

Documentation of Decision

(Categorically Excluded from Environmental Impact Statement or Environmental Assessment Documentation)

DPT Productions Inc. Endurance Race

**USDA Forest Service
Gallatin and Beaverhead-Deerlodge National Forests**

**Bureau of Land Management
Dillon Field Office**

Montana

Introduction

This paper documents our decision to authorize DPT Productions Inc., of Richmond Virginia to hold a one-time, multi-day, non-motorized adventure endurance race event on the Gallatin and Beaverhead-Deerlodge National Forests and federal lands under the jurisdiction of the Bureau of Land Management (BLM) – Dillon Field Office. The race will take place between June 23 and July 2, 2008 and involve race legs in the Tobacco Root, Madison, Gallatin, Bridger, Bangtail and Crazy Mountain Ranges and on the Gallatin and Yellowstone Rivers. The race event also includes legs on private land and state lands under the jurisdiction of Montana, Fish, Wildlife and Parks and the Montana Department of Natural Resources and on roads and routes under the jurisdiction of Montana Department of Transportation, the City of Bozeman and Gallatin, Madison, Sweetgrass and Park Counties. The decision documented here is only applicable to National Forest System and BLM lands affected by this race.

Proposed Action

In the fall of 2007 local land management agencies received an application for a special use permit for a commercial recreation event from DPT Productions, of Richmond Virginia, to conduct a one-time, multi-day, non-motorized multi-sport adventure endurance race event that would take place between June 23 - July 2, 2008. The proponents may also be requesting a commercial filming permit to document this event. The proposal that was accepted as an application for a special use permit included race legs in the Tobacco Root, Madison, Gallatin, Bridger, Bangtail and Crazy Mountain Ranges and on the Gallatin and Yellowstone Rivers. The proposed course does not affect Wilderness, Wilderness Study Areas or other specially designated areas where this use would be either incompatible or would require more in-depth analysis.

Authorization for this recreation event is required from the following Federal agencies:

Gallatin National Forest
Beaverhead-Deerlodge National Forest
Bureau of Land Management - Dillon Field Office

Mary Erickson, Gallatin National Forest Supervisor, is the responsible official for this decision as it applies to the use of Gallatin and Beaverhead-Deerlodge National Forest lands, and Tim Bozorth, Field Manager for the BLM Dillon Field Office, is the responsible official for this decision as it applies to lands under the jurisdiction of the BLM.

I. Decision To Be Implemented

A. General Description of Decision

It is our decision to authorize DPT Productions, Inc. to conduct a one-time, multi-day, non-motorized multi-sport adventure endurance race event on the Gallatin National Forest, Beaverhead-Deerlodge National Forest, and on federal lands under the jurisdiction of the BLM, Dillon Field Office, between June 23 - July 2, 2008. Our decision will also authorize commercial filming and photography to document this event if the proponents request a permit for those activities. More specifically, our decision authorizes the following:

1. This authorization will allow up to 90 teams of 4 people to participate along with the necessary race staff and support crews.
2. Participants will be required to complete the course within 10 days, and no later than July 2, 2008.
3. The general course to be followed on federal lands is displayed on the map in Appendix A. Staffed checkpoints (one or two people minimum-impact camping) along specific segments of the course will also be established. The race course can be described as follows:

Gallatin National Forest Race Segments:

- Travel on foot from the Gallatin National Forest boundary in T7S, R3E, Section 28 near Big Sky roughly following Trails #162, #6, #33 and #223 south to the Taylor Fork Road #134 and then along this road east to the Sage Creek Trailhead that is located on along Hwy. 191 (T9S, R4E, Section 11).
- Use, by racers during the boating segment, of national forest system lands adjacent to the Gallatin River.
- Travel on mountain bike from Shenango in T4S, R4E, Section 33 roughly following the Storm Castle Road #132 then Trails #421, #414, #169, #424, and Road #1046 into the Hyalite Canyon.

- Travel by mountain bike on Road #436, #462, #53, #508, and #440 (travel by foot through the upper portion of the Bear Canyon area closed to mountain bikes by removing both wheels and carrying bikes) to the Trail Creek Cabin and then along Road #437 to the Trail Creek Road (T3S, R7E, Section 18).
- Travel on foot from the eastern Gallatin National Forest boundary at Big Timber Canyon, T3N, R12E, Section 12 (Crazy Mountains) following the Big Timber Canyon Road #197 west, then along Trails #119, #122, #123, #268, #197, and #271 to a location near the National Forest boundary in the southwest corner of the Crazy Mountains (T3N, R10E, Section 13).
- Travel on mountain bike from the eastern Gallatin National Forest boundary at the Middle Fork of Willow Creek in the Bangtail Mountains (T1S, R8E, Section 11) roughly following the Middle Fork of Willow Creek Road #6600 west, then Road #977 and #1760 to Trail 504, then northwest along Trail 504 to the Bridger Canyon Road, then uphill on the road to Battle Ridge Campground (T2N, R7E, Section 32). This bike leg then continues on county road to the National Forest boundary along the South Fork of Flathead Pass Road, Road #6607 to Trail #500 to the Fairy Lake Road, then continues north on Trail #540, to Road #6984 then up and over Flathead Pass on Road #6931 in T3N, R6E, Section 29 (Bridger Mountains) to the National Forest boundary on the west side of the Bridger Mountains.
- Travel on foot from the Corbly Gulch Trailhead (T1N, R6E, Sec. 6) along the Corbly Gulch Trail #544 to Bridger Ridge and then roughly following the Bridger Ridge to the “M” Trailhead in T1S, R6E, Section 34).
- Travel on mountain bike from the South Cottonwood Trailhead, up Trail #422 to Trail #169 to the Wilson Creek Divide Road #3138. Then bike along this road to Road #6937. Proceed south along Road #6937, down Trail #419 to the Storm Castle Road #132, then down the Storm Castle Road to Shenango (T4S, R4E, Section 33).
- Rock climb on the lower western side of Garnet Mountain in T5S, R4E, Section 3.
- Travel on foot through an orienteering course from Garnet Mountain through an area near Rat Lake, across Storm Castle Road #132 and into the Lime Creek and Purdy Creek areas, over Storm Castle Mountain and down to the Shenango area (T4S, R4E, Sections 25, 26, 27, 28, 34, 35 and 36, and T5S, R4E, Sections 1, 2 and 3). The last segment of the orienteering course will be a rappel down to the Transition Area at Shenango.
- Travel on foot west from Shenango across Hwy. 191, along Trails 444, 400 and 401 to the Gallatin National Forest boundary (T4S, R1E, Section 26).

Beaverhead-Deerlodge National Forest Race Segments:

- Travel on foot from boundary with Gallatin National Forest in T4S, R1E, Section 23 near Trail #315 west to private land boundary between Section 28 & 29, T4S, R1E.
- On mountain bike travel from the Forest boundary in T4S, R2W, Section 33 following Road #160 west to Road #9609, then south on Road #9609 to Road #6360, east on Road #6360, then south on #Road 1224, then south on Road #1224A, then east on Road #1221, then south on Road #1249 then south on Road #161 to the Forest boundary in T5S, R2W, Section 8.

BLM Race Segments:

- This segment is on foot and is a continuation of the segment on Beaverhead-Deerlodge National Forest Route #315 also known as the Indian Trail. The route joins BLM at the private land boundary T4S, R1E, Section 30 and continues northwest along Trail #2502 to the Upper Bear Trap Canyon Road where it then joins with the Ennis Lake Road.
- This segment is by bike and is a continuation of the segment on Beaverhead-Deerlodge National Forest Road #161 located in T5S, R2W, Section 8. The route travels through BLM lands along the Granite Creek Road to Highway 287 to Virginia City, then onto the Butcher Gulch road north of the Axolotl Lakes Wilderness Study Area to Varney Bridge. This route includes BLM administered public lands located in T5S, R2W, Section 17; T5S, R3W, Section 25; T6S, R3W, Sections 4, 8, 9, 26, and 35; T7S, R3W, Section 1; T7S, R2W, Sections 5 and 8.

