

UNITED STATES GOVERNMENT DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Falls District – Salmon Field Office
CATEGORICAL EXCLUSION

CX Number: DOI-BLM-ID-I040-2011-0024-CX

Title of Action: Barracks Lane Mountain Bike SRP

Preparer: Liz Townley, Outdoor Recreation Planner

Date of Preparation: May, 2012

PROPOSED ACTION:

The Bureau of Land Management Salmon Field Office received a request from Idaho Adventures for an amendment to their special recreation permit (SRP). Idaho Adventures currently conducts commercial river activities in the SA 4 A and B sections of the Salmon River, as well as guided mountain biking tours. The permitted mountain biking areas on the Idaho Adventures permit are Discovery Hill, Lemhi Pass, Lewis and Clark backcountry byway, and Flume Creek. Post use reporting shows that they conduct between 4 and 6 tours a year with an average of 4 clients per tour. Idaho Adventures would like to add the Barracks Lane area (APPENDIX A) to their permit. Mountain biking tours would be permitted between the dates of May 1 and December 16. Travel would be limited to well defined existing roads and well defined trails. Bikes would be required to be cleaned prior to entry on public lands. All existing design features and stipulations (APPENDIX C) currently being enforced on their existing permit would apply to the Baracks Lane area and would be valid until 2019.

*On site monitoring of special recreation permits occur at random to ensure that stipulations are being met.

CONSULTATION AND COORDINATION: The public was notified of the proposed project through the electronic BLM E-Planning Database in May of 2012. This web-based database allows interested persons to read about upcoming projects on line.

FINDING OR RECOMMENDATION: The proposed action is categorically excluded as outlined in 516 DM 11.9 (H)(1): *Issuance of Special Recreation Permits for day use, or overnight use up to 14 consecutive nights; that impacts no more than 3 staging areas acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.* None of the extraordinary circumstances described in 516 DM 2 (Appendix B) apply.

LAND USE PLAN CONFORMANCE STATEMENT: The proposed action is in conformance with the Lemhi Resource Management Plan April 1987, as amended (2001) because it is specifically provided for in the following LUP decision(s):

