

DOI-BLM-AZ-A020-2014-0006-DNA

Worksheet

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Offices: Vermilion Cliffs National Monument

Kanab Field Office

Arizona Strip Field Office

Tracking Number: DOI-BLM-AZ-A020-2014-0006-DNA

Casefile/Project Number: DOI-BLM-AZ-A020-2014-0006-DNA

Proposed Action Title/Type: Windows Of The West Hummer Tours SRP. Driving, hiking, photography, and interpretive tours on Vermilion Cliffs National Monument and Paria Canyon-Vermilion Cliffs Wilderness.

Location/Legal Description: Vermilion Cliffs National Monument, Buckskin Gulch, Wire Pass, Middle Trail, and White House trailheads, Paria Canyon, Coyote Buttes, Ferry Swale, White Pocket, Powell Monument, and Cedar Mountain.

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

Description of Proposed Action: The proposed action is to authorize a Special Recreation Permit (SRP) for Windows Of The West Hummer Tours to conduct 1) day-use trips in Buckskin Gulch, Wire Pass, Paria Canyon, Coyote Buttes, White House, White Pockets, Ferry Swale and the Maze Rock Art Site; and 2) Driving tours to Ferry Swale, West Bench Pueblo, and the Powell Monument.

Commercial use such as authorized by the proposed SRP would be monitored and if it is found to be displacing private users, there may be adjustments to commercial use either seasonally or by restricting the total number of commercial trips into Paria Canyon in the future.

The Programmatic EA for Commercial Motorized SRPs on Vermilion Cliffs National Monument implements group size limits and client to guide ratios in defined Resource Management Zones (RMZs) across Vermilion Cliffs National Monument (see accompanying Table 1). For activities

DOI-BLM-AZ-A020-2014-0006-DNA

within the Upland West RMZ (White Pocket), the client to guide ratio is 5 to 1 with group size limited to 12 people operating no more than 3 vehicles or 12 ATVs. For vehicle-tour activities (i.e, not including shuttles for permitted hiking) within the Coyotes Buttes RMZ, the client to guide ratio is 5 to 1 with group size limited to 6 people operating no more than 2 vehicles or 6 ATVs. For clarification, group size is defined by total people (and vehicles) in the RMZ at a given time. The total people and vehicle use limits include both clients and guides.

Mitigating measures would be attached to the permit as stipulations. The stipulations applicable for this SRP are located in Attachment A.

B. Land Use Plan (LUP) Conformance

LUP Name: Vermilion Cliffs National Monument Resource Management Plan

Date Approved: January 29, 2008

LUP Name: Arizona Strip Field Office Resource Management Plan

Date Approved: February 2008

LUP Name: Kanab Field Office Resource Management Plan

Date Approved: October 2008

LUP Name/Date Approved *Vermilion Cliffs National Monument Resource Management Plan, January 2008*

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

- **DFC-RR-07:** In the Primitive TMA, high quality recreation opportunities associated more with primitive recreation experience opportunities and non-motorized uses such as camping, sightseeing, hiking, horseback riding, and hunting, will be maintained/enhanced, provided they will be compatible with the protection and enhancement of sensitive resource values and Monument objects, where appropriate.
- **DFC- RR-06** In Backways and Specialized TMAs, recreation opportunities associated with somewhat remote settings, such as exploring backcountry roads, vehicle camping, hunting,

DOI-BLM-AZ-A020-2014-0006-DNA

sightseeing and picnicking will be maintained/enhanced on existing roads, provided they will be compatible with the protection and enhancement of sensitive resource values and Monument objects, where appropriate.

- **DFC- RR-11** The House Rock Valley RMZ will be managed for: Scenic backroads driving with access to interpretation, wildlife viewing, and hiking.
- **DFC- RR-13** (in part) – The Uplands RMZ will be managed for:
 - Self-directed motorized recreation with access to non-motorized opportunities.
 - By the year 2012, manage this zone to produce limited and sustainable motorized access for visitors to enjoy day-use adventure activities in natural, scenic landscapes along structured travel routes and areas, accessing non-motorized exploration and challenge recreation in an urban back-yard setting of colorful sandstone abutting the wilderness, providing no less than 75% of responding visitors and affected community residents at least a “moderate” realization of these benefits (i.e., 3.0 on a probability scale where 1 = not at all, 2 = somewhat, 3 = moderate, 4 = total realization).
- **MA- RR-09** Recreational activities can be limited or restricted in special status species and other sensitive habitats (see Special Status Species and Vegetation Management decisions).
- **MA-RR-10** Visitor limits, supplemental rules, or restrictions will be based on LAC.
- **MA-RR-27:** SRP application packages--- will be considered for authorization on a case-by-case basis upon receipt of application.
- **MA-RR-31:** Commercial, competitive, organized group/event, and special area permits may be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Recreation activities requiring use authorization may be limited in listed species and other sensitive habitats.

