

DECISION MEMORANDUM
Arizona Rough Riders 4x4 Halloween Spook Rally
DOI-BLM-AZ-P010-022-CX

U.S. Department of the Interior
 Bureau of Land Management
Hassayampa Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the *Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan* and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the *Hassayampa Field Office*, 21605 North 7th Avenue, Phoenix, AZ, 85027, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

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

 /s/D. Remington Hawes/
 For Steven Cohn, Field Manager

 10/14/2010
 Date

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
CATEGORICAL EXCLUSION (CX) COMPLIANCE AND DECISION RECORD
U.S. Department of Interior (DOI)
Bureau of Land Management (BLM)**

NEPA Document Number: DOI-BLM-AZ-P010-22-CX

A. Background

BLM Office: **Hassayampa Field Office (AZ-210)** Lease/Serial/Case File No.: **AZA-31795**

Proposed Action Title/Type: **Arizona Rough Riders 4x4 Halloween Spook Rally**

Location of Proposed Action: Gila & Salt River Meridian, Maricopa County, Arizona
T. 6 N., R. 2 W.,
sections, 10, 14, 15, 22, 23, 26, 27

Description of Proposed Action: A three day overnight commercial event to be held annually for the next ten years by the Arizona Rough Riders 4x4 Club. Location of the event and associated camping will be in the Boulders OHV Staging area and on designated trails in the Boulders area. The Halloween Spook Run is expected to draw about 100 registered vehicles and approximately 500 people per year. Activities include a 4x4 trick or treat run, charity fund raisers, food drives, and Jeep Games. For the main Spook run, participants follow clues to check points and each run is approximately 10-15 miles long. AZ Rough Riders will provide portable restrooms, trash service, and a clean-up crew for after the event. Food will be offered for sale. Staff members are trained in First Aid.

B. Land Use Plan Conformance

Land Use Plan Name: **Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan**

Date Approved/Amended: **April 2010**

This action has been reviewed for conformance, with the above mentioned plan, with respect to the Code of Federal Regulations (CFR) (43 CFR 1610.5). It has been determined that the proposed action does comply with the objectives, terms, and conditions of this plan. Specifically, this type of action is provided for in the RMP decision numbers: RR-30, RR-31, RR-33, RR-36, and RR-37. In addition, 516 DM 11 11.9, Actions for Categorical Exclusion H Recreation Management: Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA), in accordance with the list of DOI-wide categorical exclusions located in 516 DM Chapter 2, Appendix 1.

The Departmental Manual [516 DM 2.3 (A)(3) and 516 DM, Appendix 2] requires that before any action described in the list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case.

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<i>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</i>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	N	MS
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	N	MS
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	N	MS
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	N	MS
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	N	MS
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	N	MS
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	N	CMcL
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	N	CC
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	N	CMcL
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	N	MS
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	N	CMcL
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	N	MS

MS = Mary Skordinsky

CMcL = Chris McLaughlin

CC = Codey Carter

Appendix A

Stipulations and Mitigations for Arizona Rough Riders 4x4 Halloween Spook Rally October 29-31, 2010

All Areas

1. Non-exclusive use There is no exclusive use of the area. The public and other permittees will be using the staging area, trails, and surrounding land.
2. Activity locations All activities are to remain on the **approved** roads, trails, washes, camping and staging areas (see permit map). No deviation to these routes is permitted without prior approval from the BLM authorized officer. Cross country travel is strictly prohibited. Motorized vehicles are not permitted in running washes or riparian areas except at road crossings. Riparian areas are waterways that contain at least one of the following; cottonwoods, willows, ashes, rushes, or sedges.
3. Damage Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. All gates and fences shall be left as found. The taking of any threatened or endangered plant or animal is prohibited.
4. Firearms No discharging of firearms is permitted during the event.
5. Motor vehicles All motor vehicle use will comply with existing BLM and state motorized vehicle laws and regulations on public lands relating to use, standards, registration, operation and inspection. The Code of Regulations (CFRs) govern off-road vehicle use and regulations are prescribed in sections 43 CFR 8341.1 and 8365.1-3 and include, but are not limited to, the following:
 - A. No person shall operate an off-road vehicle on public lands:
 1. Without a valid State operator's license or learner's permit where required by State or Federal law;
 2. In a reckless, careless or negligent manner;
 3. In excess of established speed limits;
 4. While under the influence of alcohol, narcotics or drugs;
 5. In a manner causing, or likely to cause, significant undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, vegetative resources or other authorized uses of the public lands.
 - B. Drivers shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal drawn vehicles.
 - C. The operator of a motor vehicle is prohibited from operating a motor vehicle in motion unless the operator and each front seat passenger is restrained by a properly fastened safety belt for all vehicles manufactured after 1972.

Any person who violates or fails to comply with the CFRs subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than \$1,000 or imprisonment for not longer than 12 months, or both.

