
Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management

OFFICE: Lake Havasu Field Office (LHFO), AZ-330

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-C030-2014-0010-DNA

CASE FILE NUMBER: AZ-C030-14-04

PROPOSED ACTION TITLE/TITLE: McMullen Valley Chamber of Commerce Poker Run/Issuance of Special Recreation Permit (SRP)

LOCATION/LEGAL DESCRIPTION: T5N R12W Sections 4, 5, 7-18, 21

APPLICANT (if any): McMullen Valley Chamber of Commerce, Linda Darland, Administrator

A. Description of the Proposed Action and any applicable mitigation measures:

Authorize a 5-year Special Recreation Permit (SRP) for an application received by the McMullen Valley Chamber of Commerce (MVCC), which proposes a commercial and competitive Off-Highway Vehicle (OHV) Poker Run fund raising event on public lands situated in Wenden, Arizona. MVCC received an acceptable performance evaluation for an SRP issued in FY 2013 for the same activity for which they have been permitted since FY 2010 and has applied for a 5-year authorization. The first event of the proposed 5-year SRP would occur on February 15, 2014; all subsequent events would follow suit on an annual basis.

Event staging would occur at La Paz County Centennial Park; this site would serve as both the starting and ending point for the event and also serve as the first and fifth card stop of the Poker Run (See Exhibit 2 – Map). From there, event participants would travel northeast along the proposed course to reach the second card stop; event participants would continue travelling south and arrive at both the third and fourth card stops before returning back to La Paz County Centennial Park. The proposed event route consists of one loop, approximately 18 miles in length.

A maximum of 200 event participants operating All-Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV), jeeps and other OHV vehicles are expected to participate. La Paz County Sheriff's Department will be present during the event and MVCC staff will be available at each Poker Run stop to assist participants and contact emergency services if necessary.

No food or water would be provided on the Poker Run. Any generated trash would be carried out by event participants. Additionally, no spectators would be allowed along the proposed

course and all temporary course markings would be removed and disposed of within 48 hours after the event has concluded.

B. Land Use Plan (LUP) Conformance

LUP Name: Lake Havasu Field Office Resource Management Plan

Date Approved: May 10, 2007

The Proposed Action is in conformance with the Lake Havasu Field Office RMP, even though it is not specifically provided for. It is clearly consistent with the following (RMP objectives, terms and conditions):

- Page 103, Special Recreation Permits... will be monitored for compliance and effectiveness on an as-needed basis through the NEPA process.
- Page 117, Monitoring: The interim route network includes the “Existing Roads and Trails” as defined by the Route Inventory Maps... new proposals will have prescriptions and monitoring strategies addressed in the NEPA process.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

McMullen Valley Chamber of Commerce Poker Run Course Environmental Assessment (EA) signed February 12, 2010.

NEPA Number: DOI-BLM-AZ-C030-2010-0005-EA

Cultural Clearance Form AZ-8110-4 signed February 10, 2010.

Project Number BLM 330-10-04

McMullen Valley Chamber of Commerce Poker Run Course Determination of NEPA Adequacy signed on February 15, 2012.

NEPA Number: DOI-BLM-AZ-030-2012-0024-DNA

McMullen Valley Chamber of Commerce Poker Run Course Determination of NEPA Adequacy signed on February 14, 2013.

NEPA Number: DOI-BLM-AZ-C030-2013-0015-DNA

Management of commercial recreation uses on public lands is governed by 43 CFR 2930 and (Subpart) 2932 and policy is dictated in BLM Manual 2930 and BLM Manual Handbook H-2930-1.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The new Proposed Action is the same as the Proposed Action alternative analyzed in DOI-BLM-AZ-030-2010-0005-EA. The Proposed Action falls within the same environmental scope and geographic setting analyzed in the referenced EA. There are no differences between this Proposed Action alternative and the referenced EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, three alternatives were considered in the referenced NEPA document. The authorized routes are the same as reviewed in the referenced document: South of Salome, AZ and U.S. Highway 60; north of Interstate 10. There are no changes in the Proposed Action, environmental concerns, interests, or resource values since the referenced NEPA analysis was completed. No new alternatives have been proposed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the analysis undertaken in the referenced EA is still valid. There is no new information or circumstances since that time that would change the analysis of the new proposal to issue an SRP to McMullen Valley Chamber of Commerce.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The environmental effects that would result from issuing an SRP to McMullen Valley Chamber of Commerce would be the same, both quantitatively and qualitatively, as those that were disclosed in the referenced 2010 EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The degree of public and interagency involvement that occurred in preparation of the reference EA is considered adequate for the current proposal. This project proposal was presented to the Lake Havasu Field Office (LHFO) interdisciplinary Project Coordination staff on January 7, 2014. Resource specialists who indicated an interest in evaluating the proposal are listed on the attached LHFO Scoping Form.

