

ENVIRONMENTAL ASSESSMENT

EA Number: DOI-BLM-AZ-C010-2012-52-EA

Lease/Serial Case File No.

Bureau of Land Management (BLM), Kingman Field Office (KFO)

Proposed Action Title/Type: For profit motorized sightseeing tours

Location of Proposed Action: T20N. R19W. Sections: 07

T20N. R20W. Sections: 01, 12

T21N. R19W. Sections: 07, 08, 17, 18, 19, 20, 30

T21N. R 20W. Sections: 12 through 14, 20 through 29, 35, 36

Applicant (if any): Rocky River Adventure Center L.L.C.

1097 Highway 95

Bullhead City, AZ 86249-5401

CONFORMANCE WITH APPLICABLE LAND USE PLAN:

This proposed action is in conformance with the Kingman Resource Management Plan approved March 1995.

RR18/V Commercial and competitive recreation uses would continue to be accommodated through the issuance of special recreation permits. Proposals for these permits would be analyzed on a case-by-case basis. (page 76)

PURPOSE AND NEED FOR PROPOSED ACTION:

The need for the action is to respond to an application for a Special Recreation Permit as required by 43 CFR 8372 which requires authorization for commercial recreation activities on BLM-administered public land.

Decision to be Made: BLM would decide whether or not to issue the Special Recreation Permit and pertinent stipulations.

DESCRIPTION OF PROPOSED ACTION ALTERNATIVE

Rocky River Adventure Center has proposed to lead motorized tours on public lands administered by KFO. Guided tours on three separate routes would run year round, seven days a week, once a day per route using one company owned and operated Utility Terrain Vehicle (UTV) followed by no more than three customer and/or company owned UTVs. Each UTV would carry no more than two people for a maximum of eight people per tour. All vehicles would be street legal and stored on private property. UTV's would be hauled by trailer to the two designated starting locations. All routes would be on existing power line routes, jeep trails, and navigable washes (**See attached Map 1**).

The first route (**See red route on attached Map 1**) would begin on public lands south of Highway 68 in T21N R20W Section 22. From the starting location, the tour would make three scenic loops on existing routes to reach two photo stop locations in the Black Mountains before returning back to the starting location. The second route (**See blue route on attached Map 1**) begins approximately five miles east of the first starting location, south of Highway 68, at T21N R19W Section 08. This proposed tour route follows an existing jeep trail southwest to

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make two scenic driving loops and stop at two scenic overlooks before traveling back to the starting location. The southern photo stop on route two would also be utilized by route one tours. The third route (**See green route on attached Map 1**) begins at the same starting location as the second route. It travels south on existing routes to access the cherry stem in Mount Nutt wilderness for a photo stop opportunity. The route then loops back to the northwest for one more photo stop before returning to the starting location.

Power line access routes utilized by Rocky River Adventure Center would be inaccessible to touring operations during permitted construction activities (**See attached Map 2**). The BLM Authorized Officer would inform Rocky River Adventure Center of route closures and would permit interim route access (**See attached Map 3**). Such interim routes would include permission to access the first photo point on route one by traveling east and west on the southern portion of the northeastern proposed photo point loop. Rocky River Adventure Center would also be permitted to access route two by using portions of route three a total of twice a day until construction actions are complete (**See attached Map 3**). The BLM Authorized Officer would inform Rocky River Adventure Center of completed construction activities at which time tour routes would return to once a day use of authorized routes (**See attached Map 1**).

Vehicles will not be fueled on public lands. Five locations besides the designated starting points have been identified as scenic photo stops. No camping, smoking, consumption of alcohol, or food preparation would be authorized. All garbage and human waste would be hauled out in sealed disposal containers carried in the back of the UTVs. First-aid kits, GPS units, water bottles, tow straps, fire extinguishers, spare tires, and cellphones would be carried by the tour operators on every run. A Special Recreation Permit would be issued for one year with the potential to be extended for no more than ten years with satisfactory performance of SRP.

DESCRIPTION OF NO ACTION ALTERNATIVE

No commercial Special Recreation Permit would be issued for motorized tours under the No Action Alternative. No direct or indirect impacts would occur to the affected environment under the No Action Alternative. The existing roads would remain open for vehicle use.