6. Cleanliness Camps and use areas will be maintained in a neat and clean condition with no litter.
7. Camping All camping must remain in the designated staging/camping area.
8. Live vegetation Cutting or removal of live vegetation is not permitted. Trimming of branches up to 4 inches in diameter may be allowed with prior authorization from the BLM.
9. Desert tortoise and Gila monster Collection, harassment and disturbance of desert tortoises and Gila monsters is prohibited by Arizona State Law. If encountered on roads or trails they should be avoided. If a desert tortoise is encountered and cannot be avoided, it should be carefully moved to safety by carrying it horizontal to the ground, not tilted, and placed in the shade the minimum distance needed to remove it from harm's way (see guidelines below for handling desert tortoises). Gila monsters should be avoided and not handled. They are venomous and can inflict a serious and painful bite.
10. Vehicle fluid discharges The permittee will ensure that appropriate safety, fire and environmental protection precautions are in place at fueling areas. The permittee is responsible for, and assumes liability for, the discharge of motor vehicle fluids (defined as but not limited to, the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of gasoline, motor oil, transmission fluids and anti-freeze). Participants shall be advised that every effort must be made to avoid the discharge of fluids while riding, refueling, and/or making vehicle repairs. The permittee will notify the BLM of all motor vehicle fluid discharges greater than one quart within 48 hours of occurrence.
11. Vehicle fluid removal Discharges are to be cleaned up, removed and disposed of in accordance with applicable local, state and federal laws. Small discharges that can be wiped or dug up by hand, may be cleaned up and disposed of as regular waste. A cleaning product such as Micro Blaze or Simple Green should also be carried to remove fluid discharges. Discharges in larger quantities must be tested and if it exceeds soil remediation levels, it must be treated and disposed of in accordance with ADEQ regulations.
12. Vehicle fluid safeguards It is highly recommended that in areas where vehicle repairs or refueling is to take place, some type of ground cover be used whenever possible. Examples are tarps or hydrocarbon absorbent pads (such as Peat Sorb or Pig Pads). They should be able to absorb a minimum of one quart of fluid.
13. Cleanup No structures or items will be allowed to remain after the permitted use. Such structures and items may include corrals, picnic tables, hanging poles, signs, flagging, etc.

Boulders Staging and Camping Area

14. Event notification The permittee must produce and post signs alerting public land users to the event, including the affected dates, at least two weeks before the event. Signs are to be

placed at the restroom and sign in box/message board at the Boulders Staging Area.

15. Parking notification The staging area is expected to be busy. The permittee should delineate a public parking area to avoid conflict with running this event. This should be done 2 to 3 days ahead of the event.
16. Airborne dust The potential for excessive airborne dust is high at the Boulders Staging Area. Dust from vehicle use is to be kept to a minimum on the access road and in the staging area. Possible measures to accomplish this include keeping speeds for all vehicles including ATVs below 15 MPH, and applying water to the soil during all motorized event activities.

NOTICE FOR FUTURE EVENTS

If the access road and staging area have not been graveled before the next proposed event, the permittee will be required to have water sprayed on the access road and parts of the staging area used by the permittee each day authorized by the permit. The permittee may also be required to contribute to a supplemental application of a dust suppressant.

17. Sanitation Permittee is responsible for providing adequate sanitary portable toilets and refuse containers in the camping/pit/staging area and is responsible for ensuring that all local, county and state health and safety standards are met.
18. Firewood Do not collect dead or downed wood for campfires. Do not burn pallets. Wood without nails from pallets is allowed.
19. Wildfire prevention The permittee must take reasonable precautions to prevent wildland fires. Build your fire away from trees, shrubs and other vegetation. Do not build fires next to rock and avoid the need to encircle your fire with stones. Use smaller firewood that will burn more completely. Make certain the fire is dead out (run your fingers through the ash), scatter the ash, and "naturalize" the area.
20. Refuse, ashes, and fire rings All noncombustible refuse, unburned combustible refuse, and ashes from group bonfires must be carried out of the area and disposed of in a county approved disposal site. Burying garbage is prohibited. Fire rings must be dismantled.

Routes and Trails

21. Permitted routes Motorized use is limited to the two track routes identified on the map issued with this permit. A segment of Route B is closed to vehicles wider than 50 inches (see permit map). ATV/UTV use on single track motorcycle trails is not authorized.
22. NOTICE FOR FUTURE EVENTS
Out-of-bounds markers Given the nature of this nighttime and direction-challenging event, the permittee will mark selected trails (locations will be identified on the permit map) as out-of-bounds approximately 500 feet beyond the junction with the permitted route. The sign or symbol will include some type of illumination or reflectorization. The intent is to maintain a challenging event by keeping the markers out of sight of the trail junctions, while still preventing resource damage on the lesser used trails.

23. Berms Any berms that are created during the event must be knocked down.
24. Adverse impacts If the volume of use is determined to be adversely impacting soils or riparian condition through erosion, bank alteration or other means, the BLM may restrict use of affected areas or routes to allow restoration and recovery of degraded areas. During wet periods, certain road and trail segments may be closed to all traffic.

Surrounding Land

22. Artifacts The permittee will inform all workers and participants that it is unlawful to disturb, deface, excavate or remove any prehistoric or historic artifacts or paleontological objects or structures. Simply, look but don't touch! Rock art may be photographed but not touched. Any prehistoric or historic cultural site or human remains discovered by the permittee, workers or participants will be left undisturbed and reported as soon as possible to the BLM authorized officer.
25. Agave The Hohokam Agave plant (see photos below) is listed as a sensitive species and may occur in the event area. If encountered, the plant is to be avoided. This species is a relic that was grown by the prehistoric Hohokam people in the region for food and fiber.

1.



26. Abandoned mines Historical mines shall not be disturbed. Collecting artifacts from these sites is prohibited. Abandoned mines are extremely dangerous and BLM policy is to avoid entry. All persons operating under this SRP, including subcontractors, are prohibited from entering abandoned mines.
27. Mining operations Activities will be conducted in a manner that will not interfere with mining or exploration operations. No minerals are to be collected from areas encumbered by active mining claims unless authorized by the claimant(s).

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department

Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.

Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.