

**United States Department of the Interior
Bureau of Land Management**

Determination of NEPA Adequacy

DOI-BLM-UT-Y010-2015-0232-DNA

August 2015

Film Permit for The Wonder List/CNN UTU-91301

Locations:

*Last 3 miles of the Porcupine Rim Trail (in Negro Bill Canyon WSA),
Hwy 191 from Colorado River Bridge to Negro Bill Canyon*

Applicant/Address: The Wonder List/CNN

**1 Time Warner Center
New York, NY 10019**

Bureau of Land Management
Moab Field Office
82 East Dogwood
Moab, Utah 84532
435-259-2100
FAX 435-259-2158



Worksheet

Determination of NEPA Adequacy

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

The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

OFFICE: **Moab Field Office**

TRACKING NUMBER: **DOI-BLM-UT-Y010-2015-0232-DNA**

CASEFILE/PROJECT NUMBER: **UTU-91301**

PROPOSED ACTION TITLE/TYPE: **Film Permit for Motion Photography**
LOCATION/LLEGAL DESCRIPTION:

Last 3 miles of Porcupine Rim Trail (partly in Negro Bill Canyon WSA)

T. 25 S., R. 22 E., secs. 16, 17, 19, 20, 21, & 22.

Hwy 191 from the Colorado River Bridge to Negro Bill Canyon

T. 25 S., R. 21 E., secs. 24, 25, 26 & 30.

APPLICANT (if any): **The Wonder List/CNN**
1 Time Warner Center
New York, NY 10019

A. Description of the Proposed Action and Any Applicable Mitigation Measures

On August 5, 2015, Cassius Kim, on behalf of The Wonder List/CNN, filed a film permit application for one day of commercial motion photography for the date of September 12, 2015. The photography would be used in a CNN TV show called "The Wonder List." Footage would feature an interview with John Weisheit of American Rivers taken somewhere along Hwy 128 between the Colorado River bridge and the Negro Bill Canyon parking area. Further footage would capture 3 mountain bikers descending the lower 3 miles of the Porcupine Rim Trail. Additional scenic shoots would be taken in all locations. There would be 6 people, 2 vehicles and several mountain bikes involved with the project. All vehicles and bicycles would remain on designated roads and trails. Cameras would be hand-held with a tripod.

B. Land Use Plan (LUP) Conformance

Moab Field Office RMP, Approved October 2008

*List applicable LUPs (for example, resource management plans; activity, project, management or program plans; or applicable amendments thereto).

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions: page 65 of the Moab Field Office RMP reads as follows: "Meet public needs for use authorizations such as rights-of-way, alternative energy sources, and permits while minimizing adverse impacts to resource values."

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

UT-USO-06-004, approved 9/06/06

No-Impact Commercial Filming on BLM-Managed Lands in Utah within Wilderness Study Areas and the Grand Staircase-Escalante National Monument

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?

Yes

No Documentation of answer and explanation:

The new proposed action is the same type of action analyzed in the No-Impact Commercial filming on BLM-Managed Lands in Utah within Wilderness Study Areas and the Grand Staircase-Escalante National Monument EA UT-USO-06-004. Specifically, on page 2, the EA recognized that non-commercial no-impact filming, such as videos or photographs taken by hikers, campers, horseback riders, river runners, etc., does not require a permit since the use meets the definition of casual use under 43 CFR 2920.0-5(k). It is only the commercial nature of this filming that makes a permit necessary under the 2920 regulations.

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

Yes

No

Documentation of answer and explanation:

The existing NEPA document includes analysis of the proposed action and a no action alternative. The environmental concerns, interests, resource values, and circumstances are essentially the same as those analyzed.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list 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?

Yes
 No

Documentation of answer and explanation:

The existing analysis is still valid since there has been no new information or circumstances presented.

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?

Yes
 No

Documentation of answer and explanation:

The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the existing NEPA document. The impacts analyzed in the existing document are the same as those associated with the current proposed action. The filming activities meet the criteria for no-impact commercial filming within a WSA identified in the existing NEPA document.

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

Yes
 No

Documentation of answer and explanation:

The issuance of this type of film permit continues to be non-controversial. Notification for the current proposed action was posted on the Environmental Notification Bulletin Board on September 23, 2014.

This level of involvement and notification is adequate for the current proposed action.

