

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A020-2014-0003-CX**

Project Title: **Spring 2014 White Pocket Filming/Photography Permits, AZA 036529, AZA 036530, AZA 036533**

Project Lead: Marisa Monger

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: May 6, 2014

Deadline for receipt of responses: **Friday, May 16, 2014**

(Please note the shortened review time to accommodate filming scheduled for 5/20/2014)

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

Gloria Benson, Tribal Liaison
Whit Bunting, Range/Vegetation/Weeds/S&G
Laurie Ford, Lands/Realty/Minerals
Diana Hawks, Recreation/Wilderness/VRM
John Herron, Cultural Resources
Ray Klein, GCPNM Supervisory Ranger
Jace Lambeth, Special Status Plants
John Sims, Supervisory Law Enforcement
Richard Spotts, Environmental Coordinator
Jeff Young, Wildlife/T&E Animals
Kevin Wright, Monument Manager, VCNM
Lorraine Christian, Field Manager, ASFO

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

Steve Rosenstock (E-mail address: srosenstock@azgfd.gov)
Daniel Bulletts (E-mail address: dbulletts@kaibabpaiute-nsn.gov)
Peter Bungart (E-mail address: pbungart@circaculture.com)
Dawn Hubbs (E-mail address: dawn.hubbs101@gmail.com)

(Mr. Rosenstock is an Arizona Game and Fish Department (AGFD) habitat program manager. Mr. Bulletts is acting 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:

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Vermilion Cliffs National Monument

NEPA No.: DOI-BLM-AZ-A020-2014-0003-CX
Case File No.: AZA 036529, AZA 036530, AZA 036533

Proposed Action Title/Type: Spring 2014 White Pocket Filming/Photography Permits

Applicants: Indigo Films, Gazeta USA Inc, Hello Lovely Productions, and John Does from May and June 2014

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

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 thru 4, S1/2NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4, E1/2NW1/4, E1/2SW1/4, and SE1/4.

The areas described contains 937.520 acres, more or less.

Description of Proposed Action: Three applicants have proposed to film at White Pocket within Vermilion Cliffs National Monument during the spring of 2014 as follows. Indigo Films proposes to videotape the landscape at White Pocket to gather film footage for a Travel Channel series in which a local guide explains to the host of the show the unique geology and history found in the White Pocket area. The video shoot would be during daylight hours and the number of personnel involved is expected to be 8 people. The film crew would travel on designated roads to White Pocket for one day of shooting between the dates of May 24-26, 2014 (to allow some flexibility for weather). They are proposing to use 3 cameras that would either be hand-held or on tripods and 1 small helicam/drone to collect film footage. This small radio controlled drone (DJI S800 EVO) is approximately 3'x3' and weighs about 12 lbs. It would not be used for more than 10 minutes at a time and would not be flown higher than 120 meters (always within eyesight). Its maximum decibel level is 70db. See Figure 1 for a picture of the device. Access to the site would be done by 3 four-wheel drive vehicles (truck, jeep, etc.).

Gazeta USA Inc. proposes to commercially film the rock formation at the White Pocket area for a nature television program broadcast in Japan (TV Asahi Network <http://www.tv-asahi.co.jp/>) . The video shoot would be during daylight hours and the number of personnel involved is expected to be 7 people. The film crew would travel on designated roads to White Pocket for one day on May 27, 2014. They are proposing to use 2 HDV cameras that would either be hand-held or on tripods. Access to the site would be done by 2 four-wheel drive vehicles (truck, jeep, van, etc.). They are also planning to film the Kanab Visitors Center where the lottery for Coyote Buttes North and South are held and a separate filming permit is being processed by Utah BLM.

Hello Lovely Productions in conjunction with New Focus TV is proposing to film the landscape at White

Pocket area for a documentary on geology to be aired on German television. The video shoot would be during daylight hours and the number of personnel involved is expected to be 4 people. The film crew would travel on designated roads to White Pocket for one day of shooting between the dates of May 20-23, 2014 (to allow for some flexibility for weather). They are proposing to use 2 Canon 5D cameras that may be hand-held, on tripods, on a slider or used with a small crane. Access to the site would be done by 2 four-wheel drive vehicles (truck, SUV, etc.).



Figure 1 – DJI S800 EVO Drone

In addition to the three applicants described above, this CX would also allow commercial filming at White Pocket for any additional applications received through June 30, 2014 that meet the criteria for minimum impact commercial filming per 43 CFR 2920.2-2. The minimum impact filming checklist in Attachment 1 would be used to determine if the proposed filming activities meet the minimum impact filming criteria. Props, large vehicles, lighting equipment or animals are not proposed in any of the current applications and additional applicants considered under the minimum impact film criteria could not include the proposed use of them either. Any applications that include those proposed uses would be subject to separate National Environmental Policy Act analysis. No commercial filming, either still photography or motion filming, would be permitted if it is determined that 1- there is a likelihood of resource damage that cannot be mitigated; 2- there would be an unreasonable disruption of the public's use and enjoyment of the site; or 3- the activity poses health or safety risks to the public.