AFFECTED ENVIRONMENT/ENVIRONMENTAL IMPACTS:

The affected environment was considered and analyzed by an interdisciplinary team as documented in the KFO Project Scoping Form found in the Administrative Record for this proposal. Resources of concern that are either not present in the project area or would not be impacted to a degree that requires detailed analysis will not be discussed here. Resources which could be impacted by the proposed action or alternatives are discussed below.

This section describes the existing conditions of the environment and expected impacts. The table below summarizes the resources reviewed for this project. Resources that have been identified as not present within the project study area are not discussed. Those resources that have been identified by an interdisciplinary team as present and not affected and present and/or potentially affected are discussed further below.

PROJECT RESOURCE/ISSUES REVIEW

Resources Considered	Not Present	Present and Not Affected	Present and/or Potentially Affected
Air Quality*	X		
Areas of Critical Environmental Concern*	X		
Cultural and Historic*		X	
Environmental Justice* / Socioeconomics	X		
Floodplains*	X		
Grazing	X		
Hazardous or Solid Waste*	X		
Invasive and Non-native Species*	X		
Land Use		X	
Migratory Birds		X	
Native American Religious Concerns*	X		
Minerals		X	
Prime and Unique Farmland*	X		
Threatened and Endangered Species*	X		
Vegetation		X	
Visual Resources		X	
Water Quality*	X		
Wetland or Riparian Zones*	X		
Wild and Scenic Rivers*	X		
Wild Horse and Burro		X	
Wilderness*	X		
Wildlife			X

* Consideration Required By Law or Executive Order

Present and Not Affected

Cultural and Historic Collection or disturbance of cultural resources would be prohibited in this proposed action and no new ground disturbance would be authorized therefore there would be no impacts to cultural resources.

Land Use The proposed action utilizes power line roads open to public use. Since tour operations would cease when construction activities are present there would be no impacts to land use. The BLM Authorized Officer would inform Rocky River Adventure Center of any construction activities and/or road closures that would affect touring operations. Rocky River Adventure Center would be authorized to use the two alternative routes shown in Map 3 during periods of power line route closure to access photo stops and route network.

Migratory Birds Multiple species of migratory birds occur along the proposed tour routes. The noise and disturbance created from the UTV's and or people stopping to take pictures might flush birds from their nests but as these activities are of a short duration birds would be able to return to their nests after the UTVs pass and resume nesting without negatively affecting the survivability of eggs or nestlings.

Minerals The proposed action would not result in any damage or modification of any existing mining claims in the area and would not affect the mineral resources of the area.

Vegetation Diverse types of vegetation occur along the proposed routes but no UTV Travel is permitted off of existing designated routes so no vegetation would be crushed as a result of these tours.

Visual resources No new ground disturbance would be authorized with this action and no changes to the existing visual resources would occur.

Wild Horse and Burro The proposed action occurs within the Black Mountain Herd Management Area. Harassment of wild burros would be prohibited, no impact to wild burros would occur.

Expected impacts from the Proposed Action include the following:

Impacts from the Proposed Action

Wildlife Along the proposed tour route multiple species of wildlife exist and can be seen. While the tours are confined to existing designated roads, the presence of UTV's and tourists could cause short term disturbances and displacement of wildlife. Harassment of wildlife would be prohibited.

Bighorn sheep: The proposed routes would pass through bighorn sheep habitat, some of which could be used for lambing in the late winter and spring. Frequent use of routes could result in bighorn abandoning the area or water sources near the proposed routes. Frequent disturbance to ewes that are pregnant or have lambs can cause increased heart rates and escape responses. This can result in lower survivorship of lambs.

Authorization of the proposed action would add to overall human presence and use of public lands in the Black Mountains. Participation in this tour may introduce people to public lands they have not seen before, and could encourage them to make return visits.

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Impacts from the No Action Alternative

No commercial Special Recreation Permit would be issued for motorized tours under the No Action Alternative. The applicant would not be able to promote tourism within the area.

Cumulative Impacts

There would be no cumulative impacts to:

-T&E species and BLM sensitive species as long as tours are limited to existing roads and designated stopping points.

-Cultural resources as long as tours are limited to existing roads and participants follow stipulations prohibiting the entrance into historic buildings and the removal of any artifacts.

