

DECISION MEMORANDUM
Hunting Guides Special Recreation Permits, No 1
DOI-BLM-AZ-A000-2009-0001-DNA

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office
Grand Canyon Parashant National Monument
Vermilion Cliffs National Monument

Approval and Decision

Based on a review of the project described in the attached Determination of NEPA Adequacy (DNA) documentation and Field Office and Monument staff recommendations, we have determined that the project is in conformance with the Arizona Strip Field Office, Grand Canyon Parashant National Monument and Vermilion Cliffs National Monument Resource Management Plans (approved 2008). The DNA is based on EA-AZ-931-93-001, *Special Recreation Permits for Commercial Recreation Activities*, and specifically addresses outfitting and guiding services. It is our decision to approve the action as proposed.

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 District 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 2931.8 (b) this decision remains in effect pending appeal unless a stay is granted. 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.

Lorraine M. Christian
Arizona Strip Field Manager

Date

Tom Edgerton
Grand Canyon Parashant National Monument Manager

Date

Attachment: Form 1842-1

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: A010, A020, A030

TRACKING NUMBER: N/A

CASEFILE/PROJECT NUMBER: DOI-BLM-AZ-A000-2009-0001-DNA

PROPOSED ACTION TITLE/TYPE: Hunting Guides Special Recreation Permits, No. 1

LOCATION/LEGAL DESCRIPTION: Vermilion Cliffs National Monument, Grand Canyon-Parashant National Monument, and Arizona Strip Field Office.

APPLICANT (if any): Bedlion Outfitters, Dry Creek Outfitters, Silvergrand Outfitters, McClendon Guide Service, Arizona Wildlife Outfitters, Lost Spring Outfitters.

A. Description of the Proposed Action and any applicable mitigation measures:

Authorize Special Recreation Permits for Bedlion Outfitters, Dry Creek Outfitters, Silvergrand Outfitters, McClendon Guide Service, Arizona Wildlife Outfitters and Lost Springs Outfitters to conduct commercial hunting guide activities. Permits may be issued for a period up to ten years. The BLM requires that an annual letter of authorization be issued for each subsequent year under the permit to ensure that permits conditions are fulfilled on an ongoing basis. The letter of authorization would be signed by the appropriate authorized officer (i.e., District, Field or Monument Manager), provided the following criteria are met: no changes are made to the permittee's operations plan; all permit stipulations are followed; fee payments and post-use reports are submitted in a timely manner; and appropriate insurance coverage is maintained. A permit holder who does not fulfill a permit condition would not receive a letter of authorization and therefore permitted activities would be suspended or terminated.

The proposed action would apply throughout the Arizona Game and Fish Department's game management units 13A, 13B and 12B on public lands administered by the BLM Arizona Strip Field Office, Grand Canyon - Parashant National Monument, and Vermilion Cliffs National Monument.

This type of action is typical for a commercial outfitter guiding for deer, mountain lion, bighorn sheep, pronghorn, elk and bear on the Arizona Strip. Applicants anticipate conducting anywhere from one to four trips per year, with average group sizes ranging from two to seven, including both guides and clients. Maximum group size would be ten. Average trip length would be one week or less. Camp stays in a single location are limited to 14 consecutive days. Extensions beyond 14 consecutive days would require approval from the authorized officer prior to the last day of the 14 day camp limit. Due to the unpredictability of hunting activity, the exact location of overnight campsites cannot be determined. The permittees would be required to camp along

the designated road system in existing disturbed areas only and comply with all overnight camping stipulations.

Commercial photography or filming of the hunting activity would be authorized under this SRP (see the Recreation Permit Administration Handbook, H-2930-1, pages 13 and 14) so long as the photography takes place at the same time, location, and in association with the activity permitted under this SRP. A 2920 filming permit would not be required. However, both the SRP fee (43 CFR 2930) and commercial filming fee (43 CFR 2920) would be charged. Filming is limited to the use of hand-held and tripod mounted cameras with no set construction or site adaptations, see specific stipulations attached to this DNA.