Permit would be subject to all provisions of 43 CFR 2920 including the terms and conditions identified in 43 CFR 2920.7, rental payments as provided by 43 CFR 2920.8, and mitigation measures/special conditions listed in Part V of this document.

PART II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan: Vermilion Cliffs National Monument Resource Management Plan (RMP)

Decisions and page nos.: MA-LR-07, page 2-55.

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.

Date plan approved/amended: January 29, 2008

This proposed action has been reviewed for conformance with this plan (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

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. Most filming would be done with handheld cameras, but occasionally cameras may be mounted on tripods if 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 does not conflict with other decisions in the LUP.

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. 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);

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.

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, check the appropriate box (yes/no), comment and initial for concurrence. Add any appropriate additional reviewers and applicable manager. Rationale supporting the concurrence should be included in the appropriate block. If no response is received from a mandatory reviewer, enter the comment due date along with the notation “No response received.”

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS/REVIEWERS:	DATE:
Marisa Monger, Project Lead	May 6, 2014
Gloria Benson, Tribal Liaison	May 16, 2014 , No response received
Whit Bunting, Range/Vegetation/Weeds/S&G	May 8, 2014
Diana Hawks, Recreation/Wilderness/VRM	May 6, 2014
John Herron, Cultural Resources	May 6, 2014
Laurie Ford, Lands & Minerals	May 7, 2014
Ray Klein, GCPNM Supervisory Ranger	May 7, 2014
Jace Lambeth, Special Status Plants	May 7, 2014

John Sims, Supervisory Law Enforcement		May 16, 2014 , No response received
Richard Spotts, Environmental Coordinator		May 8, 2014
Jeff Young, Wildlife/T&E Animals		May 9, 2014
Kevin Wright, Monument Manager, VCNM		May 16, 2014 , No response received
Lorraine Christian, Field Manager, ASFO		May 16, 2014 , No response received
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No significant impacts on public health and safety would result from the proposed action because the activity is routine in nature similar to casual use commonly occurring in the area and because of the minimal impacting nature of the proposal. Preparer's Initials <u>MM</u>
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness 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; and other ecologically significant or critical areas.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Because of the short duration and minimal impacts of this one-day filming at White Pockets, none of these three minimum impact filming permits would cause significant impacts to natural, cultural or unique geographic characteristics or monument objects within Vermilion Cliffs National Monument. White Pocket is outside designated wilderness and areas managed to maintain wilderness characteristics. No rivers exist on the plateau near White Pockets so no wild and scenic rivers would be affected. See Cultural Resource Compliance Documentation Record and J Herron email 5/6/2014, DHawks email 5/6/2014, and JYoung email 5/9/2014. Preparer's Initials <u>DH, JH, JY</u>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: 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 and because of the minimal impacting nature of the proposed action. Preparer's Initials <u>MM</u>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No. Proposed action is a routine activity similar to previously authorized uses which involved no significant environmental effects and no unique circumstances. Preparer's Initials <u>MM</u>

<p>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: 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.</p> <p style="text-align: right;">Preparer's Initials <u>MM</u></p>
<p>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: There would be no cumulative effects because all vehicle use is limited to designated 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.</p> <p style="text-align: right;">Preparer's Initials <u>MM</u></p>
<p>(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: No. See Cultural Resource Compliance Documentation Record and JHerron email 5/6/2014.</p> <p style="text-align: right;">Preparer's Initials <u>JH</u></p>
<p>(h) 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.</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: 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 5/9/2014 and JLambeth email 5/7/2014.</p> <p style="text-align: right;">Preparer's Initials <u>JY, JL</u></p>
<p>(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: No environmental laws/requirements would be violated. See JYoung email dated 5/7/2014.</p> <p style="text-align: right;">Preparer's Initials <u>JY</u></p>
<p>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Rationale: 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.</p> <p style="text-align: right;">Preparer's Initials <u>MM</u></p>

(k) 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).

Yes

No

Rationale: 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 Mitigation Measures/Special Conditions of this CX.

Preparer's Initials MM

(l) 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).

Yes

No

Rationale: No impacts would result because of the minimal impacting nature of the proposal. See WBunting email dated 5/8/2014.

