

CX-AZ-120-2008-032

Just Roughin' It Adventure Company Special Recreation Permit

A. Background

BLM Office: Vermilion Cliffs National Monument

Lease/Serial/Case File No.: **CX-AZ-120-2008-032**

Proposed Action Title/Type: **Paria Canyon Backpacking Trips**

Location of Proposed Action: Paria Canyon/Vermilion Cliffs Wilderness
T40N R7E; T41N R5E

Description of Proposed Action: Authorize a Special Recreation Permit (SRP) for Just Roughin' It Adventure Company to conduct Paria Canyon backpacking trips. Unless, otherwise specified, all trips are limited to a maximum of ten individuals (see stipulation #24 and #25). On the rare occasion that the applicant can obtain Coyote Buttes North permits with the same entry date as their Paria Canyon overnight permits, the applicant may complete a side trip into Coyote Buttes North to visit the "Wave". Unless, otherwise specified, all trips that include Coyote Buttes North are limited to a maximum of six individuals (see stipulation #24 and stipulation #25).

The trips would take place in the Paria Canyon within Vermilion Cliffs National Monument and the last three miles of the Paria canyon within Glen Canyon National Recreation Area. The applicant anticipates that the majority of guiding business would be in the Paria Canyon permit area.

This type of action would be typical for a commercial guide service offering backpacking trips. The company adheres to Leave No Trace and Tread Lightly principles. The applicant currently holds a valid SRP with the Glen Canyon National Recreation Area. The demand for overnight trips within Paria Canyon has seen a slight increase in demand within the last few years. The average trip length has remained just over three nights with a trend toward entering the Paria Canyon at Buckskin Gulch trailhead and exiting at White House trailhead rather than completing a through hike to Lee's Ferry. This trend includes multi-night camping at the Buckskin and Paria river confluences. Currently there are less than 5 overnight permits issued yearly with the entrance point of Lee's Ferry. It is predicted that the demand for Paria Canyon backpacking trips will continue to increase slightly over time with the increased trend toward short overnight trips in the upper canyon rather than through hiking.

The applicant anticipates the majority of the Paria Canyon backpacking trips would enter and exit from Lee's Ferry, with occasional backpacking trips launching from Buckskin Gulch, Wire Pass and Whitehouse Trailheads. The applicant would not be providing shuttle services to the trailheads at this time. This type of activity will be analyzed in the landscape-level programmatic Environmental Assessment (EA) scheduled to be completed in 2008. If the decision record associated with this programmatic EA authorizes shuttles between Buckskin Gulch, Wire Pass, White House and Lee's Ferry trailheads, and;

1. The applicant has received satisfactory annual reviews
2. The applicant provides proof of insurance to include vehicle transportation
3. The applicant has paid all fees due the United States Government

Then the SRP would be amended to include the provision to provide shuttle service between the trailheads without additional NEPA review and documentation. If the addition of shuttle service is permitted to be provided between the Paria Canyon trailheads, the applicant anticipates that the majority of the guiding business would change from round trip backpacking trips in Paria Canyon to through hikes.

On overnight backpacking trips in Paria Canyon, campsites would be located in previously established sites identified in the Paria Hikers Guide. Participants would be instructed to utilize human waste bags provided by the applicant. All human waste would be carried out of the canyon.

Mitigating Measures would be attached to the permit as stipulations. The stipulations applicable for this SRP can be located in Appendix A.

B. Land Use Plan Conformance

Land Use Plan Name: Vermilion Cliffs National Monument Resource Management Plan

Date Approved/Amended: Approved 2008

MA-RR-27: SRP application packages--- will be considered for authorization on a case-by-case basis upon receipt of application.

MA-RR-31: Commercial---and special area permits may be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated wilderness shall meet guidelines for commercial activities within wilderness.

Other document: Paria Canyon – Vermilion Cliffs Wilderness Management Plan
Date Approved: Sept 1986 (PCVCWMP)

PCVCWMP: Page 12, Commercial Use, Management Objective: Commercial use will be managed to allow outfitters and guides to meet public needs as appropriate when that use is consistent with the protection of the wilderness resource.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, 2007.

H1 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 recreation travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).

The CX does not preclude use within national monuments, which are “Special Areas”, it precludes the use of CX for establishing "special management" procedures, policies and

management plans (such as the fee area in the Paria). The SRP application is within the confines of the procedures, policies and management plans that currently exist. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment (see Attachment 1). The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply.

D: Signature

Authorizing Official: _____ Date: _____

Name: Lorraine M. Christian
Title: ASFO Field Manager

Contact Person

For additional information concerning this CX review, contact Judy Culver, Outdoor Recreation Planner, Vermilion Cliffs National Monument, 345 E. Riverside Drive, St. George, Utah, 84790, and 435-688-3240.

Note: A separate decision document must be prepared for the action covered by the CX.

