

**Categorical Exclusion Review**  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
Four Rivers Field Office

**Black Derby Race Special Recreation Permit**

CE No.: DOI-BLM-ID-B010-2011-0034-CX

Lease/Serial/Case File No.: SRP – ID110-11002

**Purpose and Need for Action:** The purpose of the action is to respond to a special recreation use permit request for a competitive motorcycle race. The project is needed to actively manage motorized recreation use on public lands in order to provide a quality recreational experience for current and future users. Issuing Special Recreation Permits (SRPs) allows the BLM to provide competitive racing opportunities while protecting important natural and cultural resources. In January 2011, Boise District received an application for a Special Recreation Use Permit for Black Derby Racing to conduct the Boxer Bash, a competitive motorcycle race, partially on BLM lands. The event would be held at Little Gem Cycle Park. Special recreation permits may be issued for events to be conducted in the Four Rivers Field Office to individuals and organizations that apply in accordance with the BLM Special Recreation Permit Policy (43 CFR 8372).

**Description of Proposed Action:** The proposed motorcycle race is scheduled for April 17, 2011. The race course will follow an approximate 7 mile loop of existing trails within Little Gem Cycle Park, an area designated for cross-country motorized travel in the 1988 Cascade RMP. The routes were selected to minimize or avoid sensitive resources such as known special status plant and animal habitat and cultural resources. Approximately sixty (60) percent of the race course is on BLM administered lands. The balance of the race course is on private land. The race start/finish/staging area is on private property. Race organizers anticipate about 125 participants and 50 spectators for the event.

The event route would follow a defined, plainly marked course and would be subject to the following conditions necessary to ensure that impacts associated with a competitive motorcycle race would be minimized.

- 1) All necessary clearances and permits shall be obtained from each jurisdictional agency or landowner whose land the race course crosses.
- 2) The permittee is responsible for ensuring that participants and spectators stay within designated use areas.
- 3) The permittee is responsible for crowd control, ensuring that the event is orderly and as safe as possible, and does not endanger bystanders or participants.
- 4) The permittee agrees to reroute or relocate use areas to avoid sensitive areas identified by BLM before or during the event.
- 5) All range fence gates opened for the race will be monitored during the race to prevent passage of livestock and will be closed immediately following the end of the race.
- 6) The permittee shall take reasonable measure to ensure that entrants and spectators attending the event will not harass wildlife or livestock in the vicinity.
- 7) The permittee shall take all reasonable measures to inform the general public of the event and all associated temporary road and trail restrictions. Signs at major access route intersections must be posted before the start to inform other recreation users of the event, and must be removed immediately after the event.
- 8) The permittee will sign and/or flag all areas involved in the event, including routes, staging areas, pit areas and parking areas. All signs and flags must be removed immediately following the event.
- 9) During the event, the permittee will provide on-the-ground personnel to ensure that use related to the event is confined to the area authorized by the permit. The permittee shall provide flagmen at all road crossings.
- 10) The permittee shall provide appropriate safety measures for the event, including onsite certified medical emergency personnel and facilities. The permittee shall provide adequate communication facilities onsite to effectively respond to emergencies.
- 11) Nothing in this permit shall be construed as a license for permittees, employees, or clients to use areas of

the public lands which are otherwise restricted or closed.

- 12) The permittee is responsible for furnishing self-contained chemical sanitation facilities and trash receptacles at locations as necessary, to keep these serviced, neat and clean during the event, and to provide for off-site disposal of all refuse and human waste generated by the event in accordance with all applicable local, State and Federal ordinances, laws, and regulations.
- 13) The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature, including, but not limited to damages to property and injuries to or death of persons that arise directly or indirectly from, or are that are in any way connected with the permittee's use and occupancy of the lands authorized by this permit.
- 14) The permittee is responsible for checking all competitors off road motorcycles, ATVs, and UTVs for USFS-approved spark arresters, and Idaho Off-Highway Vehicle Registration decals (for Idaho residents). The "tech check" inspection shall be completed prior to arrival of the competitor's vehicle at the start line. Each competitor's motor vehicle will receive a marking or tag after passing the tech check inspection. No competitor will be allowed to participate in any event without a USFS-approved spark arrester, and no Idaho resident may participate without a current Idaho Off-Highway Vehicle Registration decal.