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

DECISION RECORD

Tracking Number: DOI-BLM-AZ-C030-2014-0010-DNA

Description of the Proposed Action:

Authorize a 5-year Special Recreation Permit (SRP) for an application received by the McMullen Valley Chamber of Commerce (MVCC), which proposes a commercial and competitive Off-Highway Vehicle (OHV) Poker Run fund raising event on public lands situated in Wenden, Arizona. MVCC received an acceptable performance evaluation for an SRP issued in FY 2013 for the same activity for which they have been permitted since FY 2010 and has applied for a 5-year authorization. The first event of the proposed 5-year SRP would occur on February 15, 2014; all subsequent events would follow suit on an annual basis.

Event staging would occur at La Paz County Centennial Park; this site would serve as both the starting and ending point for the event and also serve as the first and fifth card stop of the Poker Run. From there, event participants would travel northeast along the proposed course to reach the second card stop; event participants would continue travelling south and arrive at both the third and fourth card stops before returning back to La Paz County Centennial Park. The proposed event route consists of one loop, approximately 18 miles in length.

A maximum of 200 event participants operating All-Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV), jeeps and other OHV vehicles are expected to participate. La Paz County Sheriff's Department will be present during the event and MVCC staff will be available at each Poker Run stop to assist participants and contact emergency services if necessary.

No food or water would be provided on the Poker Run. Any generated trash would be carried out by event participants. Additionally, no spectators would be allowed along the proposed course and all temporary course markings would be removed and disposed of within 48 hours after the event has concluded.

LUP Name: Lake Havasu Field Office Resource Management Plan. Approved: May 10, 2007

Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy and as analyzed in the previous environmental assessment, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

It is my decision to approve the action as proposed, with the following stipulations (if applicable).

APPEALS

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. If an appeal is taken, your notice of appeal must be filed in the Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu

City, AZ 86406 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 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 appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the Lake Havasu Field 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 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:

- (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.

/s/ Kimber Liebhauser Authenticated: Amanda Deeds

Signature of the Responsible Official

Kimber Liebhauser

Field Manager

Lake Havasu Field Office

1/30/2014

Date

Exhibits:

- 1) Stipulations
- 2) Authorized Course Map

Exhibit 1. Stipulations for SRP: AZ-C030-14-04 McMullen Valley Chamber of Commerce Poker Run

General

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. 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.
2. A Special Recreation Permit 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 the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
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 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.
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, the authorized officer 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.
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 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, mine features, 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.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileged 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 Special Recreation Permit 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 (3) years after expiration of the permit.
12. The term of the permit shall be for five years from the issuance of the permit on February 15, 2014 and has the potential to be renewed for no more than ten years total with satisfactory performance of SRP.
13. An annual Post Use Report shall be submitted to the BLM Authorized Officer within 30 days after conclusion of each event and will include a detailed summary of the number of participants and activity participation.
14. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use, before any use under this permit begins. The required minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury; and \$30,000 annual aggregate for property damage. The U.S. Government must be named as additional insured on the policy. All liability policies are to specify that the insurance company shall have no right of subrogation (substitution) against the United States of America. 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.
15. The permittee shall pay BLM a Special Recreation Permit (SRP) fee of \$100, effective February 15, 2014. The permittee shall pay BLM \$5.00 per registered

participant per day; or the minimum SRP fee, whichever is greater. The minimum advance fee of \$100.00 will be required.

16. The permit will remain valid only if annual fees have been paid and if the permittee retains an acceptable performance review.

17. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by this permit which results 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.

18. The permit shall not be construed in any way as preventing public use or access on any public lands except as expressly allowed under the permit. All permitted trails will remain open for public use; the permittee has no exclusive use of any public route.

19. Failure to comply with permit stipulations may result in denial of future permit authorizations for these events, or revocation of permits already issued.

