



Bureau of Land Management

Boise District Office
Bruneau Field Office
3948 Development Ave.
Boise, Idaho 83705
<http://www.id.blm.gov>

Determination of Land Use Plan Conformance and NEPA Adequacy (DNA) U.S. Department of the Interior - Bureau of Land Management

A. BLM Office: Bruneau Field Office

NEPA Log Number: DOI-BLM-ID-B020-2013-0009-DNA

Lease/Serial Case File No.: SRP # ID120-13-03

Proposed Action Title/Type: Issue an Organized Group Special Recreation Permit

Location/Legal of Proposed Action: Sheep Creek T13S R6E and adjacent sections

Applicant (if any): Riverstone International School – Ben Brock

Description of the Proposed Action and any applicable mitigation measures:

Issue an Organized Group Special Recreation Permit for Riverstone International School to conduct a 5 day backpack trip in the Sheep Creek area, on BLM land in the Bruneau Field Office during May 13-17, 2013. Special recreation permits may be issued for events to be conducted in the Bruneau Field Office to individuals and organizations that apply in accordance with the BLM Special Recreation Permit Policy (43 CFR 8372). This activity and permit applicant has been issued in 2009, 2010, 2011, and 2012 with no known resource conflicts.

The students would be divided into two groups of 12 students, each with two adult leaders. The two groups would hike on basically opposite itineraries, and would not camp together. The groups would hike along the plateau west of Sheep Creek, and drop down to Sheep Creek via stock/hiking trails to 4 different camps. Total hiking distance would be approximately 28 miles for each group. Motorized travel would be restricted to pick-up and drop-off points on the Rowland Road and Highway 51/ Blackstone Reservoir Road intersection. One vehicle would be left parked at Rowland Road/ Mary's Creek intersection in case of an emergency. Leave no trace camping practices would be observed. Special and general permit stipulations would be included with the authorization, and are attached to this document.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP/Document ¹	Sections/Pages	Date Approved
Bruneau MFP	Recreation Objective #1	1983

¹List applicable LUPs (e.g., Resource Management Plans, Management Framework Plans, or applicable amendments) and activity, project, management, water quality restoration, or program plans.

Bruneau MFP Recreation Objective #1: Provide high quality recreation opportunities commensurate with present and future demand. Manage public lands to provide varied opportunities for recreation experiences in mostly undisturbed settings. Emphasis will be placed in managing the area for dispersed-type recreation opportunities.

C. Identify applicable NEPA documents and other related documents that cover the Proposed Action.

NEPA/Other Related Documents ¹	Sections/Pages	Date Approved
EA No. ID-010-86-29	All	1986
CER #ID-01-90-109	All	1990
EA No.ID-010-86-29 supplement	All	1993
EA No.ID-096-02-074	All	2004

¹List applicable NEPA documents that cover the proposed action or documentation relevant to the proposed action (i.e., source drinking water assessment, biological assessment, biological opinion, watershed assessment, rangeland health standard assessment and determination, or monitoring report).

D. NEPA Adequacy Criteria

- 1. Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed? Is the current Proposed Action located at a site specifically analyzed in an existing document?**

Documentation of answer and explanation:

The proposed action is substantially the same action as that previously analyzed in the applicable NEPA documents, and in the same types of dispersed locations as previously analyzed (EA No. ID-010-86-29 pages 1, 6-10). Other outfitters have been authorized to conduct backpacking and hiking trips in the same area since 1981.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, resource values, and circumstances?**

Documentation of answer and explanation:

The range of alternatives in EA No. ID-010-86-29 includes authorizing outfitting operations (preferred alternative, page 1), no action, which is described as limiting the number of authorized outfitters to places where that use is already established (page 4), and limited use, which would allow existing outfitters to retain their portion of the affected area and potential expansion into other use areas (page 4). The range of alternatives is appropriate to the current proposed action. BLM concerns (pages 6-9) include the effects of outfitter operations on naturalness in wilderness study areas, livestock grazing, vegetation, wildlife, vehicle routes, and wildfire. It has been determined that the proposed action would not have a significant effect on any of these issues, and they are adequately addressed in the NEPA document and permit stipulations.

- 3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (i.e., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Documentation of answer and explanation:

The existing analysis is valid. There is no known new information or circumstance relative to guided outfitter operations. The field office botanist, wildlife biologist and cultural resource specialist evaluate site and sensitive species information to determine whether there are known conflicts with dispersed recreation activities. Permit stipulations minimize negative impacts to resources. Wilderness monitoring in the operating area has found no impacts related to commercial outfitting within the operating area. The timing (mid May) of this activity would not conflict with Greater Sage Grouse breeding (lekking) activities as this species breeds mid March through April.

