

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

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**Determination of NEPA Adequacy  
DOI-BLM-UT-Y010-2016-0052**

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**January 2016**

**Special Recreation Permit for Bruce Hucko  
DBA Bruce Hucko Photography**

***Location:***

Highway 128: Fisher Towers road and trails, Castleton Tower and base area, between Moab and Castle Valley, Negro Bill Canyon

Highway 279: Culvert Canyon, rock art along the walls, Corona/ Bowtie Arch trail

Highway 313: Sevenmile Canyon

Kane Creek Road: the birthing rock, Amasa Back and Tombstone Trails

Mill Creek Canyon: right hand, Highlands entrance (upstream of the Jacuzzi) and left hand Powerdam entrance to second falls

Steel Bender trail and Faux Falls by Ken's Lake

Long Canyon (from top or bottom along the road)

Hunter Canyon, first two miles

***Applicant/Address:*** Bruce Hucko, 668 Mountain View, Moab, UT 84532

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82 East Dogwood  
Moab, Utah 84532  
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## Worksheet: Determination of NEPA Adequacy

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

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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-Y010-16-02R

PROPOSED ACTION TITLE: Special Recreation Permit for Bruce Hucko DBA Bruce Hucko Photography

LOCATION/LEGAL DESCRIPTION: Highway 128: Fisher Towers road and trails, Castleton Tower and base area, between Moab and Castle Valley, Negro Bill Canyon  
Highway 279: Culvert Canyon, rock art along the walls, Corona/ Bowtie Arch trail  
Highway 313: Sevenmile Canyon  
Kane Creek Road: the birthing rock, Amasa Back and Tombstone Trails  
Mill Creek Canyon: right hand, Highlands entrance (upstream of the Jacuzzi) and left hand Powerdam entrance to second falls  
Steel Bender trail and Faux Falls by Ken's Lake  
Long Canyon (from top or bottom along the road)  
Hunter Canyon, first two miles

APPLICANT: Bruce Hucko, 668 Mountain View, Moab, UT 84532

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

Bruce Hucko, on behalf of Bruce Hucko Photography, has requested reauthorization of his Special Recreation Permit (SRP) to conduct commercial photography symposiums on lands administered by the Moab Field Office. There would be one symposium in May and one in September. The symposiums would be two days in length and day use only. They would consist of five workshops with twelve participants in each, for a total of sixty people and five instructors. Participants will carpool and no more than four vehicles will be used for each workshop. All water will be carried in by participants and any trash will be carried out. Foot travel will be on designated trails, slickrock and in drainages while all vehicle travel will be on designated roads. The applicant held a permit with the Monticello BLM in 2007 to conduct a similar symposium. Standard Utah BLM stipulations to ensure resource protection and public safety would be attached to this SRP.

## B. Land Use Plan (LUP) Conformance

LUP Name\* Moab Resource Management Plan  
2008

Date Approved October,

\*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."

## 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 photography tours. DOI-BLM-UT-Y010-2013-0224 EA *Special Recreation Permit Amendment For Western River Expeditions* (all hiking routes), signed January 2, 2014 covers the areas accessed by hiking trails, as well as Environmental Assessment DOI-BLM-UT-Y010-2014-0076, *Special Recreation Permit for Idaho State University*, which analyzed use of areas along specified mountain bike routes.

## 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: Yes; the existing NEPA documents address the impacts of permitted organized group mountain biking 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: Yes; Environmental Assessments DOI-BLM-UT-Y010-2013-0141, DOI-BLM-UT-Y010-2013-0024 and DOI-BLM-UT-Y010-2014-0076 contain 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: Yes; 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: Yes; the direct and indirect impacts are substantially unchanged from those identified in the existing NEPA documents. 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

Yes; the public was notified of the preparation of Environmental Assessment DOI-BLM-UT-Y010-2013-0141, *Special Recreation Permit for Bret Edge Photography*

*Tours*. Notification for the proposed action, including the 30-day period for WSA use, was posted on the ENBB on March 29, 2013. The public was notified of the preparation of Environmental Assessment DOI-BLM-UT-Y010-2013-0224 EA *Special Recreation Permit Amendment For Western River Expeditions*. Notification for the proposed action, including the 30-day period for WSA use, was posted on the ENBB on August 2, 2013. The public was notified of the preparation of Environmental Assessment DOI-BLM-UT-Y010-2014-0076, *Special Recreation Permit for Idaho State University* via posting on the ENBB on January 2, 2014. This level of involvement and notification is adequate for the current proposed action.