4. Transition areas are authorized at 3 locations on the Gallatin National Forest. Transition areas are where racers will change from one mode of transportation to another. A medical tent, a race official tent, porta-potties and trash facilities are authorized at these sites.

Gallatin National Forest Transition Areas

- Sage Creek Trailhead (T9S, R4E, Section 11).
- Shenango Administrative Area (T4S, R4E, Section 33).
- Below the Hyalite Dam (T4S, R15E, Section 15).

5. If DPT requests a permit to commercially film, they will be authorized, through the special use permit, to commercially film and photograph the race event along the course from the ground and air on National Forest and BLM land provided the proposal to do so falls within the scope of authorized activities and does not conflict with any existing uses and/or mitigation addressed in this document here. DPT would be responsible for ensuring compliance with the permit terms and conditions for cooperating any organization conducting film or photography in conjunction with the race event. DPT would submit detailed information regarding the filming procedures, equipment and crews prior to a permit for commercial filming being issued.

Filming would be limited to the race event and would be conducted from June 23 to July 2. The actual filming activity can vary within these parameters, except as otherwise noted in the mitigation section of this decision and/or those listed as terms and conditions of the permit.

The event can be recorded from the water, ground or possibly air (see flight restrictions). Swim and paddle sections can be filmed from shore, via boat or from the air. The mountain bike and foot sections can be filmed from the ground or from the air.

No helicopter landings will be permitted on federal lands except for emergencies with prior approval. Helicopter landing areas are currently planned for the auxiliary parking area at Big Sky and at Gallatin Field (Bozeman Airport). The frequency, duration and routes of helicopter flights, if used, will be established with due respect and consideration of the residents and visitors in the area. All flights will follow the appropriate FAA Guidelines and Restrictions and

meet the mitigation measures established in the next section.

DPT Productions, Inc. anticipates that the following portions of the race course on Federal lands could be highlighted for filming:

Mountain Bike Leg Section #1 (from Shenango to Trail Creek Road) - Filming could occur on portions of the course from the ground and by helicopter (see flight restrictions).

Rock Climbing Section (near Shenango) - Filming could occur from the ground and by helicopter (see flight restrictions).

Bridger Mountain Range Foot Leg - Filming could occur on portions of the course from the ground and by helicopter.

Gallatin River Rubber Inflatables Section (from Porcupine Creek to Shenango) - Filming could occur from the shore, the water, or by helicopter.

B. Mitigation

The following mitigation measures are included in our decision for resource protection, public safety, and to prevent conflicts with other uses of recreation sites and facilities. These mitigation measures will be incorporated as terms and conditions to the permit.

General

1. DPT is responsible for contacting, coordinating with and securing necessary permissions or permits from all entities and private land owners other than the Forest Service and BLM. DPT must provide a record of all those contacts and permissions to the Forest Service by June 6.
2. The permittee is required to provide documentation that they've notified and coordinated satisfactorily with the appropriate local sheriff departments, police departments, Highway Patrol, search and rescue and emergency services personnel appropriate to all jurisdictional areas through which the race will pass.
3. The permittee shall provide an operating plan, to be approved by the Forest Service and BLM, that shall detail protocols for the following: 1) Course description, including transition areas, check point locations and sections with course marshals; 2) Overall schedule, including pre-race work, service project work, time trials, set-ups of Transition Areas and climbing areas, and any needed post-race cleanup and mitigation work; 3) Pre, during and post-race environmental management, enforcement and monitoring work; 4) Communications, contacts and roles: names and numbers for before, during the race and immediately following the race; 5) Safety (of racers and the public) and search and rescue; 6) Information distribution to teams and race personnel; 7) Filming and photographing; 8) Management and marking of transition areas to allow continued public access and use of all areas; 9) Support crew: total numbers, logistics, activities, timing for support work.

4. No portion of the course, including transition areas, shall be closed to the public or interfere with other valid uses of public land.
5. DPT shall ensure that all racers and support crews stay on the authorized race course and on the designated roads and trails unless the area is specified as an off-route segment of the course. This may mean flagging the location of the route and if necessary positioning a check person along portions of the course. Racers are not permitted to shortcut any portion of any trail.
6. Unless specifically approved, support teams must not disperse camp anywhere on federal land while waiting for racers to reach the next transition area.
7. DPT shall ensure that all racers and race staff use Leave No Trace principles while on National Forest and BLM lands. This includes packing out all garbage and properly burying human waste or using "Restop 2" bags especially in concentrated use areas like the climbing areas.
8. DPT shall coordinate a pre-race service project, approved by the Forest Service, at the climbing areas, to prevent possible increased erosion from the race event by stabilizing traditionally used areas. Race staff and racers will then be required to only use those stabilized areas.
9. All personnel and activities associated with the race shall comply with the Food Storage Order (Gallatin National Forest Occupancy and Use Order #07-11-00-01) while on all federal lands associated with the race event. All trash containers at transition areas must be bear resistant.
10. DPT shall encourage staff and racers to recycle (especially water bottles or drink cans) where possible and will provide receptacles and protocols to do so.
11. All racers and race staff must abide by the Gallatin National Forest Travel Management Plan.
12. Support staff will assist their teams only at designated transition areas.
13. Support crew vehicles will be limited to a maximum length of 25 feet.
14. DPT shall have a sweep crew to inspect and clean the course after the last race team has completed a segment. They shall verify that racers have left nothing behind and remove any course markings that were used.
15. DPT shall have environmental monitors who document pre- and post- race conditions of agreed-upon sections of the race course.
16. When encountering horse parties along trails, racers and field staff shall be required to observe the following protocol: When racers approach a horse party going the same direction, they shall establish voice contact from as far away as possible. They shall keep up a conversation and ask the horse party if it is okay to pass, how to pass, and keep talking as they pass. They shall walk, not run, as they pass. When racers approach a horse party coming toward them, at about 50 yards apart they should leave the trail on the down hill side about 20 yards and wait until the horse party passes. Racers that encounter free roaming horses shall slow to a walk, speak to the horses and avoid spooking them.
17. It is likely that racers will encounter gates in fences along roads and trails throughout the race course. On BLM lands race teams shall be required to ensure that all gates are securely closed once the last team member has passed through. On National Forest lands gates are to be left as they were prior to passing through.

Helicopter Operations

1. At least two weeks prior to the event, if DPT plans to have a helicopter or do any commercial filming from helicopters, they must present a detailed plan to the Forest Service Dispatch Center and the Gallatin-Custer National Forests' Aviation Officer and to all other appropriate entities for the purposes of coordinating and preplanning.
2. Before any flying, the permittee will be required to make contact with the Bozeman Interagency Dispatch Center, to coordinate communication and flight protocols. The DPT helicopter would be required to have the capability to be in constant contact with the dispatch center and the Forest Service helicopter at Shenango in case the Forest Service helicopter is deployed
3. The permittee would be required to have an Aviation Safety Plan, approved by the Gallatin-Custer National Forests Aviation Officer.
4. To reduce potential disturbance factors to grizzly bears from aerial filming of this race, low-level helicopter flights below 1500 feet for non-emergency race purposes shall be prohibited along the race segment from First Yellowmule Creek (Trail #162) south of Big Sky, up over Buck Ridge, south to Taylor Fork and east to Highway 191 at Sage Creek Trailhead).
5. To prevent disturbance near bald eagle nest sites, low-level helicopter flights below 500 feet for non-emergency race purposes shall be prohibited in the vicinity of Ennis Lake and Hyalite Reservoir.
6. Helicopter use below 500 feet shall be prohibited within one mile of any known active peregrine falcon nest, which currently refers to Storm Castle Mountain summit area. The Forest Service will advise DPT if any new nest sites are discovered this spring.
7. Helicopter use shall be prohibited over BLM lands within the area of the Bear Trap Canyon Wilderness and Axolotl Lakes Wilderness Study Area (WSA). This includes overflights of the Wilderness and WSA and overflights of the race segments between the Beaverhead-Deerlodge National Forest Trail #315 and BLM Trail #2502 to the Upper Bear Trap Canyon Road where it joins with the Ennis Lake Road, and the race segment on public land adjacent to the Axolotl WSA.
8. Helicopter use below 2000 feet is prohibited in general over Wilderness or Wilderness Study Areas on National Forest System land.

