

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD

**Bureau of Land Management Grants Pass Field Office/United States Forest Service Gold
 Beach Ranger District
 Joint Special Recreation Shuttle Permitting Project**

DOI-BLM-OR-M070-2015-0011-CX

A. Background

Proposed Action Title: BLM/USFS Joint Special Recreation Shuttle Permitting

Proposal: The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) are proposing to issue up to 15 joint special use permits for outfitter and guide use on the National Forest System (NFS) lands of the Gold Beach, Powers and Wild Rivers Ranger Districts of the Rogue River-Siskiyou National Forest and Bureau of Land Management lands on the Medford District.

The USFS will be the lead agency issuing the permits. Each agency will perform separate National Environmental Policy Act (NEPA) analyses for the issuance of the permits. This Categorical Exclusion and Decision Record authorize the activities occurring on BLM administered lands.

All activities would occur on existing roads and recreation sites that provide access to the Rogue, Lower Illinois, and Chetco National Wild and Scenic Rivers. All permit holders will be authorized year-round use on public roads, during winter months some routes may be closed. The locations of the BLM shuttle routes are listed by BLM administered road segments (See the table below). Additional shuttling may occur on portions of the Merlin Galice Road from the end of the county road where BLM administration begins to Grave Creek. Additional routes may include Grave Creek Boat Ramp, Grave Creek to Marial Byway to the Rogue River Ranch and associated trailheads.

Location of Proposed Action:

Route Number	Route Name	BLM Road Number	Total BLM Segment Length (miles)
Route 1	Bear Camp	34-8-36	19.22
Route 2	Bear Camp Slide Reroute (Peavine/Serpentine)	34-8-36	22.34
		35-8-2	
		34-8-27	

Route Number	Route Name	BLM Road Number	Total BLM Segment Length (miles)
	Springs)	35-9-1.2	
		34-8-36	
Route 3	Burnt Ridge (Route description varies between agencies.)	34-8-36	19.22
Route 4	Eden Valley	34-8-13	23.28
		34-8-1	
		32-8-31	
Route 5	Coastal Route	34-8-13	14.08
Route 6	Grave Creek to Marial Back Country By-way	34-8-13	34.6
		34-8-1	
		32-8-31	
		32-9-14.2	
Route 7	Marial to Eden Valley Forest Service Boundary	32-9-14.2	25.5
		32-8-31	

B. Plan Conformance

The Proposed Action is in conformance with the following plans:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994)
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS, 2000 and ROD, 2001)
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)
- *Rogue National Wild and Scenic River: Hellgate Recreation Area, Recreation Area Management Plan* (2004) and *PRMP/FEIS* (2003)

C. Compliance with NEPA

The Proposed Action qualifies as a categorical exclusion as provided in the United States Department of the Interior Code of Federal Regulations (CFR) (43 CFR 2931.3(b)) which states “The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria, and to issue Special Recreation Permits for group activities and recreation events.” BLM Manual H-1790-1, Appendix 4 Section H (1) states that the following activities may be categorically excluded: “Issuance of Special Recreation Permits for...recreational travel along roads, trails, or in areas authorized in a land use plan.”

D. NEPA Categorical Exclusion Review

43 CFR 46.205(c) requires the review of this action to determine if any of the following “extraordinary circumstances” (found at 43 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then an otherwise categorically excluded action would require additional analysis and environmental documentation.

1. *Have significant impacts on public health or safety.*

() Yes (**X**) No

Remarks: The activity of shuttling passengers on existing BLM road systems to and from existing recreational sites would not have significant impacts on public health or safety. The activities described above are routine in nature and are carried out annually during the summer months.

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.*

() Yes (**X**) No

Remarks: The activities would occur on established and existing BLM managed roads and recreation sites. The activities would essentially be the same as other recreational activities that occur daily on/at the existing infrastructure.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E)).*

() Yes (**X**) No

Remarks: The effects of shuttling passengers on existing roads do not involve unresolved conflicts concerning alternative uses of available resources. The BLM-managed transportation systems are designed for vehicle travel.

4. *Have highly uncertain and potentially significant environmental effects or involve unique or*

unknown environmental risks.

()Yes (**X**)No

Remarks: This project does not have uncertain or potentially significant environmental effects, nor does it have unique or unknown environmental risks as the activities would essentially be the same as other recreational activities that occur daily within the areas described above.

