

CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B011-2015-0003-CX

A. BACKGROUND

BLM Office: Morley Nelson Snake River Birds of Prey NCA

Lease/Serial/Case File No.: ID111- 15003

Proposed Action Title/Type: Wilderness Science Education Special Recreation Permit

Location of Proposed Action: On the Snake River between Swan Falls and Celebration Park approximately 25 miles southeast of Boise, Idaho. T2S R1E Sec 7, 18. T2S R1W Sec 1, 2, 12. T1S R1W Sec 31 -36.

Description of Proposed Action: The purpose of the action is to provide recreational opportunities while protecting important natural and cultural resources by issuing a special recreation permit to Wilderness Science Education for three, two-day outings on the Snake River. Non assigned, dispersed use sites will be used for evening camps. The number of people in camp will be equal to the number of participants + staff on the trip (24 max). The purpose of Wilderness Science Education (dba Wild Science Explorers) is to deliver high quality river based science and stewardship education experiences to at-risk youth, particularly low income youth. At-risk students experience difficulties ranging from academic problems to personal challenges related to poverty, social adjustment and low resiliency. Wild Science Explorers provides students with the opportunity to work together, engage in education through relevant hands-on activities, and explore the natural world around them. We strive to give participants the tools to make sound stewardship decisions and the inspiration to be involved in environmental stewardship. Primary transport will be rafts, which will include a combination of oar rafts, paddle boats and inflatable kayaks. Short side hikes will occur on foot for educational purposes. Non assigned, dispersed use sites will be used for evening camps. The permittee is required to obtain all necessary permission or permits for all affected lands.

B. LAND USE PLAN CONFORMANCE

This proposed Action is subject to the following land use plan: Snake River Birds of Prey National Conservation Area RMP

Date Plan Approved: September 30, 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

1. Requests for recreational special use permits will be evaluated on a case-by-case basis to determine compatibility with NCA management objectives. Requests for Special Recreation Permits are evaluated on a case-by-case basis and have been a recognized use in the 2008 Snake River Birds of Prey RMP (2.14 Recreation pg. 2-19).
2. Provide a range of developed and undeveloped recreational opportunities with existing and new amenities, while protecting resource values, minimizing user conflicts, and promoting public safety.

C: COMPLIANCE WITH NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 X(X)

Category Description: Recreation Management -

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

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM6 apply. .

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:

1. Have significant impacts on public health or safety.

Comments/Explanation: The Proposed Action would not have any significant impacts to public health or safety. Adequate safety precautions would be implemented to ensure public safety including: carrying a satellite phone, comprehensive outdoor first aid kit and emergency procedures/evacuation plan on each trip. All trip participants receive a safety talk prior to launching, which is reviewed during the trip. Life jackets are required at all times on the water. WSE staff have at least first aid/CPR and most have wilderness first aid or a wilderness first responder and swiftwater rescue training. At least one person on each trip has advanced first aid training.

Specialist Signature/Date: /s/ **Jared Fluckiger** – Outdoor Recreation Planner 08/03/15

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; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.

Comments/Explanation: The proposed action takes place in the Morley Nelson Snake River Birds of Prey National Conservation Area. Requests for Special Recreation Permits are evaluated on a case-by-case basis and have been a recognized use in the 2008 Snake River Birds of Prey RMP (2.14 Recreation pg. 2-19). The authorization of this permit would not have any effect on natural resources or unique geographic characteristics such as those listed above. No significant impacts to wetlands, streams, or flood planes are present.

Specialist Signature/Date: /s/ **Jared Fluckiger** – Outdoor Recreation Planner 08/03/15

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Comments/Explanation: The authorization of this permit would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. This event utilizes existing boat ramp facilities. This activity would be conducted in an area which is used routinely for recreation use.

Specialist Signature/Date: /s/ **Jared Fluckiger** – Outdoor Recreation Planner 08/03/15

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Comments/Explanation: The event has been reviewed and cleared by resource specialists with knowledge of the area. Activity would take place on existing facilities and areas open for recreational uses. Refuse containers and restrooms will be provided. The Bureau has conducted and monitored similar events and the potential associated environmental impacts are well known.

Specialist Signature/Date: /s/ **Jared Fluckiger** – Outdoor Recreation Planner 08/03/15

5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Comments/Explanation: Requests for Special Recreation Permits are evaluated on a case-by-case basis and have been a recognized use in the 2008 Snake River Birds of Prey RMP(2.14 Recreation pg. 2-19). The SRP would be for an annual permit allowing three trips per year and would not set a precedent for how the area could be used in the future or require other actions.

