United States Department of the Interior
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
ASHLAND RESOURCE AREA
3040 Biddle Road
Medford, Oregon 97504

REROUTE OF THE PACIFIC CREST NATIONAL SCENIC TRAIL (PCT) NEAR HOBART PEAK IN THE SOUTH FORK KEENE CREEK DRAINAGE
EA No. DOI-BLM-M040-2013-003-EA

DECISION RECORD
AND
FINDING OF NO ADDITIONAL SIGNIFICANT IMPACT

Introduction
As a result of the 2007 Optimal Location Review the BLM, Medford District Ashland Resource area proposes to reroute a section of trail near Hobart Peak to better meet the National Trails System Act. Rerouting the Pacific Crest National Scenic Trail (PCT) from its original location where it passes through a natural wet meadow located in the southwest corner of T40S-R03E-S16 will improve the recreational experience of trail users and the wildlife habitat for the Mardon Skipper Butterfly.

Plan Conformance
This project has been reviewed and found to be in conformance with and tiered to the *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (ROD/RMP), released August 2008. This project is also consistent with the *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS 1985). It is also consistent with 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* (USDA and USDI 1994).

Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD. This Project is consistent with 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* (2001 ROD).

This decision is also in conformance with the direction given for the management of public lands in the Federal Land Policy and Management Act of 1976 (FLPMA), the National Environmental Policy Act of 1969 (NEPA), 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.

Finding of No Additional Significant Impact
I have considered both context and intensity of the impacts anticipated from the PCT Reroute Project located near Hobart Peak in the South Fork Keene Creek drainage relative to each of the ten significance criteria suggested by the CEQ. I have determined that my decision to implement the proposed action as described in this Decision will not have any additional significant adverse effects

beyond those effects described in broader analyses which includes the 2008 *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan, 1994 Final SEIS On Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl and the 2001 Final Supplemental Environmental Impact Statement For Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.*

The proposed action and alternatives are in conformance with the direction given for the management of public lands in the 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.

Through the EA process, the interdisciplinary team reviewed the following critical elements of the human environment as they relate to this project: air quality, Areas of Critical Environmental Concern (ACEC), cultural resources, environmental justice, farmlands, floodplains, Native American religious concerns, invasive non-native species, threatened and endangered species, hazardous/solid wastes, water quality, wetlands/riparian zones, Wild and Scenic Rivers, and wilderness. No substantive site-specific environmental changes would result from implementing the proposed action or alternatives as discussed in the associated EA. Should threatened or endangered plants or cultural or paleontological resources be discovered during project implementation, they would be protected.

The *Pacific Crest Trail Reroute Project Located Near Hobart Peak in the South Fork Creek Drainage EA* was available for a fifteen-day public review period beginning on May 24, 2013. This review provided the public with an opportunity to comment on the BLM's determination that there are no significant impacts associated with the proposed action. No comments were received during this public review period.

On the basis of the information contained in the EA and all other information available to me as summarized above, it is my determination that the proposed action alternative does not constitute a significant impact affecting the quality of the human environment as defined by 40 CFR 1508.27; therefore, the preparation of an Environmental Impact Statement (EIS) is not required.

Decision and Rationale

Upon careful review of all the information available to me, it is my decision to implement the proposed action as described in Alternative 3 of the EA. The proposed action would reroute the PCT in order to provide a quality experience for trail users and to improve the wildlife habitat for the Mardon Skipper butterfly. The new route would follow the northwest perimeter of the meadow and reconnect to the existing PCT along the north side of Soda Mtn. Rd. In addition to rerouting the trail, the old section of the trail which currently passes through the natural wet meadow would be decommissioned to promote recovery of and improvement to the Mardon Skipper Butterfly habitat.

Effective Date of Decision

This is a recreation decision for land use in accordance with BLM regulations at 43 CFR Subpart §2920. All BLM decisions under 43 CFR §2920.2-2 will take effect immediately upon execution, and remain in effect during the period of time specified in the decision. 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 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 § 4.41 0). 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 (4:30p.m.) not more than 30 days after publication of this decision on the Medford District Website. Only signed hard copies of a notice of appeal that are delivered to the Medford District Office, Ashland Resource Area, 3040 Biddle Road, Medford, OR 97504 will be accepted. Faxed or emailed appeals will not be considered.

Anyone who has participated in the National Environmental Policy Act process for this project by providing public comments on the environmental assessment will qualify as party to the case. (See 43 CFR § 4.410(b)). However, in order to qualify as an appellant, a "party to the case," you also 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)). Furthermore, you may raise on appeal only those issues you raised in comments on the environmental assessment or that have arisen after the opportunity for comments closed. (See 43 CFR § 4.410(c)).

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 from 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:

I. 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, 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. 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 §§ 4.41 O(c) and 4.413) and specify the date and manner of such service.

The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA 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 IBLA makes a final ruling on the case.

See attached Form 1842-1 for more information on filing appeals.

CONTACT INFORMATION

For additional information contact:

John Gerritsma, Ashland Field Manager, Bureau of Land Management, 3040 Biddle Road, Medford, OR 97504, (541) 618-2438.

Field Manager
Ashland Resource Area

6-17-13
Date

Map 2
Proposed Alternative 3
PCT Reroute