

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

**Determination of NEPA Adequacy
DOI-BLM-UT-Y010-2016-0070**

**January 2016
Special Recreation Permit Renewal for
High Top Outfitters**

Location: Book Cliffs, Dolores Triangle, Cisco, Westwater WSA, Lisbon Valley, Potash and Hatch hunting areas within the Moab Field Office (with the exception of the Cottonwood- Diamond Area of Critical Environmental Concern)

Applicant/Address: George Simon, 375 W. 100 S, Central Valley, UT 84754

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

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-Y010-16-033R

PROPOSED ACTION TITLE: Special Recreation Permit Renewal for High Top Outfitters

LOCATION/LEGAL DESCRIPTION: Book Cliffs, Dolores Triangle, Cisco, Westwater WSA, Lisbon Valley, Potash and Hatch hunting areas within the Moab Field Office (with the exception of the Cottonwood- Diamond Area of Critical Environmental Concern)

APPLICANT: George Simon, 375 W. 100 S, Central Valley, UT 84754

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

George Simon, on behalf of High Top Outfitters has requested reauthorization through a Special Recreation Permit (SRP) to conduct commercial hunting tours on lands within the Moab Field Office. High Top Outfitters has held an SRP with the Moab Field Office since 2010. Typically the group would be a maximum of two clients with one guide. The company may use ATVs, but all vehicles will stay on designated roads. In addition, the company would use horses and mules to access hunts. High Top Outfitting provides outfitting services for big and small game. Standard Utah BLM stipulations to ensure resource protection and public safety would be attached to this SRP. Motorized travel would be limited to designated roads. Standard Utah BLM stipulations and the stipulations developed in the referenced Environmental Assessments would be attached to the SRP for High Top Outfitting.

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.”

The Moab Resource Management Plan (RMP), Final Environmental Impact Statement, signed October 31, 2008, identified lands with wilderness characteristics. The proposed use includes areas within lands with wilderness characteristics three of which are being managed as Natural Areas. Other lands within the proposal, although identified as possessing wilderness characteristics are not being managed as such. 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:

Special Recreation Permit for Guy Webster, DOI-BLM-UT-Y010-2013-0005 covers commercial guided hunting in the lands described in this proposed action. It was signed on November 26, 2012.

The Moab Resource Management Plan (RMP), Final Environmental Impact Statement, signed October 31, 2008, identified lands with wilderness characteristics. The proposed use includes areas within lands with wilderness characteristics three of which are being managed as Natural Areas. Other lands within the proposal, although identified as possessing wilderness characteristics are not being managed as such. The proposed activity would not result in any changes in the impacts that were analyzed in the FEIS for the RMP.

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).

None

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 hunting in the Book Cliffs, Big Triangle, Westwater WSA, Potash, Cisco, Hatch Point and Lisbon Valley hunting areas 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: The existing NEPA documents contain analysis of a 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. 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: The public was notified of the preparation of the EA for *SRP for Guy Webster* (DOI-BLM-UT-Y010-2013-0005) through the Electronic Notification Bulletin Board (ENBB) on October 10, 2012. This included notification of action in a WSA.

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

E. Persons/Agencies/BLM Staff Consulted:

Name	Title	Resource Represented
Ann Marie Aubry	Hydrologist	Air quality; Water quality; Floodplains;
Mark Grover	Ecologist	Wetlands/Riparian Zones
Katie Stevens	Recreation Planner	ACEC; Wild & Scenic Rivers, Visual Resources Management, Recreation
Jan Denney	Realty Specialist	Lands
Jared Lundell	Archaeologist	Cultural Resources; Native American Religious Concerns
David Pals	Geologist	Wastes (hazardous or solid), Geology
ReBecca Hunt-Foster	Paleontologist	Paleontology
Dave Williams	Rangeland Management Specialist	Threatened, Endangered, or Candidate Plant Species, Grazing,

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
		RHS, Vegetation
Jordan Davis	Rangeland Management Specialist	Woodland, Invasive Species
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Wildlife, Migratory Birds, State Sensitive Species
Bill Stevens	Recreation Planner	Wilderness, WSA, Lands with Wilderness Characteristics, Environmental Justice, Natural Areas

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

11/7/16
Date

KC Stevens
Signature of NEPA Coordinator

11/7/16
Date

Jennifer Jones
Signature of the Responsible Official

11/19/16
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**

**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: *Management of Wilderness Study Areas* (March, 2012).

DESCRIPTION OF ACTION

Name of action: DOI-BLM-Y010-2016-0070 DNA

Proposed Action: Alternative Action: _____ (check one)

Proposed by: High Top Outfitters commercial hunting guide service

Description of action: High Top Outfitters has requested reauthorization through a Special Recreation Permit (SRP) to conduct commercial hunting tours on lands within the Moab Field Office. Typically the maximum group size would be six with at least two guides. The company may use horses or pack animals and may provide ATVs and four-wheel drive vehicles to assist clients. High Top Outfitters provides outfitting services for most game: turkey, antelope, deer, elk, bighorn sheep, bobcat, cougar, big horn sheep and bear. Standard Utah BLM stipulations to ensure resource protection and public safety would be attached to this SRP. Motorized travel would be limited to designated roads. Any camping would occur on lands managed by SITLA. Stipulations developed in the referenced Environmental Assessments would also be attached to the SRP for High Top Outfitters. Guiding activities could include trips in the Desolation Canyon, Floy Canyon, Coal Canyon, Spruce Canyon, Westwater Canyon and Flume Canyon Wilderness Study Areas. *The only portions of the permit to be analyzed in this document are those activities within the WSAs listed above.*

Location: The above listed WSAs within the Moab BLM Field Office boundaries.

