

Decision Memorandum

Ira F. Leonard, Pilgrim Operations, Inc. Filming Permit AZA-35608
DOI-BLM-AZ-A020-2011-0002-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 Vermilion Cliffs National Monument 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 permit terms and conditions identified in Attachment 3 of the CX.

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 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 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
Lorraine M. Christian, Field Manager

March 7, 2011
Date

Attachment: Form 1842-1

Attachment 3

Permit Terms and Conditions

Ira F. Leonard, Pilgrim Operations, Inc. Filming Permit AZA-35608

1. This permit will be subject to the permittee's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2920.
2. The permittee will conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.
3. This permit does not give permission to cross over or use private land. The permittee will be fully responsible for all trespass on and/or damages to private land which may result from the permittee's activity.
4. 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.
5. Use areas will 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 the areas shall be wildlife proof.
6. The Bureau of Land Management reserves the right to take photographs of any aspect of filming operations for official case file records.
7. No staging areas or off-road vehicle use are authorized.
8. Permittee will be responsible for the supervision of all participants, spectators, and other persons associated with the activity, and would be responsible for public safety on-site.
9. Authorized vehicles will be restricted to routes approved by the authorized officer. No off-road vehicle use is authorized. All parking or helicopter landings will be on existing roads or disturbed areas as approved by the authorized officer.
10. No hazing or feeding of wildlife is allowed.

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NEPA Document Number: DOI-BLM-AZ-A020-2011-0002-CX

Categorical Exclusion Documentation

A. Background

BLM Office: Vermilion Cliffs National Monument

Case File No.: AZA-35608

Proposed Action Title/Type: Ira F. Leonard, Pilgrim Operations, Inc. Filming Permit

Location of Proposed Action: The proposed action is located within the following described area and as shown on the attached map (Attachment 1):

Gila and Salt River Meridian, Arizona

T. 39 N., R. 3 E.,

sec., 12, SW;

containing 1.000 acres, more or less

Description of Proposed Action: An application has been filed for a permit (43 CFR 2920) to film a segment for the television show "Dirty Jobs". The segment would be based on the host working hands-on with Chris Parish and other members of the Peregrine Fund in capturing the condors in order to tag them for identification purposes, and also to monitor their health and make sure they are not suffering from lead poisoning. Filming would take place at the pens that house the condors within Vermilion Cliffs National Monument (see Attachment 1 – Map).

The crew would consist of 8 people from Pilgrim Operations, Inc. and 1 or 2 people from the Peregrine Fund. Equipment would consist of a shoulder camera and a tripod for lighting if needed. Three 4-wheel drive SUVs would carry crew and equipment to the site's locked gate area and the rest of the way to the pens would be by foot. Access to the area would be on existing administrative roads. Dates for filming activities would be March 14, 2011 and March 15, 2011.

No surface disturbance is proposed other than prints from foot traffic. No props or sets are proposed. The proposed filming would be subject to the terms and conditions listed in Attachment 3.

Permit would be subject to all provisions of 43 CFR 2920 including the terms and conditions identified in 43 CFR 2920.7 and conditions listed in Attachment 3.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Vermilion Cliffs National Monument Resource Management Plan

Date Approved: January 29, 2008

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

It has been determined that the proposed filming activity is “minimum impact” due to its lack of potential for resource damage or controversy. It has also been determined that 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.

No site rehabilitation would be necessary because the proposed filming is considered “minimum impact” and would not result in any ground disturbance. 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 apply (Attachment 2).

