

CATEGORICAL EXCLUSION

Project Name/ Applicant: Brigham Young University-Idaho

Project/Case File Number: ID-I010-RE-14-05

Project Lead: Monica Zimmerman

CX Number: DOI-BLM-ID-I010-2014-0028-CX

Date of Preparation: May 9, 2014

PROPOSED ACTION:

BYU-I students and faculty members would visit public lands to learn about geology and other natural resource features found on public lands in the Upper Snake Field Office.

Standard Bureau of Land Management (BLM) terms and conditions will be included in the SRP stipulations. No additional rights would be granted beyond those of the SRP stipulations. All activities associated with the field trips would require preapproval and be in accordance with the permit's general and specific stipulations.

CONSULTATION AND COORDINATION:

On May 12, 2014, this project was brought before an Interdisciplinary Team consisting of BLM specialists. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9 H (1) for 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). Standard stipulations specific to the proposed activity would be incorporated.

I recommend that the SRP, ID-I010-RE-14-05 be granted through June 1, 2016. The SRP would be granted under current Bureau regulations found at 43 CFR 2930.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to issue an SRP to BYUI field trips on public lands. The SRP would be issued through June 1, 2016, subject to the attached stipulations (see Exhibit A). Fees will be collected in accordance of 43 CFR 2930.

LAND USE PLAN CONFORMANCE:

The Proposed Action is within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines "to manage for dispersed recreation opportunities in the area" (p. 1). Big Desert MFP, Big Lost MFP and Little Lost/Birch Creek MFP do not specifically address SRP applications, but the documents provide general guidelines for recreation opportunities on public lands.

APPEALS INFORMATION:

43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10

/s/Monica Zimmerman
Monica Zimmerman
Outdoor Recreation Planner
Date: 5/15/2014

/s/Marissa Guenther
Marissa Guenther
NEPA Reviewer
Date: 5/15/2014

/s/Jeremy Casterson
Jeremy Casterson
Upper Snake Field Manager
Date: 5/15/2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # ID- I010-2013-0044-CX (IDI-013828) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM# Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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).

Exhibit A- Stipulations

Special Recreation Use Permit ID-I010-RE-14-05 BYU Idaho Field Trips

1. This Special Recreation Permit only authorizes the use, for the time and in the area, as specifically described therein. Should circumstances warrant, the permit may be modified by the BLM at any time. The authorized officer may suspend a permit if necessary to protect public resources, health, safety, the environment, or due to noncompliance with permit stipulations.
2. Unless expressly stated, the Special Recreation Permit does not create an exclusive right of use of an area by the permittee. The permittee, or employees of the permittee, will not interfere with other uses of the Federal land by other users.
3. The permittee may not assign or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily.
4. 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 3 years after the expiration of the permit.
5. The permittee, and a permittee's employees or agents, will comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to public lands.
6. Violation of other Federal, State, or local regulations by a permittee or a permittee's employees or agents on any federally administered lands or related waters can result in administrative penalties issued against the permittee(s) by the authorized officer.
7. Administrative Penalties issued against the permittee by the authorized officer for failure to comply with one or more conditions or stipulations of this permit include but are not limited to the following:

PROBATION: Probation is defined as putting a permittee under special scrutiny for a specified period (one season of use) for failure to comply with one or more permit conditions or stipulations.

SUSPENSION Suspension is a temporary removal of all permit privileges. While operating in a probationary status failure to comply with one or more operating conditions or stipulations could result in permit suspension.

TERMINATION Termination is a permanent removal of permit privileges. Based on a review of the violation(s) a permit in suspension status may be terminated.

8. The permittee will receive an annual performance evaluation. Evaluation will be based on adherence to permit conditions and stipulations. Three performance levels will be recognized

Acceptable, Probationary, and Unacceptable

Failure to adhere to one or more permit conditions or stipulations will result in the permittee receiving a probationary performance level.

9. Permittee will notify BLM of any accidents occurring on public lands which result in loss of life, loss of consciousness, disabling of individuals in excess of 24 hours, having to secure medical treatment, or property damage in excess of \$100.00, and will submit a detailed written report to BLM within 10 days from the date of the accident.

Certain actions are necessary to have a safe and successful outing with a minimum impact to the environment:

10. CAVES

- a. All clothing, footwear, safety and work equipment, and other required caving items should be cleaned and dry before entering the permitted caves.
- b. All clothing, footwear, safety and work equipment, and other required caving items should not be used in multiple caves on the same day.
- c. All garbage must be removed upon exiting the caves.
- d. Keep the number of items intended to be brought into the cave to a minimum.
- e. Do not shine lights on bat species that are encountered. Disturbance to bat slumber could endanger the species.

11. **STAY ON DESIGNATED TRAILS.** Participants must stay on designated/signed trails. Do not cut switch backs or venture off trail.

12. **BALD EAGLE HABITAT AREAS** – Camping within a Bald Eagle habitat area is prohibited. No camping is permitted within a 400-meter radius of an active Bald Eagle nest. These areas are closed to human entry from February 1 to July 31 each year.

13. Help us clean up public lands by **REMOVING ALL TRASH.** Picking up trash left by less thoughtful people helps maintain the scenic beauty of your public lands. If any directional signs are erected as part of this activity, they will be removed at the completion of the activity.

14. There are certain natural phenomenon that could be encountered that present risks which the participants assume. All participants must be advised of conditions which might be encountered.

15. Nothing in this SRP shall be construed to imply permission to build any structure or conduct any activity not specifically named.

16. Disorderly or otherwise objectionable conduct such as harassment of wildlife, livestock, or other lawful users of public land will not be tolerated and could be the basis for denial of similar agreements in the future.

17. Precautions must be made to protect natural resource values, cultural or historic objects, aesthetic values, and any improvement on public lands.

18. If there is any question concerning regulations on public lands, please contact our office immediately.