

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT**

**Categorical Exclusion Review**

**I. Background**

**BLM Office:** Cascades Field Office      **Lease/Serial/Case File No:** N/A

**Categorical Exclusion Number:** DOI-BLM-ORWA-S040-2016-0012-CX

**Date:** February 10<sup>th</sup>, 2016

**Proposed Action Title/Type:** Water Time Outfitters, Inc. Guiding and Outfitting Special Recreation Permit Renewal

**Location of Proposed Action:** T. 2 S., R. 5 E., Section 13 and 24; T. 2 S., R. 6 E., Sections 18, 19, 20, 21, and 22, Willamette Meridian, Clackamas County

**Land Use Allocation(s):** GFMA, Adaptive Management Area, District Defined Reserve, Congressionally Reserved

**Description of Proposed Action:** Water Time Outfitters, Inc. (WTO) is proposing to renew their Special Recreation Permit (SRP) to conduct up to 30 guided fishing trips on the upper Sandy River from East Barlow Trail Road bridge access point to the historic Marmot Dam site for the 2016-2017 calendar years. Each trip would be run in 14 foot whitewater rafts with groups ranging in size from one to three guests per guide. Additional equipment would include type V personal flotation devices, fishing rods, a small propane heater, first aid kits, raft repair kits, cell phones, and a throw bag. Rafts and equipment will be transported using truck and trailers and lunched at designated sites located at the East Barlow Trail Road bridge access point. Rafts, equipment, and guests will be picked up approximately one half mile from the historic Marmot Dam site (See Attachment 1). WTO will provide safety equipment for each trip (first aid and raft repair kits, cell phones, throw bag) and each guest will be required to submit their medical history prior to participating in the trip. All equipment, including safety equipment, will be inspected at the beginning and conclusion of each trip day. Each guide is required to have current First Aid and CPR certification. Evacuation plans for each trip will be developed prior to beginning and will include where the nearest downstream access point for extraction is located. The below stipulations were included with the original SRP and will be included for this renewal.

**Stipulations**

**1. Sandy River**

- Between RM 38 and RM 30 on the Sandy River, WTO must stay within the high water mark or within the boundary of BLM-administered lands. In no way does this permit provide authorization for permit holders to access private land without written approval.
- WTO must provide proof of successful navigation at typical river flows before commercial activity is undertaken.

- WTO must display a copy of the SRP during time within the Marmot Dam site; all vehicles left unattended within the site must display a copy of the SRP.
- WTO must utilize designated parking and vehicle use areas within the Marmot Dam site, as they are developed.
- WTO must leave the Marmot Dam site gate in the condition it was found, and maintain it in that state during and after use.

## **2. Risks, Hazards, Safety**

- In case of human death or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.
- WTO shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, or property damage in excess of \$100, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the "Post Use Report".

## **3. Indemnification**

- WTO shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.
- Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:
  - \$ 500,000 for any one occurrence;
  - \$ 1,000,000 per annual aggregate;
- A certificate of insurance shall be submitted, stating the limits of coverage, identifying the "United States Government" as additional insured, and that the insurer will give BLM thirty (30) days notice prior to cancellation or modification of such insurance.

## **4. Limitations**

- This permit authorizes only temporary use in connection with the operations, during the period and in the area identified.
- Reassignment or Transfer: This permit may not be reassigned or transferred by WTO for any reason whatsoever.
- Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- Joint Permit Requirement: This permit authorizes use of public lands only in the Cascades Field Office; use of public lands in other Field Offices or National Forest lands must be approved under a separate or joint permit.
- Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, WTO is responsible for obtaining permission from the landowner(s) to travel through or use private lands.

## **5. Non-Exclusive Use**

- WTO, employees and clients shall not interfere with other valid uses of public land,

including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.

- Roads, trails and trailheads, river access or campsites commonly in public use shall not be blocked or enclosed by WTO.
- This SRP does not guarantee WTO's sole use of public land areas, nor does it grant the exclusive use of any area.
- Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use.

## **6. Conduct and Manners**

- WTO is at all times responsible for the actions of themselves, their employees, and clients in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.

## **7. Modification or Amendment**

- The BLM reserves the right to alter the terms, conditions, and stipulations of this Permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.
- WTO shall request amendment or modification of the permit to provide for changes in: use areas or a site, season of use, services provided, fee structure, or any other changes in operations.
- The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

## **8. Use Reports**

- A Post Use Report shall be submitted annually by September 1 as well as within 30 days of the last day of use authorized, on a form provided by the BLM or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the Permit, total staff and total use, total receipts, and total deductions claimed, and describe any accidents or injuries that occurred, and management problems or concerns.
- Late submission of use reports may be cause for action against WTO, including probation, suspension, and/or revocation, and criminal penalties.

