ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A020-2013-0007-CX**

Project Title: **Pickett White Pocket Filming Permit AZA-036349**

Project Lead: **Marisa Monger**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: June 18, 2013

Deadline for receipt of responses: **COB June 24, 2013 (Please note the shortened review time to accommodate filming scheduled for 6/24 – 6/27/2013)**

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 – Preparer
Jeff Young, Wildlife/T&E Animals
John Herron, Cultural Resources
Jackie Roaque, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Whit Bunting, Range/Vegetation/Weeds/S&G
Richard Spotts, Environmental Coordinator
John Sims, Supervisory Law Enforcement
Lorraine Christian, ASFO Field Manager
Kevin Wright, VCNM Manager

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

Andi Rogers (E-mail address: arogers@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Ms. Rogers is an Arizona Game and Fish Department (AGFD) habitat specialist. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). Mr. Bungart and Ms. Hubbs are cultural staff for the Hualapai Tribe. 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 Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT or Hualapai Tribe employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Tribal Liaison. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

Pickett White Pocket Filming Permit

NEPA Document Number: DOI-BLM-AZ-A020-2013-0007-CX
Categorical Exclusion Documentation

A. Background

BLM Office: Vermilion Cliffs National Monument Case File No.: **AZA-036349**

Proposed Action Title/Type: **Pickett White Pocket 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. 41 N., R. 4 E.,
sec. 13, E1/2
T. 41 N., R. 5 E.,
sec. 18, lots 1, 2, 3 and 4, S1/2NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4, E1/2W1/2, and SE1/4

containing 937.520 acres, more or less

Description of Proposed Action:

Nathan J. Pickett has applied for a filming permit for footage to be used in a music video. The purpose is to take video of Alex Boye singing or lip syncing in the White Pocket area on lands within Vermilion Cliffs National Monument. The filming crew is proposing to utilize the unique beauty and diversity of surfaces abundantly found only at White Pocket. The number of personnel involved is expected to be 6 but in no case would exceed 10 people. The filming crew would travel on existing roads to White Pocket for one day of shooting between the dates of June 24 (evening) to June 27, 2013 (to allow some flexibility for weather). No props would be used and there would be simple filming with a handheld glidecam, tripod and a 4 foot compact camera crane to take video of the singer. The camera crane has a maximum extension of 3 feet, is easily carried by hand to the site and would be of the same footprint as a standard tripod. No voice machines or amplifiers would be used and no aircraft, large vehicles or animals are proposed. Access to the site would be done by two or more four-wheel drive trucks .

Permit would be subject to all provisions of 43 CFR 2920 including 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

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

Date Approved: January 29, 2008

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

A "minimum impact permit" is defined as one which authorized activities that "will not cause appreciable damage or disturbance to the public lands, their resources or improvements" (43 CFR 2920.2-2). All travel to and from the filming location would occur on designated roads. Filming would be done with a handheld camera, using a tripod as necessary. No set construction, use of heavy equipment, or use of explosives/pyrotechnics would occur. No impacts to Monument objects or values are therefore anticipated and the activity is considered "minimum impact". In addition, the proposed action would not conflict with other decisions in the RMP.

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 43 CFR 46.215 apply (Attachment 3). In addition, no rehabilitation of the site would be necessary because the proposed filming activity is "minimum impact."

I considered the short duration and low/minimum impacting nature of the proposal along with the additional special conditions identified in Attachment 2 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: _____ Date: 6/24/13

