

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 2013-008-CX

Proposed Project or Action Title: Glendale to Powers Tour de Fronds

Location of Proposed Action: Glendale to Powers Bicycle route (T32S, R9W & 8W)

Land Use Allocation: Matrix, Riparian Reserve

Proposed Action: The Powers Lions Club is proposing to host the Glendale to Powers Tour de Fronds, a one day bicycle ride for approximately 100 riders that traverses approximately 75 miles between Glendale and Powers, Oregon on June 15, 2013. The proposed ride includes multiple access points onto BLM land via various secondary, paved roads. Riders begin at either end and can choose from one of seven rides. At 6:30 a.m. optional bus shuttles for riders and bicycles are available from both Glendale and Powers to take riders to the opposite end so they can ride their bikes the 75 miles back.

There are two roadside rest stops along the route on Medford BLM lands at Arrasta Saddle and West Fork Cow Creek. The West Fork Road (32-8-1.1) stop site was once the town of West Fork, but has since been used as a gravel stockpile area, log landing, and heavy equipment staging area. Food and beverages will be provided at each rest stop. Skull Creek Campground will serve as a restroom stop only.

The Lion's Club will sweep the route during the event. Ham radio operators will be stationed along the course in the event of an emergency and Glendale EMS/Ambulance and Fire Department will be on standby throughout the day.

The joint permit (061028 POW 30 OR/Coos) will be issued by the Powers Ranger District, Siskiyou National Forest, through a memorandum of understanding between the Bureau of Land Management and the United States Forest Service (FS Agreement No. 2013-MU-11061000-009 / BLM Agreement No. BLM-MOU-ORM000-2013-04 1786/2930).

One of the objectives stated in the Medford District Record of Decision and Resource Management Plan is to "Pursue recreation opportunities that will benefit local community economic strategies consistent with BLM land use objectives" (RMP, p.63).

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 requester will not have exclusive use of the roads involved. The permittee is required to post signs on the road as travelers enter BLM / FS administered land warning vehicle traffic that bicycles will be on the road. There will be no spray painting of direction arrows on BLM roadways, signs, guard rails, or vegetation.

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

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, carless or negligent manner.

The permittee will be monitored for compliance by the BLM.

PLAN CONFORMANCE REVIEW

The Proposed Action is in conformance with the following plans:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994)
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *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)
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The Proposed Action is categorically excluded from further documentation under the National 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: The Project Design Features adequately address public health and safety for this event.

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: The BLM has approved similar activities in the recent past which have not resulted in significant effects or unknown environmental risks.

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: The Proposed Action is limited to existing roads.

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GRANTS PASS RESOURCE AREA

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NEPA CATEGORICAL EXCLUSION DECISION DOCUMENTATION

PROPOSED ACTION

The proposed federal action is to issue a Special Recreation Permit Right to the Powers Lions Club for hosting the Glendale to Powers Tour de Fronds, a one day bicycle ride for that traverses approximately 75 miles between Glendale and Powers, Oregon on June 15, 2013.

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 mitigating measures identified below.



Allen Bollschweiler, Field Manager
Grants Pass Resource Area

6/13/13

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.

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: The Proposed Action is limited to existing roads.

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.