LUP Name/Date Approved *Arizona Strip Field Office Resource Management Plan, February 2008*

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

- **DFC-RR-06** In the Primitive TMA, high quality recreation opportunities associated more with primitive recreation experience opportunities and nonmotorized uses such as camping, sightseeing, hiking, horseback riding, and hunting, will be maintained/enhanced, provided they will be compatible with the protection and enhancement of sensitive resource values, where appropriate.
- **DFC-RR-07** In Rural TMA, a wide variety of recreation opportunities associated with near-urban settings, such as walking, OHV play, equestrian, rock crawling, mountain biking, and viewing events, may be maintained/enhanced, provided they will be compatible with the protection of sensitive resource values.
- **MA-RR-23** Visitor limits, regulations, or restrictions may be instituted and/or adjusted when monitoring of resource and social conditions indicate a trend toward unacceptable resource and social changes brought about by such use.

DOI-BLM-AZ-A020-2014-0006-DNA

- **MA-RR-24** Special recreation permit (SRP) application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements)
- **MA-RR-28**
 - Commercial, competitive, organized group/event, and special area permits can be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated wilderness shall meet guidelines for commercial activities within wilderness.
 - Recreation activities requiring use authorization may be limited in listed species and other sensitive habitats (See Special Status Species and Vegetation Management decisions).

LUP Name/Date Approved *Kanab Field Office Resource Management Plan, October 2008*

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

- **REC 22:** Management responses to unacceptable resource and/or social conditions will range from least restrictive methods (e.g., information and education) to most restrictive (e.g., visitor limits, supplemental rules, or restrictions). Where feasible, the least restrictive methods will be the first priority.
- **REC 37:** Issue SRPs after evaluation of the various factors including the following:
 - Use conforms to the recreation goals and objectives outlines in the RMP
 - Nature of proposed event or activity (i.e., commercial versus competitive)
 - Size (acreage) and sensitivity of land and resources affected (ACEC, WSA, Wilderness)
 - Compatibility with other uses, activities, and visitors in that area
 - Proposed number of participants and group size
 - Associated vehicle and equipment
 - Time (daily, seasonally) and duration of proposed use
 - Potential social impacts (crowding, group encounters, conflicting activities, and/or experiences)
 - Specific resources impacted (e.g., wildlife, cultural, paleontology, visual, riparian, soil, air and water)
 - Rehabilitation and monitoring needs and feasibility
 - Support needs (people, equipment, supplies, vehicles)
 - Safety issues
- **WL-29:** Non-permanent (short-term) activities would be allowed within the spatial buffer [$\frac{1}{4}$ to $\frac{1}{2}$ mile for general raptor species, 1 mile for peregrine] of nests during the nesting season as long as those activities are shown to be non-impacting to nesting raptors.

DOI-BLM-AZ-A020-2014-0006-DNA

Due to the topography of Paria Canyon, a restriction of one-half mile would protect nesting raptors, including peregrine.

In addition the proposed action does not conflict with other decisions contained within these plans.

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

List by name and date all applicable NEPA documents that cover the proposed action.

EA-AZ-931-93-001 Special Recreation Permits for Commercial Activities on Public Lands in Arizona.

EA-AZ-010-97-16 Paria Canyon/Vermilion Cliffs Wilderness Management Plan Amendment – this EA amended recreation management within the wilderness from the Paria Canyon – Vermilion Cliffs Wilderness Management Plan (1986).

DOI-BLM-AZ-A020-2010-0001-EA, Programmatic EA for Commercial Motorized Special Recreation Permits on Vermilion Cliffs National Monument and Surrounding Areas. Approved 2011.

