

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD  
(DOI-OR-M040-2015-007-CX)**

**Project Name:** Klamath Bird Observatory – Mountain Bird Festival Special Recreation Permit

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Kathy Minor    **Title:** Planning and Environmental Coordinator  
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**BLM Office:** Ashland R.A., Medford District    **Phone:** 541.618.2318 or 541.618.2245

**DESCRIPTION & LOCATION OF THE PROPOSED ACTION**

The proposed action is to authorize a Special Recreation Permit (SRP) to Klamath Bird Observatory (KBO) for a “Mountain Bird Festival” event proposed for May 30-31, 2015 and renewing annually through June 2020. For the 2015 and subsequent annual Mountain Bird Festivals, KBO proposes two days of commercial bird-watching field trips on Medford Bureau of Land Management (BLM) administered lands, including lands within the Cascade-Siskiyou National Monument (CSNM) and Soda Mountain Wilderness (SMW). Approximately 14 field trips will be offered each day and some of these field trips will venture onto BLM administered lands, with the majority of field trips occurring on private, city, county, or lands outside of the state of Oregon. The proposed action is only to authorize the field trips occurring on Medford BLM administered lands.

The proposed birding field trips are to guide up to 15 participants per trip (plus one or two trip guides) to view and photograph a variety of bird species throughout southwestern Oregon. Guides will shuttle clients via established roads to developed trailheads on trails such as the Pacific Crest National Scenic Trail, Lily Glen, and Pilot Rock. Guides will then take participants on a guided tour to view and photograph various species of birds. No commercial filming activities are proposed.

The CSNM was designated by presidential proclamation on June 9, 2000, establishing 52,947 acres as National Monument in southwestern Oregon. The *Cascade-Siskiyou National Monument Resource Management Plan* (RMP) was completed in August 2008. Two of the trips proposed by KBO are within the boundaries of the CSNM. The RMP made specific decisions on issuing SRPs for commercial uses within the CSNM (page 99 of the RMP). On March 30, 2009, the Omnibus Public Land Management Act (Public Law 111-11) designated 24,100 acres of the CSNM as wilderness (Map 1). The *Final Soda Mountain Wilderness Stewardship Plan* was completed in April 2012. It is an implementation level plan that guides the management of the SMW. One of the trips proposed by KBO is within the Soda Mountain Wilderness. The stewardship plan made specific decisions on issuing SRPs to outfitter/guides within the SMW (pages 12-13 of the SMW plan). These decisions will be incorporated in the terms and conditions with the issuance of the SRP.

## PROJECT DESIGN FEATURES

The following project design features will be included in the proposed authorization.

1. There will be no Off Highway Vehicle (OHV) travel permitted as part of this permit. Guides will ensure clients do not drive off of established roads.
2. Restrict all parking of vehicles to existing disturbed surfaces.
3. If participant numbers increase in future years beyond those stated in this proposal, sanitation facilities should be considered.
4. There will be no harassment of wildlife in order to flush or move them from their locations in order to view or photograph them.
5. There will be no permanent blinds constructed for the event; portable blinds are authorized if removed at the end of the day.
6. There will be no mechanized carts, game carriers, bicycles, or any other prohibited mechanized equipment allowed within the boundaries of the Soda Mountain Wilderness; GPS units and cameras are allowed.
7. Field trip participants will follow "Leave No Trace" principles while on BLM lands. Detailed information on these principles is available at [www.lnt.org](http://www.lnt.org).

## PLAN CONFORMANCE

The proposed action is located on BLM-administered land and lies within and outside of the Cascade-Siskiyou National Monument. The proposed action is in conformance with and tiered to both the 1995 Medford District Record of Decision (ROD) and Resource Management Plan (RMP) and the 2008 Cascade-Siskiyou National Monument ROD and RMP. The proposed action is consistent with Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985) and the 2001 ROD and Standards and Guidelines for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. The proposed action is 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.

The Proposed Action is in conformance with the applicable land use plan because it is specifically provided for in the approved decision, REC-36, in the CSNM ROD/RMP that directs the BLM to consider Special Recreation Permits on a case-by-case basis and the proposed activity must be found to be consistent with CSNM objectives.

For the portion of the Proposed Action outside the CSNM, the project is in conformance with the Medford RMP, because it is provided for, "Provide a range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand within the planning area (Medford RMP, p. 63).

