

DECISION MEMORANDUM
Vending Permits for the Wizard's Rhino Rally
DOI-BLM-AZ-A010-2013-0002-CX

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office and St George Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation (DOI-BLM-AZ-A010-2013-0002-CX) and Arizona Strip District and St George Field Office staff recommendations, we have determined that the proposed action is in conformance with the Arizona Strip Field Office Resource Management Plan and the St George Field Office Resource Management Plan and is categorically excluded from further environmental analysis. Our decision is to approve the proposed action.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Forms 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office and St George Field Office; 345 East Riverside Drive; St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2931.8, this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 and Office of Solicitor, Salt Lake City Field Office, 125 S State Street #6201, Salt Lake City, Utah 84138-1180) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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

Standards for Obtaining a Stay

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.

Lorraine M. Christian *2/21/2013*

Lorraine M. Christian - Field Manager, Arizona Strip Field Office Date

Jimmy Tyree *2/21/13*

Jimmy Tyree - Field Manager, St George Field Office Date

Action for

Contact Person:

Jon Jasper
Outdoor Recreation Planner
Arizona Strip Field Office
(435) 688-3246 office
jjasper@blm.gov

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR.....

3. STATEMENT OF REASONS Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE
NOTICE OF APPEAL.....**

WITH COPY TO
SOLICITOR.....

3. STATEMENT OF REASONS Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Categorical Exclusion

Vending Permits for the Wizard's Rhino Rally
DOI-BLM-AZ-A010-2013-0002-CX

A. Background

BLM Office: Arizona Strip Field Office (Arizona) and St George Field Office (Utah)
Lease/Serial/Case File No.: n/a

Proposed Action Title/Type: **Vending Permits for the Wizard's Rhino Rally**

Location of Proposed Action: The Arizona and Utah staging areas designated for use for the Rhino Rally Motorcycle Race. The Arizona staging area is within the OHV open area south of St George, Utah.

Legal Description:

Staging Areas - Arizona T41N, R11W Section 14
- Utah T43S, R13W Section 26

Description of Proposed Action: The proposed action would be to authorize Special Recreation Permits (SRPs) for appropriate vending activities for the Rhino Rally motorcycle race. Vendors would be able to set up temporary structures to cook food and sell their products. Vendors would be limited to Rhino Rally's pit row within the approved staging areas.

In order to protect and preserve the natural and cultural resource values on the Arizona Strip and provide for public safety, the following terms and conditions/stipulations are incorporated as part of each SRP. These stipulations are specific to the Arizona Strip District and the St George Field Office and are in addition to those found within Form 2930-1 (SRP Application) and BLM H-2930-1 (Recreation Permit Administration). These stipulations are incorporated as part of the SRP and apply to the permittee and all employees working for him/her. Failure to comply can result in permit revocation.

General Stipulations

1. 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.
2. Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause existing permits to be suspended or cancelled. BLM may suspend or cancel an existing SRP if the permittee commits any of the acts prohibited in 43 CFR 8365 (Rules of Conduct), or violates any site specific rules posted in the area.
3. All advertising and representations made to the public and the authorized officer(s) 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 officers with any current brochure and price list if requested by the authorized officers.

4. The permittee shall notify the authorized officers of any accident which occurs while involved in activities authorized by this permit resulting in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amount if established by state law). Reports must be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage. Contact Arizona BLM Ranger, John Sims at (435) 644-1211 or Utah BLM Ranger, Curtis Racker (435) 632-9111.
5. The permittee is at all times responsible for the actions of himself, his employees, spectators and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
6. "Leave No Trace" principles must be followed. (See enclosed reference materials).