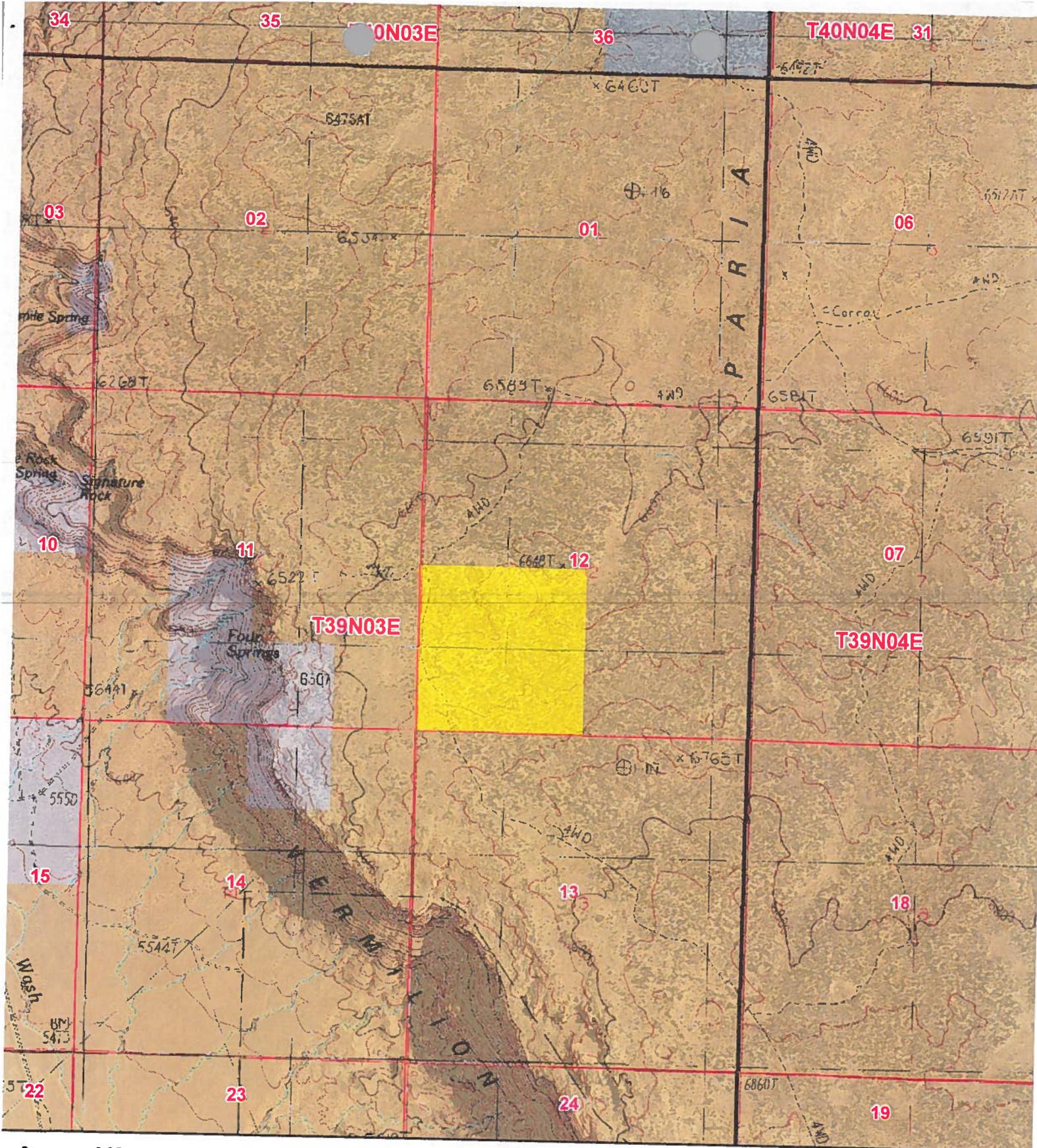
I considered the short duration and low/minimum impacting nature of the proposal along with the additional special conditions identified in Attachment 3 which would not cause appreciable damage or disturbance to the public lands, their resources, or improvements in accordance with 43 CFR 2920.2-2.

D: Signature

Authorizing Official: Lorraine M. Christian Date: March 7, 2011
Lorraine M. Christian, Field Manager

Contact Person

For additional information concerning this CX review, contact Linda Barwick, Land Law Examiner, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3287.



0 0.25 0.5 Miles



United States Department of Interior
Bureau of Land Management
Arizona Strip Field Office



Ira F. Leonard, Pilgrim Operations, Inc.
Film Permit No. AZA-35608

Map created February 25, 2011

-  Permit Area
-  Township and Range Boundary
-  Section Boundary
-  Bureau of Land Management
-  Private
-  State

This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.

Attachment 2

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST

IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.

EXTRAORDINARY CIRCUMSTANCES Does the proposed action...	YES/NO & RATIONALE (If Appropriate)	STAFF
1. Have significant impacts on public health and safety?	No	RCox
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 JHerron LChristian
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No	RCox
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	RCox
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No	RCox
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	RCox
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	LChristian JRoaque
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No	LChristian GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No	RCox
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	WBunting

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