

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Shoshone Field Office
400 West F Street
Shoshone, ID 83352

CATEGORICAL EXCLUSION REVIEW SHEET
NEPA No. BLM-DOI-ID-T030-2011-0058-CX

Project Description

The Shoshone BLM Field Office is responding to a request from Sun Valley Trekking to amend their Special Recreation Permit to include guided mountain biking and hiking tours in the Wood River Valley. Specifically trails on the BLM-managed portion of Bald Mountain and the trails within the new Croy Creek trail network. These trails consist of Bull Dog, Bullion Connector, Two Dog, Wilson Gulch, Centerline, Lambs Gulch, Hidden Valley and Punchline. Also included are the following primitive roads: Quigley, Indian Creek and Slaughterhouse canyons. Seasons of use would be spring, summer and fall.

Consideration of Extraordinary Circumstances:

This Consideration of Extraordinary Circumstances Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 43 CFR 46.215 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

Conducting mountain biking and hiking tours on the Croy Creek Trail network and the identified primitive roads would not impact public health or safety. The mountain biking and hiking tours teach trail etiquette along with bike control and handling skills. This minimizes the chance of collisions or use conflicts.

Since construction of these trails, there have been some encounters between sheep guard dogs and recreationists. The Special Recreation Permit will include stipulation o to address livestock and other permitted uses on public lands. Signs are posted at the Croy Creek Trailhead and major trail intersections indicating when sheep are present; notifying the trail users when livestock are present and when they can expect to see livestock and sheep dogs.

2. The proposed action would not 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.

There are no unique geographic characteristics, park, or refuge lands nor wilderness study areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, floodplains, national monuments, or other ecologically significant or critical areas within or at the proposed project areas. Short sections of some trails and primitive roads pass through wetlands however the proposed action will not impact them beyond their current levels. The Croy Creek Special Recreation Management Area (SRMA) is within the project area; however, it is principally managed for summer motorcycle and mountain bike use and the use proposed here is compatible with the Special Recreation Management Area. The proposed activities are not anticipated to impact migratory birds that may be in the area beyond that of the current level.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action would not have highly controversial environmental effects. The effects of using trails and primitive roads for mountain biking and hiking are well understood. The BLM prepared an environmental assessment in 2007 before authorizing construction of the Croy Creek trails. The proposed trails have been used by mountain bikers since they were constructed in 2009 and the primitive roads have been used by mountain bikers over 20 years. There are no unresolved conflicts concerning alternative uses of available resources. Consistent with the multiple-use mandate in the Federal Land Policy and Management Act, recreation and livestock grazing are alternative uses that can and frequently do occur in the same area.

The BLM Shoshone Field Office sent out a press release May 3, 2012 seeking comments on the proposed action. An article was in the Idaho Mountain Express May 9, 2012. Four letters were received. The first relevant issue was group size. Stipulation qq. establishes a maximum group size of 8 which is consistent with the size of existing informal group rides/hikes. Stipulation rr also limits Sun Valley Trekking to one guided trip per day. The special recreation permit would be reevaluated two years after issuance to ensure use conflicts do not exist.

The second issue was the use of trails on Bald Mountain. The BLM discussed the proposal and issues with the Sun Valley Company (SVC) who owns private land at the base of Bald Mountain. The SVC was not interested in allowing Sun Valley Trekking permission to offer services across their private land therefore the Bald Mountain trails were eliminated from the proposal.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Impacts from the proposed action are predictable and not expected to be greater than current levels. They consist of fugitive dust stirred up by the mountain bikers and insignificant and

immeasurable impacts to the soil/trail tread or road bed. Since Sun Valley Trekking will also be teaching mountain bike etiquette and technique impacts may even be less than those created by some recreational mountain bikers. A more skilled mountain bikers have less impacts on a trail tread than do entry level riders because they are able to corner and control speed without skidding their tires. Sun Valley Trekking will also remove all trash, see stipulation v.

Current use levels of the Croy Creek Trail Network averages between 30 and 50 users/day. If Sun Valley Trekking maximized their authorized use it would increase use numbers by 8 users/day or 20%. However it is anticipated that they will take less than one trip/week therefore increasing use by 8 people/week or 2% increase.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action is not connected to a future action that would require further environmental analysis nor does it establish a precedent for future actions.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The Sun Valley Company is proposing to construct additional mountain biking trails within the Bald Mountain permit area. The Sun Valley Company may then provide guiding services on these trails. Therefore the trails on Bald Mountain have been removed from the proposed action. The rest of the proposed action may have a direct relationship with trails proposed in the North Highway 20 Travel Management Plan as the permittee may apply to amend their permit to add a newly constructed trail. However the North Highway 20 Travel Management Plan environmental assessment will address impacts of the proposed trails and associated use levels to determine if any significant effects exist. Future special recreation permit requests will take impacts identified in the North Highway 20 Travel Management Plan into consideration prior to issuing or amending any additional permits.

