DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Woodrat Mt. Hang-gliding RVHPA Event **(DOI-BLM-OR-M060-2010-030-CX)**

BLM Office: Ashland R.A., Medford District.

Contact: Dennis Byrd, Outdoor Recreation Planner **Phone #** (541) 618-2369

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The Rogue Valley Hangliding and Paragliders Association (RVHPA) have submitted a Special Recreation Permit application to hold an annual non-competitive fly-in and social event. The RVHPA expects 80-120 participants for this event. The purpose of this action is to issue a Special Recreation Use Permit for a non-competitive fly-in-social event at Woodrat Mountain renewable for up to 4 years. RVHPA has been holding this BLM permitted event annually for over 10 years and has complied with all permit stipulations set forth by the BLM.

The Woodrat Mountain site is recognized as a recreation site in the 1995 Medford District RMP. This site has served as the primary takeoff site for hangliders and paragliders in the Applegate Valley for over 30 years. Long-term permission has been established by the RVHPA to use on offsite landing zone. In the event brochure created by the RVHPA, 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 RVHPA 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 the ***Code of Federal Regulations Public Lands: Interior 43 Part § 2932.11*** Permits Required. Special Recreation Permits are required for commercial or competitive use involving more than one mile of public lands or shoreline.

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.*

On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey

and Manage Record of Decision. This is because this meets the provisions of the last valid Record of Decision, specifically 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* (not including subsequent Annual Species Reviews).

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:

Yes	No	Categorical Exclusion Exception
( )	(X)	1. Have significant adverse effects on public health or safety.
( )	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; 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)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
( )	(X)	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
( )	(X)	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
( )	(X)	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. *(40 CFR 1508.7 and 1508.25(a)).*
( )	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
( )	(X)	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)	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
( )	(X)	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
( )	(X)	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).
( )	(X)	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).

SUMMARY OF FINDINGS

In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 516 DM 11.9 H (1) which allows for the "issuance of special recreation permits."

DOCUMENT PREPARATION AND REVIEW

Dennis Byrd	Outdoor Recreation Planner	May 25, 2010
Prepared by	Title	Date
Stephanie Larson	Assistant Environmental Coordinator	May 25, 2010
Reviewed/Edited by	Title	Date

DECISION

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 RVHPA Event.

John Gerritsma
Field Manager; Ashland Resource Area

5/25/10
Date

ADMINISTRATIVE REMEDIES

Notice of this decision will be posted on the Medford District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.