



DECISION MEMO

New Mexico Trials Association Motorcycle Trials Competition and Camping

**USDA FOREST SERVICE
JEMEZ RANGER DISTRICT
SANTA FE NATIONAL FOREST
T19N, R2E, Sections 23 and 24
SANDOVAL COUNTY, NM**

Decision & Location: I have decided to approve the authorization for a special use permit for the New Mexico Trials Association Motorcycle Trials Competition and Camping. The project includes trials motorcycle riding and camping on approximately 25 acres on the east end of Lake Fork Canyon between October 3 and October 5, 2008.

Description of Project: The special use permit will authorize approximately 60 to 70 competitors and 20 to 30 spectators to organize and participate in a trials motorcycle competition and associated camping in Lake Fork Canyon, adjacent to Forest Road 376, within the Jemez National Recreation Area. This event will occur on a defined area of approximately 25 acres, within the 136-acre analysis area. Trials bike competitions will occur on existing routes, much of which occurs on bedrock. Camping will take place in an existing campsite along Forest Road 376; no new campsites will be created.

This project is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement under FSH 1909.15, Chapter 31.2- Category 8. Approval, modification, or continuation of minor, short-term (one-year or less) special uses of National Forest System lands. This categorically excluded activity is subject to notice, comment, and appeal under the 36 CFR 215 rules: the issuance or re-issuance of special use permits for OHV activities conducted on areas, trails, or roads that are not designated for such activities.

Categorical Exclusion Compliance:

Scoping and Issues: Agency resource specialists were consulted and a scoping letter inviting interested parties to be involved in this project was sent to 15 individuals and organizations on April 16, 2008. This included state, local, and tribal governments, environmental organizations, and interested parties. A 36 CFR 215 comment legal notice was published on April 20, 2008 in the Albuquerque Journal. This notice gave the public the information necessary to comment on the proposed action. The comment period for this proposal ended on May 20, 2008 with comment letters received from the Center for Biological Diversity, Wild Earth Guardians, and Kevin Stillman (all addressed in one letter), New Mexico Department of Game & Fish, John O'Malia, Marie-Louise Hadden, and again Kevin Stillman. These comments were all received within the 30-day comment period. A letter from the New Mexico Environment Department was received after the comment period, yet relevant comments are responded to below.

Issues raised during scoping included the following:

- *Comment:* "The letter does not identify or evaluate any of the potential environmental issues--water resource impacts, wildlife impacts, recreational impacts, safety impacts, etc. --implicated by the proposed permitted area."
- *Response:* Specialist reports can be found in the project record. These reports contain the technical information to support the analysis, which is summarized in the decision document.
- *Comment:* "The Jemez motorcycle trails are clearly not "routine"...we fail to see how categorical Exclusion 31.12-8 can justify the failure to prepare an EA or EIS..."



- *Comment:* "...this event has occurred annually for many years. However, it is not clear if it had the number of people planned for this year."
- *Response:* The proposed project does not involve adverse effects to any extraordinary circumstance resource conditions. A Decision Memo has been prepared and distributed to interested parties; a case file for the project is located at the Jemez Ranger District, Santa Fe National Forest. Information for expected impacts resulting from this project is partially based on previous years' events, which included approximately the same number of competitors and spectators.
- *Comment:* "Until travel planning is completed, the Forest Service should not authorize activities ...that are likely to exacerbate existing resource damage and intensify user conflicts."
- *Response:* The Santa Fe National Forest is in the process of implementation of the Travel Management Planning Rule through data collection, public meetings, and release of the Proposed Action in June of 2008. **This Rule is not yet ready for on-the-ground implementation.** Currently, the policy for the Santa Fe National Forest is that unless designated as a special area (e.g. Wilderness), a non-cross country travel area, or closed via an order by the Forest Supervisor the forest is open to off-highway vehicle use. Based on monitoring of past events, there is no evidence to suggest that the trials bike competition contributes to or exacerbates existing resource damage or user conflicts,
- *Comment:* "I highly recommend that you approve their request for the following reasons: 1). occupy a very small area, 2). Trials bikes are quiet, 3) never exceed 2 mph, 4). Ride on slick rocks, no damage to soils, 5). Great spectator sport and cater to families."
- *Comment:* "I don't think they should be allowed to use public land for their activities."
- *Comment:* "...allowing the trials bike event will only set a precedent for more..."
- *Response (to above 3):* The Multiple Use Sustained Yield Act (16 U.S.C. 528–531) calls for management of the various uses in the combination that will best meet the needs of the American people. This Act does not envision that every acre of National Forest System land be managed for every multiple use.
- *Comment:* "Does the permit have adequate conditions for storing fuels... in the event of a spill?"
- *Comment:* "Is liquid waste addressed appropriately in the permit?"
- *Response (to above 2):* This decision includes a number of design criteria established to directly address these concerns. The design criteria will be written into the special use permit and the permit will be reviewed for compliance during the event.