D. NEPA Adequacy Criteria

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

Documentation of answer and explanation:

EA-AZ-931-93-001 was written specifically for this type of recreational activity. “The purpose of the EA is to allow the use of public lands for commercial recreation activities.” The EA applies to a large range of guided outdoor activities, and the activities are analyzed in both of the alternatives.

EA-AZ-010-97-16 analyzes this type of activity, specifically within the same area in which the proposed action would occur. This EA states that, “Commercial services may be authorized for activities that are appropriate to realize recreational or other wilderness purposes of the area.” Activities authorized in the wilderness must meet the objectives set out in the Paria Canyon-

Vermilion Cliffs Management Plan. The recreation objectives states, "The area will be managed to provide a spectrum of outstanding opportunities for primitive recreation, featuring a natural wilderness environment, solitude, physical and mental challenge, and inspiration consistent with preservation of wilderness values. Commercial use will be managed to allow outfitters and guides to meet public needs as appropriate when that use is consistent with the protection of the wilderness resource." The management plan also states that the BLM will continue to monitor any commercial use, the impacts of commercial use as it related to Limits of Acceptable Change (LAC) and adaptive management practices. Thus, the proposed action for activities in the wilderness would not be substantially different than the alternatives analyzed in the existing EAs.

DOI-BLM-AZ-A020-2010-0001-EA was written to disclose and analyze the environmental consequences of authorizing commercial motorized SRPs on designated routes within Vermilion Cliffs National Monument (VCNM) and the Ferry Swale area of the Arizona Strip Field Office. The current proposed action is similar to those analyzed in this EA in that it analyzed activities including motorized tours that occur within the West Side of the Uplands RMZ that includes the West Bench Pueblo Public Use site. This EA analyzed what number of SRPs allowed per RMZ was appropriate, which was determined through a combination of requested locations from the existing SRPs and pending SRP applications that helped to determine the group size, vehicle type and number and the total number of commercial visitors appropriate for the RMZs after considering impacts to sensitive resources (including Monument objects).

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

Documentation of answer and explanation:

The range of alternatives considered in the existing EAs is appropriate with respect to the current proposed action. There are two alternatives analyzed in the existing EA-AZ-931-93-001, the proposed action and no action. Under the proposed action analyzed in this existing EA, SRPs would be issued on a case-by-case basis. The current proposed action is essentially the same as the proposed action analyzed in EA-AZ-931-93-001, so the range of alternatives analyzed in the existing EA is still appropriate.

EA-AZ-010-97-16 Page 23 states "Commercial guides would have the same opportunity to reserve a permit as non-commercial users through a first-come/first-served procedure. The recreational experience in the canyons that commercial guides could provide their customers would be enhanced under the Proposed Action. There would be increased opportunities for

DOI-BLM-AZ-A020-2014-0006-DNA

solitude and a generally more pristine, natural wilderness experience.” The range of alternatives in the existing EA is therefore appropriate with respect to wilderness portion of the new proposed action.

DOI-BLM-AZ-A020-2010-0001-EA As stated in section D1 of this DNA, the current proposed action is essentially the same as the proposed action in this EA. The range of alternatives analyzed in this EA considered physical setting (remoteness and naturalness), social settings (group size, number of contacts on and off travel routes), and evidence of use. The Limits of Acceptable Change (LAC), safety concerns and potential conflicts with other users were also considered during the analysis and under all alternatives, motorized SRP access on routes designated open to the public (DOI-BLM-AZ-A020-2010-0001-EA, pg. 20). No new concerns have been identified that were not considered in this EA. The range of alternatives in the existing EA is therefore appropriate with respect to the motorized tours portion of the new proposed action.

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

Documentation of answer and explanation:

Since two of the existing EAs were issued, Vermilion Cliffs National Monument was designated. Designation of the monument would not change the analysis contained within these existing EAs because the EAs analyzed impacts to resources that are now considered Monument objects, with the exception of the California condor reintroduction program. The condor reintroduction project began after the completion of EA-AZ-931-93-001, in 1996. The U.S. Fish and Wildlife Service began releasing a non-essential, experimental population of California condors (*Gymnogyps californianus*) as a part of a species recovery effort.

EA-AZ-010-97-16 was approved after the first condor release, and condor reintroduction was considered in this EA. No additional impacts to condors are expected from the current proposed action.