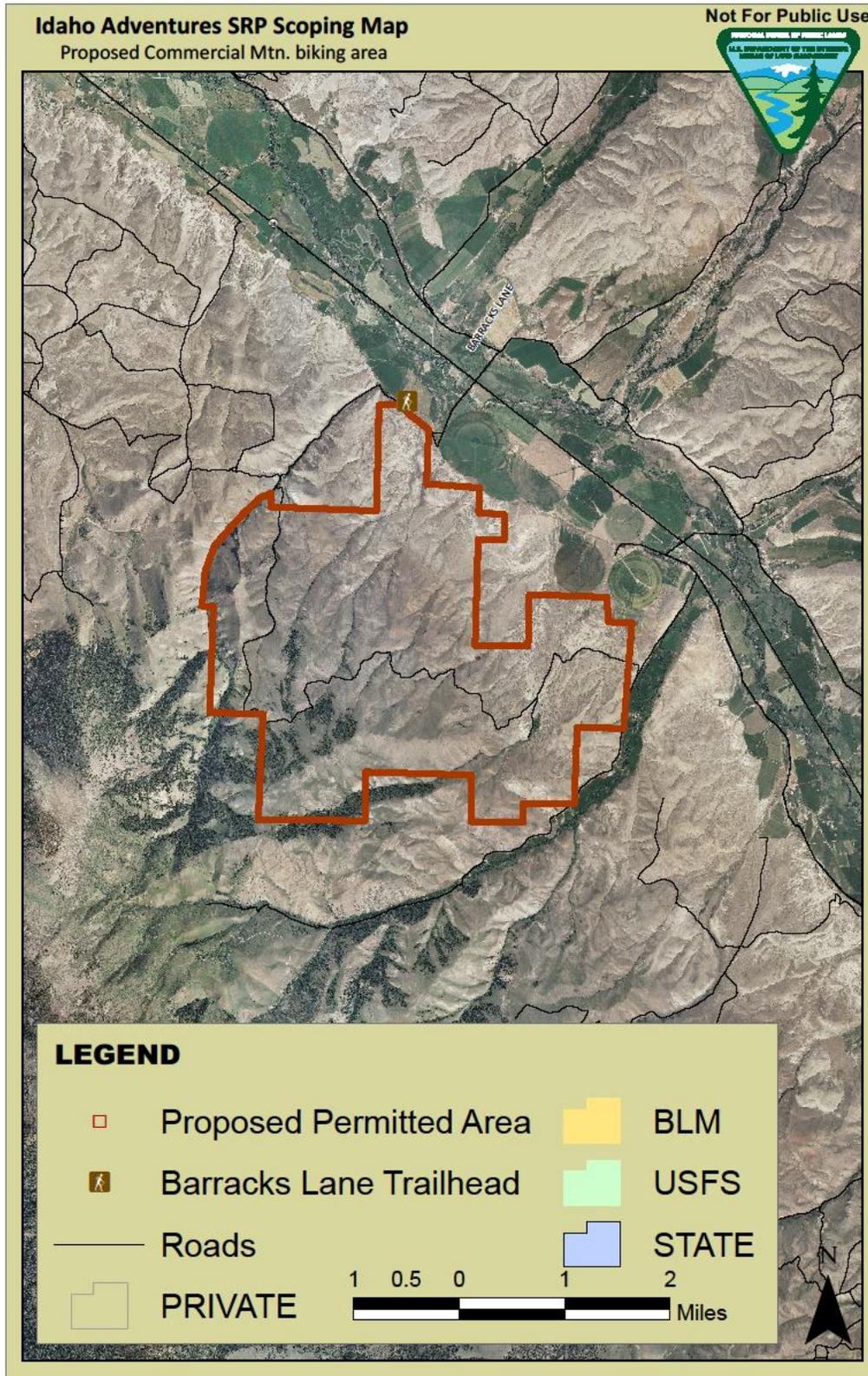
Allowable Uses (Pg 38.): Any valid use, occupancy, or development of the public lands that conforms with the RMP will be considered. Those uses, including rights-of-way, leases, and permits will be subject to environmental review.

Recreation Opportunities (Pg 54.): A broad range of outdoor recreation opportunities will continue to be provided for all segments of the public, depending on demand.

/s/ Elizabeth Townley 1/31/13
Preparer signature and date

/s/ A. Scott Feldhausen 1/31/13
NEPA Reviewer signature and date

APPENDIX A



APPENDIX B

Extraordinary Circumstances Requiring the Preparation of an EA or EIS

The action described in categorical exclusion (CX) # DOI-BLM-ID-1040-2011-0024-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM #</u>	<u>Extraordinary Circumstance</u>
2.1	Have significant impacts on public health or safety
2.2	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.
2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
2.7	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.
2.8	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.
2.9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
2.11	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).
2.12	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).

APPENDIX C

A. General Stipulations:

- 1) Permittees and their clients will not damage, destroy, disturb, or remove Native American or other cultural properties and heritage resources. These resources are protected under the Archaeological Resources Protection Act of 1979. The Act provides civil and criminal penalties for individuals who would damage archaeological sites and/or collect artifacts. Any cultural or paleontological resource (historic or prehistoric site or object) discovered by any person working on public or Federal land shall be immediately reported to the authorized officer.
- 2) All Permittees agree to make all relevant permit books and support records available to the BLM or other Federal Agencies authorized to review BLM's permitting activities. All such Permittee records will be furnished upon request as outlined in 43 CFR 8372.5.
- 3) Issuance of a Special Use Permit by BLM does not establish nor imply recognition of any claimed historical use rights by an operator or the public. Public lands will be available to users on a first come, first served basis. Unless an allocation system is implemented for an area, other commercial users and private individuals alike may use all public lands.
- 4) Permittees are responsible for all actions of their employees and customer on both public and private lands.
- 5) BLM has no authority to permit or regulate recreation use of non BLM lands (i.e., private, state, U.S. Forest Service, etc.) unless provided for by agreement.
- 6) Permittees and their clients will not interfere with other valid existing uses occurring on public lands such as livestock grazing and other recreational uses.
- 7) No one shall intentionally or wantonly destroy, deface, remove, or disturb any public building, sign equipment, marker, or other government property, cultural site, historic structure, natural feature of land, vegetation or wildlife except as legally taken.
- 8) The authorized officer of BLM reserves the right to close various sites and/or areas of public lands to prevent resource damage and use conflicts, and to promote visitor safety.
- 9) No language in any permit will be construed as a license for the Permittee and/or his/her clients to use areas on the public lands which are otherwise restricted or closed (e.g., off road vehicle closures, special designations, etc).
- 10) Failure to meet the terms and conditions of any Special Recreation Permit may result in suspension, cancellation or revocation. The BLM may also refuse to issue a permit to the holder of a permit so cancelled in subsequent years.
- 11) Permittee shall not enclose or block roads or trails open to public use.
- 12) This permit may be terminated or canceled in the event that no use is reported for two

