



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Phoenix District
Hassayampa Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027
www.blm.gov/az/

In Reply Refer To:
8300 (AZP010)
DOI-BLM-AZ-P010-2015-0007-DNA

DECISION

Rim Tours, Inc.
DOI-BLM-AZ-P010-2015-0007-DNA

INTRODUCTION

The Bureau of Land Management, Hassayampa Field Office staff has prepared the Rim Tours Determination of the National Environmental Policy Act Adequacy (DNA) to evaluate the potential impacts related to a mountain bicycling company conducting tours on the Black Canyon National Recreation Trail.

Rim Tours proposes to conduct guided mountain bike tours on the Black Canyon National Recreation Trail, a non-motorized trail spanning over 80 miles. These tours would range from ½ day riding up to seven days of riding and camping near the trail. The average group size will be eight people with a maximum of twelve people. Trips are proposed from November through April. Rim Tours expects to offer approximately three trips per year.

BACKGROUND

This is an 80-mile non-motorized single track trail which exists for the wholesome recreational enjoyment for all those having the privilege to experience it. The trail is located in a historic sheep driveway corridor where vestiges of the past may be observed. The trail traverses outstanding scenery where the quality of the trail is superb. Recognizing the need to provide recreational opportunities to the Greater Phoenix Area while promoting eco-tourism, the application was made to manage and share this trail as a national treasure. It was soon included into the system of the National Park Service's System of National Trail.

Recreation use is increasing. Rim Tours applied for a special recreation permit to operate guided tours on this trail. Tour companies offer the link to those wanting the convenience, perceived safety, physical exercise, going new places and gaining new experiences, meeting new people with similar interests, and a break from everyday routine.

PUBLIC INVOLVEMENT

The public was provided the opportunity to participate in three NEPA documents: Bradshaw-Harquahala RMP and ROD, Black Canyon Trail EA, and the Special Recreation Permits for Commercial Recreation Activities EA. Major outreach occurred during the scoping period of the Bradshaw-Harquahala Environmental Impact Statement, Resource Management Plan. A contractor was hired, James Kent Associates, who established a system of networks to ease communication between the communities and BLM.

DECISION

After reviewing the analysis presented in the Bradshaw-Harquahala EIS and RMP, making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is my decision to approve this DNA. There is no significant impact to the physical, social, and ecological well-being upon approved. Each special recreation permit contains a list of stipulations pertaining to the wise use of its resource(s) while maintaining the integrity of the national recreation trail. It is my decision to approve the special recreation permit with stipulations for Rim Tours, Inc.

RATIONALE

After several years of collaborative efforts leading towards the completion of the Bradshaw-Harquahala RMP, there are many decisions contained with this document regarding special recreation permit administration and rationale. Administering special recreation permits on the Black Canyon National Recreation Trail supports the vision of ecotourism with recreationists who enjoy the niche of exploring public lands through commercial tours. This trail is located within the Black Canyon Recreation Management Zone which supports non-motorized interests.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.); Land and Water Conservation Fund Act of 1965 (P.L. 88-578) as amended; and the General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA).

APPEAL OF THE DECISION

The 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. Public notification of this decision will be considered to have occurred on April 17, 2015. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- The relative harm to the parties if the stay is granted or denied,
- The likelihood of the appellant's success on the merits,
- The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.



D. Rem Hawes

Hassayampa Field Manager



Date

**PHOENIX DISTRICT BLM
SUPPLEMENTAL STIPULATIONS FOR
COMMERCIAL COMPETITIVE NON-MOTORIZED
SPECIAL RECREATION PERMITS
Rim Tours, Inc.**

In addition to the conditions and stipulations listed on page 2 of the Special Recreation Application and Permit form, the following stipulations have been established to protect the lands and resources involved, reduce user conflicts, and/or minimize health and safety hazards. The stipulations will be made part of the permit. Failure to comply with these stipulations may result in the loss of permit privileges. These stipulations may be changed at any time upon notice and this permit may be revoked at the discretion of the BLM at any time upon notice.

- **BLM Contacts: Mary Skordinsky, at 623-580-5586**
- **Law Enforcement Dispatch for reporting illegal activities: 1-800-637-9152 or 602-417-9600 (Dial 9-1-1 for life threatening emergencies)**

Specific Mitigation Measures and Stipulations Required for this Permit

1. Existing and dispersed camping areas on BLM include: Castle Creek, Bumble Bee (group camping), Mica Mine (AZCo), and privately held campgrounds. These areas offer easy vehicle access. You may alternate your campsite to any one of these three, but you are limited to these campsites.
2. Any areas without a bike pass (narrow cattle guard) require users to close gates in order to maintain prescribed ranching operations on existing allotments. By closing gates you assist land managers in maintaining the health of the land for all to enjoy.
3. Livestock/wildlife waters are not potable water. Do not congregate around these features.
4. Bikes are required to stay on the Black Canyon National Recreation Trail, without veering off creating social trails. Vehicle supports are required to remain on existing roads. No cross-country motorized travel is allowed.
5. Take GPS points and pictures of archaeological artifacts if found and report findings in a timely manner to a BLM archaeologist at 623-580-5500.
6. This trail intersects prime desert tortoise habitat, which is a sensitive species and is protected by state law. Care should be taken not to run over, harass, or harm the tortoise. If tortoise must be moved out of harm's way, guidelines for doing this are attached to this document.
7. The Murphy's Agave, Hohokam Agave is highly safeguarded as a protected plant. Information and a picture of it is attached to this document. Guidelines for Murphy's Agave, Hohokam Agave, *Agave Murpheyi* F. Gibson is attached.