Any photographs taken by the SRP holder for use in the permittee's own promotional material or given to guests as a memento of the trip, and any motion or still picture photography done by guests or using a guest's camera equipment for non-commercial purposes would not require a film permit or filming fees in conjunction with this SRP.

B. Land Use Plan (LUP) Conformance

Arizona Strip Field Office Management Plan

Date Approved: 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

MA-RR-12 No person or persons shall occupy one area within the Arizona Strip FO for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. Persons occupying a regular campsite within the Virgin River Canyon Recreation Area are exempt from this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-13

- Camping may be limited in listed species and other sensitive habitats (see Special Status Species & Vegetation Management decisions).
- Camping may be restricted or limited to protect cultural and/or natural resources through campsite monitoring and LAC.
- Dispersed camping will be allowed, subject to Trail and Travel Management decisions.

MA-RR-24 Special recreation permit (SRP) application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements)

MA-RR-28 Commercial, competitive, organized group/event, and special area permits can 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.

Grand Canyon Parashant National Monument Management Plan / General Management Plan

Date Approved: 2008

DFC-RR-01 Recreation and visitor services will be managed to provide varying levels of structured recreation opportunities that offer a range of specific benefits, activities, and experiences within outdoor settings (Special Recreation Management Areas [SRMAs]; See Map 11).

DFC-RR-13 The primary strategy for the Parashant SRMA/NPS SMA will be to target a demonstrated undeveloped recreation-tourism market demand from local community and regional/national visitors for trophy hunting opportunities, guided backcountry tours, hiking, viewing and appreciating wildland landscapes and cultural sites, canyoneering and motorized/mechanized/non-mechanized exploring. This demand is supported by the area's distinctive remote, rugged landscape; its proximity to the Grand Canyon; its vast size; and the largely open and undeveloped character of its recreation settings. Regional and local recreation-tourism visitors value this area for the distinctive kinds of dispersed recreation it produces. (See RMP Appendix J for more information.)

MA-RR-12 No person or persons should occupy one area on BLM-administered lands within the Monument for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-27

- Commercial, competitive, organized group/event, and special area permits can be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated or proposed wilderness should meet guidelines for commercial activities within wilderness.
- Recreation activities requiring use authorization can be limited in listed species and other sensitive habitats. (See Special Status Species and Vegetation Management decisions.)

Vermilion Cliffs National Monument Management Plan

Date Approved: 2008

DFC-RR-01 Recreation and visitor services will be managed to provide varying levels of structured recreation opportunities that offer a range of specific benefits, activities, and experiences within outdoor settings (Special Recreation Management Areas (SRMAs; See Map 2.8).

DFC-RR-06 In Backways and Specialized TMAs, recreation opportunities associated with somewhat remote settings, such as exploring backcountry roads, vehicle camping, hunting, sightseeing, recreation aviation, and picnicking will be maintained/enhanced on existing roads, provided they will be compatible with the protection and enhancement of sensitive resource values and Monument objects, where appropriate.

MA-RR-13 No person or persons shall occupy one area within the Monument for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-27 SRP application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements)

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

EA No. AZ-931-93-001: Special Recreation Permits for Commercial Activities on Public Lands in Arizona. Approved 1993

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: The existing EA (AZ-931-93-001) was written specifically for this type of activity. The EA analyzes a large number of guided outdoor activities including hunting, hiking and camping, which are the three main activities that would take place under these permits; these activities are mentioned specifically in page 1 of the document.

“This document generally covers the specific type of proposed action which involves 1) commercial recreation activities; 2) day-use or multi-day trips onto public lands; 3) base camps of 14 days or less; 4) spike camps, where relatively small groups (up to 6 people or 6 pack stock) would use a site for one or two nights and then move on; and 5) where general stipulations in this document are applied.”