## **9. Signing and Advertising**

- Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.
- All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following disclosure: "Use of Public Lands under Permit by the Bureau of Land Management".

## **10. Resource Protection**

- Aesthetics: WTO shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted grounds and areas to acceptable standards of repair, orderliness, and cleanliness. After use, insofar as practical, the area

shall be left in a natural state.

- Sanitation: WTO will follow Leave No Trace guidelines for disposal of human waste and utilize sanitary facilities where available.
- Trash Disposal: All trash generated by the permitted operation shall be packed out of public land. No trash or litter shall be allowed to accumulate on the grounds. Trash shall not be buried on public land.
- Vegetation Damage/Removal: All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Cutting or clearing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any reason shall require specific advance authorization.
- Protection of Public Property: Signs, equipment, markers, fences, and livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.
- Cultural Resources: Archeological and historical values including, but not limited to, petroglyphs, ruins, historic structures, and artifacts shall not be damaged, destroyed, removed or disturbed. Any hidden cultural values uncovered through authorized operations shall be left in place, and the Area Manager shall be notified of their discovery.
- Facility Construction: Construction of permanent facilities or improvements of any kind, including but not limited to roads, trails or structures, is not approved by this permit and shall require separate authorization.

#### **11. Performance Evaluation**

- The BLM shall conduct periodic inspections and performance evaluations of WTO's operations and compliance with the terms, conditions and stipulations of the Permit.
- This permitted activity must conform to both the stipulations of use and the established operating plan.
- Violations and Penalties: Any violation of the permit terms, conditions, and stipulations may be subject to penalties prescribed in 43 CFR 8372.0-7, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit revocation, suspension or probation. Violations may also be cause for the BLM to deny approval of a Permit or Operating Authorization for subsequent years. If a permit is canceled or suspended, permit applications will not be approved for any person connected to or affiliated with the operation under a canceled or suspended permit.

## **II. Land Use Plan Conformance: GFMA, Adaptive Management Area, District Defined Reserve, Congressionally Reserved**

**Land Use Plan Name:** *Salem District Record of Decision and Resource Management Plan (1995 RMP)*

**Date Approved:** March 1995

**Date Amended:** January 2001 by the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, dated January 2001 (SM/ROD) with subsequent Annual Species Reviews. These actions comply with the SM/ROD as described above and utilize 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. Red tree vole in the mesic zone remains Survey and Manage Category C as defined in the SM/ROD.

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions related to recreation management objectives:

RMP p. 41

- Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand within the planning area.
- Support locally sponsored tourism initiatives and community economic strategies by providing recreation projects and programs with both short and long-term benefits.
- Continue to provide non-motorized recreation opportunities (hiking, biking, etc.) and create additional opportunities where consistent with other management objectives.

### III. 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 Management. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for ‘Special Area’ management.”

#### A. Categorical Exclusions: Extraordinary Circumstances Review

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p><b>(a) Have significant impacts on public health or safety?</b></p> <p><i>Rationale:</i> The Proposed Action will have no impacts on public health or safety therefore would have no significant impacts on public health or safety. The Proposed Action would follow all stipulations above to protect public health and safety.</p>		No
<p><b>(b) 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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</b></p> <p><i>Rationale:</i> No unique geographical characteristics area within the project area will be affected by this project. No unique historic or cultural resources would be impacted. No recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, wetlands, floodplains, or sole or principal drinking water aquifers within the project area will be affected by the Proposed Action. There are no prime farmlands or national monuments within the project area. There will be no affects to migratory birds since there are no surface disturbance activities proposed.</p>		No
<p><b>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</b></p> <p><i>Rationale:</i> The effects of the Proposed Action are not controversial and there are no unresolved conflicts concerning alternative uses of available resources.</p>		No

