
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-C030-2014-0025-DNA

CASE FILE NUMBER: AZ-C030-14-09

PROPOSED ACTION TITLE/TYPE: Arizona State Association 4WD Clubs Parker 4 Wheelers Poker Run/Issuance of Special Recreation Permit (SRP)

LOCATION/LEGAL DESCRIPTION: T10N R18W Sections 18 and 19
T10N R19W Sections 13, 24, 25, and 26

APPLICANT (if any): Parker 4 Wheelers - Arizona State Association of 4-WD Clubs

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

Authorize a one-day Special Recreation Permit (SRP) for an application received by the Parker 4 Wheelers, members of the Arizona State Association of 4WD Clubs, Inc., which proposes a commercial and competitive Off-Highway Vehicle (OHV) Poker Run fund raising event on public lands situated in Parker, Arizona. The event is proposed for Saturday March 29, 2014.

Event staging would occur at La Paz County Park; this site would serve as both the starting and ending point for the event (See Exhibit 2 – Map). From there, event participants would travel to Cienega Springs Road where they would travel on approved routes to gather poker cards. Seven routes are proposed for use, all of which are situated on approximately 7.5 miles of existing roads and trails that traverse public lands administered by the Lake Havasu Field Office (LHFO). The permit application proposes a fee based, public non-speed motorized OHV event accommodating various levels of driving skills on existing routes.

A maximum of 140 event participants operating rock-crawlers, jeeps and other OHV vehicles are expected to participate. Parker 4 Wheelers staff will provide a mandatory safety briefing at the start of the event and will be available at each Poker Run stop to assist participants and contact emergency services if necessary.

No food or water will be provided on the poker run. Any generated trash will be carried out by event participants. Additionally, no spectators would be allowed along the proposed course and all temporary course markings will 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.

Desert Splash 2013 Environmental Assessment (EA)

Signed November 14, 2013.

NEPA Number: DOI-BLM-AZ-C030-2013-0046-EA

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-C030-2013-0046-EA. The Proposed Action falls within the same environmental scope and geographic setting analyzed in the referenced EA. The only difference between this Proposed Action alternative and the referenced EA is the inclusion of seven poker card stops within the travelled portion of the existing routes. These stops will not create any new ground disturbances or resource concerns.

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: North of Parker, AZ and east of U.S. Highway 95; 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 Parker 4 Wheelers.

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 the Parker 4 Wheelers would be the same, both quantitatively and qualitatively, as those that were disclosed in the referenced 2013 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 February 19, 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.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Amanda Deeds	Outdoor Recreation Planner	BLM/LHFO
Dr. George Shannon	Archaeologist	BLM/LHFO
Jennifer House	Wildlife Biologist	BLM/LHFO

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.

Conclusion

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

/s/ Amanda Deeds Authenticated: Amanda 3/13/2014
Amanda Deeds Date
Project Lead

/s/ David Daniels Authenticated: Amanda 4/30/2014
David B. Daniels Date
Planning and Environmental Coordinator

/s/ Jayson Barangan Authenticated: Amanda 3/13/2014
Jayson Barangan Date
Assistant Field Manager

/s/ Kimber Liebhauser Authenticated: Amanda 3/13/2014
Signature of the Responsible Official Date
Kimber Liebhauser
Field Manager
Lake Havasu Field Office

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest and appeal under 43 CFR Part 4 and the program-specific regulations.

DECISION RECORD

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

Description of the Proposed Action:

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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.

<u>/s/ Kimber Liebhauser Authenticated: Amanda</u>	<u>3/13/2014</u>
Signature of the Responsible Official	Date
Kimber Liebhauser	
Field Manager	
Lake Havasu Field Office	

Exhibits:

- 1) Authorized Course Map
- 2) Special Stipulations
- 3) Guidelines for Handling Sonoran Desert Tortoises

Exhibit 2. Stipulations for SRP: AZ-C030-14-09 Arizona State Association 4WD Clubs Parker 4 Wheelers 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 one day from the issuance of the permit on <arch 29, 2014 and has the potential to be renewed for no more than ten years total with satisfactory performance of SRP.
13. A 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 March 29, 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 3. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects Arizona Game and Fish Department Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises. Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
- Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.