

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

Project	Wind Energy Test Sites, and Road Use	CX Log #:	OR-014-CX-07-06
Name:	Boulevard Associates, LLC,		
Location:	Bryant Mountain, T40S., R13E, Sec.19, T40S, R13E, sec. 8, T40S, R12E, sec.12, T39S, R11E, sec.35.		
BLM Office:	Lakeview District , Klamath Falls Resource Area	County:	Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (INCLUDING PURPOSE AND NEED)

Boulevard Associates, LLC, a subsidiary of Florida Power and Light, of Florida (FPL) is proposing to install towers at four (4) test sites on Klamath Falls Resource Area administered land to evaluate the strength of the winds on Bryant Mountain. These meteorological towers are designed specifically for wind energy resource measurements. Each tower will be up to 60 meters tall (197 ft.). The lightweight towers are made of galvanized steel tubing. The tubes slide together without bolts or clamps, and are made from a combination of 3-meter (10ft), 1.5 meter (5ft), and 0.152 meter (0.5 ft) sections. The sections are assembled horizontally on the ground and then tilted up using a ginpole and winch. No welding is necessary. The towers rest on a steel base plate approximately 0.8 square meters (9 square feet, or 3'x3') in size, and are supported with aircraft cable guy wires in four directions at each guy level. Guy wires are anchored with standard screw in anchors. There are 4 guy wires per tower and they enter the ground approximately 30 meters from the tower base plate. Each guy wire will be equipped with 3 rotating, wind driven, reflective, and night-glowing bird diverters. No cranes or concrete foundations are required. Each site will be approximately 2.5 to 5 square meters when assembled and raised. Each tower will be brought in 3 pieces, and assembled on site. A 200 ft. radius temporary work area is needed from the tower base, plus authorized access to each site. Boulevard is willing to adjust tower placement, as needed, to avoid cultural and wildlife impacts.

No new access roads will be created as part of the proposed action. The tower sites are accessible from existing roads. There will be some off road travel just for installation and will only be done one time. No new roads or "ways" will be developed. No grading or excavation other than that required to drill guy anchors into the ground, will be required. FPL wants to install the towers in the spring or summer months of 2007, and will take about two weeks to complete. The towers are expected to be in place for a minimum of one year, but may remain in service for three years or more. This permit is for three years with the right to extend, if necessary for additional testing. The road use ROW is on approximately 2.83 miles or road. This is in addition to the road use right of way granted previously to Boulevard Associates under OR 63306 (3.5 miles long) to monitor sites on private lands adjacent to BLM on Bryant Mountain. Locations of special status plant species will be avoided.

The proposed wind energy site testing and monitoring facilities are required because there is no other way to evaluate the strength of winds at the proposed locations. If the wind resource is determined to be sufficient, the public could benefit from the renewable electrical energy which might be produced on the public lands in the project area. The project would support Executive Order 13212 "Actions to Expedited Energy Related Projects" and Sec. 211 of the Energy Policy Act of 2005, concerning renewable energy development on public lands.

Construction and operations of the four wind monitoring devices will not have any impact to air quality, surface and ground water quality, streams, noise, or soil stability. The towers are distant from residences

and are expected to create minimal visual intrusion. Tower and guy-wire footing areas are small with little impact to land surface. The construction of proposed tower #8 (East of Smith Reservoir) will be subject to a seasonal restriction due to proximity to a bald eagle nest. The seasonal restriction runs from January 1 to August 15 annually unless the nest is determined to be inactive in a given year. The nest is active in 2007.

The holder of the site testing and monitoring right-of-way grant has established no right to development and is required to submit a separate application to BLM for analysis, review, and decision.

IMPLEMENTATION DATE

This project is expected to be implemented in Spring FY2007. Fire restrictions will be followed if the project runs into the summer months. Depending on funding and environmental parameters this project could last over a period of one to three years with the possibility for extension.

PLAN CONFORMANCE

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:

- Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995, Page 66.
- FPEIS Wind Energy Development on BLM-Administered Lands in the Western United States (2005)
- 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)
- National Fire Plan (A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy) (2001)

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a Bureau of Land Management Categorical Exclusion 516 DM 11.5, E(19)(DOI 2004).