## COMPLIANCE WITH NEPA

The proposed action is categorically excluded from further documentation under NEPA in accordance with 43 CFR 46.210(j) and 516 DM 11.9 H(1) as follows.

*43 CFR 46.210(j): Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.*

516 DM 11.9 H(1) Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/ or for recreational travel along roads, trails, or in areas authorized in a land use plan.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment as documented in the following review. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR §46.215 rise to the level of significance. A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

### CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations 43 CFR § 46.205 (c) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances found at 43 CFR § 46.215. The Code of Federal Regulations at 43 CFR § 46.215 provide for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

CX Extraordinary Circumstances Documentation	Yes	No
1. Have significant impacts on public health or safety.		X
<b>Rationale:</b> Group size on the proposed field trips will be small with hike leaders assigned to each group. It is not anticipated that the Proposed Action will have any effects to public health and safety.		
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
<b>Rationale:</b> Some of the field trips will occur within the Cascade-Siskiyou National Monument and the Soda Mountain Wilderness. The bird-watching will not have significant impacts on these areas.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<b>Rationale:</b> Based on past experience from these types of activities, there are no predicted environmental effects from the Proposed Action that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. This project's Categorical Exclusion Authority allows for activities which are educational or informational to visitors, private entities, or the general public.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<b>Rationale:</b> The activities proposed in this CX are not highly uncertain, potentially significant, unique, or unknown risks.		

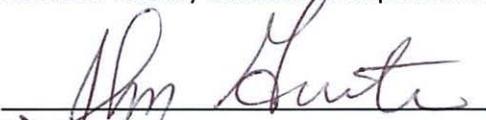
<b>CX Extraordinary Circumstances Documentation</b>	<b>Yes</b>	<b>No</b>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<b>Rationale:</b> The activities proposed in this CX are addressed and authorized under the CSNM and Medford ROD/RMPs. The proposed activities occur widely on Federal lands throughout Oregon and there is no evidence this type of activity would establish a precedent or decision for future actions that would have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<b>Rationale:</b> The Proposed Action would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.		
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
<b>Rationale:</b> The proposed bird-watching field trips will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.		
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
<b>Rationale:</b> Areas proposed for bird watching have been reviewed by the BLM botanist, wildlife biologist, and fisheries biologist. The Proposed Action would have no 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.		
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<b>Rationale:</b> The proposed activities conform to the CSNM and Medford RMPs' direction for management of public lands on the Medford District and comply with applicable laws, rules, and regulations.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<b>Rationale:</b> Similar actions have occurred throughout the District and there is no evidence that this type of activity would have a disproportionately high and adverse effect on said populations.		
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 130007).		X
<b>Rationale:</b> The Proposed Action does not significantly or adversely affect the physical integrity of any such sacred sites.		

CX Extraordinary Circumstances Documentation	Yes	No
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).		X
<b>Rationale:</b> The Proposed Action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species above what would be present from other recreational and visitor activities that occur on federal lands.		

### DECISION AND RATIONALE

Based on the attached Categorical Exclusion, it is my decision to issue a Special Recreation Permit to the Klamath Bird Observatory for the Mountain Bird Festival as described in the Proposed Action within the Ashland Resource Area.

In addition, I have reviewed the plan conformance statement and have determined the Proposed Action is in accordance with the approved land use plans 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 as described.

  
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 John Gerritsma  
 Field Manager  
 Ashland Resource Area

4/7/15  
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 Date

### ADMINISTRATIVE REMEDIES

Administrative review of special recreation 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.” (See 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 (See 43 CFR § 4.410(d)).

### EFFECTIVE DATE OF DECISION

This is a land decision on a Special Recreation Permit in accordance with BLM regulations at 43 CFR Subpart 2930. All BLM decisions under 43 CFR Subpart 2931.8(b) “All decisions BLM makes under this part will go into effect immediately and will remain in effect while appeals are pending unless a stay is granted under 4.21(b) of this title.”

## **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 Ashland Field Manager, 3040 Biddle Road, Medford, OR 97504, will be accepted.

## **REFERENCES**

USDI Bureau of Land Management. 1995. *Medford District Record of Decision and Resource Management Plan*. Medford, OR.

USDI Bureau of Land Management. 2008. *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan*. Medford, OR.

USDI Bureau of Land Management. 2012. *Final Soda Mountain Wilderness Stewardship Plan*. Medford, OR.