

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Klamath Falls Resource Area**

DECISION RECORD

for the

**Stukel Gates Environmental Assessment (EA)
DOI-BLM-OR-L040-2010-0004-EA**

INTRODUCTION

The Interdisciplinary Team for the Klamath Falls Resource Area (KFRA), Lakeview District, Bureau of Land Management (BLM) has completed an Environmental Assessment (EA) to analyze the impacts of installing new heavy duty steel swing gates at a total of five locations on Stukel Mountain. The purpose of the proposed project is to physically facilitate the existing seasonal closure of the Stukel Mountain area.

The two alternatives analyzed are described below:

Proposed Action Alternative

The proposed action analyzed in the EA is to replace two existing structures with new heavy duty steel swing gates and install three additional identical steel gates at new, previously un-gated locations to allow the Stukel Mountain seasonal vehicle closure to be effective. The gate posts would be set in concrete. Potential site modifications at the five gate sites include trenches, earth and/or log berms, rock piles, short pieces of wire fencing, and rows of large rocks. All gates worked on would be set to allow passage of vehicles and equipment at least fourteen feet wide. All structures worked on under this project would have official BLM signs installed. Signs would indicate the closure period, reasons for the closure, and who to contact of additional information regarding the closure.

No Action Alternative

Under the no action alternative, management activities considered in this project would not occur. Activities proposed in and adjacent to the analysis area that have been analyzed and approved in other NEPA documents would still occur, such as fuel reduction treatments, routine road maintenance, forest inventory and surveys, and fire suppression. Selection of the no action alternative would not change land allocations or the direction the BLM has to manage these lands.

DECISION

It is my decision to implement the Proposed Action Alternative as described and analyzed in the Stukel Gates EA.

Mitigation

As part of this action, the Mitigation Measures described in Chapter 6 of the EA will be applied.

DECISION RATIONALE

Implementation of the Proposed Action fully meets the purpose and need identified in the EA.

The No Action Alternative is rejected because it would not meet the purpose and need to physically facilitate the existing seasonal closure of the Stukel Mountain area.

Resources Not Present

The following unique characteristics (Critical Elements of the Human Environment), listed in 40 CFR § 1508.27(b)(3), are not present and will not be affected: threatened/endangered species, prime and unique

farmlands, mining claims, floodplains, paleontological resources, hazardous materials, roadless areas, wilderness areas, Wild and Scenic Rivers, Areas of Critical Environmental Concern (ACECs), and wilderness study areas.

Environmental Consequences

Implementation of the proposed action is consistent with the effects analyzed in the EA and the Klamath Falls Resource Area Resource Management Plan and Final Environmental Impact Statement, September 1994 (RMP/EIS). Implementation of the PDFs described in the EA and the KFRA Record of Decision and Resource Management Plan and Rangeland Program Summary, June 1995 (KFRA ROD/RMP) will minimize the effects to the affected resources and result in no impacts greater than those described in the EA and the RMP/EIS.

Public Involvement

A scoping letter notifying the public that the project had been proposed and was being analyzed was sent to 53 addresses in December of 2009. There were no written responses to the scoping letter, but the BLM received one phone call and one member of the public came into the office to discuss the proposed action. These individuals discussed specific concerns but seemed generally in favor of more effective measures to enforce the seasonal closure. On March 12, 2010, the public was notified of the completion of the EA and the beginning of a formal thirty (30) day public comment period through publication of a legal notice in the local newspaper (*The Herald and News*) and posting of the EA on the BLM web site. No comments were received.

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.

Project planning and preparation of National Environmental Policy Act documentation for this project began after the effective date of the 2008 ROD, and thus this project was designed to comply with the land use allocations, management direction, and objectives of the 1995 KFRA ROD/RMP.

CONCLUSION

Based on the information in the Stukel Gates EA and in the project administrative record, I conclude that the EA and this Decision Record contain the requisite site specific information to implement the proposed action and represents a thorough analysis of potential effects associated with the proposed actions. These actions will help to increase the effectiveness of the seasonal closure of roads on Stukel Mountain.

The actions will comply with the Endangered Species Act, the Clean Water Act, Native American Religious Freedom Act, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

FINDING OF NO SIGNIFICANT IMPACT

All impacts were local in nature. No significant impacts were identified. No impacts beyond those anticipated in the KFRA RMP/EIS would occur. Refer to the attached Finding of No Significant Impact.

ADMINISTRATIVE REMEDIES

Any party adversely affected by this decision may appeal within 30 days after notice of the decision (Legal Notice in *The Klamath Falls Herald and News*, Klamath Falls, Oregon) in accordance with the provisions of 43 CFR Part 4. The notice of appeal must include a statement of reasons or file a separate statement of reasons within 30 days of filing the notice of appeal. The notice of appeal must state if a stay of the decision is being requested and must be filed with:

Manager, Klamath Falls Resource Area
Bureau of Land Management
2795 Anderson Ave, Building 25
Klamath Falls, OR 97603

A copy of the notice of appeal, statement of reasons, and other documents should be sent to the:

Regional Solicitor, Pacific Northwest Region
U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway, Suite 600
Portland, OR 97205

If the statement of reasons is filed separately is must be sent to the:

Board of Land Appeals, Office of Hearing and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

It is suggested that any notice of appeal be sent certified mail, return receipt requested.