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

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:

Extraordinary Circumstances	Yes	No
2.1 Have significant adverse effects on public health or safety?		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?		X
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		X
2.4 Have highly uncertain and potentially significant environmental effects or unique or unknown environmental 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
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental 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?		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?		X
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		X
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		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).		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)?		X

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.

DOCUMENTATION OF RECOMMENDED MITIGATION

Note: although none of the conditions for the above exceptions are met, the resources discussed are potentially affected. Mitigation measures and Project Design Features below are applied to prevent the adverse conditions discussed in the exceptions:

Exception No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures and/or Project Design Features
15	X		See Appendix A

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 5/30/07
SS Plants	LW 4/3/07		
Cultural Resources	TC 5/30/2007		
Survey and Manage			DKH 6/1/31
Consultation	Is Completed	Will Be Completed	Is Not Needed
SS Animal Consultation*	MDB 5/30/07		
Botanical Consultation			LW 4/3/07
Cultural Consultation	TC 5/30/2007		
*(SS = Special Status)			

Remarks:

USFWS consultation is complete. Letter of Concurrence received. #1-10-07-I-0054

SUMMARY OF FINDINGS AND CX DETERMINATION

The proposed action would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The proposed action has been reviewed against the criteria for an Exception to a categorical exclusion (listed above) as identified in 516 DM 2, Appendix 2, and does not meet any Exception. The application of this categorical exclusion is appropriate, as there are no extra ordinary circumstances potentially having effects that may significantly affect the environment. The proposed action is, therefore, categorically excluded from additional NEPA documentation.

Prepared By: Linda Younger, Realty Specialist **Reviewed by:** Klamath Falls Interdisciplinary Team

Approved By: (Signature)	Name: Don Holmstrom <i>Donald J. Holmstrom</i>	Title: Field Manager	Date: 6/1/07
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CONTACT PERSON

For additional information concerning this project, contact:

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

APPENDIX A – BOTANICAL RESOURCES MITIGATION MEASURES AND STIPULATIONS

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 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.

Special Status Plants

Ten sites of Baker's globe mallow (*Iliamna bakeri*) are known from the project area and occur along proposed "new access trail" and approximately at Met 7 and Met 9 test sites. They are distributed as follows:

T39S R11E	Section 35	2 sites
T40S R12E	Section 1	1 site
	Section 2	2 sites
	Section 12	5 sites

These sites need to be avoided. UTM coordinates and/or relocation and flagging of the sites will be accomplished if needed.

Comments by Met Site:

Met 1: On private, so no site specific data. However, no known noxious weed sites or special status plant sites known from adjacent BLM.

Met 2: On private adjacent to BLM. One site of Scotch thistle along access road to this site in Section 8 in the NW quarter of the NE quarter.

Met 3: No data. On private ownership.

Met 4: No data. On private ownership.

Met 5: No data. On private ownership.

Met 6: One leafy spurge site approximately at test site and/or along "new access trail" (spur road) to site. Potential to spread leafy spurge and provide conditions where weed has the competitive advantage.

Met 7: Lots of noxious weed sites of both leafy spurge and Canada thistle at test site and along roads used to access site. "New Access Trail" has the potential to spread weeds and create conditions where noxious weeds will have a competitive advantage.

Two sites of Baker's globe mallow (*Iliamna bakeri*) near test site. Test site and new access road need to avoid these areas.

Met 8: Lots of leafy spurge and Canada thistle sites along access road to this test site. New short spur road indicated on map has the potential to spread weeds and create conditions where noxious weeds will

have a competitive advantage.

Met 9: “New Access Trail” has the potential to spread weeds and create conditions where noxious weeds will have a competitive advantage. Proposed route on map goes through many known noxious weed sites.

Two sites of Baker’s globe mallow (*Iliamna bakeri*) approximately at test site. Test site and new access road need to avoid these sites.

APPENDIX B - CULTURAL RESOURCES

Vehicles need to stay within existing road prism. If access roads require improvement cultural surveys may be required. MET 6 is extremely close to prehistoric site 35KL1411 and may need to be moved to avoid effects. Need to coordinate activity prior to project implementation. Cultural sites will be flagged and avoided.

APPENDIX C- MAPS

The following two maps have all met towers on them. The top-left four towers are on BLM. The rest are on adjacent private property (land owner is Al Bruner).



