

United States Department of the Interior
Bureau of Land Management

Determination of NEPA Adequacy
DOI-BLM-UT- Y010-2016-0154

April 2016
Special Recreation Permit for
The Pumpkin Patch, LLC

Locations:

Climbing: **Highway 279:** Wall Street, Day Canyon group, Culvert Canyon, Gold Bar Tower, Gold Nugget Spire; **Kane Creek Road:** Ice Cream Parlor, Tombstones, Predator Tower, Abraxis Wall, Bakery, Space Tower, Pritchett Canyon Loop; **Highway 128:** Castleton Tower group, Fisher Towers group, Lighthouse Tower, Dolomite Spire, Big Bend Boulders, Big Bend Butte, River Road Dihedrals, Drinks Canyon; **Highway 313:** Hunchback; **Looking Glass Rock; Tusher Canyon /Courthouse Area:** House of Putterman, Determination towers, Echo Tower, Monitor Butte Merrimac Butte; **Mill Creek:** Entrajo Canyon; **Sand Flats:** Elvis' Hammer, Rhino Horn

Canyoneering:

Sand Flats Recreation Area/ Negro Bill Canyon route

Hiking:

Negro Bill Canyon

Applicant/Address: **Russell Hunter, The Pumpkin Patch LLC.,** 2829 Mapleton Avenue, Boulder, CO 80301

Moab Field Office
82 East Dogwood
Moab, Utah 84532
Phone: 435-259-2100



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-Y010-16-90R

PROPOSED ACTION TITLE: Special Recreation Permit for the Pumpkin Patch LLC

LOCATION/LEGAL DESCRIPTION: **Climbing: Highway 279:** Wall Street, Day Canyon group, Culvert Canyon,

Gold Bar Tower, Gold Nugget Spire; **Kane Creek Road:** Ice Cream Parlor, Tombstones, Predator Tower, Abraxis Wall, Bakery, Space Tower, Pritchett Canyon Loop;

Highway 128: Castleton Tower group, Fisher Towers group, Lighthouse Tower, Dolomite Spire, Big Bend Boulders, Big Bend Butte, River Road Dihedrals,

Drinks Canyon; **Highway 313:** Hunchback; **Looking Glass Rock; Tusher Canyon /Courthouse Area:** House of Putterman, Determination towers, Echo Tower, Monitor Butte, Merrimac Butte; **Mill Creek:** Entrajo Canyon; **Sand Flats:** Elvis' Hammer, Rhino Horn

Canyoneering:

Sand Flats Recreation Area/ Negro Bill Canyon route

Hiking:

Negro Bill Canyon

APPLICANT: Russel Hunter, the Pumpkin Patch LLC, 2829 Mapleton Avenue, Boulder, CO 80301

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

Russell Hunter, on behalf of the Pumpkin Patch, LLC, has requested a transfer of permit from Andrews Bicknell and Crothers dba Colorado Mountain School and reauthorization through a Special Recreation Permit (SRP) to conduct commercial climbing tours in the locations listed above. The maximum group size would be 14, including guides. The Pumpkin Patch LLC is based in Boulder, Colorado and has held an SRP with this office under the name of both Colorado Mountain School and Andrews, Bicknell and Crothers, Inc.. The proposed activities would be day use only and any camping would occur in designated BLM campgrounds or in designated dispersed camp sites. Standard Utah BLM stipulations and Moab Field Office stipulations would be attached to the SRP.

B. Land Use Plan (LUP) Conformance

LUP Name* Moab Resource Management Plan

Date Approved October, 2008

*List applicable LUPs (for example, resource management plans; activity, project, management or program plans; or applicable amendments thereto).

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Page 97 of the Moab RMP reads as follows: "Special Recreation Permits are issued as a discretionary action as a means to: help meet management objectives, provide opportunities for economic activity, facilitate recreational use of public lands, control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors." In addition, on page 98 of the Moab RMP, it states, "All SRPs will contain standard stipulations appropriate for the type of activity and may include stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns....Issue and manage recreation permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources."

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-Y010-2010-0082 *Special Recreation Permit for Jackson Hole Mountain Guides*, signed February 2010. The proposed action was posted on ENBB January 6, 2010 and the analysis covers the climbing activities considered in the proposed action. Environmental Assessment DOI-UT-Y010-2012-0212, *Special Recreation Permit for Navtec (Canyoneering Activities)*, signed December, 2012, covers the requested canyoneering activities.

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 commercial climbing and canyoneering within the Moab Field Office in the exact locations as requested.

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-Y010-2010-0082 and DOI-BLM-UT-Y010-2012-0212 contain analysis of the proposed action, a reduced route alternative, 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 document. Yes; site-specific impacts analyzed in the existing document are the same as those associated with the current proposed action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes
 No

Yes; the public was notified of the preparation of DOI-BLM-UT-Y010-2010-0082 *Special Recreation Permit for Jackson Hole Mountain Guides* on the ENBB on January 6, 2010. Notification for the current proposed action was posted on the ENBB on February 22, 2010. The public was notified of the preparation of these documents by use of the ENBB. Environmental

Assessment DOI-BLM-UT-Y010-2012-0212, *Special Recreation Permit for Navtec Land Tours*, was posted on the ENBB on August 24, 2012. This included the 30-day period for WSA use. 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 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, RHS, Livestock Grazing, Vegetation, Woodland/forestry
Dave Williams	Rangeland Management Specialist	T&E Plants
Josh Relph	Fuels Specialist	Fuels/Fire Management
M. Jared Lundell	Archaeologist	Cultural Resources; Native American Religious Concerns
David Pals	Geologist	Geology, Paleontology, Wastes
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

4/10/16
Date

KC Stevens
Signature of NEPA Coordinator

4/10/16
Date

Jennifer Jones
Signature of the Responsible Official

4/20/16
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 for Pumpkin Patch *dba Colorado Mountain School*
NEPA Log Number: DOI-BLM-UT-Y010-2016-154 DNA
File/Serial Number: MFO-Y010-16-090R
Project Leader: Katie Stevens

DETERMINATION OF STAFF: (Choose one of the following abbreviated options for the left column)

NP = not present in the area impacted by the proposed or alternative actions
 NI = present, but not affected to a degree that detailed analysis is required
 PI = present with potential for relevant impact that need to be analyzed in detail in the EA
 NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

The following elements are not present in the Moab Field Office and have been removed from the checklist:
 Farmlands (Prime or Unique), Wild Horses and Burros.