This action would have an immeasurable increase in use throughout trails within the Wood River Valley. Therefore it does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

7. The proposed action would not 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.

The proposed action does not involve any new ground disturbance and would be restricted to existing roads and trails. There would be no new impacts to listed or eligible National Register properties. Archaeological clearances for the Rotarun Trail Network EA# ID230-2006-EA-1402, were done in July 2007 and found no cultural resources. There were no cultural resources found during construction.

8. The proposed action would not 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.

Botanical and wildlife clearances for the Rotarun Trail Network EA# ID230-2006-EA-1402 , which covers a portion of the project area, were done in July 2007 and found no special status species. However, special status animal species do occur throughout the project area. The greater sage-grouse, a species proposed and found warranted but precluded for listing on the List of Endangered or Threatened Species, does occur in portions of the project area. Approximately 6 miles of trail are also considered to be preliminary priority habitat for the greater sage-grouse. In addition, wolverines and lynx have been observed within the vicinity of the project area. However, it is not likely that these animal species would be adversely impacted beyond that of the current level by the proposed action because the proposed activities on the identified roads and trails are open to the public for similar uses.

9. The proposed action would not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

The proposed action would comply with applicable Federal, State, and local laws, see stipulations a and w.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

This proposal would not disproportionately affect low income or minority populations within the project areas or surrounding areas of Blaine County. The area would remain available for use by the general public, see stipulation o and cc.

11. The proposed action would not 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).

The proposal would not limit access to or ceremonial use of Indian sacred sites on BLM-managed lands.

12. The proposed action 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 the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

There currently are Idaho State Department of Agriculture designated noxious weeds in the project area. These weeds include Canada thistle (*Cirsium arvense*) and diffuse knapweed (*Centaurea diffusa*). They exist primarily along roads, riparian areas, and heavily used areas. It is unlikely that the proposed project would result in the spread of weedy plants beyond the current level. It is unlikely that this level of activity will contribute to any measurable contribution to the noxious weed population and spread. There are no ground-disturbing

activities or route creation being authorized, and motorized vehicles will be limited to designated routes.

Participating Staff

Name of Participant	Position Title or Resource Expertise	Comments Provided (Initial One)		Date
		None /	Attached	
Tara Barrier	Wildlife Biologist		TAB	7/27/2012
Lisa Cresswell	Cultural Resources	LC		10/11/11
John Kurtz	Recreation Planner	JK		9/26/2011
Clare Josaitis	Rangeland Management Specialist		CEJ	7/20/2012
Joanna Tjaden	Rangeland Management Specialist		JPT	7-2-2012
Danelle Nance	Natural Resource Specialist		DN	8/29/12
Tara Hagen	Realty Specialist		TH	7/2/2012

Appendix I

BLM Shoshone Field Office Additional Stipulations

for

Sun Valley Trekking Special Recreation Permit

These stipulations are part of your Special Recreation Permit, and describe the responsibilities, requirements, and administrative procedures pertinent to the Sun Valley Trekking Special Recreation Permit. Stipulations will be reviewed annually, and revised or updated as necessary.

Outfitter:

Official Name
of Business:

Business Address:

Telephone Number:

E-mail Address: _____

I have reviewed the attached operating plan and agree to operate under its provisions.

Signature

Date

Appendix I

STIPULATIONS

- a. 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 Special Recreation Permit (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, and spectators under the permittee's supervision.
- b. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
- c. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.
- d. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. 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. BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
- e. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
- f. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by

the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

- g. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
- h. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
- i. 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.
- j. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
- k. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
- l. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
- m. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.
- n. A property damage, personal injury and comprehensive public liability insurance policy is required for all commercial and competitive permittees. The insurance shall name the U.S. Department of the Interior, Bureau of Land Management as additional insured and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty days written notice by the insurance company to the BLM. The permittee shall indemnify and hold harmless the United States against any liability for personal injury,

loss of life, or property damage arising in any way from activities under the permit. The permit is valid as long as the permittee has current proof of insurance on file.

- o. Permittee, employees, and clients will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses (including commercial and private).
- p. The permittee will take all responsible measures to ensure that entrants, spectators, and casual users attracted by the events will not harass wildlife or livestock in the vicinity.
- q. The permittee will be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands.
- r. A Post Use Report will be submitted within 30 days after the end of the use season or no later than December 31. End of season use fee payments must be received by BLM when the Post Use Report is submitted. If the Use Report and fees are not received by January 15 a late fee of \$250 will be assessed. If the Use Report is not received by January 31 the Special Recreation Permit will be suspended. Use under the Permit will not be re-authorized until all fees, including the late fee, have been paid.
- s. An annual evaluation of each multi-year permit is required to measure performance and compliance with the terms of the permit. The review will address post use reports and to ensure that insurance, operations plan, etc. are updated/current.
- t. No surface disturbance or excavation of cultural resources is allowed. All outfitters, guides and clients shall abide by all current federal regulations pertaining to antiquities use, collection, disturbance, or otherwise as provided in BLM Manual 8110. No antiquities can be removed from public land without a valid permit from an authorized Federal agent.
- u. No overnight camping will be permitted on BLM land.
- v. All trash will be removed by the permit holder.
- w. Operation and maintenance of all sanitation, food service, and water supplies, systems and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
- x. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be described in the permit application.
- y. Permittee shall protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation.