**Project Location:** Foothills east of Emmett, Idaho. Townships 6 North, Range 1 West. Race course map located at: <https://www.blm.gov/epl-front-office/projects/nepa/12104/19000/19200/Black-Derby-Race-Map.pdf>

**Applicant** (if any): Black Derby Racing - LeRoy A. Smith

### Part I – Plan Conformance Review

**This proposed Action is subject to the following land use plan:** Cascade RMP

**Date Plan Approved:** July 1, 1988

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

1. Recreation Resources Objective: Provide for ORV [Off-Road Vehicle] recreation activity on public lands.
2. Off Road Vehicle recreation activities will continue to be provided for on public lands. Six specific areas will be ORV play areas or cycle parks. (Off Road Vehicles – Open Areas identified – Little Gem Cycle Park)

Remarks: Little Gem Cycle Park is jointly managed with a private landowner. Permission from and coordination with the landowner is also a requirement of the special recreation permit.

### Part II – NEPA Review

- A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 H (1) Category description: 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.
- B. Departmental List of Extraordinary Circumstances Review: Before any non-Energy Act CX is used, you must conduct sufficient review to determine if any of the following extraordinary circumstances apply (516 DM 2, Appendix 2). If any of the extraordinary circumstances are applicable to the action being considered, either an EA or an EIS must be prepared for the action. Part 516 of the Departmental Manual (516 DM 2, Appendix 2) states that extraordinary circumstances exist for individual actions within CXs which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)

### List of Extraordinary Circumstances

1. Have significant impacts on public health or safety.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/24/11
<i>Comments/Explanation:</i> The Proposed Action would not have any significant impacts to public health or safety. Adequate safety precautions would be implemented to ensure public safety including: race course would be signed and flagged, race officials would be posted throughout the course at strategic locations, local authorities and other permittees would be notified.		
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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/24/11
<i>Comments/Explanation:</i> The proposed route lies outside nationally designated parks, recreation areas, refuges, wilderness areas, wild and scenic river corridors, monuments and national landmarks. There are no unique geographic characteristics or floodplains present. It has been determined that there are no significant cultural and historic resources that need to be avoided. The race area is not a sole or principal drinking water aquifer. The race area is not prime farmland. The race area does not contain wetland habitats. Migratory birds would not be negatively affected by the proposed action.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/25/11
<i>Comments/Explanation:</i> The authorization of this permit would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. This event would be conducted on existing roads and trails and within an area authorized for motorcycle races. The race routes and timing of event would minimize resource concerns including sensitive plants, wildlife species, and riparian areas; avoid cultural resources, and other uses of this area including grazing of livestock.		
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/25/11
<i>Comments/Explanation:</i> The event has been reviewed and cleared by resource specialists with knowledge of the area. All race activity would take place on existing roads and trails open for recreational uses. Refuse containers and restrooms will be provided at the staging area. The Bureau has conducted and monitored similar events and the potential associated environmental impacts are well known.		
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jonathan Beck</i> NEPA Coordinator 04/13/11
<i>Comments/Explanation:</i> Requests for competitive events are evaluated on a case-by-case basis and have been a recognized use in the 1988 Cascade RMP. The SRP would be for a one point in time event and would not set a precedent for how the area could be used in the future or require other actions. .		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Jonathan Beck</i> NEPA Coordinator 04/13/11
<i>Comments/Explanation:</i> Other human-related activities occurring in the area include casual recreational motorized trail and cross-country use. The race event is estimated to have about 125 participants. The race would not preclude regular use in other areas of cycle park. Issuance of this permit would have cumulative impacts from the additional use on race day but the impacts would be inconsequential compared to normal use.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: /s/ <i>Dean Shaw</i> - Archaeologist - 3/28/2011
<i>Comments/Explanation:</i> There are no known historic properties within the area of potential effect. The proposal is		

