

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO FALLS DISTRICT
CHALLIS FIELD OFFICE
Categorical Exclusion
River of No Return Endurance Run
DOI-BLM-ID-I030-2014-004-CX

Project Name/Applicant: River of No Return Endurance Run,
Special Recreation Permit ID: IDI-330-01-14
Project Lead: Benjamin Roundtree, Recreation Technician

Background:

This categorical exclusion has been utilized and documented for analysis of future running events held within the Challis Field Office (CFO). The proposed action qualifies as a categorical exclusion under 516 DM 11.9 H(1). This document is appropriate due to the fact that these events are non-motorized, non-speed based events. The events are light on the land and resources, with the entire event being conducted on existing roads and trails. Additionally, a staging or aid station will only occur at an authorized location.

The Purpose of the action is to provide non-motorized recreational opportunities while protecting important natural and cultural resources. The application is for the authorization of a Special Recreation Permit (SRP) for “River of No Return Endurance Runs” to conduct competitive running events on lands managed by the Bureau of Land Management (BLM) for a period of ten years. The events would be held in the Challis Extensive Recreation Management Area.

Competitive ultra-running is devoted to covering the sport of long distance running, also known as an “ultra-marathon”. The standard distance for ultra runs is anything past the marathon distance (26.2 miles); however, the shortest standard distance that is considered an ultra is the 50 kilometer distance, or 31.07 miles. Other standard distances are the 50 mile, 100 mile, 100 km, and a series of events that last for specified time periods such as 6 hour, 12 hour, 24 hour, 48 hour, and 6 days. A shorter run (such as a 25k) is sometimes planned in conjunction with ultra-running events – enabling participation from a greater variety of competitors in the overall event. The proposed action is for authorization of an SRP for River of No Return Endurance Runs to conduct competitive running events within the CFO. The proposed action includes one annual competitive running event, consisting of three runs (25k, 50k, and 100k), occurring on pre-approved courses.

The start, finish, and majority of the race activities will take place on lands not managed by the BLM. One staging area will occur on BLM. No cross-country use would be authorized for any of these events – the events would be held on pre-approved existing roads and trails. The staging area, which would serve as an aid station with restroom facilities, would only occur in a pre-approved location. Aid stations are minimal, consisting of a vehicle and/or a

shade tent, which are occupied by an Emergency Medical Technician with food, water, radio communications, and medical supplies.

The event route would follow a defined, plainly marked course. The permittee would mark the entire route a maximum of 14 days in advance and would remove the markers within 14 days after the event. Painting rocks and establishing permanent markers and improvements would not be authorized. When requested, the permittee would place flagging, signs, and barriers appropriate to effectively protect natural and cultural resources as directed by BLM personnel. There would be a sufficient number of BLM personnel present to ensure compliance with permit stipulations. BLM and Local Law Enforcement authorities would be notified prior to the event. A maximum of 400 competitors (approximately 120 for the 100k run, 120 for the 50k, and 160 for the 25k) would be permitted to participate in each annual event.

A Special Recreation Permit (SRP) is required based upon 43 CFR 2932.11 and 12 (see remarks below). The proposed action was designed to be in conformance with BLM standards and to incorporate appropriate stipulations (e.g., restricting motorized vehicle to designated roads and trails) to assure compliance with the Challis RMP, Challis TMP, and 43 CFR 2932.

43 CFR 2932

§ 2932.11 When do I need a Special Recreation Permit?

(a) Except as provided in § 2932.12, you must obtain a Special Recreation Permit for:

(2) Competitive use.

(b) If BLM determines that it is necessary, based on planning decisions, resource concerns, potential user conflicts, or public health and safety.

§ 2932.26 How will BLM decide whether to issue a Special Recreation Permit?

BLM has discretion over whether to issue a Special Recreation Permit. We will base our decision on the following factors to the extent that they are relevant:

(a) Conformance with laws and land use plans;

(b) Public safety,

(c) Conflicts with other uses,

(d) Resource protection,

(e) The public interest served,

(f) Whether in the past you complied with the terms of your permit or other authorization from BLM and other Agencies, and

(g) Such other information that BLM finds appropriate.