General Administrative:

1. Estimated fee payments, or the minimum non-refundable annual fee, whichever is applicable, will be submitted in advance to the BLM prior to issuance or validation of the permit. Any additional use fees will be due at the end of the six month reporting period in which the fees were accrued. Overpayment of fees will be applied to the following year's estimated use fees. **Use fees for commercial permits are 3% of gross revenue or the minimum annual fee of \$105, whichever is greater.** Gross revenue includes, but is not limited to, registration fees, merchandise sales, raffles and vending operations if not under separate permit.
2. Post use reports, and any additional use fees, are due by July 30th of each year.
3. 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 (SRP). 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.
4. This SRP 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 modification of the amount of use. The BLM may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
5. 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.
6. 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.
7. 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, contracting of equipment or services may be approved by the BLM 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.
8. All advertising and representations made to the public and the BLM 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 BLM with any current brochure and price list if requested by the BLM.

9. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
10. The permittee must present or display a copy of the SRP to BLM, 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 BLM, 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 expiration of the permit.
12. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, 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.
13. The permittee is responsible for ensuring the safety of all clients and support personnel and providing for appropriate emergency attention.
14. The permittee is required to contact private landowners and other governmental agencies whose property is affected by the use associated with the permit (this includes the Arizona State Land Department for state trust lands). Evidence that authorization has been obtained must be available to the BLM upon request.
15. Any changes to the approved Plan of Operations must first be approved by the BLM. This includes the use of subcontractors.
16. The permittee is required to provide the BLM with a copy of a valid Certificate of Insurance covering the periods of use. The U.S. Government must be named as a co-insured party on the policy. Minimum general liability limits are: \$300,000 per occurrence and \$600,000 annual aggregate for bodily injury, and \$30,000 property damage.
17. It is the responsibility of the permittee to ensure valid insurance coverage, including general public liability, with the limits listed above, is provided for all equipment and services supplied by subcontractors. A copy of the valid insurance coverage must be made available to the BLM upon request.
18. Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2933.33, which may include fines up to \$1,000 and/or imprisonment

up to 12 months. Additionally, any such violation may result in permit probation, suspension or revocation. Examples which can lead to permit violations include, but are not limited to; delinquent post use reports and/or payments, deviations to operating plan not approved by authorized official, violation of laws and regulations, significant resource damage and public endangerment.

19. All signs on public lands must be authorized by the BLM in writing.
20. The permittee shall notify the BLM of any accident which 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.
21. Annual permits remain valid if the permittee is in good standing by complying with all terms, conditions and stipulations including timely submission of post use reports, and applicable use fee payments. For multi-year permits, an annual review is done at the beginning of each fiscal year (October 1) and permits are validated for the upcoming fiscal year. For a permit to be validated, the permittee must be in good standing by complying with all terms, conditions and stipulations including timely submission of post use reports, and applicable use fee payments. In addition, certificates of insurance need to be current, and operating plans must be reviewed and updated with any changes before a permit will be validated for the upcoming fiscal year.
22. Travel management planning is ongoing in the area along with the development of a master plan in conjunction with Maricopa County. Approved routes are subject to change during or after these plans are completed.

Resource Protection:

1. **All activities are to remain on the approved roads, trails, washes, camping and staging areas.** No deviation to these routes is permitted without prior approval from the BLM. Motorized vehicles are not permitted in riparian areas or in running washes except at road crossings.
2. Employees, clients and participants will be instructed that it is unlawful to disturb, deface, excavate or remove any archaeological or paleontological objects or structures. Simply, look but don't touch! Rock art may be photographed but not touched. Collection of prehistoric or historic artifacts is not allowed. Any prehistoric or historic cultural site or human remains discovered by the permittee, employees or clients will be left undisturbed and reported as soon as possible to the BLM.
3. Permittee must notify the BLM of any specific archaeological sites proposed for inclusion during permitted activities. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Sites are subject to BLM approval and protective stipulations.