<p>exempt from inventory and project specific review by ISHPO under the current BLM / ISHPO protocol (1998). Exemption # 20.a. which states "Issuance of recreation special-use permits where the potential to cause ground disturbance or affect historic properties is negligible. Periodic monitoring may be conducted to confirm that effects are negligible. Types of projects include but are not limited to: a. Well-established trails, and other specified areas where use is similar to previous permits for which environmental documents have been prepared, and which would not substantially increase the level of use or continues unsatisfactory environmental conditions."</p>		
<p>8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Specialist Signature/Date for Plants: /s/ <i>Mark Steiger</i> Botanist 4/5/2011  Specialist Signature/Date for Wildlife: /s/ <i>Jill Holderman</i> Wildlife Biologist 3/28/11  Specialist Signature/Date for Aquatics: /s/ <i>Allen Tarter</i> Nat.Res.Specialst 4/1/11</p>
<p>Plants - <i>Comments/Explanation</i>: One special status plant is known to occur in the general location of the race; Aase's onion (<i>Allium aasae</i>). Authorized routes were reviewed by the Botanist and it was determined that the event would not adversely impact any special status plants because the race will be restricted to existing trails; none of which are known to contain individual Aase's onion plants.</p>		
<p>Wildlife - <i>Comments/Explanation</i>: This area is within the Emmett foothills and is characterized by Wyoming big sagebrush, bitterbrush, and rabbitbrush with a variable understory composition. The project area is within mule deer winter range. Wintering mule deer do occur in the area so temporary displacement may result from the race but ongoing casual recreation use in the area means that deer have adapted to these types of activities and will not suffer mortalities from the event. No threatened or endangered animal species are known to inhabit the area.</p>		
<p>Aquatics - <i>Comments/Explanation</i>: Authorization of this permit would not result in significant impacts to fish species listed or proposed to be listed on the List of Endangered or Threatened Species. The proposed routes do not support critical habitat for fish species listed under the Endangered Species Act.</p>		
<p>9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Specialist Signature/Date: /s/ <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/25/11</p>
<p><i>Comments/Explanation</i>: Implementation of this permit would not be in violation of federal, state, local, or tribal law, or requirements imposed for the protection of the environment.</p>		
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Specialist Signature/Date: /s/ <i>Jonathan Beck</i> NEPA Coordinator 04/13/11</p>
<p><i>Comments/Explanation</i>: There are no low income or minority populations living in the project area. Low income or minority visitors to the area would not be affected any differently by the proposed activities than any other visitor.</p>		
<p>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).</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Specialist Signature/Date: <i>Larry Ridenhour</i> Outdoor Recreation Planner 03/25/11</p>
<p><i>Comments/Explanation</i>: This permitted event would not limit access to ceremonial use of sacred Indian sites on federal lands or adversely affect the physical integrity of known sacred sites.</p>		
<p>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).</p>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Specialist Signature/Date: /s/ <i>Lonnice Huter</i> Noxious Weeds Specialist 3/25/11</p>
<p><i>Comments/Explanation</i>: The proposed event would not 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 range species. Race travel would be limited to existing roads and trails. Cross country travel is prohibited.</p>		

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.  
Remarks:

Authorizing Official: /s/ Terry A. Humphrey

Date: 04/14/2011

Name: Terry A. Humphrey  
Title: Four Rivers Field Office Manager

### **Part III – Decision**

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the stipulations described above.

Sec. 2931.8 (Appeals)(a) If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title. (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 Sec. 4.21(b) of this title. The appeal and petition for a stay must be filed in the office of the authorized officer, Terry A. Humphrey, 3948 Development Avenue, Boise, Idaho 83705. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706.

Should you wish to file a petition for a stay, see CFR 4.21. In accordance with 43 CFR 4.21 (b), a petition for a stay must 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 public interest favors granting the stay.

All decisions of the authorized officer under 43 CFR 2931.8 shall remain effective pending appeal unless the Secretary rules otherwise. Petitions for stay of decisions shall be filed with the Office of Hearing and Appeals, Department of the Interior.

Mitigation Measures/Other Remarks:  
Remarks:

Authorizing Official: /s/ Terry A. Humphrey

Date: 04/14/2011

Name: Terry A. Humphrey  
Title: Four Rivers Field Office Manager