SRP Management

7. The permittee is required to provide the authorized officer (or his/her representative) with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
8. The permittee must submit a Post-Use Report and annual fees to the authorized officer (or his/her representative) 30 days after the event for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended.
9. The authorized officers, 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 3 years after expiration of the permit.
10. The permittee and his/her agents must carry a copy of the SRP and Letter of Authorization while conducting operations on public lands. When contacted by law enforcement personnel, the permittee and his/her agents shall identify themselves as SRP holders or agents operating under such a permit. The permittee/agents must present or display a copy of the SRP to an authorized officers' representative, or law enforcement personnel upon request. If required, the permittee must also display a copy of the SRP or other identification tag on equipment, especially full sized vehicles and ATVs, used during the period of authorized use.
11. An SRP authorizes special uses of the public lands and should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The permittee shall request an amendment or modification of the permit to provide for changes in use areas or sites, season of use, services provided, or any substantive changes in the operating plan 90 days prior to the issuance of the permit. The authorized officer(s) may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
12. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands 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 BLM.

13. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. This SRP does not in any way prevent public use of or access to any public lands, unless expressly identified under the permit. Public lands will generally remain available on a first-come, first served basis to commercial and private recreational users; nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use. 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.
14. 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, authorized officer(s) may approve contracting of equipment or services 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 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.
15. All permitted signs and flagging must be removed from public lands at the end of the use period.
16. Wildfires caused by the permittee shall be reported immediately by calling 911 and the nearest BLM office (435-688-3200). Permittee may be held liable for fire suppression costs.

Travel Management

17. All motor vehicle use will comply with applicable off-highway vehicle regulations.
18. The permittee will practice proper precautions to prevent the spread of noxious weeds/invasive species. Therefore, all machinery (street legal motorized vehicles, non-street legal all-terrain vehicles, trailers, etc.) that has been used outside the proposed use area must be cleaned prior to use and be free of accumulated plant parts (including the undercarriage) in order to prevent the possible introduction and spread of noxious weeds/invasive species.
19. Permittee is responsible for the proper cleanup of all vehicle fluid (including, but not limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report.

Rhino Rally

20. Vending would be limited to Rhino Rally's pit row within the Rhino Rally's approved staging area.
21. Vendors must adhere to any rules set by the Wizards, the organizers of the Rhino Rally, to operate in accordance to their event.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Arizona Strip Field Office Resource Management Plan (RMP) approved January 29, 2008 and St George Field Office RMP approved March 1999.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions.

- ❖ Arizona Strip RMP Decision# MA-RR-24.
Special recreation permit (SRP) application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements).
- ❖ Arizona Strip RMP Decision# MA-RR-28.
 - Commercial, competitive, organized group/event, and special area permits can be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated wilderness shall meet guidelines for commercial activities within wilderness.
 - Recreation activities requiring use authorization may be limited in listed species and other sensitive habitats (See Special Status Species and Vegetation Management decisions).
- ❖ Arizona Strip RMP Decision# DFC-RR-13.
The primary strategy for the St. George Basin SRMA will be to target a demonstrated community recreation-tourism market demand from primarily local communities (dependent on public lands recreation and/or related tourism use, growth, and/or development), as well as some other seasonal regional visitors, for motorized/mechanized/non-mechanized exploring, technical sports, fitness activities, guided tours, sightseeing, equestrian, hiking, competitive and organized events, viewing and appreciating natural landscapes and cultural sites. This demand is supported by the area's distinctive landscape, warm winters, and its close proximity to the rapidly growing communities of St. George, Santa Clara, Middleton, Washington, Hurricane, and Toquerville, Utah. Local recreation-tourism visitors value these public lands as their own 'back-yard' recreation settings (See Appendix N for more information and Maps 2.15 – 2.17).
- ❖ Arizona Strip RMP Decision# DFC-RR-14.
The St. George Basin Rural Park RMZ will be managed for:
 - Quick, easy access from town to sustainable day-use adventure, challenge, exercise, social, and outdoor recreation.
 - By the year 2011, manage this zone to produce close-to-town opportunities for community residents and seasonal, regional visitors to enjoy directed day-use adventure activities in natural, scenic landscapes along structured travel routes and areas, providing no less than 75% of responding visitors and affected community residents at least a "moderate" realization of these benefits (i.e., 3.0 on a probability scale where 1=not at all, 2=somewhat, 3=moderate, 4=total realization).
 - Exploring activities (i.e., *OHV driving, all-terrain vehicle (ATV) and motorcycle riding, equestrian, hiking*); personal challenge activities (i.e., *rock climbing, rock crawling, mountain biking, competitive events*); social activities (i.e., *organized group/family events*); and fitness activities (i.e., *walking, running, hiking*).