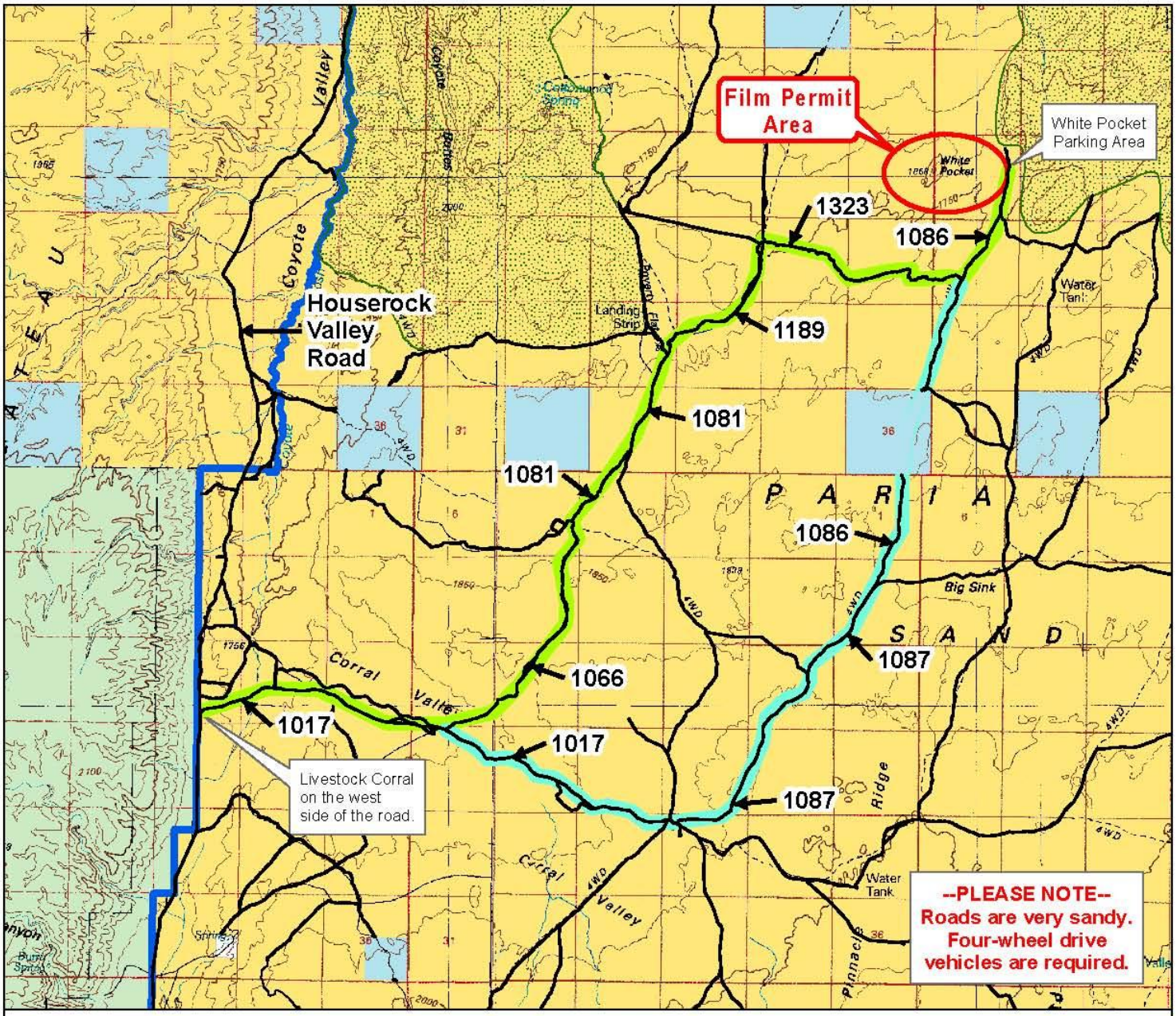
Acting for Lorraine M. Christian, Field Manager

Contact Person

For additional information concerning this categorical exclusion review, contact Marisa Monger, Realty Specialist, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3288.

Attachment 1

LOCATION MAP
Pickett White Pocket Filming Permit AZA-036349



White Pocket Filming Permit

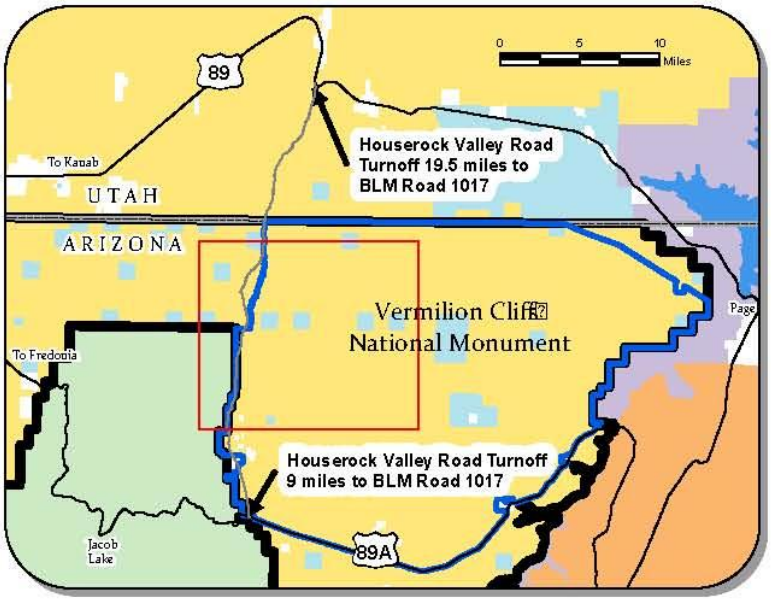
- Popular Route
- Alternate Route
- Arizona Strip Routes
- Monument Boundary
- Designated Wilderness
- Bureau of Land Management
- Indian Reservation
- National Park Service
- Private
- State
- US Forest Service

NATIONAL SYSTEM OF PUBLIC LANDS

VERMILION CLIFFS

Scale = 1:107,560

0 1 2 Miles



This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers. No warranty is made by the BLM for the use of the data for purposes not intended by the BLM.