EA-AZ-010-97-16 states that the BLM will: “restrict Bureau-permitted activities within known/occupied nesting and other crucial use areas of threatened or endangered raptors or other special status species.” Restrictions on activities that could affect raptors are included as part of the current proposed action and mitigating measures addressing special status species would be attached to the permit as stipulations. (The stipulations applicable for this SRP can be located in Attachment A.) Thus, the existing analysis in this EA is still valid.

DOI-BLM-AZ-A020-2014-0006-DNA

The impacts analyzed in DOI-BLM-AZ-A020-2010-0001-EA are still valid for the proposed project as there is no new information or circumstances that would substantially change the analysis of the new proposed action. This EA discussed the guidance provided in the Vermilion Cliffs National Monument RMP and highlighted the protection of Monument "objects". It also analyzed recreational activities that may have an effect on the experimental population of California condors and included stipulations to minimize the likelihood of condors visiting the sites as well as procedures on what to do if they are encountered.

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

Documentation of answer and explanation:

The impacts of the proposed action are similar to those analyzed within the existing EAs in that:

Recreation

The proposed action is typical for a commercial guide service offering backpacking, day hiking, driving and interpretive tours. The demand for commercial overnight trips within Paria Canyon has seen a moderate increase within the last few years. It is predicted that the overall demand for Paria Canyon backpacking trips will continue to increase over time with the increased trend toward longer overnight trips in the upper canyon rather than through hiking (i.e., Wire Pass to Lee's Ferry). Commercial use proposed in this action may displace private users and would depend on the total number of permits the applicant purchases through the competitive first-come, first-served on-line permit process. Even with the competitive on-line permit process there is a potential for commercial use to reach carrying capacity limitations for the Paria Canyon in which commercial users begin to displace non-commercial users.

EA-AZ-931-93-001 states that "the outfitter does not, by virtue of the permit, have exclusive use of a parcel of public land." Thus only negligible displacement of private individual use is anticipated as a result of this proposed action. The potential growth of the applicant's business may result in minor displacement of private individual use in the next 10 years. The effects of potential growth in the number of trips per applicant per year would be monitored through the permitting and social survey process. The steps necessary to minimize social impacts of recreation use in the area have been implemented to including recreation monitoring protocols and recreation use surveys. Thus, the current proposed action would create no direct or indirect impacts to recreation resources in the area that were not analyzed in this existing EA.

DOI-BLM-AZ-A020-2014-0006-DNA

The proposed action is typical for a commercial guide service offering vehicle tours. Impacts from a tour of the size proposed in the current proposed action were analyzed in EA No DOI-BLM-AZ-A020-2010-0001-EA, resulting in the action adhering to the desired level of remoteness and naturalness expected in this RMZ.

Cultural

Mitigating measures addressing cultural and historic resources would be attached to the permit as stipulations. The stipulations applicable for this SRP are located in Attachment A.

Cultural resources as described in EA-AZ-010-97-16, EA-AZ-931-93-001, and DOI-BLM-AZ-A020-2010-0001-EA occur within the area of the proposed action, although the proposed action would not increase use or knowledge of these sites that does not already exist through current use patterns. The current proposed action would create no impacts to cultural resources in the area that were not previously analyzed in the existing EAs.

Livestock Grazing

Paria Canyon does not contain an active allotment although Paria Canyon borders Bunting Well, Ferry Swale and the Sand Hills Allotments.

There would be no change in season of use or loss of AUMs due to implementation of the proposed action. There should be no disturbance of grazing livestock during the short timeframe in which the participants would travel past any grazing livestock. Thus, the proposed action would create no direct impacts to livestock grazing in the area that were not previously analyzed in the existing EAs.

Wilderness

EA-AZ-010-97-16 includes the goal to manage for use and enjoyment of visitors in a manner that will leave the area unimpaired for future use and enjoyment of wilderness. The wilderness is designated as VRM Class I which includes the management objectives to allow for only natural changes. The wilderness resource is dominant in all management decisions where a choice must be made between preservation of wilderness character and visitor use.

EA- AZ-931-93-001 states "Many wilderness areas have individual wilderness management plans that direct how commercial recreation activities would be administered. In these areas, guidelines in the management plans would be followed." The Paria Canyon-Vermilion Cliffs

DOI-BLM-AZ-A020-2014-0006-DNA

Wilderness Plan states, "Commercial Use, Management Objective: Commercial use will be managed to allow outfitters and guides to meet public needs as appropriate when that use is consistent with the protection of the wilderness resource".

