Categorical Exclusion Review

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

Owyhee Outlaws Motorcycle Race Special Recreation Permit

CE No.: DOI-BLM-ID-BO20-2010-0023-CX Case File No.: SRP#: ID120-10-05

Purpose and Need for Action: The Purpose of the action is to provide recreational OHV racing opportunities while protecting important natural and cultural resources. On August 26, 2009, Boise District received an application for a Special Recreation Use Permit for the Desert Rats Motorcycle Club to conduct a motorcycle race on BLM lands. The event would be held in the Owyhee Front within an area classified as "limited to existing routes and trails" to motor vehicle use and within an area that has been used for competitive motorcycle races since the 1970's. Special recreation permits may be issued for events to be conducted in the Bruneau Field Office to individuals and organizations that apply in accordance with the BLM Special Recreation Permit Policy (43 CFR 8372).

Description of Proposed Action: The proposed event is scheduled for October 3, 2010. It is approximately a 50 mile course on roads and trails specifically authorized for the event. The routes were selected to minimize or avoid sensitive resources such as known special status plant and animal habitat and cultural resources.

The event route would follow a defined, plainly marked course. The permittee would mark the entire route a maximum of 14 days in advance and would remove the markers within 14 days after the event. Painting rocks and establishing permanent markers and improvements would not be authorized. Race participants would be informed that passing on race courses would be limited to disturbed areas of roads and trails and would not occur in vegetated areas adjacent to the course. When requested, the permittee would place flagging, signs, and barriers sufficient to effectively protect natural and cultural resources as directed by BLM officials, including the marking and enforcement of no passing restrictions or speed limits on course segments specified by BLM. There would be a sufficient number of race officials to enforce compliance with permit stipulations. Warning signs and flaggers would be placed along all affected asphalt and gravel roadways, and competitors would be required to walk their bikes across. Refueling and major servicing of race vehicles would only occur where trails cross roads. The permittee would provide portable toilets, refuse containers, and perform a sweep of the area removing litter once the event is completed. Proper authorities would be notified prior to the event and an emergency services unit would be on-site for the entire race.

Project Location:
Southwest of Grandview, Idaho. See official race map at:
R:\loc\gis\Projects_GISuser\BruneauFO\Recreation\Recreation Permit Maps\maps\2010\DOutlaws_2010_app.

(Applicant (if any):
Owyhee Outlaws Motorcycle Club

Part I – Plan Conformance Review

This proposed Action is subject to the following land use plan: Bruneau 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-1.2: Maintain or improve ORV opportunities: Allow organized cross-country motorcycle races on a case by case basis consistent with other resource uses and values.

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 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.

B. Exceptions Review (Departmental List of Extraordinary Circumstances Review): Review the 12 exceptions which apply to individual actions within categorical exclusion. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. (The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents MUST BE PREPARED for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.))

List of Exceptions

1. Have significant impacts on public health or safety.

Yes ☐	No ☑	Specialist Signature/Date: *David Draheim* Outdoor Recreation Planner 7/20/2010

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: race course would be signed and flagged, race officials would be posted throughout the course at major intersections and areas identified as hazardous, local authorities and other permittees would be notified and a medical unit would be on scene.

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 7/20/2010

Comments/Explanation: The proposed route lies outside nationally designated parks, recreation areas, refuges, wilderness areas, wild and scenic river corridors, monuments and national landmarks. There are no unique geographic characteristics or floodplains present. It has been determined that there are no significant cultural and historic resources that need to be avoided. The competitive area is not a sole or principal drinking water aquifer. The competitive area is not prime farmland. The competitive area does not contain wetland habitats. Migratory birds would not be negatively affected by the proposed action.

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 7/20/2010

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 would be conducted on existing roads and trails and within an area used on an annual basis for motorcycle races.

