

United States Department of the Interior
Bureau of Land Management

Decision Record
Categorical Exclusion Not Established By Statute
DOI-BLM-UT-G020-2015-0058-CX

September, 2015

Muddy Creek Canyon UAV Testing

Location: T. 22 S., R. 6 E., Salt Lake Meridian, Emery County, Utah
Sections 23, 24, 25, 26, and 35

Applicant/Address: Trumbull Unmanned
2525 Robinhood St.
Houston, TX 77005

Green River District, Price Field Office
125 South 600 West
Price, Utah 84501
Office (435)636-3600
FAX (435)636-3657



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It is my decision to authorize a Federal Land Policy and Management Act (FLPMA) filming permit to Trumbull Unmanned. Trumbull Unmanned is authorized to take still photographs and film video from a small unmanned drone to test imagery and map the Muddy Creek Canyon to create 3D models. The flight operations have been approved by the Federal Aviation Administration (FAA) and Trumbull Unmanned will file a Notice to Airmen (NOTAM) before the flight operations. The proposal consists of parking the vehicle near the paved Miller Canyon road and then hiking up the canyons, or along cliffs, to access the areas up canyon. The filming will consist of approximately 4 days of still photography and 1 day of filming a video in October of 2015 using an Unmanned Aerial Vehicle (UAV). There will be less than 10 people at the site during filming.

Trumbull Unmanned has received FAA approval for commercial drone operations. In that approval, they also received permission to fly anywhere in the United States lower than 200 feet (with some restrictions such as >5 nautical miles from an airport). They will remain 500 feet from non-participants and will not harass wildlife. Photographs will not be taken of cultural sites and no cultural sites will be disturbed.

The authorized permit entails approximately 629 acres, more or less, within the following described subdivision.

T. 22 S., R. 6 E., Salt Lake Meridian, Emery County, Utah

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 24: NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$, WNW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 26: E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

This decision is contingent on Trumbull Unmanned fulfilling compliance with the stipulations outlined in the permit.

Authorities:

The decision to authorize the aforementioned permit is made under the authority of the FLPMA and regulations found 43 CFR Part 2920.

Compliance and Monitoring:

Trumbull Unmanned will be responsible to ensure staff stay on designated roads, remain 500 feet from non-participants, do not harass wildlife and do not take pictures of any cultural items or knowingly damage any cultural sites.

The BLM will be responsible for monitoring the permit to ensure that Trumbull Unmanned is in compliance with the terms, conditions and stipulations of the permit.

Rational for Decision:

Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action has been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Land Use Plan Name: Price Field Office Resource Management Plan (PFO RMP)

Date Approved/Amended: October 31, 2008

The proposed action has been determined to be in conformance with the terms and conditions of the PFO RMP as required by 43 CFR 1600. Management Decision (LAR-5) states: *"Permit commercial filming on a case-by-case basis subject to a NEPA process"* (RMP, p. 116).

The interdisciplinary team review determined that the proposed action would not conflict with other implementation decisions within the PFO RMP. The proposal is consistent with the RMP lands and realty goal *"Make public lands available through ROWs or leases for such purposes as transportation routes, utilities, transmission lines, and communication sites, in coordination with other resource goals"* and lands and realty objective *"Make public lands available to meet the needs for smaller ROWs"* (RMP, p. 115).

Protest/Appeal Language:

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 enclosed Form 1842-001. If an appeal is taken, your notice of appeal must be filed in the office of the Authorized Officer at 125 South 600 West, Price, Utah 84501, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 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 appropriate Office of the Solicitor (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.

Standards for Obtaining a Stay

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:

- (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.

Authorized Officer



Date



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Houston, TX 77005

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A. Background

BLM Office: Price Field Office

Lease/Serial/Case File No: UTU-91387

Proposed Action Title/Type: Muddy Creek Canyon UAV Testing / Permit

Location of Proposed Action:

T. 22 S., R. 6 E., Salt Lake Meridian, Emery County, Utah

Section 23: SE¹/₄SE¹/₄;

Section 24: NW¹/₄, SW¹/₄;

Section 25: NW¹/₄NE¹/₄, WNW¹/₄, SE¹/₄NW¹/₄, W¹/₂SW¹/₄, SE¹/₄SW¹/₄, W¹/₂SE¹/₄;

Section 26: E¹/₂E¹/₂, NW¹/₄SW¹/₄, W¹/₂SE¹/₄;

Section 35: E¹/₂NE¹/₄, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, NE¹/₄SE¹/₄.

Description of Proposed Action:

Trumbull Unmanned is proposing to take still photographs and film video from a small unmanned drone to test imagery and map the Muddy Creek Canyon area for Exxon. Trumbull Unmanned will operate and fly small Unmanned Aircraft Systems (UAS) near Muddy Creek Canyon to create 3D models. Flight operations are approved by the Federal Aviation Administration (FAA) and they will file a Notice to Airmen (NOTAM) before the flight operations. The proposal consists of parking their vehicle near the paved Miller Canyon road where they would then hike up the canyons, or along cliffs, to access the areas up canyon. The filming would consist of approximately 4 days of still photography and 1 day of filming a video in October of 2015. There will be less than 10 people at the site during filming.

Trumbull Unmanned has received FAA approval for commercial drone operations. In that approval, they also received permission to fly anywhere in the United States lower than 200 feet (with some restrictions such as >5 nautical miles from an airport). They will remain 500 feet from non-participants and will not harass wildlife. Photographs will not be taken of cultural sites and no cultural sites will be disturbed.

Under the authority of Title V, Federal Land Policy and Management Act (FLPMA), as amended, the Bureau of Land Management (BLM) has the responsibility of responding to applications for Rights-of-Way (ROW) and to consider their approval in a manner that avoids or reduces impacts to sensitive resource values and prevents unnecessary or undue degradation of public lands. As stated under 43 Code of Federal Regulations (43 CFR) 2801.2 "it is the BLMs objective to grant rights-of-ways to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands".

