ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2014-0011-CX**

Project Title: **Badger Overlook Film Permit AZA 036595**

Project Lead: **Laurie Ford**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: August 26, 2014

Deadline for receipt of responses: **Thursday, September 4, 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
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:

N/A

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: Arizona Strip Field Office

NEPA No.: DOI-BLM-AZ-A010-2014-0011-CX
Case File No.: AZA 036595

Proposed Action Title/Type: Badger Overlook Film Permit

Applicant: General Mills Marketing, Inc., 1 General Mills Blvd., Minneapolis, MN 55426

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

Gila and Salt River Meridian, Arizona
T. 39 N., R. 7 E.,
sec. 3, lot 3.

Description of Proposed Action: The proposal is to film/photograph Erik Weihenmayer's expedition, a documentary featuring two blind people kayaking in the Colorado River, from the Badger Overlook of Marble Canyon. Badger Overlook is a well established camping/use area immediately south of the old Marble Canyon Lodge rock building on the south side of Highway 89A. Use/filming permits associated with this production are also being obtained from Grand Canyon National Park and Glen Canyon National Recreation Area.

Two vehicles (<than one ton) would be used to transport all individuals to Badger Overlook. Total people on site would be 10 people or less including the van driver. Approximately five hand-held still photography/video cameras and tripods would be used. Filming/photography is proposed to take place on two days Saturday and Sunday, September 6-7, 2014.

A 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(s): Arizona Strip Field Office Resource Management Plan (RMP)

Decisions and page nos.: MA-LR-06, page 2-71
Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated.

Date plan approved/amended: January 29, 2008

This proposed action has been reviewed for conformance with these plans (*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 existing 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. In addition, the proposed action does not conflict with other decisions in the land use plan.

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." Delete blank rows.

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS/REVIEWERS:	DATE:
Laurie Ford, Project Lead	August 25, 2014
Gloria Benson, Tribal Liaison	August 29, 2014
Whit Bunting, Range/Vegetation/Weeds/S&G	August 27, 2014
Diana Hawks, Recreation/Wilderness/VRM	August 27, 2014
John Herron, Cultural Resources	August 27, 2014
Ray Klein, GCPNM Supervisory Ranger	August 27, 2014
Jace Lambeth, Special Status Plants	August 28, 2014
John Sims, Supervisory Law Enforcement	August 30, 2014
Richard Spotts, Environmental Coordinator	August 28, 2014
Jeff Young, Wildlife/T&E Animals	August 27, 2014
Lorraine Christian, Field Manager, ASFO	September 4, 2014

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes ☐	**No** ☒	**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 the minimal impacting nature of the proposal. Preparer's Initials LF
(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 ☐	**No** ☒	**Rationale:** No surface disturbance is proposed and proposal is similar to previously authorized activities in the area. No significant impacts on recreation, historic/cultural resources, natural resources, unique geographic characteristics, wilderness, or wild and scenic rivers. The area is outside designated wilderness and national monuments. No impacts to migratory birds are anticipated. Preparer's Initials DH, JH, JY
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes ☐	**No** ☒	**Rationale:** No controversial environmental effects or unresolved alternative uses of resources exist because proposed action is a routine activity essentially no different than casual use that commonly occurs in the area and the minimal impacting nature of the proposed action. Preparer's Initials LF
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes ☐	**No** ☒	**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 LF
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes ☐	**No** ☒	**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. Preparer's Initials LF

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes ☐	**No** ☒	**Rationale:** 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. Preparer's Initials LF
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes ☐	**No** ☒	**Rationale:** No impacts on cultural properties because no surface disturbance is proposed. Standard stipulation will be added to permit. Preparer's Initials JH
(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.		
Yes ☐	**No** ☒	**Rationale:** Because of the minimal impacting nature of the proposal, no impacts to special status plants are anticipated. No effects to listed wildlife species would occur because no surface disturbance is proposed and the proposed action would not modify listed species habitat. Preparer's Initials JY, JL
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes ☐	**No** ☒	**Rationale:** No laws or requirements for the protection of the environment would be violated as the proposal is similar to previously authorized activities. Law Enforcement Officer plans to conduct a site visit/compliance check September 7, 2014. Preparer's Initials JS, GB
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes ☐	**No** ☒	**Rationale:** No effect on low income or minority populations because proposed action is a short term activity. Preparer's Initials LF
(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:** Because of the minimal impacting nature of this proposal, this project would not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Preparer's Initials GB

(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 effect on weeds or non-native invasive species because of the minimal impacting nature of the proposal. 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 proposal 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 existing roads.

MITIGATION MEASURES/SPECIAL CONDITIONS/OTHER REMARKS:

1. This permit would authorize filming/photography ONLY at the location specified in the permit. NO filming/photography in wilderness would be authorized.

2. The permittee and all authorized individuals or film crews would have a copy of the permit and these stipulations at all times while filming on the Bureau of Land Management locations.

3. 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. 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 additional necessary authorizations, including encroachment permits for filming/photography on state or county roadways.

4. This permit would not give permission to cross over or use private land. Permittee would be fully responsible for arranging access to private lands which may be needed for this activity and for all trespass on and/or damages to private land which may result from the permittee's activity.

5. Permittee would be responsible for public safety on-site and the supervision of all participants, spectators, and other persons associated with the activity.

6. Filming/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.

7. The permittee would conduct all activities associated with the operation and termination of the permit within the authorized limits of the permit. Disclosure of all aspects of the proposed activity would be completely described in the application. Any changes to the proposed activity would be approved in advance by the Bureau of Land Management authorized officer.