- z. Standing trees or sagebrush (alive or dead) may not be cut for use in constructing temporary facilities.
- aa. Permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees, or clients.
- bb. Wildfire should be reported immediately to the Interagency Fire Dispatch Center in Shoshone or Boise (800-974-2373). Permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be placed in effect by the BLM.
- cc. The permittee is prohibited from inhibiting, limiting, or reducing access to public lands within the permit area.
- dd. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public land by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, the permittee's is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- ee. This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- ff. The applicant shall make available upon request the name(s) and address(s) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- gg. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands that are otherwise restricted or closed.
- hh. BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
- ii. Permittee is responsible for all actions of employees and clients on both public and private lands.
- jj. Unless use allocations are in place, the public lands will generally remain available on a first-come first-served basis to as many other commercial and private users as desire to use them, except as otherwise provided for in these stipulations. Nothing herein implies that the first permittee into any area has been authorized an exclusive use privilege.
- kk. Vehicles must stay on existing roads and ways. No cross-country use of motorized or mechanical vehicles is authorized except in an emergency situation.
- ll. There will be no harassment of livestock or wildlife. Guides should educate clients on avoiding close encounters with all big game species (deer, elk, moose, and black bear)

particularly during the early summer when young of the year may be present. Adult animals can be very aggressive during this rearing period. Also, when wildlife are encountered on the trails, clients should be instructed to stop and allow the wildlife to clear the trail before proceeding.

- mm. Issuance of a permit by BLM does not guarantee the permittee's use of specific public areas, nor does it grant the exclusive use of any area by the permittee.
- nn. 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 whatsoever, including but not limited to damages to property and injuries to or death of persons that arise directly or indirectly from or that are in any way connected with the permittee's use and occupancy of the lands authorized by this permit.
- oo. First-aid equipment needs should be determined by the size of the group. A 24-unit first-aid kit is usually adequate for most field emergencies.
- pp. Guides should be trained in first-aid and Cardio-Pulmonary Resuscitation procedures and hold a valid Standard American Red Cross first-aid card or its equivalent.
- qq. Maximum group size is 8, including guides.
- rr. Guided trips will not exceed one trip per day.
- ss. The BLM recognizes and endorses the use of the principles of Leave No Trace and Tread Lightly as appropriate wildland ethical behavior for the recreating public. The permittee is required to follow these principles listed below.

LEAVE NO TRACE

Reference the full LNT booklet at: <http://www.lnt.org/TeachingLNT/LNTEnglish.php>

Plan Ahead and Prepare

Know the area and what to expect, travel in small groups, select appropriate equipment, and repack food to reduce litter at the source.

Camp and Travel on Durable Surfaces

Concentrate use in popular areas, spread use in remote areas, avoid places where impact is just beginning.

Pack It In, Pack It Out

Reduce litter at the source by repackaging food, dispose of trash and garbage properly.

Properly Dispose of What You Can't Pack Out

Dispose of human waste responsibly, minimize soap and food scraps in waste water, avoid contaminating water sources when washing, and dispose of fishing and hunting waste appropriately.

Leave What You Find

Minimize site alterations, avoid damaging trees and plants, leave natural objects and cultural artifacts, avoid disturbing wildlife, reduce your impact on other users.

Minimize Use and Impact From Fires

Be aware of regulations and weather conditions. Stoves are often the best option. If you must build a fire, use existing fire rings. Collect only dead and downed wood or bring your own.

TREAD LIGHTLY!

Reference the details of principles at:

<http://www.treadlightly.org/edu.mv?edu=Recreation%20Tips>

Travel only where permitted.

Know what areas/roads/trails are open to vehicles. Some roads may still have snow banks or muddy conditions in the third week of April so those should be avoided until they dry out (no riding on uplands to avoid snow banks).

Respect the rights of others.

Be considerate of others on the roads/trail that you travel. Vehicles yield the right-of-way to bicycles, hikers, and horses.

Educate yourself.

Obtain information on your destination before you go. If you have questions contact the managing agency of the area(s) you are visiting.

Avoid streams, meadows, wildlife areas, etc.

Be aware of wildlife habitat. Crashing through underbrush or across open meadows upsets the balance of nature, destroys nesting sites, and disturbs wildlife.

Drive and travel responsibly.

Use common sense. Avoid muddy roads and trails and stay out of meadows and wetlands.

Additional information on the Leave No Trace and Tread Lightly! Programs are available at the Shoshone Field Office or on their respective internet sites.