B. Land Use Plan Conformance

Land Use Plan Name: Price Field Office Resource Management Plan (PFO RMP)

Date Approved/Amended: October 31, 2008

The proposed action has been determined to be in conformance with the terms and conditions of the PFO RMP as required by 43 CFR 1600. Management Decision (LAR-5) states: "Permit commercial filming on a case-by-case basis subject to a NEPA process" (RMP, p. 116).

The interdisciplinary team review determined that the proposed action would not conflict with other implementation decisions within the PFO RMP. The proposal is consistent with the RMP lands and realty goal "Make public lands available through ROWs or leases for such purposes as transportation routes, utilities, transmission lines, and communication sites, in coordination with other resource goals" and lands and realty objective "Make public lands available to meet the needs for smaller ROWs" (RMP, p. 115).

C. Compliance with NEPA

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion (CX), effective October 15, 2008, is referenced in Departmental Categorical Exclusions 516 DM 2, Appendix 1, #1.6. This reference states an EA may not be required for, "Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities."

This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

Based on a review of the project described above and field office staff recommendations attached, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis.

D: Signature

Authorizing Official: _____



Date: _____



Ahmed Mohsen
Field Manager

Contact Person

For additional information concerning this CX review, contact

Connie Leschin, Realty Specialist
BLM Price Field Office
125 South 600 West
Price, UT 84501
Phone: (435) 636-3610
Fax: (435) 636-3657

**Muddy Creek Canyon UAV Testing
Categorical Exclusion Review Record**

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Kelly Buckner	8/24/2015
Areas of Critical Environmental Concern	No	Joshua Winkler	9/3/2015
Cultural Resources	No	Amber Koski	9/22/15
Environmental Justice	No	Kelly Buckner	8/24/2015
Farm Lands (prime or unique)	No	Kelly Buckner	8/24/2015
Floodplains	No	Kelly Buckner	8/24/2015
Invasive Species/Noxious Weeds	No	Stephanie Bauer	9/3/15
Migratory Birds	No	Jared Reese	9/1/2015
Native American Religious Concerns	No	Amber Koski	9/22/15
Threatened, Endangered, or Candidate Species	No – Animals	Jared Reese	9/1/2015
	No – Plants	Karl Ivory	9/1/2015
Wastes (hazardous or solid)	No	Kelly Buckner	8/24/2015
Water Quality (drinking or ground)	No	Kelly Buckner	8/24/2015
Wetlands / Riparian Zones	No	Karl Ivory	9/1/2015
Wild and Scenic Rivers	No	Matt Blocker	9/3/15
Wilderness	No	Matt Blocker	9/3/15
Other: Visuals VRM II, mitigation measures	No	Josh Winkler	9/3/2015

*Extraordinary Circumstances apply.

Environmental Coordinator: Kelly Buckner Date: 09-28-2015

Extraordinary Circumstance to Categorical Exclusions Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant negative impacts on public health or safety.		
Yes	No <input checked="" type="checkbox"/>	Rationale: <i>Public health and/or safety would not be affected given the scope of the proposal. The drones will stay at least 500 feet from non-participants. Data collected from this action would be utilized to create 3D models.</i>
2. 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 <input checked="" type="checkbox"/>	Rationale: <i>No surface disturbance is proposed, the filming site would be at a location approved by the BLM. This action would not have a significant impact on ecologically significant or critical areas.</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <input checked="" type="checkbox"/>	Rationale: <i>The Interdisciplinary Team review did not identify any controversial environmental effects or unresolved conflicts concerning alternative uses of available resources.</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <input checked="" type="checkbox"/>	Rationale: <i>The environmental effects of filming with drones, that have flight operations approval from the FAA, are well understood and are not controversial. There are no uncertain or potentially significant environmental effects or unique/unknown environmental risks anticipated with the use of drones to capture data to create 3D models.</i>
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: <i>Issuing an authorization for a filming proposal would not set a precedent for future actions, and does not represent a decision, in principal, about future actions with potentially significant environmental effects.</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		

Extraordinary Circumstances

Yes	No X	Rationale: <i>All filming would be conducted within the authorized limits of the right-of-way. Filming permits have been authorized in various locations throughout the Price field office to various proponents. Additional filming permits may be authorized in the future; however, this would not be individually or collectively significant. Therefore, there would be no additive or cumulatively significant environmental effects.</i>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: <i>The Area of Potential Effect for the proposed Muddy Creek Canyon UAV Testing project meets the definition for a small routine undertaking under the Programmatic Agreement Between the ACHP, the BLM-Utah and the USHPO per 36CFR800.3(a)(1).</i>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	Rationale: <i>There would be no negative effects to Threatened or Endangered Plants or Animals– Both GIS and a BLM file review indicates there are no known occurrences of any federally listed or candidate species in the project area. There is no designated critical habitat present as well. The project area is not located within mapped habitat (either PPH or PGH) for greater sage-grouse.</i>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: <i>Issuing a filming permit would not violate any Federal, State, local or tribal law or any requirement imposed for the protection of the environment.</i>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: <i>There are no low income or minority populations affected by this proposal. Authorization of the filming permit would not compromise health or environmental statutes.</i>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	Rationale: <i>The action would not limit access to, or ceremonial use of sacred sites by Native American religious and traditional practitioners or significantly affect the physical integrity of such sites.</i>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		

Extraordinary Circumstances

Yes

No

X

Rationale: *Best Management Practices would be used to control the introduction and/or spread of noxious weeds. No vehicles will be driven off-road; the area to be filmed will be accessed by foot and with a UAS.*