- Enjoying going exploring on one's own; enjoying having easy access to natural landscapes; developing your skills and abilities; enjoying getting some needed physical exercise; enjoying participating in group outdoor events; enjoying having access to close-to-home outdoor amenities.
 - *Personal Benefits*: Greater freedom from urban living; improved appreciation of nature's splendor; improved understanding of how this community's rural-urban interface impacts its quality of life; improved skills for outdoor enjoyment; improved physical fitness and health maintenance; greater self-reliance; restored mind from unwanted stress; Improved mental well-being; stronger ties with one's family and friends.
- ❖ St George RMP Decision# RC-20 Sand Mountain SRMA c)
BLM will work with user groups and other interested parties to identify and, where appropriate, develop OHV trail systems that will connect with similar trail systems and suitable roads in Arizona. One or more loops will continue to be authorized for yearly competitive events. Where needed to minimize cumulative impacts to soils and other resources, competitive events may be rotated amongst established courses in collaboration with the BLM Arizona Strip Field Office.
- ❖ St George RMP Decision# AC-03 Warner Ridge/Fort Pearce ACEC g)
g) Special recreation permits may be issued where site specific analysis determines that the authorized activity will not adversely affect the values for which the ACEC was designated.

C: Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9:

NEPA Handbook 2008, Appendix 4: BLM CatX, H: Recreation 1.

Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5).

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

See Attachment 1: Arizona's *Extraordinary Circumstances Review and Checklist*.

See Attachment 2: Utah's *Extraordinary Circumstances Review and Checklist*.

D: Signature

Authorizing Official: Lorraine M. Christian Date 2/21/2013
(Signature)

Name: Lorraine M. Christian
Title: Field Manager, Arizona Strip Field Office

Authorizing Official: Jim Tyree Date 2/21/13
(Signature)
Acting

Name: Jimmy Tyree
Title: Field Manager, St George Field Office

Contact Person

For additional information concerning this CX review, contact:

Jon Jasper
Outdoor Recreation Planner
Arizona Strip Field Office
jjasper@blm.gov
435-688-3264 office

Attachment 1 – Arizona Strip Field Office Review

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	No – Proposed action would not affect public health and safety	Sims
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?	No – The proposed activities would not occur in recreation, or refuge lands; wilderness or WSAs, wild or scenic rivers	Hawks, Christian, Young
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No – The proposed action has no controversial effects, and there are no known unresolved conflicts concerning uses of available resources.	Spotts
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No – The proposed action has no significant environmental effects. The proposed activities are not unique and therefore do not involve unknown risks to the environment.	Spotts
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No – The proposed action does not have any precedent for future actions – all future actions would be assessed and analyzed individually.	Spotts
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No – The proposed action would not create cumulatively significant effect to other actions	Spotts

<p>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?</p>	<p>No – the proposed action does not have expected impacts to Historic Places; there are no listed or eligible properties in the vicinity of the project area.</p>	<p>Herron</p>
<p>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?</p>	<p>No – There aren't any known special status species in the areas proposed.</p>	<p>Christian, Roaque, Young</p>
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p>	<p>No – the proposed action would not violate any laws.</p>	<p>Sims, Benson</p>
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p>	<p>No – the proposed action would not have adverse effects on minority populations</p>	<p>Benson</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>	<p>No – The proposed action would not limit access to sacred sites, or any other public lands.</p>	<p>Benson, Herron</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>	<p>No – the proposed action would not contribute to the introduction of exotic plants – all travel would be along existing roads or within the OHV open area. In addition, a stipulation regarding noxious weeds (to minimize the spread of these species) is included in this SRP.</p>	<p>Bunting</p>

