

UNITED STATES OF AMERICA
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

**NEPA CATEGORICAL EXCLUSION REVIEW & DECISION RECORD
GRANTS PASS RESOURCE AREA
DOI-BLM-OR-M070-2013-007-CX**

Proposed Project or Action Title: Limestone Challenge Equestrian Endurance Ride

Location of Proposed Action: BLM portions are BLM roads #38-8-13.1, #38-8-13, #38-8-13.3, #38-8-27, #38-8-13.1, #38-8-23, #38-8-13.1, #38-8-23.4, #38-8-25, #38-8-25.4, #38-8-25.3, #38-8-25.2, #39-8-1.3, #39-8-3, #39-8-1.2, #39-7-18.3, #39-7-13, #39-7-13.3, #39-7-18.3, #39-7-18, #39-7-8, #39-7-9.6, #39-7-9.2, #39-7-9.6, #39-7-4, #39-7-4.2, #38-7-33.2, #38-7-33.3, #38-7-29.2, #38-7-29.6, #38-7-17, #38-7-17.7, #38-7-19.2, #39-7-7, as well as spur roads and trails on BLM managed land that connect these road segments, in part. The legal description is T38S-R8W-13, 18, 23, 25; T39S-R8W-1, 11-14, 23; T39S-R7W-4, 5, 6, 7, 8, 9, 18; and T38S-R7W-17, 18, 19, 20, 28, 29, 33. See attached map for more details.

Land Use Allocation: The Medford District 1995 Resource Management Plan (RMP) land use allocations for this Proposed Action are Matrix, Riparian Reserve, the Proposed Lake Selmac Trail Loop, and Illinois Valley Botanical Emphasis Area. Lake Selmac Recreation Site was leased under Recreation & Public Purposes Leases Authority; however, this lease is expired. The land immediately adjacent to Lake Selmac is Administratively Withdrawn since it is a recreation site.

Proposed Action: The Proposed Action is to grant Rogue Riders Endurance Club a Special Recreation Permit for use of BLM managed roads, spurs, and trails (described above) on June 22, 2013 for the event, and brushing work would potentially begin after June 8, 2013.

Rogue Riders Endurance Club applied for a special recreation permit to hold a one-day equestrian event (plus one week for preparation) for up to 60 participants using 20 miles of existing BLM roads, spurs, and trails. There are three routes to choose from: a 10 mile, a 30 mile, and a 50 mile route. The routes also cross private and Josephine County managed land with acquired landowner permission. There is one veterinarian check on a ridgeline portion of BLM rd #39-8-3, where weed-free hay and water would be available for horses. Portable toilets (2+) and water barrels would be located at several locations along the route and removed at the conclusion of the event.

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.

Brushing, if necessary, may be done along existing BLM roads, spurs, and trails by hand tools (including chain saws) on or after June 8, 2013. Brush work must adhere to current Oregon Department of Forestry fire regulations, regarding seasonal and hourly restrictions for cutting. BLM must be notified at least 24 hours prior to and upon completion of brush work. Along roads, vegetation up to 6 inches at diameter breast height (dbh) may be cut, up to 4 ft from the center line of the ditch up the cutbank, and up to 4 ft from the road shoulder, down the fill slope (see the attached road plat diagram). Along existing trails and spurs, vegetation up to 6 inches at diameter breast height (dbh) may be cut, at a maximum width of 10 ft (including the distance cross the trail). Small trees, brush, limbs that are cut are to be bucked up; dragged away from the roads, spurs, and trails; and scattered. The slash would be arranged in a discontinuous pattern across the forest floor to break up any potential jackpots of material to minimize the increase in fire hazard. Downed logs across roads, spurs, and trails may also be cut and dragged away from the roads, spurs, and trails. Cut vegetation and logs would not be allowed on roadways, turnouts, shoulders, cut banks, spurs, trails, in ditchlines, or where it could block culverts, but would be left on adjacent BLM land.

Participants would be restricted to existing roads, spurs, and trails in the Illinois Valley Botanical Emphasis Area.

Transporting of logging equipment from private industry usually does not occur on Saturdays; however, such use may occur.

