

NEPA Document Number: DOI-BLM-AZ-A010-2009-0014-CX

A. Background

BLM Office: **Arizona Strip Field Office** Lease/Serial/Case File No.: **AZA-35062**

Proposed Action Title/Type: **Fluid Images Filming Permit**

Location of Proposed Action is within:

Gila & Salt River Meridian, Mohave County, Arizona
T. 39 N., R. 6 E.,
sec. 26, N1/2NE1/4.
containing 1.00 acre, more or less

Description of Proposed Action: Fluid Images, Inc. has applied for a minimal impact filming permit (43 CFR 2920) to shoot video footage of the Vermilion Cliffs as a backdrop setting promoting the Pac-10 Conference. The video footage would be used to create and produce new television public service announcements promoting the Pac-10 Conference member universities, their academic and athletic programs, and the core values of what the conference stands for. The University of Arizona and Arizona State school logos would be electronically projected over portions of the scene to symbolize the impression that the two Pac-10 member universities are an integral part of the Arizona landscape.

The crew would consist of two or three people. Equipment would be fairly compact consisting of one HD video camera mounted on the end of a jib arm which is remotely controlled from the base. The jib has a small profile and footprint and would either be built to a 30 foot length or an 85 foot length. The base for the 30 foot jib is five feet by five feet and the base for the 85 foot jib is six feet by eight feet, both are on wheels. One company pickup truck pulling an equipment utility trailer that holds the components of the jib and other camera accessories would be used. The vehicle would be parked safely just off Highway 89A near Mile Post 545, the jib components would be hand carried approximately 200 feet west to the location, and the base would be built at the boundary of the Vermilion Cliffs National Monument/Paria Canyon-Vermilion Cliffs Wilderness (see Attachment 1 – Map). If the Highway 89A right-of-way fence is not located exactly 200 feet from the centerline of the Highway and it is necessary to cross over the fence, a step ladder would be used to cross over the barbed wire fence so as not to damage the fence. The jib would be built the evening of Friday, May 15, 2009, and left in position overnight so that video could be shot at first light Saturday morning, May 16, 2009, with Sunday, May 17, 2009, being a backup day. Upon completion, the jib would be disassembled and hand carried back to the vehicle.

Standard filming permit terms and conditions are identified in Attachment 3. No surface disturbance is proposed other than prints from foot traffic. No models, props, or sets are proposed. The proposed location is not habitat for any special status plant species. The proposed activities would not be within the Vermilion Cliffs National Monument or Paria Canyon-Vermilion Cliffs Wilderness.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: **Arizona Strip Field Office Resource Management Plan (RMP)**

Date Approved/Amended: **January 29, 2008**

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision (in part):

MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated.

The proposed issuance of a permit will be evaluated in accordance with other RMP provisions and NEPA compliance, and is not within an avoidance or exclusion area. In addition, the proposed action does not conflict with other decisions in the LUP.

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, E(19) which provides for the issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply (see Attachment 2).

I considered the proposal to be minimal impact because equipment would be hand carried from an existing state highway, no surface disturbance is proposed, and crew size would be no more than three individuals. Standard filming permit terms and conditions are identified in Attachment 3.

D. Signature

Authorizing Official: _____ Date: _____
Lorraine M. Christian
Arizona Strip Field Manager

Contact Person

For additional information concerning this CX review, contact Laurie Ford, Team Lead, Lands and Geological Sciences, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, phone (435) 688-3271.



Attachment 2

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<i>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</i>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	No	LFord
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	JHerron DHawks KJensen
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	LFord
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	JHerron
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	KJensen LHughes
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No	LFord GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No	LFord
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	JHerron GBenson
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	LDWalker

Attachment 3
Special Conditions
Fluid Images Filming Permit AZA-35062

1. This permit would be issued subject to the permittee's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2920.
2. The permittee would conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.
3. This permit applies only to those lands administered by the Bureau of Land Management and does not apply to National Park Service, U.S. Forest Service, or Tribal land jurisdictions. The permittee would be responsible to contact any other governmental entity that may have jurisdiction, including the Arizona Department of Transportation and local government, and to obtain any authorizations that those entities determine necessary.
4. This permit does not give permission to cross over or use private land. The permittee would be fully responsible for all trespass on and/or damages to private land which may result from the permittee's activity.
5. Disclosure of all aspects of the proposed activity must be completely described in the application. Any changes to the proposed activity must be approved in advance by the authorized officer.
6. Use areas would be maintained in a sanitary condition at all times; waste materials at those areas shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, etc. No micro-trash shall be left at use areas and trash receptacles used at use areas would be wildlife proof.
7. The Bureau of Land Management reserves the right to take photographs of any aspect of filming operations for official case file records.
8. No staging areas or off-road vehicle use are authorized. Vehicles would be parked safely along Highway 89A.
9. Permittee would be responsible for the supervision of all participants, spectators, and other persons associated with the activity, and will be responsible for public safety on-site.
10. Permittee would do everything reasonable, both independently and/or upon request of the authorized officer to prevent and suppress fires caused by their activity on or near lands utilized. Compensation may be required of the permittee for Federal, state, or private interests in suppression and rehabilitation expenses.
11. Permittee would notify the BLM wildlife team lead or condor biologist if California condors visit the worksite while authorized activities are underway. The BLM may encourage the permittee to modify, relocate, or delay project activities where adverse affects to condors may result.

DECISION MEMORANDUM
Fluid Images Filming Permit AZA-35062

DOI-BLM-AZ-A010-2009-0014-CX

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

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following special conditions:

12. This permit will be issued subject to the permittee's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2920.
13. The permittee shall conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.
14. This permit applies only to those lands administered by the Bureau of Land Management and does not apply to National Park Service, U.S. Forest Service, or Tribal land jurisdictions. The permittee shall be responsible to contact any other governmental entity that may have jurisdiction, including the Arizona Department of Transportation and local government, and to obtain any authorizations that those entities determine necessary.
15. This permit does not give permission to cross over or use private land. The permittee shall be fully responsible for all trespass on and/or damages to private land which may result from the permittee's activity.
16. Disclosure of all aspects of the proposed activity must be completely described in the application. Any changes to the proposed activity must be approved in advance by the authorized officer.
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18. The Bureau of Land Management reserves the right to take photographs of any aspect of filming operations for official case file records.
19. No staging areas or off-road vehicle use are authorized. Vehicles shall be parked safely along Highway 89A.
20. Permittee shall be responsible for the supervision of all participants, spectators, and other persons associated with the activity, and will be responsible for public safety on-site.

21. Permittee shall do everything reasonable, both independently and/or upon request of the authorized officer to prevent and suppress fires caused by their activity on or near lands utilized. Compensation may be required of the permittee for Federal, state, or private interests in suppression and rehabilitation expenses.
22. Permittee shall notify the BLM wildlife team lead or condor biologist if California condors visit the worksite while authorized activities are underway. The BLM may encourage the permittee to modify, relocate, or delay project activities where adverse affects to condors may result.

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 enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in 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.

In accordance with 43 CFR 2920.2-2(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2920.2-2 for a stay 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 appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

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

- (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.

Lorraine M. Christian, Field Manager

Date

Attachment: Form 1842-1