

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

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

CATEGORICAL EXCLUSION REVIEW SHEET
NEPA No. DOI-BLM-ID-T030-2013-0010-CX

Project Description

The Shoshone Field Office has received an application for a special recreation permit to conduct an Off-Highway Vehicles (OHV) ride sponsored by Outlaws and Angels and associated with the Hannah's Hope for Life benefit. Participants would leave Bliss, Idaho at 11 am on April 20th (third weekend in April) driving trucks, jeeps, ATVs or other types of OHVs. They would follow a predetermined route north of Bliss with three stops along the way (see attached map). Route intersections would be marked with pin flags and a crew would follow the last vehicle to pick up the pin flags and trash. Approximately 300 people or 100-150 vehicles are expected and the event should take approximately 4-5 hours. All vehicles would be required to stay on the marked route (existing roads).

Consideration of Extraordinary Circumstances:

This CER Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 43 Code of Federal Regulations (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 significant impacts on public health or safety.

The public has access to public lands and associated roads and primitive roads within the proposed project area. Currently and historically the public has used the identified roads to access public lands and for general recreation use such as driving for pleasure. Regarding the proposed route/permit area there have been no formal complaints about public safety issues nor has the Shoshone Field Office been aware of any OHV accidents or accidents related to existing authorized infrastructure on public lands.

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, recreation or refuge lands nor wilderness study areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, or other ecologically significant or critical areas within or at the proposed project areas. The proposed activities are not anticipated to impact migratory birds to a level that is uniquely detectable and discernible above the seasonally incidental disturbance levels that are currently occurring.

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 an organized OHV event are well understood. Since the event is not a race and is only an organized ride impacts are anticipated to be no more than any busy spring weekend in that part of the Field Office. During any given spring weekend it is not uncommon to see informal OHV/ATV rides occurring on existing roads throughout public lands north of Gooding, Idaho. There has been no formal complaints regarding conflicts associated with the informal OHV/ATV use that has occurred in that portion of the Shoshone Field Office.

The proposed action may affect distribution of livestock grazing in the Onion Patch Pasture of the Davis Mountain Allotment and in the Canal, Bray Lake, and Bliss Point Pastures of the Clover Creek Allotment due to the number of vehicles participating within this timeline. Contestants should be aware of livestock movement across roads and along fences and slow to accommodate their movement from one area to another.

Distribution of livestock grazing should return to pre-race conditions once the proposed action is completed.

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. They consist of fugitive dust stirred up by the OHVs, impacts to the existing road tread, trash or flagging used to identify the route, gates being left open and encountering bands of sheep/livestock. Outlaws and Angels will be responsible to repair any damaged tread post event (stipulation 14) and will remove all trash (stipulation 17), closing gates and not harassing livestock or wildlife (stipulation 15 and 16).

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. Demand for special recreation permits is not predictable and are handled on an individual case-by-case basis therefore not precedent setting.

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

This action does not have a direct relationship with any other actions that may have individually insignificant but cumulatively significant environmental effects. The proposed action is related to the Outlaws and Angels Hannahs Hope for Life Benefit events however the other event activities do not occur on public lands.

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 the bureau.

A Class I record search was performed and the trail route changed to avoid two potentially eligible sites. Trail riders will be restricted to main roads and trails, therefore the proposed trail ride would have no effect to cultural resources.

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.

There are no known federally listed Endangered or Threatened Species in the project area. The greater sage-grouse (*Centrocercus urophasianus*), a Candidate species is known to occur on a seasonal basis in the proposed event area. The proposed event is located on public land in Idaho that is designated as greater sage-grouse Preliminary Priority Habitat (PPH). Areas designated as PPH generally contain habitat of highest value for conservation and maintenance of sage-grouse populations. A review and consideration of the data sources in the Shoshone Field Office reveals that the proposed project area is part of a larger tract of public land that provides important greater sage-grouse winter habitat values. As the proposed event would occur outside the winter use period for greater sage-grouse it would have no measureable impact on sage-grouse use in the project area. The timing and implementation of activities related to the proposed event would result in no change in sage-grouse habitat values in the project area.

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 1 and 23).

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 Gooding County. The area would remain available for use by the general public (see stipulation 18, and 24).

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 diffuse knapweed (*Centaurea diffusa*), Russian knapweed (*Acroptilon repens*), and Scotch thistle (*Onopordum acanthum*). Non-native invasive species include medusahead rye (*Taenatherium caput-medusae*) and cheatgrass (*Bromus tectorum*). They exist primarily along roads 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 existing routes.

Participating Staff

Name of Participant	Position Title or Resource Expertise	Comments Provided (Initial One)		Date
		None	Attached	
Gary Wright	Wildlife Biologist		GW	4/15/13
Danelle Nance	Botanist		DN	4/15/13
Lisa Cresswell	Cultural Resources		LC	4/16/13
John Kurtz	Recreation	JK		4/11/13
Diana Miller	Rangeland Management Specialist		DM	4/17/13
Kasey Prestwich	Realty Specialist	Kp		4/11/2013

Appendix I

BLM Shoshone Field Office Additional Stipulations

for

Outlaws and Angels OHV Event Special Recreation Permit

These stipulations are part of the Special Recreation Permit, and describe the responsibilities, requirements, and administrative procedures pertinent to the Outlaws and Angels OHV Special Recreation Permit. Stipulations may 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

General Terms and 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 or permit). 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. (Form 2930-2, page 2)
2. 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.
3. 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.
4. Unless expressly stated, the permit 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall notify the authorized officer of any incident 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 24 hours.
14. The permittee will be responsible for the prompt repair of any damages to utilities, fences, roads and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates will be monitored during the event to prevent passage by livestock. Gates will be closed immediately at the end of the event
15. If a band of sheep are encountered on or near a bridge all participants must yield to sheep and livestock operator.
16. There will be no harassment of livestock or wildlife.
17. All trash and (pin) flagging will be removed by the permit holder.

18. 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).
19. 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.
20. 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.
21. Permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees, or clients.
22. 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.
23. 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.
24. The permittee is prohibited from inhibiting, limiting, or reducing access to public lands within the permit area.