4. Historical mine sites should not be disturbed. Collecting artifacts from these sites is strictly prohibited.
5. All persons operating under this SRP, including subcontractors, are prohibited from entering abandoned mines.
6. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. All gates and fences shall be left as found. The taking of any threatened or endangered plant or animal is prohibited.
7. Do not park vehicles or camp in locations that will interfere with use of livestock facilities (such as corrals) or ongoing livestock operations. No use of livestock permittee's management facilities is authorized without prior permission from the livestock permittee.
8. Proposed activities will be conducted in a manner that will not interfere with mining or exploration operations. No minerals are to be collected from areas encumbered by active mining claims unless authorized by the claimant(s).
9. Cutting or removal of live vegetation is not permitted. Trimming of branches up to 4 inches in diameter may be allowed with prior authorization from the BLM.
10. Collection, harassment and disturbance of desert tortoises and Gila monsters is prohibited by Arizona State Law. If encountered on roads or trails they should be avoided. If a desert tortoise is encountered and cannot be avoided, it should be carefully moved to safety by carrying it horizontal to the ground, not tilted, and placed in the shade the minimum distance needed to remove it from harm's way. Gila monsters should be avoided and not handled. They are venomous and can inflict a serious and painful bite.
11. If the volume of use is determined to be adversely impacting soils or riparian condition through erosion, bank alteration or other means, the BLM may restrict use of affected areas or routes to allow restoration and recovery of degraded areas. During wet periods, certain road and trail segments may be closed to all traffic. The BLM will consider the applicant's needs when designing and implementing restrictions or watershed restoration efforts that could influence the operation.
12. The permittee must take reasonable precautions to prevent wildland fires. Build your fire away from trees, shrubs and other vegetation. Do not build fires next to rock and avoid the need to encircle your fire with stones. Use smaller firewood that will burn more completely. Make certain the fire is dead out (ash should be cool enough to run your fingers through it), scatter the ash, and "naturalize" the area.
13. The permittee will be committed to preserving and protecting the public lands by learning, practicing and promoting the Leave No Trace principles listed below:

- Plan ahead and prepare
- Travel and camp on durable surfaces. Prevent braiding and widening of the trail by riding on the established trail by riding single file.
- Dispose of waste properly.
- Leave what you find.
- Minimize campfire impacts
- Respect wildlife.
- Be considerate of others.

Motorized Vehicle Use:

1. No motorized vehicles of any type are permitted in riparian areas or in running washes except at road crossings. Substantiated reports of unauthorized use in these areas will result in immediate probation and possible suspension or revocation of permit privileges.
2. All motor vehicle use will comply with existing BLM and state motorized vehicle laws and regulations on public lands relating to use, standards, registration, operation and inspection. The Code of Regulations (CFRs) govern off-road vehicle use and regulations are prescribed in section 43 CFR 8341.1 and include, but are not limited to, the following:
 - A. No person shall operate an off-road vehicle on public lands:
 1. Without a valid State operator's license or learner's permit where required by State or Federal law;
 2. In a reckless, careless or negligent manner;
 3. In excess of established speed limits;
 4. While under the influence of alcohol, narcotics or drugs;
 5. In a manner causing, or likely to cause, significant undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, vegetative resources or other authorized uses of the public lands.
 - B. Drivers shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal drawn vehicles.
 - C. The operator of a motor vehicle is prohibited from operating a motor vehicle in motion unless the operator and each front seat passenger is restrained by a properly fastened safety belt for all vehicles manufactured after 1972.
3. Any person who violates or fails to comply with the CFRs subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than \$1,000 or imprisonment for not longer than 12 months, or both.
4. Permittee will be committed to preserving and protecting the public lands by learning, practicing and promoting the Tread Lightly principles listed below.
 - Travel and recreate with minimal impact,
 - Respect the environment and the rights of others,
 - Educate yourself, plan and prepare before you go,

- Allow for future use of the outdoors, leave it *better* than you found it, and
- Discover the rewards of responsible recreation.

Black Canyon National Recreation Trail

Map B

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PHOENIX DISTRICT OFFICE
HASSAYAMPA FIELD OFFICE



PRESCOTT NATIONAL FOREST

BLACK CANYON TRAIL & PROPOSED TRAILHEADS

- Proposed Trailhead
- Existing Trailhead
- Black Canyon National Recreation Trail
- Proposed Slate Creek Loop
- Agua Fria N.M.
- BLM
- National Forest
- State
- Private
- Local/State Parks



1:300,000
UTM Zone 12N, NAD 83

While every effort has been made to ensure the accuracy of this information, the BLM makes no warranty, expressed or implied, as to the accuracy and expressly disclaims liability for the accuracy thereof.



- Bob Bentley Trailhead
- Emery Henderson Trailhead
- Table Mesa Trailhead
- Black Canyon City Trailhead
- Soap Creek Trailhead
- Glorianna Trailhead
- Castle Creek Trailhead
- Bumble Bee Trailhead
- Hidden Treasure Trailhead
- Drinking Snake Trailhead
- Spring Valley Trailhead
- Big Bug Trailhead

PROPOSED SLATE CREEK LOOP
6.2 MILES

BLACK CANYON CITY

NEW RIVER

Lake Pleasant
Regional Park

Agua Fria
National Monument

TONTO NATIONAL FOREST

BUMBLE BEE CAMPING

Shuttle pt.

Shuttle pt.

Shuttle point

MAYER

CORDES

69

COPPER MOUNTAIN LOOP

Shuttle point

**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.