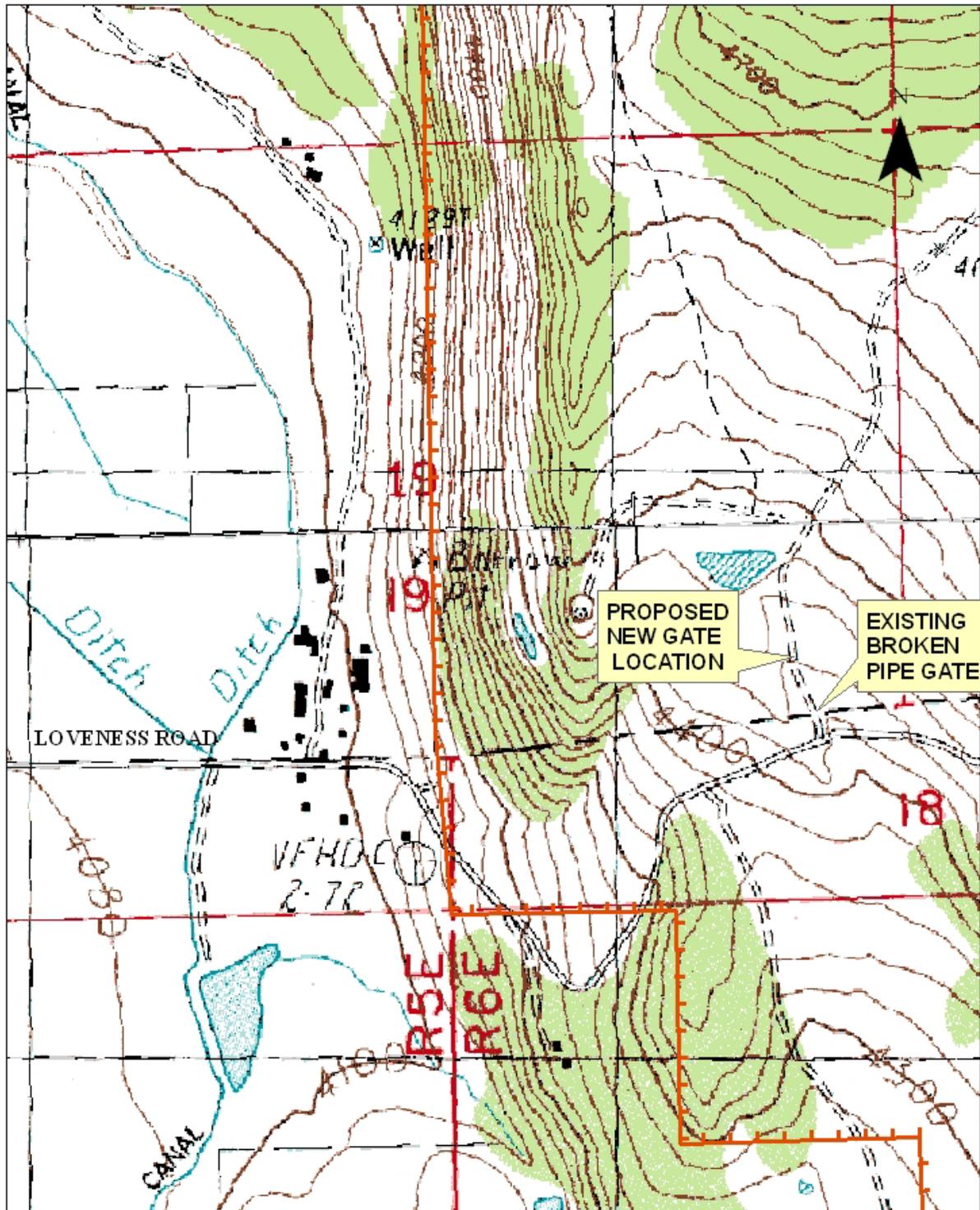
Map 2



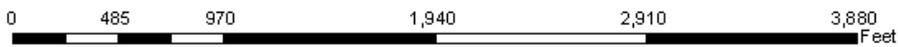
MAL ONE SOUTH, MAL ONE MIDDLE, AND STATELINE GATES



Map 3



BRYANT SOUTH GATE



Map 3 is a map of the Bryant South Gate area, showing the proposed new gate location and the existing broken pipe gate. The map is based on a topographic map of the area, and the proposed gate location is shown in yellow. The existing broken pipe gate is shown in red. The map is titled 'BRYANT SOUTH GATE'.



**Determination for
Winter Range Gates Categorical Exclusion
(DOI-BLM-OR-L040-2011-033-CX)**

I have determined that it is appropriate to proceed with replacement of gates as described in the proposed action in the Winter Range Gates Categorical Exclusion (DOI-BLM-OR-L040-2011-033-CX) and as shown on the associated map(s).

Rationale

The proposed action has been reviewed by the Klamath Falls Resource Area staff and appropriate Mitigation Measures, as specified, will be incorporated into the proposal. The proposed action would not create significant 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: Donald J. Holmstrom
(Signature)

Date: 9/27/11

Name: Donald J. Holmstrom

Title: Manager, Klamath Falls Resource Area