EA-AZ-010-97-16 states that, "the first and dominant goal is to provide for the long term protection and preservation of the area's wilderness character under a principle of non-degradation." Commercial use as proposed in this action would provide the BLM with the increased ability to monitor wilderness conditions and wilderness use through the use of wilderness monitoring forms provided to the applicant. The current proposal with the implementation of monitoring practices and the use of the stipulations for this SRP (located in Attachment A) should mitigate any potential degradation to the wilderness characteristics. If degradation is detected as a result of the proposed action, action, such as changes in stipulations or reducing number of authorized trips, would be taken by the BLM to mitigate the practices of the applicant. Thus, the proposed action would create no direct or indirect impacts to resources in the area that were not previously analyzed within the existing EAs.

Wildlife (including Threatened/Endangered Species)

In 1996 the condor reintroduction project began and was not included in EA-AZ-931-93-001 but was considered in EA-AZ-010-97-16 and in DOI-BLM-AZ-A020-2010-0001-EA. The California condor has been successfully reintroduced into the region with no known impacts from the current use of the area. Although condors are seen on occasion in the proposed action area, there are currently no known nests in the immediate area of the proposed action. There would be no new impacts to condors or the condor reintroduction project that were not previously analyzed from the proposed action. Conservation measures as described in the stipulations in Attachment A would be utilized to minimize any adverse impacts to the experimental population that could occur through the activities of this proposed action.

Paria Canyon contains suitable habitat for Mexican spotted owls (a threatened species), peregrine falcon (de-listed), and desert bighorn sheep. The proposed recreation activity should not measurably affect these species due to the small group size and diffused use patterns. Thus, the proposed action would create no impacts to wildlife resources in the area that were not previously analyzed in the existing EAs.

Vegetation (including Special Status Species) and Soils

There are Special Status plants that occur along the proposed routes. However, in accordance with stipulation number Twenty-three, "Permittee shall limit vehicle traffic to the designated routes contained within the Special Recreation Permit (SRP). No cross-country travel is

permitted.”

No special status plants occur in the area of use. Therefore the proposed action would have no effect on special status plants. Stipulations contained in Attachment A would be utilized to minimize any adverse impacts to vegetation and soils by the proposed action. The current proposed action would thus create no new impacts to vegetation and soils that were not previously analyzed in the existing EAs.

Socio-Economic Conditions

Socio-economic conditions were not analyzed in EA-AZ-931-93-001 and contained only two sentences in EA-AZ-010-97-16: “nearby communities are supported by tourism (including outdoor recreation), construction and light industry. The social aspect involves remote, unpopulated settings with moderate to high opportunities for solitude.” However, DOI-BLM-AZ-A020-2010-0001-EA did analyze this, and the proposed action would have negligible direct and indirect impacts on the local economy as Paria Canyon overnight permits are limited by the number of available permits and seasonal weather patterns.

There is a potential for minor cumulative impacts to socio-economic conditions as a result of the proposed action due to the competitive nature of obtaining Paria Canyon overnight permits. EA-AZ-931-93-001 and DOI-BLM-AZ-A020-2010-0001-EA recognize that backcountry recreation is increasing as the population increases, and that many visitors may choose to hire a guide to ease trip planning and enhance their backcountry experience which Windows Of The West Hummer Tours would provide.

It is likely there would be an increase of visitor use over time due to the increased popularity of the area in the day-use areas of Buckskin Gulch, Wire Pass and the first seven miles of Paria Canyon. If this action results in the displacement of use due to the limited number of permits, users may begin to search out new hiking areas, increasing overall use of the local area. Issuing a permit through this proposed action would not result in any significant overall increase in visitation to the area for overnight canyon travel as a result of the limited amount of permits available. The proposed action would thus create no new cumulative impacts on socio-economic conditions that were not previously analyzed in the existing EAs.

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

Documentation of answer and explanation:

Consultation and coordination for these EAs was extensive. During the public review process, over 700 persons and/or organizations received information about EA-AZ-931-93-001 and

DOI-BLM-AZ-A020-2014-0006-DNA

interested individuals, groups and agencies received information about EA-AZ-010-97-16 and DOI-BLM-AZ-A020-2010-0001-EA. Public involvement and interagency review associated with the review of these EAs is adequate for the current proposed action as there is no deviation of the proposed action outside those areas and activities as stated and analyzed in the existing EAs.

