



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Arizona Strip District Office
345 East Riverside Drive
St. George, Utah 84790
Phone (435)688-3200 Fax (435)688-3258

In Reply Refer To:
AZ-010
2930

March 28, 2005

NOTICE OF DECISION

Rhino Rally Competitive Motorcycle Race Environmental Assessment
No. AZ (UT)-110-2005-EA-0016

Dear Interested Party:

Please be advised that an Environmental Assessment (EA) Rhino Rally Competitive Motorcycle Race Environmental Assessment No. AZ (UT)-110-2005-EA-0016, has been prepared for the proposed Rhino Rally Motorcycle Race Event. This EA went through an interdisciplinary review process, and a Finding of No Significant Impact (FONSI) and Decision Record (DR) were approved. The EA, FONSI, and DR are public documents, and available upon request. The EA, route map and FONSI/DR will soon be posted on the Arizona Strip Field Office's web home page: www.az.blm.gov/asfo.

The project analyzed in the EA and authorized in the DR is the issuance of a 10 year Special Recreation Use Permit (SRP) to Wizards Motorcycle Club (Wizards) to conduct motorcycle race events centered in the St. George Basin area, Washington County, Utah, and Mohave County, Arizona. The Wizards would be permitted to conduct their motorcycle event on public lands. The size of the event would be limited. There would be three events with a maximum of 300 motorcycles in the main event, a maximum of 150 motorcycles in the mini bike class event, and a maximum of 75 in the Pee-Wee class event. This authorization would allow them to hold their Rhino Rally Motorcycle Race Event for one day each year. They would be limited to routes on public lands in Mohave County, Arizona and Washington County, Utah.

The BLM is responding to an application for a SRP from the Wizards Motorcycle Club to hold an annual motorcycle race event. The proposed action is in conformance with the terms and conditions of the St. George Field Office Resource Management Plan (RMP), and the Shivwits Resource Area Implementation Plan for the Arizona Strip District Approved Resource Management Plan. The EA considered two alternatives: The Proposed Action and the No Action Alternative. The Proposed Action Alternative is the preferred Alternative for this action. The proposed activity was approved and authorized by issuing a SRP - AZ (UT) 010-2005-04 per 43 CFR 2930. This decision is effective upon the date it was signed by the authorized officers, March 28, 2005.

Within 30 days of receipt of this decision, an appeal may be filed with: 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. A copy of the notice of appeal must also be filed in these offices: Arizona Strip Field Office and the St. George Field Office 345 East Riverside Drive, St. George, Utah 84790; as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138 and Office of the Field Solicitor, U S Courthouse Suite 404, 401 West Washington Street SPC 44, Phoenix, AZ 85003-2151. As stated in the regulations in 43 CFR 2930, the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective

pending appeal unless the Board determines otherwise. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall 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 irreparable harm to the appellant or resources if the stay is not granted,
and
- (4) Whether the public interest favors granting the stay.

For more information or to request a copy of the EA, route map and/or FONSI/DR, please contact Larry Gearhart, Outdoor Recreation Planner at (435) 688-3269.

Sincerely,

James Crisp,
St. George Field Office Manager

Roger Taylor
Arizona Strip District Manager



**United States Department of the Interior
Bureau of Land Management**



**Environmental Assessment: AZ(UT) 110-2005-0016
Special Recreation Permit: AZ(UT) 010-2005-04**

Finding of No Significant Impact and Decision Record

Project Title: Rhino Rally Competitive Motorcycle Race EA.

Location: Arizona Strip/St. George Field Offices

***Applicant/Address: Wizards Motorcycle Club
Scott Snow/Bill Howes
385 E. Bulloch
Washington, Utah 84780***

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip/St. George Field Offices
St. George, Utah
Phone: (435) 688-3200
FAX: (435) 688-3258

Arizona Strip/St. George Field Offices

Finding of No Significant Impact/Decision Record Determination

INTRODUCTION:

The Bureau of Land Management (BLM), Arizona Strip and St. George Field Offices, has conducted an environmental analysis (EA No. AZ(UT) 110-2005-0016) to evaluate a request to issue a Special Recreation Use Permit to continue to conduct a competitive motorcycle race and associated events: The Rhino Rally on public lands in Mohave County, Arizona and Washington County, Utah. The proposed activity has been an approved use occurring yearly for over twenty years and authorized by issuing Special Recreation Permits yearly per CFR 43 - 8372 and 2930.

The EA considered two alternatives: The Proposed Action and the No Action Alternative. The Proposed Action Alternative is the preferred Alternative for this action.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and no action alternatives have been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s):

The Arizona Strip District Resource Management Plan (RMP), January 1992, states that BLM will continue allowing the Rhino Rally, but restrict it to roads and washes and limit the event to 300 entrants (Shivwits Resource Area Implementation Plan For the Arizona Strip District Approved Resource Management Plan (SRAIP) decisions OH02, RR01):

OH-02: Allow the annual Rhino Rally motorcycle race, but restrict it primarily to roads and washes and limit event to 300 entrants.

RR-01: Continue authorizing the organized recreational events now occurring on the Resource Area.

It also states that recreation permits will be issued to the extent that their cumulative impacts are consistent with the overall objectives of the RMP and in the public interest as determined through the NEPA process (RR02):

RR-02: Evaluate requests for additional recreation permits through the National Environmental Policy Act process and for their consistency with management goals and objectives and process on a case-by-case basis.

This proposal addresses the need to accommodate this popular motorized OHV recreational use of Bureau of Land Management (BLM) administered public lands in Washington County, Utah and Mohave County, Arizona; while protecting sensitive natural and cultural resources. This would be accomplished by continuing to implement decision (OH02) in the Shivwits Resource Area Implementation Plan for the Approved 1992 Arizona Strip Resource Management Plan.

This event is also considered in the St. George Field Office Resource Management Plan (March 1999) under section OV-09: "BLM will continue to work with OHV sponsors and organizations to authorize competitive events, commercial touring, and organized rides on a case-by-case basis subject to site specific analysis. Limited administrative capabilities in BLM and the need to provide for critical resource protection and site rehabilitation will restrict the number of large

competitive events (up to 300 participants) authorized on public lands. Collaboration with adjacent BLM units on the Arizona Strip will be encouraged to allow joint management or sponsorship of such events, increase options for alternative route selection, and provide for yearly rotation of established routes for large events to promote rehabilitation and reduce long-term cumulative impacts. Limitations on the number of participants and spectators to all competitive events will be applied where warranted based on design of the competition site capabilities."

The Proposed Action is in conformance with management decisions addressing recreation uses, including motorized vehicle uses from the applicable BLM land use plans.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Proposed Arizona Strip District and Final RMP/FEIS (1990), and the St. George Field Office Proposed RMP/FEIS (1998). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context:

The project is a site-specific action directly involving the use of approximately 400 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance. These acres are areas that have existing disturbance previous to the proposed use by the Wizards for their Rhino Rally Race: they generally are existing former staging areas, roads, trails, or washes.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse:

None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Proposed Arizona Strip District and Final RMP/FEIS (1990), and the St. George Field Office Proposed RMP/FEIS (1998).

The Rhino Rally has become one of the most desirable of a series of competitive motorcycle events called "desert races" that are held in the state of Utah. It is sponsored by the Wizard's and is sanctioned by the Utah Sportsmen Riders Association (USRA) as one of a series of similar events where points may be earned toward yearly awards. Awards are earned in various classes depending on age of the rider, type of motorcycle, size of the motorcycle, skill level of the participant, and gender of the participant.

The need for the action would be to satisfy public demands for this type of competitive motorized OHV event, which must rely on the public lands in order to get a sufficiently large geographical area of undeveloped lands for use. Because of the increased population growth and urbanization in the St. George Basin, demands for use areas have increased beyond the available local supply and are reaching farther and farther onto public lands.

This proposal would provide for a legitimate recreation use of public lands, through granting of a long term SRP to the Wizards to sponsor the annual Rhino Rally Competitive Motorcycle Event and satisfy public demands for this type of competitive motorized OHV event.

While motorized OHV use is a legally authorized recreation activity on many acres of public lands, certain settings are inappropriate for such activities, due to administrative or congressional special designations; unacceptable impacts on sensitive resources or values; or effects on other recreational users.

Adverse effects of the Preferred Alternative would include temporary minor or insubstantial impacts to air quality, soils, vegetation, wildlife, transportation routes, noise, and other recreation users, and permanent minor or insubstantial impacts to wash bottoms, vegetation, wildlife, land use, heritage resources, and other values.

2. The degree to which the selected alternative will affect public health or safety:

The mitigating measures listed below provide for the care and service of injured riders in the race, notification of local law enforcement agencies, providing for sanitation facilities and removal of waste generated by participants and spectators, and provisions for notifying the public of upcoming event:

Event sponsors shall provide emergency medical and rescue capabilities. Permittee will arrange for an ambulance service to be on-site at the main pit location for the duration of all competitive events. Permittee will notify local law enforcement agencies of the event, these agencies will include: Mohave County sheriff, Washington County Sheriff, State Park Officials, at least 30 days prior to the event.

Permittee will ensure that self-contained sanitation facilities and trash receptacles are provided and maintained at the pit/staging areas and any spectator areas and removed within seven days of completion of race

Permittee will post informational notices through-out the area used for the race course and on routes used to access the area, informing the public of the up-coming event date and time and informing them their access may be limited on race day. Notices will be posted at least 15 days prior to the event.

Permittee will post "Road Closed" & "Race in Progress" signs on all major access roads leading to the race routes on race day and "staff" those as necessary to maintain a safe environment for the public and the contestants.

Permittee will adequately sign the pit and staging areas for spectator parking, law enforcement parking, BLM parking, pit row, sign-up area and race headquarters.

If a private helicopter is present a "Safety Pad" will be clearly "roped-off" and will be kept well clear of vehicle parking and contestants.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas:

There are no park lands, farmlands, wetlands, wilderness, or wild and scenic rivers, in the area proposed for these events.

The historic and cultural resources of the area have been considered and potential impacts mitigated in the design of the proposed action through avoidance of those areas known to contain cultural resources. None of these resources would be significantly impacted because of the

nature of the selected routes which consist of existing roads, trails, and dry washes. Any cultural resources that might have been there have been removed or already destroyed by the development of the roads and trails or by forces of nature in the case of the wash bottoms. All the roads used for this event were in existence prior to the authorization of this event.

A designated trail, constructed specifically for OHV travel and called the Fort Pearce Ridge Trail, would be used for the Rhino Rally. This trail prevents OHV access and travel in the riparian zone of Fort Pearce Wash and does not traverse habitat for any federally listed threatened or endangered plants or animals.

The Little Black Mountain ACEC has a protective fence constructed to provide protection to the cultural values known to be located at this area.

The Fort Pierce ACEC which contains habitat for the *Pediocatus sileri*, has a wide wash (I-15 Wash) which has been used in the past as a route for the race. The route has been determined by BLM biologists to have no effect on the cactus or its habitat as long as the participants stay in the bottom of the wash. The BLM and the permittee intend to have monitors in the area to ensure compliance on the part of the participants to keep them in the wash bottom.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial:

The nature of the Preferred Alternative is controversial. The BLM is required to ensure the lands it manages are preserved and conserved for future generations, and to manage these lands to protect soils, wildlife, water quality, native vegetation, air quality, heritage resources and other resources. As urban growth encroaches on wild lands, the urban – wild land interface is impacted more and more. Over the last several decades the interface area around the St. George Basin has increasingly relied on public lands to provide both wild lands and motorized recreational opportunities. The public can be somewhat polarized when it comes to mixing hiking, biking, equestrian activities, and camping with a motorcycle race. Generally most recreational users don't like to share their space with a motorcycle race unless they are participating in the race as a participant or spectator.

Public input regarding the Proposed Action has been solicited during a thirty day review period of the draft Environmental Assessment (EA) for the issuing of the Special Recreation Permit (SRP) for the Rhino Rally Competitive Motorcycle Race. A Notice of Availability (NOA) letter was sent out to various members of the public and organizations to inform them about the availability of the EA and SRP. This information was also posted on the Arizona Strip Field Office's official web site on the internet. Section 5.2.1 of the EA lists the comments received by this office and our response to them.

The response to the EA was generally either for or against the race. Those for the race appreciated the opportunity to continue a recreational activity that has been losing ground to development and opposition to their activities on public lands. Those against allowing the race cited environmental concerns as reasons for not allowing this kind of activity to continue.

Motorized off road vehicle use conflicts with some users who resent the impacts associated with inappropriate off road vehicle use. They see unauthorized use of these vehicles going cross country, creating new trails, damaging vegetation, soils, and impacting wildlife habitat, and possibly cultural resources. They also resent the noise and dust plumes created by a host of motorized equipment out on the roads. These users probably equate the Rhino Rally Race with the unauthorized and unregulated users who cause damages to the public lands. They don't want to see their "pristine and irreplaceable lands" destroyed by motorcycles. They feel: "These types of activities are incompatible with the beauty and fragility of the land through which they travel and encourage even more such activity."

The Rhino Rally Race is and has been a legitimate and regulated activity which has been limited by the BLM as to the areas they can use. The Rhino Rally Race has been limited to using existing roads and trails, and dry wash bottoms for the last twenty or so years that they have run their races. Their routes have been subject to an inter-disciplinary review to prevent unnecessary or undue damages to known existing resources.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

The project is not unique or unusual. The BLM has 20 years of experience with this event in particular. The BLM has implemented similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The actions considered in the Preferred Alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the preferred alternative and all other alternatives is described in Chapter 4 of the EA.

The Preferred Alternative neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about future considerations.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership:

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. Any adverse impacts identified for the preferred alternative, in conjunction with any adverse impacts of other past, present or reasonably foreseeable future actions will result in negligible impacts to natural and cultural resources.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list:

The primary threatened or endangered plant species of concern relative to the Rhino Rally event are the threatened Siler pincushion cactus and the endangered dwarf bear-claw poppy. Routes where racers could come into contact with special status plants have been eliminated from the course. As a result, BLM has determined that the Preferred Alternative would have no affect on Siler pincushion cactus or dwarf bear-claw poppy. No other threatened, endangered, or sensitive

plants would be affected in this area because these species are not found along any of the routes proposed for the race course.

BLM previously determined that there would be an increase in siltation in surrounding watersheds following the race event, but that this siltation would be un-measurable and would be impossible to distinguish from background levels. The effects determination of not likely to adversely affect Woundfin minnow, Virgin River chub, and Virgin spinedace was made by BLM biologists. The U.S. Fish and Wildlife Service concurred with this determination (AESO/SE 2-21-02-l-270).

BLM has determined that there would be no affect to bald eagles or California condors from implementation of the Preferred Alternative. No other threatened, endangered, or sensitive species would be affected in this area.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements:

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

DECISION:

It is my decision to authorize issuing a Special Recreation Use Permit {AZ (UT) – 010 – 2005 – 004} to the Wizards Motorcycle Club for the purpose of conducting their proposed competitive motorcycle race events called the Rhino Rally. This decision is contingent on their fulfilling applicable environmental commitments, including mitigating measures listed as Stipulations in Appendix A of the EA {AZ (UT) 110 – 2005 – 0016}. The routes available for their use are shown in the Final Attachment A (Map) for the Rhino Rally Competitive Motorcycle Event, SRP AZ(UT)-010-2005-004, dated March 24, 2005.

I have decided to withdraw from use a portion of the proposed routes from the system of routes that would be available for the Wizards to use as part of the races. The proposed section of route is located in Sections 4, 5, 8, and 9, of Township 40 North, Range 10 West. My decision to withdraw this section is based on: An on the ground review of the area in question, which was done last year, by our Arizona Strip District Recreation - Wilderness Team Leader, he could find no signs of previous use in the area of the proposed routes. We do not believe that it would be appropriate to allow use of these proposed routes under these circumstances.

Authorities:

The authority for this decision is contained in the Federal Land Policy Act, the Land and Water Conservation Act, the Sentencing Reform Act, and the 43 Code of Federal Regulations Part 2930 - Permits For Recreation On Public Lands.

Compliance and Monitoring:

Potential resource conflicts were resolved through environmental commitments integral to the proposed action and monitoring stipulations which are described in the EA, and which are incorporated by reference in the FONSI/DR.

Terms / Conditions / Stipulations:

The following stipulations are included for the Proposed Action. In addition to these stipulations the terms included on the Special Recreation Application and Permit (Form 2930-1) will apply. The permit may be modified by the Authorized Officer at any time including modification of the

amount of use. The authorized officer 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.

1. This permit does not authorize any activity on lands other than Public Lands administered by the Bureau of Land Management, Arizona Strip Field Office and St. George Field Office. Any use of routes on lands other than Public Lands will require the permittee to acquire authorization for their use from the owners of those lands.
2. The permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to the BLM upon request for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.
3. A Special Recreation Permit does not grant the permittee exclusive use of the public lands involved. The permittee remains subject to all valid existing rights and applicable Federal, State and local laws and regulations.
4. The permittee will submit the proposed course route and staging area map and Global Positioning System data for each subsequent annual race 180 days prior to the proposed scheduled or tentative date for that event. At that time, the permittee will advise BLM of any changed circumstances or new information that warrants consideration during the approval process for that proposed upcoming event. BLM will advise Permittee of any changed land status which could impact their Proposal.
5. The Permittee will get prior approval for any course route or staging area changes and supply GPS data to verify location of routes.
6. The permittee will be required to keep participants on the established course. Permittee will disqualify racers who do not follow BLM stipulations. Permittee will be responsible for marking the course and boundaries of pit/staging area to the satisfaction of the authorized officer (BLM). Painting of rocks or placing other permanent markers and improvements is not allowed. While marking the course, permittee will identify potential short-cutting and road widening areas and place boulders, signs or monitors in order to prevent this from occurring during the event.
7. Closed areas will be clearly marked and enforced by race sponsors.
8. Refueling and non-emergency servicing of vehicles will be restricted to the pit/staging area and any authorized checkpoints. It is prohibited to dispose of fuel, oil or similar substances on the ground or in drainages. If prohibited disposal occurs the permittee will be responsible for removing all contaminated soil to the satisfaction of the Authorized Officer. The permittee will provide an adequate supply of containers for any waste or excess petroleum products to store and remove the excess products.. Permittee will collect any un-claimed fuel from gas stops in fuel safe containers to assure they will be disposed of properly. The permittee will provide for the removal of those containers and any contaminated soil from Public Lands to a certified waste disposal facility.
9. Permittee will ensure that self-contained sanitation facilities and trash receptacles are provided and maintained at the pit/staging areas and any spectator areas and removed within seven days of completion of race.
10. Vehicles are restricted to the designated course and pit area or existing roads and trails. No cross-country travel will be permitted. Violators will be disqualified from the event and could face citation by BLM or other law enforcement authorities.

11. Representatives of the event sponsor shall wear readily identifiable clothing to allow easy recognition by event participants, BLM and personnel from other agencies.
12. Permittee will furnish personnel at all gates or fence crossings without cattle guards and immediately return them to their prior closed/open state to prevent livestock from straying. Where trail improvements (specifically OHV cattle guards) are temporarily moved just "off-course" to avoid damage and/or injury to the contestants, they will be re-installed immediately after the event.
13. Event sponsors shall provide emergency medical and rescue capabilities. Permittee will arrange for an ambulance service to be on-site at the main pit location for the duration of all competitive events. Permittee will notify local law enforcement agencies of the event, these agencies will include: Mohave County sheriff, Washington County Sheriff, State Park Officials, at least 30 days prior to the event.
14. Permittee will notify and obtain permits and/or license(s), where required, from all State, County, city governments and private landowners having jurisdiction, concern or interest. Notices would give adequate advance notification, but would not be less than two weeks.
15. Permittee will take all reasonable measures to protect resources including, but not limited to: (1) Ensuring that commonly used roads remain, or are returned to, the same general condition as before the event, (2) making every reasonable effort to prevent course widening and deviation and (3) not creating conditions encouraging increased use in sensitive areas.
16. Any private vendors conducting business in association with this event must obtain a recreation vendor permit from BLM prior to the event.
17. In the event the authorized officer determines that road and soil conditions are such that running the event could cause significant or irreparable damage, he/she may cancel or postpone the event. This determination may be made any time prior to the start of the event.
18. Permittee will provide adequate measures to ensure contestants adhere to the designated route through the Ft. Pearce ACEC and minimize impacts to the route surface by limiting speed and passing on this portion of the course.
19. Permittee will provide to the Authorized Officer: photographs of the start area, staging area and the "5-mile" marked locations, along the course both before and after the event to document impact levels.
20. Permittee will have "Release Waivers" holding the BLM harmless, signed by all contestants and submitted with the permittees contestant list.
21. Permittee will post informational notices through-out the area used for the race course and on routes used to access the area, informing the public of the up-coming event date and time and informing them their access may be limited on race day. Notices will be posted at least 15 days prior to the event.
22. Permittee will post "Road Closed" & "Race in Progress" signs on all major access roads leading to the race routes on race day and "staff" those as necessary to maintain a safe environment for the contestants.
23. Permittee will adequately sign the pit and staging areas for spectator parking, law enforcement parking, BLM parking, pit row, sign-up area and race headquarters.

24. If a private helicopter is present a "Safety Pad" will be clearly "roped-off" and will be kept well clear of vehicle parking and contestants.
25. The Permittee will inform spectators entering the staging area that if they are not contestants or event representatives that they will leave their ATVs and motorcycles loaded up or they could be cited by BLM Rangers. The permittee will inform contestants about any sensitive resource issues related to current trail use and practices. i.e.: "Tread Lightly" and "Right Rider" principles.
26. The permittee is required to remove all waste and debris from the pit/staging site within 24 hours of the event. All course markers shall be removed within 15 days, weather permitting. Inclement weather may delay clean-up efforts to avoid adverse impacts. Permittee may petition BLM for clean-up period extension if weather conditions warrant a delay.
27. Permittee will be given the choice to repair or pay for repair of any roads, resources or property damaged beyond what is considered normal wear and tear, as a direct result of this event.
28. Special Recreation Permit fees for this event must be paid in full within 30 days of the close of the event. The full amount will include any payments made prior to the event.
29. The permittee will, within 30 days after the event, complete the Post-Use Report and return it, balance of fees to BLM, and maps and GPS data for routes and staging areas used. A copy of the main event race entrant sign-up sheet will be attached.
30. The permittee will perform any recovery operations necessary to maintain the designated Ft. Pearce Ridge Trail section used for the event, as it was prior to the event.
31. Any filming/photography of permitted hunting activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
32. 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 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.
33. The SRP does not give permission to cross over or use any private lands during the event. The permittee will be fully responsible for all trespass on and/or damage to private land which results from the conduct of the event.
34. A Special Recreation Permit authorizes special uses of the public lands and related public 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 or terminate a SRP if necessary to protect public resources, health, safety, the environment, or conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) or noncompliance with permit stipulations. (Actions by the BLM to suspend or terminate a SRP can be appealed (43 CFR Part 4). A notice of appeal must be filed with the officer who made the decision within thirty days of the date of the date of publication or date of service [4.441(a)]. No extension of time will be granted for filing the notice of appeal [4.41(c)].
35. 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.
 36. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACEC's), designated wilderness areas, and wilderness study areas as well as the use restrictions that apply, and complying with those use restrictions.
 37. 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, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
 38. 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 3 years after the expiration of the permit.
 39. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use.
 40. The permittee must submit a Post Use Report to the Authorized Officer for every year the permit is in effect. If the Post Use Report is not received by the established deadline, the permit will be suspended and or fines assessed.
 41. 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 prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
 42. Harassment of livestock, wildlife or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
 43. The permittee will practice proper precautions for preventing noxious weed spread. Therefore all machinery (street legal motorized vehicles, non-street legal all terrain vehicles, dirt bikes, etc.) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
 44. All motor vehicle use will comply with applicable off-highway vehicle regulations.

45. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
46. Permittee shall not construct new trails, or maintain existing trails without written authorization.
47. Stakes, flagging materials, equipment or temporary facilities, if any, and all other event-related materials must be removed within two weeks after the event.
48. The permittee shall notify the authorized officer 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. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
49. Any use of routes not shown on the Final Attachment "A" (Map) for SRP AZ (UT) 010-2005-004 may be grounds for terminating the Rhino Rally Competitive Event Permit.
50. Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Field Office Manager shall be notified. Commencement of work shall be allowed upon clearance by the Field Office Manager in consultation with the Archaeologist.
51. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement, or continuation of the project.
52. If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

Alternatives Considered:

The EA considered two alternatives: The No Action Alternative and the Proposed Action, which is the alternative requested by the Wizards.

Rationale for Decision:

The Proposed Action was selected because the action is in conformance with the Arizona Strip Resource Management Plan (1992) and St. George Field Office Resource Management Plan (March 1999) and includes mitigation measures and special recreation permit stipulations to protect resources.

The No Action alternative was not selected because it would deny a Special Recreation Permit to the Wizards Motorcycle Club and would not authorize an acceptable use of public lands which is compatible with established use objectives in each Field Office's RMP. It is also an activity they have participated in for over twenty years without significant environmental impacts.

Appeals Language:

This decision is effective upon the date it is signed by the authorized officer. As stated in the regulations CFR 2930 the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed to: 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. A copy of the notice of appeal must also be filed in these offices: Arizona Strip Field Office and the St. George Field Office 345 East Riverside Drive, St. George, Utah 84790; as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138; Office of the Field Solicitor, U S Courthouse Suite 404, 401 West Washington Street SPC 44, Phoenix, AZ 85003-2151. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall 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 irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Arizona Strip Field Office Manager (Authorized Officer)

Date

St. George Field Office Manager (Authorized Officer)

Date

Attachments: Final Attachment "A" (Map) March 24, 2005.

**ARIZONA STRIP DISTRICT OFFICE AND ST. GEORGE FIELD OFFICE
BUREAU OF LAND MANAGEMENT
345 East Riverside Drive
St. George, Utah 84790**

ENVIRONMENTAL ASSESSMENT

EA Number: AZ (UT) 110-2005-0016

Project Title/Type of Action: **Rhino Rally Competitive Motorcycle Event**

Serial/Lease/Case File Number: Special Recreation Use Permit # AZ (UT)-010-2005-004

Land Use Plan: Arizona Strip District Resource Management Plan, and the St. George Field Office Resource Management Plan

County: Mohave, Arizona; Washington, Utah

Applicant: Wizards Motorcycle Club

Address: Scott Snow
385 E. Bulloch
Washington, Utah 84780

Date: March 28, 2005

LANDS DESCRIPTION

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>MERIDIAN</u>
T42N	R 10,11,12 W	Gila and Salt River, Arizona
T41N	R 9,10,11,12 W	
T40N	R 9,10,11,12 W	
T39N	R 9,10,11,12 W	
T38N	R 9,10,11,12 W	
T38S	R 18,19 W	
T39S	R 17,18,19 W	
T40S	R 17,18,19 W	
T43S	R 13,14 W	Salt Lake, Utah

ENVIRONMENTAL COMPLIANCE:

Reviewed by: _____
Signature Title Date

Signature Title Date

Project Title/Type of Action: Rhino Rally Competitive Motorcycle Event

EA: AZ-(UT)010-2005-0016

TABLE OF CONTENTS

1.0 PURPOSE AND NEED

- 1.1 Introduction
- 1.2 Background
- 1.3 Need for the Proposed Action
- 1.4 Purpose of the Proposed Action
- 1.5 Conformance with BLM Land Use Plans
 - 1.5.1 Arizona Strip Resource Management Plan
 - 1.5.2 St. George Field Office Resource Management Plan
 - 1.5.3 Rangeland Standards and Guidelines
- 1.6 Relationship to Statutes, Regulations, or other Plans
- 1.7 Identification of Issues
 - 1.7.1 Air Quality
 - 1.7.2 Soils
 - 1.7.3 Vegetation
 - 1.7.4 Invasive, Non-Native Weed Species
 - 1.7.5 Floodplain, Wetland or Riparian Resources
 - 1.7.6 Special Status Species
 - 1.7.7 Wildlife
 - 1.7.8 Livestock Grazing Management/Rangeland Health
 - 1.7.9 Recreation Resource Management
 - 1.7.10 Roads and Transportation
 - 1.7.11 Wastes/Hazardous Materials
 - 1.7.12 Socio-Economic
- 1.8 Summary

2.0 DESCRIPTION OF ALTERNATIVES INCLUDING THE PROPOSED ACTION

- 2.1 Introduction
- 2.2 Alternative A – Proposed Action – Traditional Area
- 2.3 Alternative B – No Action
- 2.4 Alternatives Considered, but Eliminated from Further Analysis
 - 2.4.1 Square Top Mountain
 - 2.4.2 “Cactus Pass Route”

3.0 AFFECTED ENVIRONMENT

- 3.1 Introduction
- 3.2 General Setting
- 3.3 Resources/Issues Brought Forward for Analysis
 - 3.3.1 Air Quality
 - 3.3.2 Soils
 - 3.3.3 Vegetation
 - 3.3.4 Invasive, Non-Native Weed Species
 - 3.3.5 Floodplain, Wetland, or Riparian Resources
 - 3.3.6 Special Status Species
 - 3.3.7 Wildlife
 - 3.3.8 Livestock Grazing Management/Rangeland Health
 - 3.3.9 Recreation Resources
 - 3.3.10 Roads and Transportation
 - 3.3.11 Wastes/Hazardous Materials
 - 3.3.12 Socio/Economic

4.0 ENVIRONMENTAL IMPACTS

- 4.1 Introduction
- 4.2 Direct/Indirect Impacts
 - 4.2.1 Alternative A – Proposed Action – Traditional Area
 - 4.2.1.1 Air Quality
 - 4.2.1.2 Soils
 - 4.2.1.3 Vegetation
 - 4.2.1.4 Invasive, Non-Native Weed Species
 - 4.2.1.5 Floodplain, Wetland, or Riparian Resources
 - 4.2.1.6 Special Status Species
 - 4.2.1.7 Wildlife
 - 4.2.1.8 Livestock Grazing/Rangeland Health
 - 4.2.1.9 Recreation Resources
 - 4.2.1.10 Roads and Transportation
 - 4.2.1.11 Wastes/Hazardous Materials
 - 4.2.1.12 Socio/Economic
 - 4.2.1.13 Mitigation Measures
 - 4.2.1.14 Residual Impacts
 - 4.2.1.15 Monitoring and/or Compliance
 - 4.2.2 Alternative B – No Action
- 4.3 Cumulative Impacts Analysis
 - 4.3.1 Reasonably Foreseeable Action Scenario (RFAS)
 - 4.3.2 Cumulative Impacts

5.0 CONSULTATION AND COORDINATION

- 5.1 Introduction
- 5.2 Summary of Public Participation
 - 5.2.1 Comment Analysis
 - 5.2.2 List of Comments
 - 5.2.3 Response to Public Comment
- 5.3 List of Preparers
 - 5.3.1 List of BLM Preparers and Reviewers
 - 5.3.2 Non-BLM Preparers and Reviewers

6.0 REFERENCES

- 6.1 References Cited
- 6.2 List of Acronyms Used in This EA

7.0 APPENDICES

- Appendix A: Stipulations

8.0 ATTACHMENTS

- Attachment A: Race Map
- BLM Instruction Memorandum No. 2003-274: BLM Implementation of the Settlement of Utah v. Norton Regarding Wilderness Study
- BLM Instruction Memorandum No. 2003-275: Consideration of Wilderness Characteristics in Land Use Plans (Excluding Alaska)

RHINO RALLY ENVIRONMENTAL ASSESSMENT

1.0 PURPOSE AND NEED

The Rhino Rally competitive motorcycle event has been authorized by Special Recreation Use Permits (SRP) issued by the Bureau of Land Management BLM for the use of public lands in southern Washington County, Utah and northern Mohave County Arizona, every year since 1984.

The Wizards Special Recreation Permit was reconsidered in 1995 in an Environmental Assessment (EA# AZ-010-95-09) for the purpose of the Wizards being allowed to continue conducting their Rhino Rally Motorcycle Event. The life of that EA was for ten years and its term expires this year. Since 1995, many changes have occurred in the general area in which the Rhino Rally was traditionally held, warranting a review of the SRP and the preparation of a new EA.

1.1 Introduction

This Environmental Assessment (EA) has been prepared to analyze the Wizard's application for a long term 10 year SRP that would authorize an annual off-highway competitive motorcycle race called the Rhino Rally. This event would be conducted on certain routes located on lands administered in Washington County Utah and Mohave County Arizona by BLM. The EA is a site-specific analysis of potential impacts that could result with the implementation of this proposed event. The EA assists the BLM in planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions.

Significance is defined by NEPA as found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of "Finding of No Significant Impact" (FONSI). A Decision Record (DR), which includes a FONSI statement, is a document that briefly presents the reasons why implementation of the proposed action would not result in "significant" environmental impacts or effects. If the decision maker determines that this project does not have "significant" impacts following the analysis in the EA, then a Decision Record may be signed for the EA approving the alternative selected. The SRP for this event could then be issued.

1.2 Background

The Rhino Rally has become one of the most desirable of a series of competitive motorcycle events called "desert races" that are held in the state of Utah. It is sponsored by the Wizard's and is sanctioned by the Utah Sportsmen Riders Association (USRA) as one of a series of similar events where points may be earned toward yearly awards. Awards are earned in various classes depending on age of the rider, type of motorcycle, size of the motorcycle, skill level of the participant, and gender of the participant. The Wizards are now pursuing the necessary reviews to continue to hold this event, usually during a February weekend of each year.

Typically, the main event consists of two loops for the full sized motorcycles (big bikes). The first loop is utilized by all riders and is about 50 to 60 miles long. The second loop is utilized by the more experienced riders and is about 25 to 40 miles in length. A small portion of these routes may also be utilized for one of the minor events (smaller (mini) bike classes). The mini-bike loop is typically less than 15 miles in length. A small area near or inside the staging area would also be used for another minor event the Pee-Wee race for the smallest bikes and participants. This would typically be less than 100 yards in length and occur in an area of no more than two acres.

Over the 21 years history of this event, an extensive system of routes have been used including maintained roads, two-track roads, OHV trails, dry wash bottoms, and single-track trails. These routes are being inventoried as part of the St. George and Arizona Strip BLM Offices efforts to inventory all the existing travel routes in the area and finalize a comprehensive travel plan that would include recreation routes such as those that would be utilized during the proposed races. Various starting areas, staging and pit areas have also been permitted and used over more than 20 years that the Rhino Rally has been held.

1.3 Need for the Proposed Action

The BLM is responding to an application for a Special Recreation Permit (SRP) from the Wizard's to hold an annual competitive motorcycle race called the Rhino Rally. SRPs are authorizations, which allow for specific recreational uses of the public lands where a permit is required. They may be issued as a means to control visitor use, protect resources, or as a mechanism to accommodate specific competitive recreational use.

The need for the action would be to satisfy public demands for this type of competitive motorized OHV event, which must rely on the public lands in order to get a sufficiently large geographical area of undeveloped lands for use. Because of the increased population growth and urbanization in the St. George Basin, demands for use areas have increased beyond the available local supply and are reaching farther and farther onto public lands.

This proposal would provide for a legitimate recreation use of public lands, through granting of a long term SRP to the Wizards to sponsor the annual Rhino Rally and satisfy public demands for this type of competitive motorized OHV event. This EA analyzes the issues and effects of the proposed event-

"Motorized wheeled off-highway vehicles (OHVs) include full sized vehicles, like sport utility vehicles (SUVs) or pick-up trucks; all-terrain vehicles (ATVs); and motorcycles ("dirt bikes"); each capable of traveling off paved road surfaces. Sales in all categories of OHVs have increased dramatically during the past decade: SUVs and pickup trucks today account for 50% of all vehicles sold in this country. In Arizona, ATV sales increased an average of 29% per year between 1995 and 1998 (Federal Register: Feb 13 2002 (Vol. 67, No 30: p. 6675-6677). Similar trends have also been reported in Utah and Nevada. This rise in OHV popularity has coincided with explosive population growth in many states and widespread urban sprawl, particularly in areas of the American West that were formerly rural and remote. These demographic trends increasingly are displacing a broad spectrum of recreational uses, including motorized OHV activities, to public lands administered by federal and state agencies.

While motorized OHV use is a legally authorized recreation activity on many acres of public lands, certain settings are inappropriate for such activities, due to administrative or congressional special designations; unacceptable impacts on sensitive resources or values; or effects on other recreational users." 1. Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04

1.4 Purpose of the Proposed Action

The scope of this document is to evaluate the proposed use of previous race routes and alternatives. This EA analyzes the issues and effects of the proposed event.

The St. George, Utah BLM Field Office and the Arizona Strip BLM District Office would use this EA analysis to decide whether a BLM Special Recreation Permit would be authorized for ten years and be issued to the Wizard's Motorcycle Club for an annual competitive motorcycle race. The annual event would be subject to reviews by the BLM, to ensure that conditions have not changed as it relates to the adequacy of the EA, and that the terms, conditions, and stipulations, have been followed, based on post event monitoring. Also any changes in management direction based on new RMPs for AZ and plan amendment for SGFO RMP that change OHV classifications and designate routes could affect the route system available for long term use.

This proposal would provide for a legitimate recreation use of public lands, through granting of a long term SRP to the Wizards to sponsor the annual Rhino Rally Competitive Motorcycle Event.

The need for the action would be to satisfy public demands for this type of competitive motorized OHV event, which (more or less of necessity in an urbanized area like the St. George Basin), must rely on the public lands in order to get a sufficiently large geographical area of undeveloped lands for use.

1.5 Conformance with BLM Land Use Plans

The scope of this document is to propose to continue using the entire area that has been used previously for the proposed event in the future and to consider alternatives. The Arizona Strip District is currently in the process of developing a new Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS) for the new plan. Any decisions on annual event proposals would be subject to conformance with the current RMP until the planning process is finished and a new RMP Record of Decision goes into effect. At that time, proposed annual events would be evaluated to ensure that they would conform to any new or changed management decisions.

The Arizona Strip District Resource Management Plan (RMP), January 1992, states that BLM will continue allowing the Rhino Rally, but restrict it to roads and washes and limit the event to 300 entrants (Shivwits Resource Area Implementation Plan For the Arizona Strip District Approved Resource Management Plan {SRAIP} decisions OH02, RR01):

OH-02: Allow the annual Rhino Rally motorcycle race, but restrict it primarily to roads and washes and limit event to 300 entrants.

RR-01: Continue authorizing the organized recreational events now occurring on the Resource Area.

It also states that recreation permits will be issued to the extent that their cumulative impacts are consistent with the overall objectives of the RMP and in the public interest as determined through the NEPA process (RR02):

RR-02: Evaluate requests for additional recreation permits through the National Environmental Policy Act process and for their consistency with management goals and objectives and process on a case-by-case basis.

This proposal addresses the need to accommodate this popular motorized OHV recreational use of Bureau of Land Management (BLM) administered public lands in Washington County, Utah and Mohave County, Arizona; while protecting sensitive natural and cultural resources. This would be accomplished by continuing to implement decision (OH02) in the Shivwits Resource Area Implementation Plan for the Approved 1992 Arizona Strip Resource Management Plan.

The Proposed Action is in conformance with management decisions addressing recreation uses, including motorized vehicle uses from the applicable BLM land use plans.

1.5.1 Arizona Strip Resource Management Plan

The Arizona Strip District Resource Management Plan (RMP), January 1992, states that BLM will "Allow the annual Rhino Rally motorcycle race but restrict primarily to roads and washes and limit to 300 entrants." The Shivwits Resource Area Implementation Plan For the Arizona Strip District Approved Resource Management Plan {SRAIP} decisions OH02, RR01) re-states this RMP decision. It also states that recreation permits will be issued to the extent that their cumulative impacts are consistent with the overall objectives of the RMP and in the public interest as determined through the NEPA process (RR02).

1.5.2 St. George Field Office Resource Management Plan

This event is also considered in the St. George Field Office Resource Management Plan (March 1999) under section OV-09: "BLM will continue to work with OHV sponsors and organizations to authorize competitive events, commercial touring, and organized rides on a case-by-case basis subject to site specific analysis. Limited administrative capabilities in BLM and the need to provide for critical resource protection and site rehabilitation will restrict the number of large competitive events (up to 300 participants) authorized on public lands. Collaboration with adjacent BLM units on the Arizona Strip will be encouraged to allow joint management or sponsorship of such events, increase options for alternative route selection, and provide for yearly rotation of established routes for large events to promote rehabilitation and reduce long-term cumulative impacts. Limitations on the number of participants and spectators to all competitive events will be applied where warranted based on design of the competition site capabilities."

The SGFO has just initiated (NOI published on Jan 3, 2005) to amend the approved RMP to address OHV classifications and designate routes. The proposed Rhino Rally route system may need to be modified in the future, to be consistent with the designations made in the plan amendment. The Proposed Action is in conformance with current management decisions addressing recreation uses, including motorized vehicle uses. The Proposed Action is in conformance with management decisions addressing recreation uses, including motorized vehicle uses.

1.5.3 Rangeland Standards and Guidelines

Standard #1: Upland soils exhibit infiltration, permeability, and erosion rates that are appropriate to soil type, climate and landform (ecological site):

Adverse impacts to soils resulting from event vehicles traveling along the course trails and wash bottoms do occur but considering the impacts adverse would indicate they are outside of what would be considered appropriate to soil type, climate and landform" thereby impeding the attainment of Standard #1. However, if the same threshold were applied to the roads on the Arizona Strip, they too would be considered not meeting Standard #1. The ability of the surrounding area to meet Standard #1 would not be altered by the proposed action, assuming compliance with all stipulations.

Standard #2: Riparian-wetland areas are in properly functioning condition:

The proposed action indicates that the affected riparian areas are either completely avoided or are along designated OHV routes. As written the proposed action would not impede the attainment of Standard #2.

Standard #3: Productive and diverse upland and riparian-wetland plant communities of native species exist and are maintained:

This Standard is usually monitored through Desired Plant Community Objectives set at "Key Areas", which are not contained in the habitat directly impacted by the proposed action. However, in the "Criteria for Meeting Standard #3" the following is listed:

Desired plant community objectives will be developed to assure that soil conditions and ecosystem function described in Standards 1 and 2 are met. They detail a site-specific plant community, which when obtained, will assure rangeland health, State water quality standards, and habitat for endangered, threatened, and sensitive species. Thus, desired plant community objectives will be used as an indicator of ecosystem function and rangeland health.

The plant community inside the Rhino Rally Routes and staging areas would not meet Standard #3 and as with Standard #1, neither do all of the roads on the Strip. A concern always exists with endangered, threatened and sensitive species if there are adverse impacts to T&E plants then we can also assume that Standard #3 would not be met in reference to those species. It has been determined to not jeopardize the continued existence of the species or adversely modify critical habitat, and it would not impede the attainment of Standard #3.

1.6 Relationship to Statutes, Regulations or other Plans

The Proposed Action is consistent with Federal, State, and local laws, regulations, and plans, including the Washington County General Plan.

1.7 Identification of Issues

For the purposes of this Environmental Assessment, Table 1 summarizes the Critical Elements of the Human Environment that were carefully considered but not carried forward for detailed analysis.

In addition to the Critical Elements of the Human Environment, other issues and concerns were also discussed by the staff. Those other resources/issues that were considered but not carried forward for detailed analysis are shown in Table 2.

Table 1. Critical Elements of the Human Environment Not Carried Forward for Detailed Analysis

Element	Rationale
Wilderness values	No impact. No areas of designated wilderness nor wilderness study areas are in or near the proposed event area.
Areas of Critical Environmental Concern (ACEC)	No impact to the relevance and importance criteria for which the Warner Ridge/Fort Pearce ACEC was designated in RMP (1999). A designated trail, constructed specifically for OHV travel and called the Fort Pearce Ridge Trail, would be used for the Rhino Rally. This trail prevents OHV access and travel in the riparian zone of Fort Pearce Wash and does not traverse habitat for any federally listed threatened or endangered plants or animals. The Little Black Mountain ACEC has a protective fence constructed to provide protection to the cultural values known to be located at this area.
Cultural Resource Management	No impact. The proposed action would use only areas, roads, trails, and wash bottoms which have been previously disturbed and would not, therefore, cause adverse effects on cultural properties.
Wild and Scenic Rivers	No impact. No areas eligible and suitable for Wild and Scenic River designation would be affected by the preferred alternative.
Prime or Unique Farmlands	No impact. There are no prime or unique farmlands that would be traversed or in the vicinity of the proposed routes.
Native American Religious Concerns	No impact. No sites of identified Native American Religious Concern are within the proposed event area.
Environmental Justice	No impact. This proposal would not result in any disproportionately high or adverse health or environmental effects on low income or minority populations.
Wild Horse and Burro Management	No impact. No management or herd areas occur in the Preferred Alternative areas.
Water Quality (Drinking/Ground)	No impact. No sources of drinking water are within the area. The event would not increase the threat to ground water contamination in the area.

Each of the issues listed in Table 2 are not Critical Elements of the Human Environment as defined by BLM Handbook H-1790-1. However, based on the issue identification process, these issues were brought forward to be considered utilizing the NEPA process to ensure compliance with NEPA's requirement that BLM give appropriate consideration to all relevant issues and concerns.

Table 2. Other Issues Considered

Element	Rationale
Paleontology	No impact. The participants would stay on existing roads and trails that have been frequently traveled. No known sites are being bisected by a road/trail. Proposed event routes do not approach or bisect the nearby Dinosaur Trackway Paleontological Site.
Visual Resource Management	No impact. People and equipment concentrations and fugitive dust could create a temporary negative impact to the VRM Class III and IV areas located in the proposed activity area. These impacts would be acceptable within these VRM Classes.
Adverse Energy Development Impacts	No impact. No energy development actions would be affected by this proposal.

Issues and concerns raised by BLM resource specialists and the public were considered in the development of the Proposed Action and analyzed for direct, indirect, and cumulative impacts related to this proposal and alternatives. These issues are summarized below and analyzed in detail in sections 3 and 4.

1.7.1 Air Quality

Issue: Would the Proposed Action adversely affect the air quality in the area of the event?

1.7.2 Soils

Issue: Would the Proposed Action adversely affect the types of soils in the area of the event?

1.7.3 Vegetation

Issue: Would there be an adverse impact to the vegetation in the event area?

1.7.4 Invasive, Non-Native Weed Species

Issue: Would the Proposed Action introduce or cause the spread of invasive, non-native weed species in the event area?

1.7.5 Floodplain, Wetland or Riparian Resources

Issue: Would the Proposed Action affect floodplain, riparian, or wetland areas in proposed use area?

Issue: Would the Proposed Action affect expected sediment loads in the area washes?

Issue: Would the Proposed Action affect water quality in the Virgin River?

1.7.6 Threatened or Endangered Species

Issue: Would the Proposed Action affect any federally listed threatened or endangered species or designated critical habitat?

1.7.7 Wildlife

Issue: Would the Proposed Action have an adverse affect on the wildlife in the event area?