Ride Operations

20. All motorized equipment activity associated with stopping areas, including start/finish, photo opportunity, water, lunch, or restroom breaks will be conducted within the traveled portion of the road and/or predetermined stopping locations. No vehicle travel (including parking, turn-around, detours, etc.) outside of this corridor will be permitted unless authorized in advance by the BLM Authorized Officer.

21. All vehicles shall stay on the authorized routes. Straying from the course is prohibited. In the event of vehicle breakdown, vehicles shall be moved to the side of the road, but shall not be moved into areas of existing vegetation. All vehicles shall be removed from the site within 24 hours of the end of the event.

22. Under no circumstances shall the permittee permanently mark the routes by placing signs, painting rocks or painting plants.

23. Nothing in this permit implies permission to use non-Federal land. It shall be the responsibility of the permittee to coordinate the event with the City of Lake Havasu as necessary, and to obtain written authorization to cross or utilize non-BLM administered land such as ASLD, Tribal Lands, Mohave County Road Department, Arizona Department of Transportation, and private property.

24. In the event of vehicles leaving the established road, removal of the vehicle and reclamation of disturbed areas will be required to the satisfaction of the BLM Authorized Officer, including raking of surface disturbance, appropriate removal of spilled oil/fuel, re-vegetation, etc.

25. In the event that a participant injures livestock, BLM personnel and/or the grazing permittee in the area will be immediately contacted to make an evaluation of the animal's condition. Under no circumstance will any person other than BLM personnel or the animal's owner be permitted to make a final evaluation of the animal's condition, or to destroy an animal that appears to be suffering.

26. Permittee will coordinate with local law enforcement and emergency services to ensure law enforcement involvement in event planning and execution.

27. All motor vehicle use will be conducted in a safe manner; reckless driving and/or excessive speed are permit violations.

28. All motor vehicle use will comply with existing local off-highway vehicle regulations. "Local off-highway vehicle regulations" refer to BLM off-highway vehicle designations on BLM administered lands as established in the Resource Management Planning process, or in emergency closures authorized by a BLM manager.

29. BLM reserves the right to postpone or cancel the event if weather conditions create road surfaces that would be conducive to unacceptable road damage by event vehicles.

30. Permittee will be responsible for public safety within the project area. Permittee will inform all participants of trail etiquette techniques, safe driving practices, safety equipment, and the location of emergency service personnel. Permittee will inform all event participants and non-event visitors of event logistics including: event course, direction of travel, event duration, and the location of alternative trails that would eliminate user conflict.

31. No event activity is authorized to occur after sunset.

Cultural

32. Permittee shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.

33. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prohibited and is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the

Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.

34. Special collection of artifacts (either historic or prehistoric) or fossils, by permittee or participants on or near any designated route is prohibited. The definition of an artifact is anything over 50 years old that has been made, used or modified by a human. Permittee is required to inform all participants that collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.

Recreation

35. No overnight camping use, wood, or rock collection is associated with this permit.

36. The permittee is expected to be familiar with and to practice "Leave No Trace" and "Tread Lightly" land use ethics principles. All trash and litter, as a result of the activity will be disposed of in a proper manner.

37. Permittee and all participants are prohibited from stopping at, or entering any and all known and unknown abandoned mine features. Any open mine shafts, abandoned mine structures observed by the permitted would be documented and reported to the BLM Authorized Officer within 24 hours of discovery.

Wildlife, Desert Tortoise, and Protected Plants

38. Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During the event special care should be given to watch for and avoid any desert tortoise that may be present on a trail.

39. Care shall be taken not to disturb or destroy desert tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Statute. Any sightings of desert tortoise shall be immediately reported to the LHFO, Wildlife Biologist at (928) 505-1200. If a desert tortoise is endangered by any activity that activity shall cease until the desert tortoise moves out of harm's way on its own accord or is moved following the attached guidelines "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects."