E. Persons/Agencies /BLM Staff Consulted

Gloria Benson, Tribal Liaison, Arizona Strip District Office
Diana Hawks, Recreation/Wilderness/VRM, Arizona Strip Field Office
Laurie Ford, Lands/Realty/Minerals, Arizona Strip Field Office
Jeff Young, Wildlife/T&E Wildlife, Grand Canyon Parashant National Monument
Lorraine Christian, Arizona Strip Field Office Manager
John Herron, Cultural Resources, Arizona Strip Field Office
Jace Lambeth, Special Status Plants, Arizona Strip Field Office
Whit Bunting, Range/Vegetation/Weeds/S&G, Arizona Strip Field Office
Richard Spotts, Environmental Coordinator, Arizona Strip District Office
Ray Klein, Supervisory Law Enforcement, Grand Canyon Parashant National Monument
John Sims, Supervisory Law Enforcement, Arizona Strip District Office
Kevin Wright, Monument Manager, Vermilion Cliffs National Monument
Harry Barber, Kanab Field Office Manager

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

Steve Rosenstock, Habitat Program Manager, Arizona Game and Fish Department
Daniel Bullets, acting Environmental Program Director, Kaibab Paiute Tribe
Peter Bungart, Cultural Staff, Hualapai Tribe
Dawn Hubbs, Cultural Staff, Hualapai Tribe

DOI-BLM-AZ-A020-2014-0006-DNA

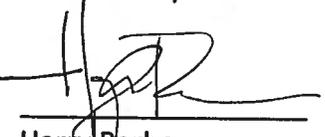
Conclusion

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

*Acting
for*

Lorraine M. Christian
Arizona Strip Field Office Manager

10/22/14
Date


Harry Barber
Kanab Field Office Manager

10/22/14
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and 43 CFR 2931.8.

Attachment A

SPECIAL RECREATION PERMIT STIPULATIONS

Failure to comply with the following stipulations can result in permit revocation.

1. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
2. Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause existing permits to be suspended or cancelled. BLM may suspend or cancel an existing SRP if the permittee commits any of the acts prohibited in 43 CFR 8365 (Rules of Conduct), or violates any site specific rules posted in the area.
3. All advertising and representations made to the public and the authorized officers must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officers with any current brochure and price list if requested by the authorized officers.
4. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, rocks, avalanches, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
5. The permittee shall notify John Sims (435-680-0912) of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
6. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
7. "Leave No Trace" principles must be followed. (See enclosed reference materials).

SRP MANAGEMENT

8. The permittee is required to provide the Arizona Strip Field Office with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the

DOI-BLM-AZ-A020-2014-0006-DNA

- insurance is not in effect or cancelled, the SRP is suspended.
9. The permittee must submit a Post-Use Report and annual fees to the Arizona Strip Field Office within 30 days of January 1 for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended.
 10. The authorized officers, 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.
 11. The permittee must present or display a copy of the Special Recreation Permit to an authorized officers' representative, or law enforcement personnel upon request. If required, the permittee must also display a copy of the permit or other identification tag on equipment, especially full sized vehicles and ATVs, used during the period of authorized use.
 12. A Special Recreation Permit authorizes special uses of the public lands and should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officers may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
 13. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by BLM.
 14. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
 15. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, authorized officers may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
 16. Any filming/photography of permitted activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not

including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income." Vending and commercial filming is not permitted in the Paria Canyon-Vermilion Cliffs Wilderness.

17. The permittee will practice proper precautions for noxious weed spread. Therefore all machinery (street legal motorized vehicles, non-street legal all-terrain vehicles, etc.) that has been used outside the proposed area must be cleaned prior to use in order to prevent the possible introduction and spread of noxious weeds.
18. Permittee is responsible for the proper cleanup of all vehicle fluid (including, but not limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report and prior to the release of any required posted bond.

LANDS AND REALTY

19. The permittee may be required to furnish written permission from private property landowners whose property, land, or water is affected by the use associated with the permit. The SRP does not give permission to cross over or use any private lands. The permittee will be fully responsible for all trespass on and/or damage to private land which results from the conduct of their activities.
20. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving the public lands, the lands must be restored as nearly as possible to pre-existing conditions.