Attachment 1

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

Appendix A:

SPECIAL RECREATION PERMIT STIPULATIONS

SRP AZ-120-2008-032

Just Roughin' It Adventure Company

Failure to comply with the following stipulations can result in permit revocation

1. Any filming/photography of permitted activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
2. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
3. Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause existing permits to be suspended or cancelled. BLM may suspend or cancel an existing SRP if the permittee commits any of the acts prohibited in 43 CFR 8365 (Rules of Conduct), or violates any site specific rules posted in the area.
4. A Special Recreation Permit authorizes special uses of the public lands and should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP can be appealed.
5. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by BLM.
6. Unless expressly stated, the SRP does not create an exclusive right of use of an area by

the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.

7. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACECs) and designated wilderness areas, as well as the use restrictions that apply, and complying with those use restrictions.
8. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
9. Food, water, and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer.
10. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
11. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season for every year the permit is in effect. This report will be used to determine if additional fees are required of the permittee based upon total permitted use. If the permittee desires, use reports may be submitted periodically throughout the permit period. If the post use report is not received by the established deadline, the permit will be suspended and or fines assessed.
12. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
13. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act. (Historic artifacts are those more than 50 years old). Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited. Disturbance of human graves of natives is a violation of the Native American Graves Protection and Repatriation Act.
14. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as wildlife catchments, fences and gates is prohibited. Gates will be left open or closed, as they are found.
15. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury

requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.

16. The permittee will practice proper precautions for noxious weed spread using certified weed-free feed and bedding for livestock and/or dogs. In addition, all machinery (street legal motorized vehicles, dirt bikes, etc) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
17. "Leave No Trace" principles must be followed. (See enclosed reference materials).

OVERNIGHT CAMPING STIPULATIONS:

18. All camps will be located at least 200 feet from any known archaeological sites, including prehistoric camps, rock shelters, caves, and historic buildings.
19. All refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage is prohibited.
20. Campsites to be used on backpacking trips must be identified prior to the first trip, or any time a new location is desired, and a GPS locations given to BLM Arizona Strip representative at least two weeks prior to scheduled trip.

SPECIAL STIPULATIONS THAT APPLY TO THE VERMILION CLIFFS NATIONAL MONUMENT:

21. Permittee may not clean out trailers on the Monument.
22. Within the Vermilion Cliffs National Monument, collection of Monument resources, objects, rocks, petrified wood, fossils, plants, parts of plants, animals, fish, insects, or other invertebrate animals, parts of animals, and other items is prohibited. This SRP does not give authorization to appropriate, injure, destroy, or remove any feature of this monument, or to locate or settle upon any of the lands thereof.

SPECIAL STIPULATIONS THAT APPLY TO THE PARIA CANYON-VERMILION CLIFFS WILDERNESS:

23. A human waste bag will be provided for each customer at overnight camps in Paria Canyon. All bags must be packed out of the wilderness area and properly disposed of in a trash receptacle.
24. The group size is limited to a maximum of ten individuals in Paria Canyon, Wire Pass, White house and Buckskin Gulch, and a maximum of six individuals in Coyote Buttes North, except under the following conditions: When non-commercial visitors contact the permittee and wish to purchase guiding services on a non-commercial permit the visitors have already obtained, the permittee does not count against the group size limit. The permittee will be limited to two guides under this condition.

25. No permits are reserved for commercial use. If the permittee chooses to obtain a permit in advance, they must obtain a permit for both themselves and their clients and pay for the fees in advance. The group size is limited to a maximum of ten individuals in Paria Canyon, Wire Pass, White house and Buckskin Gulch, and a maximum of six individuals in Coyote Buttes North with no limits to the number of guides on the permit under this condition.
26. Campfires are prohibited.
27. Individual Special Recreation Permits for the areas of Paria Canyon, Coyote Buttes North and Coyote Buttes South are not refundable.

DECISION MEMORANDUM

Just Roughin' It Adventure Company Special Recreation Permit CX-AZ-120-2008-032

U.S. Department of the Interior
Bureau of Land Management
Vermilion Cliffs National Monument

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and Vermilion Cliffs National Monument staff recommendations, I have determined that the project is in conformance with the Vermilion Cliffs National Monument Resource Management Plan (approved 2008), and is consistent with the Vermilion Cliffs National Monument Proclamation. It is my decision to approve the action as proposed.

This decision authorization letter will include the mitigation measures listed below:

1. See the attached SRP AZ-110-2008-032 Stipulations
2. The applicant would not be providing shuttle services to the trailheads at this time. This type of activity will be analyzed in the landscape-level programmatic Environmental Assessment (EA) scheduled to be completed in FY 2008. If the decision record associated with this programmatic EA authorizes shuttles between Buckskin Gulch, Wire Pass, White House and Lee's Ferry trailheads, and;
 - a. The applicant has received satisfactory annual reviews
 - b. The applicant provides proof of insurance to include vehicle transportation
 - c. The applicant has paid all fees due the United States Government

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Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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

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

Standards for Obtaining a Stay

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

Please note that in accordance with 43 CFR 2931.8(b), this decision shall remain effective pending appeal unless a stay is granted.

Lorraine M. Christian, Field Manager

Date