

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT

NEPA CATEGORICAL EXCLUSION REVIEW & DECISION RECORD

GRANTS PASS RESOURCE AREA
DOI-BLM-OR-M070-2011-008-CX

Proposed Project or Action Title: Southern Oregon & Crater Lake Classic Plus (BLM portion)

Location of Proposed Action: BLM portion is BLM road 34-8-36 (Galice Access Road), see attached map.

Land Use Allocation: The Medford District 1995 Resource Management Plan (RMP) land use allocations for this Proposed Action are Matrix, Riparian Reserve, Late Successional Reserve, and Designated Wild and Scenic Rogue River (recreational classification). The Medford District 2008 RMP land use allocation lists the land use allocation as Timber Management Area, Deferred Timber Management Area, Uneven Timber Management Area, Riparian Management Area, and Late Successional Management Area, Designated Wild and Scenic Rogue River (recreational classification).

Proposed Action: Bicycle Adventures is proposing to host the Southern Oregon & Crater Lake Classic Plus, an 8-day bicycle ride along the Oregon Coast Range then travel inland following portions of the Rogue River drainage and ends at Crater Lake National Park. The BLM portion is a single day non-motorized bicycle ride for 8 adults along the Galice Access Road on Tuesday, September 6, 2011. The BLM decision is whether to issue a Special Recreation Permit, which is required to hold the event.

Day 4 of the event involves 8 adults cycling on paved roads from U.S. Forest Service managed land just outside Gold Beach, Oregon, (FS Road 33) then across Galice Access Road to the Merlin-Galice County Road, and ends at Morrison's Lodge on the Merlin Galice County Road. Galice Access Road (also known as Galice Hellgate Back Country Byway) begins on FS Road 23 just outside Agnes, Oregon, and continues onto BLM Road 34-8-36. The BLM portion of the route is approximately 12 miles long and begins on Galice Access Road at T34S-R10W-Section 12 and ends at the intersection of Merlin-Galice County Road. No spectators will be a part of this event.

Objectives of the Medford District resource management plans include managing recreation sites and providing a diversity of developed and dispersed outdoor recreational opportunities that contribute to meeting recreational demand and quality visitor experiences.

The approval by BLM is contingent upon the applicant receiving authorization from U.S. Forest Service and other land owners as appropriate (such as Josephine County).

PROJECT DESIGN FEATURES

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

The roads used may have transport of logging equipment and rafts/boats during the event. The permittee is required to provide a safety vehicle in the front and back of the bicycle group making sure the group stays together and in between both safety vehicles. The safety vehicles' flashing lights and bicycle caution signs will be visible to other road users.

Bicycle Adventures will also post stationary bicycle caution signs along the travel route, in front of the riding group to notify other road users to use caution as bicycles may be on the road. These signs will be removed by the safety vehicle traveling behind the cyclists. Signs will be removed the day of the ride.

Stationary bicycle caution signs will also be placed at the following intersections to notify other road users of the event and to use caution:

- U.S. Forest Service Road #23 and BLM Galice Access Road (rd #34-8-36)
- Galice Access Road and the Merlin-Galice Road
- Spur roads (34-8-36, 35-9-1.2, FS 2402, and 35-8-2) leading into Galice Access Road

The requester will not have exclusive use of the roads involved.

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

There will be no spray painting of direction on the road surface, ground, or 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, as approved by the BLM.

Personal property must not be unattended beyond the day of the event 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, carless or negligent manner.

The permittee will be monitored for compliance by the BLM.

Pre and post evaluation of the route will be done to determine if terms and conditions of the permit were complied with (e.g. signs placed and removed, trash removed, and no spray painting).

PLAN CONFORMANCE REVIEW

The Proposed Action is consistent with the Medford District's 1995 Record of Decision (ROD) and Resource Management Plan (RMP) and 2008 ROD/RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Medford District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the Proposed Action contains some design features not mentioned specifically in the 2008 ROD and RMP. The 2008 ROD and RMP did not preclude use of these design features, and the use of these design features is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District's 1995 RMP and the 2008 ROD/RMP.

The Proposed Action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the Medford District Resource Management Plan.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 H (1) "Issuance of Special Recreation permits for day use or overnight use . . . 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 potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply (See attached checklist).

NEPA CATEGORICAL EXCLUSION REVIEW

Extraordinary circumstances (CFR § 46.215) provides for a review of the following criteria for categorical exclusion to determine if exceptions apply to the Proposed Action based on actions which may:

1. Have significant impacts on public health or safety.

() Yes (X) No

Remarks: None

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources, park, recreation, refuge, lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands (Executive Order

11990); floodplains (Executive Order 11988); ecologically significant or critical areas (including those listed on the Department's National Register of Natural Landmarks).

Yes No

Remarks: None

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

Yes No

Remarks: None

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

Yes No

Remarks: None

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

Yes No

Remarks: None

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

Yes No

Remarks: None

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either bureau or office.

Yes No

Remarks: None

8. Have significant impacts on species listed, or proposed for listed, on the List of Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes No

Remarks: None

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

Yes No

Remarks: None

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

Yes No

Remarks: None

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 No

Remarks: None

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes No

Remarks: None

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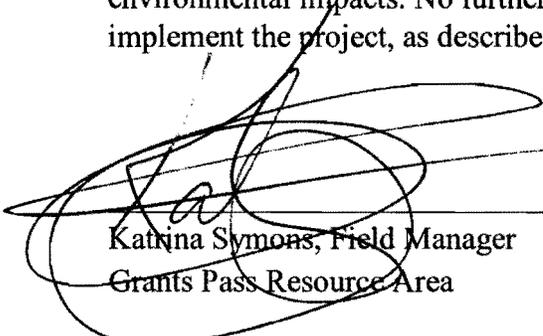
NEPA CATEGORICAL EXCLUSION DECISION

DOCUMENTATION PROPOSED ACTION

The proposed federal action is to issue a Special Recreation Permit to Bicycle Adventures for hosting the Southern Oregon & Crater Lake Classic Plus (BLM portion). The BLM portion is a single day non-motorized bicycle event on the Galice Access Road (BLM road #34-8-36) on September 6, 2011.

DECISION AND RATIONALE

I have reviewed this Plan Conformance, Categorical Exclusion Determination and attached NEPA Categorical Exclusion Review and have determined that the proposed project is in conformance with the approved land use plans and would not involve any significant environmental impacts. No further environmental analysis is required. It is my decision to implement the project, as described, with the Project Design Features identified above.



Katrina Symons, Field Manager
Grants Pass Resource Area

8/31/11
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”, unless the Director of the Office of Hearings and Appeals or an Appeals Board has determined otherwise in accordance with specified standards enumerated in 43 CFR 4.21(b).

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 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 Bicycle Adventures, 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) 471-6505.

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
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

- Bicycle Adventures
Chad Maurer
29700 SE High Point Way
Issaquah, WA 98027

Southern Oregon and
Gater Lake Classic Plus
(BLM portion)

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