Preparer's Initials WB

PART V. – COMPLIANCE REVIEW CONCLUSION

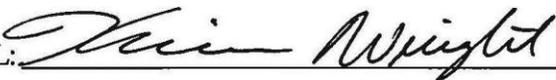
I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

I considered the short duration and low/minimum impacting nature of the proposals along with the additional mitigation measures/special conditions identified below which would not cause appreciable damage or disturbance to the public lands, their resources, or improvements in accordance with 43 CFR 2920.2-2. No surface disturbance is proposed and travel would only be on designated roads.

MITIGATION MEASURES/SPECIAL CONDITIONS/OTHER REMARKS:

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.
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.
14. There is potential for the spread of noxious and invasive weeds from vehicles and equipment contaminated with weed seed and/or biomass. To reduce this potential, the permittee would thoroughly wash and remove all vegetative material and soil before transporting equipment to the film site to help minimize the threat of spreading noxious and invasive weeds. This would include trucks, trailers and other machinery.
15. Any unmanned aircraft (drone) used in filming would adhere to the operating standards of the Federal Aviation Administration's Advisory Circular 91-57 which specifies that model aircraft will not be flown higher than 400 feet above the surface.

APPROVING OFFICIAL:  DATE: May 19, 2014
TITLE: Acting Field Manager, Arizona Strip Field Office

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.

Attachment 1

MINIMUM IMPACT FILMING CHECKLIST

Applicant: _____

Project: _____

Type of Filming: Movie _____ Still _____ Video/DVD _____

I. This section applies to all BLM-managed lands.	YES*	NO
A. Will impact sensitive habitat or species		
B. Will impact Native American sacred site		
C. Involves major use of pyrotechnics		
D. Involves more than minimum impacts to land, air, or water		
E. Involves use of explosives		
F. Involves use of exotic species with danger of introduction into the area		
G. Involves use of heavy equipment		
H. Involves aircraft (helicopter, fixed-wing, or hot air balloon) and was determined to not be minimally impacting in part II.		
I. Involves surface disturbance or adverse impact to sensitive surface resource values or does not meet standards mandated by law, regulation or policy for resources including, but not limited to:		
1. Historical, cultural or paleontological sites		
2. Sensitive soils		
3. Relict environments		
4. Wetlands or riparian areas		
5. Wild & Scenic River corridors		
6. National Register Sites		
7. Designated wilderness or WSAs		

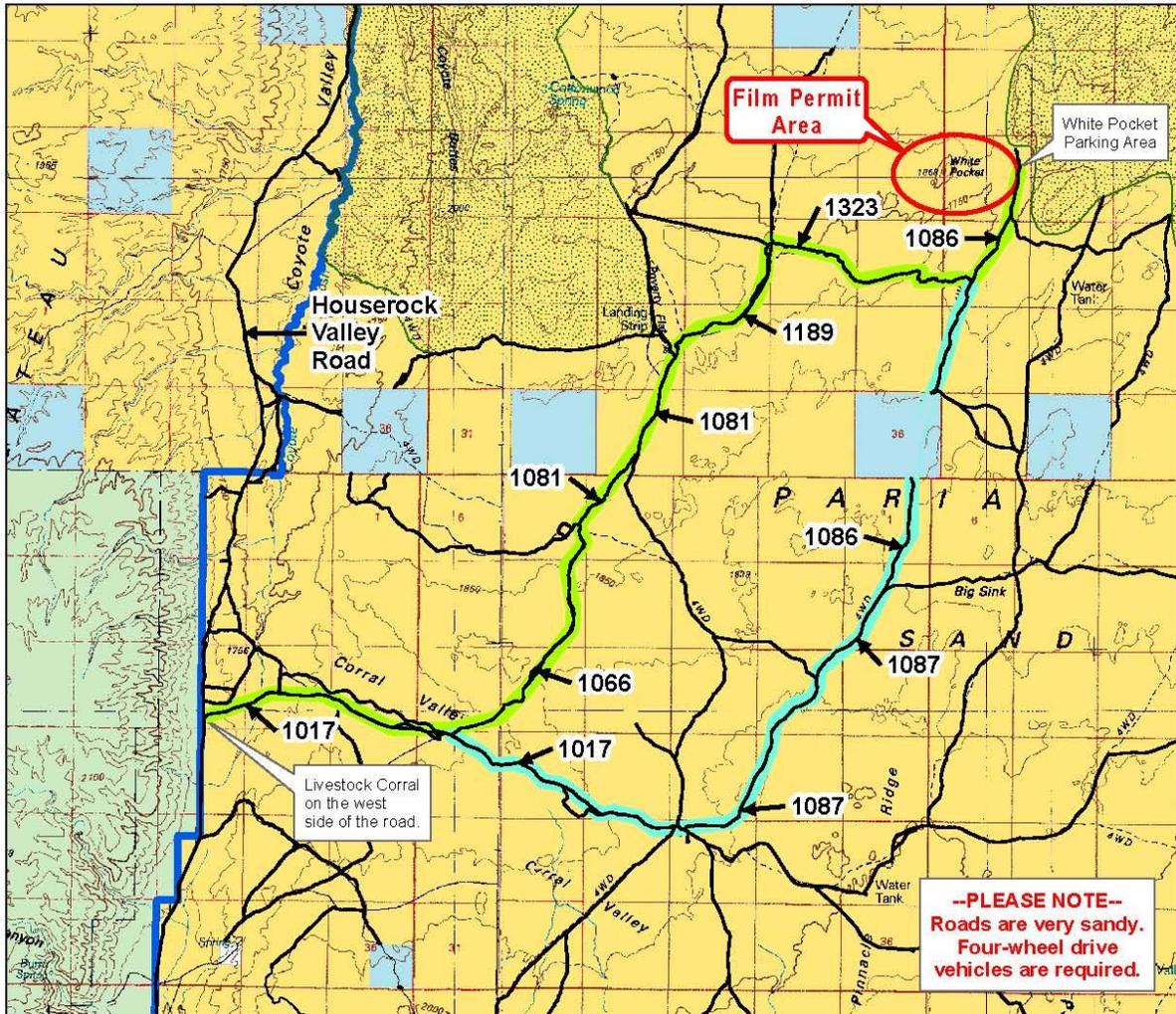
* If "yes" was marked in any one category, the action is not minimally-impacting.

