

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD**  
**DOI-BLM-ORWA-M060-2016-0018-CX**

**Project Name:** Motorcycle Riders Association (MRA) Poker Run and Hare Scramble (2016-2021)

**BLM Office:** Ashland R.A., Medford District

**Prepared By:** Michelle Calvert      **Title:** Planning and Environmental Coordinator

**Contact:** Zach Million      **Phone #** (541) 618-2318

**DESCRIPTION OF THE PROPOSED ACTION**

The proposed action is to issue a renewable Special Recreation Permit (SRP) to the Motorcycle Riders Association (MRA). This permit will authorize the MRA to conduct two annual spring organized ride events at Timber Mountain Off-Highway Vehicle (OHV) Area from 2016 to 2021. The events are sponsored by the Oregon Motorcycle Riders Association and will adhere to safety rules set forth by the American Motorcycle Association and the terms and conditions of the additional stipulations issued with the SRP. The first event, the May Day Poker Run, will occur in early May, and is expected to have between 100-150 participants. The second event is the MRA Hare Scramble which is a two day event that would be held in late May. The Hare Scramble event is expected to have between 100-140 participants. A permit was authorized for these two events from 2011 to 2015.

Each event will involve the use of existing BLM roads and trails adjacent or near to MRA lands near Jacksonville Oregon. The applicant (SRP permittee) will not have exclusive use of the roads, spurs, and trails involved.

To comply with state fire regulation the MRA will be required to contact to Oregon Department of Forestry prior to the event. Emergency Medical Technician (EMT) staff or a local EMS contract crew will be on-site and fire suppression equipment will be staged at the MRA's Lilly Prairie property (indicated on the attached map). Regular traffic will be delayed on Galls Creek Road, Forest Creek Road, and Kane Creek Road during the event, however, for no more than 30 minute intervals and given information regarding the delay by a MRA representative. The road will be posted by Friday, the weekend prior to the event, to alert the public of potential delays. Radios will be used by event staff to regulate traffic and to provide added safety. With prior permission from the BLM weed cutting and pruning of overhanging branches may be performed inside the road prism for safety.

**LOCATION**

The MRA Poker Run and Hare Scramble event will be located on BLM-administered lands of the Matrix land use allocation in T. 37 S., R. 3 W., Sections 15 and 23 W.M., Jackson County, Oregon.

## PROJECT DESIGN FEATURES

The following Project Design Features (PDFs) are required conditions for the issuance of this SRP: PDFs are specific measures included in the proposed action to minimize the impacts on the human and natural environments and comply with the FO management direction in the RMP, including State and Federal laws. The following PDFs will be implemented as applicable.

- The Oregon State noise statute of 99 decibels will be strictly enforced.
- To comply with state fire regulations the club will be required to contact to the Oregon Department of Forestry (ODF) prior to the event. If fire season regulations prohibit the use of OHVs off of improved surfaces as per ODF's regulations the event will be postponed until fire restrictions have changed.
- 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.
- All materials (flagging, signs, and trash) are to be removed within 7 days of the event's completion.
- The MRA will be required to conduct trail maintenance work on specified trail segments before and after the event to maintain resource quality and safety as deemed necessary by BLM staff. Trail maintenance work will be done with hand tools unless otherwise directed by the BLM. The BLM recreation staff will identify locations for trail rehabilitation work.
- EMT staff will be on-site and fire suppression equipment will be staged at the MRA's Lilly Prairie property (indicated on the attached map).
- 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 caution signs will be placed on Forest Creek Road and BLM Roads # 37-3-11.0 and #37-3-22.0 to notify local residents of the event.

*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.

