

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

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**Determination of NEPA Adequacy  
DOI-BLM-UT-Y010-2016-0064 DNA**

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**January, 2016**

**Special Recreation Permit Renewal for Windigo Aventure**

***Location:***

*Hiking:* Corona Arch Trail, Fisher Towers Trail, Amphitheater Loop trail and Portal Overlook Trail, Moab Rim, Hidden Valley trail, Negro Bill Trail

***Applicant/Address:*** Francois Boileau 5024 Canyon Drive, Santa Rosa, CA 95409

Moab Field Office  
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-Y010-16-028R

PROPOSED ACTION TITLE: Special Recreation Permit Renewal for Windigo Adventure

LOCATION/LEGAL DESCRIPTION: s. *Hiking*: Corona Arch Trail, Fisher Towers Trail, Amphitheater Loop trail and Portal Overlook Trail, Moab Rim, Hidden Valley trail, Negro Bill Trail.

APPLICANT: Francois Boileau 5024 Canyon Drive, Santa Rosa, CA 95409

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

Francois Boileau, on behalf of Windigo Aventures, has requested reauthorization through a Special Recreation Permit (SRP) to hiking tours on designated trails and areas within the Moab Field Office of the BLM. All use would be day use only with any overnight use occurring in designated campgrounds or private facilities. Windigo Aventures has held an SRP with the Moab BLM for a period of six years. Standard stipulations as well as mountain bike specific, and hiking and climbing stipulations would apply to the SRP for Windigo Aventures.

**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, page 98 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.**

Environmental Assessment DOI-BLM-UT-Y010-2013-0224 *Special Recreation Permit Amendment For Western River Expeditions* ), signed January 2, 2014. This covers the hiking locations requested. Notification for the proposed action, including the 30-day period for WSA use, was posted on the ENBB on August 2, 2013.

### 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 document addresses the impacts of permitted hiking tours within the Moab Field Office on the exact routes as requested by the current applicant.

**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 Assessment DOI-BLM-UT-Y010-2013-0224 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: 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

Documentation of answer and explanation: Yes; the public was notified of the preparation of Environmental Assessment DOI-BLM-UT-Y010-2013-0224 *Special Recreation Permit Amendment For Western River Expeditions* ), when it was posted on the ENBB on August 2, 2013. This included the 30-day period for WSA use. Environmental Assessment DOI-BLM-UT-Y010-2014-0076, *Special Recreation Permit for* These notifications provided sufficient time for public involvement and interagency review.

**E. Persons/Agencies/BLM Staff Consulted:**

| <u>Name</u>         | <u>Title</u>                    | <u>Resource Represented</u>   |
|---------------------|---------------------------------|---|
| Ann Marie Aubry     | Hydrologist                     | Air quality; Water resources; Floodplains, Soils, Wetlands/Riparian                                     |
| Katie Stevens       | Outdoor Recreation Planner      | Areas of Critical Environmental Concern; Wild & Scenic Rivers, Recreation, Visual Resources             |
| Jordan Davis        | Rangeland Management Specialist | Invasive Weeds, Woodland/forestry   |
| Dave Williams       | Rangeland Management Specialist | T&E Plants, RHS, Livestock Grazing, Vegetation  |
| Jordan Davis        | Rangeland Management Specialist | Invasive Plants, Woodlands  |
| Josh Relph          | Fuels Specialist                | Fuels/Fire Management   |
| Jared Lundell       | Archaeologist                   | Cultural Resources; Native American Religious Concerns  |
| David Pals          | Geologist                       | Geology, Wastes   |
| ReBecca Hunt Foster | Paleontologist                  | Paleontology  |
| Pam Riddle          | Wildlife Biologist              | Threatened, Endangered, or Candidate Animal Species, Wildlife, Migratory Birds, Wildlife                |
| Bill Stevens        | Outdoor Recreation Planner      | Wilderness, Natural Areas, Socioeconomics, Environmental Justice, Lands with Wilderness Characteristics |

**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

12/29/15  
Date

KC Stevens  
Signature of NEPA Coordinator

12/29/15  
Date

Jennifer  
Signature of the Responsible Official

1/4/16  
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  
WSA IMP**

## INTERDISCIPLINARY TEAM CHECKLIST

**Project Title:** Special Recreation Permit Renewal for Windigo Aventure

**NEPA Log Number:** DOI-BLM-UT-Y010-2016- 0068 ~~A~~ DNA

**File/Serial Number:** MFO-Y010-16-028R

**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<br>Greenhouse Gas<br>Emissions           |                              | A. Aubry<br><i>AMA</i>   | 12-29-15 |
| NC   | Floodplains  |                              | A. Aubry<br><i>AMA</i>   | 12-29-15 |
| NC   | Soils  |                              | A. Aubry<br><i>AMA</i>   | 12-29-15 |
| NC   | Water Resources/Quality<br>(drinking/surface/ground) |                              | A. Aubry<br><i>AMA</i>   | 12-29-15 |
| NC   | Wetlands/Riparian Zones                              |                              | Mark Grover<br><i>MG</i> | 12/29/15 |
| NC   | Areas of Critical<br>Environmental Concern           |                              | K. Stevens<br><i>KS</i>  | 12/29/15 |
| NC   | Recreation   |                              | K. Stevens<br><i>KS</i>  | 12/29/15 |
| NC   | Wild and Scenic Rivers                               |                              | K. Stevens<br><i>KS</i>  | 12/29/15 |
| NC   | Visual Resources                                     |                              | K. Stevens<br><i>KS</i>  | 12/29/15 |
| NC   | BLM Natural Areas                                    |                              | B. Stevens<br><i>BS</i>  | 12/29/15 |
| NC   | Socio-Economics                                      |                              | B. Stevens<br><i>BS</i>  | 12/29/15 |
| NC   | Lands with Wilderness<br>Characteristics             |                              | B. Stevens<br><i>BS</i>  | 12/29/15 |
| NC   | Wilderness/WSA                                       |                              | B. Stevens<br><i>BS</i>  | 12/29/15 |
| NC   | Cultural Resources                                   |                              | <i>[Signature]</i>       | 12/29/15 |