**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, Soils
Mark Grover	Ecologist	Wetlands
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern; Wild & Scenic River, Recreation, Visuals
David Pals	Geologist	Geology, Wastes (hazardous or solid)
Jared Lundell	Archaeologist	Cultural Resources; Native American Religious Concerns
David Williams	Rangeland Management Specialist	Threatened, Endangered, or Candidate Plant Species; Livestock, RHS
Jordan Davis	Rangeland Management Specialist	Invasive, Non-native species; Vegetation, Woodlands
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Migratory birds, Utah Special Status Species, Fish and Wildlife
Bill Stevens	Recreation Planner	Wilderness, Environmental Justice Lands with Wilderness Characteristics, Natural Areas, Socioeconomics
Jan Denney	Realty Specialist	Lands
ReBecca Hunt Foster	Paleontologist	Paleontology

**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

12/16/15  
Date

KC Stevens  
Signature of NEPA Coordinator

12/16/15  
Date

[Signature]  
Signature of the Responsible Official

12/24/15  
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**  
**IMP for Wilderness**

## INTERDISCIPLINARY TEAM CHECKLIST

**Project Title:** Special Recreation Permit Renewal for Bruce Hucko Moab Photography Symposium

**NEPA Log Number:** DOI-BLM-UT-Y010-~~2015-0024 DNA~~ - 2016-0052 DNA

**File/Serial Number:** MFO-Y010-16-012R

**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.

Determination	Resource	Rationale for Determination*	Signature	Date
<b>RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)</b>				
NC	Air Quality Greenhouse Gas Emissions		Ann Marie Aubry AMA	12.16.15
NC	Floodplains		Ann Marie Aubry AMA	12.16.15
NC	Soils		Ann Marie Aubry AMA	12.16.15
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry AMA	12.16.15
NC	Wetlands/Riparian Zones		Mark Grover MG	12/15/15
NC	Areas of Critical Environmental Concern		Katie Stevens KS	12/15/15
NC	Recreation		Katie Stevens KS	12/15/15
NC	Wild and Scenic Rivers		Katie Stevens KS	12/15/15
NC	Visual Resources		Katie Stevens KS	12/15/15
NC	Wild Lands (BLM Natural Areas)		Bill Stevens BS	12-15-15
NC	Socio-Economics		Bill Stevens BS	12-15-15
NC	Wilderness/WSA	IMP	Bill Stevens BS	12-15-15
NC	Lands with Wilderness Characteristics		Bill Stevens BS	12/15/15

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Cultural Resources		Jared Lundell <i>JL</i>	12-15-15
NC	Native American Religious Concerns		Jared Lundell <i>JL</i>	12-15-15
NC	Environmental Justice		Bill Stevens <i>BS</i>	12-15-15
NC	Wastes (hazardous or solid)		David Pals <i>DP</i>	12/15/15
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle <i>PR</i>	12/15/15
NC	Migratory Birds		Pam Riddle <i>PR</i>	12/15/15
NC	Utah BLM Sensitive Species		Pam Riddle <i>PR</i>	12/15/15
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle <i>PR</i>	12/15/15
NC	Invasive Species/Noxious Weeds		Dave Williams <i>DW</i>	12/15/15
NC	Threatened, Endangered or Candidate Plant Species		Dave Williams <i>DW</i>	12/15/15
NC	Livestock Grazing		Dave Williams/ Jordan Davis/ Kim Allison <i>DW</i>	12/15/15
NC	Rangeland Health Standards		Dave Williams/ Jordan Davis/ Kim Allison <i>DW</i>	12/15/15
NC	Vegetation Excluding USFW Designated Species		Jordan Davis <i>JD</i>	12/15/15
NC	Woodland / Forestry		Jordan Davis <i>JD</i>	12/15/15
NC	Fuels/Fire Management		Josh Relph	
NC	Geology / Mineral Resources/Energy Production		David Pals <i>DP</i>	12/15/15
NC	Lands/Access		Jan Denney <i>JD</i>	12-15-15
NC	Paleontology		ReBecca Hunt-Foster <i>RHF</i>	12/15/15

**FINAL REVIEW:**

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens <i>KS</i>	12/16/15	
Authorized Officer	Rock Smith <i>RS</i>	12/24/15	

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

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 (Match, 2012).