Land Use Plan Conformance Statement:

Land Use Plan Name: Challis Resource Management Plan (RMP)

Date Approved: July 1999

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Recreation Opportunities and Visitor Use, Goal 3: Provide recreation opportunities for the remainder of the Resource Area not included in an SRMA, including areas specifically for unstructured outdoor experiences, trails (*e.g.*, hiking, horseback riding, bicycling), recreational mineral collecting, and OHV use.

Other Plan Conformance Statement:

Plan Name: Challis Travel Management Plan (TMP)

Date Approved: June 2008

The proposed action is in full accordance with route designations of the 2008 Challis TMP. Routes utilized by runners, support staff, spectators, or any other individuals involved in the event would only occur where appropriately designated by the TMP.

Compliance with the National Environmental Policy Act

The proposed action is categorically excluded from further documentation under National Environmental Policy Act in accordance with 516 DM 11.9 H(1): Recreation Management.

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

This document would cover the event for a ten year period, starting in 2014, to be updated at the end of the 2024 season.

The River of No Return Endurance Runs would be a 2-day event, held annually, on the second to last weekend in June. The SRP would be evaluated annually, and may be revoked at any time due to non-compliance with the permit and/or associated stipulations.

Interdisciplinary Team Analysis: Conducted by

Ben Roundtree	Outdoor Recreation Planner
Bart Zwetzig	Wildlife Biologist
Carol Hearne	Archeologist/SRMS
Peggy Redick	Range/SRMS
Leigh Redick	Natural Resource Specialist
Mike Whitson	Hydrologist
Ryan J. Beatty	Fisheries Biologist

Exceptions Review (Departmental List of Extraordinary Circumstances Review):

[The Interdisciplinary Team will] Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. (The following Departmental List of Extraordinary Circumstances applies to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.))

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
1. Have significant impacts on public health or safety.		x
Rationale: Adequate safety precautions would be implemented to ensure public safety. This is a non-motorized, non-speed based event. The course would be signed and flagged, officials would be posted throughout the course, emergency medical personnel would be on site, and local authorities would be notified.		
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park,		

<p>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 areas.</p>		X
<p>Rationale: The events would lie outside nationally designated parks, recreation areas, refuges, wilderness areas, wild and scenic river corridors, monuments and national landmarks. There are no unique geographic characteristics or floodplains present. Inventories for cultural and historic resources have been conducted prior to the event and it has been determined that there are no significant cultural and historic resources that need to be avoided. The events would have no impact on sole or principal drinking water aquifers. The area is not prime farmland. The courses would be permitted only on designated open routes through wetland habitats. Because the event would occur on established trails, migratory birds would not be significantly impacted by the proposed action.</p>		
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].</p>		X
<p>Rationale: This is a non-motorized, non-speed based event that would be light on the land and resources, with the entire event being conducted on existing roads and trails.</p>		
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		X
<p>Rationale: The events are reviewed and cleared by resource specialists with knowledge of the area. All activity would take place on existing roads and trails. Staging areas and aid stations would only be permitted at authorized locations. The Bureau has conducted similar types of events, and the potential associated environmental impacts are known.</p>		
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>		X
<p>Rationale: The proposed action would not establish a precedent, nor does it compel future actions with potentially significant effects. For similar future actions, applicants would be required to complete a similar application and review process prior to approval.</p>		
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects</p>		X
<p>Rationale: No other known actions of this type are planned by other agencies or individuals. The proposed action would not have cumulatively significant impacts. The Challis Field Office RMP and Final EIS allow for these types of events to occur within the Field Office. Other non-motorized and motorized competitive events, such as mountain bike</p>		