| Determination | Resource  | Rationale for Determination* | Signature                                   | Date     |
|---------------|---|------------------------------|---|----------|
| NC            | Native American Religious Concerns                  |                              | <i>J. Williams</i>                          | 12/29/15 |
| NC            | Environmental Justice                               |                              | B. Stevens <i>BS</i>                        | 12/29/15 |
| NC            | Wastes (hazardous or solid)                         |                              | David Pals <i>DP</i>                        | 12/31/15 |
| NC            | Threatened, Endangered or Candidate Animal Species  |                              | P. Riddle <i>PR</i>                         | 12/29/15 |
| NC            | Migratory Birds                                     |                              | P. Riddle <i>PR</i>                         | 12/29/15 |
| NC            | Utah BLM Sensitive Species                          |                              | P. Riddle <i>PR</i>                         | 12/29/15 |
| NC            | Fish and Wildlife Excluding USFW Designated Species |                              | P. Riddle <i>PR</i>                         | 12/29/15 |
| NC            | Invasive Species/Noxious Weeds                      |                              | <i>JD</i> J. Davis                          | 12/29/15 |
| NC            | Threatened, Endangered or Candidate Plant Species   |                              | <i>JD</i> D. Williams                       | 12/29/15 |
| NC            | Livestock Grazing                                   |                              | D. Williams/ J. Davis/ K. Allison <i>JD</i> | 12/29/15 |
| NC            | Rangeland Health Standards                          |                              | D. Williams/ J. Davis/ K. Allison <i>JD</i> | 12/29/15 |
| NC            | Vegetation Excluding USFW Designated Species        |                              | D. Williams/ J. Davis/ K. Allison <i>JD</i> | 12/29/15 |
| NC            | Woodland / Forestry                                 |                              | <i>Jordan Davis</i>                         | 12/29/15 |
| NC            | Fuels/Fire Management                               |                              | J. Relph                                    |          |
| NC            | Geology / Mineral Resources/Energy Production       |                              | David Pals <i>DP</i>                        | 12/31/15 |
| NC            | Lands/Access  |                              | J. Denney                                   |          |
| NC            | Paleontology  |                              | <i>RHF</i> R. Hunt-Foster                   | 12/29/15 |

**FINAL REVIEW:**

| Reviewer Title            | Signature                | Date     | Comments |
|---------------------------|--------------------------|----------|----------|
| Environmental Coordinator | K. Stevens <i>KS</i>     | 12/29/15 |          |
| Authorized Officer        | J.L. Jones <i>Jennif</i> | 1/11/16  |          |

**WILDERNESS INTERIM MANAGEMENT  
IMPAIRMENT/NON-IMPAIRMENT EVALUATION FORM <sup>1</sup>**

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 (March, 2012)

**DESCRIPTION OF ACTION**

Name of action: DOI-BLM-UT-Y010-2016-0064 DNA

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

Proposed by: Windigo Aventure

Description of action: Windigo Aventure has requested renewal of its commercial Special Recreation Permit (SRP) to conduct guided hiking tours on designated routes in the BLM Moab Field Office. Typically there are four groups annually that come through the Moab area as part of an 18 or 21 day western tour. Tours would be day use only and any camping would occur in BLM campgrounds. Two of the hiking routes are within Wilderness Study Areas (WSA). Standard statewide stipulations would apply to the SRP for Windigo Aventure. The hikes would be on the Hidden Valley (located in the Behind the Rocks WSA) and Negro Bill Canyon (located in the Negro Bill Canyon WSA) trails, both of which are constructed, maintained and marked. Windigo Aventure has held an SRP with the Moab BLM since 2009 and is in good standing. *The only portions of the permit to be analyzed in this document are the hikes within the Negro Bill Canyon and Behind the Rocks WSAs.*

Location: Negro Bill Canyon and Hidden Valley trails.

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

Negro Bill Canyon, Behind the Rocks

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 commercial guided hikes. Commercial activities and hiking 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 two constructed and well-used trails. Impacts could involve soil, vegetation, and water quality. 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 on that part of the trip on these two hiking trails. These trails have been popular since before establishment of the WSAs, and the original write-ups for the WSAs emphasized outstanding opportunities for solitude as being present in the backcountry of the units, but not necessarily in the more heavily used front country in which the maintained trails are situated.

**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.

**Optional Supplemental values:** No perceived negative impacts. The 1990 Final Environmental Impact Statement identified several threatened and endangered animal and plant species that may occur in the WSA. The current status is the presence of several plant species on the Utah state sensitive list. These species are all alpine plants, and do not occur along the two hiking trails, where the proposed action would occur.

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

**Rationale:** Hiking and 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 29, 2015  
Name (s) Date

FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD

Windigo Aventure, Inc. (Commercial Hiking Tours)

DOI-BLM-UT-Y010-2016-0068 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 reissue the Special Recreation Permit Amendment for Windigo Aventure, Inc. 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 reauthorize the Special Recreation Permit Amendment for Windigo Aventure, Inc. 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

1/11/16  
\_\_\_\_\_  
Date