1.7.8 Livestock Grazing Management/Rangeland Health

Issue: Would there be impacts on livestock grazing in the following allotments if the Proposed Action were to be implemented?

Arizona: Blake Pond, Black Rock, Clay Spring, Coyote Spring, Jackson Tank, Lizard, Lower Hurricane, Pocum, Pocum Tank, Sunshine, and Wolf Hole Canyon.

Utah: Fort Pearce, Herd House, Honeymoon, Sand Mountain.

1.7.9 Recreation Resource Management

Issue: Would there be impacts on other public land recreational users, such as hikers, mountain bikers, or equestrians, should the Proposed Action be implemented?

1.7.10 Roads and Transportation

Issue: Would there be an adverse affect to the existing use relative to transportation in the event area?

1.7.11 Wastes/Hazardous Materials

Issue: Would the event participants or spectators introduce hazardous materials into the event area?

1.7.12 Socio-Economic

Issue: How would the event affect the socio-economic resources in the nearby communities?

1.8 Summary

This section has presented the Purpose and Need for the proposed Rhino Rally, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed event. In order to meet the purpose and need of the proposed event in a way that resolves the issues, the BLM has also considered a No Action Alternative. The potential environmental impacts or consequences resulting from these alternatives are then analyzed in section 4 for each of the identified issues.

2.0 DESCRIPTION OF ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Introduction

The following describes the proposed action, the Rhino Rally competitive event, being held in its traditional use area, as well as the No Action alternative which would not allow the proposed event to proceed under the issuance of a Special Recreation Permit. This section describes the activities and objectives of the proposed action so that its critical parts can be examined in the context of other interests, conflicts, and required examination to determine if it can be conducted in the public interest without significant impacts to other interests or portions of the lands involved and surrounding environment.

2.2 Alternative A - Proposed Action

Alternative A consists of issuing a Special Recreation Permit authorizing the Wizard's Motorcycle Club to conduct an annual Rhino Rally motorcycle rally. The proposed action includes competitive racing on a selected existing routes (roads and trails) that cross Federal, State, and private lands. The SRP permittees would be allowed to continue to utilize existing roads, trails and dry washes on the public lands managed by the Arizona Strip District within the area set aside for the purposes of this activity by the 1992 Arizona Strip RMP, and public lands managed by the St. George Field Office as appropriate for OHV use. Different routes would be chosen each year from the supply analyzed in this EA.

The size of the event would be limited. There would be a maximum of 300 motorcycles in the "main event", a maximum of 150 motorcycles in the minor "mini bike" class, and 75 in the minor "Pee-Wee" class. A summary of the stipulations for this event are as shown in Appendix A. There would be a minor Pee Wee Race that is open to riders ages up to 10 years old; a minor "Mini-Race" which is geared to younger riders, ages 10 to 16 years old; and the main event which is the "Rhino Rally," and is open to riders 16 years or older and with skills ranging from Novice (or beginning) to Expert.

Event Descriptions

The minor Pee Wee Race has typically been a minor event with a one-loop course within an area of less than two acres adjacent to the staging area. The maximum number of participants would be 75.

The minor Mini-Race loop is also a minor event which would be set and marked immediately

before the event but the course would be unknown to the riders. Total length of the course would be less than 20 miles long. The course would utilize existing roads, trails and wash bottoms shown on the inventory map. The maximum number of participants would be 150.

The Rhino Rally main event has been an on-going, organized, off-highway "hare-and-hound" motorcycle race. It is a one-day event, consists of two-loops and is held traditionally on a weekend in February or March. The event is limited to 300 riders on the main "big bike" course. The "Hare" rider is given a head start and the "Hounds", the rest of the riders, attempt to catch him along a marked course. Participants line up side-by-side for the start of the race and then quickly converge into a single track for the remainder of the race. This track typically ranges from 1 to 3 yards/meters in width, depending on terrain and the pre-existing route, i.e., single track, wash bottom, or road. Total length of the course has been typically 60 to 85 miles. The course would be set and marked immediately before the event so as to be unknown to the riders. The marking of the trail would use surveyors flagging and wood laths to indicate the race route. These would be removed as required by the event stipulations in Appendix A. The event is expected to attract between 150 to a maximum of 300 entrants for the main "big bike" course. Mini and Pee-Wee riders, support personnel and the Rhino Rally's spectators might number up to and over 1000 persons.

All participants would be required to remain on the course or in the approved pit/staging areas at all times. Checkpoints would be set up to ensure that riders follow the course. A fueling stop along the course has sometimes been necessary depending on course length. They would be set up at a checkpoint where the course crosses an existing road to accommodate support vehicles. This is in accordance with the Arizona Strip District RMP requiring that the course be routed on existing roads or trails or in dry washes. (Table II-1, Page II-32)

Race Course Supply Options

Alternative A includes the roads, trails, and wash bottoms that are been available for or utilized for this event previously and are shown on attachment "A" (Race course map). These routes would allow for the event to be run on a slightly different course each year and allows for alternative routes in the case of inclement weather or other impediments to any one particular route section. Alternating routes would provide greater land protection, reduce conflicts with other users or uses, and provide for optimal participant safety. Maps of previous events have been submitted before each event and are on file in the St. George BLM offices. All existing routes, including those previously utilized for the Rhino Rally are being inventoried and reviewed as part of the St. George Field Office's effort to identify and designate travel and recreation routes in Washington County. The routes that are in Arizona are being inventoried as part of the Arizona Strip Field Office travel plan that will be developed. A final map of these (and other) routes would be available upon completion of the travel plans in the St. George and Arizona Strip BLM offices. Alternative A recognizes that the specific routes proposed for each annual event must be in conformance with the relevant management decisions and future route designations in effect at that time.

Routes proposed under this proposal, would be open for the purposes of conducting this event. Participants would not be authorized to use routes that are closed or otherwise excluded for protection of sensitive resources.

Inclement Weather Plan

The course supply also identifies routes and staging areas to be used in the event of inclement weather or impassible roads. These routes are located on or around "Sand Mountain" in Utah. In many cases course routes may be passable but main roads for support vehicles are not. This condition would invoke the plan and the event would be moved to these alternative routes, postponed, or canceled.

In addition the event date may be postponed a week or two, to a following Saturday or re-

scheduled for a date later in the year when drier conditions prevail.

Non-Federal Lands

In order to complete some loops the course may cross non-federal lands. The Permittee would obtain permits or permission to cross these non-federal lands from the Utah Division of Parks and Recreation, Utah Department of Institutional Trust Lands Administration, private land holders, or other entities prior to holding the event.

Staging / Pit Areas

Each year the Wizards would submit a Pit Plan describing:

- ingress and egress of vehicles
- Emergency vehicle locations
 - Including helipad
- Pit Row
- Spectator parking area
- Start safety zone
- Registration sign up
- Law enforcement/ staff parking
- Location of toilets and trash receptacles

A staging and pit area is set up near the start/finish line for loading and unloading motorcycles, staging the start of the race and refueling during the race. Most spectators and support vehicles are in this area. The approved staging areas have been alternated to minimize the impacts from the participants and spectators to new ground. A staging area may range in size, depending on its configuration, from 3-6 acres. For the purposes of this race there are 7 staging areas to spread the impacts out over time.

Event Management

This event would be highly managed for the benefit of the participant and public safety. To ensure the health and safety of participants, spectators and the general public, the Permittee would be required to provide services such as crowd control, medical/first aid, and search and rescue (SAR) for lost or injured riders. Use of ATVs and full size OHVs by the Permittee would occasionally be required in SAR activities and crowd and race control. The Permittee would also be required to provide waste and sanitation facilities. The Permittee would coordinate with appropriate federal, state and local agencies. Other land use permittees would be contacted prior to the event and their concerns taken into consideration. The event stipulations are included in Appendix A.

Notices

In accordance with Appendix A the Wizards would provide a flyer to all race participants prior to registration notifying them of event rules including:

- No ATV's
- 5 mph speed limit in pits
- spark arresters required
- prior to arrival, washing of vehicles to prevent the spread of noxious weeds
- pack in - pack out etiquette

The Wizards would post public notices in the areas affected by that year's event, to alert the public of their proposed events. A notice would also be sent to livestock grazing permittees at least one month prior to the event.

Copies of these notices would be provided to the BLM as part of the file record.

Sign Plan

Each year the Wizards would prepare a sign plan showing the location of signs that would be posted on public lands. These signs include:

- Race crossing
- Public event notification
- Road closed signs
- Parking signs
- Rule signs

This plan helps to assure public safety and smooth event management.

Event Monitoring

Since 2002 the Wizards have developed a point data monitoring plan as part of their supplemental race data. This monitoring program would continue and include:

- Collecting of photos from race course photo points gathered no more than 2 weeks prior to the event
- Post race photos collected at the same point intervals and not more than 2 weeks after the event

Any post race rehabilitation necessary as determined from photo points and visual monitoring would be determined by the authorizing officer.

2.3 Alternative B - No Action

Under Alternative B – No Action, the BLM would not issue a Special Recreation Permit for the proposed event. The Wizard’s Motorcycle Club would not be formally authorized to hold a competitive motorcycle event on public lands administered by the BLM. The routes that conform to the current land use plans or completed travel plans would continue to be open to the public for motorcycle travel.

2.4 Alternatives Considered, but Eliminated from Further Analysis

2.4.1 Square Top Mountain

A Square Top Mountain alternative was considered by the proponents and BLM, to provide an additional area in which the proposed event could be authorized. This alternative was not carried forward for further analysis for several reasons, including its inability to fully meet the purpose and need for action. The area is designated as “open “ for OHV uses, but contains steeper terrain, higher elevations, and is subject to higher precipitation levels, some of which falls as snow pack, when compared to the areas of the Proposed Action. It is unlikely that the Rhino Rally could predictably be held on Square Top Mountain during February or March, due to inclement weather and/or muddy conditions. Locating starting zones and staging areas would be problematic for the same reasons and could result in unacceptably high environmental impacts. For these reasons, this alternative was not carried forward to detailed study in this EA.

2.4.2 “Cactus Pass Route”

Under this alternative, a previously used route through the south end of the Fort Pierce ACEC would have been authorized. This alternative was not selected because the route passed through habitat of the federally threatened Siler pincushion cactus (*Pediocactus sileri*). Elimination of this route from consideration was necessary to avoid adverse affects to the species from the proposed action and subsequent OHV use on the race course. Dropping this alternative means that use of the Cactus Pass route would not be authorized at this time.

3.0 AFFECTED ENVIRONMENT

This section describes the potentially affected existing environmental (i.e., the physical, biological, social, and economic values and resources) of the impact area. This section provides the baseline for comparison of impacts/consequences described in section 4.

3.1 Introduction

The proposed Rhino Rally event would be conducted on existing roads and trails that have been used previously under Alternative A. The proposed routes are on lands administered by the BLM, the State of Utah (SITLA), and on private lands. The proposed action would utilize only part of the existing roads and trails in the areas described.

The potential environmental impacts of conducting the proposed event on these roads and trails, as identified in section 2, will be discussed in section 4 with any impacts identified.

3.2 General Setting

The general area for the proposed event is as described in section 2.2. This consists of the traditional contiguous area of southern Washington County, Utah and northern Mohave County, Arizona.

The traditional area in which the Rhino Rally has been conducted is defined on the north by the Sand Mountain area, on the east by the Hurricane Cliffs, on the south by the Seegmiller Mountain area, and on the west by Little Black Mountain and I-15. The Hurricane Cliffs are the result of a large normal fault that generally trends north-south with the downthrown block to the west. This is a prominent geological feature and is visible throughout most of the area. The general elevation on the top of the cliffs is 4,800 ft. and 3,425 at the base of the cliffs. Vegetation generally consists of desert brush, Chaparral brush, cactus, and some grasses.

Sand Mountain is located in the south-central part of Washington County just north of the Utah/Arizona state line. The mountain is formed by the upward tilting of sedimentary formations from east to west and north to south. It is bounded by large ledges on its west and south boundaries with Warner Valley below. The area is predominately sand and sandstone. This area has historical significance in that it was traversed by the Dominguez-Escalante expedition in 1776. Vegetation consists primarily of desert brush and dune grasses with areas of wind-blown sand dunes. The area is heavily used by dune buggies, four-wheel drive vehicles, OHVs, and off-road motorcycles. There is also some equestrian use of the area. The general elevation of the area is from about 3,400 ft. to a maximum of about 4,180 ft.

In the Arizona Strip area south to Seegmiller Mountain area elevations range from 3,925 ft. near the base of the Hurricane Cliffs to over 5,800 ft. on the top of Seegmiller Mountain. Vegetation ranges from seasonal grasses and desert brush to pinion-juniper and sagebrush depending on elevation. The area contains a diverse assortment of vegetation and soils. The area ranges from areas that are relatively flat to steep canyons that have been cut into resistant layers of limestone. Surface volcanic flows are evident throughout much of the area. Dutchman Draw, Ft. Pearce Wash, and Hurricane Wash are the major drainage features in the area. This area has been extensively used for recreation and livestock grazing. The routes in this area include historic travel routes such as the Temple, Honeymoon, and Sunshine trails and the Dominguez-Escalante expedition route.

3.3 Resources/Issues Brought Forward for Analysis

This section will discuss the resources and issues that were determined to be potentially impacted by the proposed alternative as identified in section 1.7 Identification of Issues.

Some of the issues and resources that were identified for further analysis are included in the list of "Critical Elements of the Human Environment" in the National Environmental Policy Act Handbook, BLM Manual H-1790-1, Appendix 5. These are included below as well as additional

issues and resources that were identified for further analysis.

3.3.1 Air Quality

Air quality within area of the proposed action is typical of rural areas in the western United States and is generally good to excellent. The area is characterized by limited industrial activity and has no large emission sources of air pollution. Ambient pollutant levels are usually near or below measurable limits in undeveloped areas. Exceptions include high, short-term localized concentrations of total suspended particulates primarily in the form of wind-blown dust or smoke from natural or human-caused fires. Ozone and carbon monoxide may periodically be measurable, particularly around the growing communities of St. George and Hurricane. All public lands within the county have been designated as either attainment areas or unclassified for all pollutants and have been placed in Class II under the prevention of significant deterioration (PSD) guidelines.

3.3.2 Soils

The location of the proposed action, Alternative A, includes soils of gypsum and limestone hills of the Kaibab formation, gypsiferous siltstone and sandstone of the Moenkopi Formation and associated colluviums, as well as sandstones and dune sands. Occasional buttes, mesas and cuestas capped by resistant rocks, such as the Shinarump Conglomerate member of the Chinle Formation or basalt, form prominent escarpments in an otherwise low, rolling landscape. Volcanic extrusions of basalt are evident in much of the area and are present as resistant caps on more easily eroded formations and scattered and distributed rocks and boulders.

Geologic erosion is prominent with many steep slopes eroded down to the shale and sandstone bedrock. Numerous gullies and ravines dissect the landscape. General slope is north and west to Fort Pearce Wash and the Virgin River. The types of soil are extremely variable, ranging from deep silt loams and gravelly sands in the drainages to shallow, extremely cobbly, sandy loams in the uplands.

3.3.3 Vegetation

Vegetation along the proposed course routes under Alternative A varies somewhat with different soils but is mainly Mojave desert shrub type. Lower flat areas are dominated by creosote bush, white bursage, winterfat and big galleta grass. Slopes and uplands will also have these species plus others such as range ratany, prickly pear, cholla, indigo bush, and Mormon tea. Most of the dry washes contain little vegetation with some willow and tamarisk in isolated areas.

The Ft. Pearce Wash in the Warner Ridge/Ft. Pearce area has been designated as riparian and contains more significant amounts of willow and tamarisk.

3.3.4 Invasive, Non-Native Weed Species

Invasive, non-native weed species found in the area are Scotch thistle (*Onopordum acanthium*), Russian knapweed (*Acroptilon repens*), Halogeton (*Halogeton glomertus*), Field bindweed (*Convolvulus arvensis*) and Saltceder (*Tamarix ramosissima*). There is the potential for invasive, non-native weed or other species to be imported to the event area by participants in Alternative A.

3.3.5 Floodplain, Wetland, or Riparian Resources

Floodplain and riparian resources are found in the Warner Ridge/Fort Pearce ACEC. "Ft. Pearce Wash maintains surface water flows within a relatively short segment of the drainage, typically less than a half-mile, except during seasonal high precipitation periods. This stream is derived from a natural spring, located near the historic Ft. Pearce site, which can vary greatly in flow from year to year, based on precipitation and surface recharge rates. Seasonally, the surface water

volume can be dramatically augmented by regional storm events that drain through the Ft. Pearce watershed. Because of the soil types, some of which have high erosion potential or derived from saline deposits, flooding can contribute large sediment loads to the Virgin River system, during high water events. The Virgin River ultimately drains into the Colorado River system, contributing to the sediment loading and salinity problems that are of national and international concerns, based on treaty obligations with Mexico. No precise data are currently available to assess the contributions of Ft. Pearce Wash to the overall sediment loading of the Virgin River/Colorado River system.” 1. Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04

A floodplain is the area adjacent to a river channel that is inundated under some frequency of flow events. Major features of floodplains typically include oxbows, point bars, meanders, sloughs, natural levees and sand playas. During inventories conducted by BLM in 2000, floodplain morphology and processes were evaluated for a 4.6-mile area, between the historic Fort Pearce fort site and the Arizona border. Sinuosity, width/depth ratios, gradient and riparian zone widening were all reported as being within the acceptable parameters of functioning hydrologic systems.” 1. Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04

“Riparian conditions within the project area have been evaluated by BLM as being within accepted parameters for hydrologic processes, including erosion deposition, even after recent high flooding events in 1999 (Data on file, St. George Field Office).” 1. Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04

3.3.6 Threatened or Endangered Species

Two endangered plant species are known to exist in the area: Siler pincushion cactus (*Pediocactus sileri*) and dwarf bear claw-poppy (*Arctomecon humulis*). Bald eagles (*Haliaeetus leucocephalus*) are winter residents in the region, but have not been observed in the area of the proposed action. An experimental non-essential (10J) population of California condors was released at the Vermilion Cliffs in 1996. Condors are wide ranging and may occasionally forage over the area of the proposed action. Three Special Status Species fish occur in the Virgin River and are downstream in the watershed from the area proposed for the Rhino Rally Events: the woundfin minnow (*Plogopterus argentissimus*), Virgin River chub (*Gilla robusta seminuda*), and the Virgin River spinedace (*Lepidomeda mollispinus mollispinus*).

BLM sensitive species known or suspected to occur in the area include gila monsters (*Heloderma suspectum cinctum*), ferruginous hawk (*Buteo regalis*), burrowing owls (*Athene cunicularia hypugea*), several bat species including spotted bats (*Euderma maculatum*), fringed myotis (*Myotis thysanodes*), and Townsend's big-eared bat (*Corynorhinus townsendii*). Golden eagles use the general area during certain times of year.

3.3.7 Wildlife

In the area included in Alternative A, wildlife species known or expected to occur in the area would be those commonly associated with the Mojave desert shrub vegetation type. Big game species are not usually found here. Riparian areas along Fort Pearce Wash support a variety of additional wildlife and are considered special habitat areas worthy of protection.

3.3.8 Livestock Grazing Management/Rangeland Health

The areas being considered under Alternative A include public lands that are used for livestock (cattle and horses) grazing during the fall-winter-spring period on the following BLM allotments:

Arizona: Blake Pond, Black Rock, Clay Spring, Coyote Spring, Jackson Tank, Lizard, Lower Hurricane, Pocom, Pocom Tank, Sunshine, and Wolf Hole Canyon.

Utah: Fort Pearce, Herd House, Honeymoon, Sand Mountain.

The grazing permittees have range improvements constructed to permit better management of their grazing activities such as fences, loading/unloading areas, fence gates, cattle guards, corrals, and watering ponds and structures. In the past, there have been reports of Rhino Rally event-related impacts on some of these improvements including open gates, cut fences, disturbance of grazing cows near water sources, damage to the forage base, and littering.

3.3.9 Recreation Resources

The areas proposed under Alternative A include the popular Sand Mountain designated “open” area as well as the area between Ft. Pearce and Seegmiller Mountain. The Sand Mountain area is a popular destination area primarily for those wishing to participate in motorized activities involving sand dunes such as dune buggies, four-wheeling, OHV riding, and off-highway motorcycle riding. Unique areas of slick rock are used for motorcycle trials riding and extreme rock crawling. The Warner Valley area at the west base of Sand Mountain is used extensively as an OHV staging area and gun shooting area. Competitive events on Sand Mountain include the annual Rhino Rally motorcycle race and equestrian endurance races. Hiking and mountain biking is generally avoided in much of this area due to the deep sand that predominates. This area has been designated as a Special Recreation Management Area by the St. George Field Office RMP, March 1999.

Casual motorized OHV users follow the routes of past Rhino Rally courses, often traveling from BLM’s designated OHV Open “play” area on the dunes of Sand Mountain to OHV routes on the Arizona Strip. This use occurs on a year-round basis and appears to be dramatically increasing, as urbanization and land use restrictions displace motorized OHV riders to more remote areas of public land in Washington County. Unauthorized cross-country motorized OHV travel is also increasing in the Warner Valley and along Ft. Pearce Wash. (Environmental Assessment for Ft. Pearce Ridge Trail

Designation: UT-100-03-EA-04)

The area along the base of the Hurricane Cliffs and southward is a popular recreation area for those driving for pleasure, sightseeing, four-wheeling, OHV touring, motorcycling, equestrian trail riding, mountain biking, and geo-caching. Well maintained roads in the area allow many “snow birds” and others to access historical and paleontological sites such as the Fort Pearce historic site, the Little Black Mountain rock art site, and paleontological site at the Dinosaur Trackway.

Several routes have been utilized at the base of the Hurricane Cliffs for competitive events including the Rhino Rally motorcycle race, mountain bike races, and equestrian endurance races. Other routes such as the Temple and Honeymoon Trails have historical significance and are followed to get a feel of events that occurred during the initial settlement period of the St. George area.

“For more than 20 years, the Warner Valley and Ft. Pearce Wash were the general location for an annual competitive motorcycle race, called the “Rhino Rally”. Until 1998, BLM approved Special Recreation Permits for this event that included use of the Ft. Pearce Wash, as part of the approved racecourse. Since 1998, alternative course alignments that avoided Ft. Pearce Wash riparian zone have been authorized.” (Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04)

“The Ft. Pearce Wash has had a long history of human recreational use. Historically, the Wash was a major travel corridor between the Colorado River and southern Utah, becoming in the late 1880s the trace of the historic Honeymoon Trail. As described above, couples from the Arizona Mormon settlements traveled the Honeymoon Trail, stopping to camp or rest at the spring, en route to the St. George Temple. More modern recreational uses include motorized and non-motorized OHV riding, hiking, equestrian trail riding, birding, as well as natural history and heritage tourism to the historic fort site and the nearby Ft. Pearce Dinosaur Tracks interpretive

site.” (Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04)

Equestrians also use the Ft. Pearce Wash and adjacent upland areas for trail rides. Many park and unload their stock at the historic fort and may water their horses at the spring there. Areas to the east of historic Ft. Pearce, along the route of the Honeymoon Trail, comprise a course loop for the annual Color Country Endurance Horse Ride. Between 60 and 100 endurance horse competitors ride courses of either 25 or 50 miles in length, during the two-day event. (Environmental

Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04)

Further south, the Seegmiller Mountain and Black Rock Canyon areas are popular recreation areas for four-wheeling, OHV touring, motorcycling, sightseeing, primitive camping, backcountry touring, equestrian trail riding, photography, and mountain biking. The areas nearest the urban interfaces of St. George, Washington, and Hurricane, Utah receive the greatest use. These uses diminish as travel distances increase. Much of this area has been used extensively for the Rhino Rally motorcycle race. To a lesser degree there have been equestrian and mountain bike competitive events. The Temple, Honeymoon, and Sunshine Trails are important travel routes in the area for those seeking a historical perspective on the early settlement of the area.

