

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Lake Havasu Area Chamber of Commerce Commercial and Competitive Motorized Desert Bash
Poker Run Special Recreation Permit Event

NEPA Number DOI- BLM-AZ-C030-2014-0044-CX

A. Background

BLM Office: Lake Havasu Field Office

Lease/Serial/Case File No.: SRP-AZ-030-13-05

Proposed Action Title/Type: Lake Havasu City Chamber of Commerce Poker Run
Commercial and Competitive Special Recreation Permit

Location of Proposed Action:

T. 13 N., R. 17 W. Sections 7, 8, 17, 18

T. 13 N., R. 18 W. Sections 1,2,5,6,8,9,10,11,13-19,23-26

T. 13 N., R. 19 W. Sections 11, 12

T. 14 N., R. 18 W. Sections 31, 32, 34

Description of Proposed Action:

Authorize the third event within a five year Special Recreation Permit (SRP) to the Lake Havasu Area Chamber of Commerce. The proponent proposes to conduct their annual commercial and competitive motorized Desert Bash Poker Run event on December 13, 2014 and has proposed a two mile course change for their 2015 event. The entire course, including the new proposed route segment, is designated open under the Havasu Travel Management Plan.

The proposed event course consists of a single loop traversing 35 miles of Standard and Mohave washes with three card stops/check points on public lands. Participants would make one trip along the flagged course while stopping at marked locations on public lands to pick up a playing card and assemble a poker hand. A maximum of 200 off highway vehicles including All Terrain Vehicles, Utility Terrain Vehicles, jeeps, and 4 wheel drive vehicles would be expected to participate. This is a 50 vehicles increase from the proponent's 2013 authorization. No travel outside of the authorized course, or stops outside of the traveled roadway, would be permitted. Search and Rescue units would be stationed at each card stop location to provide radio contact for event staff and volunteers.

This is a non-speed off-highway vehicle event. A Public Land Closure would not be necessary as the authorized route would remain open to public use. No food or water would be provided during the event. All trash would be carried out in event staff vehicles. No spectator areas would be authorized along the designated Poker Run route. Temporary route flagging would be placed no sooner than 72 hours prior to each annual event and removed 72 hours after event conclusion.

B. Land Use Plan Conformance

Land Use Plan Name: *Lake Havasu Field Office Resource Management Plan*

Date Approved/Amended: May, 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

- Page 103, Special Recreation Permits and Vendor 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. Compliance with NEPA:

The proposed action qualifies as a Categorical Exclusion pursuant to 516 DM 11.5.H(1):Issuance of special recreation permits for day use or overnight use up to 14 consecutive days; 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. The proposed action cannot be categorically excluded if one of more of the exceptions apply, thus requiring either an environmental assessment of environmental impact statement.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the proposal to authorize a one day, commercial and competitive off-highway vehicle event at the listed locations. The design features and stipulations identified in Exhibit 2 would eliminate any potential for significant impacts to the environment.

D. Signature

Authorizing Official: \s\Kimber Liebhauser Authenticated by A. Deeds **Date:** 10/14/2014
Kimber Liebhauser
Field Manager, Lake Havasu Field Office

Contact Person

For additional information concerning this CX review, contact Amanda Deeds, Outdoor Recreation Planner, Lake Havasu Field Office, 2610 Sweetwater Ave. Lake Havasu City, AZ 86406

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No Rationale: The event proponent would be responsible for ensuring event safety for all participants. Proponent has included safety measures within their Plan of Operations including staging Search and Rescue volunteers at each Poker Card stop, flagging the course, calling appropriate emergency personnel if needed, and performing final route sweeps to ensure that all participants have completed the course safely.
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.	No Rationale: No off route travel would be authorized; therefore adverse effects to natural and historic resources are not anticipated.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No Rationale: No known controversial environmental effects or unresolved conflicts are known to exist within the project area.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No Rationale: No unique environmental risks are known to exist.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No Rationale: The proposed trails are currently designated open to motorized use as proposed in the off-highway vehicle event. Special Recreation Permits (SRPs) will continue to be accepted for events within the project area.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No Rationale: No cumulatively significant environmental effects are anticipated. Route use will continue to be designated for motorized recreation and SRP events.
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.	No Rationale: No listed or eligible National Register of Historic Places properties are known to exist within the project area.

<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>No Rationale: No listed or Threatened or Endangered Species are known to exist within the project area. No Critical Habitat is known to exist within the project area.</p>
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p>	<p>No Rationale: The proposed project will not violate any applicable law. The event proponent will be held to all applicable laws as well as the stipulations presented within this analysis.</p>
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>	<p>No Rationale: The proposed action is located in an unpopulated, unincorporated area.</p>
<p>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).</p>	<p>No Rationale: No Indian sacred sites are known to exist within the project area.</p>
<p>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).</p>	<p>No Rationale: No off-route travel would be authorized; therefore this proposed project is not anticipated to contribute to the introduction or spread of noxious weeds.</p>

Approval and Decision

Attachment 2

Compliance and assignment of responsibility Recreation & Operations Branch

Monitoring and assignment of responsibility: Recreation & Operations Branch

Review: We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.

Prepared by: \s\Amanda Deeds Authenticated by A. Deeds **Date:** 10/08/2014
Amanda Deeds, Outdoor Recreation Planner
Project Lead

Reviewed by: \s\Jason West Authenticated by A. Deeds **Date:** 10/08/2014
Jason West
Assistant Field Manager

Project Description: Authorize the third event within a five year Special Recreation Permit (SRP) to the Lake Havasu Area Chamber of Commerce. The proponent proposes to conduct their annual commercial and competitive Poker Run event on December 13, 2014 and has proposed a 2 mile long course change for their 2015 event. The entire course, including the new proposed route segment, is designated open under the Havasu Travel Management Plan.