Guidelines in the Handbook (FSH 1909.15 Chapter 30, Section 31) require that the following resource conditions be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species
- Flood plains, wetlands, or municipal watersheds
- Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas
- Inventoried roadless areas
- Research natural areas
- American Indians and Alaska Native religious or cultural sites, archeological sites, or historic properties or areas"

Specialists at the Jemez Ranger District analyzed the proposed action using the best available science with respect to each of the above 'extraordinary circumstances.' Therefore, I have determined that the proposed action does not involve adverse effects to resource conditions that could lead to a finding of extraordinary circumstances.



The proposed action is located within the Jemez National Recreation Area (JNRA). Based on the JNRA Management Plan, I determined that the proposed action is an acceptable recreational use of the Lake Fork Unit in the JNRA. The Management Plan for the JNRA does not specifically speak to special use permit authorizations or OHV events; however, page 12 of the Plan states, "Provide road access for traditional uses, dispersed recreation, permittee and administrative uses." Additionally, on Page 8 of the Plan designated areas for motorized uses are specifically discussed as an acceptable use in the Lake Fork Unit of the JNRA. The project is consistent with the Forest-wide and Management Area direction, and standards and guidelines of the Santa Fe National Forest Plan, as amended.

Biological and heritage resource clearances and reports are in the project file.

Project Specifications and Design Criteria: To avoid, minimize, and mitigate potential impacts of the project, the decision to authorize the special use permit for this project includes the following requirements:

- All refuse will be carried out. No trash or food waste will be buried or burned.
- Campsites and trials bike trail(s) will be approved in advance by the Forest Service.
- No campsites will be set within 150 feet of a stream or waterway.
- No **new** areas are to be used, including the camp area and trails.
- When campsite is dismantled, the area is to be left clean.
- Low impact camping techniques as outlined in the "Leave No Trace Land Ethics" brochure shall be observed.
- To minimize any potential soil erosion, any temporary trails created in the proposed action will be approved in advance by the Forest Service and shall be properly water barred to USFS specs following completion of the competition.
- Portable toilets shall be located at least 100 feet away from streams at locations approved in advance by the Forest Service.
- Flammable or combustible liquids (e.g. gasoline) may be stored on site only in approved containers¹.
- All containers with flammable, combustible liquids, or other petroleum-based liquids must be stored at least 150 feet from all running water at all times.
- If gasoline or other flammable, combustible, or other petroleum-based products are being stored onsite, a 30-gallon spill kit must be onsite for potential use at all times.
- One portable toilet for every 35 people who attend or participate in the event is to be made available on site at locations approved by the Forest Service.
- No off-road or off trail use is authorized. All trials bikes are to be kept on Forest Service roads, and within the approved area, eliminating the potential for cross-country bike traffic.

Appeals and Implementation:

This decision is subject to appeal in accordance with 36 CFR 215.11. Those who submitted comments during the 30-day comment period may appeal. Appeals must be filed in writing within 45 days of the legal Notice of Decision publication date in the *Albuquerque Journal*, meet the content requirements at 36 CFR 215.14, and be filed with Appeal Deciding Officer, Daniel J. Jiron, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, 1474 Rodeo Road, Santa Fe, NM 87504-1689 via regular mail, express delivery, or hand delivery; fax: 505-438-7834; email: appeals-southwestern-santafe@fs.fed.us. If no

¹ Approved containers is defined by OSHA as "approved or listed by a nationally recognized testing laboratory" 29CFR1910.106(a)(35).



appeals are filed, implementation of this decision may begin on the 5th day following the 45-day appeal-filing period that begins after publication of the legal notice of decision in the *Albuquerque Journal*.

Contact: For more information, please contact Mike Dechter, Jemez Ranger District Office, P.O. Box 150, Jemez Springs, NM 87025. (575) 829-3535.

Linda Riddle
LINDA RIDDLE
Jemez District Ranger

7/15/08
Date

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