3.3.10 Roads and Transportation

The areas proposed in Alternative A contain many primary (well-maintained) roads, secondary roads, jeep trails and motorcycle trails. The proposed event routes would follow the documented existing "Rhino Rally" routes.

3.3.11 Wastes/Hazardous Materials

There are no known hazardous material sites in the area of the proposed action.

3.3.12 Socio/Economic

The following information provides the population and relative incomes of the affect area according to the 2000 census:

	<u>Washington County</u>	<u>St. George</u>	<u>Hurricane</u>
Population (2000)	90,354	49,663	8,250
Median Household Income	\$37,212	\$36,505	\$32,815
Median Family Income	\$41,845	\$41,788	\$36,955

The proposed Rhino Rally would be centered near the communities of St. George and Hurricane, Utah. The community of Hurricane is located approximately 18 miles east of the regional population center of St. George in the south-center portion of Washington County. St. George, Hurricane, and Washington County have historically relied on agricultural and resource related activities as their economic base. This has changed over the last 15 to 20 years to an economy that is based increasingly on tourism and recreation-based activities and services. Retired residents along with a winter seasonal influx of visitors contribute substantially to the local economy. The average temperatures in Hurricane during March are a high of 66.2 F., a low of 37.5 F., and an average of 51.9 F. The average temperatures for St. George are slightly higher. On average, Hurricane experiences sunshine 80% of the time with 10 cloudy days per month. The pleasant weather along with the spectacular natural beauty of the area is inviting to those wishing to visit and explore the area.

The Rhino Rally typically attracts up to 300 participants in the main event. With participants, support personnel, and spectators, numbers up to and over 1,000 may attend. Many of the participants are from outside the local area and stay for one or two nights as they participate in this event. The local communities can easily support this number of visitors. Previous events of this type; have been supported by local Chambers of Commerce.

4.0 ENVIRONMENTAL IMPACTS

4.1 Introduction

Section 4 provides the scientific and analytic basis for the alternative comparisons. The discussion includes the environmental impacts of the proposed action, or Alternative A, as well as Alternative B – No Action. This analysis provides the necessary information to determine whether there are any adverse environmental effects that cannot be avoided if the Rhino Rally event is given a SRP permit to proceed as proposed.

This section is organized by elements of the affected environment concerning issues that were carried forward in each chapter in this EA. Under each section, impacts under each of the alternatives are discussed..

4.2 Direct/Indirect Impacts

Each of the resources discussed in section 3 that were identified as potentially being affected are analyzed below for their direct and indirect impacts.

The direct effects of this proposal are those caused by the action and occurring at the same time and place of the proposed event. For example, in this EA direct effects are considered those caused by the actual Rhino Rally event itself.

The indirect effects to be considered are those caused by the action but are later in time or farther removed in distance, yet are still reasonably foreseeable

4.2.1 Alternative A - Proposed Action

Under each alternative, the resources identified in section 1 and 3 above and as being potentially impacted, will be analyzed to determine the cause, the nature, and the context or intensity of each of the potential impacts.

- 1 Cause of the impact or what action would cause an impact?
- 2 Nature of the impact or what would be affected and how would it be affected?
- 3 Context or intensity of the impact such as where would it occur or what would be the extent or duration of the impact?

4.2.1.1 Air Quality

The proposed action would cause fugitive dust to be raised by vehicles traveling on dirt roads to the event staging/parking area and by event participants traveling on previously used roads, trails, and wash bottoms along the course.

The visual quality of the air in the event area would be temporarily affected as dust from the event participants as well as from participant and spectator vehicles is generated and would result in a reduction of visibility in the area of the event. This would occur as participants and spectators travel to the event staging area, during the event as participants travel the prescribed course, and following the event as participants and spectators leave the event area. Dust generation would be the result of vehicles traveling on dirt (unpaved) roads and trails. This would be most evident in the staging/parking areas and during the start of the race for each participant class.

The duration of the effect on air quality in the event area would be from the evening before the event to the evening following the event or approximately 24 hours. The greatest effect on air quality due to dust generation would be during the event for a period of approximately six hours. The amount of dust generated would be highly dependent on the soil content of the roads and

routes being traveled.

Some effect on air quality would also be expected as a result of the exhaust from the various vehicles in the event area.

The dust generated would be visible along the access roads and routes utilized during the event. The dust would cause a reduction in air quality in the areas where vehicle travel occurs until the dust settles back to the ground.

The amount of dust being generated and its duration would be highly variable depending on the inherent moisture on the roads and in the soils and washes in the event area. During some years, the event area receives substantial amounts of precipitation with the result being that little if any dust is generated. In other years, the area can be very dry and dust generation can become substantial at times. The amount of wind on any individual day or time can substantially alter the duration of the effect on air quality. On windy days, the dust is moved over a larger area but is much more dispersed. On calm days, the dust would be more concentrated at the point of generation.

It is possible that there may be indirect effects on air quality that would be caused by subsequent travelers in the area following the event route at a later date.

4.2.1.2 Soils

Adverse impacts to soils would be the result of event vehicles traveling along the course routes and wash bottoms.

The potential impacts would include compaction of the soils located in the existing trails and those in drainage bottoms. It is also possible that soils would be aerated by the action of the vehicle tires during acceleration. Past Rhino Rally events have utilized trails that are similar to livestock trails size, appearance, disturbance, and impacts. If soils in the existing unimproved roads are wet during the event, rutting may occur. This rutting may increase erosion especially on steeper portions or upon entering and leaving drainages.

Routes are on previously disturbed soils and in sand and gravel dry washes. Some soils containing cryptogamic communities are found within the area. Routes on these soil types are more susceptible to OHV impacts and would be avoided i.e.: cryptogamic soils, silt areas and slopes showing accelerated erosion. Routes following drainage lines, in the gravelly dry washes, and on previously impacted routes are preferred to minimize impacts from compaction and erosion.

This event has not usually caused concern except for the Rhino Rally of February 1993, when the soil was saturated with moisture from an exceptionally wet winter. Many participants could not drive their street vehicles to the pit area. This forced them to unload the motorcycles in one area and ride them to the pit area, about 4 miles away. Many riders drove alongside the road rather than on it and created numerous deep ruts and boggy areas. In some areas on the course, the roads were very soft and muddy and became deeply rutted from the racers and spectators accessing the staging area. In one instance a boggy area caused the course to detour through a cultural site. In this and other years, the race and road damage have angered some grazing permittees and they continue to express some animosity toward this event. In an effort to prevent this situation from re-occurring, additional mitigating measures are proposed.

Under normal conditions, impacts to soils on the course are anticipated to be minor. Knobby motorcycle tires seem to churn and loosen the soil rather than compact it, which allows for faster rehabilitation. Soils in drainage bottoms are generally sandy and/or gravelly and are in a constant state of flux so that any visual disturbance would be erased by subsequent precipitation and run off. Compaction and/or churning of soils in the pit/staging area would occur as it is heavily used before, during and after the event. Potential wind erosion depends on soil moisture and the

ground wind speed during the event. In the past, certain areas of routes used for the event have had “whoopsey doos” or large washboard type undulations that have formed as a result of the spinning motorcycle tires. This has caused soil to be displaced creating a hole and a related mound of deposited soil. Each motorcycle traversing the same route contributes to this impact by deepening the hole and enlarging the mound. Race promoters have made efforts to minimize this effect by changing the direction of travel on these routes from year to year and sought alternate routes to allow natural rehabilitation and or for recreational traffic to lessen the “whoopsey doo” effect. This effect is common in areas that are regularly used by recreational riders such as many of the areas being considered in this analysis. The event course is marked with the intention of keeping the competitors on the approved route and they can be disqualified if they leave the approved course.

There are possible indirect effects that may occur by subsequent users in the area following the event route at a later date. This area is open to the public and it is not likely that this use would cause an adverse impact to soils above those that would occur naturally through general public use.

4.2.1.3 Vegetation

Any potential impacts to vegetation would be caused by competitors leaving the approved course and running over or otherwise damaging vegetation. Vegetation could also be impacted in the event parking and staging area by vehicles running over the vegetation in these areas.

Most direct impacts to vegetation would occur in the parking/staging area, flat open areas, and at course checkpoints. Impacts would be minimal along the course as competitors would be required to stay on the approved course. Some plants would become damaged or destroyed through crushing and uprooting if competitors left the course. Species likely to be affected include creosote, white bursage, big galleta, Mormon tea, winterfat and several cactus and yucca species. Total impacts would be equivalent to an area that could be contained within a few acres. When impacts do occur, vegetative recovery in these low precipitation rangelands can be a slow process dependent on precipitation amounts received, but it does occur.

There are possible indirect effects that may occur at a later date by subsequent users in the area following the event route. The event parking/staging areas may also be used at a later date by those visiting the area.

4.2.1.4 Invasive, Non-Native Weed Species

The undesirable spread of invasive, non-native weed species in the permit area would be the result of participants or spectators bringing these weed species into the area on their vehicles. This could result in undesirable species of weeds being spread or introduced in the event area. These species could harm the native plant species by out-competing them for moisture, etc.

The possibility for importation of non-native or invasive species is a concern any time you have people and equipment imported into an area from other places. To counter this, race promoters would instruct participants to arrive with "clean" machines to avoid noxious, invasive and non-native weed importation as contained in Appendix A.

4.2.1.5 Floodplain, Wetland, or Riparian Resources

Each of these drainages experience at least moderate flooding every year and experience major flooding events at least every 5-10 years. Current drainage crossings and routes have survived these floods. These flood events also have the benefit of eliminating any sign of the proposed event. Cause of potential adverse impacts due to the Rhino Rally event would be due to participants going off the approved course in areas containing water quality, flood plain, or riparian values.

Off-route travel could cause impacts to riparian or flood plain vegetation that may be run over or trampled or to soils by harming vegetation and making the soils more susceptible to erosion. Vehicles running through areas where water is standing or flowing could cause temporary increases in suspended and dissolved sediments. It is also possible that there could be an increase in hydrocarbons such as oil, grease, or gasoline from event vehicles.

Potential adverse impacts to wetland, flood plain, and riparian values are generally minimized because the proposed routes stay on previously used roads, trails, and wash bottoms that have been utilized for many years. To a large extent the impacts to the health and condition of riparian, wetland, or floodplain areas have already occurred. The event stipulations (Appendix A) instruct participants to stay on the approved routes.

The major area to be considered for these values is the Ft. Pearce Wash in the immediate vicinity of Ft. Pearce. The proposed route in this area does not cross the riparian area. It does follow the wash flood plain where the soil is primarily sand and rocks and the vegetation is primarily tamarisk. This route has been designated as a motorized vehicle route through this popular travel area and it is expected that any additional impacts from the proposed Rhino Rally would not add appreciably to existing impacts affecting the functioning condition of the riparian or floodplain zones. It would not be expected that the proposed alternative would have a measurable effect on the water quality, including increased sediments or hydrocarbons, in any major drainage in the proposed areas. These areas are typically dry which reduces the potential impact of these contaminants.

Locally floodplains are inundated in relatively frequent events (1-3 year intervals), with high velocity flooding events common. The event impacts are not considered to be significant when compared to the existing erosion of soils that occurs from normal storm events on the areas sparsely vegetated soils. This proposal would not be expected to increase sediment loads in the areas washes when compared to the sediment loads that are created during storm events.

4.2.1.6 Special Status Species

The primary threatened or endangered species of concern relative to the Rhino Rally event are the threatened Siler pincushion cactus and the endangered dwarf bear-claw poppy. Siler pincushion cactus has been found in the Ft. Pearce ACEC and along some of the proposed event routes. The dwarf bear-claw poppy has been found in the Warner Ridge ACEC.

The distribution of the Siler pincushion appears to be strongly related to the Schnabkaib and middle red members of the Moenkopi Formation. The cactus is found exclusively on gypsiferous clay to sandy soils apparently high in soluble salts. The Schnabkaib and middle red members occur frequently from the Fort Pearce area near St. George, UT and the locations curve south into the Arizona Strip and terminate east of Fredonia at the UT line. Surveys detected a total of 6061 acres with this cactus in 2004. The species is typically found on slopes, up and out of wash bottoms.

Special status plant species could be impacted if a Rhino Rally participant ran over one or more of them. If a plant were to be run over by a participant, it would be damaged and could possibly be uprooted. These disturbances would likely result in the plant dying. Similarly, indirect effects would result if OHV riders not associated with the SRP followed the tracks through an area where these plants are known to occur.

The St. George Field Office RMP addresses these potential impacts: "AC-03 d) Motorized travel will be limited to designated roads and trails. Fencing, barricading, and signing will be employed as necessary to eliminate unauthorized vehicle access and impacts to protected resources." (p. 2.62). The proposed course in the Warner Ridge/Ft. Pearce ACEC will follow the designated route in this area.

The Shivwits Resource Area Implementation Plan does not specifically address events that would

require a SRP relative to the Siler pincushion cactus. It does contain the following references: "TE03 – Special status species would continue to be monitored by the Arizona Strip District Ranger." And TE04 – Continue to implement the Habitat Management Plan that was completed in response to the recovery plan written for Siler pincushion cactus." (Shivwits Resource Area Implementation Plan, p. 20-21)

BLM biologists have determined that using the Cactus Pass route could lead to adverse affects to Siler pincushion cactus. As a result, this route was excluded from the race course (See Alternatives Considered But Rejected). Other routes where racers could come into contact with special status plants have been eliminated from the course. As a result, BLM has determined that the proposed action would have no affect on Siler pincushion cactus or dwarf bear-claw poppy. No other threatened, endangered, or sensitive plants would be affected in this area because these species are not found along any of the routes proposed for the race course.

BLM previously determined that there would be an increase in siltation in surrounding watersheds following the race event, but that this siltation would be un-measurable and would be impossible to distinguish from background levels. The effects determination of not likely to adversely affect Woundfin minnow, Virgin River chub, and Virgin spinedace was made by BLM biologists. The U.S. Fish and Wildlife Service concurred with this determination (AESO/SE 2-21-02-1-270).

BLM has determined that there would be no affect to bald eagles or California condors from implementation of the proposed action. No other threatened, endangered, or sensitive species would be affected in this area.

4.2.1.7 Wildlife

Most species of wildlife would be affected by the vehicles traveling along the course and subsequent use of the area by OHVs not associated with the event. Noise and movement of vehicles on the course would cause temporary fear and avoidance reactions by most wildlife species. Individuals would move away from event participants to again feel safe. The pit/staging area would receive a more concentrated disturbance to wildlife and some temporary displacement of individuals may occur during the event.

It is anticipated that potential impacts to game, raptors, small mammals, birds, reptiles, or other small vertebrate species would be small and of relatively short duration. The event participants are restricted to existing roads and trails of the approved course. There is adequate spatial habitat that would allow wildlife to move off the roads or trails to surrounding areas. There could be some incidences of motorcycles running over and injuring or killing some individual animals (primarily lizards, and small mammals), but the chance of this is small and no study has been found to show that such collisions with wildlife is a limiting factor to the survival of any species found in the event area.

These impacts would be confined to relatively small areas already receiving some form of similar impact. Wildlife is probably somewhat used to motorized vehicles traveling along these existing routes. Overall, impacts to wildlife are anticipated to be minor and short-lived (less than 24 hours).

Indirect impacts to wildlife as a result of the proposed event would be caused by those using the area subsequent to the event. It is possible that the event would cause an increase in use on the event course but it is expected that this would be somewhat minor when compared to the visitation that occurs naturally and would dissipate within a few weeks.

4.2.1.8 Livestock Grazing Management/Rangeland Health

The anticipated impacts to livestock and rangeland health would consist of adverse impacts to live range animals individually, to range improvements such as fences, gates, and water distribution improvement, or impact range vegetation that the livestock depend upon. Livestock could feel threatened or be injured in a collision. Range improvements or water storage and

distribution structures could be damaged. Range vegetation could be harmed by event participants leaving the approved course and running over plants.

The level of damage to the allotment improvements that are a result of the event are minimized by utilizing specific course routes and staging areas that are away from most of these improvements.

Livestock would not be expected to be directly impacted by event activities, although injuries or mortalities could occur. Livestock operators are notified in advance of the event and other precautions are taken to ensure that livestock are not present along the race course during the event. Negative impacts on the listed range improvements may be increased by those who come later to follow the race route rather than from event competitors. Appendix A contains stipulations that the event organizers must follow to mitigate or avoid impacts to range improvements.

Any livestock present in the pastures through which the course passes would tend to move away from vehicles during the event. This disturbance would be temporary. Permanent damage to forage plants is expected to be light to none because the event would follow an existing course. The average effect of a single-track motorcycle course through a pasture is similar to that of cattle trails.

Range improvements that should to be avoided such as water sources, water lines, fences, gates, tanks, corrals etc. would be signed or "Taped-off" to direct event participants past without causing damage. These are removed following the event.

The allotment permittees would receive a 30-day prior notice of the event, with a description of each course route selection and contact names & numbers to address any concerns. A collision with livestock has not been a serious risk to the participants, as the cattle leave the route to "hide-out" from noise of the first machines sent around to verify the course is clear prior to the event start. Event organizers are responsible for any damage to allotment permittees improvements or livestock, the direct result of the event's (day of) activities or course set-up and cleanup, beyond what is considered normal wear and tear. (See Appendix A)

Problems encountered or complaints expressed in the past that may be considered in association with the proposed event do not occur during the race but later as recreational and local users, not associated with the race may attempt to follow the races routes. These individuals have left gates open, cut fences, damaged improvements or made new trails. This unauthorized activity may be an indirect result of the race but neither BLM nor the event sponsor can control it. Promoting the use of "Tread Lightly" or "Right Rider" principals may aid in decreasing these kinds of problems. Increased patrol by BLM rangers or race sponsors may also help.

There has been no direct correlation made between users that are on the event routes because they specifically want to investigate or ride a Rhino Rally route and those who are out casually enjoying the area and do not respect private property. General recreational use of the area proposed is increasing and it is expected that there would be additional adverse impacts to livestock structures with or without the approval of the proposed event. The impacts mentioned above are anticipated to continue, and the grazing permittees are anticipated to continue their resentment for this activity.

4.2.1.9 Recreation Resources

There are many uses that co-exist in the proposed area for the Rhino Rally. Any impacts to recreation as a result of the preferred alternative would be due to conflicts caused by competition for use of the same area at the same time or conflicts that may be the result of user preferences.

The potential conflicts would include a temporary negative effect to non-motorized and non-competitive activities such as hiking, mountain biking, equestrian use, and casual recreational users. These may include increased dust, noise, or a general unwillingness to share the area

with others. This would result in having a less-satisfying recreation experience than would otherwise occur.

The potential impacts are constrained by the limited number of routes that would be used during the proposed event relative to the number of routes that are available for the general public, the requirement to travel only on existing roads and trails that have been approved, the limits on the number of event participants and the event is for one day only each year. These impacts would be limited to less than 24 hours. Any particular point along the event route could be affected for up to four hours on the day of the event.

It is more likely that an indirect effect might be that other users may feel displaced or hear noise and see a dust plume in the distance. To a limited extent, primitive recreation could be impacted, but the impact would be short-term, or generally less than four hours.

During the event, other recreation use in the proposed areas by the general public is discouraged due to safety concerns. There would be a small number of users displaced from their activities during the event as efforts are made to prevent accidents and collisions to persons not engaged in the Rhino Rally by intercepting and excluding non-participants from the event routes by the SRP permittee.

4.2.1.10 Roads and Transportation

Any impacts to the roads, routes, and existing transportation system in the proposed event area would result from motorcycle travel on the approved routes or an increase in travel on the main roads in the area as participants and spectators arrive and depart the parking/staging area.

Increased vehicle travel on the main access roads in the area would cause an increased level of annoyance caused by dust and general congestion. Some planned activities such as exploring by automobile would not be allowed to occur to prevent possible participant/vehicle accidents.

If this event was held during a time that the soil was saturated with moisture, damage could occur to access roads as well as event routes with clay or silt surfaces. These impacts could include severe rutting, detouring, spreading out of the roadway, and creation of muddy bogs. While any vehicle traveling over these roads would create similar impacts, the impact from support vehicles, spectator vehicles on access roads and up to 300 motorcycles on the same event route would multiply the effect. Damaged roads could negatively impact persons who use them until repair work is done. The result of event participants traveling at high speeds may deform existing routes by creating ruts, bumps, and depressions. This could cause a temporary, negative impact on public OHV use, by disrupting the smooth running surface of some roads and creating rough riding surfaces for other users.

The roads and routes selected for the event are existing routes that are primitive in condition. These represent a small portion of the roads and routes in the area that are available to the general public. Monitoring conducted by the Wizard's motorcycle club has determined that negative impacts are confined in length along the course, while other course sections are smoothed by the event participants.

Additional use that may be encouraged by the event may occur at a later date and contribute to the impacts described above. The additional impact is not expected to be substantial.

Special precautions would be taken during the event to provide safety for the competitors and general public where the event routes cross major roads or travel routes. These would be as contained in Appendix A.

4.2.1.11 Wastes/Hazardous Materials

Human and non-hazardous solid wastes would be handled by the use of professional waste services and required in the event stipulations.

Negative impacts could be created through the spilling of gasoline as the motorcycles are filled during event preparation and during re-fueling stops. This could occur in the parking/staging area and along the course at the re-fueling stop. Other minor spills could occur as a result of a motorcycle tipping over on the course.

Gasoline spills associated with vehicle fueling are not known to have occurred to any substantial extent. These have been of very low volumes. The discharge of gasoline due to a motorcycle tipping over would also be very minor. These instances are accidental and are not an intentional disregard of proper fueling procedures. On rare occasions, oil spills have occurred from participants or spectators changing or dumping their used motor oil in the pit area. These actions are improper and those doing so would be subject to any criminal penalty that would apply to such actions. Sometimes these instances are not witnessed until after the event. Although unfortunate, a few individuals are present in any group that do not exercise common sense and these instances are not common. On one occasion, gasoline not reclaimed from a course fuel stop was disposed of improperly. Those responsible were notified that their actions were improper and ticketed by law enforcement. The permittees would provide adequate containers for any unused fuel.

4.2.1.12 Socio/Economic

ATV and off-highway motorcycle activities are popular in the area. The Rhino Rally has been held every year for 21 years. Participants in this event look forward to attending each year. The event is also sponsored through the Utah Sportsmen Riders Association and is one of a series of similar events that are held each year.

The economic impact would be considered to be positive to the extent that new economic activity is brought into the area as a result of the proposed event. The Rhino Rally is expected to attract approximately 300 entrants. Riders, support personnel and spectators might number up to 1000. A transitory but beneficial impact to the local economy has and would occur from the increased demand for goods and services. Money spent in association with the Rhino Rally would include meals, food, lodging, fuel, vehicle repairs, equipment purchases, etc. This would directly benefit businesses such as motels, convenience stores, grocery stores, auto repairs businesses, gas stations, souvenir shops, and ATV vehicle dealers, etc. that could attract the business of event participants. Taxes would be paid for purchases that would benefit primarily the cities of St. George and Hurricane, Washington County, and the State of Utah. Taxes paid for fuel purchases would also benefit county, state, and federal road funds.