Bridger Mountain Range

1. On the Corbly Canyon Trail #544, all personnel associated with the race (including racers and any support staff) shall be required to stay on the system trail. Travel on the old two-track road above where it splits off from the signed trail is prohibited.
2. In the Flathead Pass area, all personnel associated with the race (including racers) must stay on the designated route to avoid impacts to cultural resource sites.

Gallatin Mountain Range

1. In Bear Canyon (FS Trails #53, #440, and #508), racers shall carry their bikes to remain consistent with the Gallatin National Forest Special Closure Order for this area (07-11-00-05). This shall be enforced by race staff posted on both ends of the area closed to bicycles.

2. For the rock climbing segments near Shenango, ropes shall be rigged no sooner than 2 days prior to that event and must be staffed at all times ropes are in place.
3. Rock climbers will be required to stay at least ½ mile from any active peregrine nest site.

Crazy Mountain Range

1. The permittee shall provide documentation of coordination with the private landowner along Trails #119, #122, #1, #268, and #197 for permission to use private land in the Crazies in case of emergency that requires use of land outside of the trail ROW.
2. The permittee shall ensure that racers do not leave the designated Forest Service route (i.e. trespass onto private land along Trails #119, #122, #1, #268, and #197. Shortcutting, or avoiding snowfields that may be covering the trail ROW shall not be permitted. This may require the permittee to GPS and mark the location of the route and/or stationing a check person along this portion of the course.

Madison Mountain Range

1. The permittee shall ensure that racers do not leave the designated route from Trail #315 to #2502 in the area of Cowboys Heaven continuing onto the Upper Bear Trap road. The permittee must ensure that racers do not trespass onto private land off of the designated route or into the adjacent wilderness. The permittee shall GPS and flag the location of the route and if necessary station a check person along this portion of the course. Racers are not permitted to shortcut any portion of the trail.
2. The permittee shall ensure that the race does not interfere with power generating operations in the Upper Bear Trap Canyon. This includes the Trail Creek Recreation Area and parking lot which is the terminus of trail 2502. Due to concerns with congestion and critical access to power generating facilities and private residences, vehicle access to the canyon and trailhead will be limited to race coordinators and emergency personnel only.

Tobacco Root Mountain Range

1. Due to the number of roads in this area, the permittee shall mark the course direction at road and trail junctions on National Forest and BLM lands.

II. Rationale for the Decision

DPT Productions, Inc.'s proposal to hold a one-time, multi-day, non-motorized adventure endurance race event falls under Forest Service and BLM special use authorities. Section 4(c) of the Land and Water Conservation Fund Act of September 3, 1964, as amended, (16 U.S.C. 4601-6a(c)) authorizes permits for recreation, such as group activities, organized events, motorized recreational vehicle use, and other specialized recreation activities of limited duration.

The Public Law 106-206 of May 26, 2000 (16 U.S.C. 4061-6d) supplements the authority of the Secretary of Agriculture and Interior to regulate commercial filming and still photography on Federal lands.

Section 302(b) of the Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands under BLM jurisdiction including commercial recreation use, film and photography. The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria (16 U.S.C. 6802(f) and (g)(2)), and to issue special recreation permits for group activities and recreation events (16 U.S.C. 6802(h)). The Code of Federal Regulations 43 Part 2930 allows BLM to authorize and regulate recreation use of public land and include commercial photography or filming under the authority of a Special Recreation Permit when produced at the same time, location, and in association with the activity permitted.

We have reviewed DPT Productions, Inc.'s proposal in accordance with Forest Service Manual (FSM) 2703.1 and the BLM Handbook H-2930-1 and have found that: (1) The proposed use is in conformance with the Gallatin and Beaverhead National Forests' Forest Plans and Travel Plans, the BLM Record of Decision and Approved Dillon Resource Management Plan (RMP) dated February 2006 and other legal requirements. (2) The potential environmental impacts of the proposal to resources, public safety, and other recreation uses have been analyzed and have been found not to be significant. (3) The proposed use cannot be reasonably accommodated solely on non-federal lands. And (4) the proposal is an appropriate use of these public lands.

In determining that there would not be significant effects to natural resources, public safety, or other recreation uses, we compared the scope and magnitude of the proposed race event to the average level of estimated recreation use that occurs within this area during the summer. The Gallatin National Forest recently completed a Travel Management Plan in December of 2006 that determined the appropriate types of recreational uses that would be allowed on the road and trail system. This Travel Plan decision was made, in part, with the objective to bring existing and projected uses to a point where they would be consistent with achieving desired conditions for other forest resources (Travel Plan Record of Decision, page 21). Estimated recreation use of the Gallatin National Forest for 2003 was 1.98 million visits (Travel Plan FEIS, page 3-421). Of this, about 29% participated in hiking/walking, about 1.4% used OHVs and about 1.4 % participated in bicycling as their primary activity (Travel Plan FEIS, page 3-4). Recognizing that most of this type of activity occurs during the period from May 15th to October 15th (or about 150 days), at the end of June, we would expect an average of about 3,828 hikers/walkers on the Forest per day, about 185 OHV users on the Forest per day, and about 190 bikers on the Forest per day. Race participants, at the start, are projected to be about 280 racers, or within the scope of what would be anticipated from normal public recreation use. In general, it would stand to reason then that the potential environmental effects of the race would be within the scope of what was disclosed in the Gallatin National Forest Travel Plan FEIS for the selected alternative. In other words, it can be assumed that the race event would remain consistent with achieving desired conditions for other forest resources. See the Travel Plan Record of Decision, pages 66 through 117 for a discussion of findings regarding the effects of recreation travel on other resources and the environment.

The wildlife specialist report (Dixon, 3/28/08), prepared to evaluate the potential effects of this proposal, has lead us to the conclusion that there would be no significant effects to wildlife resulting from the proposed race activities given the mitigation measures we've adopted in this

decision. The race event would produce some minor disturbance effects, but due to the predictable nature of the activities, most species could adapt quickly and avoid major disturbance impacts. Further, it is anticipated that racers will quickly disperse across the entire course, and will soon blend in with normal recreation use.

In public comments, concern was raised over the concentration of use associated with the race which would be different from random recreation use by the public. It should be noted though that this is a very long and challenging course (approximately 400 miles) and it is anticipated that the winning team would finish it in 5 days, whereas the last team to finish would complete it in 10 days. Many teams will drop out and by the mid-point of the race teams will be hours apart on average. The race begins at Big Sky with the initial leg being an ascent up Lone Mountain on foot. By the time the teams reach federal land at the Gallatin National Forest boundary in T7S, R3E, Section 28 it is anticipated that they will be fairly well dispersed and there will be larger and larger distances between participants as the race progresses.

It is reasonable however to believe that most if not all racers will reach the Sage Creek Trailhead within the first day, therefore, in terms of persons/hour along the trail systems in the Taylor Fork and Buck Creek areas this would be the busiest leg of the race. While we recognize that some users can find their recreation experience diminished when they encounter multiple people along a trail, this would only affect this trail for one day. There is also no evidence to suggest that concentration of use results in greater resource effects than use that is distributed out over time (Travel Plan FEIS, Chapter 3). It should be noted that in making the decision for a Gallatin National Forest Travel Management Plan, the Responsible Official did not find a need to regulate the volume of use on any route within the Gallatin National Forest.

