

United States Department of Interior
Bureau of Land Management
Medford, Roseburg, and Coos Bay Districts

CATEGORICAL EXCLUSION REVIEW & DECISION RECORD

Special Recreation Permits

Outfitter/Guide Hunting for Calendar Years 2016-2021

DOI-BLM-ORWA-M000-2016-0004-CX

A. Project: Special Recreation Permits - Hunting

1. Location: BLM-administered lands open to commercial hunting on the Medford, Roseburg, and Coos Bay Districts

2. Project Description

Background

BLM Office: Medford District Office **Number:** DOI-BLM-ORWA-M000-2016-0004-CX

Location of Proposed Action: Bureau of Land Management administered lands throughout the Medford, Coos Bay, and Roseburg Districts that are open to commercial hunting.

Description of Proposed Action:

This action would authorize issuance of Special Recreation Permits for commercial, guided hunting on BLM-administered lands.

Design Features for the Proposed Action

- The permittee shall comply with all federal, state, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the SRP.
- The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations.
- The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
- The permittee shall notify the established authorized officer's representative by mail, phone, fax, or email, at a minimum 72 hours prior to conducting guided hunts on BLM-administered lands for each individual district permitted.
 - The permittee may proceed if they do not hear anything from BLM within 72 hours.
- The permittee shall provide the lead authorized officer's representative with a quarterly post-use report within 15 days of the end of the quarter (the end of the quarters are March 31, June 30, September 30, and December 31), and include the information in Appendix A of the operating plan. The permittee must report non-use as well.
- The permittee shall request in writing the need and proposed location for a base camp prior to set-up. Only after authorization, shall the permittee occupy a base camp on BLM-administered lands. Occupancy of authorized BLM base camps will not exceed 14 calendar days in a row.
- The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.

- The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
- If the permittee utilizes stock for hunting purposes, the permittee must follow rules on weed-free hay. In 2010, BLM adopted a new rule stating “on all BLM lands in Oregon and Washington, possession, use, or storage of any hay, straw, or mulch that has not been certified as free of prohibited noxious weed vegetative parts and/or seeds at any time of the year is a prohibited act” (*Federal Register, Volume 75, Number 159, August 18, 2010*). All hay, hay cubes, straw, and mulch possessed, used, or stored on BLM lands must have proof of weed-free certification.
- The permittee shall not occupy a site in any BLM developed campground.
- The permittee shall not use motorized vehicles behind gates or areas closed to such use.
- The permittee shall not operate in Areas of Environmental Concern (ACEC) with the exception of North Bank Habitat Management Area in the Roseburg District where limited outfitting/guiding may occur in accordance with the North Bank Habitat Management Plan.

Areas closed or further stipulated for guided hunting on the Medford District:

Rogue National Wild and Scenic River Corridor (confluence of the Applegate River to Rogue River-Siskiyou National Forest boundary near Marial)

- Guided hunting is not allowed on BLM-administered lands within the wild section of the river corridor unless the permittee holds a current wild section river permit.
- Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property (1) from June 1 to September 15 from the land or waters between Grave Creek and the Siskiyou National Forest boundary at Marial, or (2) at any time within 150 yards of a residence, building, developed or undeveloped recreation site, or occupied area, or (3) at any time across or on any public road, or across or on any trail or body of water whereby any person or property is exposed to injury or damages as a result of such discharge. (*Prohibited Acts in the Rogue National Wild and Scenic River Area, Federal Register Vol. 57, No. 110, 24271-24274, June 8, 1992*)

Cascade-Siskiyou National Monument

- Guided hunting within the monument boundary requires a separate SRP.
- REC-36. Special Recreation Permits are considered on a case-by-case basis and may be denied based upon factors such as potential impacts to resource values; a prohibitive land use allocation; public health and safety; the applicant’s past performance; or the inability of the managing office to manage or monitor the proposed use. Special Recreation Permits involving commercial stock use such as horses, llamas, or goats will not be permitted due to the high potential for resource damage

from these activities. (*Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan*, pg. 99, August, 2008)

Areas closed or further stipulated for guided hunting on the Medford, Roseburg and/or Coos Bay Districts:

- Guided hunting is not allowed on BLM-administered lands within the North Umpqua Wild and Scenic River corridor on the Roseburg District unless specific authorization is given.
- Dean Creek Elk Viewing Area
- Developed recreation sites are closed to all hunting activities under the terms and conditions of this permit.
- If spring time bird hunts are to be conducted, some areas may be restricted to hunt to protect nesting birds such as, but not exclusive to, bald eagles and northern spotted owls.
- Since a majority of BLM lands in western Oregon are intermingled with private lands, public access can vary greatly. The permittee is responsible for verifying landownership status to assure activities are conducted only on BLM-administered lands.
- The permittee shall notify each District’s established authorized officer’s representative by phone, or email a minimum of 72 hours (3 days) prior to conducting guided hunts on BLM-administered lands for each District permitted. The notification must include the hunting unit, legal description (Township, Range, Section) where BLM lands will be utilized, and the number of days guided hunting will occur.