-Land use resources or human safety as long as participants follow stipulations restricting use during power line construction activities.

-Mineral resources or human safety as long as participants follow stipulations restricting proximity to and entrance into mine features.

-Wild burros or horses in the area as long as tours are confined to existing roads and applicants follow the stipulations.

Bighorn Sheep

Authorization of the proposed action would add to the overall potential for disturbance and displacement of bighorn sheep along the proposed routes.

DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:

Motorized tour operations would be monitored by BLM staff for compliance with stipulations and the Plan of Operations as provided by the proponent.

PERSONS/AGENCIES CONSULTED:

This proposal was presented at the BLM/AGFD bi-weekly NEPA coordination meeting held on August 20, 2012. Persons expressing an interest in reviewing the proposal are listed on the attached KFO Scoping Form.

KFO BLM Specialists Consulted:

Tim Watkins	Archaeologist
Len Marceau	Outdoor Recreation Planner
Ammon Wilhelm	Wildlife Biologist
Chad Benson	Wild Horse and Burro Specialist

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DECISION RECORD

KINGMAN FIELD OFFICE

Rocky River Adventure Center SRP NEPA# DOI-BLM-AZ-C010-2012-52-EA

It is my decision to authorize the Proposed Action as described in Environmental Assessment **DOI-BLM-AZ-C010-2012-52-EA** This decision will result in the issuance of a commercial Special Recreation Permit to Rocky River Adventure Center allowing motorized tours on public lands.

Monitoring of this work will be performed by the recreation staff of the Kingman Field Office.

Rationale:

My decision to approve the Proposed Action analyzed in **DOI-BLM-AZ-C010-2012-52-EA** is based on the following:

The Proposed Action has been analyzed, with no significant impacts anticipated, as stated in the FONSI signed on January 15, 2013, thus an Environmental Impact Statement is not required. The environmental assessment adequately covers all affected resource values.

Implementation of the proposed action provides unique educational motorized touring opportunities in the Kingman area.

The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation, and is in conformance with the *Kingman Resource Management Plan*.

Alternatives Considered:

Propose Action:

Rocky River Adventure Center has proposed to lead motorized tours on public lands administered by KFO. Guided tours on three separate routes would run year round, seven days a week, once a day per route using one company owned and operated Utility Terrain Vehicle (UTV) followed by no more than three customer and/or company owned UTVs. Each UTV would carry no more than two people for a maximum of eight people per tour. All vehicles would be street legal and stored on private property. UTV's would be hauled by trailer to the two designated starting locations. All routes would be on existing power line routes, jeep trails, and navigable washes (**See attached Map 1**).

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SPECIAL STIPULATIONS
for
2012 Rocky River Adventure Center
Special Recreation Permit
BLM-AZ-C010-2012-52-EA

General

1. The permittee shall comply with all Federal, State, and Local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall 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.
 2. A Special Recreation Permit authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
 3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
 4. 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.
 5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
 6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
 7. 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
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weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.

8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileged of the permittee's SRP.
9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three (3) years after expiration of the permit.
12. The term of the permit shall be for one year from the issuance of the permit on January 29, 2013 and has the potential to be renewed for no more than ten years total with satisfactory performance of SRP.
13. A Monthly Use Report shall be submitted to the BLM Authorized Officer, and will include a detailed summary of the number of vehicles, along with the number of drivers and passengers involved. If the Monthly Use Report is not received by the established deadline of the 15th of each month then the permit will be suspended and/or fines assessed.
14. 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, before any use under this permit begins. The required minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury; and \$30,000 annual aggregate for property damage. The U.S. Government must be named as additional insured on the policy. All liability policies are to specify that the insurance company shall have no right of subrogation (substitution) against the United States of America. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit.
15. The permittee shall pay BLM a Special Recreation Permit (SRP) fee of \$100, effective January 29, 2013. The permittee shall pay BLM 3% of the gross receipts; or the minimum SRP fee, whichever is greater. The minimum advance fee of \$100.00 will be required.
16. The permit will remain valid only if annual fees have been paid.
17. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.

