

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

BLM Office: Lakeview District, Klamath Falls Resource Area Serial #: OR67653
Proposed Action Title/Type: **Paddock Butte Free Use Permit**
NEPA Log #: DOI-BLM-OR-L040-2013-30-CX
Project Location: Paddock Butte Cinder Pit T. 38 S., R. 13 E., Sec. 26, NENE

A. Background

Description of Proposed Action:

Klamath County Public Works is requesting a Free Use Permit for excavation and removal of up to 3,000 cubic yards per year. This would be a 10-year extension of their previous Free Use Permit which expired September 06, 2011. The material will not be stockpiled; excavated material will be placed directly in trucks and hauled to the work site. Mining will occur in the existing footprint, the floor of the pit will be used as the source of material. The area that will be affected by mining is approximately 4.7 acres. No additional ground disturbance is anticipated.

Purpose and Need for the Project:

The purpose of the proposed action is for Klamath County Public Works Department to extract road surface material for use in maintaining Gerber Road.

B. Land Use Plan Conformance

Land Use Plan Name: Klamath Falls Resource Area Resource Management Plan
Date Approved/Amended: June 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): This Free Use Permit is intended to provide road surfacing material necessary for the maintenance of the Gerber Road by the Klamath County Roads Department as provided for in the Klamath Falls Resource Area Resource Management Plan (1995 RMP ROD pg. 59 – 61). The ROD also directs us to “*emphasize long term regional quarry use*” and to “*continue to use rock from existing quarries for construction and maintenance of timber sale access roads and other purposes*”.

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, F. Solid Minerals 10. Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

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 following documentation describes whether or not the extraordinary circumstances apply to the project:

CX Extraordinary Circumstances Documentation		
Will the proposed categorical exclusion action:	YES	NO
2.1 Have significant impacts on public health or safety. Rationale: Continued maintenance of Gerber Road will improve and/or protect public safety and health.		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: The Paddock Butte pit is not within or adjacent to any of these special land designations or special management areas.		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. Rationale: This action would renew a pre-existing free use permit for Paddock Butte and there have been no known controversies or unresolved conflicts associated with its use in the past.		X
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Rationale: The effects of Cinder extraction from this pit are known and after resource specialist review, have been found to be neither significant nor unique.		X
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. Rationale: This project is not new and would not establish a precedent or decision in principal.		X
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Rationale: After resource specialist review, this action was determined to have no direct relationship to other actions with cumulatively significant 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: The area has been surveyed and there are no known sites within the permitted area.		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: This action will not have significant impacts on listed species because the area has been surveyed and there are no known listed species on or adjacent to the parcel involved in this action.		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 prohibit the extraction of road surface materials from the Paddock Butte pit or the maintenance of Gerber Road.		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). Rationale: The extraction of road surface material and the maintenance of roads does not adversely affect any populations.		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: The extraction of road surface material and the maintenance of roads does not adversely affect the use of or limit access to ceremonial use of sacred sites or affect the physical integrity of such 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: Ground disturbance will be confined to the bottom of an existing pit and will not cause the introduction, growth, or expansion of noxious weeds.		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, or impact RMP exclusion and avoidance areas.

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 7/11/2013
SS* Plants		(Weed surveys will be completed Summer 2013)	JLF 06/27/2013
Cultural Resources	BMB 7/2/2013		
Lands/ROWs			DB 07/23/2013
Cadastral			DB 07/23/2013
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS* Animal Consultation			SGH 7/11/2013
Botanical Consultation			JLF 06/27/2013
Cultural Consultation			BMB 7/2/2013
*(SS = Special Status)			

Contact Person

For additional information concerning this Categorical Exclusion review, contact: Mike Limb, 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.

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.

Appendix B - Conditions of Approval to Protect Cultural Values

If subsurface cultural resources are unearthed during operations, activity in the vicinity of the cultural resource will cease and a BLM representative notified immediately. Pursuant to 43 C.F.R. 10.4 the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, the project leader/operator/permittee/etc. must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures that are made by the authorized officer (BLM).

The project leader/operator/permittee/etc. is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws.

Determination for Paddock Butte FUP
DOI-BLM-OR-L040-2013-0030-CX

I have determined that it is appropriate to proceed with the Proposed Action as described and shown on the attached map in the 516 DM 2, Appendix 1, F. Solid Minerals 10 categorical exclusion.

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.