Medford District SRP Administrator 3040 Biddle Road Medford, OR 97504 Phone: (541) 618-2274 Fax: (541) 618-2400 Email: jkleine@blm.gov	Roseburg District SRP Administrator 777 NW Garden Valley Blvd. Roseburg, OR 97471 Phone: (541) 440-4930 Email: etaylor@blm.gov	Coos Bay District John Harper 1300 Airport Lane North Bend, OR 97459 Phone: (541) 756-0100 Fax: (541) 751-4303 Email: jharper@blm.gov
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B. Land Use Plan Conformance

Land Use Plan Name: Medford District Record of Decision and Resource Management Plan (ROD/RMP) (1995)

The proposed action is in conformance with the RMP because it is specifically provided for in the following RMP decision:

- Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand within the planning area. (p. 63)
- Pursue recreation opportunities that will benefit local community economic strategies consistent with BLM land use objectives. (p. 63)
- Manage extensive recreation management areas to provide for opportunities for dispersed, unstructured, and resource dependant recreation uses. (p. 66)

Land Use Plan Name: Roseburg District Record of Decision and Resource Management Plan (ROD/RMP) (1995)

The proposed action is in conformance with the RMP because it is specifically provided for in the following RMP decision:

- 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. (p. 55)
- Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand in the planning area. (p. 55)
- 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.

Land Use Plan Name: Coos Bay District Record of Decision and Resource Management Plan (ROD/RMP) (1995)

The proposed action is in conformance with the RMP because it is specifically provided for in the following RMP decision:

- Provide a wide range of developed and dispersed recreation opportunities that contribute to meeting projected recreation demand within the planning area. (p. 46)
- Support locally-sponsored tourism initiatives and community economic strategies by providing recreation projects and programs that benefit both short- and long-term implementation. (p. 46)

- Manage special and extensive recreation management areas in a manner consistent with *BLM Recreation 2000: A Strategic Plan* and *Oregon-Washington Public Lands Recreation Initiative*. (p. 46)

C. 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(1) as follows:

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 (43 CFR 2932.5).

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment as documented in the following review. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR § 46.215 rise to the level of significance. A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional effect on the listed categories to warrant further analysis and environmental review.

D. Categorical Exclusion Review

Department of the Interior Regulations 43 CFR § 46.205 (c) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances found at 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

- | | |
|--|-------------------|
| 1. <i>Have significant impacts on public health or safety.</i> | Yes No (X) |
| Remarks: No significant impacts are expected. Guides must comply with all federal, state, and local laws and assure that standard safety practices regarding use of firearms are followed by all members of their groups. | |
| 2. <i>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.</i> | Yes No (X) |
| Remarks: Activities may occur within these areas as well as other ecologically significant or critical areas; however, resource specialists will review all permits to assure compliance with applicable regulations and management direction for these areas. | |

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].* Yes **No (X)**
Remarks: No such effects are expected. This is a common action on federal lands.
4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.* Yes **No (X)**
Remarks: No such effects are expected.
5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.* Yes **No (X)**
Remarks: This project does not set a precedent for future actions.
6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.* Yes **No (X)**
Remarks: No cumulative effects are expected.
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 (X)**
Remarks: Permittees are required to follow all federal, state, and local laws regarding these properties. Resource specialists will review all permits to assure compliance with applicable regulations and management direction for these areas.
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.* Plants Yes **No (X)**
Animals Yes **No (X)**
Fish Yes **No (X)**
Remarks: No effects are expected to listed plants, animals or fish. Resource specialists will review all permits to assure compliance with applicable regulations and management direction for areas where these species may occur.
9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.* Yes **No (X)**
Remarks: This project will not result in violation of Federal, State, local, or Tribal law.
10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).* Yes **No (X)**
Remarks: No such effects will occur.
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 (X)**
Remarks: No access will be limited.

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 (X)

Remarks: If the permittee utilizes stock for hunting purposes, all hay, hay cubes, straw, and mulch possessed, used, or stored on BLM lands must have proof of weed-free certification.

E. Document Preparation and Review

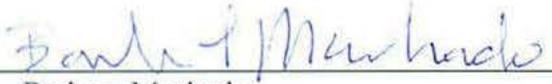
Anthony Kerwin Medford District Environmental Coordinator 3-21-2016 
Prepared by Title Date

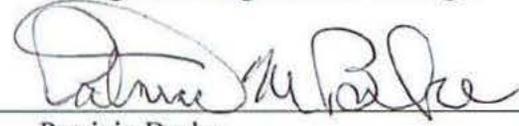
Michelle Roberts Roseburg District Environmental Coordinator 3-25-2016 
Reviewed by Title Date

Steve Fowler Coos Bay District Environmental Coordinator 31 March 2016 
Reviewed by Title Date

F. Signature of Authorizing Officials


Dayne Barron
Medford District Manager
11 April 2016
Date


Barbara Machado
Acting Roseburg District Manager
3/29/16
Date


Patricia Burke
Coos Bay District Manager
4/7/16
Date

G. Contact Person

For additional information concerning this CX review, contact Tony Kerwin, Medford District BLM, 3040 Biddle Road, Medford, OR 97504. (541) 618-2402. akerwin@blm.gov

H. Administrative Remedy

Administrative Remedies

Notice of this decision will be posted on the National NEPA Register website:
https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

Appeal Procedures

The decision to issue a Special Recreation Permit under 43 CFR 2930 is subject to the following appeal procedures.

The decision is effective immediately upon signing by the authorized officer and shall remain in effect pending an appeal. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

An appellant may also file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 43 CFR Part 4.21. The petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. The appellant has the burden of proof of demonstrating that a stay should be granted.

Standards for Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- (a) The relative harm to the parties if the stay is granted or denied,
- (b) The likelihood of the appellant's success on the merits,
- (c) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (d) Whether the public interest favors granting the stay.

For further information, contact the SRP Administrators listed above.