

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI, BLM, AZ2009-0002-CX**

Project Title: Muley Crazy Commercial Video Permit Renewal, AZA-33338

Project Lead: Linda Barwick

Date that any scoping meeting was conducted:

Date that concurrent, electronic distribution for review was initiated: November 5, 2008

Deadline for receipt of responses: November 25, 2008

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Diana Hawks, Recreation/Wilderness/VRM
Laurie Ford, Lands/Realty/Minerals
Kitti Jensen, Wildlife/ T&E
John Herron, Cultural
Lee Hughes, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Linda Price, S&G
Whit Bunting, Range/Vegetation
Richard Spotts, Environmental Coordinator
Ron Wadsworth, Supervisory Law Enforcement
LD Walker, Weed Coordinator
Lorraine Christian, ASFO Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)
Rick Miller (E-mail address: rmiller@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)

(Ms. Rogers and Mr. Miller are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Kitti Jensen as the ASDO Wildlife Team Lead. Ms. Jensen will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

(Insert names and titles of any additional reviewers recommended by Project Lead, Manager(s), Environmental Coordinator, or from scoping meetings)

NEPA Document Number: DOI, BLM, AZ2009-0002-CX

A. Background

BLM Office: Arizona Strip District Office
33338

Lease/Serial/Case File No.: AZA-

Proposed Action Title/Type: Muley Crazy Commercial Video Permit Renewal

Location of Proposed Action: Videotaping could take place in all three units of the Arizona Strip District, in Mohave and Coconino Counties, Arizona. Arizona Game and Fish Department designated hunting units are 12B, 13A, and 13B (Attachment 1).

Description of Proposed Action: Proposal is to renew a minimum impact permit to videotape hunters and wildlife for commercial resale of videos and publication of photos in hunting magazines. One person would use hand held equipment to film wildlife, hunters, and hunting party. Hunters are guided by permitted guides and videotaping would take place in conjunction with the hunt. No off-road vehicle travel would be authorized. Videotaping could take place in any of the authorized hunting units on the Arizona Strip where a hunter obtains a license. This permit would be issued for a period of three years and would be renewable. Applicant has estimated approximately 2 to 3 days of filming per year. Permit would be subject to the terms and conditions identified in 43 CFR 2920.7 and special conditions listed in Attachment 2; and rental payments as provided by 43 CFR 2920.8.

B. Land Use Plan Conformance

The proposed actions are in conformance with the applicable LUPs because they are specifically provided for in the following LUP decisions:

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan, dated January 29, 2008

Decision 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.

Land Use Plan Name: Grand Canyon-Parashant National Monument Plan, dated January 29, 2008

Decision MA-LR-07 – On BLM-administered lands, minimum impact permits within the Monument will be evaluated and authorized on a case-by-case basis where site-specific NEPA analysis determines that impacts to the objects or values for the Monument were designated will be negligible.

Land Use Plan Name: Vermilion Cliffs National Monument Plan, dated January 29, 2008

Decision MA-LR-07 – Minimum impact permits within the Monument will be evaluated and authorized on a case-by-case basis where site-specific NEPA analysis determines that impacts to the objects or values for which the Monument was designated would be negligible.

In addition, the proposed actions do not conflict with other decisions in the LUPs.

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(9)** which provides for, “Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

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 3).