“-----, the popularity of motorized OHV recreation has increased steadily and dramatically during the past two decades. In the St. George metropolitan area, seven commercial dealerships currently sell or service ATVs and motorcycles. Dealerships often sponsor OHV special events and activities designed to develop interest in and promote sales of their vehicles and equipment. Direct sales of OHV vehicles and equipment, as well as revenues from sales of gasoline and other recreation products and services, contribute to the retail and service sector components of the southern Utah economy.” (Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04)

“Increasingly, motorized OHV users must travel further from urban areas, like St. George, to find trails and routes where they can legally and safely ride. Smaller communities, like Veyo or Apple Valley, in outlying areas of Washington County, often derive some economic benefits from special motorized OHV activities held in these more remote areas.” (Environmental Assessment for Ft. Pearce Ridge Trail Designation: UT-100-03-EA-04)

4.2.1.13 Mitigation Measures

A summary of the Rhino Rally stipulations is included in Appendix A. These stipulations provide for methods to mitigate for impacts caused by the proposed action. Many of these stipulations are standard to any SRP and some are unique to the proposed Rhino Rally. Most have been included in the previous SRPs for the event and additional stipulations would be included as

necessary or as changing conditions require.

It is anticipated that the stipulations and mitigation measures that have been identified would be sufficient to negate the potential environmental impacts in the preferred alternative. It is possible that there would be individuals who would not sufficiently understand all of the event requirements and violations could occur. It is not expected that they would be substantial and any deficiency would be corrected as quickly as possible.

4.2.1.14 Residual Impacts:

Compliance with the respective Resource Management Plans and event stipulations should be sufficient to ensure that there would be no adverse impacts on the affected environment that would remain after the completion of the proposed event. The routes would continue to be used by the public.

The most likely remaining residual impact would be evidence of use of the proposed routes. There would remain some widening and additional undulation in the route surfaces as discussed in sections 4.2.1.2 and 4.2.1.10. Vegetation in the parking/staging areas would be temporarily impacted but would regenerate to a degree each season.

Some increase in the recreational use to these areas, including non-event type uses, would occur even under the No Action alternative due to increases in the population and the reasons discussed in section 1.4.

4.2.1.15 Monitoring and/or Compliance:

It is expected that there should be no adverse environmental consequences associated with the preferred alternative if event participants stay on the approved routes and follow the other event stipulations. Members of the Wizard's Motorcycle Club have provided additional monitoring in sensitive areas, to make sure that participants stay on the approved routes. These additional precautions would be instigated in those areas to ensure the protection of resources. Additional monitoring would be conducted by the BLM at the parking/staging area and through field compliance checks performed by BLM staff and law enforcement officers.

4.2.2 Alternative B - No Action

Under the No Action Alternative, the Rhino Rally would not be allowed to proceed, and the environment and associated resources would remain in their current condition. They would only be affected to the extent that current uses and trends would continue. There would be impacts caused by the no action alternative: Direct loss of recreation opportunities and socioeconomic benefits. Temporary impacts would not occur.

Air quality, soils, vegetation invasive and non-native weed species, wildlife, livestock, transportation, wastes, and socio/economic resources would only be affected to the extent that current uses and trends would continue.

Similarly, threatened or endangered plants, riparian and floodplain resources, and recreational resources would remain in their current condition with no direct impacts that would result from the proposed alternative. Existing uses and impacts would remain as exist currently. Existing roads and trails would remain open and continue to be used by the public. Opportunities for user education in the proper ways to learn about and mitigate impacts associated with these resources would be foregone.

Under the No Action alternative, business such as convenience stores, gas stations, restaurants, super markets, souvenir shops, etc. would not receive a direct economic benefit that would be provided due the proposed event occurring. Any potential economic benefit that may be expected to result from this event would be lost, and the development of similar recreational activities by local entities would be discouraged. Increases in recreation and tourism that may have resulted would not occur.

Failure to issue a SRP under Alternative A would result in a lost opportunity of mutual cooperation and understanding between the BLM and the Wizard's Motorcycle Club.

4.3 Cumulative Impacts Analysis

"Cumulative impacts" are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions. This EA attempts to qualify and quantify the impacts to the environment that result from the incremental impact of the proposed alternative action when added to other past, present, and reasonably foreseeable future actions. These impacts can result from individually minor but collectively important actions taking place over a period of time.

"When considering cumulative impacts, two major issues were considered. The first was defining the geographic area of potential impacts. This can and usually does vary for each resource considered. The second issue is determining what past, present, and future actions are relevant to the analysis." (San Juan ATV Safari EA, 2003)

4.3.1 Reasonably Foreseeable Action Scenario

The Rhino Rally has been run for twenty years in the same general area as that being analyzed in Alternative A. However, each year the route has been changed from previous years, so the routes would be allowed to "heal" to some extent between uses. The pit/staging area has also been moved from year to year. The pit areas have become noticeable impacted areas, partly due to the staging of the event and partly due to continued use during other times of the year. And in recent years the Wizards have concentrated their activities in just a few pit/staging areas. Thus, cumulative impacts from this event are not considered substantial since it is confined to washes and existing roads and trails and 6 proposed pit areas.

The pattern of rotating routes for the event would be expected to continue each year.

Alternatives A would provide for the Rhino Rally to be permitted each year with a maximum number of participants as stated in section 1.2 and 2.2. The cumulative impacts that would be associated with this event in the reasonably foreseeable future would be as discussed in section 4.3.2 below. The nature of the event and the number of participants would remain constant and any potential impacts would be essentially the same during each year.

4.3.2 Cumulative Impacts

The resources described above are also currently being affected by livestock grazing and associated developments, rights-of-way for several pipelines and utility lines, mining operations and various dispersed recreational activities. Impacts from these actions typically occur in relatively small, isolated areas and are moderated by the open and remote nature of the region. The preferred action (Alternative A), in conjunction with past, present and reasonably foreseeable future Federal, State, and private actions, would not have a substantial cumulative impact on the area in Arizona.

In Utah, similar multiple-use activities are occurring, with the addition of irrigated farming, large sand and gravel operations, and intensive residential and commercial development on nearby private and State lands. These existing actions and reasonably foreseeable future continuation of these and other Federal, State and private actions, being in closer proximity to the population centers of St. George and Hurricane, would have a more substantial cumulative impact on the environment.

The preferred alternative would provide for the Rhino Rally to be permitted each year with a maximum number of participants as stated in section 1.2 and 2.2. The cumulative impacts that would be associated with this event in the reasonably foreseeable future would be as discussed in this section. The nature of the event and the number of participants would remain constant

and any potential impacts would be essentially the same during each year.

It would not be reasonably anticipated that there would be an increased adverse impact to air quality, soils, vegetation, water resources, threatened or endangered plants, livestock management or range resources, recreation, or wildlife, etc. If increases in vehicle use for recreational activities on the routes being analyzed in this EA were to occur as a result of the Rhino Rally, they would represent a minor addition to the uses that currently exist and would represent a small percentage increase.

5.0 CONSULTATION AND COORDINATION

5.1 Introduction

The issue identification section of Section 1 identifies those issues analyzed in detail in Section 4. The issues were identified through the public and agency involvement process described in section 5.2 below.

5.2 Summary of Public Participation

The following describes the process that was used to inform the public of the proposed Rhino Rally and to obtain input concerning this action.

Both the Arizona Strip and St. George Field Offices have mailing lists of interested parties who have asked to participate in the review process of proposed actions when an environmental analysis is conducted. A letter of Notice of Availability (NOA) was posted to all listed persons to direct them to the Arizona Strip Field Offices internet web site (www.az.blm.gov/asfo) where the NOA, EA, and map of the proposed routes were posted for public review.

5.2.1 Comment Analysis

The BLM received e-mail messages and letters with comments concerning this EA. Many of the letters were similar in format expressing positive comments relating to the benefits of the race. Some expressed concern for impacts to the environment or to parts of the environment such as cultural and historical resources, wildlife, visual resources, noise levels, air and ground pollution, or solitude in the area of the proposed action. Others asked for further information or clarification on location or requested a hard copy of the EA be mailed to their address.

To keep this chart from becoming its own EA, if the EA was changed to reflect the comments received, those comments are not listed here. The EA stands as the response. The BLM will not send direct responses to commentors.

Issue and Comment #	Issues and Comments	BLM's Comments
1	<p>It is my opinion to implement alternative "A" and issue a Special Recreation Permit to the Wizard's Motorcycle Club to continue to use the Subject area for the next ten years.</p> <p>It appears to me that the impacts resulting from this event are very minor compared to the area of land covered, that the Wizards have coordinated with all the agencies to the best of their ability, and that past concerns have been addressed and resolved outstandingly. Future use is based on educating the competitors and spectators about these impacts and solutions for positive</p>	<p>The BLM policy is to recognize that off-road vehicle use is an acceptable use of public land wherever it is compatible with established resource management objectives. As established by the Federal Land Policy and Management Act of 1976 the BLM is required to manage the public lands on the basis of multiple use and sustained yield, while protecting natural values. The proposed Action fits the Multiple use</p>

	<p>results, and the Wizards have done an excellent job in performing this. Racers and spectators are eager to use the land, but also realize the impacts and requirements to improve past problems.</p> <p>I think that the stipulation "No ATVs" should be removed. Should trails from 1-3 yards in width be used, ATV's would have no more impact on the area than do motorcycles. This statement eliminates the possibility of ATV's entering the competition for ten years. Removing this from alternative "A" would still give the Wizards club the choice.</p>	<p>objectives as an acceptable use.</p> <p>The Wizard's proposal did not include racing ATV's as part of what they want to do in their Rhino Rally. In past events they have been the only ones authorized to use ATV's at their events, and that has been to manage the event and for crowd control.</p>
2	<p>Supportive of the proposed action. Encourage issuing permit. BLM should do so as soon as possible. Wizards have sponsored this event in a managed and appropriate manner for over twenty years. No reason that it should not continue. Urge the BLM to grant another Permit for ten years. Off-Highway motorcycle recreation and competition is a quality family activity for those who choose to participate. This is a great use of the land as long as the stipulations of the EA are met.</p>	<p>The BLM policy is to recognize that off-road vehicle use is an acceptable use of public land wherever it is compatible with established resource management objectives. As established by the Federal Land Policy and Management Act of 1976 the BLM is required to manage the public lands on the basis of multiple use and sustained yield, while protecting natural values. The proposed Action fits the Multiple use objectives as an acceptable use, based on RMP guidance in both office's RMPs.</p>
3	<p>Supportive of using BLM managed land for public recreation. The proposed use for the Rhino Rally is one of great economic importance, as well as the use of public land. Each of the participants will have an economic impact of \$200-\$300 per person on the local economy. To destroy means to render useless. The soil being used for this event will be there in 2000 years from now, open up more public land to the public for more activities such as this.</p>	<p>See # 2 above.</p>
4	<p>Supportive for Wizards Rhino Rally in February. Family rides and races motorcycles and members of the Sage Riders Motorcycle Club. Wizards have always put on an excellent event and been mindful of their course and protecting the trails. It is wonderful to have a quality event in such beautiful country. Riding together is something that is very important to my family, and to have such a wonderful place to ride - - has brought us to the St. George area often during cold weather up north.</p>	<p>See # 2 above.</p>

5	As a former participant in the Rhino Rally and looking forward to future races. Like to thank BLM for allowing the race to be as successful as it has been. Like to voice support for the event and the positive aspects that it has had for the community and the participants. When we participate in this event we stay in local motels for the night and spend dollars at local restaurants to support the communities that host us and share their hospitality with us.	See # 2 above.
6	The EA, rules, regulations and stipulations for this race and the area look good. You have taken considerations from both sides and made the best decision in your power. From a recreational rider and occasional racer standpoint, would like to comment on the area: This an area where my daughter and I enjoy riding, hiking, racing, and sight-seeing along with thousands of other families. We are all aware this is a beautiful and sensitive area. That is why it is so attractive for most recreationists. A dirt bike or ATV is one of the best ways to see the beauty this area has to offer. This state should be proud of letting a race happen in such a beautiful area. Lord knows this doesn't happen any where else. We should play on this to bring more business and revenue to this area. I can see this race and other events like it (ATV Jamborees, group riders, etc.....) having a huge impact on the economy in the St George and Hurricane area. This can only be good for the economy. This area needs to be a designated trail system. Racers are a responsible group and the real problem of new trails and irresponsible riding comes from a few recreational riders. My opinion of how to minimize that sort of impact is to make maps of this area very available to the public. Keep trails and roads marked and maintained. After all that is what the BLM's job is. Not fighting over land issues like we have done in this state for years.	See # 2 above.
7	The Rhino Rally is a great event and I am thrilled to see it continue into its 22 nd year! This type of event is what public land is about, multiple use. The local club has always done a wonderful job with this event. This event is a great draw for the local area and should continue into the foreseeable future.	See # 2 above.
8	I would urge the BLM to permit this event. My family and I have attended and have participated in many of the Wizard's past	See # 2 above.

	Rhino Rally races, and have found them to be well-run, well-organized, family-oriented events. The existing roads and trails used by the Wizards are quite suitable for this type of competitive event, providing not only a quality race but mindful of environmental concerns. I applaud the BLM offices and personnel involved for their past efforts in keeping this annual event "alive", and I would hope that this might continue into the Foreseeable future.	
9	I have been around the USRA committee for about four years now and would say that the Wizards Motorcycle Club is one of the most environmentally friendly Clubs in the USRA. I am part of the Buzzard MC and try to get down to race annually... It would be a shame to not let them put on this race with all the work they have put into making it one of the most safe for the environment as there is.	See # 2 above.
10	I support the proposed action and encourage you to issue the permit under the stipulations outlined in the EA. Please do this as soon as possible so the Wizards MC can move forward with the planning of the event. The Wizards have sponsored this event and many people have enjoyed this event in a responsible manner for over twenty years. There is no reason that this should not continue. I urge the BLM to grant another 10 year permit for the event now that this updated EA has been completed. Off highway motorcycle recreation and competition is a quality family activity for many people. This is a great and legitimate use of land and natural resources as long as the stipulations of the EA are met.	See # 2 above.
11	I am in full support of the proposed action and would like to encourage you to issue the permit under the stipulations outlined in the EA. This race has been going on for over twenty years and I have personally participated in it since 1995. It has become a tradition for our family to make a 2-4 day vacation out of this race. I see no reason why this race should not continue, this year and for many years to come.	See # 2 above.
12	I am for the upcoming event and encourage you to issue the so needed permit. This event will be a sound investment in the economy with reasonable protection to the environment.	See # 2 above.

<p>13</p>	<p>The Five County Association of Governments supports the issuance of the Special Recreation Permit for this activity. As OHV activity in this area continues to expand, it is vital to provide for structured OHV activities that can teach ethical riding techniques, provide structured riding events, and contribute to the local economic base. The EA provides an excellent review of the proposed event, and notes that by using existing routes and trails, little or no environmental degradation will result. The list of conditions found in the appendices will ensure that the Rhino Rally will be a well-managed addition to public land use in southwestern Utah.</p>	<p>See # 2 above.</p>
<p>14</p>	<p>This event has occurred annually for over 20 years and I urge you to approve the long term Special Recreation Permit for this event into the future. The long history of this event has demonstrated that it can be done in a responsible manner. Motorized recreation is an acceptable use of the public lands when done responsibly. The EA has analyzed the potential impacts to existing resources and has provided guidelines and stipulations to mitigate these potential impacts. I urge you to conclude that there are no significant adverse impacts associated with this event and issue the permit for this event so it may proceed as planned.</p>	<p>See # 2 above.</p>
<p>15</p>	<p>Washington county supports the issuance of the Special Recreation Permit for this activity. As OHV use in this area continues to expand, it is vital to provide for structured OHV activities that can teach ethical riding techniques, provide structured riding events, and contribute to the local economic base.</p> <p>The environmental assessment provides an excellent review of the proposed event, and notes that by using existing roads and trails, little or no environmental degradation will result. The list of conditions found in the appendices will ensure that the Rhino Rally will be a well-managed addition to public land use in southwestern Utah.</p>	<p>See # 2 above</p>
<p>16</p>	<p>Please choose the No Action Alternative for the Rhino Rally. These types of activities are incompatible with the beauty and fragility of the land through which they travel. They destroy habitat, do irreparable damage, and encourage even more such activity. Say no to Rhino!</p>	<p>The activity proposed in the Proposed action fits the Multiple use categories of available uses on public lands and has been occurring for over twenty years with out significant damage to the resources in area.</p>

<p>17</p>	<p>It is almost impossible to believe that in this day and age of environmental awareness, that BLM would allow a motorcycle event such as the Rhino Rally to take place. The areas mentioned as perimeters are pristine, natural areas that should stay that way. This rally would do irreparable damage that may never be able to be corrected. Why does the Wizard Motorcycle Club think they must use an area such as this to fulfill their needs for a rally? Do they look around and observe the natural beauty? Do they marvel at how quiet and peaceful this area is? Do they notice the wildlife and fauna that are native to these areas? Absolutely not. Wildlife will run and hide for weeks and weeks at a time after an event such as this. There is litter that events like this generate; litter that will be promised to be cleaned up but never will truly be. I strongly appeal to your BLM office to stop this rally. It is our responsibility to preserve what we have for our future generations.</p>	<p>See #16 above. The Wizards Club has been a responsible permittee in the past cleaning up their use areas and doing mitigation work on disturbed areas after events as required by these offices.</p>
<p>18</p>	<p>Will the Wizards Rhino Rally Race impact cultural resources?</p>	<p>BLM Archeological/Cultural Specialists reviewed both the EA and on the ground areas where conflict may have existed with Cultural or Historical resources; those areas were mitigated through avoidance.</p>
<p>19</p>	<p>The routes for this rally should absolutely not be allowed in any Areas of Critical Concern. These areas have been set aside to maintain and preserve cultural and biological integrity; routing a motorcycle race through them surely is not consistent with the process of caring for them. Allowing further degradation of vegetation and soils through out this area will reduce the forage available to wildlife and this will put further pressure on the rare plants in the area, particularly the Siler pincushion cactus.</p>	<p>Two ACECs have routes which have been approved for use in the past. Warner Ridge/Ft. Pearce ACEC has a route that has been fenced in to allow OHV access and to protect the riparian, cultural, and vegetative resources recognized in the area. Ft. Pierce ACEC has a large wide wash called I-15 which has no riparian or T&E habitat which would be impacted by the routing the race in it. Where the route goes near the Siler pincushion cactus habitat, BLM personnel and BLM volunteers have and would be monitoring racers to insure no impacts to the cactus or its habitat.</p>
<p>20</p>	<p>In order for the Alternative A (to allow the race) to be selected, more concrete consequences for violation of the terms of the permit need to be stipulated. As it currently reads, particularly in Appendix A, penalties for</p>	<p>BLM law enforcement staff would be present at strategic locations along the race route and at the staging areas during race events. Enforcement of stipulations by</p>

	<p>destruction of resources are vague and lack power of enforcement. For example, if contestants drive off-course, they become subject to disqualification and “could face citation,” from BLM or other law enforcement authorities. This should read “will face citation,” and BLM should have officers on hand at various locations along the race-course, particularly in resource-sensitive areas, to enforce this. Further, race participants should all have to undergo pre-race orientation, including written materials and group training session, as part of the sign-up to enter the race. Training would explain the course marker system, describe sensitive resources and locations, and also inform participants of penalties for disregarding route markers and disturbance of off-course resources.</p>	<p>BLM and its law enforcement staff requires that judgment and discretion in issuing citations be allowed to the law enforcement officers to allow for extenuating circumstances. If willful and flagrant violations of the stipulations and conditions of the permit occur the BLM will enforce them to best of their ability including the use of citations.</p> <p>All participants receive a briefing from Wizards leaders prior to each race event to inform them on race course markers, and other information necessary to prevent resource damage.</p>
21	<p>The consequence for improperly disposing of waste petroleum products: the participants should be cited for dumping (with the exception of accidental, small amounts in the event of a crash), and either they or the event sponsor should have to remove all contaminated soil.</p>	<p>Stipulation #8 in Appendix A has been changed to provide for this contingency.</p>
22	<p>Although there is a stipulation that the event sponsor “will be given the choice to repair or pay for repair of any roads, resources or property damaged beyond what is considered normal wear and tear, as direct result of this event, “normal wear and tear is not defined. There should be terms defining the extent and limits of what will be acceptable. Are the routes left in deeply rutted condition acceptable? Will uprooted forage in grazing allotments be acceptable? In the event that vegetation is destroyed or disturbed to the point of probable eminent death, the event sponsor should be required to undertake and complete a restoration of the disturbed area by re-contouring the soil and replacing the vegetation with appropriate native or forage plant species either through reseeding or plant plugs.</p>	<p>BLM staff evaluates conditions after each race to determine if the conditions warrant mitigation and when they do: request the permittee to repair damages as necessary.</p>
23	<p>The rainy season in desert ecosystems is the most disturbance-sensitive period due to soil fragility. Soils are subject to rutting and erosion due to absence of ground-covering vegetation and presence of cryptobiotic soil crusts. The BLM should therefore be prepared to postpone the race until after the rainy season. This would lessen impacts to the soils.</p>	<p>BLM specialists now monitor soil and moisture conditions before each race and if it appears that undue and unnecessary degradation of soils would occur they can, and have cancelled scheduled events to protect this valuable resource.</p>

24	While accepting that the increasing sales and promotion of off-road vehicles and competitions involving machines will continue, we need to do all we can to insure that botanical, cultural, economic and geological resources are not sacrificed to satisfy this single use group.	This office and the Wizards recognize what you say is true. The wizards conduct their race under highly regulated conditions, but they also try to teach their participants responsible off-highway riding and racing.
25	The proposal to issue a ten year SRP to the organizers of the Rhino Rally is a sensible approach. The issuance of a long term permit will save the BLM and the public the expense involved with issuing yearly or even 5 year permits. This will also help foster a positive relationship between the Bureau, the organizer and the event participants.	The CFR 2930 regulations published February 6, 2004 provide for the field manager to select an appropriate term for up to 10 years. In light of this offices positive experience in permitting the Wizards over the last twenty years or so, our office feels it is appropriate to issue them a permit for up to ten years, but, the BLM reserves the right to amend, suspend or terminate the SRP if necessary to protect public resources, health, safety, the environment, or conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) or noncompliance with permit stipulations. See Stipulation #34, Attachment A.
26	The area involved has had off-highway vehicle impacts for many years. Continued issuance of the permit for the Rhino Rally will clearly have minimal impacts on the environment of the area. It is also important for the Bureau of Land Management to work closely with the permittee to facilitate compliance. There are many stipulations with the event and the Bureau should help actively manage the event to protect the competitive events long term permit and the environment.	See # 2 above
27	The Environmental Assessment conducted for the Rhino Rally motorcycle competition event failed to adequately assess the impacts on Natural and cultural resources, particularly wildlife. For example the pronghorn antelope is not mentioned, although a significant number of routes pass directly through pronghorn habitat west of the Hurricane Cliffs. Research demonstrates that pronghorn are adversely by the noise and activity associated with a roads (Ockenfels et al. 1994). The Arizona Game and Fish Department has expressed concern that trails, facilities and roads result in fragmentation of the grassland ecosystem and pronghorn habitat. AZGED	The route passes through the northern portion of antelope habitat in Game Management Unit 13 B. Antelope habitat in the course area is rated as low, poor, and moderate. The nearest point on the course to high quality habitat with problems is approximately 1 ¼ miles, and 2 ½ miles from the nearest high quality habitat. The event is currently scheduled for April 2, well out of the May-June fawning period or the breeding period of