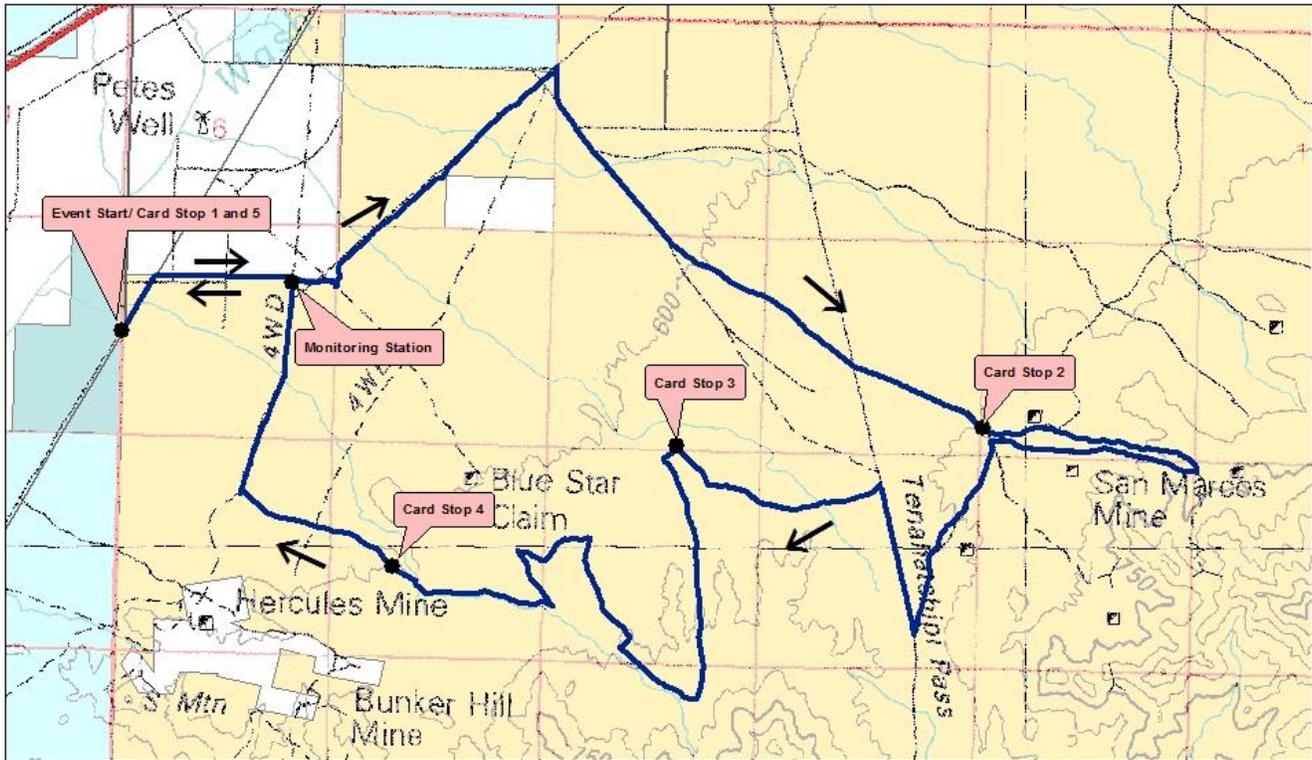
40. State protected plant species shall not be disturbed, damaged, or destroyed without prior authorization from the BLM. The taking of any threatened or endangered plant or animal is prohibited. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091. Harassment of wildlife, wild horses or burros, or destruction of private and public

improvements such as fences and gates is prohibited. All gates along the course are to be left as found.

41. Participants will be prohibited from approaching bighorn sheep on foot or by vehicle. Site visits to water tanks, wildlife catchments, or any other wildlife related facility are prohibited.

Exhibit 2. Authorized Course Map

McMullen Valley Chamber of Commerce Poker Run



- Legend**
- Bureau of Land Management (BLM)
 - City, State, County Parks
 - Private Lands
 - State Lands



SCALE 1:39,017

The Bureau of Land Management (BLM) makes no representations or warranties regarding the accuracy or completeness of this map. This map does not address encroachments or questions of location, boundary, and area, which an accurate survey may disclose. This map is intended and is to be used as an illustration only. The map is merely representational, and the data from which it was derived are not binding on the BLM and may be revised at any time in the future. The BLM shall not be liable under any circumstances for any direct, indirect, special, incidental, or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map or the data from which it was derived.

United States Department of the Interior
 Bureau of Land Management
 Arizona State Office
 Land Status updated as of November 2012
 Map Prepared: 12/3/2014



Document Path: T:\AZ\Kingman_FOIA\Users\kadeed2\Wheel Events\2 Wheel 2012.mxd