Specialist Signature/Date: /s/ **Seth Flanigan** – NEPA Specialist 08/03/15

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Comments/Explanation: Other human-related activities occurring in the area include casual recreational non-motorized/ motorized boating and hiking. The activity would not preclude regular use in the area. Issuance of this permit would have cumulative impacts from the additional use on float days but the impacts would be inconsequential compared to normal use.

Specialist Signature/Date: /s/ **Seth Flanigan** - NEPA Specialist 08/03/15

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.

Comments/Explanation: There are no known historic properties within the area of potential effect. The proposal is exempt from inventory and project specific review by ISHPO under the current BLM / ISHPO protocol (1998). Exemption # 20.a. which states “Issuance of recreation special-use permits where the potential to cause ground disturbance or affect historic properties is negligible. Periodic monitoring may be conducted to confirm that effects are negligible. Types of projects include but are not limited to: a. Well-established trails, and other specified areas where use is similar to previous permits for which environmental documents have been prepared, and which would not substantially increase the level of use or continues unsatisfactory environmental conditions.”

Specialist Signature/Date: /s/ Dean Shaw – Archaeologist - 08/03/15

8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.

Plant Comments/Explanation: One sensitive plant is known to occur in the general location of this activity; snake river milkvetch (Astragalus purshii). The activity area was reviewed by the Botanist and it was determined that it would not adversely impact any Threatened and Endangered or special status plants.

Plants Specialist Signature/Date: /s/ Mark Steiger – Botanist - 08/03/15

Wildlife Comments/Explanation: No known threatened, endangered, or proposed to be listed wildlife species is known to occur in the area. Special status species could occur in the area. However, all activity would take place at existing facilities and areas open for recreational uses. No impact is expected to any of special status species that could occur in the area. No threatened or endangered animal species are known to inhabit the area.

Wildlife Specialist Signature/Date: /s/ Joseph Weldon – Wildlife Biologist - 08/03/15

Aquatics Comments/Explanation: Authorization of this permit would not result in significant impacts to fish or aquatic species listed or proposed to be listed on the List of Endangered or Threatened Species. The proposed routes and area do not support critical habitat for fish species listed under the Endangered Species Act.

Aquatics Specialist Signature/Date: /s/ Allen Tarter – Natural Resource Specialist - 08/03/15

9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

Comments/Explanation: Implementation of this permit would not be in violation of federal, state, local, or tribal law, or requirements imposed for the protection of the environment.

Specialist Signature/Date: /s/ Dean Shaw – Archaeologist 08/03/15

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Comments/Explanation: There are no low income or minority populations living in the project area. Low income or minority visitors to the area would not be affected any differently by the proposed activities than any other visitor.

Specialist Signature/Date: /s/ Seth Flanigan – NEPA Specialist 08/03/15

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).

Comments/Explanation: This permitted event would not limit access to ceremonial use of sacred Indian sites on federal lands or adversely affect the physical integrity of known sacred sites.

Specialist Signature/Date: /s/ Dean Shaw – Archaeologist 08/03/15

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).

Comments/Explanation: The proposed project would not 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 species. No new ground-disturbing activities would take place. The use of motorized vehicles is not being proposed, any use of motorized and/or mechanized equipment would be limited to authorized routes and cross country travel by vehicle would be prohibited.

Specialist Signature/Date: /s/ Lonnie Huter - Noxious Weed Specialist - 08/03/15

D: SIGNATURE

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official:

Date: 08/03/15

/s/ Amanda Scott

Amanda Scott
Field Manager
Morley Nelson Snake River Birds of Prey NCA

Prepared By/Contact Person:

Jared Fluckiger – Outdoor Recreation Planner

Special Recreation Permit - General Terms (Form 2930-2, page 2)

- a) 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 or 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, and spectators.
- b) An 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 authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
- c) 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.
- d) Unless expressly stated, the permit 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 or permittees. The United States reserves the right to use any part of the area for any purpose.
- e) 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 or activity 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.
- f) 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.

- g) The permittee assumes 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 flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
- h) 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.
- i) 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.
- j) The permittee must present or display a copy of the SRP 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.
- k) 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 years after expiration of the permit.
- l) The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post- use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
- m) The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by these permits, which result 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 24 hours.

**- ADDITIONAL TERMS & CONDITIONS OF USE
(STIPULATIONS)**

A. Local, State, and Federal Laws

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 also be responsible for compliance with these requirements by all agents of the permittee and by all participants under the permittee's supervision.

It is your responsibility that all employees are aware of the permit rules/stipulations and follow them.

B. Insurance

At a minimum, the permittee shall have in force public liability insurance covering: (1) damage to property in the amount of thirty thousand dollars (\$30,000); and (2) damage to persons (bodily injury or death) in the amount of three hundred thousand dollars (\$300,000) per occurrence. The policy shall also have a minimum annual aggregate limit of six hundred thousand dollars (\$600,000). The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit. The insurance shall name the United States as additional insured and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM. 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.