CULTURAL AND ARCHEOLOGY

21. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act. (Historic artifacts are those more than 50 years old). Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited. Disturbance of human graves of natives is a violation of the Native American Graves Protection and Repatriation Act.
22. Any sub-surface archaeological, historical, or paleontological remains discovered during use shall be left intact; all activities in the area shall stop immediately and the Arizona Strip Field Manager (435-688-3323) or her duly authorized representative shall be notified immediately. Recommencement of activities shall be allowed upon clearance by the authorized officer in consultation with the Archaeologist.

TRAVEL MANAGEMENT

23. Permittee shall limit vehicle traffic to the designated routes contained within the Special Recreation Permit (SRP). No cross-country travel is permitted.
24. All motor vehicle use will comply with applicable off-highway vehicle regulations.

WILDLIFE

25. Harassment of livestock, wildlife, or destruction of private and public improvements such as wildlife catchments, fences and gates is prohibited. Gates will be left open or

closed, as they are found.

26. The permit holder will notify the BLM Arizona Strip wildlife team lead (435-688-3373) within 5 days of the completion of the trip, if California condors visit the participants while permitted activities are underway. Permittee and participants will be instructed to avoid interaction with condors. Subsequent activities will be modified if those activities are determined to have adverse effects on condors.
27. Permitted activities shall be avoided within ½ mile of active condor nests (2/1 to 11/30), golden eagle nests (2/1 to 11/30), peregrine nests (3/01 to 8/1), Mexican spotted owl nests (3/01 to 8/31), and golden or bald eagle winter roosts (10/15 to 4/15).
28. California condors are highly susceptible to the effects of micro-trash. Micro-trash includes small and easily ingestible materials such as bottle caps, broken glass, cigarette butts, small plastic bits, bullets, and bullet casings, even food materials. The campsite/lunch site will be cleaned up at the end of each day of use (e.g., trash removed, scrap materials picked up) to minimize the likelihood of condors visiting the site.

HIKING

29. Permittee shall not construct new trails, or maintain existing trails without written authorization.
30. Food, water, and/or equipment caches will not be allowed unless prior approval is obtained from the Arizona Strip Field Manager or her duly authorized representative. Location of proposed caches must be identified in the permittee's approved operating plan.

VERMILION CLIFFS NATIONAL MONUMENT

31. Collection of Monument resources, objects, rocks, petrified wood, fossils, plants, parts of plants, fish, insects, or other invertebrate animals, and other items is prohibited. Recreational collection of animals or animal parts (e.g. antlers, skulls, feathers) may be allowed, if in compliance with Arizona or Utah regulations and federal regulations. This SRP 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.
32. Permittee is responsible for knowing the location of special management areas, such as national monuments and designated wilderness areas, as well as the use restrictions that apply, and complying with those use restrictions.

PARIA CANYON-VERMILION CLIFFS WILDERNESS

33. Adequate first aid and safety equipment (i.e. satellite phone, SPOT satellite GPS messenger, or radio), shall be in possession of the permittee while performing the permitted activities. All guides must possess at minimum a current Wilderness First-Aid and CPR certifications. Copies of all certifications must be submitted to the Arizona Strip Field Office.
34. No permits are reserved for commercial use. If the permittee chooses to obtain a permit in advance, they must obtain a permit for both themselves and their clients and

DOI-BLM-AZ-A020-2014-0006-DNA

pay for the fees in advance. Individual Special Recreation Permits are not refundable. The group size is limited to a maximum of ten individuals in Paria Canyon, Wire Pass, White House and Buckskin Gulch.

