

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

**Environmental Assessment
DOI-BLM-UT-Y010-2016-0157 EA**

**June 2016
Special Recreation Permit for Moab Music Festival**

Location: Hunter Canyon Trail, Moki Canyon, Sand Flats, Burkholder Draw

Applicant/Address: Erin Groves, 58 East 300 South, Moab, UT 84532

Moab Field Office
82 East Dogwood
Moab, UT 84532
435-259-2100



**Special Recreation Permit Moab Music Festival
DOI-BLM-UT-Y010-2016-0157**

**CHAPTER 1
INTRODUCTION AND NEED FOR THE PROPOSED ACTION**

INTRODUCTION

The Moab Music Festival (MMF) seeks an SRP to offer classical music concerts (unamplified/acoustic) at four locations on BLM land. All of the sites are walk-in; patrons and musicians walk to the location; The Moab Music Festival has held a Land Permit with the BLM for this activity for over 15 years; recently it was determined that the Land Permit is not the appropriate one, but rather an SRP is required

PURPOSE AND NEED FOR THE PROPOSED ACTION

The BLM received an application for a Special Recreation Permit within the Moab Field Office. According the regulations at 43 CFR 2932.25, the BLM must provide a response to the application.

CONFORMANCE WITH BLM LAND USE PLAN(S)

The proposed action has been determined to be in conformance with the terms and conditions of the Moab Resource Management Plan (approved in October, 2008) as required by 43 CFR 1610.5.

Moab's RMP states the following:

- **REC-46** "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." (page 97)

and

- **REC-47** "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." (page 98).

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The proposed action is consistent with page 48 of the Grand County General Plan Update (2004), which states: "The public lands of Grand County should be managed for the enjoyment and benefit of people of Grand County and the nation so as to maintain the integrity and value of natural and cultural resources. Furthermore the Grand County General Plan Update states under the category "Economic use of public lands: Grand County encourages the expeditious processing of use permits for economic uses of public lands consistent with the policies of the Plan, and specifically, film, mineral extraction, and recreation, for the benefit of Grand County

CHAPTER 2

DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This EA focuses on the Proposed and No Action alternatives. No other alternatives were considered. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action.

PROPOSED ACTION

The Moab Music Festival seeks an SRP to offer classical and traditional music concerts at four locations on BLM lands within the Moab Field Office. Three walk-in concerts would be offered during the three week Music Festival, which is usually held in September (2016 dates are September 3, 10 and 11). All participants, including audience, artists and crew would walk to the locations. Participants will travel by shuttle vans, so minimal parking is required. Music Festival crew members would carry folding chairs and music stands for the artists; the audience would find seats on the rock surfaces at these locations. The concerts typically last less than two hours.

The four proposed locations have been previously used by the MMF when it was authorized under the BLM Land Permit. These locations are:

- 1) Approximately one-half mile up the Hunter Canyon hiking trail (on the Kane Creek Road)
- 2) Approximately one-quarter mile up Mok Canyon aka "Middle Earth" (located just before Goldbar Campground on Utah Highway 279)
- 3) Approximately one-half mile on a closed route within the Mill Creek Canyon WSA to a rock pan above Burkholder Draw (a tributary of Mill Creek)
- 4) A location along the Sand Flats Road in Section 2 (this section was State Land prior to the May 8, 2014 Recreational Land Exchange. Concerts were held at this location under a State of Utah permit).

NO ACTION

The No Action Alternative is to deny the locations to the Moab Music Festival.

CHAPTER 3

AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

The affected environment was considered and analyzed by an interdisciplinary team as documented in the Interdisciplinary Team Checklist. The checklist indicates which resources of concern are either not present in the project area or would not be impacted to a degree that requires detailed analysis, see Appendix A. One resource, Recreation, could be impacted to a level requiring further analysis. This resource is described in Chapter 3; the impacts on these resources are analyzed in Chapter 4.

Recreation

The three of the four locations requested by MMF are not heavily used by recreationists. The Hunter Canyon location is a somewhat popular hiking trail with designated campsites in the first part of the trail. The MMF seeks to offer musical concerts in scenic and spectacular natural locations. The participants and spectators of the concert seek an experience that cannot be found in many locations.