**DESCRIPTION OF ACTION**

Name of action: DOI-BLM-UT-2016-0052 DNA

Proposed Action:  Alternative Action: \_\_\_\_\_ (check one)

Proposed by: Bruce Hucko Photography Symposium

Description of action: Bruce Hucko, on behalf of Bruce Hucko Photography, has requested a Special Recreation Permit (SRP) to conduct commercial photography symposiums on lands administered by the Moab Field Office, as well as individual photography tours. There would be one symposium in April and 3-5 additional small workshops throughout the year. The symposiums would be day use only. They would consist of up to twelve participants in each workshop. Participants will carpool and no more than four vehicles will be used for each workshop. All water will be carried in by participants and any trash will be carried out. Foot travel will be on designated trails, slickrock and in drainages. All vehicle travel will be on designated roads. Bruce Hucko has held an SRP with the Moab Field Office for tours since 2010. Standard Utah BLM stipulations to ensure resource protection and public safety would be attached to this SRP. Three of the possible workshop locations are in Negro Bill and Mill Creek Canyons, both of which are within Wilderness Study Areas (WSA). *The only portions of the permit to be analyzed in this document are those trip segments which lie within the Mill Creek Canyon and Negro Bill Canyon WSA's.*

Locations: The front country portions of Mill Creek and the maintained hiking trail in Negro Bill Canyon.

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

Mill Creek Canyon, Negro Bill Canyon

**VALID RIGHTS OR GRANDFATHERED USES (if any)**

Is lease, mining claim, or grandfathered use pre-FLPMA? \_\_\_\_\_ Yes  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  No

**EVALUATION OF POTENTIAL FOR IMPAIRMENT OF WILDERNESS VALUES**

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

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

Activity would consist of guided photo workshops in the aforementioned locations, although the sites will not necessarily be used by all groups, and certainly not at the same time. The workshops would be on commonly used

popular routes in the front country of the respective WSA's. The first hike in Mill Creek Canyon mainly follows an old road, passes a popular swimming hole on the very periphery of the WSA, and then follows a very distinct and heavily used primitive trail a short distance to a second waterfall. The second hike in the Mill Creek Canyon WSA is in Rill Creek, which is accessible from a popular front-country trail near the Sand Flats road. This trail follows a very old constructed vehicle trail, and then continues to Rill Creek along a partially constructed cow trail. The hike in Negro Bill Canyon is on a heavily used marked and maintained trail. Participants are required to limit all activities to these trails. Commercial activities, including hiking and photography, 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.

Failure to adhere to the permit's stipulations could result in non-renewal by the BLM's Administrative Officer.

**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:** Effects to the natural environment would center on trails and where hikers would travel. Temporary impacts could involve soils and vegetation. These hikes, however, are either on maintained trails, old roadways or heavily used primitive trails.

Naturalness as an ingredient in wilderness is defined as lacking evidence of man's impacts on a relatively permanent basis. None of the potential effects described above would affect significantly this aspect of naturalness essential to wilderness character.

**Outstanding Opportunities for Solitude:** This activity would not decrease opportunities for solitude relative to their current status. Both hikes would take place in portions of the WSA as identified in the original wilderness inventory as front-country locations not necessarily providing such opportunities.

**Outstanding Opportunities for Primitive and Unconfined Recreation:** There is no reason to believe that the proposed action will reduce these opportunities. There are no plans for trail construction or other modifications of the area. Both hikes would take place in portions of the WSA as identified in the original wilderness inventory as front-country locations not necessarily providing such opportunities.

**Optional Supplemental values:** No perceived negative impacts. The 1991 *Utah Statewide Wilderness Study Report* identified several special features. These included threatened and endangered animal and plant species that may occur in the WSAs. The report also identified scenic geological features, a perennial stream with several waterfalls, and outstanding examples of prehistoric rock art.

Considered cumulatively with past actions, would authorization of the action impair the area's wilderness values? \_\_\_\_\_ Yes  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 December 16, 2015  
Name(s) Date

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

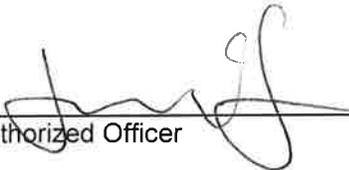
**Bruce Hucko DBA Moab Photo Symposium**

DOI-BLM-UT-Y010-2016-0052 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 the commercial Special Recreation Permit Bruce Hucko DBA Moab Photography Symposium to operate 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 this Special Recreation Permit Bruce Hucko DBA Moab Photography Symposium for 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

12/24/15  
\_\_\_\_\_  
Date