Special use permits also provide the Forest Service and BLM with a means of control that doesn't exist for general recreation use. Section II-B above outlines various mitigation measures that will be incorporated as terms and conditions of the permit to protect resources, provide for public safety, and minimize user conflict.

Alternatives Considered

In addition to the mitigation measures discussed here and that will be included in the permit, our decision included the following modifications from DPT Productions' original proposal to provide for resource protection, public safety, and to prevent conflicts with other users of National Forest and BLM lands.

- The approved race legs have been made consistent with National Forest and BLM travel management plans and restrictions.
- The proposed race course was modified to avoid use of trails within the Hyalite/Porcupine-Buffalo Horn Wilderness Study Area.
- The rock climbing area will be located outside of a ½ mile radius of Storm Castle Peak to avoid disturbance to Peregrine Falcon nest sites.
- The Transition Area at Shenango will be located to: (a) avoid being under the flight path of the Forest Service helicopter during take-off and landing, (b) avoid traffic congestion (both vehicles and people) that may interfere with helicopter dispatch operations, and (c) to prevent

attracting the media and public to the helicopter or helipad such that it elevates public safety and security concerns.

III. Categorical Exclusion

A. Identification of the Applicable Categories

This decision may be categorically excluded from documentation in an EIS or an EA under:

(1) The Forest Service Environmental Policy and Procedures Handbook (FSH) 1909.15[31.12(8)], “Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands.”

(2) BLM Departmental Manual 516 DM 11.9[H(1)], “Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

B. Finding of no Extraordinary Circumstances

We have concluded this decision meets the above requirements and is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment. There are no extraordinary circumstances related to the proposed action. Our determination is based on consideration of the following resource conditions (FSH 1909.15) and 516 Departmental Manual Chapter 2, Appendix 2:

Forest Service Extraordinary Circumstances:

1. There will be no significant effects to Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service/BLM sensitive species.

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. In accordance with Section 7(c) of this Act, a Biological Assessment was prepared for this proposed event (Dixon, 3/28/08). Currently, the only wildlife species protected under the Endangered Species Act known or suspected to occur in the area covered by the proposed race route is the threatened Canada lynx (USDI 2008). The Gallatin and Madison mountain ranges are considered occupied core lynx habitat, while other areas proposed for race routes (Crazy, Bridger and Tobacco Root mountains), are considered secondary, unoccupied lynx habitat (USDA 2007:194). River and valley bottoms are typically not considered lynx habitat, but can provide important linkage areas for lynx to move between contiguous blocks of suitable habitat. In February 2008, the US Fish and Wildlife Service (FWS) published a proposed rule in the Federal Register to revise designated critical habitat for the contiguous US distinct population segment of the Canada lynx (Federal Register 2008:10860). The FWS has proposed five units as revised critical habitat for

the lynx, including the Greater Yellowstone Area (GYA). Parts of the proposed race course fall within the proposed critical habitat designation for lynx in the GYA. Only those activities in the Gallatin Range (bike and foot routes, rock climb, and orienteering area) fall within proposed critical habitat for lynx.

Dispersed recreation during spring, summer and fall is considered to have little or no impact on lynx, because lynx appear to exhibit a low susceptibility to displacement by humans, although there is probably some level of activity that would cause lynx to move. Lynx also have more foraging opportunities during these seasons. In addition, the likelihood of any of the proposed race segments coming in close proximity to an occupied lynx reproductive den site is extremely low. The BA determined that the proposed endurance race would have *no effect* on lynx (Dixon, 3/28/08).

Sensitive Species (Forest Service Manual 2670 – Forest Service Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation (BE) (Dixon, 3/28/08).

In the BE it was determined that the proposed action *may impact individuals, but is not likely to lead to a trend toward re-listing* for the grizzly bear, bald eagle, peregrine falcon and gray wolf. The proposed action *may impact individuals, but is not likely to lead to a trend toward federal listing* for wolverines; northern goshawks; black-backed and three-toed woodpeckers; great gray and flammulated owls; sensitive bat species; grassland-associated sensitive bird species; or sage-associated sensitive species. Lastly, that the proposed action would have *no impact* on fishers, northern bog lemmings, golden eagles or Swainson’s hawks.

2. Floodplains, wetlands, or municipal watersheds .

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.” This decision will not affect floodplains.

Wetlands: Executive Order 11990 requires that projects avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.” This decision will not affect wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. The race course runs through the Bozeman Creek and Hyalite Creek Municipal Watersheds but will not result in significant municipal watershed-related impacts. The Gallatin Travel Plan FEIS, pages 3-535 through 3-557 demonstrates that

potential watershed impacts are more of an issue with facilities (roads and trails) than they are with the uses of those facilities.

3. Congressionally designated areas, such as Wilderness, Wilderness Study Areas, or national recreation areas. The race event will not occur in any congressionally designated areas. As stated earlier the initial proposal was modified to remain outside of the Hyalite/Porcupine-Buffalo Horn Wilderness Study Area.

4. Inventoried roadless areas. The race course passes through portions of the Gallatin Fringe, Crazy Mountains, and the Bridger Mountains inventoried roadless areas (J1-548, 1-541, 1-543) (Gallatin Forest Plan FEIS, Appendix C). However, no road or trail construction will occur as part of this decision and all race legs are non-motorized. Rules and policies on how roadless lands shall be managed focus on timber harvest and road construction (Gallatin Travel Plan FEIS, pages 3-516 through 3-517). The race is consistent with Forest Service and BLM Travel Management Plans. This decision will not affect any future consideration of roadless lands for potential wilderness designation. This decision will not result in significant inventoried roadless area-related impacts.

5. Research natural areas. The race course does not pass through any designated research natural area but does include a mountain bike leg through the Bangtail Special Interest Area (SIA). Race travel will remain on the designated route and there will be no effect on the natural conditions or features of the area. Again, the race event is consistent with the Gallatin National Forest Travel Management Plan which allows for public recreation travel within the SIA (See Gallatin National Forest Travel Plan decision maps for summer motorized and summer non-motorized uses).

6. American Indians and Alaska Native religious or cultural sites.

Scoping was undertaken with Tribes that have aboriginal territories in this vicinity. The Confederated Salish-Kootenai and the Crow had interests in the project and consultation was undertaken. Modifications were made so that transition areas and travel routes would not occur off-road or off-system trails near archaeological or traditional cultural sites, as suggested through this consultation. Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes. The intent of this consultation has been to remain informed about Tribal concerns.

7. Archaeological sites, or historic properties or areas.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are

excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A ‘no effect’ determination was made.

Tribal concerns and cultural resource issues have been resolved in the design of this project (i.e. through the selected route location in the Crazy Mountains and the mitigation requiring racers to stay on the designated route over Flathead Pass in the Bridger Mountains).

BLM Extraordinary Circumstances:

1. This decision will have no significant impacts on public health or safety.

Rationale: The race segments located on BLM lands will be limited to temporary travel on existing roads and trails. Racers will be instructed to pack out their garbage and follow Leave No Trace principles. DPT will be required to coordinate with local emergency service providers and provide the agencies with a plan for communications and emergency procedures.

2. This decision will have no significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. Rationale: The race segments located on BLM lands will be on existing designated roads and trails and there will be no effect on the natural conditions or features of the area. No portion of the route is located within any special management area. Travel will be by foot or bike and off-route travel is prohibited. This is consistent with Dillon Field Office travel management plan. Helicopters will not be allowed to fly over the Bear Trap Canyon Wilderness, Axolotl Wilderness Study Area or adjacent BLM lands. No helicopter landings will be permitted on federal lands except for emergencies.

3. This decision will have no controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Rationale: The race segments located on BLM lands and methods of travel are consistent with existing designated use of the area.