	<p>ecosystem and pronghorn habitat. AZGFD has also expressed concern that habitat fragmentation, in addition to human disturbance and loss of habitat, has been shown to be highly detrimental to the long-term viability of pronghorn (AZGFD 2002; NPS 2002). Where people are inclined to slow down and stop to observe pronghorn, the AZGFD recommends a 1/4- mile buffer beyond the road or area of activity (AZGFD 2002,NPS 2002:274-75). Although no date is provided regarding the activity, we point out, that in addition to cumulative impacts of deliberate or unintentional harassment, a recent study (See Bright 1999:14) found disturbing pronghorn during breeding could reduce fawn recruitment. The study found disturbance tended to prolong the fawning period, and with fawning prolonged, coyote were able to take more fawns.</p>	<p>late summer. As the event takes place on existing roads and in dry washes with the Wizards required to either repair or pay for the repair of damaged roads, there should be no additional fragmentation of habitat as a result of the event. The rally is a one-day event that may temporarily disturb antelope and other wildlife, but no antelope or other large fauna mortality is anticipated as a result of the event. Subsequent use of the course as a result of the event is expected to be very minor in comparison to the event itself and should dissipate prior to antelope fawning.</p>
<p>28</p>	<p>The EA states (page10) that wilderness resources would not be impacted by the event. We must point out that East Mesa and the surrounding are lands identified by the BLM as possessing wilderness /primitive values (BLM 2003). This area is also the citizen's proposed East Mesa wilderness. We request that the agency eliminate from the event all routes indicated in Sections 4,5,8,and 9 (T40N, R10W), including the northwest trending spur road originating east of the Hurricane Wash Road in Section 9 (T40N, R10W). With the exception of the 1/2 mile, dead end spur , none of these routes are presented on the 2000 Arizona Strip recreation map or the 7 1/2 quads.</p>	<p>Because of the original option of using dry washes made available to the Wizard's many of their previous used routes or currently proposed routes do not show up as roads or trails on the BLM's Visitor Map for Arizona Strip or the 7 ½ Minute USGS Quadrangle maps.</p> <p>The statement on page 10, that 'wilderness values' are not impacted by the proposed action is correct, with regard to designated wilderness and wilderness study areas, because no race routes are proposed within statutory wilderness and no wilderness study areas exist on the Arizona Strip District. BLM is, however, considering both citizen-proposed and BLM-identified information on wilderness characteristics along with information on other uses and values in the East Mesa area as part of the current land use planning process. It is important to note that '<u>wilderness character</u>' as applied to designated wilderness and wilderness study areas through long-standing law, regulation, and policy, <u>is not</u> synonymous with areas identified as having '<u>wilderness characteristics</u>'. Any identification</p>

		<p>and future management of areas having wilderness characteristics is based solely in FLPMA and Instruction Memoranda 2003-274 and 275, Change 1 (Attached to this document). This guidance directs that “BLM will continue to manage public lands according to existing land use plans while new information (e.g., in the form of“citizen’s proposals”) is being considered in a land use planning effort. During the planning process and concluding with the actions after the planning process, BLM will not manage those lands under a congressionally designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas, but through (<i>e.g., as a result of.</i>) the planning process BLM may manage them using special protections to protect wilderness characteristics.”</p> <p>The BLM may acknowledge the status of the planning process and describe how the proposed action might affect future management considerations in the discussion of the no action alternative or in the section of the NEPA document on plan conformance. The fact that the BLM is considering alternative management goals for the affected lands in a pending land use plan revision or amendment, however, does not change the management or use of those lands during the interim.</p> <p>See also Issue and Comment # 45.</p>
<p>29</p>	<p>In our extensive scoping comments regarding the Arizona Strip RMP revision, we provided detailed information regarding the impact of roads and motorized recreation on the full spectrum of native species. We assume the BLM fully intends to utilize this and other information as part of the agency’s transportation plan. We urge the BLM to delay consideration of the “Rhino Rally” and similar events until the implementation of the</p>	<p>All public comments received for the Arizona Strip Resource Management Plan (RMP) Revision have been reviewed and the information used during the land use planning process. The Arizona Wilderness Coalition provided particularly useful and appropriate public comments, letters, reports, GIS data, and</p>

	final RMP.	maps for the Arizona Strip Land Use Planning Effort. This information has been used in the Revision of the Arizona Strip RMP. A Draft Plan/EIS is projected to be available to the public sometime this summer. Under the CEQ NEPA regulations it is not necessary to delay projects or permits while preparing a revision of a land use plan when the action is covered by a current RMP. The Rhino Rally can be authorized under the current Arizona Strip RMP.
30	<p>We write to strongly support the no action alternative. The Arizona Strip is a special fragile place that is important to our members. We did not get the EA until Feb. 15, and have not had enough time to review it. We request more time for review until at least March 25. The EA is lacking and fails to present a reasonable range of alternatives. We would have less objection to a rally route on existing roads that avoids washes. Washes are especially important to desert wildlife and should be avoided. The no action alt. offers the best management, follows the law, and protects the national interest for conservation and sustainable recreation. It is the only reasonable decision. The only way to protect water quality, wildlife habitat, wash habitat, soil productivity, vegetative diversity, and other important uses and resources is to select no action, or to modify the proposed action to stay on existing roads, and avoid washes.</p>	<p>The EA was posted on the Arizona BLM website and could be easily reviewed by the public as is evidenced by the multiple responses received by this office that commented on the EA with out asking for a hard copy of the EA to be posted in the mail. This commenter requested a hard copy which was mailed to them in a timely manner. In as much as they reviewed enough of the document to determine that it was lacking in their opinion and they seem to have grasped the essence of what is contained in the document as to what routes were proposed and what alternatives were considered in the document and to make a recommendation on their preferred alternative leads us to believe they had adequate time to formulate their response.</p>
31	<p>The cumulative effects to the landscape and its occupants, along with the well documented direct effects from any other alternative will be severe and will not meet the agencies obligations under the Resource Management Plan, the FLMPA, Clean Water Act, Endangered Species Act, NHPA, and Administrative Procedures Act. Additionally, the project will not comply with NEPA should alternative A, which would have significant adverse impacts, be selected, especially as BLM did not consider a reasonable range of alternatives. BLM must go with no action alt. to comply with the law and serve the clear and compelling majority local and national interest for conservation and responsible</p>	<p>As established by the Federal Land Policy and Management Act of 1976 the BLM is required to manage the public lands on the basis of multiple use and sustained yield, while protecting natural values. The proposed Action fits the Multiple use objectives as an acceptable use, based on RMP guidance in both office's RMPs.</p> <p>Given BLM's statutory multiple use mandate, BLM evaluates this proposed action as well as others to try to balance uses, minimize</p>

	<p>ORV management.</p>	<p>conflicts, and avoid or reduce resource impacts wherever possible. BLM finds that the analysis in the EA is adequate for the purpose of evaluating how this proposed action fits in the overall context of cumulative impacts. BLM also finds that a better or more productive venue for the public to raise these cumulative impact issues is during the planning processes and EIS reviews associated with the development of proposed new Resource Management Plans, transportation plans, and route designations. These upcoming decisions will determine where future motorized uses occur on BLM administered lands, and how BLM generally addresses cumulative growth pressures.</p>
<p>32</p>	<p>...has reviewed the EA for the proposed Rhino Rally Competitive Motorcycle Event's request for a Special Recreation Permit (SRP). Based on several concerns that we have identified, we are asking for the No Action Alternative. We are most concerned with the effects on cultural resources. Although the EA claims that there will be no impacts because the event will occur on previously disturbed areas, there is no study identified that proves the conclusion that no impacts to cultural resources may occur to sub-surface artifacts located just below these routes (resulting from repeated compaction events). There appears to be no archeological survey completed of the proposed routes or directly adjacent to these routes in potentially affected areas. The EA also admitted that damage occurred at the Rhino Rally in February, 1993, when "a boggy area caused the course to detour through a cultural site."</p>	<p>BLM has complied with all federal requirements under FLPMA, section 106 of the NHPA, and the terms of the Programmatic Agreements at the national level and specifically with the Arizona and Utah SHPOs, as they relate to the proposed undertaking. The proposal was evaluated by BLM professional archeologists, an Area of Potential Effects defined, relevant cultural resource databases reviewed, and an assessment of effects to eligible properties made, based on the activities described as the proposed action. As necessary, field inventories were conducted by BLM archeologists to determine whether historic properties could be adversely affected by the proposed action. Contacts with affiliated American Indian Tribes were instituted in relation to the proposed event, to identify concerns of the tribes.</p> <p>Since the proposed Rhino Rally Event activities would be authorized to occur only on existing roadways, trails, and dry washes, or in previously disturbed areas, a "No Effect" determination under NHPA was recommended</p>

		because no historic properties would be adversely affected by this undertaking. The terms of the BLM Programmatic Agreements with the Arizona and Utah SHPOs provide for undertakings to proceed when a “No Effects” determination is warranted, without prior SHPO reviews, when the Secretary of the Interior’s Standard and Guidelines have been followed.
33	We as Native Americans must protect our heritage to the fullest extent. In addition insufficient precautions have been stipulated to prevent groundwater contamination at fueling stops and staging areas. No plan has been given for cleanup of spills. Relying on post-event monitoring is especially inadequate in light of the potential for watershed damage.	Stipulation #8 in this document (Appendix A) states: Refueling and non-emergency servicing of vehicles will be restricted to the pit/staging area and any authorized checkpoints. It is prohibited to dispose of fuel, oil or similar substances on the ground or in drainages. If prohibited disposal occurs the permittee will be responsible for removing all contaminated soil to the satisfaction of the Authorized Officer. The permittee will provide an adequate supply of containers for any waste or excess petroleum products to store and remove the excess products. Permittee will collect any un-claimed fuel from gas stops in fuel safe containers to assure they will be disposed of properly. The permittee will provide for the removal of those containers and any contaminated soil from Public Lands to a certified waste disposal facility.
34	The air quality analysis performed is inadequate in light of the serious nature of PM10 and PM2.5 deriving from fugitive dust particulates – what evidence is there that these particulates are not transported to our community which has seen elevated rates of asthma and heart disease in the last two decades? What are the cumulative impacts with increased use of unpaved roads for access to remote homes and businesses (with increasing population) added to solely recreational events such as the Rhino Rally? The economic analysis seems to be one-sided and does not take into account these impacts to the cultural resources and health of our people, the watershed or to the quality	The proposed project area for the Rhino Rally Event is within a Class II Attainment Area for air quality. Under the U.S. Environmental Protection Agency and Utah Department of Environmental Quality regulations, Class II Attainment Areas are allowed limited amounts of new emissions for the six “criteria pollutants”: carbon monoxide, lead, nitrogen oxides, ozone, particulates with a diameter exceeding 10 or 2.5 microns, and sulfur dioxides. BLM evaluated the proposed

	<p>of life for those retirees moving to the St. George/Hurricane area who pay taxes and provide economic gains to the community 365 days of the year, rather than two.</p>	<p>activity with regard to new emissions for the “criteria pollutants” and concluded that the proposed activities would not exceed the Class II Attainment Area standards. Nor would it exceed the standards for the Class I Attainment Area of Zion National Park, near but not within the proposed zone of routes for this activity. There are no Non-Attainment Areas within or near the project area: Las Vegas, Nevada, 150 mile to the south, is the closest Non-Attainment Area for air quality.</p> <p>This evaluation was based on the following assumptions and rationale. The proposed action would conform to all county, state, and federal requirements for compliance with the Clean Air Act. The proposed event would be short duration (total of 1 day for the event annually), conducted on existing road, trails, and dry washes where soils have already been compacted by prior development and use. New disturbances would not be authorized that could generate levels of particulates high enough to violate Class I or Class II Attainment Areas standards. The proposed routes for these activities would utilize geographic areas in the Arizona Strip, Mojave County western and south-central Washington County, thereby dispersing the potential effects of increased carbon monoxide or other emissions from combustion engines over a wide geographic area. BLM, therefore, concluded that air quality effects would be inconsequential and did not warrant a detailed analysis in the EA, since no air quality class standard would be exceeded.</p>
<p>35</p>	<p>In light of the recent (2004-2005) flooding events in southern Utah and Northern Arizona, have the riparian conditions with in the project area been reevaluated by BLM for erosion deposition?</p>	<p>The riparian conditions in the proposed project area remain essentially the same as they were prior to the most recent weather events.</p>

36	Which tribes or bands have been notified of this EA? Table 5-1 List of all persons, Agencies and Organizations Consulted for the Purposes of this EA on the website was left blank. We are concerned that the government – to – government consultation on this issue may have been overlooked.	Kaibab Band of Paiute Indians, Fredonia, Arizona; Yavapai Prescott Indian Tribe, Prescott, Arizona; Bodway/Gap Chapter Coordinator, Cameron, Arizona; Tuba City Chapter, Tuba City, Arizona; Navajo Parks and Recreation, Window Rock, Arizona.
37	Further Mitigation required concerning the federally listed <i>Pediocactus sileri</i> : In the draft recovery plan (U.S. Fish and Wildlife Service, 1982) for another federally listed species that occurs in the area, <i>Arctomecon humilis</i> , Map B on the page labeled Figure 3 shows a population of <i>p. sileri</i> that occurs on an exposure of Moenkopi on the east end of Warner Valley near the Hurricane Cliffs. The trails as proposed appear to cross this habitat in several places and it does not appear that any mitigation action has been taken or proposed with respect to this area. This area needs to be protected from OHV use.	BLM specialists familiar with the species of concern and their locations were consulted on the proposed routes for the Rhino Rally and recommended on what routes could or shouldn't be used. Where a conflict exists the Wizards were denied access to those routes. The BLM specialists have determined no threatened, endangered or sensitive plants would be affected in the area because these species are not found along any of the routes proposed for the race course.
38	BLM sensitive plant species have not been considered: The EA has considered federally listed plant species only. A BLM sensitive and Utah rare species such as <i>Pealonyx parryi</i> which clearly occurs in the area has not been considered. Mitigation should include special status (BLM Arizona Strip) or sensitive (Utah BLM) plant species.	See response to #37.
39	Off-road vehicle use poses clear threats to the listed and other plant species: ORV/OHV pose significant treats to rare plant species: "The most severe threat impacting the dwarf bear-poppy, in addition to the continuing rapid expansion of St. George is off-road vehicle (ORV) use associated with recreation and mineral exploration. ORV activity can cause large denuded strips on the face of the Moenkopi hills. More widespread and, presumably less fragile species which grow in association with dwarf bear-poppy are also unable to grow on these barren stripes. Sometimes dwarf bear-poppies have been seen in ORV tracks but only where ORV use has been light. Wherever there has been sustained ORV use, the result is soil compaction and vegetative denudation. Barren scars are left on the hillsides where the cryptogamic crust occurred and vascular plants such as the dwarf bear-poppy used to grow." (US Fish & Wildlife Service, 1985, p. 8)	We agree that unregulated ORV/OHV activities are a genuine treat to plants and soils. But, this event is a regulated activity that has been screened for areas of operation to minimize undue and unnecessary degradation to resource values and monitored for non-compliance to authorized activities.

	<p>“The primary threat that needs to be eliminated is the heavy ORV use on the Moenkopi badlands where the poppy grows.” (US Fish & Wildlife Service, 1985, p.15)</p> <p>ORV threats to <i>Pediocactus sileri</i> are similarly documented in the recovery plan for that species (US Fish & Wildlife Service, 1986). These threats cannot be underestimated.</p> <p>Further a species such as <i>Pediocactus sileri</i> is extremely slow growing; it may take a plant some ten years before even producing any fruit (Hreha and Meyer 1993-1997). Any direct impact such as that alluded to on page 28 of the EA would likely be devastating.</p>	
<p>40</p>	<p>Impacts to biological crusts require analysis: BLM technical Reference 1730-2 (Belnap, 2001) recommends an analysis of impacts to biological soil crusts on all use applications (p.70). It is clear that crusts will be impacted by this event, the extent of which has not been determined. Biological soil crusts play a critical role in desert ecosystems (Belnap, 2002). Soil surface disturbances including mechanical disturbances by vehicles reduces or eliminates nitrogenase activity in biological soil crusts.(Belnap, 2002; Belnap 2001).</p> <p>Beneficial/critical relationships between biological soil crusts and rare plants in the region have been established. For purposes of both soil control and providing biologically useable nitrogen, crusts have been shown to be important to <i>Arctomecon humilis</i> (Harper and Van Buren, 2004) Thick biological soil crusts have typically been observed in association with <i>Pediocactus sileri</i> (Personal communications with Leila Schultz, Vince Tepedino and Therese Meyer, Feb. 2005 and our own observations) and play a critical role in the survival of the species.</p>	<p>See response to #37.</p> <p>By requiring the race course routes to be on existing roads and trails or dry washes the BLM is striving to minimize and negate the impacts to biological crusts.</p>
<p>41</p>	<p>Limit impacts to creosote bush communities as a management policy whenever possible: While there are exceptions to this rule (for example, the Arizona Strip Field Office special status species <i>Tricardia watsonii</i>, a species which also occurs in Washington County and which should be accorded a similar status in Utah, occurs in association with creosote bush), rare plant habitat (both existing and potential) can be avoided by limiting impacts to creosote bush shrub dominated communities. The rare plants in the area are</p>	<p>Rare plant inventories from 1999 through 2004 in the lower creosote flats in the Arizona part of the St. George Basin have never found the <i>Tricardia watsonii</i>. But the Rhino Rally is run on existing trails, roads, dry washes where this plant does not grow, This plant grows under the protection of large shrubs like the desert peach. This would preclude dirt bikers injuring it. But</p>

	typically highly restricted by soil type. Seeds of most of these species are long-lived and may exist on lands where plants may not be currently found. Further, what little remaining potential habitat remains needs to be protected so that these species have some chance of survival?	if found, and as in the case of the Siler Cactus, personnel would be placed near the plant if the race went near the plant.
42	Buffer zones around biological crusts and rare plant habitats must be implemented: Where crusts are found and/or in connection with the soil types that rare plants in the area are known to be found (Moenkopi formation particularly the Schnabkaib, but also the Middle and upper Red members, white gypsum soils, etc.), OHV and other trails cannot simply be allowed to be placed proximate to those areas. <i>Arctomecon humilis</i> , <i>Pediocactus sileri</i> and <i>Petalonyx parryi</i> are all gypsophiles so gypsum soils with or without biological crusts require extra protection. OHV riders may have to avoid another rider or some other obstacle or may crash or experience a mechanical failure and be forced to move off the trail. Buffer zones ideally should allow for at least 50 meters between trails and sensitive habitats. Where buffer zones cannot be implemented then cables, posts or other devices may need to be implemented to help ensure that riders will not swerve or be tempted to travel off trail.	See response to #37. By requiring the race course routes to be on existing roads and trails or dry washes the BLM is striving to minimize and negate the impacts to biological crusts. The Rhino Rally on some years has gone through the area called Cactus Pass. The trail there goes through about 800 feet of schnabkaib, where the cactus grows. Personnel in the past have been stationed there to prevent bikes from going into untrammed areas. A fence has been proposed to be built to prevent bikers participating in the rally from going into the cryptogamic crusts or impacting the cactus in the Cactus Pass area. It would, also, prevent bikers on weekend rides from going into the crusts. This proposal would undergo NEPA analysis and public review before any decision would be made to implement it. The Cactus Pass route was not one evaluated in this document.
43	Comprehensive OHV planning needed: We do not oppose responsible OHV use. But a critical component to future planning in Washington County includes a master plan for OHV use. Portions of the area covered by this EA may be a logical place to allow some level of concentrated OHV use pursuant to a master plan designed (to) alleviate resource problems in other areas. Without such an overall plan in place coupled with extensive educational efforts and enforcement, ecological disaster is inevitable.	BLM finds that the analysis in the EA is adequate for the purpose of evaluating how this proposed action fits in the overall context of impacts expected from the proposed action and its alternative. BLM also believes that a better or more productive venue for the public to raise these planning issues is during the planning processes and EIS reviews associated with the development of proposed new Resource Management Plans, transportation plans, and route designations. These upcoming

		<p>planning decisions will determine where future motorized uses occur on BLM administered lands, and how BLM generally addresses cumulative growth pressures.</p>
44	<p>Hold events in the least ecologically sensitive timeframe: Soil fragility during the wet season; at the same time...since crusts are only metabolically active when wet and are brittle when dry, disturbance in the dry season may be more destructive and the crusts less able to recover than when disturbed in wet seasons, an exception possibly relating to crusts on clay soils (Belnap, 2001, p. 45). All of these factors need to be taken in account .</p>	<p>See response to #37.</p> <p>By requiring the race course routes to be on existing roads and trails or dry washes the BLM is striving to minimize and negate the impacts to biological crusts.</p>
45	<p>We have identified several concerns with the EA, particularly regarding the context of this 10-year permit in the ongoing Arizona Strip Resource Management Planning (RMP) effort and the St. George OHV Amendment. However we also understand the BLM's desire to quickly issue a SRP so as to accommodate this year's annual Rhino Rally event. Therefore, in order to accommodate both of our concerns and the needs Wizards Motorcycle Club, we urge you to amend the application and issue a 1-year or 2-year permit, with the understanding that the Wizards can re-apply for 10-year SRP after the RMPs are completed.</p> <p>Our concerns with the EA include the following:</p> <p><u>1. BLM should not issue a 10 - year SRP until the RMP revisions are complete.</u></p> <p>NEPA prescribes limitations on the actions that any agency may take while revising an RMP. The applicable Regulations provide:</p> <p>(a) Until an agency issues a record of decision... no action concerning the proposal which would: (1) have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives. 40 CFR § 1506.1</p> <p>(b) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action: (1) Is justified independently of the program; (2) Is</p>	<p>◀At this time what is contained in the existing RMPs governs what is a legitimate or appropriate activity for this kind of proposal. We don't manage for what <u>may</u> occur in a future management plan. Both offices have direction in their RMP's that allows for this kind of use. However, we can provide for the contingency of change in management direction of our new RMP's by stipulating that if a change in management direction occurs in either RMP: The SRP may be required to be modified or denied to fit the new directives. (See Appendix A – Arizona Strip Field Office Special Recreation Use Permit Stipulations - #34.)</p> <p>◀ See above.</p>

	<p>itself accompanied by an adequate environmental statement and (3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to <i>determine subsequent development of limit alternatives</i>. 40 CFR § 1506.1(c) (emphasis added). See also 40 CFR § 1502.2(f) (stating agencies “shall not commit resources prejudicing selection of alternatives before making a final decision.</p> <p>The BLM Land Use Planning Handbook is consistent - stating in Section VII.E: During the amendment or revision process, the BLM should review all proposed implementation actions through the NEPA process to determine whether approval of a proposed action would harm resource values so as to limit the choice of reasonable alternative actions relative to the land use plan decisions being reexamined. Even though the current land use plan may allow an action, the BLM manager has the discretion to modify proposed implementation level actions and require appropriate conditions of approval, stipulations, relocations, or redesigns to reduce the effect of the action on the values being considered through the amendment or revision process. The appropriate modification to the proposed action is subject to valid existing rights and program specific regulations.</p> <p>Therefore, both NEPA and BLM Land Use Planning Handbook require the agency to consider whether making decisions during an ongoing RMP revision will foreclose alternatives that may be considered as part of the ongoing RMP/EIS. We submit that issuing this ten-year will foreclose alternatives. Examples of the alternatives foreclosed include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ The SRP would authorize motorized use on at least 60 miles of off road vehicle routes. However, these routes have yet to be considered in the route designation process for the RMP. Allowing 10 years of motorized use on these routes would likely fore close alternatives where these routes are not officially designated, and cause additional erosion, soil compaction, and damage to vegetation that could have otherwise assisted in restoration to a more natural condition. ▪ The SRP authorizes an annual special event 	<p>◀ See above.</p> <p>◀ See above.</p> <p>◀ See above.</p>
--	---	---

