



**BACKCOUNTRY  
HUNTERS & ANGLERS  
IDAHO**

Tuesday, October 3rd, 2023

Dear BLM and NFS,

On behalf of Backcountry Hunters and Anglers (BHA) we are writing today to encourage you to require and comprehensively analyze through the National Environmental Policy Act (NEPA) process the motorized event, Rally in the Pines, hosted by Ms. Meg Allen in the Pahsimeroi Valley, Idaho. Last year's event occurred from July 7 to July 10, 2022, and this year's event took place July 6 to July 9, 2023. Rally in the Pines is a commercial and organized, large scale event geared towards off-highway vehicle (OHV) use on Bureau of Land Management (BLM) and United States Forest Service (USFS) managed public land. The Rally in the Pines event occurs annually with camping operations occurring on private land owned by Ms. Allen, and rides and activities occurring on BLM and FS managed public land. Participants pay \$149 per adult for all rides and activities, and \$95.00 per camping spot (please see Attachment I.). Participants engage in group rides, night parade, and bigfoot hunt on public land that transverses Burnt Creek Wilderness Study Area (WSA), Donkey Hills Area of Critical Environmental Concern (ACEC), Borah Peak Roadless Area, Mahogany and Burnt Creeks which contain endangered Bull trout, priority sage-grouse habitat, and crucial big-game habitat. The event continues to receive hundreds of OHVs and participants engaging in motorized activities throughout these sensitive areas without proper regulation to ensure adequate resource protection to public lands.

BHA believes the event should be analyzed for a Special Recreation Permit (SRP) and Special Use Permit (SUP), as regulated under 43 CFR 2930 and 36 CFR 251.50 and should not be allowed to continue until a permit application may be authorized, if the proposed action is considered allowable. BHA believes the BLM and USFS should not allow the event to continue without adhering to these permitting requirements.

Under 36 C.F.R. 251.50: special use authorizations are required for commercial uses or activities and noncommercial group uses on National Forest System (NFS) lands. The regulations at 36 C.F.R. § 251.51 define commercial use or activities and group use as follows:

- "Commercial use or activity-any use or activity on National Forest System lands (a) where an entry or participation fee is charged.
- Group use-an activity conducted on National Forest System lands that involves a group of 75 or more people, either as participants or spectators."

Under 43 CFR 2930: special recreation permits are required for organized group activities or events, competitive use, and for use of special areas.

"Commercial use is defined as recreational use of public lands and related water for business or financial gain. The activity, service, or use is commercial if any of these conditions is present:

- (1) Any person, group, or organization makes or attempts to make a profit, receives money, amortizes equipment, or obtains goods or services such as compensation from participants in recreation activities occurring on public lands and led, sponsored by,



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[IDAHO@BACKCOUNTRYHUNTERS.ORG](mailto:IDAHO@BACKCOUNTRYHUNTERS.ORG)

- or organized by that person, group, or organization. Compensation for recreation services may come from participants and/or other sources.
- (2) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purpose of the activity, service, or use.
  - (3) There is paid, public advertising to seek participants.
  - (4) Participants pay for a duty of care, i.e., an expectation of safety.”

The aforementioned agency guidance for Special Uses and SRPs also provides managers with rationale for denying permits. BLM manual guidance states “Issuance of an SRP is a discretionary action. Applications for an SRP may be denied based on many factors, including nonconformance with land use plans or designations; a moratorium on permits issued as part of a planning process; state licensing requirements; the results of an environmental analysis; other resource values, including the environment and endangered species or antiquities; an allocation system; public health and safety concerns; the applicant’s past performance, including previous convictions for violating federal or state laws or regulations concerning the conservation or protection of natural resources; or the inability of the managing office to issue, manage, and monitor the proposed use. If the field office is unable to fulfill or complete all the necessary steps of issuing and managing an SRP authorization, then an SRP must not be issued.

Other factors that may determine whether the Authorized officer approves an SRP or SUP application include recreation conflicts in the proposed area of operations, diversity of services provided to the public, number of similar services already offered, and whether the public land area available is sufficient to accommodate the proposed use.” When reviewing the permit application, the permitting agencies should also consider the record of non-compliance, public advertisement of illegal off-road activities and the poor standing with communities the event has previously taken place in.

The commercially driven motorized event occurs in the Burnt Creek Wilderness Study Area. Per, BLM Manual 6330, the degree and scale of this motorized event is an incompatible use in WSAs and potentially impairs the wilderness characteristics of the WSA. The event brings in a significant increase of motorized recreational use that may cause or create a conflict that would constrain Congress’ ability to designate the area as wilderness.

The existing network of legal motorized routes, non-motorized trails combined with unique opportunities for unconfined recreation in a wild setting currently provides public land users with multiple options to experience this amazing area. The recent exponential increase in Off Highway Vehicles (OHV’s) combined with the vulnerability of this sparsely vegetated, open landscape has led to motorized restrictions being enacted in current BLM Travel Management Plans (TMP). Some of these seasonal closures were put in place to provide a “non-motorized hunting opportunity” in response to public input by hunters being overwhelmed by OHV’s during their hunts. The steady rise in motorized use has led to a significant increase in user created routes encroaching into roadless areas. Illegal routes created in the summertime are often used by hunters in the fall, reducing non-motorized hunting opportunities and negatively impacting wildlife security.



The values identified above highlight the ecological, cultural, and recreational importance of this area, as well as the high vulnerability this landscape has to significant increases in motorized use. A large event like Rally in the Pines taking place on public lands within the BLM and USFS requires agency input and public participation to ensure these values aren't impacted. The event organizers have previously held this event in the Upper Pahsimeroi and were required to apply for a SRP and SUP, regardless of the point of origin for guided group rides. The agency was also required to initiate consultation with the Fish and Wildlife Service due to potential impacts to ESA listed bull trout habitat.

Thank you for your consideration and management of our public lands.

Sincerely,

The Idaho Chapter of Backcountry Hunters & Anglers




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## Attachment I.

Rally Release Form. Please read and sign.

Riders and passengers whose names appear hereon (participants) understand that riding ATVs & UTVs may be hazardous and agree to accept full responsibility for their own personal safety, well being and property. In addition, the personal safety, well being, and property of any minor children riding with them. Drivers, passengers and all participants, whose names appear hereon must carry their own medical/accident insurance and agree by the signature below to hold harmless and indemnify Rally In The Pines LLC, it's owners, officers, organizers, volunteers, all sponsors and contributors from any claims by him/her or by third parties, for any damages, injuries, or liabilities to themselves and/or any of their property caused or created by participating in any way in this event, Rally In The Pines. You are participating in this event and riding completely at your own risk. You are solely responsible for yourself, your minor children and all of your property including, but not limited to; your machine, trucks, trailers, RV's and campers. I have read, understood and accept all the terms and conditions, above and on the Rally General Info web page, including the no refund policy. I agree not disclose the location or any of the ride maps of the area to anyone and I will not make them public in any way. \*



Please Sign Here: [Clear](#)

Please read and sign above.

We use Paypal for payment. Please see below.

When finished, please click the "submit" button to finish your registration.

You will receive a confirmation that you have registered immediately upon clicking the submit button. Your tickets will be emailed to you within 30 days after you register.

Please print off your tickets. Bring your tickets with you to the rally.

For admittance to the event, you must show your ticket when you arrive!

**Thank You!**

**Registration payment:**

☐ Adult Registrations \$149.00  
Total number of adults

Quantity   
Item subtotal:\$0.00

☐ Camping Spot \$95.00  
One camping spot required for each RV/Camper

Quantity



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