

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

Project Name: Twenty-One Bitterbrush Planting CX Log #: OR-014-CX-07-02
Location: T 40S R14.5E Sec 16,21,22
BLM Office: Lakeview District , Klamath Falls Resource Area County: Klamath County, Oregon

DESCRIPTION OF THE PROPOSED ACTION (INCLUDING PURPOSE AND NEED)

Description of the Proposed Action:

This project will consist of planting 10,000 bitterbrush seedlings and the installation of protective tubes around each seedling in units where western juniper was removed. The planting will consist of using hand tools to dig small holes to plant the seedlings. Approximately 190 acres of the 1042 acre unit may be planted with bitterbrush (see Map 1). Western juniper was cut, piled and burned and the bitterbrush will be planted within the burned pile areas.

The purpose of the project is to provide future deer forage and wildlife habitat by reestablishing the shrub community in the area. The unit is within deer winter range and will provide forage during the winter months for deer and forage and structure for other wildlife. This type of planting has been considered successful in the past in reestablishing the shrub community.

To prevent the spread of noxious weeds, all vehicles and equipment will be cleaned prior to operating on BLM managed 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.

IMPLEMENTATION DATE

This project is expected to be implemented in March or April of 2007.

PLAN CONFORMANCE

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans or NEPA analyses:

A. Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS), approved June 1995. Refer to page 54, E-5

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: RMP/ROD pp 34

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)

Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)

Standards for Land Health for Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1998)

National Sage-Grouse Habitat Conservation Strategy (2004)

IDENTIFICATION OF EXCLUSION CATEGORY

The proposed action has been identified as a categorical exclusion under Bureau of Land Management Categorical Exclusions (516 DM 6, Appendix 5.4 (C) 3).

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) if it does not meet any of the following Exceptions (listed in 516 DM 2, Appendix 2; IM No. OR-2002-130).

Will the proposed action meet the following Exceptions?

| Exception | Yes No |
|--|-----------|
| 1. Have significant adverse effects on public health or safety? | () (X) |
| 2. Have adverse effects on such unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks. This also includes significant caves, ACECs, National Monuments, WSAs, RNAs. | () (X) |
| 3. Have highly controversial environmental effects (40 CFR 1508.14)? | () (X) |
| 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? | () (X) |
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? | () (X) |
| 6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects? This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)). | () (X) |
| 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? This includes Native American religious or cultural sites, archaeological sites, or historic properties. | () (X) |
| 8. Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species? This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a “no effect” determination or 2) a “may effect, not likely to adversely effect” determination. | () (X) |
| 9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only)? | () (X) |
| 10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements? | () (X) |
| 11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan? | () (X) |
| 12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice)? | () (X) |
| 13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious | () (X) |

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|---|-----------|
| practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites)? | |
| 14. Have significant adverse effect on Indian Trust Resources? | () (X) |
| 15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species)? | () (X) |
| 16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects)? | () (X) |
| 17. Have a significant adverse effect on Migratory Landbirds (Executive Order 13186). | () (X) |

The proposed action would not create adverse environmental effects or meet any of the above exceptions.

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 |
|---------------|------------------|---------------------|--|
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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 | SH 3/26/07 | | |
| SS Plants | LW 3/19/07 | | |
| Cultural Resources | TC 3/26/07 | | |
| Survey and Manage | | | SH 3/26/07 |
| Consultation | Is Completed | Will Be Completed | Is Not Needed |
| SS Animal Consultation* | | | SH 3/26/07 |
| Botanical Consultation | | | LW 3/19/07 |
| Cultural Consultation | | TC 3/26/07 | |
| *(SS = Special Status) | | | |

Remarks:

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: Steve Hayner, Wildlife Biologist

Reviewed by: Klamath Falls Interdisciplinary Team

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| Approved By: (Signature) | Name: Mike Bechdolt <i>/s/ Mike Bechdolt</i> | Title: Acting Field Manager | Date: 3/28/07 |
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CONTACT PERSON

For additional information concerning this project, contact:

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Map 1.- Twenty-One Juniper Unit and Planned Bitterbrush Planting Unit

