

Categorical Exclusion Review
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Boise District Office
Bruneau Field Office

War Eagle Outfitters 2010

CE No.: ID-120-2010-CE-0022-WEO

Lease/Serial/Case File No.: SRP #ID120-10-07

Purpose and Need for Action:

The purpose of the proposed action is to provide non-motorized recreational hunting opportunities while protecting important natural and cultural resources. The application is for the authorization of a Special Recreation Use Permit for the "War Eagle Outfitters" to conduct outfitted and guided hunting operations on public lands. Hunting operations would be held in within the Bruneau Field Office (BFO) with portions of the hunt unit (41-1) within Little Jacks Creek Wilderness Area. Special recreation permits may be issued for guided hunting trips to be conducted in the BFO to individuals and organizations that apply in accordance with the BLM Special Recreation Permit Policy (43 CFR 8372).

Description of Proposed Action:

The proposed action is for the authorization of a Special Recreation Permit (SRP) for War Eagle Outfitters to conduct guided hunting operations for California Bighorn Sheep on public lands. The proposed action would take place within the BFO in portions of the Little Jacks Creek Wilderness, big game unit 41-1 as identified and defined by Idaho Fish and Game. War Eagle Outfitters would likely provide three guides to accompany one hunter (tag holder) and a guest into unit 41-1, with a total of no more than six people. This use would occur between the dates of August 30 and October 8, 2010.

An outfitter is an individual who offers outfitting services for compensation to another individual for hunting wildlife on public lands. Outfitting services simply provide guidance and assistance to the tag holder/customer for hunting wildlife on public lands in the form of transportation, equipment, supplies, packing, locating wildlife, etc.

Motorized travel would be authorized on existing roads and trails outside of the Little Jacks Wilderness Area and on authorized routes as designated by Congress within the Wilderness Area. No motorized or mechanized cross country travel would be permitted within the Bruneau Field Office, nor would this type of travel be permitted on unauthorized routes within the Wilderness Area. Outfitter camps would be located on private property outside the Wilderness boundary. While operating within these areas current Leave No Trace wilderness ethics (reference www.lnt.org) would be followed for general camping, hiking, cooking, and toilet practices. Cutting or removing standing trees or shrubs, whether alive or dead, is prohibited. The outfitter would remove all trash generated during the course of the activity.

Hunting operations within Wilderness would be conducted on foot or horseback. The use of pack stock would be authorized within the Wilderness area for travel and game extraction. In the case that pack stock are utilized during operations, certified weed free hay or pellets would be used to feed the animals.

The outfitter would 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 outfitter would ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The outfitter would make every reasonable effort to ensure compliance with this requirement by all agents of the outfitter and by all clients, customers, participants, or spectators under the outfitter's supervision.

This outfitter is currently under permit with additional BLM Field Offices for similar activities and has performed satisfactorily under each authorization.

Project Location:

Hunting unit 41-1 as defined by Idaho Fish and Game (portions of unit are within the area of Little Jacks Creek Wilderness). 15 miles south of Grand View, Idaho.

Applicant:

War Eagle Outfitters; Ken Jafek

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Bruneau Field Office Management Framework Plan (MFP).

Date Plan Approved: 1983

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

Objective R-1: Provide high-quality, varied recreation opportunities commensurate with public demand, placing emphasis on managing dispersed-type opportunities.

The proposed action is also in conformance with the 2009 Owyhee Public Lands Management Act (OPLMA). The permit is required based on 43 CFR 2932.11 and 12 (see remarks below). The proposed action was designed to be in conformance with bureau standards and to incorporate appropriate stipulations (e.g., restricting use to existing roads and trails) to assure compliance with the MFP and OPLMA.

Owyhee Public Lands Management Act (OPLMA): Subtitle F-Owyhee Public Land Management. Sec. 1503. Wilderness Areas.

(6) Outfitting and Guide Activities- Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(8) Fish and Wildlife- (A) In General- Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.⁶

43 CFR 2932: Must obtain a Special Recreation Permit for commercial use if BLM determines that it is necessary, based on planning decisions, resource concerns, potential user conflicts, or public health and safety.

