

**UNITED STATES OF AMERICA  
DEPARTMENT OF INTERIEOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE**

**CATEGORICAL EXCLUSION AND DECISION RECORD**

Gayle Wilson Land Use Permit, OR 66359  
**DOI-BLM-OR-M070-2010-0028-CX**

**A. Description of the Proposed Action**

Gayle Wilson has applied to obtain video footage of Noah's Wilderness Adventure rafts and kayaks in the wild sections of the Rogue National Wild and Scenic River. The Proposed Action is to issue a Land Use Permit (Form 2920-1) authorizing Gayle Wilson to film from a raft and occasionally from shoreline along the Rogue National Wild and Scenic River on BLM administered land from the Grave Creek boat ramp to Paradise Lodge. The applicant also plans to film along the Forest Service portion of the river and has applied for a permit from them. The applicant's proposed dates of use on the BLM portion of the river are July 30, 2010 and July 31, 2010.

Gayle Wilson will film a local rafting guide company that specializes in rafting trips on the Rogue River. Equipment will include camera equipment and other equipment normally used by river guides during the course of running their operation. No sets will be constructed.

Gayle Wilson will raft with a commercial outfitter/guide that has a current Special Recreation Permit and reserved dates. The outfitter may trade dates with another outfitter, but cannot guide the trip on non-reserved dates.

Any equipment brought in from other areas must be cleaned and free of aquatic invasive species such as, but not exclusive to, aquatic and terrestrial weeds, quaga mussels, and mud snails.

**B. Location/Land Use Allocation**

The project is within the wild section of the Rogue National Wild and Scenic River corridor on BLM administered land located in T. 33 S R. 8 W Sec. 32, 33, 34; T. 33 S R. 9 W Sec.16, 17, 18, 21, 22, 23, 26, 35; T. 33 S R. 10 W Sec. 9, 10, 11, 13; T. 34 S R. 8 W Sec. 1, 2, 6; T. 34 S R. 9 W Sec. 1.

**C. Need and Rationale for the Proposed Action**

The BLM needs to respond to Gayle Wilson's application for a land use permit in a manner consistent with the Federal Land Policy and Management Act of 1976 (FLPMA). Film permits are issued under the authority of Section 302b of the FLPMA, 1976 and in regulations in 43 CFR 2920.

The purpose of the proposed action as noted by the applicant is to obtain video footage showing enjoyment of the Wild and Scenic Rogue River for the purpose of promoting Noah's Wilderness Adventures.

#### **D. Plan Conformance**

This proposed action is consistent with policy directed by the following:

- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan* of 1972 (Federal Register Vol. 37, No. 131, 13408-13416);
- *Rogue National Wild and Scenic River: Hellgate Recreation Area Management Plan* (RAMP) FEIS (2003), and Plan and ROD (2004);
- *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 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)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *Medford District Integrated Weed Management Plan Environmental Assessment (1998)* and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

The proposed action is 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.

#### **E. Categorical Exclusion Determination**

This proposed action qualifies as a categorical exclusion as provided in the United States Department of the Interior Code of Federal Regulations (CFR) (43CFR 46). Subsection 46.210 (j) states “Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public”.

#### **Extraordinary Circumstances Review**

Title 43, Section 46.205(c) of the Code of Federal Regulations (CFR) requires the review of this action to determine if any of the following “extraordinary circumstances” (found at 43 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then an otherwise categorically excluded action would require additional analysis and environmental documentation.

1. *Have significant impacts on public health or safety.*

Yes No

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.*

Yes No

Remarks: Although the activity will occur within the Wild Section of the Rogue National Wild and Scenic River Corridor, the activity will be essentially the same as other rafting activities that occur daily on the river.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

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

Yes No

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

Yes No

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

Yes No

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

Yes No

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.*

Yes No

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

Yes No

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

Yes No

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

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).*

Yes No

**Reviewers:**

Laura Harrison 6/30/10  
Silviculture, Vegetation  
Dynamics, & Port-Orford Cedar  
Date

Robin G. Sica 7/1/10  
Wildlife  
Date

A. J. 6/30/10  
Botany  
Date

Dave Manner 6/29/10  
Soils/Hydrology  
Date

Xina Brennan 6/30/10  
Cultural Resources  
Date

D. J. Buff 6/29/10  
Visual Resources / Recreation  
Date

Jon Rayson 6/30/10  
Fisheries  
Date

Cody Webster 6/29/10  
Engineering  
Date

J. La 6/30/10  
Fire and Fuels  
Date

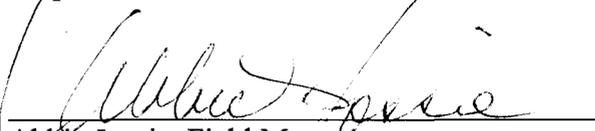
Joe Hoppe June 17, 2010  
Prepared by Date

Dulcey Schuster 7/6/10  
NEPA Reviewed by Date

## Decision

The proposed action has been reviewed by the Grants Pass Resource Area staff. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the proposed action involves no significant impact to the environment and no further environmental analysis is required.

It is my decision to authorize the land use permit for Gayle Wilson as described in the Proposed Action.