CHAPTER 4

ENVIRONMENTAL IMPACTS

DIRECT AND INDIRECT IMPACTS

PROPOSED ACTION

Recreation

The concert would provide a recreation benefit to its participants, who would be privileged to enjoy classical music in the great outdoors – and in a spectacular red rock location. MMF reports that their audiences have been moved by this unique opportunity.

The timing of the Hunter Canyon concert would mean that it would conclude early enough not to inconvenience other hikers. Of those hikers who come upon the concert, many will join in and consider it an extra opportunity. Those who do not want to participate may walk past the concert and continue to enjoy their Hunter Canyon hike.

NO ACTION

The No Action alternative, while meeting the BLM's purpose and need of responding to an SRP application, would not allow for the increased recreational benefits of issuing the permit.

CUMULATIVE IMPACTS

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions. Cumulative impacts are expected to be negligible because the direct impacts of allowing a rocket competition are negligible.

CHAPTER 5

PERSONS, GROUPS, AND AGENCIES CONSULTED

During preparation of the EA, the public was notified of the proposed action by posting on ePlanning on April 8, 2016. No one has contacted the BLM in response to the notice. A public comment period was not offered because very little interest in the proposal has been expressed.

List of BLM Preparers

Name	Title	Responsible for the Following Section(s)
Pam Jarnecke	Acting FO Manager	Air Quality, Greenhouse Gas Emissions
Mark Glover	Ecologist	Wetlands/Riparian Zones, , Floodplains
Katie Stevens	Outdoor Recreation Planner	Areas of Critical Environmental Concern, Visual Resources, Wild and Scenic Rivers, Recreation
Jared Lundell	Archeologist	Cultural Resources, Native American Religious Concerns
David Pals	Geologist	Wastes, Geology, Water Resources
Bill Stevens	Outdoor Recreation Planner	BLM Natural Areas, Socioeconomics, Wilderness/WSA, Lands with Wilderness Characteristics, Environmental Justice
Pam Riddle	Biologist	Fish and Wildlife, T&E Animal Species, Migratory Birds, Utah Sensitive Species
Dave Williams	Rangeland Management Specialist	Rangeland Health Standards, Invasive Species, Livestock Grazing, Vegetation, T&E Plants, Vegetation, Woodland, Soils
Joshua Relph	Fuels Specialist	Fuels/Fire Management
ReBecca Hunt Foster	Paleontologist	Paleontology
Jan Denney	Realty Specialist	Lands

Appendix A: Interdisciplinary Team Checklist

WSA IMP

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Special Recreation Permit for Moab Music Festival
NEPA Log Number: DOI-BLM-UT-Y010-2016- 0157 EA
File/Serial Number: MFO-Y010-16-091R
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)				
NI	Air Quality Greenhouse Gas Emissions		Pam Jarnecke	4/8/16
NI	Floodplains		Mark Grover	4/6/16
NI	Soils		Dave Williams	4/6/16
NP	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry	4/6/16
NI	Wetlands/Riparian Zones		Mark Grover	4/6/16
NP	Areas of Critical Environmental Concern		Katie Stevens	4/6/16
PI	Recreation	Would provide recreation benefit for participants.	Katie Stevens	4/6/16
NI	Wild and Scenic Rivers		Katie Stevens	4/6/16
NI	Visual Resources	Temporary use.	Katie Stevens	4/6/16
NP	Wild Lands (BLM Natural Areas)		Bill Stevens	4/6/16
NI	Socio-Economics		Bill Stevens	4/6/16
NI	Wilderness/WSA	Burkholder Draw within Mill Creek Canyon WSA. Hiking and sitting are allowable uses (as well as playing acoustic music)	Bill Stevens	4/6/16
NI	Lands with Wilderness Characteristics		Bill Stevens	4/6/16
NI	Cultural Resources	BLM conducted a literature search and a Class III archaeological inventory of the project area. The BLM found no properties eligible to the National Register of Historic Places. The BLM, therefore, made a determination of No Historic Properties Affected. Details of these finds are	Jared Lundell	6/21/16