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

()Yes (**X**)No

Remarks: Issuing SRPs for shuttling passengers along the proposed routes does not establish precedent for future action; rather it brings BLM into compliance with law, policy, and regulation. The proposal does not represent a decision in principle about future actions with potentially significant effects.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

()Yes (**X**)No

Remarks: The activities described above would not contribute to cumulatively significant environmental effects as described in the 1973 River Plan. Additionally, all activities occur within/on developed recreation sites.

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.*

()Yes (**X**)No

Remarks: Stipulations contained within the *Permit Operating Plan for Shuttle Services* ensures protection of properties listed, eligible, and on the National Register of Historic Places, such as the Rogue River Ranch. If impacts occur at these sites the Special Recreation Permit may be suspended, revoked, or terminated. The shuttling would occur on existing sites away from these types of properties.

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.*

()Yes (**X**)No

Remarks: The areas proposed for use are developed and regularly used. As such, no impacts on species listed or proposed to be listed as Threatened and Endangered would occur, nor would Critical Habitat for these species be impacted.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

()Yes (**X**)No

Remarks: The proposed project does not violate Federal, State, local, or tribal law or requirements imposed for the protection of the environment.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

()Yes (**X**)No

Remarks: The proposed project does not have a disproportionately high or adverse effect on low income populations or minority populations as the routes would remain open to public use.

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).*

()Yes (**X**)No

Remarks: The proposed project would not limit access to ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of sacred sites. The proposed project would not limit access or have an effect on these sites.

12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative 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).*

()Yes (**X**)No

Remarks: The proposed project occurs on existing roads and at developed recreation sites, thus the introduction and spread of noxious weeds would not contribute to the increase beyond the current level.

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DECISION DOCUMENTATION

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Decision and Rationale: Based upon the attached Categorical Exclusion, it is my decision to authorize the joint Special Recreation Shuttle Permit as described in the Proposed Action.

In addition, I have reviewed the plan conformance statement and have determined that the Proposal is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action in accordance with 43 CFR Part 4 –Administrative Remedies.



Allen Bollschweiler, Field Manager
Grants Pass Field Office

5/21/15
Date

ADMINISTRATIVE REMEDIES

Administrative review of land use permit decisions requiring National Environmental Policy Act (NEPA) assessment will be available under 43 CFR part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a “party to the case” (43 CFR § 4.410 (a) – (c)). Other than the applicant for the Special Recreation Permit, in order to be considered a “party to the case” the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (43 CFR § 4.410 (d)).

EFFECTIVE DATE OF DECISION

This is a decision on a land use permit in accordance with BLM regulations at 43 CFR Subpart 2920. Under 43 CFR Subpart 2920.2-2 (b), all BLM “Permit decisions made under paragraph (a) of this section take effect immediately upon execution and remain in effect during the period of time specified in the decision to issue the permit. Any person whose interest is adversely

affected by a decision to grant or deny a permit under paragraph (a) of this section may appeal to the Interior Board of Land Appeals under part 4 of this title. However, decisions and permits issued under paragraph (a) of this section will remain in effect until stayed.”

RIGHT OF APPEAL

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Faxed or e-mailed appeals will not be considered. Only signed hard copies of a notice of appeal that are delivered to the Grants Pass Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526, will be accepted.

In order for an appellant to qualify as a “party to the case,” you have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision (See 43 CFR § 4.410(d)). The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant’s success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board and the Regional Solicitor at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations at 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The Board will review any petition for a stay and may grant or deny the stay. If the Board takes no action on the stay request within 45 days of the expiration of the time for filing a notice of

appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until the Board makes a final ruling on the case.

For additional information concerning this project, contact Phil Rheiner, Assistant Field Manager for Recreation at (541) 471- 6614.