	<p>■ <u>Status/Condition of the Proposed Rhino Rally Routes</u>: More information on the status and condition of the proposed routes is necessary to make a full and thorough evaluation of impacts. Most of the routes on the EA map (Attachment A) do not appear on the publicly-available Visitor Map for the Arizona Strip Field Office. Are these route single-tracks, two tracks, or reclaiming?</p> <p>■ <u>Pronghorn and other wildlife</u>: A significant number of proposed Rhino Rally routes pass directly through pronghorn habitat west of the Hurricane Cliffs, and the EA acknowledges that there will be subsequent use of the area by off-road vehicles not associated with the Rhino Rally. However the EA states that, "impacts to wildlife are anticipated to be minor and short-lived." In fact, the presence and continued use of these routes causes degradation and fragmentation of the wildlife habitat over time. We are enclosing a recent report on this subject that was prepared for the RMP process, entitled Protecting Northern Arizona's National Monuments: The Challenge of Transportation Management. We ask that you extend the EA analysis to consider the impact of continued and growing motorized use over time.</p> <p>■ <u>Wilderness</u>: The EA states that there will be "no impact" to wilderness values because there are no areas of designated wilderness or wilderness study areas in or near the proposed event area (p. 10). However, the nearby East Mesa and surrounding areas are a citizens' proposed wilderness documented in the Arizona Wilderness Coalition's proposal which is on file with the Arizona Strip Field</p>	<p>◀ Because the current Arizona Strip RMP has the option of using dry washes made available to the Wizard's, many of their previous used routes or currently proposed routes do not show up as roads or trails on the BLM's Visitor Map for Arizona Strip or the 7 ½ Minute USGS Quadrangle maps.</p> <p>◀ The route passes through the northern portion of antelope habitat in Game Management Unit 13 B. Antelope habitat in the course area is rated as low, poor, and moderate. The nearest point on the course to high quality habitat with problems is approximately 1 ¼ miles, and 2 ½ miles from the nearest high quality habitat. The event is currently scheduled for April 2, well out of the May-June fawning period or the breeding period of late summer. As the event takes place on existing roads and in dry washes with the Wizards required to either repair or pay for the repair of damaged roads, there should be no additional fragmentation of habitat as a result of the event. The rally is a one-day event that may temporarily disturb antelope and other wildlife, but no antelope or other large fauna mortality is anticipated as a result of the event. Subsequent use of the course as a result of the event is expected to be very minor in comparison to the event itself and should dissipate prior to antelope fawning.</p> <p>◀ We have decided to withdraw from use a portion of the proposed routes from the system of routes that would be available for the Wizards to use as part of their races. The proposed section of route is located in Sections 4, 5, 8, and 9, of Township 40 North, Range 10 West. Our decision to</p>
--	--	---

	<p>which is on file with the Arizona Strip Field Office. The BLM is permitted to preserve lands with wilderness character, which was reinforced by State Director Guidance for Land Use Planning efforts (IM No. AZ-2005-007) dated December 10, 2004. Therefore, we request that the agency eliminate from the event all routes indicated in Sections 4, 5, 8, and 9 (T40N, R10W), including the northwest trending spur road originating east of the Hurricane Wash road in Section 9 (T40N, R10W). With the exception of the ½ -mile, dead end spur, none of the routes are presented on the 2000 Arizona Strip Visitor Map or on the 7 1/2 Quads.</p> <p>■ <u>Preservation of Cultural Resources:</u> The EA states that there will be “no impact” because the “proposed action would use only areas, roads, trails, and wash bottoms which have previously disturbed and would not,</p>	<p>withdraw this section is based on: An on the ground review of the area in question, which was done last year, by our Arizona Strip District Recreation - Wilderness Team Leader, he could find no signs of previous use of the proposed routes. We do not believe that it would be appropriate to allow use of these proposed routes under these circumstances.</p> <p>BLM evaluates RMP conformance of the proposed action based on current management decisions. BLM cannot impose a higher or different level of protection for lands with wilderness characteristics or for citizen proposed wilderness areas unless and until such protection is provided in a management decision in a new or revised RMP. For example, BLM Instruction Memorandum No. 2003-275 – Change 1, states in the second paragraph on page 7 that “The fact that the BLM is considering alternative management goals for the affected lands in a pending land use plan revision or amendment . . . does not change the management or use of those lands during the interim.”</p> <p>Therefore, BLM finds that the analysis of these areas was adequate in the EA. BLM also finds that a better or more productive venue for public expression of these concerns is during RMP amendment or revision processes because these future decisions will determine which routes remain available for motorized uses and which areas may receive higher or different levels of protection.</p> <p>◀ BLM has complied with all federal requirements under FLPMA, section 106 of the NHPA, and the terms of the Programmatic Agreements at the</p>
--	--	---

	<p>therefore, cause adverse affects on cultural properties” (p.10). This statement implies that any resources that were there have been destroyed because of previous activity, and with out any on-the ground survey or evaluation by a cultural resources specialist. This seems to be an inadequate evaluation, considering the BLM’s obligation to preserve cultural resources under FLPMA, the National Historic Preservation Act (NHPA) and the President’s new “Preserve America” initiative.</p> <p>FLPMA obligates the BLM to protect cultural, geologic, and paleontological resource values (43 USC §§ 1701 (a)(8) 1702(c)). In the context of historical and cultural resources, the National Historic Preservation Act of 1966 (“NHPA”), (16 USC § 470 et seq.) affords heightened protection to these resources, establishing a cooperative federal-state program for the protection of historic and cultural resources. In particular, the “section 106” (16 USC § 470f) review process obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for inclusion under NHPA. Additionally, section 106 requires the BLM to consider the effects of its management actions on all historic resources and to give the Advisory Council on Historic Preservation an opportunity to comment before the BLM takes action. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historical properties it owns or controls (16 USC § 470h-2(a)(1), and to manage and maintain those resources in a way that gives “special consideration” to preserving their historic, archeological, and cultural values. Section 110 also requires the BLM to ensure that all historic properties are identified, evaluated, and nominated to the National Register of Historical Places. Id. § 470h-2(a)(2)(A).</p> <p>Further, The President’s new “Preserve America” initiative (See Exec. Order 13287, March 3, 2003) requires the BLM to advance the protection, enhancement, and contemporary use of its historical properties. The BLM must ensure that “the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets.” Therefore, the BLM must carefully consider the effects of this decision on archeological and cultural values. Since it will be difficult to evaluate the effecty</p>	<p>national level and specifically with the Arizona and Utah SHPOs, as they relate to the proposed undertaking. The proposal was evaluated by BLM professional archeologists, an Area of Potential Effects defined, relevant cultural resource databases reviewed, and an assessment of effects to eligible properties made, based on the activities described as the proposed action. As necessary, field inventories were conducted by BLM archeologists to determine whether historic properties could be adversely affected by the proposed action. Consultations with affiliated American Indian Tribes were conducted related to the proposed Rhino Rally, to identify historic properties of concern to tribes.</p> <p>Since the proposed Rhino Rally activities would be authorized to occur only on existing roadways, trails, and dry washes, or in previously disturbed areas, a “No Effect” determination under NHPA was recommended because no historic properties would be adversely affected by this undertaking. The terms of the BLM Programmatic Agreements with the Arizona and Utah SHPOs provide for undertakings to proceed when a “No Effects” determination is warranted, without prior SHPO reviews, when the Secretary of the Interior’s Standard and Guidelines have been followed.</p>
--	--	--

	<p>of decisions when the location of cultural resources is unknown, the BLM should undertake an archeological inventory wherever necessary. Man, Models, and Management, the most recent class 1 archeological survey of the Arizona Strip, identifies many cultural sites in the area (p.251-253). As this report indicates, the BLM should consider not only direct impacts to cultural resources (e.g. crushing or disturbance by vehicles), but also indirect effects (i.e. the risk of vandalism) that increases adjacent to routes: “Newly constructed roads will not only bring people to the [destination], but will increase accessibility to all land near the road. Increased access increases the risk of vandalism...In general, a site is more likely to be vandalized if it is large, contains obvious features, and is easily accessible.” (p.312)</p> <p>■ <u>ACECs</u>. There are several ACECs within the proposed Rhino Rally area. In the Arizona Strip District, these include the Little Black Mountain ACEC (established to protect cultural resources), and the Fort Pierce ACEC (established to protect endangered plants and a critical watershed). Both of these ACECs are crossed by proposed Rhino Rally routes. The resources for which these ACECs were established to protect – cultural resources, endangered plants, and watersheds – can all be negatively impacted by motorized activity. Since the BLM designated these ACECs to protect these resources, it seems that the agency should direct Rhino Rally Routes to the outside of the ACEC boundary.</p> <p>(3) <u>Conclusion</u></p> <p>Thank you again for the opportunity to provide input regarding the management of our public lands and the spectacular resources they hold. The Arizona and Utah BLM offices manage some of the Bureau's most extraordinary public lands and we recognize the effort that BLM is making to manage these lands as a special and unique place for a diverse public. The proposed EA includes several strong management prescriptions, such as re-routes to avoid endangered plant habitat and pre- and post-event monitoring.</p> <p>We also understand that the Rhino Rally is an annual event that has occurred for over twenty years. However, we feel that there are significant issues, such as route designation,</p>	<p>◀ Two ACECs have routes which have been approved for use in the past. Warner Ridge/Ft. Pearce ACEC has a route that has been fenced in to allow OHV access and to protect the riparian, cultural, and vegetative resources recognized in the area. Ft. Pierce ACEC has a large wide wash called I-15 which has no riparian or T&E habitat which would be impacted by the routing the race in it. Where the route goes near the Siler pincushion cactus habitat, BLM personnel and BLM volunteers have and would be monitoring racers to insure no impacts to the cactus or its habitat.</p>
--	--	--

	<p>cultural resource protection, and wilderness characteristics that should be addressed as part of the larger Arizona Strip RMP revision and the St. George OHV amendment. <u>In order to accommodate these issues, as well as the Wizards Motorcycle Club's desire for this event, we urge the BLM to amend the application and issue a 1-year or 2-year permit, with the understanding that the Wizards can re-apply for 10-year SRP after the RMPs are completed.</u></p>	
<p>46</p>	<p>I would like to provide the following comments in support of the Environmental Assessment, AZ-010-2005-0016, that has been completed for the proposed Rhino Rally competitive event. This event has occurred annually for over 20 years and I urge you to approve the long term Special Recreation Permit for this event into the future. The long history of this event has demonstrated that it can be conducted in a responsible manner.</p> <p>Motorized recreation is an acceptable use of the public lands when done responsibly. The EA has analyzed the potential impacts to existing resources and has provided guidelines and stipulations to mitigate these potential impacts.</p> <p>However, I believe that the statistics compiled as to the approved routes available for this event totaling 334 miles in the BLM's inventory are grossly incomplete. The document needs to be more specific regarding the use of all existing routes. Roads, two track jeep trails, ATV width trails, open dry washes, and single track drainage lines were previously used for the race routes. The document may be interpreted to imply that the current map and statistics are the only existing routes. Currently it is being stated that there are only 33 miles of approved wash and drainage availability in Arizona, and only four miles in Utah. I alone have personal knowledge of twenty times that distance, through wash and drainage locations in Arizona and Utah. Other people have forgotten more than I know. The 2005 submitted race route map a total of 70 miles of several past race routes pasted together, is 60 mile of wash mostly in Arizona, exceeding the statistics by nearly 100%. These existing routes are currently in the inventory. Why the wrong numbers??? The document should specifically allow for the ability of this BLM office, and the permittee to continue the on-</p>	<p>We agree.</p> <p>We agree.</p> <p>These figures were derived from the use of Geographical Information System (GIS) information gathered over the years based on existing maps, and information provided by the Wizards on routes they wanted to use for the race, and on information gathered by the BLM's Enterprise Team, inventory specialists who visited the area and used Global Positioning System equipment to inventory and map existing routes discernable on the ground based on a established route inventory system developed by the BLM and others. The Wizards were given ample opportunity to provide information concerning the existing GIS data to refine or provide information to enhance the data base to provide a substantial route base for their proposal. The time for providing the necessary information was passed with the formalization and</p>

	<p>going inventory process of the existing routes. As the existing routes are identified by the permittee, the verification process should prove their existence, and identified routes be put on the master map and added to the EA contents.</p> <p>The document should not limit your office's ability to manage the resources or reduce the quality of this form of recreation for the permittee, but would do so if it did not allow for route changes based on use frequency, atmospheric conditions, soil conditions and overall environmental changes.</p>	<p>presentation of this EA for public review.</p> <p>In order for the Wizards to increase their route base they would have to make application for any additional routes and that would require additional NEPA documentation and possibly additional inventory to validate that their additional proposed routes would be acceptable.</p>
--	--	--

5.3 List of Preparers

Table 5.4.1: List of BLM Preparers and Reviewers

Name	Title	Responsible for/ASFO
Ken Beckstrom	Rangeland Resource Specialist	Livestock Grazing
Gloria Benson	Native American Coordinator	BLM/Native American Coordination
Tom Folks	Wilderness/Archeology/Recreation Team Lead	Recreation, Wilderness, Cultural
Laurie Ford	Lands and Geological Sciences Team Lead, Arizona Strip Field Office	Lands, Realty
Larry Gearhart	Outdoor Recreation Planner	Recreation Resources
Michael Herder	Wildlife Biologist/Wildlife team Lead	Wilderness Wildlife
John Herron	Archeologist	Cultural Resources
Lee Hughes	Ecologist	Threatened and Endangered Plant Species
John Logsdon	Ranger, LEO	Law Enforcement
Marisa Monger	Geographical Information Specialist	GIS
Linda Price	Rangeland Resource Specialist Range Lands Standards and Guidelines Team Lead	Range Lands Standards and Guidelines
Curtis Racker	Ranger, LEO	Law Enforcement
Robert Sandberg	Rangeland Resource Specialist, Range Team Lead	Livestock Grazing
Robert Smith	Soils Scientist	Soils, Air, Watershed
Richard Spotts	NEPA Coordinator, Arizona Strip District Office	NEPA
Roger Taylor	Arizona Strip District Office Manager	Manager
Ron Wadsworth	Supervisory Ranger, LEO	Law Enforcement
L. D. Walker	Weed Coordinator	Weeds Control
Ray Klein	Supervisory Ranger, LEO, USPS	Law Enforcement
Paul Krumland	Ranger, LEO, USPS	Law Enforcement

Name	Title	Responsible for/SGFO
Kathy Abbot	Realty Specialist	Lands/Realty
Jim Crisp	St. George Field Office Manager	St. George Field Office Manager
Cimarron Chacon	Landscape Architect	Recreation Resources Visual Resources
Dave Corry	Natural Resource Specialist	Water Resources Livestock Grazing
Robert Douglas	Wildlife Biologist	Wildlife Resources Special Status Species
Dawna Ferris-Rowley	St. George Field Office Associate Manager	Heritage Resources NEPA Compliance Writer/Editor
Mark Harris	BLM Ranger – LEO	Law Enforcement
R.J. Hughes	Outdoor Recreation Planner	Recreation Resources Wilderness
Kim Leany	Rangeland Resource Specialist	Livestock Grazing
Geralyn McEwen	Archeology Technician	Cultural Resources

Table 5.3.2 Non-BLM Preparers and Reviewers:

Name	Title	Resources Assigned
Bill Howes	Volunteer/Consultant	Draft Preparation
Dale Grange	Volunteer/Consultant	Draft Preparation

6.0 REFERENCES, GLOSSARY AND ACRONYMS

6.1 References Cited or Consulted

Bureau of Land Management, March 1999, St. George Field Office Record of Decision and Resource Management Plan.

Bureau of Land Management, 1995 Environmental Assessment AZ-010-95-09, Rhino Rally Motorcycle Event.

Bureau of Land Management, 1992, Shivwits Resource Area Implementation Plan for the Arizona Strip District App[roved Resource Management Plan.

Bureau of Land Management, 2001, National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands.

Bureau of Land Management, Arizona Strip Field Office, 2003, Draft Environmental Assessment for Rhino Rally Motorcycle Event.

Bureau of Land Management, St. George Field Office, 2003, Environmental Assessment for Fe. Pearce Ridge Trail Designation (UT-100-3-EA-04)

Bureau of Land Management, San Juan Field Office, 2003, FS/BLM San Juan AVE Safari OHV

Event Environmental Assessment (UT-090-03-013)

Bureau of Land Management Handbook H-1790-1, 1988, National Environmental Policy Act Handbook.

City Of Hurricane, Utah Web Site

U.S. Census Bureau Website

Washington County, Utah Web Site

Washington County Chamber of Commerce Web Site

6.3 List of Acronyms Used in This EA

ATV	All Terrain Vehicle
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
EA	Environmental Assessment
FLPMA	Federal Land Policy and Management Act, 1976
NEPA	National Environmental Policy Act
OHV	Off Highway Vehicle
RMP	Resource Management Plan
SRAIP	Shivwits Resource Area Implementation Plan

APPENDICES

Appendix A – Event Stipulations

The following stipulations and plan of operation are included for Alternative A. In addition to these stipulations the terms included on the Special Recreation Application and Permit (Form 8370-1) will apply. The permit may be modified at any time including modification of the amount of use. The authorized officer 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.

1. This permit does not authorize any activity on lands other than Public Lands administered by the Bureau of Land Management, Arizona Strip Field Office and St. George Field Office. Any use of routes on lands other than Public Lands will require the permittee to acquire authorization for their use from the owners of those lands.
2. The permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to the BLM upon request for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.
3. A Special Recreation Permit does not grant the permittee exclusive use of the public lands involved. The permittee remains subject to all valid existing rights and applicable Federal, State and local laws and regulations
4. The permittee will submit the proposed course route and staging area map and Global Positioning System data for each subsequent annual race 180 days prior to the proposed scheduled or tentative date for that event. At that time, the permittee will advise BLM of any changed circumstances or new information that warrants consideration during the approval process for that proposed upcoming event. BLM will advise Permittee of any changed land status which could impact their Proposal.
5. The Permittee will get prior approval for any course route or staging area changes and supply GPS data to verify location of routes.
6. The permittee will be required to keep participants on the established course. Permittee will disqualify racers who do not follow BLM stipulations. Permittee will be responsible for marking the course and boundaries of pit/staging area to the satisfaction of the authorized officer (BLM). Painting of rocks or placing other permanent markers and improvements is not allowed. While marking the course, permittee will identify potential short-cutting and road widening areas and place boulders, signs or monitors in order to prevent this from occurring during the event.
7. Closed areas will be clearly marked and enforced by race sponsors.
8. Refueling and non-emergency servicing of vehicles will be restricted to the pit/staging area and any authorized checkpoints. It is prohibited to dispose of fuel, oil or similar substances on the ground or in drainages. If prohibited disposal occurs the permittee will be responsible for removing all contaminated soil to the satisfaction of the Authorized Officer. The permittee will provide an adequate supply of containers for any waste or excess petroleum products to store and remove the excess products.. Permittee will collect any un-claimed fuel from gas stops in fuel safe containers to assure they will be disposed of properly. The permittee will provide for the removal of those containers and any contaminated soil from Public Lands to a certified waste disposal facility.

9. Permittee will ensure that self-contained sanitation facilities and trash receptacles are provided and maintained at the pit/staging areas and any spectator areas and removed within seven days of completion of race.
10. Vehicles are restricted to the designated course and pit area or existing roads and trails. No cross-country travel will be permitted. Violators will be disqualified from the event and could face citation by BLM or other law enforcement authorities.
11. Representatives of the event sponsor shall wear readily identifiable clothing to allow easy recognition by event participants, BLM and personnel from other agencies.
12. Permittee will furnish personnel at all gates or fence crossings without cattle guards and immediately return them to their prior closed/open state to prevent livestock from straying. Where trail improvements (specifically OHV cattle guards) are temporarily moved just "off-course" to avoid damage and/or injury to the contestants, they will be re-installed immediately after the event.
13. Event sponsors shall provide emergency medical and rescue capabilities. Permittee will arrange for an ambulance service to be on-site at the main pit location for the duration of all competitive events. Permittee will notify local law enforcement agencies of the event, these agencies will include: Mohave County sheriff, Washington County Sheriff, State Park Officials, at least 30 days prior to the event.
14. Permittee will notify and obtain permits and/or license(s), where required, from all State, County, city governments and private landowners having jurisdiction, concern or interest. Notices would give adequate advance notification, but would not be less than two weeks.
15. Permittee will take all reasonable measures to protect resources including, but not limited to: (1) Ensuring that commonly used roads remain, or are returned to, the same general condition as before the event, (2) making every reasonable effort to prevent course widening and deviation and (3) not creating conditions encouraging increased use in sensitive areas.
16. Any private vendors conducting business in association with this event must obtain a recreation vendor permit from BLM prior to the event.
17. In the event the authorized officer determines that road and soil conditions are such that running the event could cause significant or irreparable damage, he may cancel or postpone the event. This determination may be made any time prior to the start of the event.
18. Permittee will provide adequate measures to ensure contestants adhere to the designated route through the Ft. Pearce ACEC and minimize impacts to the route surface by limiting speed and passing on this portion of the course.
19. Permittee will provide to the Authorized Officer: photographs of the start area, staging area and the "5-mile" marked locations, along the course both before and after the event to document impact levels.
20. Permittee will have "Release Waivers" holding the BLM harmless, signed by all contestants and submitted with the permittees contestant list.
21. Permittee will post informational notices through-out the area used for the race course and on routes used to access the area, informing the public of the up-coming event date and time and informing them their access may be limited on race day. Notices will be posted at least 15 days prior to the event.

22. Permittee will post "Road Closed" & "Race in Progress" signs on all major access roads leading to the race routes on race day and "staff" those as necessary to maintain a safe environment for the contestants.
23. Permittee will adequately sign the pit and staging areas for spectator parking, law enforcement parking, BLM parking, pit row, sign-up area and race headquarters.
24. If a private helicopter is present a "Safety Pad" will be clearly "roped-off" and will be kept well clear of vehicle parking and contestants.
25. The Permittee will inform spectators entering the staging area that if they are not contestants or event representatives that they will leave their ATVs and motorcycles loaded up or they could be cited by BLM Rangers. The permittee will inform contestants about any sensitive resource issues related to current trail use and practices. i.e.: "Tread Lightly" and "Right Rider" principles.
26. The permittee is required to remove all waste and debris from the pit/staging site within 24 hours of the event. All course markers shall be removed within 15 days, weather permitting. Inclement weather may delay clean-up efforts to avoid adverse impacts. Permittee may petition BLM for clean-up period extension if weather conditions warrant a delay.
27. Permittee will be given the choice to repair or pay for repair of any roads, resources or property damaged beyond what is considered normal wear and tear, as a direct result of this event.
28. Special Recreation Permit fees for this event must be paid in full within 30 days of the close of the event. The full amount will include any payments made prior to the event.
29. The permittee will, within 30 days after the event, complete the Post-Use Report and return it, balance of fees to BLM, and maps and GPS data for routes and staging areas used. A copy of the main event race entrant sign-up sheet will be attached.
30. The permittee will perform any recovery operations necessary to maintain the designated Ft. Pearce Ridge Trail section used for the event, as it was prior to the event.
31. Any filming/photography of permitted hunting activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
32. 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 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.