Attachment 2

SPECIAL CONDITIONS
Pickett White Pocket Filming Permit AZA-036349

1. This permit would authorize filming/photography ONLY at the location(s) specified in the permit. NO filming/photography in wilderness would be authorized, including at Coyote Buttes North or Coyote Buttes South.

2. 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.

3. The permittee would conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit.

4. This permit would apply 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.

5. This permit would 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.

6. Use areas would be maintained in a sanitary condition at all times; waste materials at those areas would 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, food materials, bullets, bullet casings, etc. No micro-trash would be left at use areas.

7. The Bureau of Land Management would reserve the right to take photographs of any aspect of filming/photography operations for official case file records.

8. No staging areas or off-road vehicle travel would be authorized.

9. Permittee would 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.

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. Where California condors visit the area while activities are underway, the permittee would avoid interaction with condors. Authorized activities would be modified, relocated, or delayed if those activities have adverse effects on condors. Authorized activities would cease until the bird leaves on its own or until techniques are employed by permitted personnel that result in the individual condor leaving the area. The permittee is required to notify the Bureau of Land Management wildlife team lead (435-688-3373) of this interaction within 24 hours of its occurring.

12. Photography activities would be conducted in a manner that does not disrupt other visitor's backcountry recreational experience. Permittee would not restrict access to any area open to the public and would suspend all photography activities while other visitors are in view. Photography may resume when other visitors are no longer in view.

13. 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 would stop use in the immediate area of the discovery and immediately notify the authorized officer.

Attachment 3

EXTRAORDINARY CIRCUMSTANCES REVIEW & CHECKLIST
Pickett White Pocket Filming Permit AZA-036349

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 significant impacts on public health and safety would result because of the short term and minimal surface disturbance.	MMonger
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. Because of the short duration and minimal impacts of this one-day filming at White Pockets, there would be no impacts to recreation as a result of issuing this filming permit. In addition, the area is outside designated wilderness and areas managed to maintain wilderness characteristics. No wild and scenic river is located near the filming site. See Cultural Resource Compliance Documentation Record and J Herron email 6/18/2013, DHawks email 4/18/2013, and JYoung email 4/18/2013.	DHawks JHerron JYoung
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No controversial environmental effects or unresolved alternative uses of resources conflicts because proposed action is a routine activity essentially no different than casual use that commonly occurs in the area.	MMonger
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No. Proposed action is a routine activity similar to previously authorized uses which involved no significant environmental effects and no unique circumstances.	MMonger
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No. Proposed action is similar to previously authorized activities and does not represent a decision in principle about future actions with potentially significant environmental effects. Each film permit request is assessed individually.	MMonger
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No cumulative effects because all vehicle use is limited to existing roads and proposed action is essentially no different than casual use that commonly occurs in the area. Per specialist input, there would be no more than negligible impacts to Monument objects.	MMonger
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. See Cultural Resource Compliance Documentation Record and JHerron email 4/18/2013.	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. The proposed action would not modify listed species habitat and there would be no more potential for disturbance associated with the proposed action to listed species than would already occur from ongoing recreational activities. No significant impacts would result from the proposed action because of the minimal impacting nature of the proposal. See JYoung email 4/18/2013 and JRoaque email 4/19/2013.	JYoung JRoaque
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No environmental laws/requirements would be violated. See JYoung email dated 4/18/2013.	JYoung GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No effect on low income or minority populations because proposed action is a short term activity located in a remote area some distance from residential populations.	MMonger
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 access would be limited by the proposed action. The permittee would use the same existing roads that other recreationalists use and would not restrict access to any area open to the public due to the minimal impacting nature of the proposal, as well as permit stipulation #13 in Attachment 2 of	GBenson

	this CX.	
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 impacts would result because of the minimal impacting nature of the proposal. See WBunting email dated 4/19/2013.	WBunting

Decision Memorandum

Pickett White Pocket Filming Permit AZA-036349
DOI-BLM-AZ-A020-2013-0007-CX
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 resource 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 special conditions identified in Attachment 2 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 attached 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.

<u>Standards for Obtaining a Stay</u>

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.

Acting for Lorraine M. Christian, Field Manager — 6/24/13 Date

Attachment: Form 1842-1

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790

WITH COPY TO SOLICITOR... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151

AND COPY TO..... Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 (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.

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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ---------- Alaska
Arizona State Office --------- Arizona
California State Office ------- California
Colorado State Office -------- Colorado
Eastern States Office --------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ---------- Idaho
Montana State Office --------- Montana, North Dakota and South Dakota
Nevada State Office ---------- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ---------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office -------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)