E. Persons/Agencies/BLM Staff Consulted:

Name	Title	Critical Element(s)
Ann Marie Aubry	Hydrologist	Air Quality, Floodplains, Soils, Water Resources/Quality, Wetlands/Riparian Zones
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern, Recreation, Wild & Scenic Rivers, Visual Resources
Pam Riddle	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered & candidate Animal Species, Utah BLM Sensitive Species
Jan Denney	Realty Specialist	Lands/Access
Bill Stevens	Recreation Planner	Wilderness, BLM Natural Areas, Environmental Justice, Socio-Economics, Areas with Wilderness Characteristics
Don Montoya	Archaeologist	Cultural Resources, Native American Religious Concerns
David Pals	Geologist	Hazardous or Solid Wastes, Paleontology, Geology/Mineral Resources/Energy Production,
David Williams	Rangeland Mgt. Spec.	Invasive/Noxious Weeds, Livestock Grazing, Rangeland Health Standards, Woodland/Forestry, Vegetation, Threatened, Endangered & Candidate Plant Species
Lisa Bryant	Asst. Field Manager	Fuels/Fire Management, Forestry

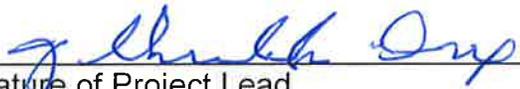
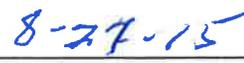
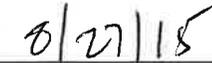
Plan Conformance:

- This proposal conforms to the applicable land use plan.
 This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

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

The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

	
Signature of Project Lead	Date
	
Signature of NEPA Coordinator	Date
	
Signature of the Responsible Official	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 lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

Interdisciplinary Team Analysis Record

Wilderness Interim Management Impairment/Non-Impairment Evaluation Form

Maps

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Film Permit for The Wonder List/CNN

NEPA Log Number: DOI-BLM-UT-Y010-2015-0232-DNA

File/Serial Number: UTU-91301

Project Leader: Judie Chrobak-Cox

DETERMINATION OF STAFF: *(Choose one of the following abbreviated options for the left column)*

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

The following elements are not present in the Moab Field Office and have been removed from the checklist:
Farmlands (Prime or Unique), Wild Horses and Burros.

Determination	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality Greenhouse Gas Emissions		Am Albr	8.25.15
NC	Floodplains		Am Albr	8.25.15
NC	Soils		Am Albr	8.25.15
NC	Water Resources/Quality (drinking/surface/ground)		Am Albr	8.25.15
NC	Wetlands/Riparian Zones		Am Albr	8.25.15
NC	Areas of Critical Environmental Concern		K Stevens	8/25/15
NC	Recreation		K Stevens	8/25/15
NC	Wild and Scenic Rivers		K Stevens	8/25/15
NC	Visual Resources		K Stevens	8/25/15
NC	BLM Natural Areas		J Stevens	8.25.15
NC	Socio-Economics		J Stevens	8.25.15
NC	Wilderness/WSA		J Stevens	8.25.15
NC	Areas with Wilderness Characteristics		J Stevens	8.25.15

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Cultural Resources		<i>D. M. [Signature]</i>	8/25/15
NC	Native American Religious Concerns		<i>D. M. [Signature]</i>	8/25/15
NC	Environmental Justice		<i>R. Stevens</i>	8-25-15
NC	Wastes (hazardous or solid)		<i>D.P.</i>	8-26-15
NC	Threatened, Endangered or Candidate Animal Species		<i>A. [Signature]</i>	8/27/15
NC	Migratory Birds		<i>A. [Signature]</i>	8/27/15
NC	Utah BLM Sensitive Species		<i>A. [Signature]</i>	8/27/15
NC	Fish and Wildlife Excluding USFW Designated Species		<i>A. [Signature]</i>	8/27/15
NC	Invasive Species/Noxious Weeds		<i>D. Williams</i>	8/25/15
NC	Threatened, Endangered or Candidate Plant Species		<i>D. Williams</i>	8/25/15
NC	Livestock Grazing		<i>D. Williams</i>	8/25/15
NC	Rangeland Health Standards		<i>D. Williams</i>	8/25/15
NC	Vegetation Excluding USFW Designated Species		<i>D. Williams</i>	8/25/15
NC	Woodland / Forestry		<i>L. Bryant</i>	8/27/15
NC	Fuels/Fire Management		<i>L. Bryant</i>	8/27/15
NC	Geology / Mineral Resources/Energy Production		<i>D. [Signature]</i>	8/24/15
NC	Lands/Access		<i>J. Denney</i>	8-25-15
NC	Paleontology		<i>D.P.</i>	8-26-15