consecutive boating seasons/years.

B. Sanitation and Aesthetics

- 1) Permittees shall guard the purity of streams and living waters. No waste or byproducts shall be discharged if they contain any substances in concentrations that would result in substantial harm to fish and wildlife, or to human water supplies, including live streams, lakes and reservoirs.
- 2) All garbage and rubbish of any kind will be packed out.
- 3) The Permittee shall protect the scenic and aesthetic values of any area under permit and the adjacent land, insofar as practical while exercising privileges granted during the permitted operation.

C. Fire Protection

- 1) Permittees may be held responsible for fire suppression costs resulting from wildfire caused by them, individuals under their employment, or customers and participants.
- 2) Wildfires discovered should be reported immediately to the nearest BLM office. The Permittee is responsible for keeping all customers, participants and employees informed of and compliant with current fire danger restrictions and required precautions that maybe placed into effect by BLM or the State of Idaho.

D. Insurance and License Requirements:

- 1) The Permittee will name the United States Government, Bureau of Land Management and U.S. Forest Service as additionally insured, solely as respects liability arising from operations of the named insured (Permittee). The minimum insurance requirements are: \$1,000,000.00 per annual aggregate and \$500,000.00 per occurrence. This coverage shall extend to property damage, bodily injury, or death arising out of the Permittee's operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by this permit.
- 2) The Authorized Officer will be notified at least 30 days prior to termination or modification of the insurance policy.
- 3) The time period for insurance must match the time period of the permit; for multi year outfitters, the insurance need only be valid during periods of actual use.
- 4) This permit is valid only as long as the Permittee has a current Idaho Outfitters and Guides License, current proof of insurance, and in good standing.

E. Risks, Hazards and Safety

- 1) Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and manmade features are found on public lands and present risks which the Permittee assumes. The Permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.
- 2) Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- 3) All guides and employees responsible for clients in the field shall be trained in First Aid and CPR, and hold a valid certification of training from the American Red Cross or its equivalent.
- 4) In case of human death, or wildfire, involving the permitted operation, the Lemhi County Sheriff shall be notified immediately, and the Bureau of Land Management, Salmon Field Office shall be notified immediately after the Sheriff is notified.
- 5) The Permittee shall notify the BLM as soon as possible of any accidents involving the permitted operation which result in loss of consciousness, injuries disabling individuals in excess of 24 hours, and injuries requiring search and rescue response. The Permittee shall submit a detailed written report to the BLM within 10 days from the date of the accident/event.

F: Boating and Fishing

- 1) Any boating party exceeding 50 clients (including guides) and using BLM facilities requires advance approval of the BLM's authorized officer.
- 2) Chukar hunting (cast and blast) in association with permitted floating and or fishing is prohibited on all public lands that boundary the shoreline of the SA-4 segment (Kilpatrick Boat Launch to North Fork Idaho).
- 3) Unless human safety is at risk, boats and passengers will be restricted from landing or camping within ¼ mile of any/all bald eagle nests identified and mapped by BLM.