Additional contact addresses include:

- U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203
- Gold Beach Ranger District
29279 Ellensburg Ave.
Gold Beach, Oregon 97444
- Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

Attachment:

Map

R10W

R09W

R08W

R07W

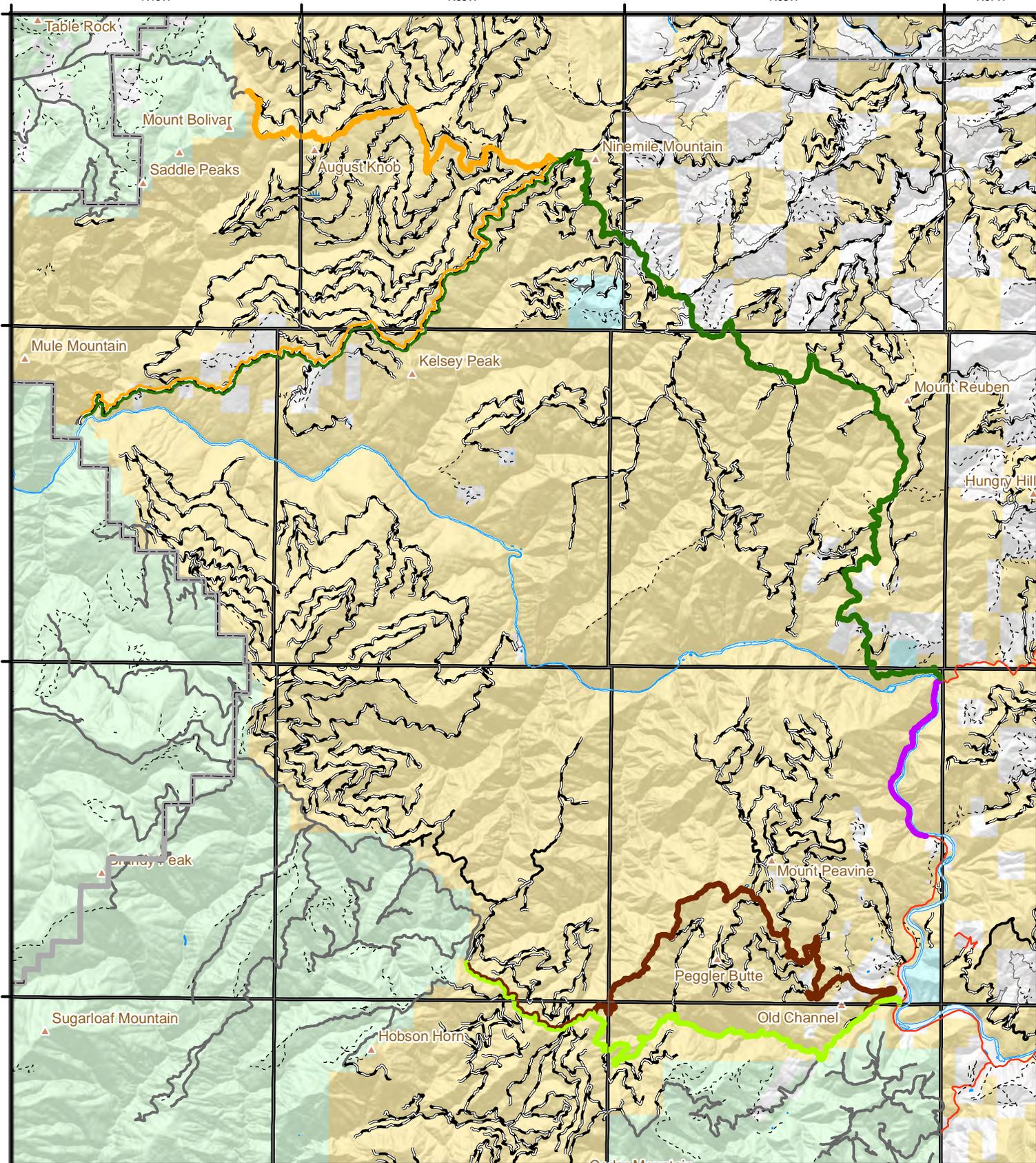
T32S

T33S

T34S

T35S

T36S



- Eden Valley
- Grave Creek to Marial
- Coastal Route
- Burnt Ridge
- Bear Camp/Burnt Ridge/Peavine Reroute
- Bear Camp
- Bear Camp Slide Reroute (Peavine/Serpentine Springs)

- County route
- Forest Service
- Other state route
- Municipal route
- Private road
- Not Known

- U.S. Forest Service
- State
- Private Individual or Company
- Resource Area Boundary
- Mountain Peaks

Joint Special Recreation Shuttle Perminting



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.