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>R. Stevens</i>	8/27/15	
Authorized Officer	<i>J. [Signature]</i>	8/27/15	

**WILDERNESS INTERIM MANAGEMENT
IMPAIRMENT/NON-IMPAIRMENT EVALUATION FORM ¹**

With the passing of the deadline for completion of reclamation activities in September of 1990, only temporary, non-surface-disturbing actions that require no reclamation; grandfathered uses, and actions involving the exercise of valid existing rights can be approved within WSA's. The reference document for evaluators and managers is Manual 6330, Management of Wilderness Study Areas (July, 2012).

DESCRIPTION OF ACTION

Name of action: DOI-BLM-UT-Y010-2015-0232-DNA

Proposed Action: X Alternative Action: _____ (check one)

Proposed by: Wonder List/CNN

Description of action: On August 5, 2015, Cassius Kim, on behalf of The Wonder List/CNN, filed a film permit application for one day of commercial motion photography for the date of September 12, 2015. The photography would be used in a CNN TV show called "The Wonder List." Footage would feature an interview with John Weisheit of American Rivers taken somewhere along Hwy 128 between the Colorado River bridge and the Negro Bill Canyon parking area. Further footage would capture 3 mountain bikers descending the lower 3 miles of the Porcupine Rim Trail. Additional scenic shoots would be taken in all locations. There would be 6 people, 2 vehicles and several mountain bikes involved with the project. All vehicles and bicycles would remain on designated roads and trails. Cameras would be hand-held with a tripod. A portion of one of the locations requested (Porcupine Rim) lies within the Negro Bill Canyon Wilderness Study Area (WSA). *The only portions of the permit to be analyzed in this document are those activities within the WSA listed above.*

Location: Last 3 miles of Porcupine Rim Trail (partly in Negro Bill Canyon WSA) T. 25 S., R. 22 E., secs. 19, 20, 21, & 22

What BLM WSAs are included in the area where the action is to take place?

Negro Bill Canyon

VALID RIGHTS OR GRANDFATHERED USES (if any)

Is lease, mining claim, or grandfathered use pre-FLPMA? _____ Yes X No

If yes, give name or number of lease(s), mining claim(s) or grandfathered use and describe use or right asserted:

Has a valid existing right been established? _____ Yes X No

EVALUATION OF POTENTIAL FOR IMPAIRMENT OF WILDERNESS VALUES

Is the action temporary and non-surface disturbing? Yes X No

No

If yes, describe why action would be temporary and non-surface disturbing and identify the planned period of use:

When the use, activity, or facility is terminated, would the area's wilderness values be degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness?

Naturalness: Naturalness as an ingredient in wilderness is defined as lacking evidence of man's impacts on a relatively permanent basis. All activities would take place on a heavily-used, front-country permitted mountain bike route, with no impacts to the WSAs. Activity would consist of filming mountain biking. Commercial activities are permitted uses in wilderness, including WSA's. The Wilderness Act states: "Commercial activities may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." The BLM's "Interim Management Policy and Guidelines for Lands Under Wilderness Review" states that most recreational activities are allowed within WSA's.

Outstanding Opportunities for Solitude: The only potential impacts to solitude would occur from encounters with other bikers. The planned trip, however, is very small. The route in the Negro Bill Canyon WSA is on a maintained front-country trail which currently receives heavy use (approximately 28,000 users per year), and almost all in a single direction. Any impact to solitude would be very temporary. Additionally, the proposed activity is in a front-country area which was never identified as providing outstanding opportunities for solitude in the original wilderness inventory.

Outstanding Opportunities for Primitive and Unconfined Recreation: There is no reason to believe that the proposed action will reduce these opportunities. Additionally, the proposed activity is in a front-country area which was never identified as providing outstanding opportunities for primitive and unconfined recreation in the original wilderness inventory.