The proposed event course consists of a single loop traversing 35 miles of Standard and Mohave washes with three card stops/check points on public lands. Participants would make one trip along the flagged course while stopping at marked locations on public lands to pick up a playing card and assemble a poker hand. A maximum of 200 off highway vehicles including All Terrain Vehicles, Utility Terrain Vehicles, jeeps, and 4 wheel drive vehicles would be expected to participate. This is a 50 vehicles increase from the proponent's 2013 authorization. No travel outside of the authorized course, or stops outside of the traveled roadway, would be permitted. Search and Rescue units would be stationed at each card stop location to provide radio contact for event staff and volunteers.

This is a non-speed off-highway vehicle event. A Public Land Closure would not be necessary as the authorized route would remain open to public use. No food or water would be provided during the event. All trash would be carried out in event staff vehicles. No spectator areas would be authorized along the designated Poker Run route. Temporary route flagging would be placed no sooner than 72 hours prior to each annual event and removed 72 hours after event conclusion.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

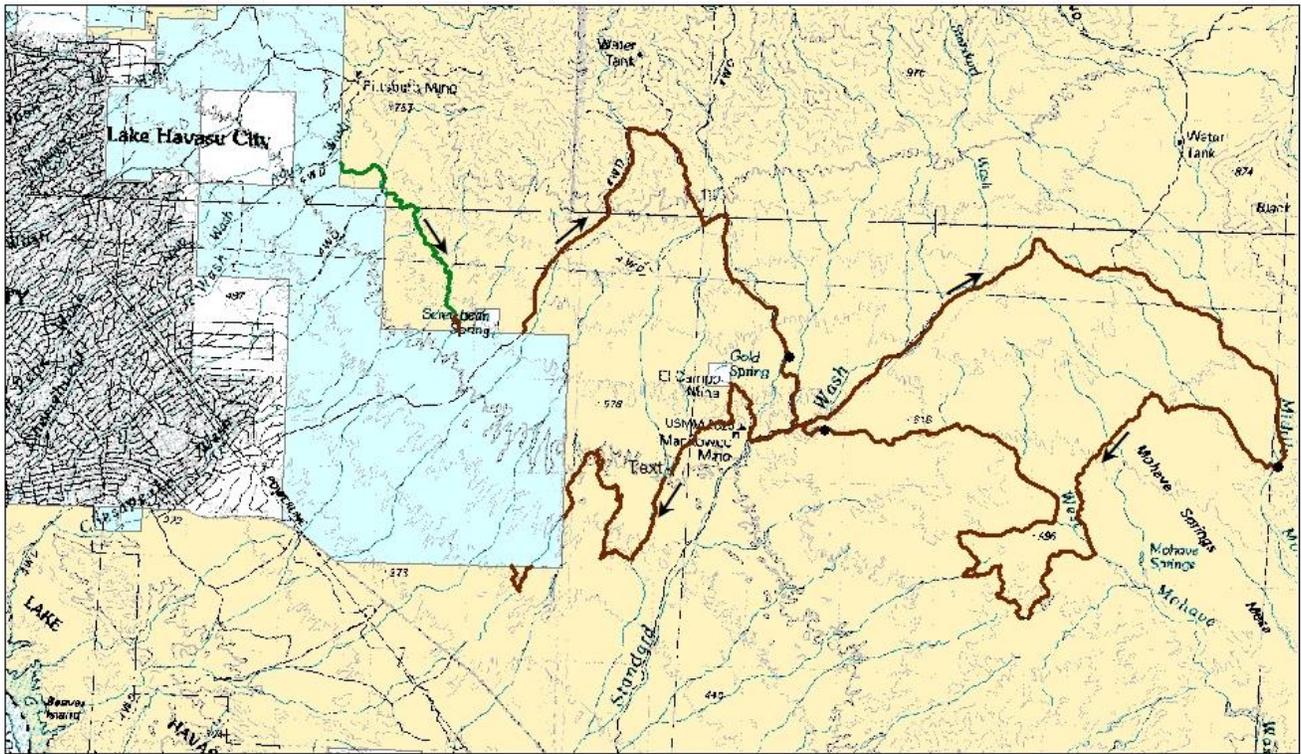
Approved By: \s\Kimber Liebhauser Authenticated by A. Deeds **Date:** 10/14/2014
Kimber Liebhauser
Field Manager, Lake Havasu Field Office

Exhibits:

- 1) **Event Map**
- 2) **Special Stipulations**
- 3) **Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects**

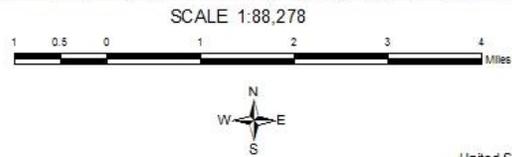
Exhibit 1. Event Map

Lake Havasu Chamber of Commerce Poker Run



Legend

Bureau of Land Management (BLM)	Card Stops/Check Points
Private Lands	Poker Run Course
State Lands	New Route Segment



The Bureau of Land Management (BLM) makes no representations or warranties regarding the accuracy or completeness of the map. The map does not address encroachments or questions of location, boundary, and area, which an accurate survey may disclose. The map is intended and is to be used as an illustration only. The map is a new representation, 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: 9/12/2014



Exhibit 2. Special Stipulations for SRP-AZ-030-13-05 Lake Havasu Chamber 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 January 14, 2015 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 \$105, effective December 13, 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 \$105.00 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. All gates will be left as found.
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 shall 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. Desert tortoise sightings 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.