<p>aces and motorcycle races, have occurred in the area as well, none of which have been found to cause significant resource damage.</p>		
<p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.</p>		<p>x</p>
<p>Rationale: Stipulations (e.g. event is to occur on designated routes only, and no new ground disturbance) are in place to prevent impacts to cultural resources or historic properties located within the project area. This project will have no effect on properties eligible for, or listed on the National Register of Historic Places.</p>		
<p>8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.</p>		<p>x</p>
<p>Rationale: These permitted events are reviewed by the Wildlife Biologist and Botanist/Ecologist and determined whether or not the events would not adversely impact special status animal species or habitat or any special status plants. If impacts are found to occur the proposed course is re-routed/adjusted to mitigate these impacts. Rarely are there impacts associated with this type of event, this is due to the fact that the this is a non-motorized, non-speed based event, the start, finish, and staging areas are primarily located on non-BLM managed lands (with the exception of one staging area at the Birch Creek saddle), competitors remain on existing roads and trails, and aid stations only occur at authorized locations.</p> <p>No threatened, endangered, or proposed to be listed fish species are anticipated to be affected by the proposed event.</p> <p>Because the aid station location at Bayhorse Creek (occurring in a gravel parking lot) and the utilization of an existing bridge (i.e. No fording of Bayhorse Creek will occur) the endurance run, as proposed, will have no effect on TES fish, designated critical habitat, or essential fish habitat for Chinook salmon, Steelhead, Sockeye salmon, Bull trout, or any other fish spp.</p>		
<p>9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.</p>		<p>x</p>
<p>Rationale: Implementation of this permit would not be in violation of federal, state, local, or tribal law, or requirements imposed for the protection of the environment.</p>		
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>		<p>x</p>
<p>Rationale: There are no low income or minority populations living in the area of the proposed competition. Low income or minority visitors to the area would not be affected any</p>		

differently by the proposed activities than any other visitor.		
11. Limit access to ceremonial use of Indian sacred sites on Federal lands by religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		x
Rationale: The Shoshone-Bannock Tribes were contacted via letter on 4/16/14, and information, including information pertaining to BLM compliance with EO 13007, was requested. To date, the Tribes have provided no information about these permitted activities limiting access to ceremonial use of sacred Indian sites on federal lands or adversely affecting the physical integrity of such sacred sites.		
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		x
Rationale: The proposed event is not anticipated to promote an elevated level of introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area. Actions that may promote the introduction, growth, or expansion of invasive species would be mitigated or banned. No ground disturbing activities would take place beyond the scope of the 2008 Challis TMP. Travel would be limited to existing roads and trails. Cross country travel would be prohibited.		

This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Challis Field Office BLM Interdisciplinary Team has reviewed the proposed action, and found none of the extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Preparer /s/ Benjamin Roundtree
Date 06/03/2014

Field Manager /s/ Todd Kuck
Date 06/03/2014

Contact Person

For additional information concerning this CX review, contact:
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EXHIBIT B Stipulations

In addition to items (a), (b), (c), and (d) and the 16 Terms and Conditions on the back of the permit form (2930-1), the following special stipulations are included as part of this special recreation permit (SRP).

Course: The course will follow a definite, plainly marked route shown on the authorized use area map and flagged prior to the event by the permittee. Courses shall consist of existing roads, and trails that have been authorized prior to the event. Transportation used while flagging shall be conducted using methods consistent with the 2008 Challis Travel Management Plan. For example, single track non-motorized trails will be traveled by appropriate single track methods such as horse, bicycle, or by foot.

Avoidance Areas: Courses are to be routed away from select riparian areas, spring sites, known prehistoric, and historic sites, areas of known special status plants and animals, and other wildlife (and wild horse) habitats of concern. Authorized routes to cross Bayhorse Creek will only utilize existing developed crossings (ie. No fording of Bayhorse Creek is acceptable).

Protect Resources: The permittee, or any participant(s) in the event, will not allow the willful destruction, damage, or relocation of natural features, plants, or animals. Painting of rocks and establishment of other permanent markers and improvements is not authorized. The permittee will not disturb archeological sites, either historic or prehistoric. Any collection of artifacts from federal land is a violation of law subject to fine and/or imprisonment. The permittee will also report any cultural discoveries to BLM.