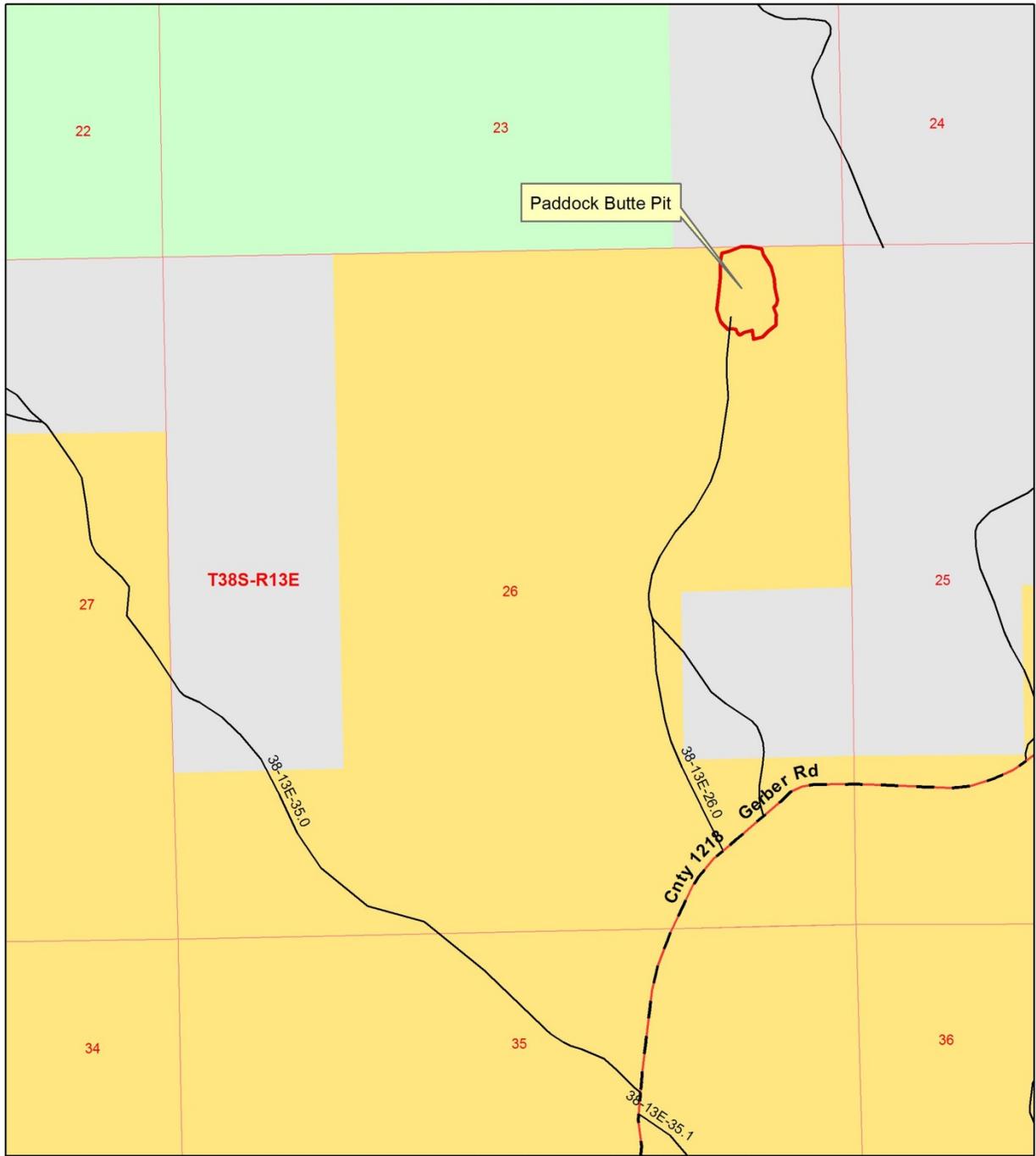
Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the human environment and no further environmental analysis is required.

Signature

Authorizing Official: _____ *Donald J. Holmstrom* _____ Date: 8/01/2013 _____
(Signature)

Name: Donald J. Holmstrom

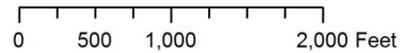
Title: Field Manager, Klamath Falls Resource Area



Paddock Butte Cinder Pit



Klamath Falls Resource Area
 Lakeview District - BLM
 2795 Anderson Ave. #25
 Klamath Falls, Oregon 97603
 541-883-6916



- Paddock Butte Cinder Pit
- Bureau of Land Management
- Private Lands
- U.S. Forest Service



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

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