4. This decision will have no highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Rationale: Again, The race segments located on BLM lands and methods of travel are consistent with existing designated use of the area.

5. This decision will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Rationale: Special Recreation Permits applications are addressed one at a time on a case-by-case basis. Authorizing this race event does not set a precedent to authorize any future proposals.

6. This decision will not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Rationale: Issuing a Special Recreation Permit is a discretionary action. Applications may be denied based upon factors such as but not limited to non-compliance with land use plans or designations; a moratorium on permits issued as part of a planning process; the results of an environmental analysis; other resource values; an allocation system; public health and safety concerns; the applicant's past performance; or the inability of the managing office to issue, manage, and monitor the proposed use.

7. This decision will not 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.
Rationale: There are no National Register of Historic Places located on BLM lands affected by the race.

8. This decision will have no 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.
Rationale: The race segments located on BLM lands and methods of travel are consistent with existing designated use of the area. Use of public lands will be temporary and limited to through travel. No overnight use is allowed.

9. This decision will not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

10. This decision will not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

11. This decision will not 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).

12. This decision will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Rationale: The race segments located on BLM lands and methods of travel are consistent with existing designated use of the area creating no greater potential for the spread and transport of non-native species than currently exists. Use of public lands will be temporary and limited to through travel only.

IV. Public Involvement

For public comment a scoping information document and solicitation of comment was sent to 160 groups and individuals on December 18, 2007. A news release was also distributed around this time. The project was in the Forest Service Schedule of Proposed Actions beginning January 1st, 2008. In response, 10 letters and emails were received. Content analysis of these comments was conducted in March of 2008 and a copy of these, along with agency responses has been attached to this document.

V. Findings Required By and/Or Related To Other Laws And Regulations

Our decision complies with all applicable laws and regulations. We have summarized pertinent ones below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The Gallatin and Beaverhead Forest Plans were approved in the 1980s, as required by this Act. The Forest Plans provide for guidance for all natural resource management activities. The Act requires all projects and activities be consistent with the Plan. The Plan has been reviewed in consideration of this race event. This decision is responsive to guiding direction contained in the Plans. This decision is consistent with the standards and guidelines contained in the Plans.

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

In accordance with 43 CFR 1610.5, the Proposed Action is subject to, and conforms to the BLM Record of Decision and Approved Dillon Resource Management Plan (RMP) dated February 2006. Recreation Goal 3 of the RMP states: "Issue special recreation permits in an equitable manner for specific recreational uses of the public lands and related waters as a means to minimize user conflicts, control visitor use, to protect recreational resources, and to provide for private and commercial recreation use."

Endangered Species Act - See Section II, Item 1 of this document.

Sensitive Species (Forest Service Manual 2670) – See Section II Item 1 of this document.

National Historic Preservation Act - See Section II, Item 7 of this document.

Archaeological Resources Protection Act - See Section II, Item 7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item 6 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which we have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

Gallatin National Forest Travel Management Plan

This decision is consistent with the Gallatin National Forest Travel Management Plan.

VI. Administrative Review Or Appeal Opportunities

The decision of the Gallatin Forest Supervisor is not subject to appeal under 36 CFR 215 (36 CFR 215.12(f)).

The decision of the Field Manager for the Bureau of Land Management, Dillon Field Office is subject to appeal under 43 CFR part 4, which states in part that a person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the Federal Register, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411). In order to appeal, the person must also meet the requirements set forth in 43 CFR 4.410 (Who may appeal) and should refer to relevant portions of 43 CFR Part 4 to ensure they have the correct information on appeal procedures. Appeals must be filed with the Field Manager, Bureau of Land Management, Dillon Field Office, 1005 Selway Drive, Dillon, Montana 59725; or by fax to 406-683-2970.

VII. Implementation Date

This decision is likely to be implemented in May 2008 through issuance of the permits to DPT Productions, Inc.

VIII. Contact Person

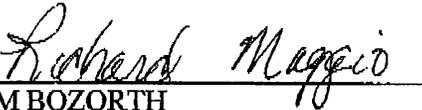
Further information about this decision can be obtained from Jane Ruchman at the Gallatin National Forest Supervisor's Office (Address: P.O. Box 130, Bozeman, MT 59771; Phone: (406) 587-6966; or Susan James, BLM Outdoor Recreation Planner at 5 Forest Service Drive, Ennis, Montana, 59729; phone (406) 682-4082; Fax (406) 682-43; email Susan_James@blm.gov.

IX. Signatures And Date



MARY C. ERICKSON
Forest Supervisor

4/24/08
Date

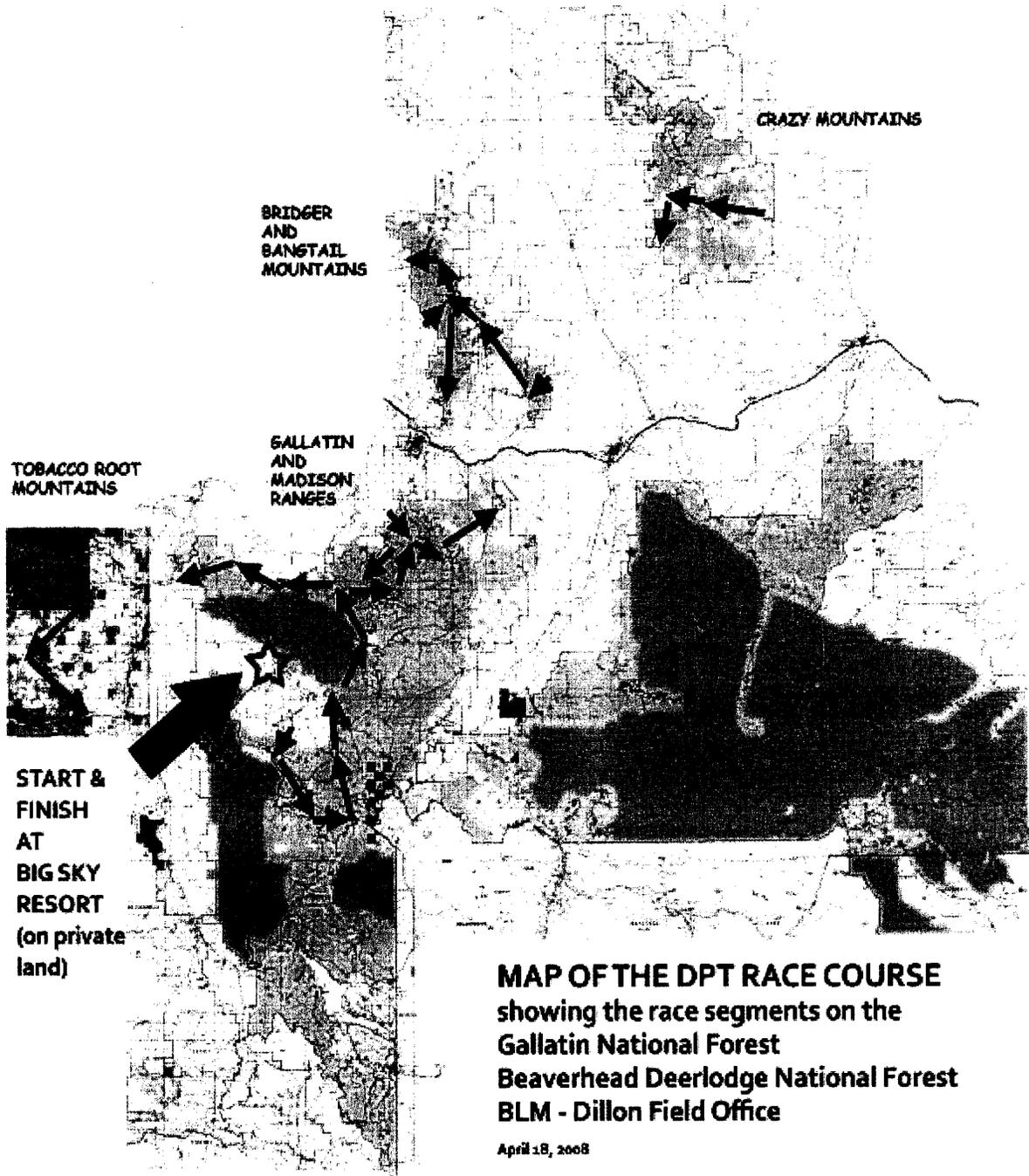


for TIM BOZORTH
Field Manager
Bureau of Land Management
Dillon Field Office

4/25/2008
Date

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Appendix A – Map



Appendix B – Response to Comments

Comment #01/01: Comment generally supportive of the proposed adventure endurance race.

