

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

NEPA CATEGORICAL EXCLUSION REVIEW & DECISION RECORD

GRANTS PASS RESOURCE AREA
DOI-BLM-OR-M070-2012-010-CX

Proposed Project or Action Title: Swiftwater Safety Institute Rescue Course

Location of Proposed Action: Recreation Section of the Rogue Wild and Scenic River, 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: Swiftwater Safety Institute (SSI) is proposing to host two 3-day *Swiftwater Rescue Technician for the River Professional (SRT)* courses on April 27-29, 2012 and April 30-May 2, 2012. The courses are fully-certified swiftwater rescue classes in which participants learn and practice skills to make recreational river travel safer and learn techniques for safe, simple, and effective rescues. No more than 15 people, including participants, trainers, and support staff are expected for each course, which runs from 8:00 to 5:30 each day. This is not a spectator event but the public would be welcome to watch the class from a safe distance of at least 30 feet from the river's edge and from any rope systems. The course would not involve any component of downstream travel in watercraft and all training would take place either on the shore or in the river, either wading, sitting, standing, or swimming.

SSI recognizes that downstream travel by commercial as well as private river parties takes priority. Their number one objective is to run a safe and informational course while giving all other river parties right-of-way for downstream travel. On the occasion that a rope is in the water, or suspended above the water for training drills, an upstream spotter would be on site as supplied by SSI. The upstream spotter would be physically located anywhere from 50-200ft up river from the course site. The upstream spotter would have a vantage point from which to view both oncoming downstream river traffic as well as the course participants at the course site. Upon recognition of downstream travelers, the upstream spotter would communicate both with the river party and the course participants via river signals, whistle blast as well as verbal commands. Some drills would require ropes in the river. All of the rope systems utilized would be easily and quickly removable and the downstream travelers would simply be alerted to a course taking place right around the corner.

The upstream spotter would also alert boaters, provide them with a plan, and give them sufficient time to either avoid the course site or have SSI drop the suspended rope into the water so that boats may pass. SSI would have trained staff devoted to risk management until all ropes are removed from the water.

SSI has previously been granted special use permits by the BLM, USFS, and NPS for operating courses on many different rivers across the western United States. Other rivers include the Colorado (AZ), Little Salmon (ID), Snake (WY), Ogden (UT), Clearwater (ID), Payette (ID), and Potlatch (ID).

The SRT courses would be held at designated BLM recreation sites or existing access points and trails in open areas of dry land, along the bank, and in the river of the Hellgate Recreation Area of the Rogue National Wild and Scenic River. This includes the Applegate Reach (which begins at the mouth of the Applegate River and ends at Hog Creek) and the Dunn Reach (which begins at Hog Creek and ends at Grave Creek). It would not involve downstream travel in water craft nor would it encumber other groups seeking to float the river. A small portion of these courses would take place on Grave Creek, within the first ¼ mile from the center line of Rogue River.

Training sites would be determined immediately prior to the start of the course. Sites would be selected based on accessibility and current water levels as well as to keep trainers and participants out of the way of float parties and so that routes of safe passage around the course site would be maintained.

The BLM decision is whether to issue a Special Recreation Permit, which is required to hold the SRT Courses.

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 other land owners as appropriate (such as Josephine County).

PROJECT DESIGN FEATURES

Training sites would be selected in coordination with the BLM Commercial Permit Administrator immediately prior to the start of the course and would be dependent on access and current water levels. Training sites need to be large enough to accommodate the entire group without damage to vegetation or wildlife. Every effort would be made to select areas with durable surfaces.

The Authorized Officer reserves the right to postpone or cancel the training if environmental conditions develop in which the event would subject the land to substantial resource damage or the public to unacceptable risk—factors such as heavy rains, flooding, early thawing, etc.

Ropes would not go all the way across the river; however one side of an island could be utilized. In such a case, the upstream spotter would alert the oncoming river travelers which passage to take.

Slings of nylon 1" tubular webbing would be wrapped around any large trees and boulders that are used as anchor points. All rope systems would be based off of static anchor points and quick to remove.

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 requester would not have exclusive use of the sites involved. The entire group would remain together at all times. Training would not interfere with boat launches, scouting, portage routes, channel navigation, or popular stopping places.

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. Parking would be limited to existing roads, pull offs, gravel bars, and parking lots.

The permittee would be monitored for compliance by the BLM. Pre and post evaluation of the involved sites would be done to determine if permittee complied with the terms and conditions of the permit.

SRI would have a certified Wilderness First Responder present at all times and would carry all appropriate rescue and first aid equipment. The permittee would be responsible for all medical, safety, clean up, and personal needs of its participants.

On public lands for this course, 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 the day of the training would be subject to disposal under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C 484(m)).

Permittee shall protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When facilities for the event are dismantled, the area should be left in a natural state.