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p><b>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b></p> <p><i>Rationale:</i> The Proposed Action is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, or unique or unknown risks.</p>		No
<p><b>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b></p> <p><i>Rationale:</i> : Implementation of the Proposed Action do not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. See (d), above.</p>		No
<p><b>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b></p> <p><i>Rationale:</i> There are no cumulative effects associated with the Proposed Action; therefore there are no significant cumulative effects as a result of these actions.</p>		No
<p><b>(g) 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?</b></p> <p><i>Rationale:</i> The Proposed Action will have no significant impacts on properties listed or eligible for listing on the National Register of Historic Places since there are no surface disturbance activities proposed. The Proposed Action will follow the above listed stipulations in regards to cultural resources.</p>		No
<p><b>(h) 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?</b></p> <p><i>Rationale:</i> The Proposed Action will have no significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species or critical habitat.</p>		No
<p><b>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b></p> <p><i>Rationale:</i> The Proposed Action will follow all known Federal, State, or local or Tribal laws or requirements imposed for the protection of the environment.</p>		No
<p><b>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</b></p> <p><i>Rationale:</i> The Proposed Action will not to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. No effects on population will occur.</p>		No
<p><b>(k) 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)?</b></p> <p><i>Rationale:</i> The Proposed Action will have no effect on access or use of sacred sites. The Proposed Action will not take place in any known sacred sites located within Salem District BLM land.</p>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
(I) 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)?		
<b>Rationale:</b> The Proposed Action will not contribute to the introduction, existence, or spread of noxious weeds or non-native invasive species known to occur in the area.		No

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. District personnel have reviewed the Proposed Action, and none of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see Section A, Table 1, above) apply to the Proposed Action.

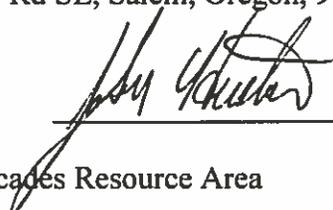
There is no potential for significant impacts for the following reasons: The Proposed Action and required stipulations listed above comply with the 1995 RMP, and have the same or similar effects as the actions described in 516 DM 11.9, H.

**IV. Signature:**

Specialist Review and Concurrence:  None required or

Review Required	Review Not Required	Resource	Name	Comments	Initial/Date
<input type="checkbox"/>	<input type="checkbox"/>	Aquatic/Fisheries	Bruce Zoellick	no	WPH 2/11/16
<input type="checkbox"/>	<input type="checkbox"/>	Botany	Heidi Christensen	none	HC 2/11/16
<input type="checkbox"/>	<input type="checkbox"/>	Cultural Resources	Heather Ulrich	none	HU 3/11/16
<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	Patrick Hawe	none	PH 2/16/16
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NEPA Compliance	Whitney Wirthlin	none	WW 3/14/16
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NRSA	Belle Smith		BS 3/14/16
<input type="checkbox"/>	<input type="checkbox"/>	Timber Resources	Alisa Tanner	none	AT 2/16/16
<input type="checkbox"/>	<input type="checkbox"/>	Engineering			
<input type="checkbox"/>	<input type="checkbox"/>	Invasive/Non-Native	Heidi Christensen	none	HC 2/11/16
<input type="checkbox"/>	<input type="checkbox"/>	Silviculture			
<input type="checkbox"/>	<input type="checkbox"/>	Recreation	Deb Drake		DD 2/11/16
<input type="checkbox"/>	<input type="checkbox"/>	Realty			
<input type="checkbox"/>	<input type="checkbox"/>	Wildlife	Corbin Murphy	none	CM 02/16/16

**Contact Person:** For additional information concerning this CX review; contact Whitney Wirthlin, Planning and Environmental Specialist, Cascades Resource Area, BLM Salem District Office, 1717 Fabry Rd SE, Salem, Oregon, 97306, (503) 375-5612.

Authorized Official:   
 John Huston  
 Field Manager, Cascades Resource Area

Date: 3/15/16

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT, CASCADES RESOURCE AREA**

**Decision Record**

**Decision and Rationale on Action**

Based on my review of the attached categorical exclusion review (CX# DOI-BLM-OR-S040-2015-0010-CX), I have determined that the Proposed Action will not significantly affect the quality of the human environment, and that no further environmental analysis is required for the following reasons:

- The Proposed Action and associated project design features comply with the 1995 RMP, and have the same or similar effects as the actions described in 43 CFR Part 46, Section 46.210 (f).
- None of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 (see CX Table 1) apply to the Proposed Action.

It is my decision to authorize the implementation of the Table Rock Trailhead Vault Restroom Installation as described in the Proposed Action of the attached Categorical Exclusion documentation.

**Implementation Date**

This project will be implemented on or after April 1<sup>st</sup>, 2016.

  
\_\_\_\_\_  
John Huston  
*Field Manager, Cascades Resource Area*

3/15/16  
\_\_\_\_\_  
Date

**Contact Person**

For additional information concerning this decision, contact Whitney Wirthlin, Planning and Environmental Specialist, Cascades Resource Area, BLM Salem District Office, 1717 Fabry Rd SE, Salem, Oregon, 97306, (503) 375-5612.