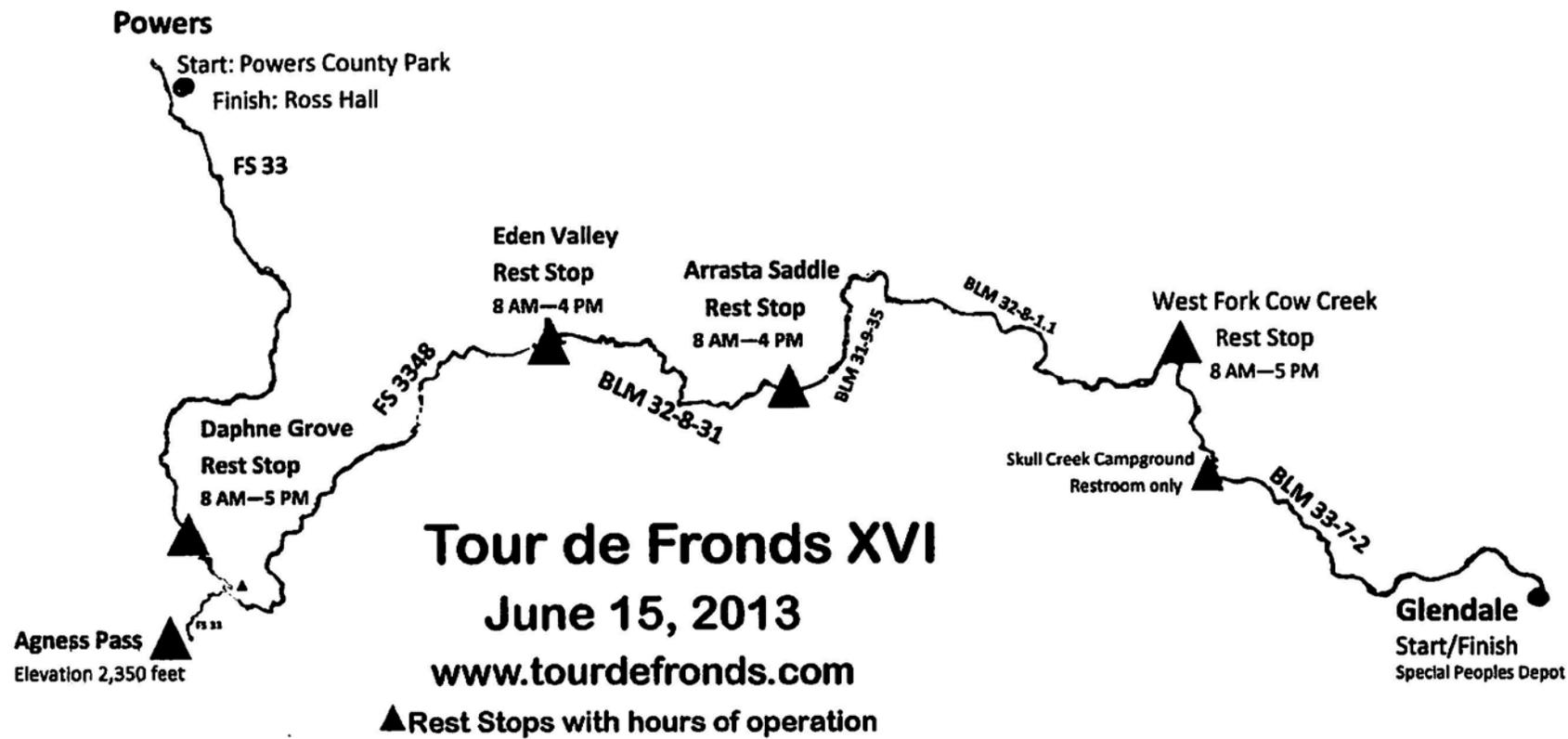
Or for additional information concerning this project, contact Leah Schofield, Planning and Environmental Coordinator, at (541) 471-6504.

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
- Powers Lions Club
Donna Holland, event organizer/contact
Jake Caughell, President
PO Box 567
Powers, OR 97466

Attachments:

- Event Route Map
- POC Risk Key Analysis



Port Orford Cedar Risk Key Analysis for Tour de Fronds 2013

(Risk Key is from Alternative 2 of the FSEIS for Management of Port Orford Cedar in

QUESTION		Bicycle Ride (all paved surface roads)						
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?	N	N	N	N			
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 measurably contributes to meeting land and resource management plan objectives?	N	N	N	N			
1c.	Is the activity area within an uninfested 7 th field watershed ² as defined in Alternative 6	N	N	N	N			
		<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?							
		<i>If no, then risk is low and no POC management practices are required.</i>						
		**Management Practices by Road/Road System						
<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>		33-7-2 rd	32-8-1.1 rd	31-9-35 rd	32-8-31 rd			
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.)								
*Activities within these sections should incorporate management activities regardless of POC occurrence within the individual stand due to access routes containing POC								
**Management practices: 1) project scheduling, 2) utilize uninfested water, 3) unit scheduling, 4) access, 5) public information, 6) fuels								