Permittee will notify BLM of any accidents occurring on the public lands, which result in loss of life immediately. Accidents that result in: loss of consciousness, disabling individuals in excess of 24 hours, requiring medical treatment, or property damage in excess of \$100 will submit a detailed written report to BLM within 10 days from the date of the accident.

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 (X) 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**

The proposed federal action is to issue a Special Recreation Permit to Swiftwater Safety Institute for hosting the *Swiftwater Rescue Technician for the River Professional*. The two 3-day courses would be held on the Recreation Section of the Rogue Wild and Scenic River on April 27-29, 2012, and April 30-May 2, 2012.

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.



Karen Schank, Acting 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 Swiftwater Safety Institute, 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

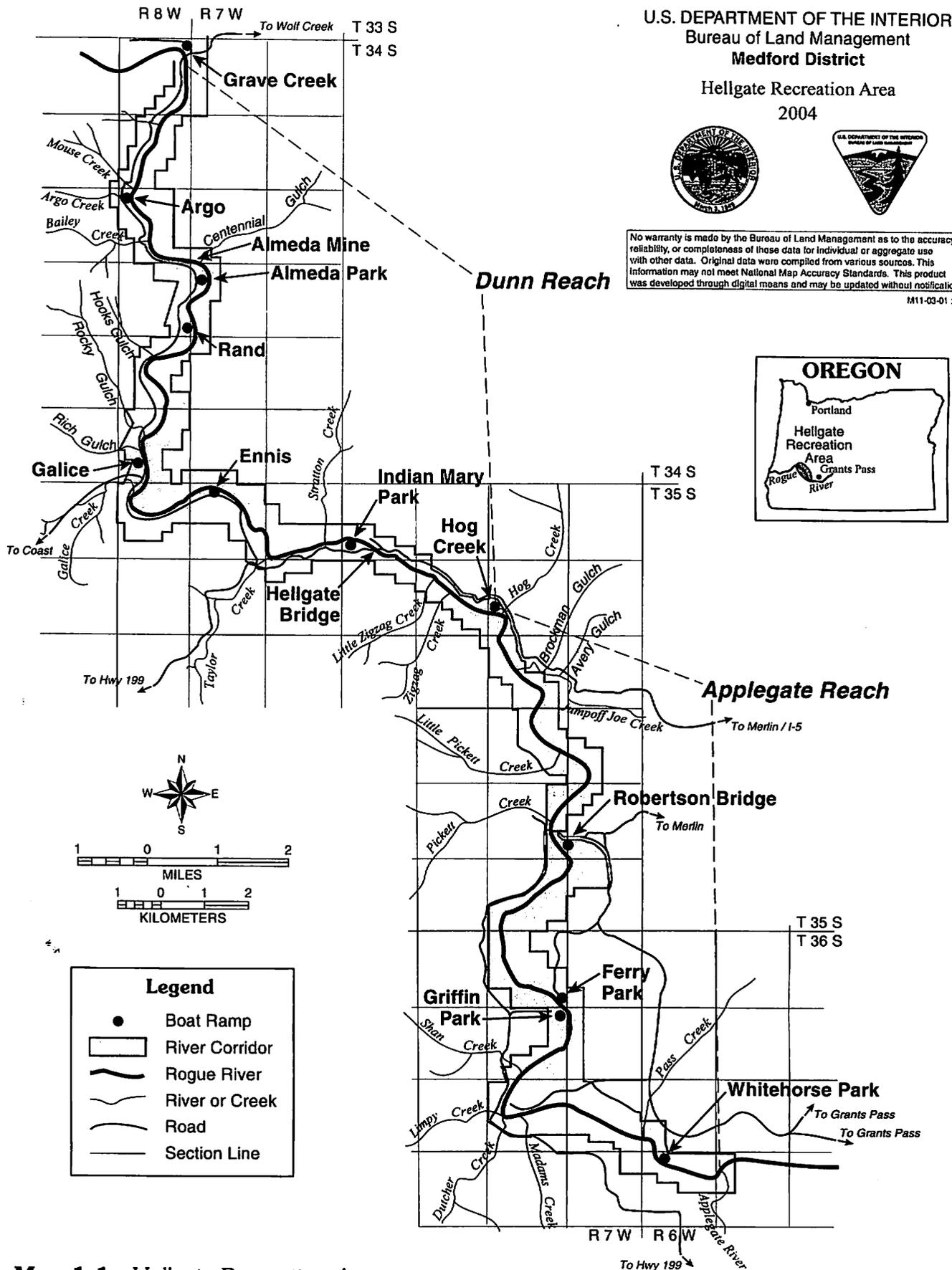
- Swiftwater Safety Institute
Daniel Thurber
P.O. Box 9792
Jackson, WY 83002

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 Bureau of Land Management
 Medford District
 Hellgate Recreation Area
 2004



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M11-03-01 : JR



Map 1-1: Hellgate Recreation Area
 Rogue River: Applegate River to Grave Creek