*To reduce the potential for erosion:*

- In the event of inclement weather such as heavy rain or snow, the event date must be changed and approved by BLM. **For the event to take place the soil moisture will be less than 20 percent by weight at a three inch depth for ravel prove soils, 18 percent or less for granitic soils, and percent or less for typical soils.** Soil moisture will be monitored and be determined by BLM. The BLM will make a determination on soil moisture levels prior to the event and will inform the MRA of the results. In addition to monitoring soil moisture levels, the **event will be postponed if 0.25 inches or more of rain falls within a 24-hour period, within the project area, within 48 hours prior to the start of the event.** If on-site information is inadequate, measurements from the nearest Remote Automated Weather Station will be used. Event activities will not occur for at least 48 hours after rainfall has stopped and on approval by the Resource Area Field Manager in consultation with BLMs watershed specialist (also see soil moisture requirements). Weather trends will be monitored during the seven day period prior to the event to determine if additional soil moisture monitoring is needed. If it is determined by BLM's soil scientist that soil moisture levels will likely be exceeded the day of the event, a decision will be made by the BLM as to whether a cancellation or a postponement is necessary. If rain begins the day of the event, the event will be stopped by the BLMs permit administrator if soil moisture levels are exceeded, 0.25 inches of rain fall occurs, or if determined by BLM's watershed specialist that resource damage will occur if the event is not halted.
- Restrict all event activities to open and existing roads and trails.
- Mulch any disturbed areas resulting from race activities with native materials or weed free straw.
- Where there is a likelihood of loosened soil or inadequate drainage that may result in sediment discharge to surface waters, place perimeter BMPs such as weed free straw bales or straw wattles to contain such material. These should be firmly anchored and be in contact with the ground.
- Drainage features that have been rendered ineffective or are otherwise not properly functioning shall be promptly and properly repaired. Consider installing additional drainage if necessary.
- It was observed that numerous logs across trails on the proposed routes resulted in additional ground disturbance resulting from bypass trails. As a maintenance and mitigation measure, where this is occurring, the logs are to be removed (placed to the side of trail) and the bypass trails be rehabilitated. Rehabilitation will include blocking then raking out berms and providing ground cover by spreading slash and other native material on the disturbed surface.

*To minimize the spread of noxious weeds:*

- Ride, event and support vehicles will be cleaned of all mud, debris, and vegetative material prior to arriving at the course. Vehicles will be high-pressure power washed, particularly the undercarriage, to prevent the spread of noxious weeds and nonnative plants. All wastewater will be properly contained and solid matter filtered and disposed of to prevent spreading of noxious weeds and nonnative plants. As an alternative, ride, event and support vehicles may also use the carwash located in Jacksonville to properly wash their vehicles prior to arriving at the course.

- Season permitting, known sites of noxious weeds will be chemically treated prior to the implementation of the additional trail maintenance (of non-event trails proposed for maintenance). If maintenance occurs when weeds have already gone to seed, maintenance may proceed and treatment must commence the following growing season at an appropriate time (prior to seed maturity).
- Budget and personnel permitting, monitoring and follow-up treatment (if needed) will continue for 3 years beyond the completion of trail maintenance (of non-event trails proposed for maintenance).

*For the protection of Special Status Species:*

- The proposed road and trail portions that pass through an established Known Owl Activity Center in Section 22 SE¼ E½, T. 37 S., R. 3 W. will be re-routed during the NSO critical breeding season (15 March through 30 June).
- Three areas that have trailside rare plant populations will impose maximum speed limits to ensure OHVs do not accidentally leave the existing trail. Both areas are on the “A Course” and the maximum speed limit is 10 miles per hour. In addition to the slow designation, the zone will also be designated as “on-trail only” and “100% control of machine” and “no tire spinning.” These areas may be monitored by BLM personnel to ensure permit compliance. The MRA is responsible for dispensing this information to the event staff and participants.
- Areas with imposed maximum speed limits will be appropriately flagged with distinctive flagging that is easily recognizable to the riders and event personnel. Flagging will extend, from the plant population boundary, 50 meters on either side of the population and will include a “chute” at the entrance to the “slow-zone” to ensure rider awareness. This will provide the riders an adequate amount of distance to reduce their speeds, and will also reduce the likelihood that riders will accidentally leave the trail within the plant population boundary. If deemed to be appropriate by BLM personnel, signs may also be posted at the entry points of these “slow zones” to ensure that event riders have been notified of the speed limitation. Flagging may be hung by MRA personnel or BLM recreation personnel with the consultation of a BLM botanist regarding location and length of flagged corridor.
- BLM recreation personnel must be present at plant sites where trail maintenance is to occur. Maintenance needed in close proximity to identified plant sites will only occur in consultation with a BLM botanist prior the start of maintenance. Maintenance in these areas is limited to the trail bed as it exists presently; no widening, water bars or other disturbance is to occur within 50 meters of the trailside plants without prior approval of a BLM botanist.

