

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

CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD

DOI-BLM-OR-M060-2015-016-CX

Project Name: Woodrat Mt. Hang-gliding/Paragliding MPH Sports

BLM Office: Ashland R.A., Medford District **Contact:** Zach Million (541) 618 -2318

Location: T. 38 S., R. 3 W., 25

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

MPH Sports has submitted a Special Recreation Permit application to hold an annual competitive fly-in event at the Woodrat Mountain site. MPH Sports expects a maximum of 175 participants for this event. The event will take place over one weekend in June annually. The purpose of this action is to issue a Special Recreation Permit (SRP) for a competitive fly-in event at Woodrat Mountain renewable for up to 9 years. MPH Sports has been permitted for this event annually since 2003, and has adhered to all BLM terms and stipulations put forth for this event.

Woodrat Mountain is recognized as a recreation site in the 1995 Medford District RMP. The upper launch site has a permanent toilet, trash facilities, and concrete barriers on the edge of the parking area to keep vehicles and pilots separated. This site has served as the primary takeoff site for hang-gliders and para-gliders in the Applegate Valley for over 30 years. Long-term permission has been established by the Rogue Valley Hang and Paragliding Association to use an offsite landing zone. In the event brochure created by MPH Sports, two landing zones have been identified in a map along with hazards and areas where gliders should not land.

This permit requires use of the Bishop Creek Road 38-3-23 and the established parking area at the take-off site. Temporary restroom facilities would be placed on site by MPH Sports (10 units) to adequately accommodate the users during the course of the event. All material and refuse would be removed from the site at the conclusion of the event.

In accordance with the *Code of Federal Regulations Public Lands: Interior 43 Part § 2932.11*, Special Recreation Permits are required for commercial use of BLM-managed land.

PROJECT DESIGN FEATURES

The permittee assumes responsibility for inspecting the regulated area for any existing or new hazardous conditions such as landslides, rocks, uneven road surfaces, weather conditions, falling limbs or trees, hazardous wildlife, or other hazards which present a risk which the permittee assumes.

The permittee will be responsible for all medical, safety, clean up, route marking, and personal needs of its participants.

All vehicles will utilize only the following: existing road prism(s), existing parking areas (no parking/driving on native vegetation).

On public lands for this event, persons must **not**:

- Dispose of any cans, bottles, and other trash and garbage except in designated places or receptacles;
- Dispose of flammable trash or garbage except by burning in authorized fires, or disposal in designated places or receptacles;
- Drain sewage or petroleum products or dump refuse or waste other than wash water from any trailer or other vehicle except in places or receptacles provided for that purpose;
- Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property;
- Pollute or contaminate water supplies or water used for human consumption; or
- Use a refuse container or disposal facility for any purpose other than for which it is supplied.

Clean up of the site is required within 24 hours after the event.

Personal property must not be unattended longer than 10 days or will be subject to disposal under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C 484(m)).

Motor vehicles operators on public lands must not: exceed posted speed limits, willfully endanger persons or property, or act in a reckless, careless or negligent manner.

The permittee will be monitored for compliance by the BLM.

A day prior to the start of the event, signs will be placed on both Woodrat Mtn road and Bishop Creek Rd making vehicles aware of congestion and additional traffic. The signs will be removed by the conclusion of the event.

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*.

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

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 listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

CX Extraordinary Circumstances Documentation	Yes	No
1. Have significant impacts on public health or safety.		X
Rationale: It is not anticipated that the proposed action will have any effects to public health and safety. MPH Sports has been permitted annually for this event since 2003, and there have no issues associated with public health or safety in previous years.		
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
Rationale: The proposed action is not anticipated to affect the aforementioned resources.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: 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.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: The activities proposed in this CX are not highly uncertain, potentially significant, unique, or unknown risks.		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: The activities proposed in this CX are addressed and authorized under the Medford ROD/RMP. 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

CX Extraordinary Circumstances Documentation	Yes	No
Rationale: 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
Rationale: The proposed action 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
Rationale: The location of the proposed action has been reviewed by the BLM botanist and wildlife biologist. There are no streams present on a ridge-top location of the event; therefore, there would be no effects to aquatic or fish species. 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
Rationale: The proposed activities conform to the Medford RMP's 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
Rationale: 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
Rationale: The proposed action does not significantly or adversely affect the physical integrity of any such sacred 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).		X
Rationale: 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 & RATIONALE

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. It is my decision to authorize the issuance of the special recreation permit for the Woodrat Mt. Hang-gliding/ Paragliding MPH Sports Event to the applicant. Notice of this decision will be posted on the District internet website.



Kristi Mastrofini
Acting Field Manager
Ashland Resource Area

5/27/15
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.

In addition to the applicant, in order to qualify as an appellant, 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 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:

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, the Regional Solicitor and the applicant, Rogue Riders Endurance Club, 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 §§ 4.410(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.

Or for additional information concerning this project, contact Michelle Calvert, Planning and Environmental Coordinator, at (541) 618-2252.

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
- Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
1220 S.W. 3rd Avenue
Portland, OR 97204
- Rogue Valley Hang Gliding and Paragliding Association
P.O. Box 694
Jacksonville, OR 97530