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

Desolation Canyon, Floy Canyon, Coal Canyon, Spruce Canyon, Flume Canyon, Westwater 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:

Activities would consist of commercial guided hunts, with motorized travel limited to designated roads. The only surface disturbance would be from foot or pack stock traffic. Commercial guiding, pack stock and foot traffic are permitted uses in WSAs.

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?

Yes No

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 permitted travel routes, with no impacts to the WSAs.

Outstanding Opportunities for Solitude: The only potential impacts to solitude would occur with vehicle use on boundary routes adjacent to WSAs and from foot and stock traffic and gunfire from hunters. Motorized travel, hunting and hiking are allowed activities in WSAs, however, and the additional impact to solitude which may result from these very small trips would be minimal and temporary.

Outstanding Opportunities for Primitive and Unconfined Recreation: There is no reason to believe that the proposed action will reduce these opportunities.

Optional Supplemental values: No perceived negative impacts.

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

Rationale: Hunting 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 January 4, 2016
Name (s) Date

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Special Recreation Permit Renewal for High Top Outfitters

NEPA Log Number: DOI-BLM-UT-Y010-2016-0070 DNA

File/Serial Number: MFO-Y010-16-033R

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
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality Greenhouse Gas Emissions		Ann Marie Aubry <i>AMA</i>	1.6.16
NC	Floodplains		Ann Marie Aubry <i>AMA</i>	1.6.16
NC	Soils		Ann Marie Aubry <i>AMA</i>	1.6.16
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry <i>AMA</i>	1.6.16
NC	Wetlands/Riparian Zones		Mark Grover <i>MG</i>	1/6/16
NC	Areas of Critical Environmental Concern		Katie Stevens <i>KS</i>	1/6/16
NC	Recreation		Katie Stevens <i>KS</i>	1/6/16
NC	Wild and Scenic Rivers		Katie Stevens <i>KS</i>	1/6/16
NC	Visual Resources		Katie Stevens <i>KS</i>	1/6/16
NC	Wild Lands (BLM Natural Areas)		Bill Stevens <i>BS</i>	1/6/16
NC	Socio-Economics		Bill Stevens <i>BS</i>	1/6/16
NC	Wilderness/WSA		Bill Stevens <i>BS</i>	1/6/16
NC	Lands with Wilderness Characteristics		Bill Stevens <i>BS</i>	1/6/16
NC	Cultural Resources	<i>Hunting State Game</i>	Jared Lundell <i>JL</i>	1/6/15
NC	Native American Religious Concerns	11	Jared Lundell <i>JL</i>	1/6/15
NC	Environmental Justice		Bill Stevens <i>BS</i>	1/6/16

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Wastes (hazardous or solid)		David Pals <i>DP</i>	4/16/16
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle <i>PR</i>	4/16/16
NC	Migratory Birds		Pam Riddle <i>PR</i>	4/16/16
NC	Utah BLM Sensitive Species		Pam Riddle <i>PR</i>	4/16/16
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle <i>PR</i>	4/16/16
NC	Invasive Species/Noxious Weeds		<i>DW</i> Dave Williams	4/6/16
NC	Threatened, Endangered or Candidate Plant Species		<i>DW</i> Dave Williams	4/6/16
NC	Livestock Grazing		Dave Williams/ Jordan Davis/ Kim Allison <i>JDA</i>	4/6/16
NC	Rangeland Health Standards		Dave Williams/ Jordan Davis/ Kim Allison <i>JDA</i>	4/6/16
NC	Vegetation Excluding USFW Designated Species		<i>Jordan Davis</i>	4/6/16
NC	Woodland / Forestry		<i>Jordan Davis</i>	4/6/16
NC	Fuels/Fire Management		Josh Relph	
NC	Geology / Mineral Resources/Energy Production		David Pals <i>DP</i>	4/6/16
NC	Lands/Access		Jan Denney	
NC	Paleontology		<i>RKAF</i> ReBecca Hunt-Foster	4/6/16

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens <i>KS</i>	4/6/16	
Authorized Officer	Rock Smith <i>RS</i>	4/7/16	

Jennifer Jones

FINDING OF NO SIGNIFICANT IMPACT
And
DECISION RECORD
High Top Outfitters (Commercial Hunting Tours)
DOI-BLM-UT-Y010-2016-0070 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 this Special Recreation Permit to High Top Outfitters for commercial hunting 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 reauthorize the Special Recreation Permit for High Top Outfitters 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.

Jennifer Jones

Authorized Officer

1/19/16

Date