33. The SRP does not give permission to cross over or use any private lands during the event. The permittee will be fully responsible for all trespass on and/or damage to private land which results from the conduct of the event.
34. A Special Recreation Permit authorizes special uses of the public lands and related public 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 or terminate a SRP if necessary due to a change in its planning directives, or to protect public resources, health, safety, the environment, or conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) or noncompliance with permit stipulations. (Actions by the BLM to suspend or terminate a SRP can be appealed (43 CFR Part 4). A notice of appeal must be filed with the officer who made the decision within thirty days of the date of the date of publication or date of service [4.441(a)]. No extension of time will be granted for filing the notice of appeal [4.41(c)].
35. 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.
36. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACEC's), designated wilderness areas, and wilderness study areas as well as the use restrictions that apply, and complying with those use restrictions.
37. 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, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
38. 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 3 years after the expiration of the permit.
39. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use.
40. The permittee must submit a Post Use Report to the Authorized Officer for every year the permit is in effect. If the Post Use Report is not received by the established deadline, the permit will be suspended and or fines assessed.
41. 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 prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
42. Harassment of livestock, wildlife or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
43. The permittee will practice proper precautions for preventing noxious weed spread. Therefore all machinery (street legal motorized vehicles, non-street legal all terrain vehicles, dirt bikes, etc.) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.

44. All motor vehicle use will comply with applicable off-highway vehicle regulations.
45. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
46. Permittee shall not construct new trails, or maintain existing trails without written authorization.
47. Stakes, flagging materials, equipment or temporary facilities, if any, and all other event-related materials must be removed within two weeks after the event.
48. The permittee shall notify the authorized officer 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. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
49. Any use of routes not shown on the Final Attachment "A" for SRP AZ (UT) 010-2005-004 may be grounds for terminating the Rhino Rally Competitive Event Permit.
50. Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Field Office Manager shall be notified. Commencement of work shall be allowed upon clearance by the Field Office Manager in consultation with the Archaeologist.
51. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement, or continuation of the project.
52. If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

September 29, 2003

In Reply Refer to:
1610, 6310 (170) P
Ref. IM No. 2003-195

EMS TRANSMISSION 09/29/2003
Instruction Memorandum No. 2003-274
Expires: 09/30/2004

To: All AD's, SD's, and Center Directors

From: Director

Subject: BLM Implementation of the Settlement of Utah v. Norton Regarding
Wilderness Study

Program Area: National Landscape Conservation System/Land Use Planning

Purpose: **The following provides general guidance for interpretation of the Utah v. Norton wilderness study lawsuit settlement.**

Background: In 1996, the State of Utah, Utah School Institutional Trust Land Administration, and the Utah Association of Counties (collectively Plaintiffs) filed suit challenging the Bureau of Land Management's (BLM) authority to re-inventory lands for possible wilderness study area designation in Utah. A settlement to this suit, as amended, was reached in April 2003 between the Department of the Interior and the Plaintiffs. Consistent with BLM policies for the identification, management and protection of multiple uses, terms of the settlement will be applied Bureau-wide.

Policy/Action: BLM is a multiple use agency committed to the balanced stewardship of public lands. The policies stemming from the settlement acknowledge that Congress established a deadline for BLM's authority to designate Wilderness Study Areas (WSAs) which are then managed under the non-impairment provisions of Section 603 of the Federal Land Policy and Management Act (FLPMA). Although Congress ended BLM's authority to designate WSAs in 1993, BLM retains its Section 201 FLPMA authority to inventory resources or other values, including areas with wilderness characteristics such as naturalness, or those that offer solitude and are conducive to primitive, unconfined recreation. Through its land use planning process, BLM will consider all available information to determine the mix of resource use and protection that best serves the FLPMA multiple use mandate.

As part of its litigation analysis in the above-described lawsuit, the Department reviewed

its wilderness study policies in light of FLPMA's provisions on wilderness (Section 603), Inventory (Section 201), and land use planning (Section 202). Based upon this review, the Department settled the Utah wilderness inventory lawsuit. This settlement affects all states as follows:

1. The authority set forth in Section 603(a) of FLPMA to complete the three-part wilderness review process (inventory, study and reporting to Congress) expired on October 21, 1993.
2. Following expiration of the Section 603(a) process, there is no general legal authority for the BLM to designate lands as WSAs for management pursuant to the non-impairment standard prescribed by Congress for Section 603 WSAs. FLPMA land use plans completed after April 14, 2003 will not designate any new WSAs, nor manage any additional lands under the Section 603 non-impairment standard.
3. FLPMA land use plan decisions may accord special management protection for special values through the land use planning process.
4. The settlement does not affect the management of any of the following four categories of designated WSAs:
 - a. WSAs identified through the Section 603 process and recommended by the President to the Congress;
 - b. Section 202 WSAs identified and recommended by the President to the Congress through the Section 603 wilderness review process;
 - c. WSAs established legislatively;
 - d. Existing Section 202 WSAs already identified and designated in a current land use plan, although these designations may be changed when the land use plan is changed. For example, any existing WSA identified in a land use plan purporting to rely on the authority of Section 202 of FLPMA and not recommended by the President to the Congress, or by legislation, may be changed through the land use planning process and need not continue to be subject to the non-impairment standard and other provisions of the Interim Management Policy (IMP) upon changing the land use plan.
5. The BLM may continue to inventory public lands for resources or other values, including wilderness characteristics, as a part of managing the public lands and land use planning. Information provided by the public about resources and other values will be considered along with all other resource information in the planning process. New information may be considered in the NEPA process as appropriate. BLM will continue to manage public lands according to existing land use plans while new information (e.g., in the form of new resource assessments, wilderness inventory areas or "citizen's proposals") is being considered in a land use planning effort. During the planning process and concluding with the actions after the planning process, BLM will not manage those lands under a congressionally designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness

areas, but through the planning process BLM may manage them using special protections to protect wilderness characteristics.

6. The BLM's authority to designate WSAs in Alaska under the authority of Section 1320 of the Alaska National Interest Lands Conservation Act is not affected by this settlement. This issue is addressed in a separate April 11, 2003 Secretarial policy decision limited to Alaska.

The Washington Office is developing additional guidance to implement the settlement.

Time Frame: This policy is effective immediately.

Budget Impact: It is not anticipated that implementation of this policy would result in any significant increase in cost to the Field Offices. Any costs will be covered within existing State Office base allocations.

Manual/Handbook Sections Affected: Bureau Manual Handbook, Wilderness Inventory and Study Procedures (H-6310-1) was rescinded, as per the terms of the settlement in memorandum "Rescission of National Level Policy Guidance on Wilderness Review and Land Use Planning (IM 2003-195). The Land Use Planning Handbook (H-1601-1) will also be modified to be in conformance with the settlement.

Coordination: Development of this policy has been coordinated with the Department, the Solicitor, BLM's Directorate, WO-200 and WO-300.

Contact: Please address any questions and concerns regarding this policy to Elena Daly, Director, National Landscape Conservation System, WO-170, (202) 208 3516.

Signed by:
Jim M. Hughes
Deputy Director

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

September 29, 2003

In Reply Refer To:
1610 (210) P
Ref. IM No. 2003-195
IM No. 2003-274

EMS TRANSMISSION 09/29/2003
Instruction Memorandum No. 2003-275
Expires: 09/30/2004

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Consideration of Wilderness Characteristics in Land Use Plans (Excluding Alaska)

Program Area: Land Use Planning

Purpose: This Instruction Memorandum (IM) provides guidance regarding the consideration of wilderness characteristics in the land use planning process. In addition the IM sets forth policy to comply with the settlement in *Utah v. Norton* and the decision to apply the terms of the settlement Bureau-wide, excluding Alaska. The IM applies to all other public lands, except approximately 6.5 million acres of public land designated by Congress as wilderness, 15.5 million acres of wilderness study areas (WSAs) already established by the Bureau of Land Management (BLM) or Congress, and any other lands not designated by Congress but subject to specific provisions of law that direct BLM to manage those lands as if they were congressionally designated wilderness or WSAs. The IM also modifies the Land Use Planning Handbook (H-1601-1) to delete a statement that land use plan decisions include designation of WSAs.

Background: The BLM submitted wilderness suitability recommendations to Congress pursuant to Section 603 of the Federal Land Policy and Management Act (FLPMA) by October 21, 1993. BLM, however, continued to inventory for wilderness characteristics under the authority of Section 201 of FLPMA and made formal determinations regarding wilderness character consistent with the definition of wilderness as described in Section 2 (c) of the Wilderness Act of 1964. The BLM assumed that Section 202 of FLPMA authorized designation, through the land use planning process, of additional WSAs. These Section 202 WSAs, according to the BLM's Interim Management Policy (IMP), as modified in 1995, would be managed to retain their suitability as wilderness (non-impairment provision) until Congress designated them as wilderness or they were made

available for other land uses by the decisions resulting from a new land use planning process.

In *Utah v Norton*, the State of Utah, Utah School and Institutional Trust Land Administration, and the Utah Association of Counties filed suit challenging the authority of the BLM to conduct wilderness inventories after completion of the Section 603 identification, study, and recommendation processes. The Department of the Interior and the plaintiffs agreed to a settlement in April 2003.

The settlement acknowledges: (1) that the BLM's authority to conduct wilderness reviews, including the establishment of new WSAs, expired no later than October 21, 1993, with the submission of the wilderness suitability recommendations to Congress pursuant to Section 603 of the FLPMA; and (2) that the BLM is without authority to establish new WSAs. The settlement did not, however, diminish the BLM's authority under Section 201 of the FLPMA to inventory public land resources and other values, including characteristics associated with the concept of wilderness, and to consider such information during land use planning.

Consistent with the settlement, the BLM rescinded the Wilderness Inventory and Study Procedures Handbook (H-1630-1). See IM-2003-195, dated June 20, 2003. It is, therefore, no longer BLM policy to continue to make formal determinations regarding wilderness character, designate new WSAs through the land use planning process, or manage any lands – except WSAs established under Section 603 of the FLPMA and other existing WSAs – in accordance with the non-impairment standard prescribed in the IMP.

Refer to IM 2003- 274 for general guidance regarding interpretation of the *Utah v. Norton* wilderness lawsuit settlement.

Policy/Action:

Nothing in this guidance changes current policy on the management of designated wilderness and existing WSAs. The BLM will continue to protect and manage congressionally designated wilderness and existing WSAs according to the provisions of applicable laws and the BLM's wilderness program policies. Those lands designated as WSAs in the BLM's land use plans after October 21, 1993, may continue to be managed consistent with the decisions contained in the approved land use plan.

The BLM will not designate new WSAs through the land use planning process. In addition, the BLM will not allocate any additional lands to be managed under the non-impairment standard prescribed in the IMP. Instead, the BLM may consider information on wilderness characteristics, along with information on other uses and values, when preparing land use plans. Wilderness characteristics are features associated with the concept of wilderness that may be considered in land use planning (see Attachment #1).

The BLM will involve the public in the planning process to determine the best mix of resource use and protection consistent with the multiple-use and other criteria established in the FLPMA and other applicable laws, regulations and policies. Lands with

wilderness characteristics may be managed to protect and/or preserve some or all of those characteristics. This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive and unconfined types of recreation.

The BLM can make a variety of land use plan decisions to protect wilderness characteristics, such as establishing Visual Resource Management (VRM) class objectives to guide the placement of roads, trails, and other facilities; establishing conditions of use to be attached to permits, leases, and other authorizations to achieve the desired level of resource protection; and designating lands as open, closed, or limited to Off Highway Vehicles (OHV) to achieve a desired visitor experience.

The BLM also has authority to designate Areas of Critical Environmental Concern (ACEC) where special management attention is required to protect and prevent irreparable damage to important cultural, historic, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. To qualify for consideration of the ACEC designation, such values must have substantial significance and value, with qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern. Where ACEC values and wilderness characteristics coincide, the special management associated with an ACEC, if designated, may also protect wilderness characteristics. See BLM Manual 1613, Areas of Critical Environmental Concern, for more information.

See the Land Use Planning Handbook, H-1601-1, Section II, Land Use Plan Decisions and Attachment #1 of this IM for more information about making land use plan decisions to accomplish goals and objectives for resource management.

Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to: 1) emphasizing other multiple uses as a priority over protecting wilderness characteristics; 2) emphasizing other multiple uses while applying management restrictions (conditions of use, mitigation measures) to reduce impacts to some or all of the wilderness characteristics; 3) emphasizing the protection of some or all of the wilderness characteristics as a priority over other multiple uses (though the area will not be designated a WSA).

The BLM is authorized to implement current land use plans until those plans are revised or amended (if appropriate), provided the implementation actions conform to the approved plans and are supported by adequate National Environmental Policy Act (NEPA) documentation, usually an environmental assessment (EA), environmental impact statement (EIS), or Categorical Exclusion (CE).

If the BLM determines that an area has wilderness characteristics that warrant consideration in the land use planning process, the BLM may initiate a plan amendment (or revision) with an accompanying NEPA document (EIS or EA) to consider changes to the current land use plan decisions. A decision regarding the timing of the plan

amendment (or revision) is at the discretion of the State Director, and depends on the

level of public interest, the position of State and local governments and cooperators, the adequacy of available information, funding, and other factors.

BLM Wilderness Inventories and Public Wilderness Proposals

Typically, the resource information contained in the BLM wilderness inventories was collected to support a land use planning process. Public wilderness proposals represent a land use proposal. In either case, the BLM is authorized to consider such information during preparation of a land use plan amendment or revision. For example, information contained in BLM wilderness inventories and public wilderness proposals may be considered when developing the affected environment section of the NEPA document that accompanies the land use plan. The information may also be used to develop the range of alternatives or to analyze the environmental impacts to the various natural, biological, and cultural resources – such as air, soil, water, vegetation, cultural, paleontological, visual, special status species, fish and wildlife – as well as resource uses – such as forestry, livestock grazing, recreation, lands and realty, coal, and fluid minerals. Refer to the Land Use Planning Handbook, H-1601-1, Appendix C, for guidance concerning the resources and resource uses to be considered in land use plans.

Alternatives are developed to reflect a reasonable range of management options considering all applicable information sources, such as the results of scoping, coordination with cooperating agencies, and practicality of management. The boundary of an area being considered in the land use plan for management of wilderness characteristics, therefore, is dependent on many factors and may or may not exactly follow the boundary of previous inventory areas.

Reviewing New Information

When implementing land use plans, the BLM must, as with any new information, determine if the BLM wilderness inventories or public wilderness proposals contain significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impacts that have not previously been analyzed. Since every land use plan and supporting NEPA document is different, this determination will need to be done on a case-by-case basis. New information or changed circumstances alone, however, or the failure to consider a factor or matter of little consequence, is not a sufficient basis to require additional NEPA consideration prior to implementing a previously approved decision. If the new information is sufficient to show that the action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, then a supplemental NEPA document shall be prepared (43 CFR 1502.9).

To help determine whether the new information or circumstances is significant, the BLM should look at the definition of “significantly” at 43 CFR 1508.27, which requires consideration of both context and intensity. See Attachment #2 for more information regarding the review of new wilderness information during plan implementation.

The analysis of new information and the BLM's determination regarding its significance should be documented, using, as an example, the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) worksheet.

It is important to note that the BLM must review the new information only when it is relevant to a pending decision or its environmental effects. When no action is being considered, the BLM may defer the reviews until a more appropriate time, such as when preparing a land use plan amendment or revision.

Using New Information on Lands with Wilderness Characteristics to Implement Approved Land Use Plans

The BLM wilderness inventories and public wilderness proposals may contain new information on land and resource conditions that can be used in a variety of day-to-day operations. Examples of using the new information in day-to-day operations include applying new mitigation measures to on-the-ground projects; establishing reclamation standards; updating the BLM's resource databases; refining previously approved plan decisions (plan maintenance) to correct data, typographical, or mapping errors in the planning records; or implementing the decisions of the land use plan, such as when selecting routes in areas designated as limited to OHV travel.

When preparing NEPA documents for actions that implement the approved plan, the BLM may also use the information on lands and resources contained in BLM wilderness inventories and public wilderness proposals to describe the affected environment, and environmental impacts to the various natural, biological, and cultural resources. For example, information on naturalness may help describe the condition and trend of important wildlife habitat and could be included in the affected environment discussion if applicable. Similarly, information on the presence of roads and other facilities may be used to describe the current status of visual resources as well as the potential for the proposed action to affect those resources. Provided relevant new information is considered in the NEPA document in this fashion, it is not necessary to analyze impacts to the area identified by BLM wilderness inventories or public wilderness proposals as having wilderness characteristics.

If a NEPA document is being prepared for an action affecting lands with wilderness characteristics, and those characteristics are currently being considered in an on-going land use planning process, the BLM may acknowledge the status of the planning process and describe how the proposed action might affect future management considerations. This may be accomplished in the discussion of the no action alternative or in the section of the NEPA document on plan conformance. The fact that the BLM is considering alternative management goals for the affected lands in a pending land use plan revision or amendment, however, does not change the management or use of those lands during the interim. The BLM is authorized to implement current land use plans until those plans are revised or amended, if appropriate, and may acknowledge on-going planning efforts to ensure that the decision-maker and the public are fully informed of the consequences of the proposed action.

Effect on On-going plans

This policy may require some BLM Field Offices to modify current Resource Management Plan (RMP) efforts. For RMPs where a Draft RMP/EIS has not been issued, Field Offices must ensure that the Draft RMP/EIS is consistent with this IM. If the BLM has already discussed or identified possible WSA designations with the public, BLM must explain the change in policy. There is no requirement, however, to reinitiate scoping or provide an additional comment period before releasing the Draft RMP/EIS since the public will be provided an opportunity to comment on the draft, including the range of alternatives and proposed management prescriptions.

For Draft RMP/EISs already issued that include designation of new WSAs in an alternative, it will be necessary to modify the Proposed RMP/Final EIS. If the effects of an alternative modified to comply with this policy are within the range of alternatives already analyzed in the Draft RMP/EIS, preparing a supplement to the Draft RMP/EIS is not necessary. Each affected Field Office must determine the need for a supplement in consultation with WO-210.

After receiving this guidance, State and Field Offices have 45 days to consider the implications of this IM in coordination with WO-210. In addition, within 45 days, State Directors will review and update their existing State and field office policies and other guidance and make necessary modifications to comply with the terms of this IM.

Timeframes: This policy is in effect immediately.

Budget Impact: This policy is expected to increase slightly the costs of ongoing planning efforts as modifications are made to planning documents to comply with this IM. For all other land use plans the policy should result in diminished costs.

Manual/Handbook Sections Affected: That sentence in the Land Use Planning Handbook (H-1601-1, Appendix C, Part III.B.1.a, Page 18) that directs BLM to “Designate WSAs to be managed under the interim management policy (H-8550-1),” is hereby deleted. No other portions of H-1601-1 are affected.

The Wilderness Inventory and Study Procedures Handbook (H-6310-1) was rescinded in “Rescission of National Level Policy Guidance on Wilderness Review and Land Use Planning” (IM-2003-195).

Coordination: This guidance was coordinated with WO-170, WO-200 and WO-300.

Contact: For further information, contact Mike Mottice at (202) 452-0362 or Geoff Middaugh at (202) 785-6592.

2 Attachments

- 1- Definitions of Wilderness Characteristics for the Purpose of Land Use Planning and Management Considerations to Accomplish Plan Goals and Objectives
- 2- Review of New Wilderness Information During Plan Implementation

Attachment #1

Definitions of Wilderness Characteristics for the Purpose of Land Use Planning and Management Considerations to Accomplish Plan Goals and Objectives

Definitions:

Wilderness Characteristics. Features of the land associated with the concept of wilderness that may be considered in land use planning when BLM determines that those characteristics are reasonably present, of sufficient value (condition, uniqueness, relevance, importance) and need (trend, risk), and are practical to manage.

Naturalness. Lands and resources exhibit a high degree of naturalness when affected primarily by the forces of nature and where the imprint of human activity is substantially unnoticeable. BLM has authority to inventory, assess, and/or monitor the attributes of the lands and resources on public lands, which, taken together, are an indication of an area's naturalness. These attributes may include the presence or absence of roads and trails, fences and other improvements; the nature and extent of landscape modifications; the presence of native vegetation communities; and the connectivity of habitats.

Solitude and Primitive/Unconfined Recreation. Visitors may have outstanding opportunities for solitude, or primitive and unconfined types of recreation when the sights, sounds, and evidence of other people are rare or infrequent, where visitors can be isolated, alone or secluded from others, where the use of the area is through non-motorized, non-mechanical means, and where no or minimal developed recreation facilities are encountered.

Management Considerations:

A decision to protect or preserve certain lands in their natural condition, if appropriate, or provide outstanding opportunities for solitude, or primitive and unconfined types of recreation may be made at the conclusion of the land use planning process. Land use plan decisions may include establishing goals and objectives that describe the desired future condition of the land and resources, desired outcome of the recreation experience, and allowable uses. BLM may also identify the management actions necessary to achieve the intended goals and objectives, including the conditions of use that would be attached to permits, leases, and other authorizations to avoid or minimize impacts to the affected natural, biological, and cultural resources and other land uses. In some cases, when BLM determines that certain uses of the land could be incompatible with the achievement of other desired goals and objectives, those uses could be conditioned to the extent necessary to reach the necessary level of resource protection.

Attachment #2

Review of New Wilderness Information During Plan Implementation

The Land Use Planning Handbook (H-1601-1) provides some criteria to use when reviewing new information. Other factors to consider when reviewing new information contained in BLM wilderness inventories or public wilderness proposals that may be relevant to an implementation action are:

1. Was the information on land and resource conditions available to the BLM and adequately considered within the range, scope and analysis of the alternatives in the plan/EIS or other NEPA document, and is there adequate documentation to that affect?
2. Does the new information suggest significant changes in land and resource conditions have occurred since the plan/EIS or other NEPA document was completed?
3. Though BLM may not have formally disclosed in existing NEPA documents the impacts to the wilderness characteristics that have been identified in new inventories or public wilderness proposals, did BLM reasonably consider the environmental effects to the lands and resources that contribute to the wilderness characteristics in relevant NEPA documents?
4. Does the new information suggest that the impacts to those lands, if analyzed today, would be significantly different than the impacts already disclosed in the plan EIS or other NEPA document(s)?
5. Can BLM condition use of the lands for which new information exists in such a way that the effects of the action would not be significantly different from the effects already described?
6. Is the information at such a scale that BLM would ordinarily use the new information to make land use plan level decisions or is it more appropriate to consider for implementation level decisions?

New information or changed circumstances alone, however, or the failure to consider a factor or matter of little consequence, may not be sufficient basis to require additional NEPA consideration prior to implementing a previously approved decision. For example, the fact that roads and trails have become overgrown since previous inventories were completed represents a changed circumstance. Such change is most likely the result of natural environmental processes and, alone, may not be sufficient to require the preparation of additional NEPA documentation. The fact that BLM did not specifically analyze impacts of the proposed action on wilderness characteristics identified since the current land use plan or NEPA document was prepared is not an omission that, alone, would indicate that additional NEPA consideration is required. In all cases then, BLM should evaluate: 1) the extent to which the new information presents potential significant environmental consequences associated with the proposed action that were not analyzed in the previous NEPA analysis; and 2) whether those consequences are of significant gravity in context or intensity.

Case Law on Supplementation of NEPA

The lead case from the United States Supreme Court on supplementation is Marsh v Oregon Natural Resources Council, 490 U.S. 360 (1989). It provides that “an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decision-making intractable, always awaiting updated information only to find the new information outdated by the time the decision is made.” Id. at 373.

Rather, to trigger supplementation obligations, the new information must be sufficient to show that the proposed action will affect the quality of the human environment “in a significant manner or to a significant extent not already considered.” Id. at 374.

Signed by:
Edward Shepard
Assistant Director
Renewable Resources and Planning

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