G. Wildlife Protection:

- 1) Unless human safety is at risk, boats and passengers will be restricted from landing or camping within ¼ mile of identified/mapped bald eagle nests.
- 2) In 1991 and 1992, the National Marine Fisheries Service (NMFS) listed certain Snake River chinook salmon and sockeye salmon stocks as threatened and endangered, respectively, under the Endangered Species Act (ESA). In 1997, NMFS listed steelhead trout as threatened and the U.S. Fish and Wildlife Service (USFWS) listed bull trout as threatened under the ESA. Since your Special Recreation Use Permit (SRUP) is within the habitat which is occupied by these listed species, your use has been reviewed to determine whether it may affect these species. It has been determined by the Bureau of Land Management (BLM) that the permitted use in your SRUP application is Not Likely to Adversely Affect the listed species if special terms and

conditions are incorporated into your SRUP as mitigation. BLM has sought and received concurrence from NMFS and USFWS that the proposed recreational use is Not Likely to Adversely Affect the listed species. Accordingly, your permit includes the following stipulations:

- a) All authorized activities must be in accordance with Idaho Department of Fish and Game Regulations, including any special restrictions related to the listings of threatened or endangered species. Fishing is not a permitted use unless authorized by the State of Idaho.
- b) Your SRUP will incorporate any additional mitigation measures which may be identified by BLM, NMFS or USFWS as necessary to avoid and adverse affect on the listed species up to and including the restriction of use during the critical period and/or cessation and withholding of your recreational use.

Salmon Field Office
Decision Record for the Categorical Exclusion:
Discovery Hill Mountain Bike Race SRP
DOI-BLM-ID-I040-2011-0024-CX

Decision:

It is my decision to approve and implement permitting Idaho Adventures to conduct commercial mountain bike tours at Barracks Lane as described below.

The Bureau of Land Management Salmon Field Office received a request from Idaho Adventures for an amendment to their special recreation permit (SRP). Idaho Adventures currently conducts commercial river activities in the SA 4 A and B sections of the Salmon River, as well as, guided mountain biking tours. The permitted mountain biking areas on the Idaho Adventures permit are Discovery Hill, Lemhi Pass, Lewis and Clark backcountry byway, and Flume Creek. Post use reporting shows that they conduct between 4 and 6 tours a year with an average of 4 clients per tour. Idaho Adventures would like to add the Barracks Lane area (APPENDIX A) to their permit. Mountain biking tours will be permitted between the dates of May 1 and December 16. Travel is limited to existing roads and well defined trails and bikes are required to be cleaned prior to entry on public lands. All existing design features and stipulations (APPENDIX B) currently being enforced on their existing permit will apply to the Baracks Lane area and will be valid until 2019.

*On site monitoring of special recreation permits occur at random to ensure that stipulations are being met.

The proposed action is in conformance with the Salmon Field Office, Lemhi Resource Management Plan 1987, as amended.

Land Use Plan Conformance

Land Use Plan Name: Lemhi Resource Management Plan

Date Approved: April 1987, as amended.

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

Allowable Uses (Pg 38.): Any valid use, occupancy, or development of the public lands that conforms with the RMP will be considered. Those uses, including rights-of-way, leases, and permits will be subject to environmental review.

Recreation Opportunities (Pg 54.): A broad range of outdoor recreation opportunities will continue to be provided for all segments of the public, depending on demand.

Scoping and Public Involvement:

This categorical exclusion was scoped for extraordinary circumstances in the Salmon Field Office on February 22, 2011. The Salmon Field Office received one comment from Idaho Fish and Game on the negligible effects to wildlife from the proposed action.

Rationale For Decision:

This action meets the qualifications of a categorical exclusion under 516 DM 11.9 H. Recreation: 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.

Protest and Appeal:

This is a full force and effect action pursuant to 43 CFR §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.

The authorized officer's 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. If no appeal is taken, this decision is final.

Approved By: /s/ Linda R. Price
Linda R. Price
Salmon Field Manager

2/4/2013
Date