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 7/20/2010
Comments/Explanation: The event has been reviewed and cleared by resource specialists with knowledge of the area. All motorized activity would take place on existing roads and trails, refueling and major servicing of race vehicles would only occur at start/finish areas, and intersections of roads and trails. Refuse containers and restrooms will be provided at the staging area. The Bureau has conducted and monitored many similar events and the potential associated environmental impacts are well known.		
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 7/20/2010
Comments/Explanation: Requests for competitive events are evaluated on a case-by-case basis and have been a recognized use in both the 1983 Bruneau MFP and a 1994 Environmental Assessment (ID-01-94111) addressing competitive use in the Owyhee Front. The SRP would be for a one point in time event and would not set a precedent for how the area could be used in the future.The proposed action would not establish a precedent, nor does it compel future actions with potentially significant effects.		
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.		
Yes ☐	No ☑	Specialist Signature/Date: *David Draheim* Outdoor Recreation Planner 7/20/2010
Comments/Explanation: Other human-related activities occurring in the area include livestock grazing and casual recreation use. A recent NEPA analysis on livestock grazing (ID-120-2008-EA-45) addressed cumulative impacts in the area and determined that grazing, in conjunction with casual recreation use and events such as the proposed action, would not have significant impacts on the resources present.The proposed action would not have a relationship to other actions with cumulatively significant impacts.		
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 ☐	No ☑	Specialist Signature/Date: *Lois Palmgren*, Bruneau FO Archaeologist, 8/26/2010
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). One known site, a historic dugout and associated features, 10-OE-1455 is just outside the wash. It is highlighted in the Bruneau MFP for protection. Provided the participants stay on the course there will be no effect to the sites. 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 continue unsatisfactory environmental conditions."		
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 ☐	No ☑	Specialist Signature/Date for Plants: *Holly H. Beck*, Botanist, 7/30/10 Specialist Signature/Date for Wildlife: *Bruce C. Schoebert*, Wildlife Biologist, 8/16/10 Specialist Signature/Date for Aquatics: *Dave Mays*, Fisheries Biologist, 7/26/10
Plant- Comments/Explanation: All authorized routes were reviewed by the Botanist/Ecologist and it was determined that the event would not adversely impact any special status plants.		
Wildlife- Comments/Explanation: This area resides within the Owyhee Front and is characterized by Wyoming big sagebrush and shadscale mix shrub communities with varying amounts of cheatgrass. Effects to wildlife from motorcycle racing was assessed in the 1994 Southwest Idaho Desert Racers Association EA and impacts from this race will be minimal because it will occur when wildlife species are not breeding, nesting, or denning. There will be no impacts to Threatened or Endangered wildlife species and only a minimal possibility of impacts to two snakes on the Type 3 BLM Sensitive Species list (western ground and longnose snakes). See the Special Status Animal Clearance Worksheet for more detailed analyses.		
Aquatics- *Comments/Explanation*: Authorization of this permit would result in no impacts to fish species listed or proposed to be listed on the List of Endangered or Threatened Species, as these species or their critical habitat do not occur in the project area. Habitat for Redband Trout, a BLM Sensitive Species, also will not be affected by the		

permitted activity.		
9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.		
Yes ☐	No ☑	Specialist Signature/Date: *Tim Carrigan* Assistant Field Manager 8/26/10
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.		
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes ☐	No ☑	Specialist Signature/Date: *David Draheim* Outdoor Recreation Planner 7/20/2010
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.		
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 ☐	No ☑	Specialist Signature/Date: *Tim Carrigan* Assistant Field Manager 8/26/10
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.		
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 ☐	No ☑	Specialist Signature/Date: *Lonnie Huter 7/26/10* Noxious Weeds Specialist
Comments/Explanation: 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. Motorized travel would be limited to existing roads and trails. Cross country travel is 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: *Arnold L Pike* Date: *8/30/10*

Name: Arnold L. Pike
Title: Bruneau Field Manager

Part III – Decision

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.

Sec. 2931.8 (Appeals)(a) If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title. (b) All decisions BLM makes under this part will go into effect immediately and will remain in effect while appeals are pending unless a stay is granted under Sec. 4.21(b) of this title. The appeal and petition for a stay must be filed in the office of the authorized officer, Arnold L. Pike, 3948 Development Avenue, Boise, Idaho 83705. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706.

Should you wish to file a petition for a stay, see CFR 4.21. In accordance with 43 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. Petitions for stay of decisions shall be filed with the Office of Hearing and Appeals, Department of the Interior.

Mitigation Measures/Other Remarks:
Special stipulations will be attached to the Special Recreation Permit

Authorizing Official: Arnold L Pike Date: 8/30/10

Name: Arnold L. Pike
Title: Bruneau Field Manager