

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

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

CATEGORICAL EXCLUSION REVIEW SHEET
NEPA No. DOI-BLM-ID-T030-2013-0023-CX

Project Description

The Shoshone Field Office has received an application from Jimmy Lewis to conduct an off-road motorcycle rider instruction and safety training 8 AM to 5 PM, August 10 and 11, 2013. The class would be put on at the Croy Creek Trailhead and associated motocross track. There would be approximately 10 riders/day with few to no spectators.

Consideration of Extraordinary Circumstances:

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

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

Conducting a motorcycle instruction class at the Croy Creek Trail network would not impact public health or safety. The public would be notified about the classes and signs placed to avoid safety issues. The Special Recreation Permit (SRP) also includes several stipulations (see Appendix I) that are designed to minimize impacts on public health and safety. Specific stipulations include: nn, oo, pp, qq, rr, and ss.

2. The proposed action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

There are no unique geographic characteristics, park, or refuge lands nor wilderness study areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, or other ecologically significant or critical areas within or at the proposed project areas. The Croy Creek Special Recreation Management Area (SRMA) is within the project area; however, it is principally managed for motorcycle and mountain bike use and the use proposed here is compatible with the Special

Recreation Management Area. The proposed activities are not anticipated to impact migratory birds that may be in the area beyond that of the current level.

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

The proposed action would not have highly controversial environmental effects. The effects of motorcycle use are well understood. Motorcycle use has occurred in this area since the late 1970's and currently there are no unresolved conflicts in this area during this time of year.

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 motorcycle riders, impacts to the existing trail tread, and trash or flagging used to identify the class.

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

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

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

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 not directly related to any other events or developments on or adjacent to public lands, with the exception of uses already occurring under Sun Valley Road and Dirt Camp and Sun Valley Trekking existing special recreation permits. The uses already occurring under the special recreation permits have undergone previous NEPA analyses and do not result in individually or cumulatively significant impacts.

7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

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

8. The proposed action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.

Botanical and wildlife clearances for the Rotarun Trail Network EA# ID230-2006-EA-1402 were done in July 2007 and found no special status species.

The Canada lynx (Threatened species) and the North American Wolverine (Proposed species) could incidentally occur within the project area; however, the suspected very low, incidental-use level of the project area by these species is expected to result in “no effect” to the Canada lynx and the North American Wolverine.

The Jimmy Lewis proposed SRP is within preliminary general habitat (PGH) for greater sage-grouse, a Candidate species. Three unoccupied status greater sage-grouse leks have been documented within three miles of the project area. These leks were last occupied in 1977 and 1987. There is no indication that the area is currently used by sage-grouse for breeding (lekking, nesting, and early brood rearing) primarily due to subdivision development and the accompanying level of use the area currently receives; however, no recent lek searches have been conducted. Late summer/fall use of the area has been recently documented. Sage-grouse are probably not as sensitive to disturbance during the late summer/fall period. Late summer/fall habitat is not typically considered a limiting factor for sage-grouse populations in Idaho.

During coordination with the Idaho Department of Fish and Game, it was determined that the action would result in intense but isolated and short-term use of the project area. Potential for fire is also a concern. The findings of the biological evaluation for the proposed project are that the action would likely reduce or mitigate impacts to sage-grouse to the extent practical.

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

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

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

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

11. The proposed action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

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

12. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

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

Participating Staff

Name of Participant	Position Title or Resource Expertise	Comments Provided (Initial)	Date
Tara Barrier	Wildlife Biologist	TAB	8/5/2013
Lisa Cresswell	Cultural Resources	LC	7/30/13
John Kurtz	Recreation Planner	JK	7/12/13
Clare Josaitis (James Barnum)	Rangeland Management Spec. (Supv. Natural Resource Spec)	JB	8/5/2013
Danelle Nance (James Barnum)	Natural Resource Specialist (Supv. Natural Resource Spec)	JB	8/5/2013

Appendix I
BLM Shoshone Field Office Additional Stipulations
for
Jimmy Lewis Special Recreation Permit

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

Outfitter:

Official Name
of Business:

Business Address:

Telephone Number:

E-mail Address: _____

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

Signature

Date

SHOSHONE FIELD OFFICE
ADDITIONAL STIPULATIONS
(General Terms a – m on Form 2930-2, page 2)

- n. A property damage, personal injury and comprehensive public liability insurance policy is required for all commercial and competitive permittees. The insurance shall name the U.S. Department of the Interior, Bureau of Land Management as additional insured and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty days written notice by the insurance company to the BLM. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit. The permit is valid as long as the permittee has current proof of insurance on file.
- o. Permittee, employees, and clients will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses (including commercial and private).
- p. The permittee will take all responsible measures to ensure that entrants, spectators, and casual users attracted by the events will not harass wildlife or livestock in the vicinity.
- q. The permittee will be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates will be monitored during races to prevent passage by livestock. Gates will be closed immediately at the end of the race.
- r. A Post Use Report will be submitted within 30 days after the end of the use season or no later than December 31. End of season use fee payments must be received by BLM when the Post Use Report is submitted. If the Use Report and fees are not received by January 15 a late fee of \$250 will be assessed. If the Use Report is not received by January 31 the Special Recreation Permit will be suspended. Use under the Permit will not be re-authorized until all fees, including the late fee, have been paid.
- s. An annual evaluation of each multi-year permit is required to measure performance and compliance with the terms of the permit. The review will address post use reports and to ensure that insurance, operations plan, etc. are updated/current.
- t. No surface disturbance or excavation of cultural resources is allowed. All outfitters, guides and clients shall abide by all current federal regulations pertaining to antiquities use, collection, disturbance, or otherwise as provided in BLM Manual 8110. No antiquities can be removed from public land without a valid permit from an authorized Federal agent.

