

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

**Determination of NEPA Adequacy
DOI-BLM-UT-Y010-2016-00139 DNA**

April, 2016

Special Recreation Permit Renewal for Adventure Bus

Location: Designated mountain bike trails within the Moab Field Office: Porcupine Rim, LPS, BLM portion of Sovereign Trail, Pipe Dream, Klondike Bluffs Mountain Bike Focus Area, Lower Monitor and Merrimac, Slickrock, Amasa Back, Gemini Bridges/Magnificent Seven, Bar M Mountain Bike Focus Area/ Moab Brand trails.

Hiking: Corona Arch Trail, Fisher Towers Trail, Amphitheater Loop trail and Portal Overlook Trail, Moab Rim, Hidden Valley trail, Negro Bill Trail. Moab Rim, Moonflower Canyon, Mill Creek Canyon

Applicant/Address: Stephanie Emery, 375 S. Main, #240, Moab, UT 84532

Moab Field Office
82 East Dogwood
Moab, Utah 84532
Phone: 435-259-2100
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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-Y010-16-079R

PROPOSED ACTION TITLE: Special Recreation Permit for Adventure Bus, Inc.

LOCATION/LEGAL DESCRIPTION: *Designated mountain bike trails within the Moab Field Office:* Porcupine Rim, LPS, BLM portion of Sovereign Trail, Pipe Dream, Klondike Bluffs Mountain Bike Focus Area, Lower Monitor and Merrimac, Slickrock, Amasa Back, Gemini Bridges/Magnificent Seven, Bar M Mountain Bike Focus Area/ Moab Brand trails.

Hiking: Corona Arch Trail, Fisher Towers Trail, Amphitheater Loop trail and Portal Overlook Trail, Moab Rim, Hidden Valley trail, Negro Bill Trail. Moab Rim, Moonflower Canyon, Mill Creek Canyon

APPLICANT: Stephanie Emery, 375 S. Main, #240, Moab, UT 84532

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

Stephanie Emery, on behalf of Adventure Bus, Inc., has requested reauthorization through a Special Recreation Permit (SRP) to offer mountain bike and 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. Adventure Bus has held an SRP with the Moab BLM since 2010. Standard stipulations as well as mountain bike specific, and hiking stipulations would apply to the SRP for Adventure Bus.

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.

Environmental Assessment DOI-BLM-UT-Y010-2014-0076, *Special Recreation Permit for Idaho State University*, (signed March 6, 2014) analyzed use of designated mountain bike trails. It was posted on the ENBB on January 2, 2014.

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 mountain bike and 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 Assessments DOI-BLM-UT-Y010-2013-0224, 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

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*), which 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 Idaho State University*, was posted on the ENBB on January 2, 201 . 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; Soils,
Mark Grover	Ecologist	Wetlands/Riparian, Floodplains,
Katie Stevens	Outdoor Recreation Planner	Areas of Critical Environmental Concern; Wild & Scenic Rivers, Recreation, Visual Resources
Dave Williams	Rangeland Management Specialist	T&E Plants, RHS, Livestock Grazing, Vegetation, Invasive Weeds, Woodland/forestry
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

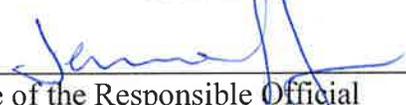
CONCLUSION

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.

 <hr style="border: 0; border-top: 1px solid black;"/> Signature of Project Lead	3/23/16 <hr style="border: 0; border-top: 1px solid black;"/> Date
 <hr style="border: 0; border-top: 1px solid black;"/> Signature of NEPA Coordinator	3/23/16 <hr style="border: 0; border-top: 1px solid black;"/> Date
 <hr style="border: 0; border-top: 1px solid black;"/> Signature of the Responsible Official	4/4/16 <hr style="border: 0; border-top: 1px solid black;"/> 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 Adventure Buss

NEPA Log Number: DOI-BLM-UT-Y010-2016-0139 DNA

File/Serial Number: MFO-Y010-16-079R

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	4/16
NC	Floodplains		Ann Marie Aubry <i>MA</i>	3/23/16
NC	Soils		Ann Marie Aubry	4/16
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry <i>MA</i>	3/23/16
NC	Wetlands/Riparian Zones		Mark Grover <i>MG</i>	3/23/16
NC	Areas of Critical Environmental Concern		Katie Stevens <i>KS</i>	3/23/16
NC	Recreation		Katie Stevens <i>KS</i>	3/23/16
NC	Wild and Scenic Rivers		Katie Stevens <i>KS</i>	3/23/16
NC	Visual Resources		Katie Stevens <i>KS</i>	3/23/16
NC	Wild Lands (BLM Natural Areas)		Bill Stevens <i>BS</i>	3-23-16
NC	Socio-Economics		Bill Stevens <i>BS</i>	3-23-16
NC	Wilderness/WSA		Bill Stevens <i>BS</i>	3-23-16
NC	Lands with Wilderness Characteristics		Bill Stevens <i>BS</i>	3-23-16
NC	Cultural Resources	<i>include SPUR Arch etiqette guide</i>	Jared Lundell <i>JL</i>	3-23-16
NC	Native American Religious Concerns	<i>ll</i>	Jared Lundell <i>JL</i>	3-23-16
NC	Environmental Justice		Bill Stevens <i>BS</i>	3-23-16