Optional Supplemental values: No perceived negative impacts.

Considered cumulatively with past actions, would authorization of the action impair the area's wilderness values? Yes X No

Rationale: Commercial activities are permitted not only in WSA's, but in officially-designated wilderness.

RESULTS OF EVALUATION

Non-impairment Standard

The only actions permissible in study areas are temporary uses that do not create surface disturbance, require no reclamation, and do not involve permanent placement of structures. Such temporary or no-trace activities may continue until Congress acts, so long as they can be terminated easily and immediately.

The only exceptions to the non-impairment standard are:

- 1) emergencies such as suppression activities associated with wildfire or search and rescue operations,
- 2) reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;
- 3) uses and facilities which are considered grandfathered or valid existing rights as defined in Manual 6330,
- 4) uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values, and
- 5) reclamation of pre-FLPMA impacts.

MAJOR CONCLUSION OF NON-IMPAIRMENT EVALUATION

Action clearly fails to meet the non-impairment standard or any exceptions, e.g. VER, and should not be allowed: Yes No

Action appears to meet the non-impairment standard: Yes No

Action may be allowable, pre-FLPMA grandfathered use: Yes No N/A

Action may be allowable, pre-FLPMA VER: Yes No N/A

OTHER CONCLUSIONS

Restrictions proposed may unreasonably interfere with pre-FLPMA rights or grandfathered uses: Yes No N/A

Reasonable measures to protect wilderness values and to prevent unnecessary or undue degradation of the lands are incorporated: Yes No N/A

Environmental Assessment required: Yes No

Plan of Operations Required: Yes No N/A

Discovery verification procedures recommended: Yes No N/A
Consider initiating reclamation through EA: Yes No N/A

RELATED ACTIONS

Dated copy of Electronic Notification Board notice attached to case file: Yes No

Media notification appropriate: (optional) Yes No

Federal Register Notice appropriate: (optional) Yes No

Information copy of case file sent to USO-933: Yes No

Evaluation prepared by: William P. Stevens August 25, 2015
Name(s) Date

FILM PERMIT UTU-91301

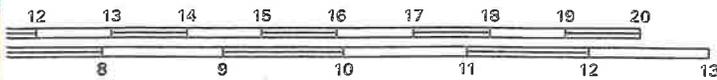
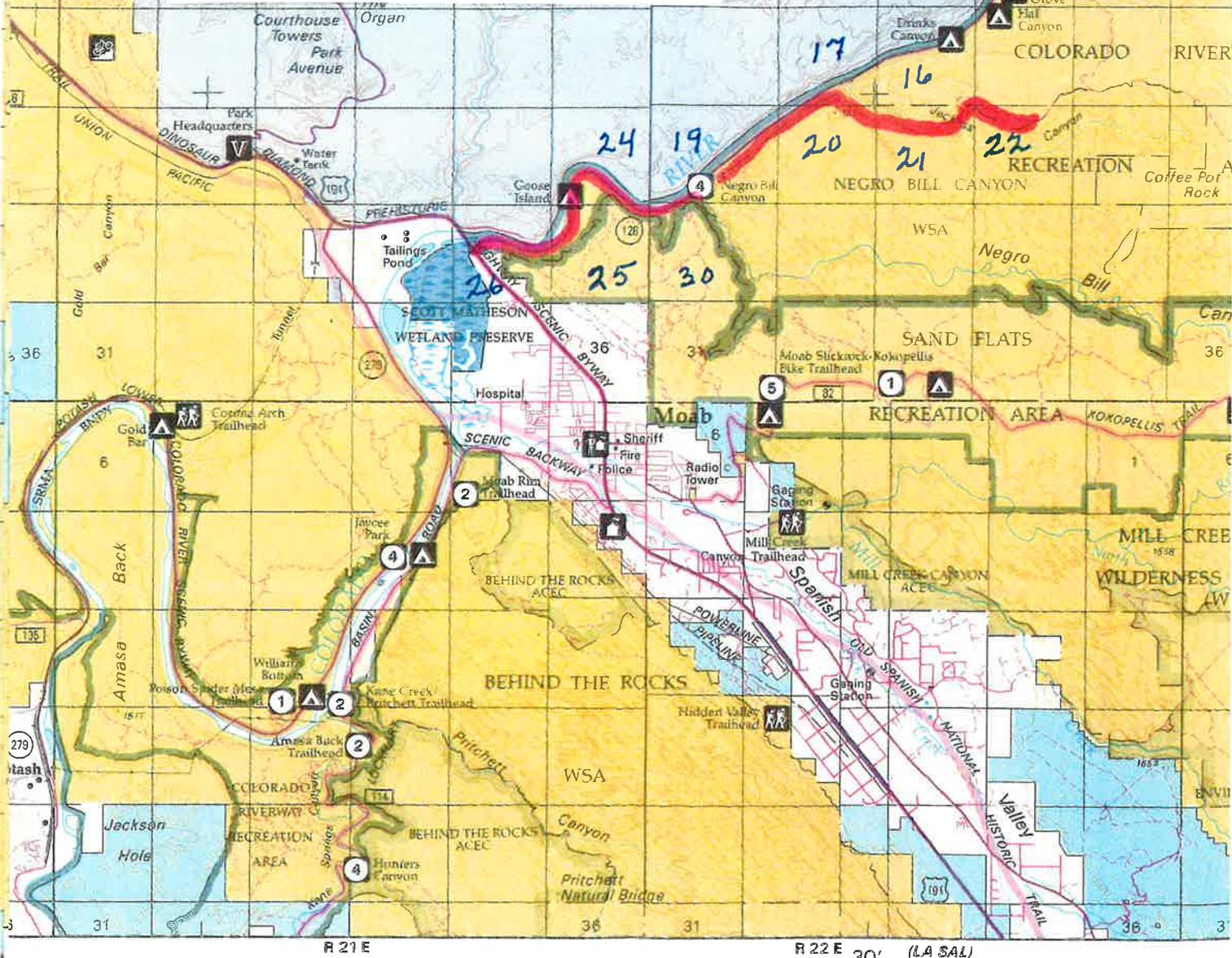
**Last 3 miles of Porcupine Rim Trail
(partly in Negro Bill Canyon WSA)**