This DNA (DOI-BLM-AZ-A000-2009-0001-DNA) clarifies the proposed action on one point. SRP holders using base camps under this current proposed action can request a base camp

extension beyond the 14 day camp limit. Under the 2008 Arizona Strip Field Office, Grand Canyon-Parashant National Monument Management, and Vermilion Cliffs National Monument Management Plans, no person or persons can occupy one area for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day camp limit to 28 days can be authorized for permitted uses on a case-by-case basis. EA-AZ-93-001 states “It is recognized that in some circumstances, such as delays to weather, emergencies, or tracking a wounded animal, guides may be required to extend stays to base and spike camps.” These types of extensions and a 14 day camp extension are deemed “substantially the same”; they were already analyzed and found to not substantially increase impacts to the land over those that have already occurred under EA-AZ-931-93-001.

Filming is an additional proposal by outfitters that is not specifically addressed in the existing EA. However, the use of small, hand-held cameras/video equipment with no film crews or sets, in conjunction with the guided hunting trips, would not substantially differentiate this added use from the action analyzed in the existing EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: There are two alternatives analyzed in the existing EA—the proposed action and no action.

Under the proposed action, SRPs would be issued on a case-by-case basis. The analysis states that resource impacts would be minimal because the BLM would have the ability to approve, deny, or modify a proposed operation, as well as modify or add to the list of stipulations that commercial operators must comply with.

The alternative to the proposed action would be to deny hunting and guide permits. The current EA states the denial of permits “would likely increase” illegal guiding activity and may hinder the BLM’s ability to work with outfitters and monitor commercial activities. Unregulated activity could have greater resource impacts and create additional enforcement problems. (EA-AZ-931-93-001, p.8)

The range of alternatives analyzed in the existing EA is still valid under the current conditions and circumstances.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: The only change since EA-AZ-931-93-001 is the designation of the Grand Canyon-Parashant and Vermilion Cliffs National Monuments within the Arizona Strip District. The designation of these monuments has not changed the validity of the EA. The proposed guiding activities are consistent with the monument proclamations and Arizona Strip Field Office, Vermilion Cliffs National Monument Management and Grand Canyon Parashant National Monument Management Plans. The management guidance in these documents does not preclude this proposal from being authorized or conflict with the existing analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

These direct, indirect and cumulative effects are identical to those identified in the Environmental Impacts section (pages 5-8) of the existing EA. The nature of the proposed action is short-term and dispersed over a large area. The specificity of the existing analysis is adequate.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The existing EA was widely distributed, including 550 copies to agencies, organizations, and individuals, including those on the wilderness mailing list. That public involvement and interagency review was, and continues to be, adequate for the current proposed action.

E. Persons/Agencies /BLM Staff Consulted

Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation or review of this worksheet.

<u>Name</u>	<u>Resource/ Agency Represented</u>
Gloria Benson	Tribal Liaison, Arizona Strip District Office
Diana Hawks	Recreation/Wilderness/Cultural Resources/Arizona Strip District Office
Laurie Ford	Lands/Realty/Minerals, Arizona Strip District Office
Linda Price	Vermilion Cliffs National Monument Manager, Standards & Guidelines
Kitti Jensen	Wildlife, Arizona Strip District Office
John Herron	Cultural Resources, Arizona Strip District Office
Lee Hughes	Special Status Plants, Arizona Strip District Office
Ray Klein	Law Enforcement, National Park Service
Whit Bunting	Range, Arizona Strip District Office
Richard Spotts	Environmental Coordinator, Arizona Strip District Office
Ron Wadsworth	Law Enforcement, Arizona Strip District Office
LD Walker	Weed Coordinator, Arizona Strip District Office
Lorraine M. Christian	Field Manager, Arizona Strip Field Office
Tom Edgerton	Grand Canyon-Parashant National Monument Manager
Jeff Bradybaugh	Grand Canyon-Parashant National Monument Superintendent, National Park Service
Andi Rogers	Arizona Game and Fish
Sarah Reif	Arizona Game and Fish
LeAnn Skrzynski	Kaibab Paiute Tribe

Conclusion

Based on the review documented above, we conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of the NEPA.

Signature of the Responsible Officials:

Arizona Strip Field Office Manager Date

Grand Canyon-Parashant National Monument Manager, BLM Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.