RESPONSE: A decision has been made by the Forest Service and BLM to authorize the proposed race event. See the attached Documentation of Decision.

Comment #02/01: There are many issues that must be addressed including but not necessarily limited to: human waste, garbage, fire danger, food storage in bear country, medical emergency evacuation, harassment to wildlife, disturbance to sensitive soils, potential water quality impairment, etc.

RESPONSE: The race event is consistent with respective agency travel management plans. In determining that there would not be significant effects to natural resources, public safety, or other recreation uses, we compared the scope and magnitude of the proposed race event to the average level of estimated recreation use that occurs within this area during the summer. The Gallatin National Forest recently completed a Travel Management Plan in December of 2006 that determined the appropriate types of recreational uses that would be allowed on the road and trail system. This Travel Plan decision was made, in part, with the objective to bring existing and projected uses to a point where they would be consistent with achieving desired conditions for other forest resources (Travel Plan Record of Decision, page 21). Estimated recreation use of the Gallatin National Forest for 2003 was 1.98 million visits (Travel Plan FEIS, page 3-421). Of this, about 29% participated in hiking/walking, about 1.4% used OHVs and about 1.4% participated in bicycling as their primary activity (Travel Plan FEIS, page 3-4). Recognizing that most of this type of activity occurs during the period from May 15th to October 15th (or about 150 days), at the end of June, we would expect an average of about 3,828 hikers/walkers on the Forest per day, about 185 OHV users on the Forest per day, and about 190 bikers on the Forest per day. Race participants, at the start, are projected to be about 280 racers, or within the scope of what would be anticipated from normal public recreation use. In general, it would stand to reason then that the potential environmental effects of the race would be within the scope of what was disclosed in the Gallatin National Forest Travel Plan FEIS for the selected alternative. In other words, it can be assumed that the race event would remain consistent with achieving desired conditions for other forest resources. See the Travel Plan Record of Decision, pages 66 through 117 for a discussion of findings regarding the effects of recreation travel on other resources and the environment.

Mitigation measures have been included in the decision to address concerns about human waste, garbage, food storage in bear country, and medical emergency evacuation. See pages 5 through 8 of the “Documentation of Decision.”

Comment #02/02: We are opposed to any race activities occurring in roadless areas not designated as wilderness. These are critical for wildlife refugia, as well as solace to people. Hundreds of people participating in a race to the finish is not conducive to maintaining roadless characteristics.

RESPONSE: The race course passes through portions of the Gallatin Fringe, Crazy Mountains, and the Bridger Mountains inventoried roadless areas (J1-548, 1-541, 1-543) (Gallatin Forest Plan FEIS, Appendix C). However, no road or trail construction will occur as part of this decision and all race legs are non-motorized. Rules and policies on how roadless lands shall be managed focus on timber harvest and road construction (Gallatin Travel Plan FEIS, pages 3-516 through 3-517). The race is consistent with Forest Service and BLM Travel Management Plans and the decision will not affect any future consideration of roadless lands for potential wilderness designation. While some people may find a diminished recreation experience due to encountering multiple people along the route, the race is temporary and will not result in significant inventoried roadless area-related impacts.

Comment #02/03: We don't support private companies profiting over a million dollars at the expense and detriment of our public lands. These events should be arranged on private lands.

RESPONSE: Commercial adventures on national forest and BLM lands are appropriate when consistent with land management plans, where the environmental impacts are acceptable, and in situations where the use cannot reasonably be accommodated on private land. In making this decision it was found that the proposed endurance race meets all of these criteria. See page 9 of the "Documentation of Decision."

Comment #02/04: We encourage all public officials to deny the permit for this race event on the basis it is an inappropriate use of public lands, public facilities, and public tax dollars that will benefit only an exclusive private user group. At a minimum an EA should be conducted to properly evaluate the numerous potential environmental impacts. We do not believe a CE is appropriate in this instance.

RESPONSE: The fact that the race is promoted by a private company that may stand to make money on the event is not an appropriate reason to deny a permit. See pages 8 through 10 of the "Documentation of Decision" for the applicable criteria and the rationale for authorizing this use. A cost recovery agreement is in place that requires DPT Productions, Inc. to reimburse the Federal Government for agency time and materials expended. Lastly, this proposal does fit within both Forest Service and BLM categorical exclusions. The "Documentation of Decision" discloses that a categorical exclusion, and not an EA, is appropriate in this case.

Comment #03/01: I believe that this race will definitely have an impact on our commercial guest ranch operation for the approximate 10 days that is indicated. On a daily basis we are

conducting horseback rides throughout the Taylor Fork drainage, and I have some concern about the interaction of those rides and the racers as well as their support personnel.

RESPONSE: Race participants are expected to complete the foot leg within the Taylor Fork drainage on the first day of the race. In addition, mitigation has been included for when they may encounter horse parties along trails. Racers shall be required to observe the following protocol: When racers approach a horse party going the same direction, they shall establish voice contact from as far away as possible. They shall keep up a conversation and ask the horse party if it is okay to pass, how to pass, and keep talking as they pass. They shall walk, not run, as they pass. When racers approach a horse party coming toward them, at about 50 yards apart they should leave the trail on the down hill side about 20 yards and wait until the horse party passes.

Comment #04/02: Participants should be encouraged to stay below the ordinary high water mark on the stream banks, unless they are certain they are on public land. This same advice applies to islands as well. Very little of the bank below the high water mark is likely to be exposed during the race dates.

RESPONSE: Race participants will be required to observe the same rules and regulations that apply to public use of waterways.

Comment #04/03: No littering should be allowed, and portable chemical toilets should be placed strategically along the river route.

RESPONSE: Along the Gallatin River segment of the race there are at least four national forest recreation sites with toilets. Racers will be made aware of those locations. As stated in the attached “Documentation of the Decision” racing teams and support teams will be required to follow “Leave No Trace” principles, and in areas of high concentrated use, like the climbing and river segments, carry and properly use “Restop 2” bags or an equivalent to handle their human waste. The Yellowstone River segment is not under the jurisdiction of the Forest Service or the BLM.

Comment #04/04: Our Otter Creek fishing access site (FAS) might serve as a convenient take-out for the participants to switch from boating to biking or running. This access site is approximately one mile downstream, from the Highway 191 Bridge at Big Timber.

RESPONSE: This is a valid suggestion. Jurisdiction over the river access point along the Yellowstone River resides with Montana Fish, Wildlife and Parks, not the BLM or the Forest Service. MFWP has a copy of this comment.

Comment #05/01: I am pleased to learn the race has in fact been re-routed and the entire race will take place outside of the Hyalite/Porcupine-Buffalo Horn Wilderness Study Area.

RESPONSE: The Forest Service believed that allowing the race to proceed through the Wilderness Study Area would have constituted an extraordinary circumstance requiring preparation of an environmental assessment. The time frames required to prepare an EA could not have been completed in time for the scheduled race event and therefore we asked the company to re-route the course to avoid the area.

