

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

**Determination of NEPA Adequacy
DOI-BLM-UT-Y010-2016-0011 DNA**

November 2015

Special Recreation Permit for Colorado Captures, LLC

*Location: Wilson Arch, Fisher towers, Onion Creek, La Sal Loop road, Castleton
Gateway Road, Dolores River Overlook, Sand Flats Road, Kane Creek Road, State Hwy 2*

Applicant/Address: Michael Berenson, 12687 West Dorado Place, Littleton, CO 80127

Moab Field Office
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Moab, Utah 84532
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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

PROJECT NUMBER: MFO-Y010-16-004R

PROPOSED ACTION TITLE: Special Recreation Permit for Colorado Captures, LLC

LOCATION/LEGAL DESCRIPTION: Areas located within the Moab Field Office, including Wilson Arch, Fisher towers, Onion Creek, La Sal Loop road, Castleton Gateway Road, Dolores River Overlook, Sand Flats Road, Kane Creek Road, and State Hwy 279.

APPLICANT: Michael Berenson, 12687 West Dorado Place, Littleton, CO, 80127

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

Michael Berenson, on behalf of Colorado Captures, LLC, has requested authorization through a commercial Special Recreation Permit (SRP) to conduct photography tours and workshops on lands managed by the Moab Field Office. The proposed use would be night photography workshops offered throughout the year, operating along roadways and within 100' of roads. Leave No Trace practices would be followed and all solid human waste and garbage would be packed out. Standard Utah BLM stipulations and the stipulations developed in the referenced Environmental Assessment would be attached to the SRP for Colorado Captures, LLC.

B. Land Use Plan (LUP) Conformance

LUP Name* Moab Resource Management Plan Date 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 97 of the Moab RMP reads as follows: "Special Recreation Permits are issued as a discretionary action as a means to: help meet management objectives, provide opportunities for economic activity, facilitate recreational use of public lands, control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors." In addition, on page 98 of the Moab RMP, it states, "All SRPs will contain standard stipulations appropriate

for the type of activity and may include stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns....Issue and manage recreation permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources.”

The Moab Resource Management Plan (RMP), Final Environmental Impact Statement, signed October 31, 2008, identified lands with wilderness characteristics. The proposed use does not include any areas determined to have wilderness characteristics. The proposed activity would not result in any changes in the impacts that were analyzed in the FEIS for the RMP.

C. Identify the 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.

Environmental Assessment DOI-BLM-UT-Y010-2013-0141, Special Recreation Permit for Bret Edge Photography, signed April 25, 2013 analyzed commercial photo tours.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

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 existing NEPA document addresses the impacts of permitted commercial photography tours on designated and commonly used routes within the Moab Field Office.

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: Environmental Assessments DOI-BLM-UT-Y010-2013-0141 contains analysis of the proposed action and a no action alternative. The

environmental concerns, interests, resource values, and circumstances have not changed to a degree that warrants broader consideration.

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 and conclusions are adequate as there has been no new information or circumstances presented. It can be reasonably concluded that all new information and circumstances are insignificant with regard to analysis of the proposed action.

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 are substantially unchanged from those identified in the existing NEPA document. Yes; site-specific impacts analyzed in the existing document are the same as those associated with the current proposed action.

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: Public involvement for Environmental Assessment DOI-BLM-UT-Y010-2013-0141 included a posting on the ENBB on March 29, 2013 with a 30 day IMP notification. This level of public involvement is sufficient.

E. Persons/Agencies/BLM Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Ann Marie Aubry	Hydrologist	Air quality; Water quality; Floodplains, Wetlands/Riparian Zones
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern; Recreation, Visual Resources, Wild & Scenic Rivers

Don Montoya	Archaeologist	Cultural Resources; Native American Religious Concerns
David Williams	Range Management Specialist	Threatened, Endangered, or Candidate Plant Species; Livestock Grazing, RHS, Vegetation
Jordan Davis	Range Management Specialist	Invasive, Non-native species, Woodland
Becky Doolittle	Geologist	Geology, Paleontology, Wastes (hazardous or solid)
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Migratory Birds, Utah Sensitive Species, Fish and Wildlife
Bill Stevens	Recreation Planner	Wilderness, Socioeconomics, Lands with Wilderness Characteristics, Natural Areas, Environmental Justice
Jan Denney	Realty Specialist	Lands/Access

CONCLUSION

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 constitutes 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.