Rogue Riders Endurance Club would post stationary horse and horse riders caution signs along the travel route, in front of the riding group to notify other road users to use caution as horses and horse riders may be on the road. These signs would be removed no later than dusk on June 22, 2013.

Caution signs would be placed on the following roads to notify other road users of the event and to use caution (see attached Map 2 for specific locations):

- two signs on McMullin Creek Road (entry on and exit from)
- four signs on Reeves Creek Road
- two signs on BLM Road #39-8-3

The requester would not have exclusive use of the roads, spurs, and trails involved.

Trails would be marked with clothes pins, ribbons, and flour no sooner than three days prior to the event and clean up would be completed within 24 hours after the end of the event.

The permittee would be responsible for all medical, safety, clean up, route marking, and personal needs of its riders and horses. Solid bio-waste generated by horses will be cleaned up at all event check points on BLM land.

There would be no spray painting of direction on the road, spur, or trail 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 unattended beyond dusk on June 22, 2013 would be subject to disposal under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C 484(m)).

Hay would be required to be pelletized or certified weed-free on all BLM managed lands (Federal Register, Volume 75, No. 159, August 18, 2010), see the attached Weed Hay Free flyer.

Horses would be brushed down and their hooves cleaned before the event.

Toilets, horse watering areas, and veterinarian check locations would be located more than 150 ft from waters of the United States (perennial and intermittent streams, wet areas, or wetlands).

The permittee would be monitored for compliance by the BLM.

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

PLAN CONFORMANCE REVIEW

- *Final EIS and Record of Decision for the Medford District Resource Management Plan (RMP) (June 1995).*
- *Final Supplemental EIS on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (February 1994).*
- *Medford District Noxious Weed Environmental Assessment (April 1998).*
- *Final Supplemental Environmental Impact Statement, Management of Port-Orford Cedar in Southwest Oregon (December 2003)*
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2000), and the ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001)*

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The Proposed Action qualifies as a categorical exclusion under Department of Interior Manual 516 DM 11.9 H (1) which allows for “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 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: The proposed equestrian endurance ride meets the approved uses for the Proposed Lake Selmac Loop (1995 RMP). The Illinois Valley Botanical Emphasis Area is listed under the Special Area Category of the 1995 Medford District Resource Management Plan due to the preponderance of special status plants. The Project Design Features would reduce the spread of weeds from animals entering the area and restrict activities in the botanical emphasis area to existing roads, spurs, and trails and; therefore, the values for which the emphasis area was designated would not be degraded from event activities.

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: The activities above were permitted by the Rogue Riders Endurance Club in 2010 with no significant environmental effects, or 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.
 Yes No
Remarks: None
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
 Yes No
Remarks: There are no direct relationships to other actions, hence there are no cumulative significant environmental effects.
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: The route is in the range of *Lomatium cookii*, but there are no known sites along or near the route. The route is not within critical habitat for *Lomatium cookii*; therefore, the proposal would have no effect on endangered plants or their designated critical habitat.
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: Participants would be confined to the existing trails, spurs, and roads; therefore, no new ground disturbance would occur to facilitate the establishment or spread of weeds. Participants would also be following Project Design Features to reduce the spread of weeds from animals entering the area (see attachment).

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NEPA CATEGORICAL EXCLUSION DECISION

DOCUMENTATION PROPOSED ACTION

The proposed federal action is to issue a Special Recreation Permit to Rogue Riders Endurance Club for hosting the Limestone Challenge Equestrian Endurance Run (BLM portion). The BLM portion is a single day event on BLM roads #38-8-13.1, #38-8-13, #38-8-13.3, #38-8-27, #38-8-13.1, #38-8-23, #38-8-13.1, #38-8-23.4, #38-8-25, #38-8-25.4, #38-8-25.3, #38-8-25.2, #39-8-1.3, #39-8-3, #39-8-1.2, #39-7-18.3, #39-7-13, #39-7-13.3, #39-7-18.3, #39-7-18, #39-7-8, #39-7-9.6, #39-7-9.2, #39-7-9.6, #39-7-4, #39-7-4.2, #38-7-33.2, #38-7-33.3, #38-7-29.2, #38-7-29.6, #38-7-17, #38-7-17.7, #38-7-19.2, #39-7-7, as well as spur roads and trails on BLM managed land that connect these road segments, in part. See attached map.