18. The permit shall not be construed in any way as preventing public use or access on any public lands except as expressly allowed under the permit.
19. Harassment of livestock, wildlife, or destruction of private and public improvements such as fences and gates is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
20. Harassment and/or destruction of wild burros is prohibited under the Wild Free-Roaming Horse and Burro Act of 1971, 43 CFR4770.1 (a, b, and c). Any violations of the prohibited acts under§4770.1 may result in suspension or cancellation of the permit (§4770.2 (a)) and/or criminal penalties under § 4770.5.
21. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prohibited and is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
22. Special collection of artifacts (either historic or prehistoric) or fossils, by permittee or participants on or near any designated route is prohibited. The definition of an artifact is anything over 50 years old that has been made, used or modified by a human. Permittee is required to inform all participants that collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.
23. The permittee would practice Leave No Trace and Tread Lightly! Outdoor Ethics principles.
24. The permitte would mount a bright orange flag to the back of touring OHV's during hunting season to reduce the potential for shooting hazards.
25. Any open mine shafts, abandoned mine structures, and/or wilderness intrusion's observed by the permitted would be documented and reported to the BLM Authorized Officer within 24 hours of discovery.
26. All known mineshafts and/or abandoned mine structures would be fenced or filled before authorization of the special recreation permit.
27. Failure to comply with permit stipulations may result in denial of future permit authorizations for these events, or revocation of permits already issued.

Ride Operations

28. All motorized equipment activity associated with stopping areas, including Start/Finish, Photo Opportunity, Water, Lunch or Restroom Breaks will be conducted within the traveled portion of the road. No vehicle travel (including parking, turn-around, detours, etc.) outside of this corridor will be permitted unless authorized in advance by the BLM Authorized Officer.

29. All vehicles shall stay on the authorized routes. Straying from the course is prohibited. In the event of vehicle breakdown, vehicles shall be moved to the side of the road, but shall not be moved into areas of existing vegetation. All vehicles shall be removed from the site within 24 hours of the end of the event.
30. Vehicle stops are only allowed at the two designated starting locations and five photo stops as displayed in the map contained in this EA. All other vehicle stops outside of the permitted routes are prohibited.
31. No servicing of any motor vehicle will be permitted on any public land. In the event of mechanical trouble, vehicles will be transported to an appropriate service facility or location.
32. In the event of vehicles leaving the established road (for whatever reason), removal of the vehicle and reclamation (raking of surface disturbance, appropriate removal of spilled oil/fuel, re-vegetation) of disturbed areas will be required to the satisfaction of the BLM Authorized Officer.
33. Nothing in this permit implies permission to use non-Federal land administered by the BLM. It shall be the responsibility of the permittee to coordinate the event with Arizona State Lands Department (ASLD) as necessary, and to obtain written authorization to cross or utilize non-BLM administered land such as ASLD, Mohave County Road Department, Arizona Department of Transportation and private property.
34. Under no circumstances shall the permittee mark the routes by placing signs, painting rocks or painting plants.
35. Tours would be limited to one trip per route per day with a maximum of four UTV's per trip.
36. All gates along the routes shall be left as they are found.
37. Permittee would be responsible for handling emergency situations by calling 911 and/or appropriate emergency services.
38. In the event that a vehicle injures livestock or wild burros BLM personnel and/or the grazing permittee in the area will be immediately contacted to make an evaluation of the animal's condition. Under no circumstance will any person other than BLM personnel or the animal's owner be permitted to make a final evaluation of the animal's condition, or to destroy an animal that appears to be suffering.
39. All migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
40. The speed limit for all vehicles involved shall be 25 miles per hour on public land.
41. Permittee will ensure that ride participants stay no less than 15 feet away from open mine shafts and historic buildings. Under no circumstances may the permittee or participants enter historic buildings or mineshafts.
42. All motor vehicle use will be conducted in a safe manner; reckless driving and/or excessive speed are permit violations.

43. All motor vehicle use will comply with existing local off-highway vehicle regulations. "Local off-highway vehicle regulations" refer to BLM Off-highway vehicle designations on BLM administered lands as established in the Resource Management Planning process, or in emergency closures authorized by a BLM manager.
44. No one is permitted to leave the vehicles to approach or view bighorn sheep.
45. No dogs are allowed on the tours.
46. Tour guides and customers must stay within 50 ft. of designated photo stop locations.