Determi- nation	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality Greenhouse Gas Emissions		Ann Marie Aubry <i>AM</i>	4/6/16
NC	Floodplains		Ann Marie Aubry <i>AM</i>	4/6/16
NC	Soils		Ann Marie Aubry Williams	4/6/16
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry <i>AM</i>	4/6/16
NC	Wetlands/Riparian Zones		Mark Grover <i>MG</i>	4/6/16
NC	Areas of Critical Environmental Concern		Katie Stevens <i>KS</i>	4/6/16
NC	Recreation		Katie Stevens <i>KS</i>	4/6/16
NC	Wild and Scenic Rivers		Katie Stevens <i>KS</i>	4/6/16
NC	Visual Resources		Katie Stevens <i>KS</i>	4/6/16
NC	Wild Lands (BLM Natural Areas)		Bill Stevens <i>BS</i>	4/6/16
NC	Socio-Economics		Bill Stevens <i>BS</i>	4/6/16
NC	Wilderness/WSA		Bill Stevens <i>BS</i>	4/6/16
NC	Lands with Wilderness Characteristics		Bill Stevens <i>BS</i>	4/6/16
NC	Cultural Resources		Jared Lundell <i>JL</i>	4-6-16
NC	Native American Religious Concerns		Jared Lundell <i>JL</i>	4-6-16
NC	Environmental Justice		Bill Stevens <i>BS</i>	4/6/16

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Wastes (hazardous or solid)		David Pals <i>DP</i>	4-6-16
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle <i>PR</i>	4/8/16
NC	Migratory Birds		Pam Riddle	4/8/16
NC	Utah BLM Sensitive Species		Pam Riddle	4/8/16
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle	4/8/16
NC	Invasive Species/Noxious Weeds		Dave Williams <i>DW</i>	4/6/16
NC	Threatened, Endangered or Candidate Plant Species		Dave Williams <i>DW</i>	4/6/16
NC	Livestock Grazing		Dave Williams/ Jordan Davis/ Kim Allison <i>DW</i>	4/6/16
NC	Rangeland Health Standards		Dave Williams/ Jordan Davis/ Kim Allison <i>DW</i>	4/6/16
NC	Vegetation Excluding USFW Designated Species		David Williams	4/6/16
NC	Woodland / Forestry			
NC	Fuels/Fire Management		Josh Relph <i>JR</i>	4/6/16
NC	Geology / Mineral Resources/Energy Production		David Pals <i>DP</i>	4/6/16
NC	Lands/Access		Jan Denney <i>JD</i>	4.6.16
NC	Paleontology		ReBecca Hunt-Foster <i>RHF</i>	4/6/16

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens <i>KS</i>	4/6/16	
Authorized Officer	J.L. Jones <i>JL</i>	4/20/16	

**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- Y010-2016-0154DNA

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

Proposed by: The Pumpkin Patch

Description of action: The Pumpkin Patch (formerly under the name Colorado Mountain School) has requested a renewal of its Special Recreation Permit (SRP) to offer hiking/canyoneering/ rappelling trips to clients on the routes within the Moab FO. All use would be day use only. One of the proposed routes is within the Negro Bill Canyon Wilderness Study Area (WSA). Standard stipulations as well as climbing and canyoneering specific stipulations would apply to the SRP augmentation for The Pumpkin Patch. Standard BLM Utah statewide stipulations as well as canyoneering specific stipulations would apply to the SRP for The Pumpkin Patch. *The only portions of the permit to be analyzed in this document are those activities within the WSA listed above.*

Location: Negro Bill Canyon

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

Negro Bill Canyon

VALID RIGHTS OR GRANDFATHERED USES (if any)

Is lease, mining claim, or grandfathered use pre-FLPMA? _____ Yes X 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 X No

EVALUATION OF POTENTIAL FOR IMPAIRMENT OF WILDERNESS VALUES

Is the action temporary and non-surface disturbing? _____ Yes X
No

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

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: 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 WSA.

Activity would consist of commercial guided canyoneering and hiking. Commercial activities 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: *Management of Wilderness Study Areas* states that most recreational activities are allowed within WSA's.

Outstanding Opportunities for Solitude: The only potential impacts to solitude would occur from encounters with other hikers. The route in Negro Bill Canyon WSA is on a maintained front-country trail which currently receives heavy use, (estimated overall public use of approximately 40,000 hikers). For this reason, this portion of Negro Bill Canyon was noted as not possessing outstanding opportunities for solitude in the *1991 Utah Statewide Wilderness Study Report*. Additionally, any impact to solitude would be very temporary, as the guided hikes are day-use only and would quickly pass by other users.

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 April 14, 2016
Name (s) Date

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
The Pumpkin Patch, (commercial climbing)
DOI-BLM-UT-Y010-2016-0154 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 commercial Special Recreation Permit for the Pumpkin Patch LLC to operate in the all 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 for the Pumpkin Patch 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 15, 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

4/20/16