(1) The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use.

BLM Manual 8560 – Management of Designated Wilderness Areas
Section .15

- (I) Commercial services such as those provided by packers, outfitters, and guides may be provided within wilderness areas to the extent necessary for activities which are proper for realizing the recreation or other wilderness purposes of the areas.

Part II – NEPA Review

A. Categorical Exclusion Review: This proposed action qualifies as a categorical exclusion under 516 DM 11.9 H(1). Category description: Issuance of Special Recreation Permits

- (1) 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).

List of Exceptions

1. Have significant impacts on public health or safety.

Yes No Specialist Signature/Date: *David Draheim*, Outdoor Recreation Planner 7/20/10

Comments/Explanation: The proposed action would not have any significant impacts to public health or safety. The action would be conducted in a remote area where public contact is very limited. Most of the operation would be conducted on foot or by horse. Motorized and mechanized travel would be restricted to existing and authorized roads and trails. Camping and staging would be on private property outside of Little Jacks Wilderness.

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.

Yes No Specialist Signature/Date: *David Draheim*, Outdoor Recreation Planner 7/20/10

Comments/Explanation: The proposed action would occur within portions of the Little Jacks Creek Wilderness. The action would not have any significant impact on these resources. Travel throughout the Wilderness Area would be conducted on foot or horseback. Outfitter camps would be located on private property outside the wilderness boundary. While operating within the wilderness, current Leave No Trace wilderness ethics would be followed for general camping, hiking, cooking, and toilet practices. Cutting or removing standing trees or shrubs, whether alive or dead, would be prohibited. The outfitter would remove all trash generated during the course of the activity.

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

Yes No Specialist Signature/Date: *David Draheim*, Outdoor Recreation Planner 7/20/10

Comments/Explanation: The authorization of this permit would not have highly controversial environmental effects or involve unresolved conflicts concerning alternatives uses of available resources. This activity would be light on the land and resources. Other resource uses of the activity area, including livestock grazing, would not be impacted by the proposed action.

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

Yes No Specialist Signature/Date: *David Draheim*, Outdoor Recreation Planner 7/20/10

Comments/Explanation: Outfitter camps would be located on private property outside of the wilderness boundary. No more than six people would be involved in non-motorized and/or mechanized hunting activities in which the hunting unit boundaries and regulations are established by Idaho Fish and Game (State).

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

Yes No Specialist Signature/Date: *David Draheim*, Outdoor Recreation Planner 7/20/10

Comments/Explanation: The proposed action would not establish a precedent, nor does it compel future actions with potentially significant environmental effects. Similar future actions would be required to go through a similar application and review process prior to approval.