Roadway Surface Concerns

1. There would be no mechanized modification of the existing roadway by the permittee. Should mechanized maintenance be required, the permittee would submit a description of the proposed repair/maintenance for review and approval of the BLM prior to conducting maintenance to the road.
2. BLM reserves the right to postpone or cancel the tours if weather conditions create a soft road surface that would be conducive to unacceptable road damage by tour vehicles.
3. Permittee would monitor road conditions for ruts greater than two inches deep. If such conditions occur during a run, the motorized operations would cease until weather and road conditions improve.

APPENDIX 1

United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



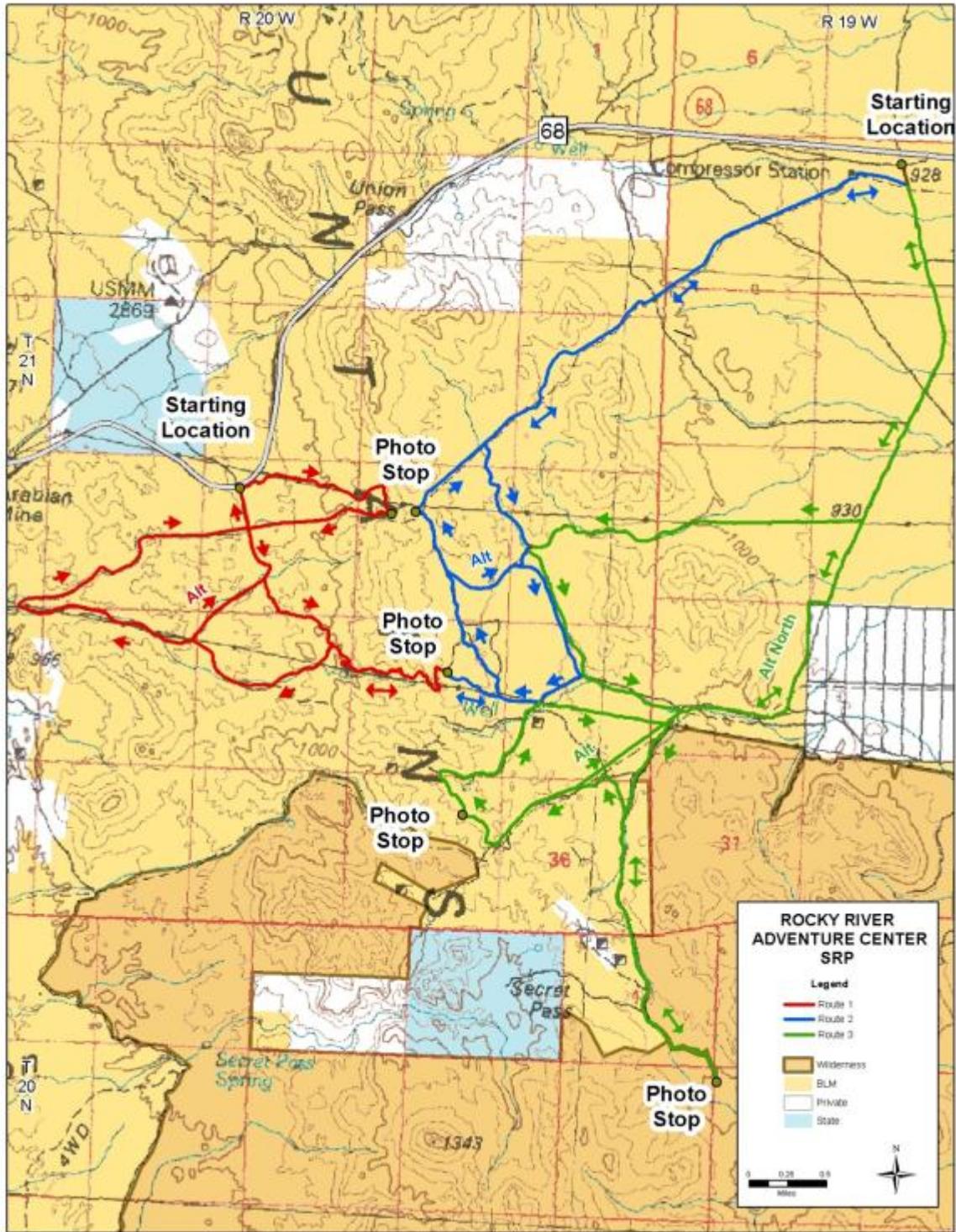
**GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED
ON ROADS AND VEHICLE WAYS**