D: Signature

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

_____ Date: _____
Thomas R. Edgerton
Monument Manager, Parashant

Contact Person

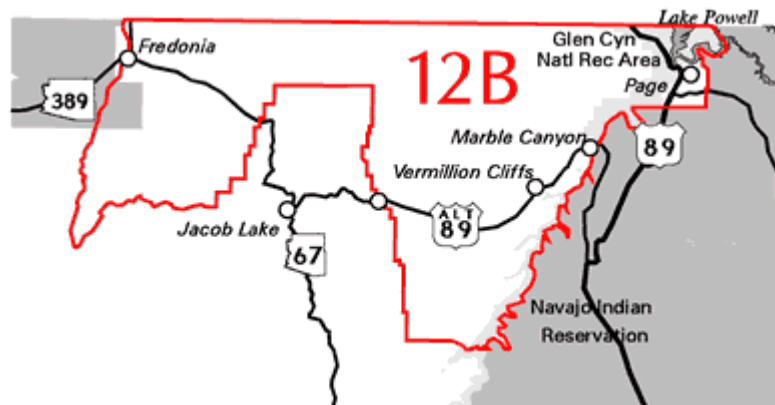
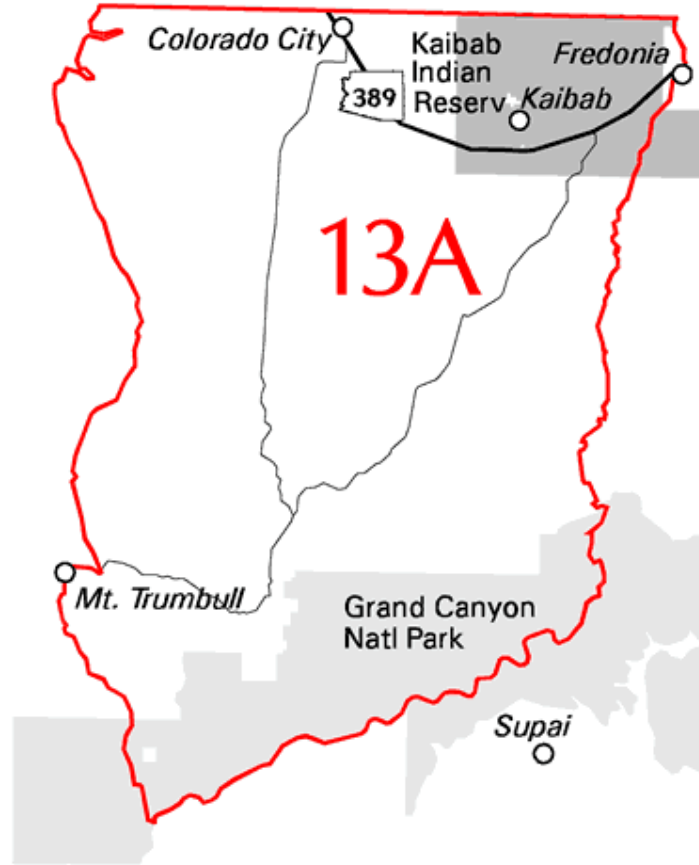
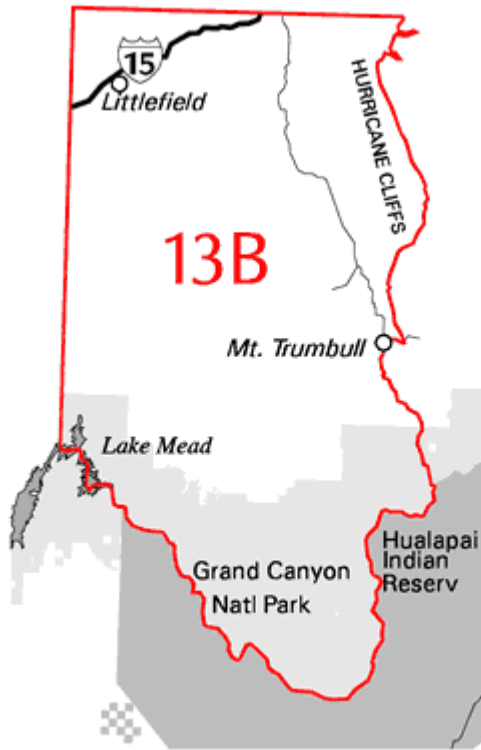
For additional information concerning this CX review, contact Linda Barwick, Land Law Examiner, AZ Strip Field Office, 345 E. Riverside, St. George, UT 84790, 688-3287.

Attachment 1

MULEY CRAZY COMMERCIAL FILMING PERMIT

Arizona Game and Fish Department Hunting Units 12B, 13A, and 13B

Permit applies only to BLM administered land under the jurisdiction of the Arizona Strip District (Arizona Strip Field Office, Vermilion Cliffs National Monument, and Grand Canyon-Parashant National Monument) excluding designated wilderness. The BLM issued permit does not cover operations on the National Park Service administered portion of the Grand Canyon-Parashant National Monument