Those permittees holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect.

New permits will not be issued, and operations authorized under an existing permit will not be allowed to continue until proper proof of insurance is received by the Bureau of Land Management (BLM). This requirement may be satisfied by providing either an authenticated copy of the insurance policy or a certificate of insurance in the approved format with the original signature of both the permittee and the insurer or their authorized representatives. The name of the insured must be identical with that on the permit application.

C. Brochures and Advertising

The permittee will furnish the BLM with a copy of their most recent brochure and/or a price list for the permitted activities or event(s). Advertising may include BLM's address and telephone number, but may not use the official agency symbol.

D. Permit Modification

This special recreation permit may be modified by the BLM at any time.

E. Snake River Use

This permit authorizes float boat use on the section of the Snake River which is specified on the application.

This permit does not authorize power boat use on the Snake River if the permittee does not hold a valid state commercial outfitter license.

F. Reporting Use

A post use report must be completed by the permittee and given to BLM within 10 days of each event. An annual summary will also be completed by the permittee and given to BLM within 30 days of the expiration of the permit.

G. Performance Evaluation

All Special Recreation Permits are subject to an annual performance evaluation. The evaluation may be completed through the mail, over the telephone, or in person.

H. Exclusive Use

The Special Recreation Permit does not create an exclusive right of use to the regulated area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The BLM reserves the right to use any part of the regulated area for any purpose.

I. Hazardous Conditions

The permittee assumes responsibility of inspecting the regulated area for any existing or new hazardous conditions. Landslides, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards present risks which the permittee assumes.

J. Party Size

The number of people in camp will be equal to the number of participants plus staff on the trip (24 max).

All members in the party need to be affiliated with the institution conducting the trip (example: all folks must be enrolled with or are employed by a university or organization). Each organization cannot offer trips to folks outside of the university or organization, doing so is outside the scope of this permit.

K. Sanitation

The permittee must carry out all waste and garbage, including human waste. Disposal of waste must be done according to law and at a facility designed for accepting the waste.

L. No Fires

Fires are not allowed within the Morley Nelson Snake River Birds of Prey on BLM administered lands except in maintained fire rings provide by the BLM. The only existing fire rings installed along the river are at and around Fisherman's Point to the end of Shore Road approximately 3 to 4 miles downstream of Swan Falls Dam on the east side of the river. Permittee must observe all additional fire closures.

M. Camping

Camping is not allowed on Wees Bar. Permittee may stay a maximum of one night during each float trip. . Camping gear may not be left if the camp is not occupied. No removal of vegetation is allowed. Leave no trace principle should be followed.

N. Water Craft Operators Qualifications

It is the responsibility of the permittee to ensure that all operators of water craft are qualified to operate the craft in a safe and responsible manner. At a minimum, water craft operators must meet or exceed the State of Idaho standards for guide licensing: Three trips under the supervision of a qualified operator on the river segment to be boated for all operators, and six trips on the river segment for trip leaders. In addition all operators and trip leaders must have at a minimum an Advanced First Aid card and CPR qualifications.

- You are required to meet the qualifications listed above and provide documentation to the BLM permit administrator. All experience for boatman and watercraft operators shall be documented. The records will be maintained by the SRP holder showing the dates, river section including put-in and takeout locations, proof of first aid CPR, and the signature with address and phone number of the experienced licensed guide/outfitter or SRP holder who accompanied the water craft operator on training trips.

O. Equipment

All equipment must be in safe, operable condition and meet required state and federal standards (if applicable). It is the responsibility of the permittee to ensure that life jackets approved by the U.S. Coast Guard for use in whitewater are available and used by all passengers and crew.

P. Equipment Identification

All boats, including kayaks and other individual craft must be clearly marked with the permittee name or logo; the letters must be at least 3 inches tall. If boats/watercraft are used for non-commercial trips, the name or logo must be covered or hang a sign over the side of the boat/watercraft saying private.

Q. Search and Rescue

Permittee has financial responsibility for any search and rescue operations resulting from use under this permit.

R. Accident Reporting

The permittee shall notify an authorized officer within three days of any accident occurring while involved in activities authorized by this permit which results in personal injury requiring evacuation or hospitalization or in property damage greater than \$500.

S. Campsites

The permittee must naturalize the site camped at prior to leaving. This includes removing driftwood/firewood piles, structures, sand castles and rocks used to tie down tents, boat and tarps etc.

T. Permissions

All necessary clearances, permits, or permission shall be obtained from each jurisdictional agency or landowner whose land the event crosses.

U. All participants should follow Leave No Trace principles during the outing. No clearing or removal of shrubs or vegetation is allowed.

The permittee must abide by the conditions of use described on the permit or attached to the permit.