  
Abbie Jossie, Field Manager  
Grants Pass Resource Area

7-6-2010  
Date

### **ADMINISTRATIVE REMEDIES:**

Administrative review of land use 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/proponent for the land use permit action, 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 decision on a land use permit application. All BLM decisions under 43 CFR Part 2800 remain in effect pending an appeal (See 43 CFR § 2801.10) unless the Secretary rules otherwise. Land use permit decisions that remain in effect pending an appeal are considered as “in full force and effective immediately” upon issuance of a decision. **Thus, this decision is now in effect.**

### **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 following address will be accepted; faxed or e-mailed appeals will not be considered.

*BUREAU OF LAND MANAGEMENT  
GRANTS PASS INTERAGENCY OFFICE  
2164 NE Spalding  
Grants Pass, OR 97526*

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 Right of Way applicant(s) George and Teresa Jones, 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.

## **CONTACT INFORMATION**

For additional information contact:

Abbie Jossie, Field Manager, Grants Pass Resource Area  
Grants Pass Interagency Office  
Bureau of Land Management  
2164 NE Spalding  
Grants Pass, OR 97526  
(541) 471-6652

Or For additional information concerning this project, contact Jeanne Klein, Supervisory Outdoor Recreation Planner, at (541) 471-6614.

Additional contact addresses include:

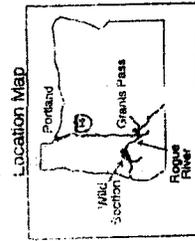
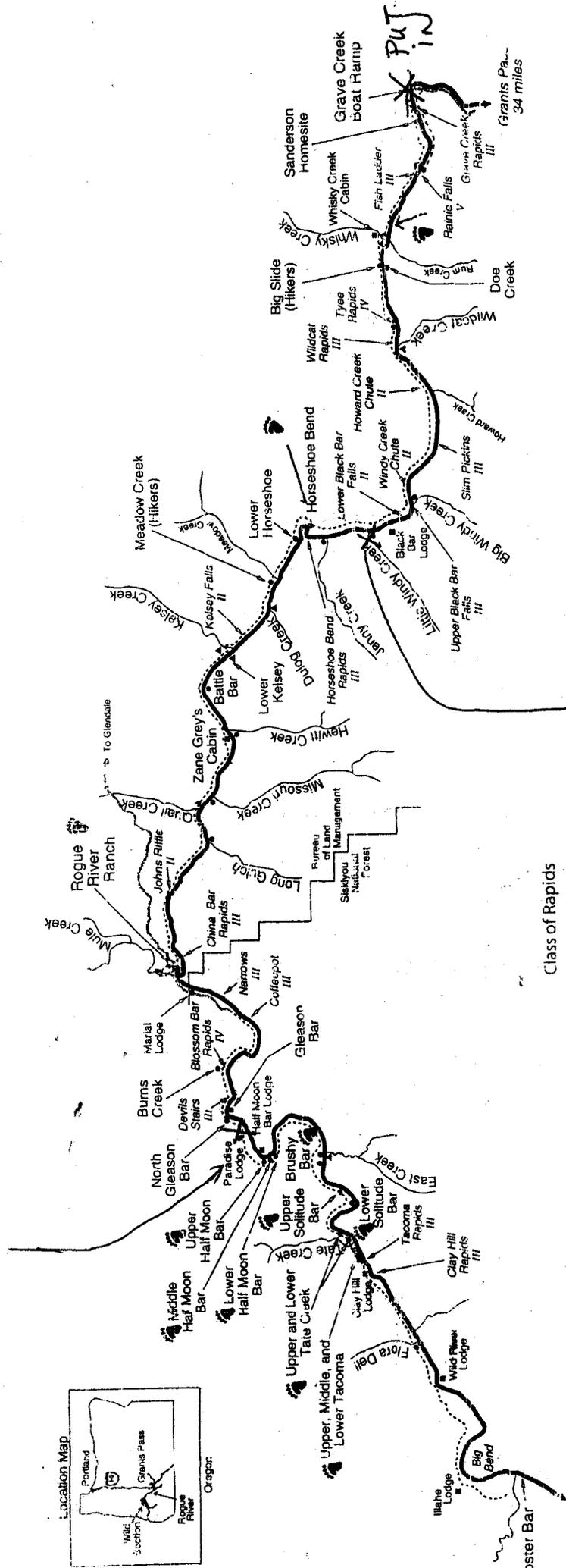
- U.S. Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy Street, MS 300-QC  
Arlington, Virginia 22203
- Regional Solicitor  
Pacific Northwest Region  
U.S. Department of the Interior  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232
- Gayle Wilson  
479 Carol Street  
Ashland, OR 97520

Attachment:  
Exhibit A-Map

# ROGUE RIVER, OR

## GRAVE CREEK TO PARADISE LODGE

JULY 30 + JULY 31, 2010



CAMP ON JULY 30, 2010

### Class of Rapids

- I Moving water with few obstructions
  - suitable for beginners
- II Small waves and turbulence
  - some obstacles and maneuvering
  - intermediate skill level necessary
- III Medium size waves, strong hydraulics
  - considerable maneuvering and scouting required
  - experience necessary
- IV High volume of waves, powerful turbulence and hydraulics
  - requires advanced scouting and screening for set
  - considerable skill level
- V Extreme turbulence, very large waves, an extreme and significant obstacle, rescue difficult
  - requires expert skills
- VI Very dangerous, in part or possibly attempting at this level is life threatening
  - experts do not attempt