8. 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.

9. 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 and trash receptacles use at use areas would be wildlife proof.

10. All vehicles would stay on existing roads, turnouts, and parking areas. No off-road or cross-country vehicle use would be authorized.

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. No intentional filming of cultural resource sites would be allowed. If in connection with use any cultural sites/artifacts, 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 Bureau of Land Management authorized officer (435-688-3323).

13. Permittee would do everything reasonable, both independently and/or upon request of the Bureau of Land Management authorized officer to prevent and suppress fires caused by their activity on or near lands utilized. Compensation may be required of the permittee for Federal, state, or private interests in suppression and rehabilitation expenses.

14. The final filming product would have written and verbal acknowledgement of filming/photography location on the Bureau of Land Management National System of Public Lands (Arizona Strip Field Office).

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

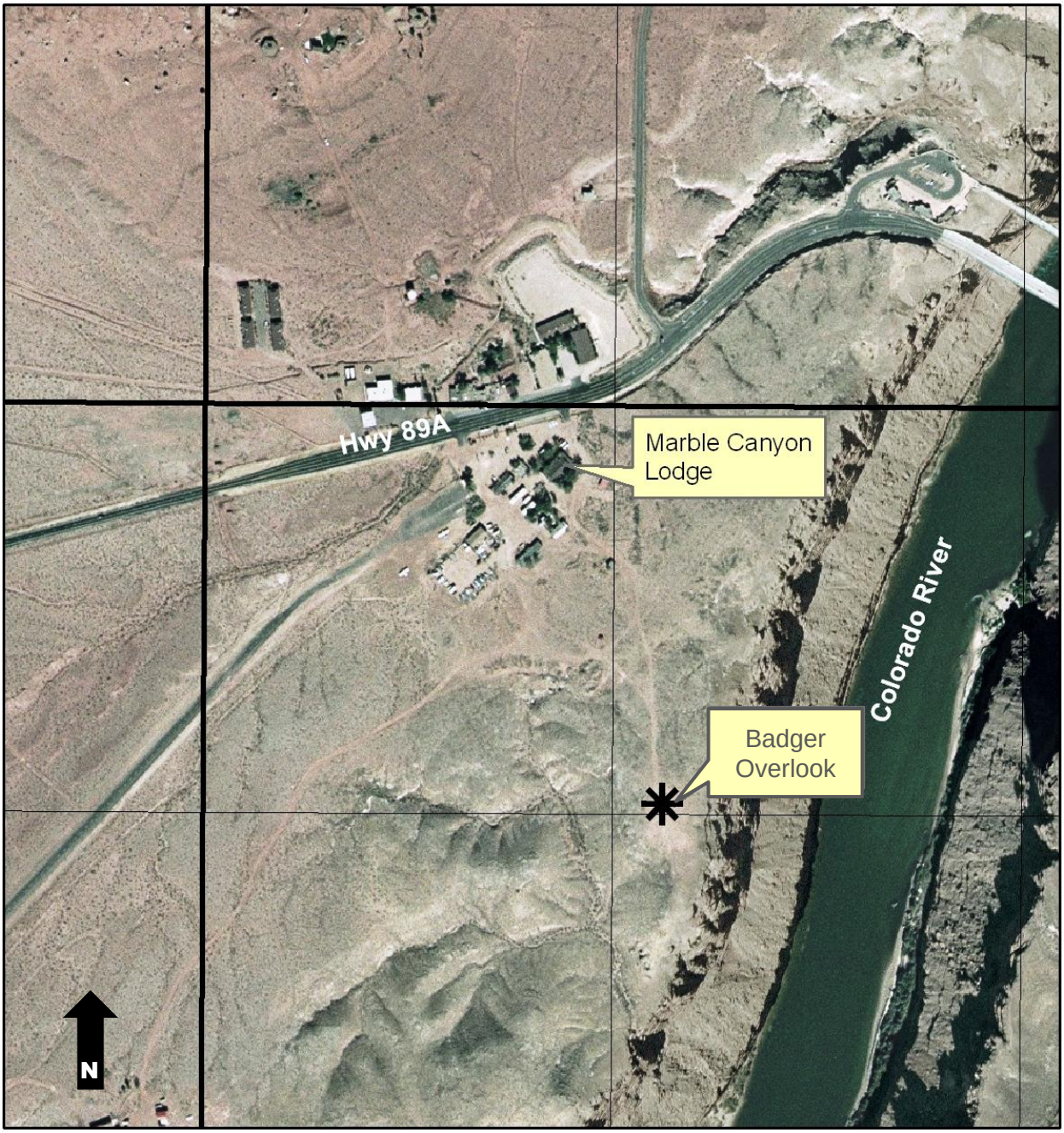
APPROVING OFFICIAL: Lorraine M. Christian DATE: 9/4/2014

TITLE: 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.

LOCATION MAP

Badger Overlook Film Permit AZA 036595
NEPA No.: DOI-BLM-AZ-A010-2014-0011-CX



GSRM, T. 39 N., R. 7 E., sec. 3, lot 3.

DECISION MEMORANDUM

Badger Overlook Film Permit AZA 036595
NEPA No.: DOI-BLM-AZ-A010-2014-0011-CX
U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion (CX) documentation and resource staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office 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
Lorraine M. Christian, Field Manager

9/4/2014
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.