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do **not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

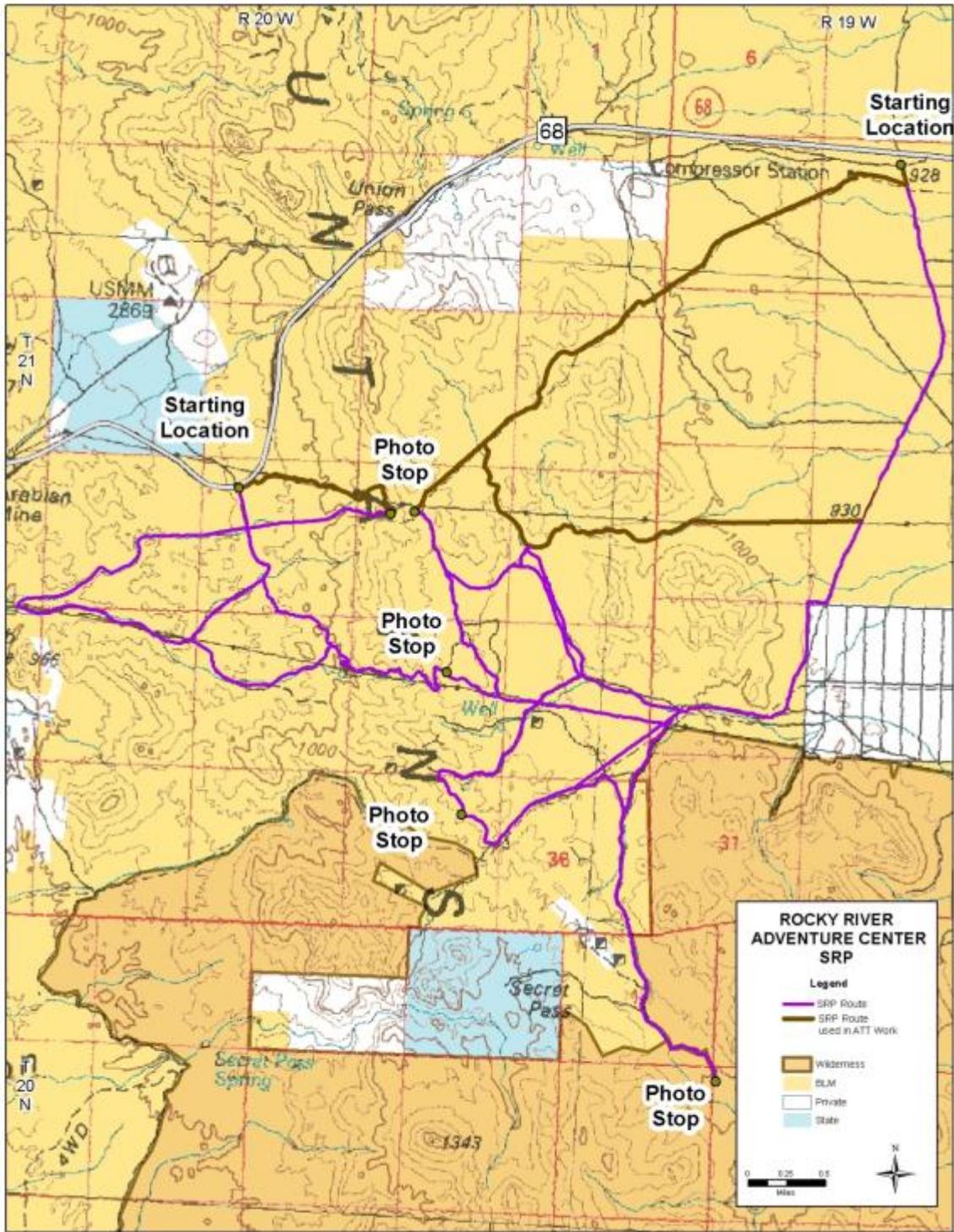
** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicles or equipment at the project site, check for tortoise under the vehicles.