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 previously identified.



Allen Bollschweiler, Field Manager
Grants Pass Resource Area



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, 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) 471-6505.

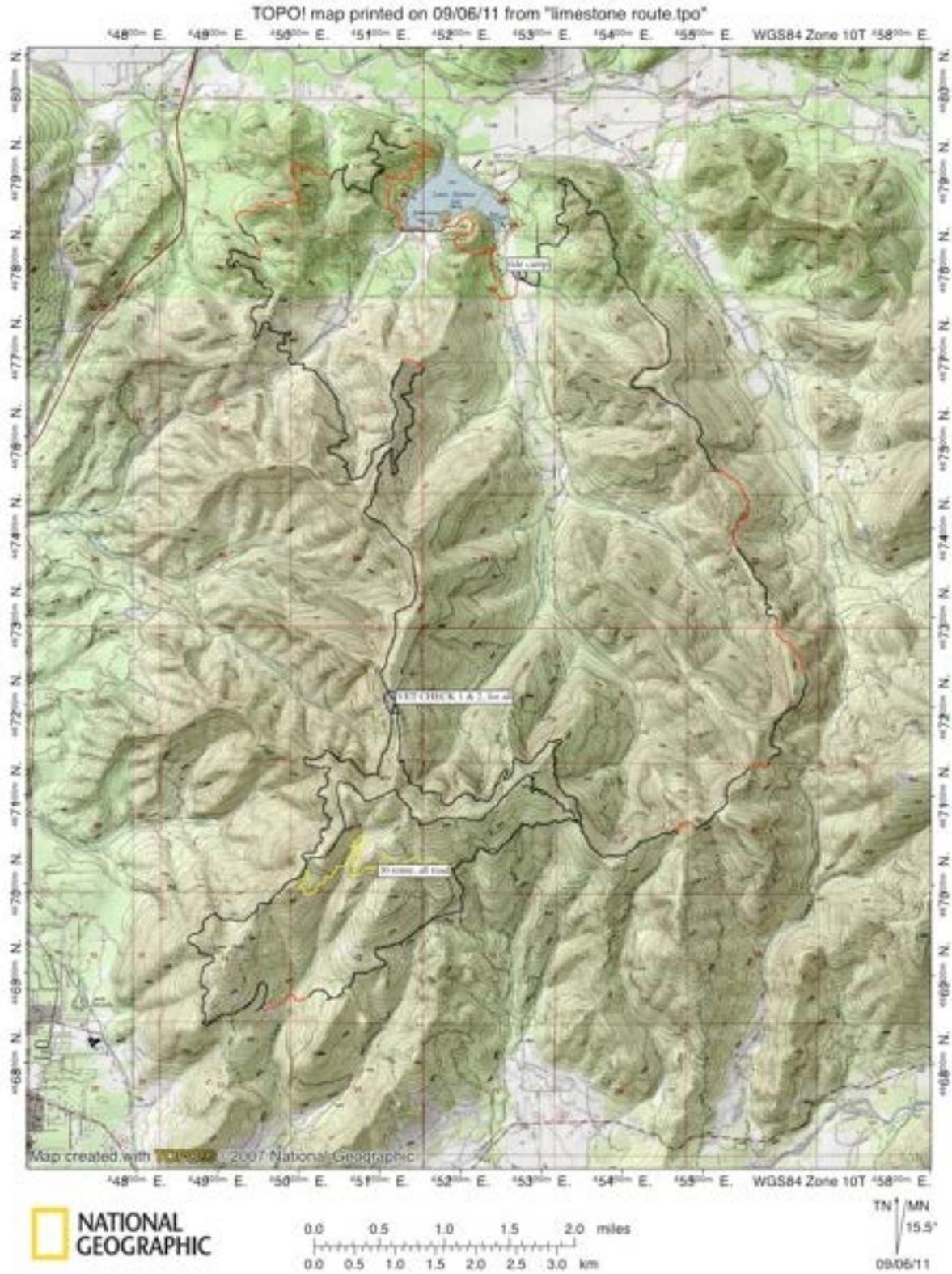
Additional contact addresses include:

- 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
- Rogue Riders Endurance Club
Terry Canavello
7865 North Applegate Road
Grants Pass, OR 97527

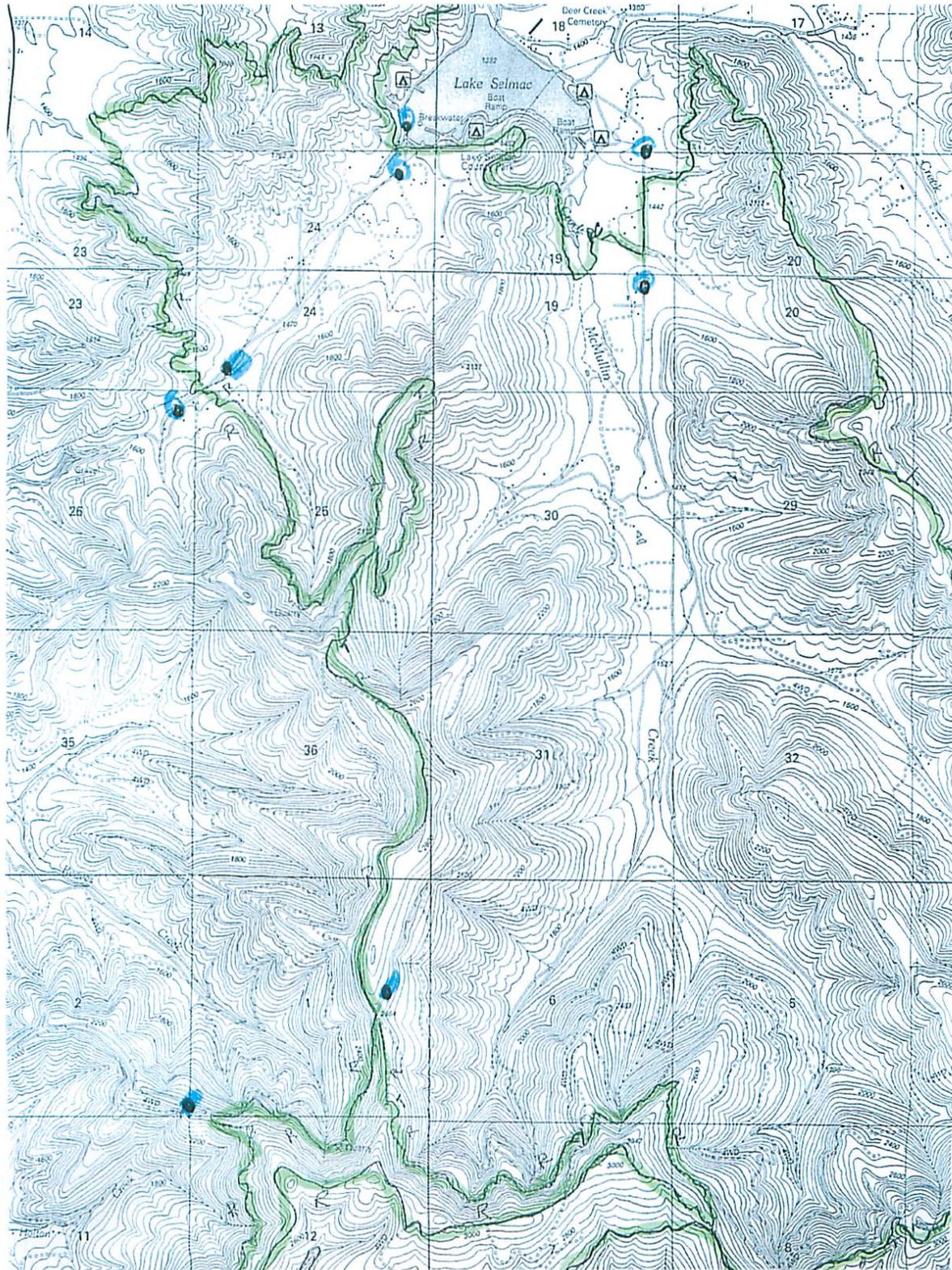
Attachments:

- Map 1: Event Route
- Map 2: Caution Sign Locations
- Brushing Diagram
- Weed Free Hay flyer
- POC Risk Key Analysis

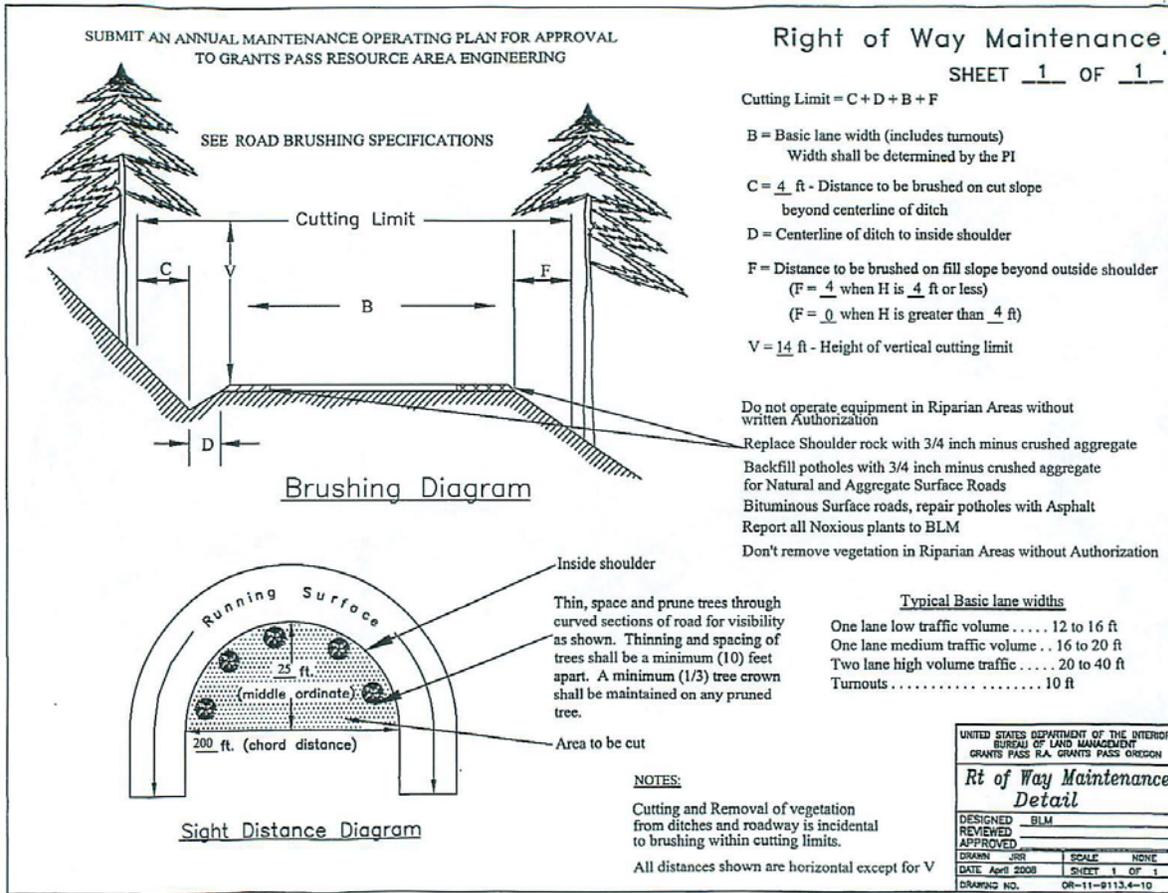
Map 1: Event Route



Map 2: Caution Sign Locations



Brushing Diagram



Stop the Spread!

The use of pelletized or certified weed-free hay is now required on all BLM lands in Oregon and Washington.