Determination	Resource	Rationale for Determination*	Signature	Date
		discussed in the Cultural Resource Inventory Report (U-16-BL-0478). BLM will consult with the Utah SHPO in accordance with the threshold procedures for small projects specified in the Utah BLM/Utah SHPO Statewide Small-scale Undertakings Programmatic Agreement.		
NP	Native American Religious Concerns	No known sites of religious or cultural significance to Native American tribes are within the project area	Jared Lundell	6/21/16
NI	Environmental Justice		Bill Stevens	4/6/16
NP	Wastes (hazardous or solid)		David Pals	4/6/16
NI	Threatened, Endangered or Candidate Animal Species	Continuing activity – no impacts expected to habitat or species	Pam Riddle	4/6/16
NI	Migratory Birds	Continuing activity – no impacts expected to habitat or species	Pam Riddle	4/6/16
NI	Utah BLM Sensitive Species	Continuing activity – no impacts expected to habitat or species	Pam Riddle	4/6/16
NI	Fish and Wildlife Excluding USFW Designated Species	Continuing activity – no impacts expected to habitat or species	Pam Riddle	4/6/16
NI	Invasive Species/Noxious Weeds		Dave Williams	4/6/16
NI	Threatened, Endangered or Candidate Plant Species		Dave Williams	4/6/16
NI	Livestock Grazing		Dave Williams	4/6/16
NI	Rangeland Health Standards		Dave Williams	4/6/16
NI	Vegetation Excluding USFW Designated Species		Dave Williams	4/6/16
NI	Woodland / Forestry		Dave Williams	4/6/16
NI	Fuels/Fire Management		Josh Relph	4/6/16
NP	Geology / Mineral Resources/Energy Production		David Pals	4/6/16
NI	Lands/Access	Subject to valid existing rights	Jan Denney	4/6/16
NI	Paleontology		Rebecca Hunt-Foster	6/6/16

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
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K Stevens 6/21/16
JL Jones 6/21/16

**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 (July, 2012).

DESCRIPTION OF ACTION

Name of action: DOI-BLM-UT-Y010-2015-0143-DNA

Proposed Action: Alternative Action: _____ (check one)

Proposed by: Moab Music Festival

Description of action: Erin Groves, on behalf of Moab Music Festival, Inc., has requested a Special Recreation Permit (SRP) for use of public lands for the annual Moab Music Festival. The Moab Music Festival proposes to have walk-in concerts in September, 2016. Four walk-in concert locations have been requested, and each would be used one time during the festival. Three of the locations have been previously authorized. For each concert, guests would be transported in 3-4 vans to a trailhead. The guests, musicians and support staff (up to 85 people in all) would walk on a trail to the concert site, a 15-20 minute hike. All of the concert sites are in rock amphitheater settings where the guests would attend an unamplified performance of classical and traditional music by up to 4 musicians and then walk back to the vans. No additional equipment would be required. Time of use would be approximately 9:00 a.m. to noon. One of the locations, Burkholder Draw, lies within the Mill Creek Canyon Wilderness Study Area (WSA). *The only portion of the permit to be analyzed in this document is that trip segment which lies within the Mill Creek Canyon WSA.*

Locations:

Burkholder Draw off upper Sand Flats Road

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

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:

The proposed activity would consist of up to 85 people (patrons, musicians and staff) walking into the WSA along an old (now closed to motorized use) wood-cutting road, to a natural slickrock amphitheater. Guests would sit on the

rock to listen to a 75 minute concert. There would be no structures erected, and no surface disturbance other than footprints. The inaugural concert occurred in September, 2009, and the site has been used several times since. Any litter would be removed by the proponent.

Both 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 (July, 2012) 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 the hiking route and the concert site, and would consist of footprints. Temporary impacts could involve soils and vegetation, although vegetation should be easy to avoid.

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 temporarily decrease opportunities for solitude in the concert area for less than two hours, including the concert and the round-trip hike. The hike and concert would take place in a portion of the WSA which receives very little use, and is located very close to a heavily maintained and used county road.

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. Within a very short time, there would be little if any evidence that the event had occurred.

Considered cumulatively with past actions, would authorization of the action impair the area's wilderness values? Yes X 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 April 12, 2016
 Name (s) Date

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

**Moab Music Festival (musical concert tours)
DOI-BLM-UT-Y010-2016-0157 EA**

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 the Moab Music Festival 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 the Moab Music Festival 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

4/21/2016

Date