Comment #05/02: We appreciate the time, energy and thought that has gone into planning this event. DPT has done a good job outlining the environmental monitoring that will take place before, during and after the event. The field management minimizing techniques are thorough and comprehensive. We are hopeful this event will be successful.

RESPONSE: We concur. The company has been very cooperative and receptive to resolving concerns over resource protection, public safety and user conflicts.

Comment #06/01: What are the long-term implications of approving this kind of new promotional commercial event? What happens when other promoters show up asking to film survival events or races with great scenery?

RESPONSE: Special use applications are addressed one at a time on a case-by-case basis. Authorizing this race event does not set a precedent to authorize any future proposals.

Comment #06/02: Has the Gallatin consulted with the Crows (re Crazy Mountains) as pledged by the regional Forester?

RESPONSE: Numerous good faith attempts to actively engage the Crow in consultation with this project were made and a description of the project, both verbally and in writing was provided. Since the "Crow Summit", March 13, 2002, the Crow Cultural Commission and Cultural Education Department has set forth programmatic understandings and goals for Federal Agencies to work within. The Crow are not always able or sometimes choose not to respond to all the projects submitted by various agencies. As such, the Crow and the Gallatin National Forest have worked diligently for many years to establish common understandings as set forth from the 2002 "Summitt" and have a working relationship that allow us to proceed on certain kinds of projects where there are no known effects to cultural resources.

Comment #06/03: How will you analyze effects of a brand new concentrated commercial event that may easily double the number of people using the Cowboys' Heaven area. Does this make sense in grizzly habitat/ elk calving? How many trips including preliminary trips, FS trips, etc. will be added if you approve this race/ route? Have you consulted packers, traditional recreationists who are likely used to solitude? How about outfitter permittees – do they have trips planned for those dates?

RESPONSE: The effects of the proposed race were analyzed and disclosed in the attached “Documentation of Decision.” The proposed endurance race on federal lands was found to be categorically excluded from documentation in an EIS or an EA under:

(1) The Forest Service Environmental Policy and Procedures Handbook (FSH) 1909.15[31.12(8)], “Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands.”

(2) BLM Departmental Manual 516 DM 11.9[H(1)], “Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

The attached “Documentation of Decision” discloses the rationale for the decision and the findings of no extraordinary circumstances that might otherwise necessitate preparation of an EA or an EIS.

Potential effects of this decision on sensitive species, including grizzly bear, have been analyzed and documented in a Biological Evaluation (BE) (Dixon, 3/28/08). In the BE it was determined that the proposed action *may impact individuals, but is not likely to lead to a trend toward re-listing.*

The wildlife specialist report (Dixon, 3/28/08), prepared to evaluate the potential effects of this proposal, has lead us to the conclusion that there would be no significant effects to wildlife, including elk calving, resulting from the proposed race activities given the mitigation measures we’ve adopted in this decision. The race event would produce some minor disturbance effects, but due to the predictable nature of the activities, most species could adapt quickly and avoid major disturbance impacts. Further, it is anticipated that racers will quickly disperse across the entire course, and will soon blend in with normal recreation use.

For public comment a scoping information document and solicitation of comment was sent to 160 groups and individuals on December 18, 2007. A news release was also distributed around this time. The project was in the Forest Service Schedule of Proposed Actions beginning January 1st, 2008. In response, 10 letters and emails were received. Content analysis of these comments was conducted in March of 2008 and these are listed here along with agency responses.

We recognize that some do not support events that attract more visitors to public lands but we found no evidence that increases in use equate to significant environmental effects. It should be noted that this is a very long and challenging course (approximately 400 miles) and it is anticipated that the winning team would finish it in 5 days, whereas the last team to finish would complete it in 10 days. Many teams will drop out and by the mid-point of the race teams will be hours apart on average. The race begins at Big Sky with the initial leg being an ascent up Lone Mountain on foot. By the time the teams reach federal land at

the Gallatin National Forest boundary in T7S, R3E, Section 28 they will be fairly well dispersed and there will be larger and larger distances between participants as the race progresses.

It is reasonable however to believe that most if not all racers will reach the Sage Creek Trailhead within the first day, therefore, in terms of persons/hour along the trail systems in the Taylor Fork and Buck Creek areas this would be the busiest leg of the race. While we recognize that some users can find their recreation experience diminished when they encounter multiple people along a trail, we're only talking about 1 day. We also found no evidence to suggest that concentration of use results in greater resource effects than use that is distributed out over time (Travel Plan FEIS, Chapter 3). It should be noted that in making the decision for a Gallatin National Forest Travel Management Plan, the Responsible Official did not find a need to regulate the volume of use on any route within the Gallatin National Forest.

Special use permits also provide the Forest Service and BLM with a means of control that doesn't exist for general recreation use. Section II-B of the Documentation of Decision outlines various mitigation measures that will be incorporated as terms and conditions of the permit to protect resources, provide for public safety, and minimize user conflict.

Comment #06/04: If you really feel obligated to say yes to this promotional event –would you consider a much less intrusive alternative race route to the Cherry Creek route through the Madison Mountain Range such as the Jack Creek Road?

RESPONSE: The Jack Creek Road is already included in the race as the final leg of the event. The Cherry Creek foot leg is toward the end of an approximately 400 mile race. By the time this point is reached it is anticipated that many teams will have dropped out and those that remain will be distributed over several days.

Comment #07/01: This is a brand new commercial event of unknown impacts that merits environmental analysis and something a little more thoughtful than leaving a phone message for the Crows.

RESPONSE: We believe that the potential effects of the race are known and predictable. See the attached "Documentation of Decision." Numerous good faith attempts to actively engage the Crow in consultation with this project were made and a description of the project, both verbally and in writing was provided. Since the "Crow Summit", March 13, 2002, the Crow Cultural Commission and Cultural Education Department has set forth programatic understandings and goals for Federal Agencies to work within. The Crow are not always able or sometimes choose not to respond to all the projects submitted by various agencies. As such, the Crow and the Gallatin National Forest have worked diligently for many years to establish common understandings as set forth from the 2002 "Summitt" and have a working relationship that allow us to proceed on certain kinds of projects where there are no known effects to cultural resources.

Comment #07/02: Isn't this a multi-forest/BLM DECISION as to whether or not to grant a special use permit ? Or is it a done deal as the promoters advertise?

RESPONSE: Authorization for this recreation event is required from the following Federal agencies:

**Gallatin National Forest
Beaverhead-Deerlodge National Forest
Bureau of Land Management - Dillon Field Office**

Up until the authorizations are granted permission to conduct a race has not been given. DPT Productions, Inc. was advised of this fact in a letter dated January 18, 2008.

Comment #07/03: The Cowboys Heaven area-- trails 400, 401, 444, 315, etc-- is clearly not the right place to steer this race. It is grizzly habitat, elk calving area and long-proposed wilderness included in every Montana wilderness bill passed by the House and Senate since the forest plan was issued.

In addition, the number of people and the concentration of use are far far beyond traditional use of this area. My guess is it could double or triple the traditional use these quiet trails would otherwise see in a concentrated period. This race may affect forest visitors, recreationists and traditional users such as permitted traditional wilderness outfitters in this area.

RESPONSE: The Cherry Creek foot leg is toward the end of an approximately 400 mile race. By the time this point is reached it is anticipated that many teams will have dropped out and those that remain will be distributed over several days. Also see the response to comment #06/03.

Comment #07/04: If it is a done deal as advertised-- at a minimum I strongly suggest you move the course from here to Jack Creek road so as to avoid these impacts. Jack Creek road is a much more appropriate place for staging the " World's Most Challenging Human Endurance Competition" with its race teams, promoters, film crews, first aid stations, confusion, etc etc

RESPONSE: The Jack Creek Road is already included in the race as the final leg of the event. The Cherry Creek foot leg is toward the end of an approximately 400 mile race. By the time this point is reached it is anticipated that many teams will have dropped out and those that remain will be distributed over several days.