35. Campfires are prohibited in the Paria Canyon-Vermilion Cliffs Wilderness.

**Table 1: Summary of SRP Limits
For Vermilion Cliffs National Monument**

Uplands RMZ-East Side	
Total Group Size (including guides)	6
Participant to guide ratio	5:1
Total # OHV/ATV	2/0
Total # SRPs/# guests	10/500
Cumulative # vehicles (per year)	250 vehicles
Duration of use	Up to 4 days
Season of Use	Year-round except for the following restrictions:
	<ul style="list-style-type: none"> • No activities within ½ mile of active condor nests 2/01 to 11/30 • No activities within ½ mile of known golden eagle nests 2/01 to 11/30 • No activities within ½ mile of known peregrine nests 3/01 to 8/01 • No activities within ½ mile of known Mexican spotted owl nests 3/01 to 8/31 • No activities within ½ mile of golden or bald eagle winter roosts 10/15 to 4/15 • No activities within Vermilion Cliffs Wildlife Habitat Area (WHA) 4/01 to 7/15; the following areas are exempted from this restriction: Powell’s Monument, Fisher Point, Soap Creek, Walts Bench, Wrathier Arch, and Bush Head overlooks.
Uplands RMZ – West Side	
Total Group Size (including guides)	12

DOI-BLM-AZ-A020-2014-0006-DNA

Participant to guide ratio	5:1
Total # OHV/ATV	3/12
Total # SRPs/ # guests	15/1,500
Cumulative # vehicles (per year)	940 vehicles
Duration of Use	Up to 4 days
Season of Use	<p>Year-round except for the following restrictions:</p> <ul style="list-style-type: none"> • No activities within ½ mile of active condor nests 2/01 to 11/30 • No activities within ½ mile of known golden eagle nests 2/01 to 11/30 • No activities within ½ mile of known peregrine nests 3/01 to 8/01 • No activities within ½ mile of golden or bald eagle winter roosts 10/15 to 4/15 • No activities within Vermilion Cliffs WHA 4/01 to 7/15; the following areas are exempt from this restriction: Becky's and One Toe Ridge overlooks.
Uplands RMZ – Ferry Swale/Cedar Mountain	
Total Group Size (including guides)	16
Participant to guide ratio	7:1
Total # OHV/ATV	4/16
Total # SRPs/ # guests	15/2,000
Cumulative # vehicles (per year)	1,250 vehicles
Duration of Use	Up to 4 days
Season of Use	<p>Year-round except for the following restrictions:</p> <ul style="list-style-type: none"> • No activities within ½ mile of active condor nests 2/01 to 11/30 • No activities within ½ mile of known golden eagle nests 2/01 to 11/30

DOI-BLM-AZ-A020-2014-0006-DNA

	<ul style="list-style-type: none"> • No activities within ½ mile of known peregrine nests 3/01 to 8/01 • No activities within ½ mile of golden or bald eagle winter roosts 10/15 to 4/15
Coyote Buttes RMZ	
Total Group Size (includes guides)	6
Participant to guide ratio	5:1
Total # OHV/ATV to access	2/6
Total # SRPs/# guests	10/900
Cumulative # of vehicles (per year)	565 vehicles
Duration of use	Up to 3 days
Season of use	Year-round

DECISION MEMORANDUM
DOI-BLM-AZ-A020-2014-0006-DNA

Windows Of the West Hummer Tours SRP

U.S. Department of the Interior
Bureau of Land Management

Vermilion Cliffs National Monument
Arizona Strip Field Office
Kanab Field Office

Approval and Decision

Based on a review of the project described in the attached Determination of NEPA Adequacy (DNA) documentation and Field Office and Monument staff recommendations, we have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan, Vermilion Cliffs National Monument Resource Management Plan, and the Kanab Field Office Resource Management Plan. The DNA is based on EA-AZ-020-2010-0001 *Programmatic Environmental Assessment for Commercial Motorized Special Recreation Permits on Vermilion Cliffs National Monument and Ferry Swale Area*, EA-AZ-931-93-001, *Special Recreation Permits for Commercial Recreation Activities* and EA-AZ-010-97-16, *Paria Canyon/Vermilion Cliffs Wilderness Management Plan Amendment*, and these EAs specifically address outfitting and guiding services. It is our decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

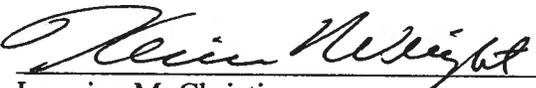
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, 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 2931.8 (b) this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

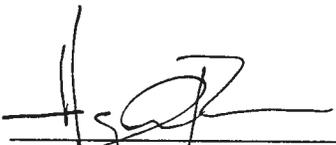
Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Acting for


Lorraine M. Christian
Field Manager, Arizona Strip Field Office

10/22/14
Date



Harry Barber
Field Manager, Kanab Field Office

10/24/14
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 *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.

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)