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>David Draheim</i> , Outdoor Recreation Planner 7/20/10
<i>Comments/Explanation:</i> No other known actions of this type are planned by adjacent Field Offices, agencies, or individuals. The proposed action would not have a relationship to other actions with cumulatively significant impacts. The Idaho Outfitters and Guides Licensing Board regulates the quantity of outfitters and guides which may use a given area. There are no other hunting guides permitted in the Bruneau Field Office.		
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.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Lois M. Palmgren</i> , 7/28/2010
<i>Comments/Explanation:</i> National Register of Historic Places eligible sites do exist within the proposed permit area. However, given the nature of the impacts, the permit stipulations and the Leave No Trace ethics there will be no effect to the eligible cultural resources. The Special Recreation Permit is exempt from project specific inventory and ISHPO consultation per the BLM/SHPO Protocol, Appendix C, Exemption # 20.		
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.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Specialist Signature/Date for Plants: <i>Holly H. Beck</i> , Botanist, 7/29/10 Specialist Signature/Date for Wildlife: <i>Bruce C. Schoeberl</i> , Wildlife Biologist, 7/28/10 Specialist Signature/Date for Aquatics: <i>Dave Mays</i> , Fisheries Biologist 7/27/10		
<i>Wildlife Comments/Explanation:</i> Any impacts would be indistinguishable from impacts associated with general recreational use. No known listed or proposed listed threatened or endangered species are known to occur within the proposed hunting unit (41-1). Therefore, there would be no impact to threatened or endangered species. The management of wildlife and the distribution of licenses for harvesting animals are regulated by the Idaho Fish and Game (IDFG), while the management of wildlife habitat is the responsibility of the BLM. The proposed activity has been reviewed by the Wildlife Biologist and it was determined that it would not adversely impact any special status animal species or their habitat besides an individual bighorn sheep. However, since IDFG deemed it acceptable for the associated harvest of an individual bighorn sheep, the permitting of this guided hunt by the BLM would not result in any measurable negative impact to the bighorn sheep population in the area.		
<i>Aquatics Comments/Explanation:</i> There are no fish listed as Federally threatened, endangered, or proposed for listing known to inhabit the watersheds in the area of the project. Redband trout, a BLM sensitive species, occur in Little Jacks and Shoofly creeks, but they or their habitat would not be affected by the project because no ground disturbance would occur. The action also would not affect any wetland or floodplain in any negative manner. <i>Botany Comments/Explanation:</i> Impacts associated with this hunt would not be greater than casual recreation use. No special status plant species would be adversely impacted by the hunt and associated activities.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Tim Canigan</i> Assistant Field Manager 7/28/10
<i>Comments/Explanation:</i> 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.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>David Draheim</i> , Outdoor Recreation Planner 7/20/10
<i>Comments/Explanation:</i> 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.		
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).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Tim Corrigan</i> Assistant Field Manager 7/28/10
<i>Comments/Explanation:</i> The proposed permitted activity would not limit access to ceremonial use of sacred Indian sites on Federal lands or adversely affect the physical integrity of known sacred sites.		
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).		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Specialist Signature/Date: <i>Lonnie Huter</i> 7/26/10
<i>Comments/Explanation:</i> The proposed event 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 range species. No ground disturbing activities would take place. The use of motorized and/or mechanized equipment would be limited to authorized routes. Outfitter would remove all trash generated during the course of the activity. In the case that pack stock are utilized during operations, certified weed free hay or pellets would be used to feed the animals. Cross country travel would be prohibited.		
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.		
Remarks:		
Authorizing Official: <i>Arnold L. Pike</i>		Date: <i>7/29/10</i>
Name: <i>Arnold L. Pike</i>		
Title: <i>Field Manager</i>		

Part III - Decision

Any person whose interest is adversely affected by a decision of an officer of the Bureau of Land Management shall have a right to appeal to the Interior Board of Land Appeals following the process detailed in 43 CFR Part 4, subpart E. A person who wishes to appeal to the Board must file a notice of appeal in the office of the officer who made the decision, within 30 days following the receipt of the decision. The appeal may be accompanied by a petition for stay of the decision pending appeal in accordance with CRF 4.21. The appeal may include a statement of reasons for the appeal, the appellant shall file such a statement with the Board (address: Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, VA 22203) within 30 days after the notice of appeal was filed. The appellant must also serve a copy of the notice of appeal and any statement of reasons on each adverse party named in the decision from which the appeal is taken to the Office of the Solicitor (address: Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706).

Should you wish to file a petition for a stay, see CFR 4.21. In accordance with CRF 4.21 (b), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether public interest favors granting the stay.

All decisions of the authorized officer under 43 CFR 2931.8 shall remain effective pending appeal unless the Secretary rules otherwise. Petition for stay decisions shall be filed with the Office of Hearing and Appeals, Department of the Interior.

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures either identified below or with the stipulation(s) described above.

Mitigation Measures/Other Remarks:

Special stipulations will be attached to the Special Recreation Permit. BLM would monitor the event and check compliance with permit stipulations.

Authorizing Official:

Arnold H. Re

Date:

7/29/10

Name:

Arnold H. Re

Title:

Field Manager

