

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

NEPA CATEGORICAL EXCLUSION REVIEW

A. Background:

BLM Office: Roseburg District
777 NW Garden Valley Blvd
Roseburg, Oregon 97471
Phone: 541-440-4930

CX#: DOI-BLM-OR-000-2014-0002-CX

Proposed Action Title: Field N' Marsh Outfitter/Guide

Location of Proposed Action: Guided hunts to be conducted within the Roseburg and Medford BLM Districts. Guided hunts will **not** be allowed within the North Bank Habitat Management Area on the Roseburg District and the Cascade-Siskiyou National Monument on the Medford District.

B. Description of Proposed Action: The Roseburg District, Bureau of Land Management (BLM) has received an application for a Special Recreation Permit from Field N' Marsh Outfitters and Kennels to conduct guided hunting trips on the Roseburg and Medford Districts for a period of five years (July 1, 2014 – June 30, 2019).

Field N' Marsh Outfitters and Kennels is owned by Jeffrey Miller of Mt. Hood, Oregon, and has been permitted to operate on lands in the Roseburg and Medford Districts since 2006, initially with a one-year permit (SRP-01-RDO-06 and CE# OR100-06-08), then a two-year permit (SRP-01-RDO-07). Usage during this time was estimated to be 80 percent on the Roseburg District and 20 percent on the Medford District. Criteria set forth during these permit periods were met by Field N' Marsh with the understanding a five-year permit would be issued beginning in 2009.

Field N' Marsh outfitters will primarily be conducting rifle hunts for turkey, black bear, Columbia Whitetail deer and Columbia Blacktail deer, and bow hunts for Roosevelt Elk. Some upland game bird hunting for mountain and valley quail and blue and ruffed grouse could also occur. Hunting will occur during legal bow and rifle seasons as set forth by the Oregon Department of Fish and Wildlife. Some elk and bear hunts may be conducted, but primarily on private lands and especially where bears are a resource or nuisance issue. Field N' Marsh estimates that there will be approximately 10 - 15 hunters per year with most of the use coming on private lands where they have agreements with private landowners already in place.

Some general guidelines and conditions have been set forth by the BLM to be followed by Field N' Marsh outfitters. These include: giving a minimum 48 hour notification to the Roseburg District of any planned hunting trips; practicing Leave-No-Trace principles while on public land; no overnight camping on public lands; no use of horses; furnishing portable chemical toilets if necessary; and providing potable water.

If Off-Highway Vehicles are to be used, their use would be restricted existing roads and trails, and cross-country travel would be prohibited. This would eliminate the risk of soil disturbance and displacement which may result in soil erosion and create circumstances favorable to the establishment and spread of populations of noxious weeds and/or non-native plant species.

If spring time bird hunts are to be conducted, some areas will be off-limits due to the nesting of bald eagles. The permittee will contact the Roseburg District office prior to any springtime bird hunts to verify the area they wish to hunt does not affect nesting bald eagle areas.

The following areas are closed to all hunting activities under the terms and conditions of this permit: North Bank Habitat Management Area on the Roseburg District and the Cascade Siskiyou National Monument on the Medford District.

Since a majority of BLM lands in Western Oregon are intermingled with private lands, public access can vary greatly. Permittee is responsible for verifying landownership status to assure activities are conducted only on BLM administered lands.

Design Features of the Proposed Action

Hunting activities will be restricted in some areas due to nesting of northern spotted owls, marbled murrelets, bald eagles, golden eagles, peregrine falcons, or great gray owls. This includes the following seasonal restrictions:

Northern Spotted Owl: To avoid possible disruption to nesting birds, hunting activities would be prohibited within 65 yards of unsurveyed suitable nesting habitat or known occupied sites from March 1st to July 15th, unless current year survey results indicate the area is not occupied, northern spotted owls are present but not attempting to nest, or northern spotted owls are present but nesting attempts have failed.

Marbled Murrelet: To avoid possible disruption to nesting birds, hunting activities would be prohibited within 100 yards of unsurveyed suitable marbled murrelet nesting habitat or known occupied marbled murrelet sites from April 1st to August 5th sites in Zone 1 or unsurveyed suitable habitat within the 1.3 mile seasonal restriction corridors in Zone 2. From August 6th to September 15th, hunting activities would be subject to a daily operating restriction (DOR) which would prohibit hunting until two hours after sunrise and require cessation of hunting two hours before sunset. Outside the 1.3 mile restriction corridor in Zone 2, hunting within 100 yards of unsurveyed habitat would be subject to the DOR from April 1st to August 5th, both dates inclusive.

Bald Eagle, Golden Eagle and Peregrine Falcon: To avoid possible disruption of nesting eagles and peregrine falcons during the breeding season, hunting activities would be prohibited from January 1st to August 31st in sections containing known breeding/nesting sites and in Bald Eagle Management Areas.

Great Gray Owl: All hunting activities in sections known to contain a great gray owl nesting site would be subject to seasonal restrictions from February 1st-July 15th, both days inclusive.

Survey & Manage: The project is consistent with the 2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the District Resource Management Plan.

This project utilizes the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASR) with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.*, 468 F3d 549 (9th Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD Standards and Guidelines, which makes the species Category C throughout its range. Details of the project surveys are described below in Attachment A. In addition, hunting activities are not considered to be habitat-disturbing although such activities could disturb great gray owls if they produce repetitive or continuous noise above ambient levels during the breeding season within 100m of nesting habitat (*Survey Protocol for the Great Gray Owl within the Range of the Northwest Forest Plan*, v.3.0, January 12, 2004; pg. 8). The inclusion of seasonal restrictions for the great gray owl in the project design features (above) would avoid disturbance effects from hunting activities during the breeding season.