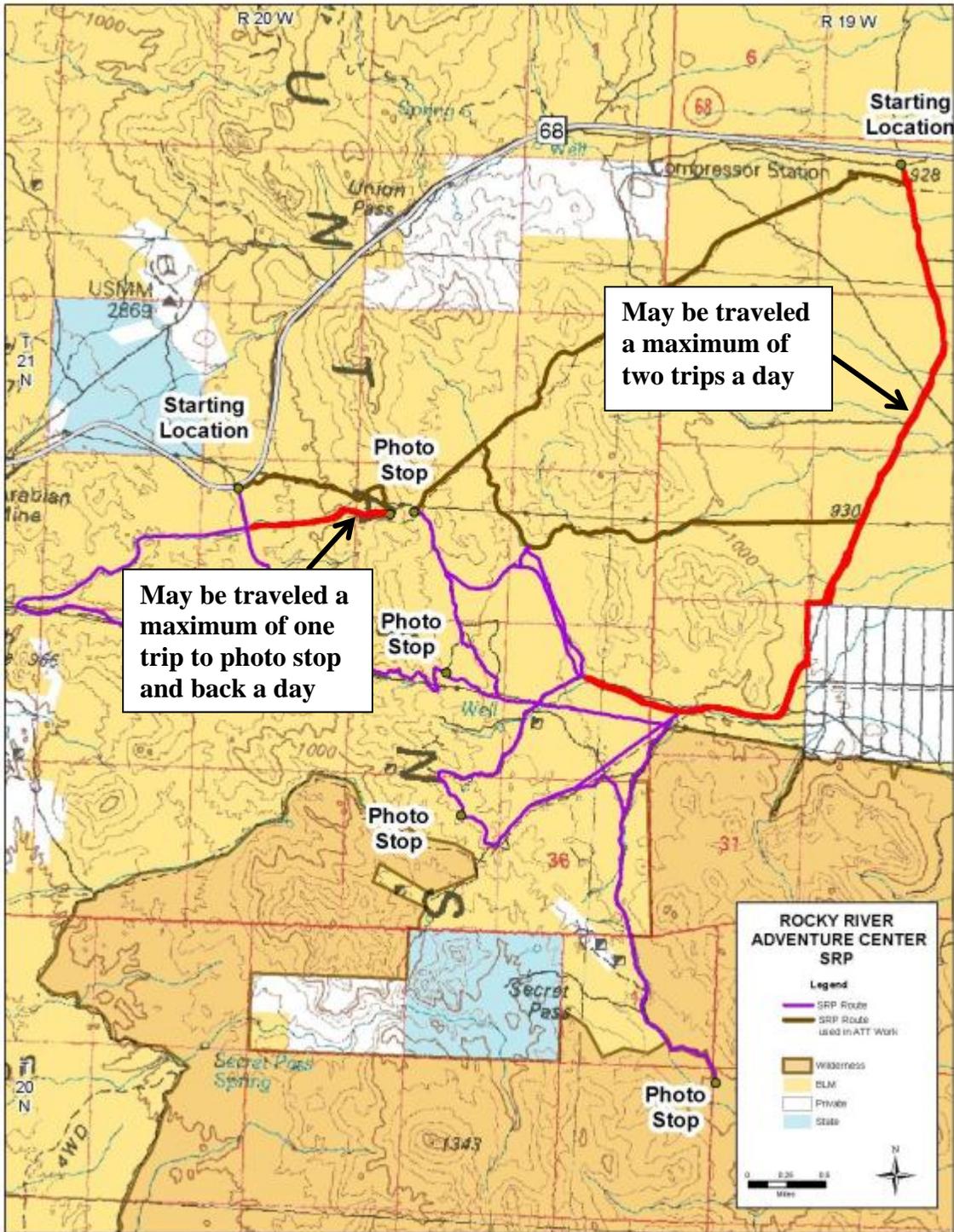




Map 1. Rocky River Adventure Center proposed SRP routes



Map 2. Routes closed to commercial use during current Western Area Power Administration construction.



Map 3. Exceptions to the travel patterns displayed in Map 1. Above exceptions would only be authorized when routes shown in Map 2 are under utilization of permitted power line construction actions.