KC Stevens
Signature of Project Lead

10/27/15
Date

KC Stevens
Signature of NEPA Coordinator

10/27/15
Date

[Signature]
Signature of the Responsible Official

10/29/15
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:

ID Team Checklist

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Special Recreation Permit for Colorado Captures
NEPA Log Number: DOI-BLM-UT-Y010-2016-0011

File/Serial Number: MFO-Y010-16-004R

Project Leader: Katie Stevens

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.

Determi- nation	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality Greenhouse Gas Emissions		Ann Marie Aubry <i>Ama</i>	10.27.15
NC	Floodplains		Ann Marie Aubry <i>Ama</i>	10.27.15
NC	Soils		Ann Marie Aubry <i>Ama</i>	10.27.15
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry <i>Ama</i>	10.27.15
NC	Wetlands/Riparian Zones		Ann Marie Aubry <i>Ama</i>	10.27.15
NC	Areas of Critical Environmental Concern		Katie Stevens <i>KS</i>	10.27.15
NC	Recreation		Katie Stevens <i>KS</i>	10.27.15
NC	Wild and Scenic Rivers		Katie Stevens <i>KS</i>	10.27.15
NC	Visual Resources		Katie Stevens <i>KS</i>	10.27.15
NC	Wild Lands (BLM Natural Areas)		Bill Stevens <i>BS</i>	10.27.15
NC	Socio-Economics		Bill Stevens <i>BS</i>	10.27.15
NC	Wilderness/WSA		Bill Stevens <i>BS</i>	10.27.15
NC	Lands with Wilderness Characteristics		Bill Stevens <i>BS</i>	10.27.15
NC	Cultural Resources		Jared Lundell <i>JL</i>	10.22.15

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Native American Religious Concerns		Jared Lundell	10-22-15
NC	Environmental Justice		Bill Stevens	10-27-15
NC	Wastes (hazardous or solid)		Rebecca Doolittle	10-27-15
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle	10/27/15
NC	Migratory Birds		Pam Riddle	10/27/15
NC	Utah BLM Sensitive Species		Pam Riddle	10/27/15
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle	10/27/15
NC	Invasive Species/Noxious Weeds		Jordan Davis	10-27-15
NC	Threatened, Endangered or Candidate Plant Species		Dave Williams	10-27-15
NC	Livestock Grazing		Dave Williams/ Jordan Davis/ Kim Allison	10-27-15
NC	Rangeland Health Standards		Dave Williams/ Jordan Davis/ Kim Allison	10-27-15
NC	Vegetation Excluding USFW Designated Species		Dave Williams/ Jordan Davis/ Kim Allison	10-27-15
NC	Woodland / Forestry		Jordan Davis	10-27-15
NC	Fuels/Fire Management		Josh Relph	
NC	Geology / Mineral Resources/Energy Production		David Pals	10/27/15
NC	Lands/Access		Jan Denney	10/27/15
NC	Paleontology		Rebecca Hunt-Foster	10-28-15

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens	10/27/15	
Authorized Officer	J. Rockford Smith	10/29/15	

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

Colorado Captures, LLC (Commercial photo tours and workshops)
DOI-BLM-UT-Y010-2016-0011 DNA

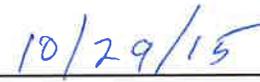
FONSI: Based on the analysis of potential environmental impacts contained in the present document, I have determined that the action will not have a significant effect on the human environment and an environmental impact-statement is therefore not required.

DECISION: It is my decision to issue this commercial Special Recreation Permit to Colorado Captures, LLC for commercial photography instruction and tours in the areas listed under the Proposed Action. This decision is contingent upon meeting all stipulations and monitoring requirements attached.

RATIONALE: The decision to authorize the Special Recreation Permit for Colorado Captures, LLC has been made in consideration of the environmental impacts of the proposed action. The action is in conformance with the Moab Resource Management Plan, which allows for recreation use permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources.



Authorized Officer



Date