The initial analysis of direct, indirect and cumulative impacts to special status plants is still valid because no new impacts will occur and no new information on special status plants is available.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action?

Documentation of answer and explanation:

The methodology and analytical approach used in the MFP and the EA are appropriate for the proposed action. The EA determined that no significant impacts would occur from the decision to issue special recreation permits to outfitters. The NEPA documents are consistent with MFP objectives. The NEPA documents are also consistent with CEQ (43 CFR 1500) and BLM (Departmental Manual 516, Handbook 1790-1, H-2930) requirements and guidelines, which are the current requirements and guidelines for the development of a programmatic EA.

5. Are the direct and indirect impacts of the current Proposed Action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current Proposed Action?

Documentation of answer and explanation:

Direct and indirect impacts of outfitted camping and hiking are substantially unchanged from those identified in EA # 010-86-29 (pages 6-9), and site-specific impacts of travel and camping are documented in that assessment. Stipulations required in the permit minimize these impacts.

The initial analysis of direct, indirect and cumulative impacts to special status plants is still valid because no new impacts will occur and no new information on special status plants is available.

6. Are the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

The cumulative impacts of this activity is substantially unchanged from those analyzed in the existing NEPA documents. It does not represent a significant increased level of use or a new location of use.

The initial analysis of cumulative impacts to special status plants is still valid because no new impacts will occur and no new information on special status plants is available.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

Documentation of answer and explanation:

Public involvement and interagency review associated with the existing NEPA document is adequate for the current proposed action. We are aware of no current issues or controversies related to guided, dispersed recreation in this area.

E. Interdisciplinary Analysis:

Name	Title	Resource Represented
David Draheim	Outdoor Recreation Planner	Recreation, VRM
Bruce Schoeberl	Wildlife Biologist	Wildlife, Sensitive Species
Holly Beck	Botanist	Botany, Sensitive Species
Lois Palmgren	Archeologist	Cultural and Historic Resources
James Mays	Fisheries Biologist	Riparian, Fisheries

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

A copy of the permit stipulations is attached. Full clearances received and on file for Wildlife, Botanic, and Cultural Resources.

G. Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

___/s/ David Draheim_____
Preparer

___4/8/2013_____
Date

___/s/ Seth Flanigan_____
NEPA Specialist

___4/8/2013_____
Date

___/Arnold L. Pike_____
Bruneau Field Manager

___4/8/2013_____
Date

SPECIAL RECREATION PERMIT
#ID120-13-03
Special Recreation Permit Stipulations 2013
Riverstone International School-Ben Brock

1. Students will not carry a personal global positioning systems (gps) as requested by Shoshone-Pauite Tribal Counsel for the protection of cultural resources.
2. Pursuant to 43 CFR 10.4(b), the permittee must notify the BLM Field Manager, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43CFR10.2) on federal land. Pursuant to 43 CFR 10.4 (c), the permittee must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.
3. "Leave No Trace Outdoor Ethics" shall be adhered to by all participants on the hike.
4. The group shall not disturb archaeological sites of any kind. This includes the collection of artifacts from the federal land which is in violation of federal law subject to fine and imprisonment. An artifact is defined as any object, feature, monument, or structure that is made or modified by humans.
5. The group will operate in conformance with established off-highway vehicle designations. Motorized travel will be confined to BLM-administered existing or designated roads and two-track ways on public land, as depicted on the attached map. Avoid motorized travel when soils are saturated to avoid creating ruts and erosion problems. The group will not travel cross-country except on foot.
6. The permit will have a maximum party size (including staff and students) of 15 persons per group, not to exceed 30 people operating under this permit. The trip duration will be a maximum of five days.
7. All county, state, and BLM fire restrictions and closures will be followed. The group will use propane or gas stoves for cooking. Elevated fire pans will be used if open fires are built. Only down and dead vegetation may be burned. Prior to leaving camp, drown the fire, scatter unused firewood, remove unburned fire pan contents and transport off of public land to an appropriate disposal site.
8. While backpacking, current desert Leave No Trace methods (www.lnt.org) will be followed for human waste disposal.
9. Kitchen waste water shall be strained to remove food particles. Particles shall be
 - a. removed with other refuse. Strained kitchen water shall be dumped in porous ground well above the high water mark and at least 100 feet from camping areas.
10. The outfitter will remove all trash generated by the group.
11. The outfitter will leave gates as found. Fences will not be cut. Livestock and wildlife will not be harassed.
12. The outfitter will abide by all state, federal, and county rules and regulations.
13. The outfitter will have insurance coverage which meets current BLM recommendations. Current standards are as follows: The outfitter shall have in force public liability insurance single limits coverage of at least \$ 300,000. The coverage shall extend to property damage, bodily injury, or death arising out of the outfitters activities under permit including, but not limited to, the occupancy and use of public lands, and the construction, maintenance and operation of livestock, structures, facilities, or equipment authorized by permit. Such insurance shall also name the United States as additional insured and provide