- u. No overnight camping will be permitted on BLM land.
- v. All trash will be removed by the permit holder.
- w. Operation and maintenance of all sanitation, food service, and water supplies, systems and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
- x. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be described in the permit application.
- y. Permittee shall protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation.
- z. Standing trees or sagebrush (alive or dead) may not be cut for use in constructing temporary facilities.
- aa. Permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees, or clients.
- bb. Wildfire should be reported immediately to the Interagency Fire Dispatch Center in Shoshone or Boise (800-974-2373). Permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be placed in effect by the BLM.
- cc. The permittee is prohibited from inhibiting, limiting, or reducing access to public lands within the permit area.
- dd. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public land by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, the permittee's is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- ee. This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- ff. The applicant shall make available upon request the name(s) and address(s) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- gg. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands that are otherwise restricted or closed.
- hh. BLM reserves the right to close various sites and/or areas of the public land to prevent

resource damage and use conflicts, and to promote visitor safety.

- ii. Permittee is responsible for all actions of employees and clients on both public and private lands.
- jj. Unless use allocations are in place, the public lands will generally remain available on a first-come first-served basis to as many other commercial and private users as desire to use them, except as otherwise provided for in these stipulations. Nothing herein implies that the first permittee into any area has been authorized an exclusive use privilege.
- kk. Vehicles must stay on existing roads and ways. No cross-country use of motorized or mechanical vehicles is authorized except in an emergency situation.
- ll. There will be no harassment of livestock or wildlife. Guides should educate clients on avoiding close encounters with all big game species (deer, elk, moose, and black bear) particularly during the early summer when young of the year may be present. Adult animals can be very aggressive during this rearing period. Also, when wildlife are encountered on the trails, clients should be instructed to stop and allow the wildlife to clear the trail before proceeding.
- mm. Issuance of a permit by BLM does not guarantee the permittee's use of specific public areas, nor does it grant the exclusive use of any area by the permittee.
- nn. The permittee is responsible for ensuring that participants and spectators stay within designated use areas.
- oo. The permittee is responsible for crowd control, ensuring that all events are orderly, does not endanger bystanders or participants, and is conducted in a peaceable manner to enhance recreation satisfaction and promote well being.
- pp. The permittee will take all reasonable measures, including publication of notices in the local news media, to inform other recreationists of the events and of associated temporary road and trail restrictions.
- qq. The permittee will sign and/or flag sensitive areas including but not limited to routes, staging areas, parking and pit areas. The permittee will ensure that all signing materials are immediately removed upon completion of the event.
- rr. During the events, the permittee will provide on-the-ground staff monitoring to ensure that use is confined to the areas actually authorized by the permit.
- ss. The permittee is responsible for ensuring the safety of all spectator, entrant, concessionaire, and/or support personnel assuring that all permit actions are in conformance with local, State, and Federal health and safety standards and by providing appropriate emergency medical personnel and facilities. The permittee shall provide

adequate communication facilities on-site to coordinate the events safely and cope with emergencies.

- tt. The permittee is responsible for furnishing self-contained chemical sanitation facilities and trash receptacles at locations as necessary, to keep these serviced, neat and clean during the event, and to provide for off-site disposal of all refuse and human waste generated from the events, in accordance with all applicable local, State, and Federal ordinances, laws and regulations.
- uu. The permittee shall indemnify, defend and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including but not limited to damages to property and injuries to or death of persons that arise directly or indirectly from or that are in any way connected with the permittee's use and occupancy of the lands authorized by this permit.
- vv. First-aid equipment needs should be determined by the size of the group. A 24-unit first-aid kit is usually adequate for most field emergencies.
- ww. Guides should be trained in first-aid and Cardio-Pulmonary Resuscitation procedures and hold a valid Standard American Red Cross first-aid card or its equivalent.
- xx. The BLM recognizes and endorses the use of the principles of Leave No Trace and Tread Lightly as appropriate wildland ethical behavior for the recreating public. The permittee is required to follow these principles listed below.

LEAVE NO TRACE

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

Plan Ahead and Prepare

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

Camp and Travel on Durable Surfaces

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

Pack It In, Pack It Out

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

Properly Dispose of What You Can't Pack Out

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

Leave What You Find

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

Minimize Use and Impact From Fires

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

TREAD LIGHTLY!

Reference the details of principles at:

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

Travel only where permitted.

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

Respect the rights of others.

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

Educate yourself.

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

Avoid streams, meadows, wildlife areas, etc.

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

Drive and travel responsibly.

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

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