DECISION RECORD & CATEGORICAL EXCLUSION REVEIW

Project Name: Siskiyou Sports Car Club Hill Climb. **(DOI-BLM-OR-M060-2010-0031-CX)**

BLM Office: Ashland R.A., Medford District. Phone # (541) 618-2369

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The BLM proposes to issue a Special Recreation Use Permit that would be renewable for up to 4 years. The proposed action would permit the use of a paved portion of Conde Cr. Rd (38-3e-17) for a three day timed hill climb event which would occur in early to mid June. This event has been permitted generally on an annual basis (not every year), through a BLM Special Recreation Permit, beginning in 1996. The annual renewal of this permit would be based on past performance, adherence to permit stipulations, and the proposed dates for that year's event. Based on the submitted operations plan, vehicles would individually run along the 2.5 mile length of road to determine results from best timed runs. Each competitor will be allowed two runs per day. Vehicle types for this event range from modified Ford Fiestas at 1300 lbs to Chevy Corvettes at 3800 lbs. The competition is limited to 60 vehicles. All spectators and support personnel would be limited to specified areas. This event is sponsored by the Northwest Hill Climb Association and follows the safety rules of that group.

To comply with state fire regulations, the club would obtain any required permits from the Oregon Department of Forestry for this event. EMT's and fire suppression equipment would be staged at the quarry (indicated on the attached map) midway point of the course. Portable toilets would be placed in pairs at the start and finish areas. The large graveled area at the top of the hill (see map) would be used as a parking and pit area for the racecars and spectators. Regular traffic on Conde Creek Road may be delayed during vehicle runs. Traffic would be delayed for no more than 30-minute intervals and given information regarding the delay by a club representative. The road would be posted 2 days in advance of the event to alert the public of the delay. Radios would be used by event staff to regulate traffic and to provide added safety. The road would be cleaned of debris by the club by means of brooms, blowers and a sweeper. Weed cutting may be performed inside the road prism to reduce risk of ignition.

All fluid spills (i.e. oil, gas, antifreeze) will be contained immediately. All competitors will carry drip pans, oil pans and/or oil blankets and at least a 1 gallon container with lid to contain these fluids. All vehicles will be fueled in the gravel quarry or on a paved surface. When fueling vehicles, chemical absorbent blankets and oil pans or drip pans will be placed in the area of fueling. Corner stations along the course will be equipped with five gallons of dry chemical absorbent and a tarp to place underneath a vehicle in the event it leaves the road. Emergency response vehicles will be equipped with tarps and dry chemical absorbent. All chemicals spilled or leaking from vehicle will be removed from soils using techniques limiting soil disturbance.

In the ***Code of Federal Regulations Public Lands: Interior 43 Part § 2932.11*** Permits Required. Special Recreation Permits are required for commercial or competitive use involving more than one mile of public lands or shoreline.

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan* (RMP). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.*

On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this meets the provisions of the last valid Record of Decision, specifically the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (not including subsequent Annual Species Reviews).

This project is not a habitat disturbing activity, as defined in page 22 of the Standards and Guidelines of the *2001 Record of Decision and Standards and Guidelines,* for any Survey and Manage species. Because the project is not habitat disturbing, the Survey and Manage provisions, including pre-disturbance surveys, are not required under the *2001 Record of Decision and Standards and Guidelines,* (Standards and Guidelines, p. 7, 21-22).

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

The proposed action would not create adverse environmental effects under the categorical exclusion exceptions, unless as noted. The proposed action will:

Yes	No	Categorical Exclusion Exception
( )	(X)	1. Have significant adverse effects on public health or safety.
( )	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
( )	(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. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. *(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.
( )	(X)	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) 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

( ) (X) 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).

( ) (X) 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) 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).

SUMMARY OF FINDINGS

In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9 H (1) which allows for the "issuance of special recreation permits."

Dennis Byrd	Outdoor Recreation Planner	April 29, 2009
Prepared by	Title	Date

Kristi Mastrofini	Environmental Coordinator	May 14, 2009
Reviewed/Edited by	Title	Date

DECISION

Based on the NEPA CATEGORICAL EXCLUSION REVIEW above, I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 11.9, H(1) involves no significant impact to the human environment and that no further environmental analysis is required.

John Gerritsma
Field Manager; Ashland Resource Area

6-2-10
Date

EFFECTIVE DATE OF DECISION

This decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2931.8 (b)).