II. Aircraft Screening	YES*	NO
1. Use of aircraft (helicopter, fixed wing, hot air balloon) involves refueling in a sensitive area		
2. Use of aircraft is proposed in an area with wildlife concerns during a critical period and		
a) is proposed for more than 1 day or		
b) exceeds the frequency of 2 projects per 30-day period		
3. Use of aircraft is proposed in an area with no wildlife concerns and		
a) is proposed for more than 2 days or		
b) exceeds the frequency of 3 projects per 30-day period		
4. Use of aircraft is proposed within ½ mile of a designated campground located in a sensitive area and the number of low-elevation passes proposed exceeds 4 passes per day.		

* If "yes" was marked in any one category, the action is not minimally-impacting.

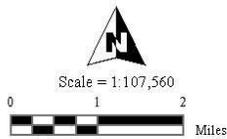
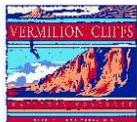
Attachment 2 - LOCATION MAP

Spring 2014 White Pocket Filming/Photography Permits, AZA 036529, AZA 036530, AZA 036533
 NEPA No.: DOI-BLM-AZ-A020-2014-0003-CX

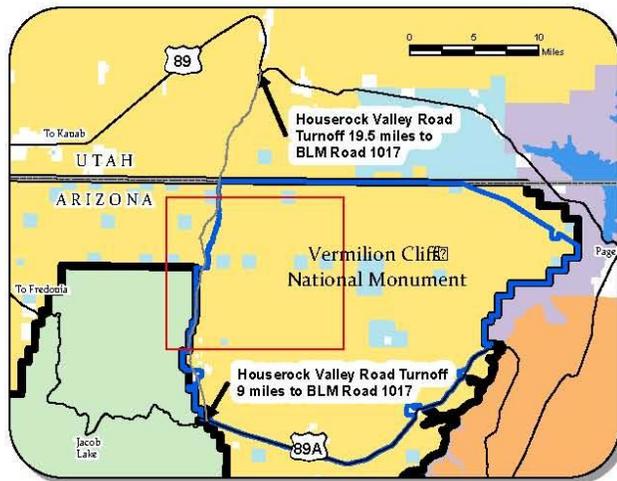


White Pocket Filming Permit

- 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



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DECISION MEMORANDUM

Spring 2014 White Pocket Filming/Photography Permits, AZA 036529, AZA 036530, AZA 036533

NEPA No.: DOI-BLM-AZ-A020-2014-0003-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 (CX) 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 mitigation measures/special conditions identified in Part V 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.

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
Acting for Lorraine M. Christian, Field Manager

5/19/14
Date

Attachment: Form 1842-1

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 <i>Notice of Appeal</i> 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 <i>Notice of Appeal</i> 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	Field Manager, Arizona Strip Field Office Bureau of Land Management	
NOTICE OF APPEAL.....	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 <i>Notice of Appeal</i> , 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 <i>Notice of Appeal</i> , 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 <i>Notice of Appeal</i> , (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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> 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.

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)