Comment #07/05: As a new unprecedented event never before held on the Gallatin, B-D and BLM this is not eligible for a categorical exclusion.

RESPONSE: Whether a proposed action fits within a categorical exclusion is not dependent on whether it has happened in this exact area, rather it is based on the scope of the specific action and anticipated effects. See the response to comments #02/04 and #06/03.

Comment #08/01: I have bookings in the Cowboys Heaven area for the June 15th to July 1st period. These folks have been led to believe that they will have some semblance of an uncrowded, non-motorized, primitive recreation experience. They expect to see wildlife and not much of other people. They are coming a long way with great expectations to recreate themselves in an unspoiled natural environment. They don't expect to have helicopters flying overhead; lost hypothermic race participants stumbling into their camp; the threat of serious injury from horse wrecks when urban race participants who know nothing about the horse being a prey species run up to them on a day ride and spook the horses; or any of the other unwanted impacts from an event the size of this made for a TV spectacle.

RESPONSE: Again, the Cherry Creek foot segment (i.e. Cowboys Heaven) is toward the end of an approximately 400 mile race. By the time this point is reached many teams will have dropped out and those that remain will be distributed over several days. Crowding is not expected. Helicopter filming over Cowboys Heaven area near the Bear Trap Canyon Wilderness will be prohibited.

Racers are monitored at all times throughout the race. There are support teams and protocols established for search and rescue if needed. The potential for participants to stumble into an outfitter camp for help is very low.

Also, when encountering horse parties along trails, racers shall be required to observe the following protocol: When racers approach a horse party going the same direction, they shall establish voice contact from as far away as possible. They shall keep up a conversation and ask the horse party if it is okay to pass, how to pass, and keep talking as they pass. They shall walk, not run, as they pass. When racers approach a horse party coming toward them, at about 50 yards apart they should leave the trail on the down hill side about 20 yards and wait until the horse party passes.

Comment #08/02: There were hurricane force winds on Trail 401 last November that blew down hundreds of thousands of mature trees in the Cherry Creek drainage. Trail clearing will take weeks on the 401. Trail clearing in this area in early June will have consequence for the hundreds into the thousands of cow elk that calve here and that trail clearing on this magnitude should be put off until July when the calves are strong enough to outrun predators and stay with the herd.

RESPONSE: The blow-downed trees along Trail 401 was discussed with DPT Productions race coordinators. Subsequent to being informed about the blowdown, they hiked and skied the entire trail to see all the blowdown areas. According to the coordinators navigating through such downfall is consistent with the challenge aspects of the race event

and there is no need for trail clearing prior to the event. The racers will be on foot through this stretch and required to stay on the designated trail way.

Comment #08/03: The Cherry Creek 401 Trail crossing in Section 16 at the foot of Sweden Mountain is a dangerous torrent that will wash away a horse trying to cross it if we get rain on top of snow the third week of June.

RESPONSE: Race officials have been made aware of this situation and plan to monitor the weather and the flow of the creek. Depending upon conditions, they may determine that a highline is needed. If they install a highline, race officials would remain at the site to monitor racers and would remove the highline after the last team still in the race passes through.

Comment #09/01: This race is the straw breaking the camel's back in Cowboys Heaven, with the other undesirable activities up to this point that have been and are affecting my O&G business, including: fish biologists entering this area on ATVs to poison the fish, which means now I cannot have clients who want to fish because there is no fish, the FS making the decision to allow bicycles in this area, on Trail 401, the FS taking money that I paid to the FS for fees and building bridges that now accomodate bikers who ruin my business. Also, there was a "made-for TV race" along trail 401 about 4 or 5 years ago.

RESPONSE: We recognize the many divergent, and often conflicting, views about how public lands should be managed. These views are considered in making land management decisions but it is impossible to please all users, all of the time. Decisions are made based on what the responsible officials believe are in the best interest of the public at large. Beyond that attempts are made to mitigate potential problems that may concern individual users.

Comment #09/02: The s-facing slopes between trail 401 and the 2-track host a lot of wildlife in the spring, especially in years like this when most likely there will be a lot of snow remaining in the higher country. This is the time of year when calving is occurring.

RESPONSE: The potential effects of the race event on big game has been considered in making this decision (Dixon, 3/28/08). Race activities would not alter habitat for any of these species, but disturbance effects could result in displacement of animals from otherwise suitable habitat. Displacement affects animals in terms of energy costs, in addition to potential increased vulnerability if animals are displaced into unfamiliar areas. The commenter is correct that the race is scheduled toward the end of the calving, fawning, kidding and lambing season for big game species in this area, however, since the racers would be using non-mechanized modes of transportation, disturbance and related displacement would be less than expected from motorized activities. This is because motorized uses are detected by animals sooner and for longer periods than non-motorized activities. Also, the Cherry Creek foot leg (i.e. the Trail 401 area) is toward the end of an

approximately 400 mile race and disturbance effects would be expected to be similar to what occurs with normal dispersed summer recreation.

Comment #09/03: People on foot, racing, will have no regard for horse parties and can spook the horses, etc. When racers approach a horse party coming towards them, when they get within 50 yards of the horses, the racers should leave the trail on the down hill side of the trail about 20 yards and wait till the horse party passes. When the racers come upon a horse party going in the same direction, they should establish voice contact from as far away as possible. Then keep up a conversation, ask the horse party if it is OK to pass, how to pass, and keep talking as they pass. They should not run past but walk past and keep talking.

RESPONSE: This suggested mitigation has been adopted into this decision. See the “Documentation of Decision”, page 6.

Comment #09/04: The SW corner of section 16, the stream gets very swollen and dangerous. Flash floods there can develop within hours. The trail comes off a steep sidehill at that point. This would be an issue DPT needs to deal with.

RESPONSE: See the response to comment #08/03.

Comment #09/05: For about 1 mile east of the 401 / 408 junction, there was a wind event with a lot of jackstrawed trees.

RESPONSE: The blow-downed trees along Trail 401 was discussed with DPT Productions race coordinators. Subsequent to being informed about the blowdown, they hiked and skied the entire trail to see all the blowdown areas. According to the coordinators navigating through such downfall is consistent with the challenge aspects of the race event and there is no need for trail clearing prior to the event.

Comment #09/07: I am concerned that hurt racers may come to my camp in Cowboys Heaven and disturb my clients. I’m also concerned that racers may spook my horses in the night.

RESPONSE: Racers are monitored at all times throughout the race. There are support teams and protocols established for search and rescue if needed. The potential for participants to stumble into an outfitter camp for help is very low.

Also, when encountering horse parties along trails, racers shall be required to observe the following protocol: When racers approach a horse party going the same direction, they shall establish voice contact from as far away as possible. They shall keep up a conversation and ask the horse party if it is okay to pass, how to pass, and keep talking as they pass. They shall walk, not run, as they pass. When racers approach a horse party coming toward them, at about 50 yards apart they should leave the trail on the down hill

side about 20 yards and wait until the horse party passes. Racers that encounter free roaming horses shall slow to a walk, speak to the horses and avoid spooking them.

Comment #09/08: Concern about the potential impacts from racers who come early and scope out the course.

RESPONSE: Race participants are discouraged from doing this and the race course is not advertised prior to the race. The location of the course is available to the public however, mostly due to the requirements for public disclosure under the National Environmental Policy Act (NEPA) and the Freedom of Information Act (FOIA). It is possible that some racers will come early and attempt to scope out the course, however they must follow travel regulations the same as the general public. If this does occur it would not be expected to be noticeable beyond normal public recreation use.

Comment #10/01: Need to consider potential impacts to cultural resource sites at transition areas and camping areas.

RESPONSE: Modifications were made in the location of the route(s) to insure that transition areas and camping areas would not be located on known sites on National Forest System lands.