*For the protection of cultural resources:*

- An initial review of the existing trails and roads being used under this SRP was performed and there are no recorded cultural resources within the Area of Potential Effect (APE). If, during the permitted MRA SRP Events, the permittee or participants encounter or become aware of any objects or sites of paleontological or cultural value on federal lands, such as fossils, historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor will immediately suspend all operations in the vicinity of the cultural value and notify the appropriate BLM personnel. The project may be redesigned to protect the paleontological or cultural resource values present, or evaluation and mitigation procedures will be implemented based on recommendations from the Resource Area archaeologist and concurrence by the Ashland Field Manager and State Historic Preservation Office.

- The Ashland Resource Area Archaeologist will survey the existing trails being used under this SRP within the next two years. If during this survey cultural resources are located within the APE, the trail may be re-routed to protect the resource.

**PLAN CONFORMANCE**

The Proposed Action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan (RMP)*. The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA and USDI 1994). The 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

The Proposed Action is also 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.

**COMPLIANCE WITH NEPA**

The proposed action is categorically excluded from further documentation under NEPA in accordance with 516 DM 11.9 H (1): issuance of Special Recreation Permits 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 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.

**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 listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

<b>CX Extraordinary Circumstances Documentation</b>	<b>Yes</b>	<b>No</b>
1. Have significant impacts on public health or safety.		X
<b>Rationale:</b> It is not anticipated that the proposed action will have any effects to public health and safety. MRA Poker Run and Hare Scramble have been permitted in previous years, and there have no issues associated with public health or safety in previous years.		

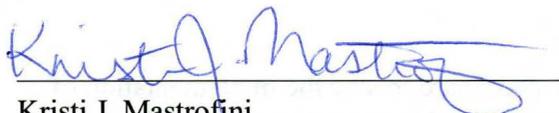
CX Extraordinary Circumstances Documentation	Yes	No
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal 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
<b>Rationale:</b> The Proposed Action is not anticipated to affect the aforementioned resources.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
<b>Rationale:</b> Based on past experience from these types of activities, there are no predicted environmental effects from the Proposed Action that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. This project's Categorical Exclusion authority allows for activities which utilize existing facilities.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
<b>Rationale:</b> The activities proposed in this CX are not highly uncertain, potentially significant, unique, or involve unknown risks.		
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
<b>Rationale:</b> The activities proposed in this CX are addressed and authorized under the Medford 1995 ROD/RMP. The proposed activities occur widely on federal lands throughout Oregon and there is no evidence this type of activity will establish a precedent or decision for future actions that will have significant environmental effects.		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
<b>Rationale:</b> The Proposed Action will not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.		
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
<b>Rationale:</b> The Proposed Action will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.		
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.		X
<b>Rationale:</b> The location of the Proposed Action has been reviewed by the BLM's botanist, wildlife biologist, and fisheries biologist. 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 have significant impacts on designated Critical Habitat for these species.		

CX Extraordinary Circumstances Documentation	Yes	No
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
<b>Rationale:</b> The proposed activities conform to the Medford RMP's direction for management of public lands on the Medford District and comply with applicable laws, rules, and regulations.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
<b>Rationale:</b> Similar actions have occurred throughout the District and there is no evidence that this type of activity will have a disproportionately high and adverse effect on said populations.		
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 130007).		X
<b>Rationale:</b> The Proposed Action does not significantly or adversely affect the physical integrity of any such sacred sites.		
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).		X
<b>Rationale:</b> The Proposed Action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species above what will be present from other activities that occur on federal lands.		

**DECISION**

Based on the Categorical Exclusion Review above, I have determined that the Proposed Action qualifies as a categorical exclusion under 516 DM 11.9 H (1). It is my decision to implement the Proposed Action and authorize the issuance of a Special Recreation Permit to the Motorcycle Riders Association. In making my decision, I considered the Project Design Features that will be incorporated into the project.

In addition, I have reviewed the plan conformance statement and have determined the Proposed Action is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action as described.



Kristi J. Mastrofina  
 Field Manager  
 Ashland Resource Area

4-25-16

Date

## **ADMINISTRATIVE REMEDIES**

Administrative review of right-of-way 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 right-of-way 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 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.”

## **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. Only signed hard copies of a notice of appeal that are delivered to the following address will be accepted.

### **BUREAU OF LAND MANAGEMENT MEDFORD INTERAGENCY OFFICE**

Ashland Resource Area  
3040 Biddle Road  
Medford, OR 97504

Faxed or e-mailed appeals will not be considered.

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 and the Regional Solicitor 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.

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  
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