Effective August 18, 2010 anyone possessing, using, or storing hay, hay-cubes, straw, and mulch must have proof of weed-free certification or be subject to fine.

Federal Register, Volume 75, Number 159, August 18, 2010

Your Public Lands are at Risk!

Did you know that more than 1.2 million acres of BLM public lands in Oregon and Washington are infested with noxious weeds and invasive plants? These plants displace native vegetation, destroy wildlife forage and habitat, and decrease soil productivity.

Do your part to help prevent the spread of noxious weeds and invasive plants. Following these simple steps each time you visit BLM public lands helps protect our trails, recreation sites, and treasured landscapes.

- FEED:** Use only pelletized or certified weed-free hay and livestock feed *as required* on all BLM lands.
- VEHICLES:** Thoroughly wash trucks and trailers to remove all noxious weed and invasive plant debris.
- LIVESTOCK:** Brush down your animals and clean their hooves before going into the wildland and backcountry.

For more information, please visit your local BLM Office or on-line at www.blm.gov/or/weedfreehay



Federal Register, Volume 75, Number 159, August 18, 2010: Possession, use, or storage of any hay, straw, or mulch that has not be certified as free of prohibited noxious weed vegetative parts and/or seeds at any time of the year is a prohibited act on all BLM lands in Oregon and Washington.

All hay, hay cubes, straw, and mulch possessed, used, or stored on BLM lands must have proof of weed-free certification. Certification must meet or exceed the state of North American Weed Management Association (NAWMA) Weed-Free Forage certification standards. Hay, straw, or mulch packaged as bales, containers, or sacks must be marked using official tags, twine, or other identification as required by the state of origin, or a person possessing, using or storing such hay, straw, or mulch must have the original and current documents that certify the hay, straw, or mulch meets or exceeds that state or NAWMA certification standard. This rule does not apply to possession or storage of commercially processed feed pellets.

Anyone using hay, straw, or mulch on BLM lands in Oregon and Washington will be required to show proof of certification or be subject to fine. Those persons to whom this requirement for proof of certification applies, but are not limited to, the following: permittees, special recreation permit holders, construction and rehabilitation services personnel, maintenance operations personnel, and members of the public.

Port Orford Cedar Risk Key Analysis for the Limestone Challenge Equestrian Ride

Risk Key is from Alternative 2 of the FSEIS for Management of Port Orford Cedar in Southwest Oregon 1/2004

QUESTION		*Other project activities by Section (prescribed fire, fuels reduction, young stand maintenance, etc.)
1a.	Are there uninfected POC within, near ¹ , or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?	No
1b.	Are there uninfected POC within, near ¹ , or downstream of the activity area that, were they to become infected, would likely spread infections to trees whose ecological, Tribal, or product use or function measurable contributes to meeting land and resource management plan objectives?	No
1c.	Is the activity area within an uninfested 7 th field watershed ² as defined in Alternative 6	No
		<i>If the answer to all three questions, 1a, 1b, and 1c, is no, then risk is low and no POC management practices would be required.</i>
	<i>If the answer to any of the three questions is yes, continue.</i>	
2.	Will the proposed project introduce appreciable additional risk ³ of infection to these uninfected POC?	No
	<i>If yes, apply management practices from the list below [within FSEIS] to reduce the risk to the point it is no longer appreciable, or meet the disease control objectives by other means, such as redesigning the project so that uninfected POC are no longer near or downstream of the activity area. If the risk cannot be reduced to the point it is no longer appreciable through practicable and cost-effective treatments or design changes, the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project.</i>	n/a

1 - In questions 1a and 1b, "near" generally means within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routes; farther for drainage features; 100 to 200 feet in streams.

2 - Uninfested 7th field watersheds are listed on Table A12-2 [of FSEIS] as those with at least 100 acres of POC stands, are at least 50% federal ownership, and are free of PL except within the lowermost 2 acres of the drainage.

3 - Appreciable additional risk does not mean "any risk." It means that a reasonable person would recognize risk, additional to existing uncontrollable risk, to believe mitigation is warranted and would make a cost-effective or important difference (see Risk Key Definitions and Examples for further discussion.)