C. Plan Conformance Review:

Roseburg District Record of Decision and Resource Management Plan (ROD/RMP), June 1995 and Medford District Record of Decision and Resource Management Plan (ROD/RMP), June 1995

The proposed action is in conformance with the ROD/RMP, because it is specifically provided for in the following decisions:

- Ensure the continued availability of Public Lands for a diversity of resources dependent on outdoor recreation while maintaining the commitment to manage Public Lands consistent with the applicable laws, regulations and principles of ecosystem management. (Roseburg, p. 55)
- Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand in the planning area. (Roseburg p. 55, Medford p. 63)
- Make BLM-administered lands in Zones 1, 2, and 3 available for a variety of uses as authorized by Section 302 of the Federal Lands Policy and Management Act and Special Recreation Permits.

D. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with **516 DM 11.9, H.**

Recreation (1) – Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive days.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

E. Categorical Exclusions - Extraordinary Circumstances Documentation

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
Rationale: Hunting is a longstanding activity that has not been shown to have impacts to public health or safety when reasonable caution and prudence is applied. Hunting would take place under the direction of a licensed outfitter, consistent with Oregon hunting regulations, in rural areas removed from population centers, and subject to the permittees Hunting Operations Plan.		
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; 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
Rationale: Areas with special or sensitive resource concerns have been identified where hunting would be excluded. Hunting would be conducted on foot and would not be expected to result in any measurable landscape effects. Hunting of bird and game species would be limited to those approved by the Oregon Department of Fish and Wildlife.		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
Rationale: Hunting is authorized and permitted under the laws and regulations of the State of Oregon. There are no unresolved conflicts concerning alternative resource use over which the BLM has authority.		
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
Rationale: Hunting is governed by the laws of the State of Oregon and does not involve any unique or unknown environmental risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: Issuance of a Special recreation Permit allowing for guided hunting trips does not set a precedent for future action or represent a decision in principle for future actions with potentially significant environmental effects because any future applications from Field N' Marsh outfitters or any other guide services would be independently evaluated pursuant to the issuance of a Special recreation Permit.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
Rationale: The issuance of a Special recreation Permit authorizing outfitter-guided hunting has no direct relationship to any other actions with the potential to be cumulatively significant.		

2.7 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.		X
Rationale: Rationale: The proposed activity will not result in substantial surface disturbance and is not likely to pose any risk to any undiscovered cultural or historical resources that may be present. It is exempt from normal inventory requirements, as specified in Appendix A of the 1998 protocol between the BLM and the Oregon State Historic Preservation Office. The BLM has completed its Section 106 responsibilities.		
2.8 Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species:		X
<p>Rationale: The action is not likely to disturb listed or proposed Endangered or Threatened plant species. Vehicles will use existing roads and trails and no camping will occur on public land.</p> <p>The issuance of a Special recreation Permit (the Federal action) allowing for guided hunting trips would have no direct or indirect effects on Oregon Coast coho salmon – a Threatened species. In addition, guidelines and conditions set forth by the BLM would ensure that all Interrelated and/or Interdependent permit actions would have no direct or indirect effects on OC coho salmon or their Critical Habitat.</p> <p>The issuance of the SRP would not result in the loss of any suitable habitat for threatened and endangered wildlife species known to occur on the Roseburg District; Notification requirements in the permit will enable us to track use and potentially restrict certain areas before any disturbance associated with guided hunts on BLM lands would disrupt the breeding, foraging, reproductive or rearing behaviors of any threatened and endangered wildlife species known to occur on the Roseburg District.</p>		
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The action complies with Federal Laws pertaining to Migratory Birds and species listed under the Endangered Species Act, as these species are off-limits to collection. Hunting and designation of species that may be taken, and the season in which they may be taken is authorized under laws and regulations of the State of Oregon.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).		X
Rationale: No potential impacts have been identified by the Roseburg or Medford Districts BLM, either internally or through public involvement, indicating that guided hunting under authorization of a Special Recreation Permit would have a disproportionate impact on low-income or minority populations.		
2.11 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
Rationale: Since the permit only authorizes customary hunting and guiding opportunities and practices, this action will not adversely affect Indian sacred sites or their accessibility.		
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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).		X
Rationale: As described above, if all terrain vehicles are employed during hunting, their use shall be restricted to existing roads and trails. This will eliminate the potential for soil disturbance and displacement that could create conditions favorable for the establishment of noxious weeds and invasive non-native plants.		

I considered the proposed action and its design features in my evaluation and I find the proposed action would not have significant impacts to the human environment.

F. Signature:

Authorizing Official: Bah Morhale

Title: Acting District Manager

Date: 8-21-14

Authorizing Official: 

Date: 9/12/14

Title: JM

G. Contact Person & Reviewers

For additional information concerning this Categorical Review, contact:
Erik Taylor
Supervisory Outdoor Recreation Planner
BLM, Roseburg District
541-464-3271

Reviewers	Resource	Initials	Date
Paul Ausbeck	Planner	PA	8/13/14
Molly Casperson	Archaeologist	MEC	8/13/14
Cory Sipher	Fisheries Biologist	CS	8/13/14
Rex McGraw	Wildlife Biologist	RM	08-21-2014
Susan Carter	Botanist	SC	8/13/14

Reviewers	Resource	Initials	Date
Robin Snider	Wildlife	RAS	9/4/14
Bryan Wender	Botany	BWW	9/8/14
Cheryl Foster Curley	Cultural	(CFC)	9/10/14
Trish Lindaman/Jeanne Klein	Recreation	TZ	9/11/14
Tony Kerwin	Planner	AKK	9/12/14