Attachment 2 – St George Field Office Review

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	No impacts to public safety	T. Croissant 2/19/13
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study 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 (Executive Order 13186); and other ecologically significant or critical areas?	No, migratory birds	B. Douglas, February 14, 2013
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No controversy or unresolved conflicts	T. Croissant 2/19/13
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No uncertain or unique environmental risks	T. Croissant 2/19/13
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	Does not establish any precedent	T. Croissant 2/19/13
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	Does not have cumulatively significant impacts	T. Croissant 2/19/13
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?	No impacts to significant historic properties	B. Banek 2/19/13
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?	No, T&E species or designated critical habitat	B. Douglas, February 14, 2013
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	Does not violate any laws	T. Croissant 2/19/13
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	Do disproportionate impacts to low income or minority	T. Croissant 2/19/13

<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>	<p>populations Will not limit access or adversely affect the integrity of sacred sites</p>	<p>B. Banek 2/19/13</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>	<p>Does not contribute to invasive plant problems</p>	<p>T. Croissant 2/19/13</p>

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

<p>Extraordinary Circumstances</p>		
<p>1. Have significant impacts on public health or safety.</p>		
<p>Yes</p>	<p>No X</p>	<p>Rationale: The proposed action is identical to commercial use of this type that occurs in these areas on a regular basis. There is no data to suggest that these vending activities in the amount and duration proposed would have a significant impact on public health or safety.</p>
<p>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.</p>		
<p>Yes</p>	<p>No X</p>	<p>Rationale: The entirety of the proposed action takes place in the staging area of the race. No significant impacts to any of the following are anticipated: 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.</p>
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
<p>Yes</p>	<p>No X</p>	<p>Rationale: The proposed action consists of vending. This type of action is a small percentage of the overall public use in these areas and could not conceivably produce controversial environmental effects.</p>
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
<p>Yes</p>	<p>No X</p>	<p>Rationale: There is nothing in the proposed action that would lead to significant, unknown, or unique environmental risks.</p>

Extraordinary Circumstances		
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Since each Special Recreation Permit proposal must be evaluated individually, authorizing a single permit does not establish a precedent for future actions.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: Because of the rapidly growing population in Washington County, it is reasonable to expect that these types of activities in general, will probably increase over time. However, these activities are considered a low-impact activity and there is no data to suggest that a small increase in commercial use could generate significant cumulative impacts.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed actions will take place in the race staging area; therefore, no significant impacts will occur to historic properties listed or eligible for listing to 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.		
Yes	No <input checked="" type="checkbox"/>	Rationale: There are no species on the threatened or endangered list, or proposed for listing that would be affected by the proposed action.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action is in compliance with Federal, State, Tribal, and local laws, and no activities would take place on tribal lands.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action would have no effect on low income or minority 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 13007).		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action would not limit access to or interfere with ceremonial use of sacred sites. Nor would it adversely impact the integrity of any known sites.

Extraordinary Circumstances		
<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	No	<p>Rationale: As with any activity, the proposed action may contribute to the distribution of invasive species. However, the proposed action takes place in areas that receive thousands of visitors each year. To date, there are no known noxious weed infestations on or near these trails. A periodic monitoring program would assist in early detection and control of any new noxious weed infestations caused by this activity.</p>
	X	

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	D. Corry	2/14/13
Areas of Critical Environmental Concern	No	K. Voyles	2-14-13
Cultural Resources	No	B. Banek	2/19/13
Environmental Justice	No	T. Croissant	2/19/13
Farm Lands (prime or unique)	No	D. Corry	2/14/13
Floodplains	No	D. Corry	2/14/13
Invasive Species/Noxious Weeds	No	J. Roaque	2/14/13
Migratory Birds	No	R. Douglas	2/14/13
Native American Religious Concerns	No	B. Banek	2/19/13
Threatened, Endangered, or Candidate Species	No	R. Douglas	2/14/13
Wastes (hazardous or solid)	No	R Schreiner	2/14/2013
Water Quality (drinking or ground)	No	D. Corry	2/14/13
Wetlands / Riparian Zones	No	D. Corry	2/14/13
Wild and Scenic Rivers	NO	K. Voyles	2-14-13
Wilderness	NO	K. Voyles	2-14-13

Resource	Yes/No*	Assigned Specialist Signature	Date
Lands/Realty	No	T. Burke	2-14-13

*Extraordinary Circumstances apply.

Environmental Coordinator 

Date: 2/21/2013