for specific coverage for the outfitter's contractually assumed obligation to indemnify the United States. The outfitter will require the insurance company to send an authenticated copy of its insurance policy to the BLM immediately upon issuance of the policy. The policy shall also contain a specific provision or rider to the effect that the policy will not be cancelled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.

14. The outfitter will be responsible for any search and rescue costs associated with his trip. The outfitter will contact the Owyhee County Sheriff's Office directly for search and rescue assistance.
15. The outfitter's vehicles will be equipped with an axe and shovel in serviceable condition and a bucket of not less than a two gallon capacity during fire season. Fires started or discovered shall be quenched by the outfitter when possible, and reported to the BLM at first opportunity. The outfitter shall be held financially liable for fire suppression costs of all wildfires resulting from his operation.
16. The issuance of the special recreation permit in no way condones or otherwise authorizes the use of private lands for recreational purposes or for public access to reach BLM lands without approval of the property owner.
17. The BLM will have the right to check the adequacy and type of service provided to the public to ensure that such services conform satisfactorily to all stipulations, to insure that outfitter activities are not impacting public land natural resources including wildlife, sensitive plants, and livestock.
18. The authorized officer may require the permittee to comply with any reasonable stipulations or conditions necessary to protect the lands or resources involved (e.g., compliance with applicable Leave No Trace, Tread Lightly! and other practices), reduce user conflicts, or minimize health and safety hazards.
19. **Post-Use Report:** A post-use report (included with permit) must be received within 14 days after expiration of the permit.
20. **Recreation User Fees:** The permittee is to pay the organized group user fees in the amount of \$5.00 per participant per day. The \$100.00 application fee will be deducted from the total amount due. Any post-use fees required will be paid within 30 days of billing from BLM. Please do not pay bill with post use report as BLM will establish a bill after receiving post-use report. Fees due will be sent to a different location specified on the bill.
21. **Performance evaluation:** Non-compliance with any above permit stipulations will be grounds for denial of future permits, and/or permit cancellation.

Performance will be based upon:

- Stipulation and operating plan compliance;
- Protection of resources; and
- Quality and safety of services provided to the students.

Performance levels are:

(A) Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues and complaints.

BLM response: Issues may be discussed over the phone or in writing.

(P) Probationary: There have been violations of permit stipulations.

BLM response: A Notice of Noncompliance (Notice) will be issued specifying in what respects the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

(U) Unacceptable: Permittee willfully and/or repeatedly violated permit conditions, unacceptable resource damage with no mitigation, or provided substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

BLM response: Grounds for denying future permit applications. The permittee would be allowed the opportunity to appeal the decision under Title 43 CFR, Part 4.

General Terms and Stipulations

In addition to the terms included on a Special Recreation Permit (currently BLM form 2930-2), the following general terms should be applicable to and made a part of all special recreation permits except permits for individual use of Special Areas.

- 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 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, or 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.
- 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 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 must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, 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 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 and/or fines assessed. (Note: State Directors are encouraged to establish a statewide late fee schedule, for consistency between Field Offices.)

m. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by these permits 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 48 hours in the case of death or injury, or 10 days in accidents involving property damage. (Note: The authorized officer shall report accidents to the Bureau safety officer.)

From Leave No Trace website:

Human Waste

Proper disposal of human waste is important to avoid pollution of water sources, avoid the negative implications of someone else finding it, minimize the possibility of spreading disease, and maximize the rate of decomposition. Contrary to popular opinion, research indicates that burial of feces actually slows decomposition (at least in the Rocky Mountains). Pathogens have been discovered to survive for a year or more when buried. However, in light of the other problems associated with feces, it is still generally best to bury it. The slow decomposition rate causes the need to choose the correct location, far from water, campsites, and other frequently used places.

Catholes

Catholes are the most widely accepted method of waste disposal. Locate catholes at least 200 feet (about 70 adult steps) from water, trails and camp. Select an inconspicuous site where other people will be unlikely to walk or camp. With a small garden trowel, dig a hole 6-8 inches deep and 4-6 inches in diameter. The cathole should be covered and disguised with natural materials when finished. If camping in the area for more than one night, or if camping with a large group, cathole sites should be widely dispersed.