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Wastes (hazardous or solid)		David Pals 	3/23/16
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle 	3/23/16
NC	Migratory Birds		Pam Riddle 	3/23/16
NC	Utah BLM Sensitive Species		Pam Riddle 	3/23/16
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle 	3/23/16
NC	Invasive Species/Noxious Weeds		Dave Williams 	3/23/16
NC	Threatened, Endangered or Candidate Plant Species		Dave Williams 	3/23/16
NC	Livestock Grazing		Dave Williams/ Jordan Davis/ Kim Allison 	3/23/16
NC	Rangeland Health Standards		Dave Williams/ Jordan Davis/ Kim Allison 	3/23/16
NC	Vegetation Excluding USFW Designated Species		David Williams 	3/23/16
NC	Woodland / Forestry			
NC	Fuels/Fire Management		Josh Relph 	3/23/16
NC	Geology / Mineral Resources/Energy Production		David Pals 	3/23/16
NC	Lands/Access		Jan Denney	
NC	Paleontology		ReBecca Hunt-Foster 	3/23/16

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens 	4/4/16	
Authorized Officer	J.L. Jones 	4/4/16	

Moab BLM Trails for Adventure Bus

Mountain Bike Trails

Amasa Back
Gemini Bridges
Magnificent Seven
Porcupine Rim
Lower Porcupine Rim
Slickrock Trail
BLM Portion Sovereign Trail
Pipe Dream
Bar M Mountain Bike Focus Area
Monitor and Merrimac
Poison Spider

Hiking Trails

Corona Arch
Fisher Towers
Hidden Valley
Moab Rim
Moonflower Canyon
Negro Bill Canyon
Right Hand and Left Hand Mill Creek Canyons

**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-UT-Y010-2016-0139 DNA

Proposed Action: **Alternative Action:** _____ (check one)

Proposed by: Adventure Bus, Inc.

Description of action: Stephanie Emery, on behalf of Adventure Bus, Inc. has requested authorization through a commercial Special Recreation Permit (SRP) to conduct commercial tours on designated hiking and mountain bike trails in the Moab Field Office. The maximum group size would be 12 clients with two guides per group. Leave No Trace practices would be followed and all trash and solid human waste would be removed. The activities would occur during the day and any camping would occur in designated BLM campgrounds or designated campsites. The group would travel in a forty foot sleeper coach bus and a 14 passenger van. Adventure Bus held an SRP with the Moab Field Office since 2010. Standard Utah state BLM stipulations would apply to the SRP for Adventure Bus. The day hikes include Negro Bill Canyon, Mill Creek Canyon, Hidden Valley and Moonflower Canyon, all of which are located in Wilderness Study Areas (WSA). One of the mountain bike trips is on the Porcupine Rim Trail, a segment of which also lies within a WSA. *The only portions of the permit to be analyzed in this document are the activities within the WSAs.*

Location: Negro Bill Canyon and Hidden Valley trails, Moonflower Canyon, Mill Creek Canyon, Porcupine Rim.

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

Negro Bill Canyon, Behind the Rocks, Mill Creek 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 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 Manual 6330 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 marked and well-used trails. Impacts could involve soil, vegetation, and water quality (in Negro Bill and Mill Creek Canyons). Moonflower Canyon is a short box canyon with eight designated walk-in campsites, and has been a popular short hiking destination for years. Mill Creek Canyon activities are on a constructed trail up to the boundary of the WSA, and follows primitive, but heavily used trails beyond the WSA boundary. The Hidden Valley hiking trail is constructed and maintained, and receives substantial use. The Porcupine Rim mountain biking route averages 24,000 bikers annually. 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: These activities would not decrease opportunities for solitude; 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 hiking and biking trails, as well as Moonflower Canyon, 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. 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 proposed activities are located.

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 alrove 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 X 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 March 22, 2016

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

Adventure Bus, Inc.
DOI-BLM-UT-Y010-2016-0058 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.

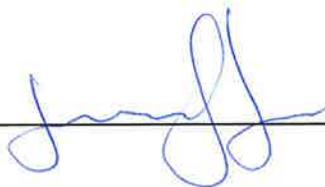
DECISION: It is my decision to issue a Special Recreation Permit for Adventure Bus, Inc. to operate in the areas listed under the Proposed Action. This decision is contingent upon meeting all stipulations and monitoring requirements attached.

RATIONALE: The decision to authorize the Special Recreation Permit for Adventure Bus, 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.

APPEALS:

The 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. Public notification of this decision will be considered to have occurred on April 8, 2016. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at the Moab Field Office, 82 East Dogwood, Moab, Utah 84532. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer

Authorized Officer



Date

4/4/16