Before deciding to file an appeal, I encourage you to contact me to determine if your concerns might be met in some other way, or to assist you in the appeal process if it is appropriate. Thank you for your continued interest in the multiple use management of your public lands.

/s/ Donald J. Holmstrom
Donald J. Holmstrom
Manager, Klamath Falls Resource

4/19/10
Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Klamath Falls Resource Area**

**Finding of No Significant Impact
for the
Stukel Gates Environmental Assessment
(#DOI-BLM-OR-L040-2010-0004-EA)**

BACKGROUND

The Interdisciplinary Team for the Klamath Falls Resource Area (KFRA), Lakeview District, Bureau of Land Management (BLM), has completed an Environmental Assessment (EA) to analyze the impacts of installing new heavy duty steel swing gates at a total of five locations on Stukel Mountain. The gate posts would be set in concrete. Potential site modifications at the five gate sites include trenches, earth and/or log berms, rock piles, short pieces of wire fencing, and rows of large rocks. All gates would be set to allow passage of vehicles and equipment at least fourteen feet wide when open. All gates and related structures constructed under this project would have official BLM signs installed where appropriate. Signs would indicate the closure period, reasons for the closure, and who to contact for additional information regarding the closure.

Stukel Mountain is located south and east of Klamath Falls, Oregon within the Klamath Falls Resource Area. The purpose of the proposed project is to physically facilitate the existing seasonal closure of the Stukel Mountain area. Since 1995, this area has been legally and administratively closed to off-highway vehicles (OHVs) from November 1 through April 15 each year by the Record of Decision for the 1995 Klamath Falls Resource Area Resource Management Plan (1995 RMP ROD pg. 51-52), and Federal Register (Vol. 63, No.113, pg. 32244 - 32245). This project is needed because the current system of closure structures is ineffective at keeping unauthorized motorized vehicles out of the designated closure area during the designated closure period.

ANALYSIS OF POTENTIAL EFFECTS

The proposed action and the “no action” alternative were analyzed for significant effects as per the Council on Environmental Quality (CEQ) Regulations - 40 CFR § 1508.27. The following criteria listed under 40 CFR § 1508.27(b) were considered and found to be not applicable to this action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and precedents for future actions with significant effects.

The following unique characteristics (Critical Elements of the Human Environment), listed in 40 CFR § 1508.27(b)(3), are not present and will not be affected: prime or unique farmlands; floodplains; wilderness; solid or hazardous waste; Wild and Scenic Rivers, and Areas of Critical Environmental Concern (ACECs).

In regard to 40 CFR § 1508.27 (b)(8), no adverse impacts are expected to cultural, scientific, or historical resources. The proposed area has been surveyed for cultural resources using BLM Class III survey methods. Surveys for cultural resources were reviewed and no sites, structures or objects listed or eligible for listing in the National Register of Historic Places are known to occur. The placement of the gate posts, and any needed rocks, trenches and fences will be closely monitored.

There will be no significant impacts to any special status species or habitat that has been determined to be critical under the Endangered Species Act [40 CFR § 1508.27 (b)(9)]. Surveys of the proposed treatment area were conducted for Threatened and Endangered species and special status species. As per 40 CFR § 1508.27(b)(10), this action conforms to all applicable Federal, State, and local laws and regulations. The action is consistent with Executive Order 12898 which addresses Environmental Justice. No potential impacts to low-income or minority populations have been identified internally by the BLM or externally through public notification and involvement. Consultation with local tribal governments has not identified adverse effects to any unique or special resources providing religious, employment, subsistence or recreation opportunities.

Pursuant to Executive Order 13212, the BLM must consider effects of this decision on National Energy Policy. There will be no known adverse effects on the National Energy Policy. Within the project area there are no known energy resources with commercial potential and energy producing or processing facilities.

DETERMINATION

The anticipated environmental effects contained in the environmental assessment, are based on the most current science, professional judgment, and experience of the Interdisciplinary (ID) team and Klamath Falls Resource Area staff. Based on the information within the environmental assessment, it is my determination that none of the alternatives analyzed constitute a significant impact affecting the quality of the human environment greater than those addressed in the:

- Klamath Falls Resource Area Resource Management Plan and Final Environmental Impact Statement (RMP/FEIS, September 1994) and its Record of Decision (ROD, June 1995)
- Klamath Falls Resource Area Integrated Weed Control Plan EA (1993).
- Final Environmental Impact Statement, Vegetation Treatments on BLM Lands in Thirteen Western States (1991).
- Interior Columbia Basin Ecosystem Management Project and the Eastside Draft Environmental Impact Statement (ICBEMP, May 1997).

Therefore, an Environmental Impact Statement, or a supplement to the existing RMP or Environmental Impact Statement, is not necessary and will not be prepared.

/s/ Donald J. Holmstrom
Donald J. Holmstrom
Manager, Klamath Falls Resource Area

4/19/10
Date