All cross-country travel by motor vehicles associated with the event is prohibited, except in the case of emergencies. Current Leave No Trace practices will be followed. Cutting or removing standing trees or shrubs, whether alive or dead, is prohibited. The permittee cannot, erect, construct, or place any building, structure, or other fixture on public lands, except at specifically authorized locations.

Non-Federal Lands: The permittee will obtain permission (prior to race) to use any non-federal lands where an appropriate public easement does not exist.

Notification of Other Authorities: The permittee must contact and receive concurrence from all state, county, and local governments (including the Custer County Sheriff and State Land Department) having jurisdiction, prior to the scheduled event. The permittee will comply with all applicable federal, state and county laws and regulations in the conduct of a race event.

Check Points: Check points must be stationed at authorized locations to ensure resource protection.

Communication Plan: Permittee will plan for communication (radio or telephone) among course marshals, officials, and emergency rescue services.

Other Public Uses: The permittee shall not interfere with other valid uses of the public lands within the permit area.

Conduct and Manners: The permittee will leave gates as found. Fences will not be cut. Livestock and wildlife will not be harassed.

Post Event Clean-up: All race course markers (signs, flagging, fencing, and similar race materials) and temporary facilities will be removed from the course route, County roads, staging areas, water haul sites, and check points within 14 days after the event.

Sanitation: To assure health and safety on public lands, the permittee will:

- a) Dispose of all garbage, trash and human waste in accordance with state and county laws, rules and regulations. Provide at least one portable chemical toilet and 5 trash receptacles for each 150 people (spectators and participants).
- b) Provide litter and sanitation facility cleanup after the event. Portable toilets and litter receptacles must be removed within 2 days after the event.

Indemnification: The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.

Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:

- (1) \$ 300,000 for persons, bodily injury or death for any one occurrence;
- (2) \$600,000 annual aggregate and;
- (3) \$ 30,000 property damage for any one occurrence.

An insurance policy shall be submitted, stating the limits of coverage, identifying the United States Government as additional insured, and that the insurer will give BLM thirty (30) days notice prior to cancellation or modification of such insurance.

The granting of a permit in no way accepts or implies liability by the Bureau of Land Management for loss of private property or for any injury to persons. The permittee assumes all risks for any and all injury, loss, or damages on lands involved, or costs incurred from the suppression of fire resulting from carelessness of the permittee, his agent, or program participant.

The permittee must have the required minimum insurance coverage under which the "United States Government/Bureau of Land Management" is named as additional insured on the insurance policy. **Proof of insurance is required 14 days before race date.**

Post-Use Report: A post-use report must be completed by the permittee and given to BLM within 30 days after the race date. Numbers of participants, spectators, and officials/volunteers will be included in this report. Penalty fees will be charged for late reports. The authorized officer, or duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

Recreation User Fees: The race sponsor is to pay recreation user fees in the amount of \$5.00 per event participant and 3% of gross receipts from vendor sales. Fees will be equal to, or greater than, the current minimum use fee (\$105 as of March 1, 2014, to be reassessed March 1, 2017). Final payments are due within 30 days of the date of BLM's final billing.

Race course rehabilitation guidelines: Upon leaving, the lands, roads, trails, and routes must be restored as nearly as possible to pre-existing conditions. Permittee and BLM will inspect the course within thirty days following the event to determine additional rehabilitation needs. The permittee may be required to rake or seed areas (utilizing a BLM approved seed mix) or conduct appropriate route reconstruction / rehabilitation (in consultation with the BLM) within the course that may have been significantly changed or impacted as a result of the event.

Performance Evaluation: Non-compliance with any above permit stipulations will be grounds for denial of future permits, and/or race cancellation.

Performance will be based upon:

- (A) Stipulation and operating plan compliance;
- (B) Protection of resources; and
- (C) Quality and safety of services provided to the public.

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.

Signature of Permittee:

I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Signature: _____ **Date:** _____

Print Name: _____

Company Name: _____