T. 25 S., R. 22 E., secs. 16, 17, 19, 20, 21, & 22.

Hwy 191 from the Colorado River Bridge to Negro Bill Canyon

T. 25 S., R. 21 E., secs. 24, 25, 26 & 30.

Moab 1:100,000 map



SCALE 1:100,000
1 CENTIMETER ON THE MAP REPRESENTS 1 KILOMETER ON THE GROUND
CONTOUR INTERVAL 50 METERS



LAND STATUS LEGEND

Lands and Monuments

Public Lands Wilderness

NONE

Public Lands Wilderness Study Area

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD**

Film Permit UTU-91301

DOI-BLM-UT-Y010-2014-0232-DNA

FONSI: Based on the analysis of potential environmental impacts contained in the attached document, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Decision: It is my decision to grant land use permit UTU-91301, to The Wonder List/CNN of New York, New York pursuant to the authority of Section 302(b) of the Federal Land Policy and Management Act of October, 1976 (43 U.S.C. 1761). The permit will authorize filming at:

**Hwy 128 between the Colorado River Bridge & the Negro Bill Canyon parking area
The last 3 miles of the Porcupine Rim Trail**

The permit will be made under the authority of and be subject to the terms and conditions in 43 CFR 2920 and rental payment as determined by the film permit schedule (Instruction Memorandum No. UT 2010-043 - The permit will be subject to the standard stipulations of the land use permit.

Rationale for the Decision:

The decision to allow the proposed action does not result in any undue and unnecessary environmental degradation. The following factors were considered:

- The proposed action is in conformance with the Moab Field Office RMP, approved October 2008. Page 65 of the Moab Field Office RMP reads as follows: "Meet public needs for use authorizations such as rights-of-way, alternative energy sources, and permits while minimizing adverse impacts to resource values."
- The proposed action is consistent with the following objective found on page 48 of the 2004 Grand County General Plan Update: "promote management of public lands for the benefit and enjoyment of the people of Grand County and the nation."
- The proposed action meets the objectives for lands and realty in the Moab Field Office Field Office for land use authorizations issued under the authority of Section 302 of the Federal Land Policy and Management Act, as amended.
- Film Permit Stipulations will be followed.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 82 East Dogwood,

Moab, Utah. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801

North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer. If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.


Beth Ransel, Field Manager

8/27/15
Date of signature