Attachment 2

SPECIAL CONDITIONS MULEY CRAZY COMMERCIAL VIDEO PERMIT – AZA-33338

1. This permit applies only to BLM administered land under the jurisdiction of the Arizona Strip District (Arizona Strip Field Office, Vermilion Cliffs National Monument, and Grand Canyon-Parashant National Monument) excluding designated wilderness. The BLM issued permit does not cover operations on the National Park Service administered portion of the Grand Canyon-Parashant National Monument; a separate Incidental Business Permit or a Commercial Permit from the Lake Mead National Recreation Area is required for activities on NPS lands.
2. Within the Grand Canyon-Parashant and the Vermilion Cliffs National Monuments, 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 permit 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.
3. The permittee shall conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.
4. Use areas shall 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.
5. The BLM reserves the right to take photographs of any aspect of filming operations for official case file records.
6. No off-road vehicle use is authorized.
7. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use shall be left intact; all work in the area shall stop immediately and the relevant authorized officer of the Arizona Strip (435)688-3323 shall be notified immediately. Recommencement of work shall be allowed upon clearance by the relevant authorized officer in consultation with the archaeologist.
8. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the relevant authorized officer. The permittee shall continue to protect the immediate area of the discovery until notified by the relevant authorized officer that use may resume.
9. Permittee shall not damage, collect, or introduce plants or animals at any location(s) authorized by a permit. This does not apply to game animals hunted with a valid license.

10. Permittee must contact and receive concurrence and license, where required from all state, counties, and local governmental agencies having jurisdiction, concern, or interest in this activity.
11. This permit does not give permission to cross over or use any private land. The permittee will be fully responsible for all trespass on and/or damages to private land, which results from the permittee's activity.
12. 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 relevant authorized officer.
13. Permittee will do everything reasonable, both independently and/or upon request of the relevant 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.
14. Permittee may not chase, harass, manipulate or bait wildlife in any way.
15. No cutting or flattening of vegetation is authorized.
16. Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices are not allowed. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two, battery-powered, auxiliary lighting sources may be used.
17. The relevant 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.
18. BLM will request permit holders to notify the BLM wildlife team lead or condor biologist if California condors visit the filming location while permitted activities are underway. BLM may request that project activities be modified, relocated, or delayed where adverse affects to condors may result. Compliance with such requests is optional.

Attachment 3

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	LBarwick
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	DHawks KJensen JHerron
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	LHughes/ KJensen
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	GBenson RWadsworth
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	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	LWalker

DECISION MEMORANDUM

DOI, BLM, AZ2009-0002-CX

Muley Crazy Commercial Video Permit Renewal, AZA-33338

U.S. Department of the Interior

Bureau of Land Management

Arizona Strip District Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and district office staff recommendations, we have determined that the project is in conformance with the Resource Management Plans of the Arizona Strip Field Office, the Grand Canyon-Parashant National Monument and the Vermilion Cliffs National Monument, dated January 29, 2008, and is categorically excluded from further environmental analysis. The proposal meets the criteria for minimum impact filming as provided for in 43 CFR 2920.2-2 and is therefore, a full force and effect decision. It is our decision to approve the action as proposed with the following stipulations/mitigation measures:

1. This permit applies only to BLM administered land under the jurisdiction of the Arizona Strip District (Arizona Strip Field Office, Vermilion Cliffs National Monument, and Grand Canyon-Parashant National Monument) excluding designated wilderness. The BLM issued permit does not cover operations on the National Park Service administered portion of the Grand Canyon-Parashant National Monument; a separate Incidental Business Permit or a Commercial Permit from the Lake Mead National Recreation Area is required for activities on NPS lands.
2. Within the Grand Canyon-Parashant and the Vermilion Cliffs National Monuments, 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 permit 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.
3. The permittee shall conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.
4. Use areas shall 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.
5. The BLM reserves the right to take photographs of any aspect of filming operations for official case file records.
6. No off-road vehicle use is authorized.
7. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use shall be left intact; all work in the area shall stop immediately and the relevant authorized officer of the Arizona Strip (435)688-3323 shall be notified immediately. Recommencement of work shall be allowed upon clearance by the relevant authorized officer in consultation with the archaeologist.
8. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the relevant authorized officer. The permittee shall continue to protect the immediate area of the discovery until notified by the relevant authorized officer that use may resume.

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12. 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 relevant authorized officer.
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17. The relevant 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.
18. BLM will request permit holders to notify the BLM wildlife team lead or condor biologist if California condors visit the filming location while permitted activities are underway. BLM may request that project activities be modified, relocated, or delayed where adverse affects to condors may result. Compliance with such requests is optional.

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, Arizona Strip

Date

Thomas R. Edgerton
Monument Manager, Parashant

Date

Attachment: 1842-1